

HOUSE BILL No. 4526

March 22, 2005, Introduced by Reps. Lemmons, III, Lemmons, Jr., Espinoza, Cushingberry, Hunter, Cheeks, Zelenko, Sheltroun, Waters, Virgil Smith, Spade, Byrnes, Donigan, Clemente, Gonzales, McConico, Alma Smith, Condino, Bieda, Gosselin, Nofs, Hansen, Caul, Jones, Hummel, Stahl, Phillips, Anderson, Farrah, Meyer, Moore and Hoogendyk and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 867. The candidate or elector filing a recount petition
2 with the clerk of the correct board of canvassers shall at the same
3 time deposit with the clerk the sum of \$10.00 for each precinct
4 referred to in his or her petition. If, by reason of the recount,
5 the petitioner establishes sufficient fraud or mistake as set forth
6 in his or her petition to change the result of the election and
7 receives a certificate of election or establishes sufficient fraud
8 or mistake to change the result ~~—upon—~~ **ON** an amendment or

1 proposition, the votes for and against ~~—~~ which were recounted,
 2 the money deposited by the petitioner shall be refunded. If the
 3 petitioner does not establish a fraud or mistake as set forth in
 4 his or her petition, the sum deposited shall be paid by the clerk
 5 of the board of county, city, township, or village canvassers to
 6 the treasurer of the county, city, township, or village. **IF THE**
 7 **VOTES CAST IN A PRECINCT REFERRED TO IN THE PETITION ARE UNABLE TO**
 8 **BE RECOUNTED FOR ANY REASON, THE MONEY DEPOSITED FOR THE RECOUNT OF**
 9 **THAT PRECINCT SHALL BE REFUNDED TO THE PETITIONER.**

10 Sec. 881. (1) A person filing a recount petition ~~pursuant to~~
 11 **UNDER** section 879 or 880 shall file the petition with the state
 12 bureau of elections. At the time of filing the petition, the
 13 petitioner shall deposit the sum of \$10.00 for each precinct in
 14 which a recount of the votes is demanded in cash or by check or
 15 other negotiable instrument made payable to the state of Michigan.

16 (2) If, by reason of the recount, the petitioner establishes
 17 fraud or mistake as set forth in his or her petition and receives a
 18 certificate of election or establishes sufficient fraud or mistake
 19 to change the result ~~—upon—~~ **ON** an amendment or proposition, the
 20 votes for and against ~~—~~ which were recounted, the state bureau of
 21 elections shall refund the money deposited to the petitioner. The
 22 secretary of state shall refund the money deposited to a petitioner
 23 who is a chairperson of a state political party if the results of
 24 the race for which a recount was petitioned for under section 879
 25 are changed. If a refund is not made as required by this section,
 26 then the secretary of state shall pay to the treasurer of each
 27 county its proportionate share of the deposit based ~~—upon—~~ **ON** the

1 number of precincts in the county in which the votes were
2 recounted.

3 (3) IF THE VOTES CAST IN A PRECINCT REFERRED TO IN THE
4 PETITION ARE UNABLE TO BE RECOUNTED FOR ANY REASON, THE MONEY
5 DEPOSITED FOR THE RECOUNT OF THAT PRECINCT SHALL BE REFUNDED TO THE
6 PETITIONER AS PROVIDED IN SUBSECTION (2).