



HOUSE BILL No. 5069

September 19, 1995, Introduced by Reps. Bullard, Green and Horton and referred to the Committee on Local Government.

A bill to amend sections 867 and 881 of Act No. 116 of the Public Acts of 1954, entitled as amended

"Michigan election law,"

as amended by Act No. 200 of the Public Acts of 1980, being sections 168.867 and 168.881 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 867 and 881 of Act No. 116 of the
2 Public Acts of 1954, as amended by Act No. 200 of the Public Acts
3 of 1980, being sections 168.867 and 168.881 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 867. (1) ~~The~~ A candidate ~~or elector~~ filing a
6 recount petition with the clerk of the ~~correct~~ APPROPRIATE
7 board of canvassers UNDER SECTION 862 shall at the same time
8 deposit with the clerk the sum of \$10.00 for each precinct
9 referred to in his or her petition. AN ELECTOR FILING A RECOUNT

1 PETITION WITH THE CLERK OF THE APPROPRIATE BOARD OF CANVASSERS
 2 UNDER SECTION 863 SHALL AT THE SAME TIME DEPOSIT WITH THE CLERK A
 3 SUM EQUAL TO 100% OF THE ESTIMATED COST OF THE RECOUNT FOR EACH
 4 PRECINCT REFERRED TO IN HIS OR HER PETITION. THE SECRETARY OF
 5 STATE SHALL DETERMINE THE ESTIMATED COST OF A RECOUNT FOR THE
 6 PURPOSES OF THIS SUBSECTION.

7 (2) If, by reason of the recount, the petitioner establishes
 8 sufficient fraud or mistake as set forth in his or her petition
 9 to change the result of the election and receives a certificate
 10 of election or establishes sufficient fraud or mistake to change
 11 the result, upon an amendment or proposition, the votes for and
 12 against, which were recounted, the CLERK OF THE BOARD OF CANVASS-
 13 ERS SHALL REFUND TO THE PETITIONER THE money deposited by the
 14 petitioner. ~~shall be refunded.~~ If the petitioner does not
 15 establish a fraud or mistake as set forth in his or her petition,
 16 the CLERK OF THE BOARD OF CANVASSERS SHALL PAY THE sum deposited
 17 ~~shall be paid by the clerk of the board of county, city, town-~~
 18 ~~ship, or village canvassers~~ to the treasurer of the APPROPRIATE
 19 county, city, township, or village.

20 Sec. 881. (1) ~~The~~ A candidate ~~or elector presenting~~
 21 FILING a RECOUNT petition ~~to~~ WITH the secretary of state UNDER
 22 SECTION 879 shall at the same time deposit with the ~~clerk~~
 23 SECRETARY OF STATE the sum of \$10.00 for each precinct in which a
 24 recount of the votes is demanded. AN ELECTOR PRESENTING A
 25 RECOUNT PETITION TO THE SECRETARY OF STATE UNDER SECTION 880
 26 SHALL AT THE SAME TIME DEPOSIT WITH THE SECRETARY OF STATE A SUM
 27 EQUAL TO 100% OF THE ESTIMATED COST OF THE RECOUNT FOR EACH

1 PRECINCT IN WHICH A RECOUNT OF THE VOTES IS DEMANDED. THE
2 SECRETARY OF STATE SHALL DETERMINE THE ESTIMATED COST OF A
3 RECOUNT FOR THE PURPOSES OF THIS SUBSECTION.

4 (2) If, by reason of the recount, the petitioner establishes
5 fraud or mistake as set forth in his or her petition and receives
6 a certificate of election or establishes sufficient fraud or mis-
7 take to change the result, upon an amendment or proposition, the
8 votes for and against, which were recounted, the SECRETARY OF
9 STATE SHALL REFUND TO THE PETITIONER THE money deposited by the
10 petitioner. ~~shall be refunded.~~ If a refund is not made as
11 required by this section, then the secretary of state shall pay
12 to the treasurer of each county its proportionate share of the
13 deposit based upon the number of precincts in the county in which
14 the votes were counted.