

HOUSE BILL NO. 4720

July 01, 2025, Introduced by Reps. Smit, Fox, Hoadley, DeBoyer and Woolford and referred to Committee on Election Integrity.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 795 and 795a (MCL 168.795 and 168.795a),
section 795 as amended by 2018 PA 127 and section 795a as amended
by 1998 PA 215.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 795. (1) ~~An~~ **Subject to subsection (2), an** electronic
- 2 voting system acquired or used under sections 794 to 799a must meet
- 3 all of the following requirements:
- 4 (a) Provide for voting in secrecy, except in the case of

1 voters who receive assistance as provided by this act.

2 (b) Utilize a paper ballot for tabulating purposes.

3 (c) Permit each elector to vote at an election for all ~~persons~~
4 **individuals** and offices for whom and for which the elector is
5 lawfully entitled to vote; to vote for as many ~~persons~~**individuals**
6 for an office as the elector is entitled to vote for; and to vote
7 for or against any question upon which the elector is entitled to
8 vote. Except as otherwise provided in this subdivision, the
9 electronic tabulating equipment must reject all choices recorded on
10 the elector's ballot for an office or a question if the number of
11 choices exceeds the number that the elector is entitled to vote for
12 on that office or question. Electronic tabulating equipment that
13 can detect that the choices recorded on an elector's ballot for an
14 office or a question exceeds the number that the elector is
15 entitled to vote for on that office or question must be located at
16 each polling place and programmed to reject a ballot containing
17 that type of an error. If a choice on a ballot is rejected as
18 provided in this subdivision, an elector must be given the
19 opportunity to have that ballot considered a spoiled ballot and to
20 vote another ballot.

21 (d) Permit an elector, at a presidential election, by a single
22 selection to vote for the candidates of a party for ~~president,~~
23 ~~vice-president,~~**President, Vice President,** and presidential
24 electors.

25 (e) Permit an elector in a primary election to vote for the
26 candidates in the party primary of the elector's choice. Except as
27 otherwise provided in this subdivision, the electronic tabulating
28 equipment must reject each ballot on which votes are cast for
29 candidates of more than 1 political party. Electronic tabulating

1 equipment that can detect that the elector has voted for candidates
2 of more than 1 political party must be located at each polling
3 place and programmed to reject a ballot containing that type of an
4 error. If a choice on a ballot is rejected as provided in this
5 subdivision, an elector must be given the opportunity to have that
6 ballot considered a spoiled ballot and to vote another ballot.

7 (f) Prevent an elector from voting for the same ~~person~~
8 **individual** more than once for the same office.

9 (g) Reject a ballot on which no valid vote is cast. Electronic
10 tabulating equipment must be programmed to reject a ballot on which
11 no valid vote is cast.

12 (h) Be suitably designed for the purpose used; be durably
13 constructed; and be designed to provide for safety, accuracy, and
14 efficiency.

15 (i) Be designed to accommodate the needs of an elderly voter
16 or ~~a person~~ **an individual** with 1 or more disabilities.

17 (j) Record correctly and count accurately each vote properly
18 cast.

19 (k) Provide an audit trail.

20 (l) Provide an acceptable method for an elector to vote for a
21 ~~person~~ **an individual** whose name does not appear on the ballot.

22 (m) Allow for accumulation of vote totals from the precincts
23 in the jurisdiction. The accumulation software must meet
24 specifications prescribed by the secretary of state and must be
25 certified by the secretary of state as meeting these
26 specifications.

27 (n) Be compatible with or include at least 1 voting device
28 that is accessible for an individual with disabilities to vote in a
29 manner that provides the same opportunity for access and

1 participation, including secrecy and independence, as provided for
 2 other voters. The voting device must include nonvisual
 3 accessibility for the blind and visually impaired.

4 **(2) An electronic voting system acquired on or after January**
 5 **1, 2026 must not include any parts or equipment produced or**
 6 **provided by an entity that has any covered communications equipment**
 7 **or service listed on the Federal Communications Commission's**
 8 **website as required under 47 USC 1601. As used in this subsection,**
 9 **"covered communications equipment or service" means that term as**
 10 **defined in 47 USC 1608.**

11 **(3) ~~(2)~~**Electronic tabulating equipment that counts votes at
 12 the precinct before the close of the polls must provide a method
 13 for rendering the equipment inoperable if vote totals are revealed
 14 before the close of the polls. Electronic tabulating equipment that
 15 tabulates ballots, including absentee ballots, at a central
 16 location must be programmed to reject a ballot if the choices
 17 recorded on an elector's ballot for an office or a question exceed
 18 the number that the elector is entitled to vote for on that office
 19 or question, if no valid choices are recorded on an elector's
 20 ballot, or if, in a primary election, votes are recorded for
 21 candidates of more than 1 political party.

22 **(4) ~~(3)~~**Each jurisdiction in this state conducting an election
 23 shall equip each polling place with at least 1 accessible voting
 24 device as required under subsection (1)(n).

25 Sec. 795a. (1) ~~An~~**Subject to subsection (10), an** electronic
 26 voting system ~~shall~~**must** not be used in an election unless ~~it~~**that**
 27 **electronic voting system** is approved by the board of state
 28 canvassers as meeting the requirements of sections 794 and 795 and
 29 instructions regarding recounts of ballots cast on that electronic

1 voting system that have been issued by the secretary of state,
2 unless section 797c has been complied with, and unless ~~it-that~~
3 **electronic voting system** meets 1 of the following conditions:

4 (a) Is certified by an independent testing authority
5 accredited by the ~~national association~~ **National Association** of
6 ~~state election directors~~ **State Election Directors** and by the board
7 of state canvassers.

8 (b) In the absence of an accredited independent testing
9 authority, is certified by the manufacturer of the voting system as
10 meeting or exceeding the performance and test standards referenced
11 in subdivision (a) in a manner prescribed by the board of state
12 canvassers.

13 (2) The vendor or representative seeking approval of an
14 electronic voting system ~~shall-must~~ do all of the following:

15 (a) Deposit with the secretary of state a nonrefundable
16 application fee of \$1,500.00 for a new **electronic** voting system and
17 a fee of \$500.00 for an upgrade to any existing **electronic voting**
18 system.

19 (b) File with the secretary of state a list of all states in
20 which the **electronic** voting system has been approved for use. This
21 list ~~shall-must~~ state how long the **electronic voting** system has
22 been used in the state and ~~shall-must~~ disclose any reports compiled
23 by any state or local government concerning the performance of the
24 **electronic voting** system. The vendor ~~shall-remain-~~ **remains**
25 responsible for filing this information on an ongoing basis.

26 (c) File with the secretary of state copies of all standard
27 contracts and maintenance agreements used in connection with the
28 sale of the **electronic** voting system. All changes to standard
29 contracts and maintenance agreements ~~shall-must~~ be filed with the

1 secretary of state.

2 (d) Pay the cost for any field test required by the board of
3 state canvassers.

4 (e) State the number of voters each component of the
5 **electronic** voting system can process per hour under each of the
6 following circumstances:

7 (i) An election in which there are 10 or fewer items to be
8 voted on the ballot by each voter.

9 (ii) An election in which the ballot consists of the number of
10 items typically voted on at a presidential general election in this
11 state.

12 (3) The board of state canvassers shall conduct a field test
13 of all new **electronic** voting systems as part of the certification
14 process. The field test ~~shall~~**must** involve ~~Michigan~~ electors **of**
15 **this state** and election officials in simulated election day
16 conditions. The test ~~shall~~**must** be designed to gauge voter reaction
17 to the **electronic voting** system, problems that voters have with the
18 **electronic voting** system, and the number of voting stations
19 required for the efficient operation of an election based upon the
20 vendor's statement provided under subsection (2) (e).

21 (4) ~~The~~**Subject to subsection (10), the** board of state
22 canvassers shall approve an electronic voting system for use in
23 this state only if ~~it~~**that electronic voting system** meets the
24 conditions of subsection (1) except that in an emergency situation
25 that threatens the ability of a county, city, or township to
26 conduct a scheduled election, the board of state canvassers may
27 approve a correction of software or firmware after testing the
28 software or firmware performance.

29 (5) If an electronic voting system is approved for use before

1 January 1, 1997 by the board of state canvassers, ~~it that~~
2 **electronic voting system** may be used in an election. However, if
3 the electronic voting ~~system has its~~ **system's** software or firmware
4 **is** improved or changed, the **electronic voting** system ~~shall must~~
5 comply with the requirements of subsection (1).

6 (6) After an electronic voting system is approved, an
7 improvement or change in the electronic voting system ~~shall must~~ be
8 submitted to the board of state canvassers for approval ~~pursuant to~~
9 **under** this section. This subsection does not apply to the technical
10 capability of a general purpose computer, reader, or printer to
11 electronically record and count votes.

12 (7) A county, city, township, village, or school district
13 shall file ~~an an~~ "intent to purchase statement" with the secretary
14 of state 30 days before any purchase agreement is made to purchase
15 a new **electronic** voting system. The secretary of state shall
16 provide all information concerning the operation of the **electronic**
17 voting system in ~~Michigan~~ **this state** or any other state to the
18 local unit of government within 25 days after receiving the "intent
19 to purchase statement".

20 (8) The secretary of state shall instruct local election
21 officials regarding the operation and use of an approved electronic
22 voting system in order to carry out the purposes of sections 794 to
23 799a and the rules promulgated ~~pursuant to~~ **under** sections 794 to
24 799a.

25 (9) If the board of state canvassers determines that an
26 electronic voting system that was approved under subsection (1) no
27 longer meets the requirements described in that subsection, the
28 board of state canvassers may disapprove that **electronic** voting
29 system. ~~An~~ **Subject to subsection (10), an** electronic voting system

1 that has been disapproved by the board of state canvassers under
2 this subsection ~~shall~~**must** not be used in an election, unless ~~it~~
3 **that electronic voting system** is reapproved by the board of state
4 canvassers under subsection (1).

5 (10) For an electronic voting system acquired on or after
6 January 1, 2026, the board of state canvassers shall not approve
7 that electronic voting system if that electronic voting system
8 includes any parts or equipment produced or provided by an entity
9 that has any covered communications equipment or service listed on
10 the Federal Communications Commission's website as required under
11 47 USC 1601. This subsection does not prohibit the repair,
12 maintenance, or acquisition of components necessary for the proper
13 operation of an electronic voting system that was acquired and
14 approved before January 1, 2026. As used in this subsection,
15 "covered communications equipment or service" means that term as
16 defined in 47 USC 1608.