



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 884 (Substitute S-1)
Sponsor: Senator Ruth Johnson
Committee: Elections

(Senate-passed version)

Date Completed: 3-23-22

CONTENT

The bill would amend the Michigan Election Law to do the following:

- Prohibit an electronic voting system acquired on or after July 1, 2022, from including any parts or equipment produced or provided by an entity that had any covered communications equipment or services listed on the Federal Communications Commission's (FCC's) website.**
- Prohibit the Board of State Canvassers from approving an electronic voting system acquired on or after July 1, 2022, if it included any parts or equipment produced or provided by an entity that had any covered communications equipment or services listed on the FCC's website.**

The Michigan Election Law, among other things, prescribes requirements for an electronic voting system. Under the bill, an electronic voting system acquired on or after July 1, 2022, could not include any parts or equipment produced or provided by an entity that had any covered communications equipment or services listed on the FCC's website as required under 47 USC 1601. (Title 47 USC 1601 requires the FCC to publish a list of covered communications equipment or services, and must place on the list any communications equipment or service if it is produced or provided by any entity if the equipment or service provided posed an unacceptable risk to national security of the United States or the security or safety of people in the US and is capable of a) routing or redirecting user data traffic or permitting visibility into any user data or packets that such equipment or service transmits or otherwise handles; b) causing the network of a provider of advanced communications service to be disrupted remotely; or c) otherwise posing an unacceptable risk to US national security or the security and safety of people in the US.)

"Covered communications equipment or services" would mean that term as defined in 47 USC 1608. (Under 47 USC 1608, the term means any communications equipment or service (any equipment or services that is essential to the provision of advanced communications services) that is on the list of covered communications equipment or services published by the FCC.)

The Law prohibits an electronic voting system from being used unless it is approved by the Board as meeting various requirements. If the Board determines that an approved electronic voting system no longer meets those requirements, it may disapprove that system. A voting system that the Board has disapproved may not be used in an election unless it is reapproved. Under the bill, for an electronic voting system acquired on or after July 1, 2022, the Board could not approve that electronic voting system if it included any parts or equipment produced or provided by an entity that had any covered communications equipment or services listed on the FCC's website. The bill would not prohibit the repair, maintenance, or acquisition of components necessary for the proper operation of a system that was acquired before July 1, 2022.

Sections 795 and 795a of the Law include various references to "voting system". The bill instead would refer to "electronic voting system".

MCL 168.795 & 168.795a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill likely would have no fiscal impact on State or local government. The bill would prohibit the State or local units of government from purchasing electronic voting systems containing any parts or equipment produced or provided by an entity that is listed as a national security risk to United States on the FCC's website. Thus, if any such voting systems were available for purchase at a cheaper price, the State and local units of government would be prohibited from purchasing those systems and could have to pay a higher price for an approved system.

Fiscal Analyst: Joe Carrasco

SASIS2122\sb884sb

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.