

HOUSE BILL No. 4669

April 25, 2007, Introduced by Rep. David Law and referred to the Committee on Ethics and Elections.

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. (1) ~~The~~ A candidate or elector filing a recount
2 petition **PURSUANT TO SECTION 862 OR 863 SHALL FILE THE PETITION**
3 with the clerk of the ~~correct~~ **APPROPRIATE** board of canvassers.
4 ~~shall~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,** at the ~~same~~
5 time **OF FILING THE PETITION, THE PETITIONER SHALL** deposit with the
6 clerk the sum of ~~\$10.00~~ **\$25.00** for each precinct referred to in his
7 or her petition.

1 (2) IF THE INITIAL CANVASS OF VOTES RESULTS IN A VOTE
2 DIFFERENTIAL OF MORE THAN 0.5% OR 50 VOTES, WHICHEVER IS GREATER, A
3 CANDIDATE OR ELECTOR FILING A RECOUNT PETITION PURSUANT TO SECTION
4 862 OR 863 WITH THE CLERK OF THE APPROPRIATE BOARD OF CANVASSERS
5 SHALL AT THE SAME TIME PAY TO THE CLERK THE SUM OF \$125.00 FOR EACH
6 PRECINCT IN WHICH A RECOUNT OF VOTES IS DEMANDED AS A DEPOSIT FOR
7 CONDUCTING THE RECOUNT.

8 (3) If, by reason of the recount, the petitioner establishes
9 sufficient fraud or mistake as set forth in his or her petition to
10 change the result of the election and receives a certificate of
11 election or establishes sufficient fraud or mistake to change the
12 result ~~—upon an amendment or proposition, the votes for and~~
13 ~~against —which were recounted, the~~ **CLERK OF THE BOARD OF**
14 **CANVASSERS SHALL REFUND THE** money deposited ~~by~~ **TO** the petitioner.
15 ~~shall be refunded. If~~

16 (4) FOR A RECOUNT CONDUCTED UNDER SUBSECTION (1), IF THE
17 PETITIONER DOES NOT ESTABLISH A FRAUD OR MISTAKE AS SET FORTH IN
18 HIS OR HER PETITION, THE SUM DEPOSITED SHALL BE PAID BY THE CLERK
19 OF THE APPROPRIATE BOARD OF CANVASSERS TO THE TREASURER OF THE
20 COUNTY, CITY, TOWNSHIP, OR VILLAGE.

21 (5) FOR A RECOUNT CONDUCTED UNDER SUBSECTION (2), IF the
22 petitioner does not establish a fraud or mistake as set forth in
23 his or her petition, the ~~sum deposited shall be paid by the clerk~~
24 ~~of the board of county, city, township, or village canvassers~~
25 **PETITIONER SHALL PAY THE ACTUAL COSTS OF CONDUCTING THE RECOUNT**
26 **MINUS THE DEPOSIT PAID IN SUBSECTION (2) TO THE CLERK OF THE**
27 **APPROPRIATE BOARD OF CANVASSERS NOT LATER THAN 90 DAYS AFTER THE**

1 COMPLETION OF THE RECOUNT. THE CLERK OF THE APPROPRIATE BOARD OF
 2 CANVASSERS SHALL FORWARD to the treasurer of the county, city,
 3 township, or village THE ACTUAL COSTS AND DEPOSIT AMOUNT COLLECTED
 4 FROM THE PETITIONER UNDER THIS SUBSECTION.

5 (6) IF FOR ANY REASON A RECOUNT DOES NOT TAKE PLACE IN A
 6 PRECINCT REFERRED TO IN THE PETITION, THE MONEY DEPOSITED FOR THE
 7 RECOUNT OF THAT PRECINCT SHALL BE REFUNDED TO THE PETITIONER.

8 Sec. 881. (1) A person filing a recount petition pursuant to
 9 section 879 or 880 shall file the petition with the state bureau of
 10 elections. ~~At~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AT the
 11 time of filing the petition, the petitioner shall deposit the sum
 12 of ~~\$10.00~~ \$25.00 for each precinct in which a recount of the votes
 13 is demanded in cash or by check or other negotiable instrument made
 14 payable to the state of Michigan.

15 (2) IF THE INITIAL CANVASS OF VOTES RESULTS IN A VOTE
 16 DIFFERENTIAL OF MORE THAN 0.5% OR 50 VOTES, WHICHEVER IS GREATER, A
 17 PERSON FILING A RECOUNT PETITION PURSUANT TO SECTION 879 OR 880
 18 WITH THE STATE BUREAU OF ELECTIONS SHALL AT THE SAME TIME PAY TO
 19 THE STATE BUREAU OF ELECTIONS THE SUM OF \$125.00 FOR EACH PRECINCT
 20 IN WHICH A RECOUNT OF VOTES IS DEMANDED IN CASH OR BY CHECK OR
 21 OTHER NEGOTIABLE INSTRUMENT MADE PAYABLE TO THE STATE OF MICHIGAN
 22 AS A DEPOSIT FOR CONDUCTING THE RECOUNT.

23 (3) ~~(2)~~ If, by reason of the recount, the petitioner
 24 establishes fraud or mistake as set forth in his or her petition
 25 and receives a certificate of election or establishes sufficient
 26 fraud or mistake to change the result ~~—~~ upon an amendment or
 27 proposition, the votes for and against ~~—~~ which were recounted, the

1 state bureau of elections shall refund the money deposited to the
2 petitioner. The secretary of state shall refund the money deposited
3 to a petitioner who is a chairperson of a state political party if
4 the results of the race for which a recount was petitioned for
5 under section 879 are changed. ~~If a refund is not made as required~~
6 ~~by this section, then the~~

7 (4) FOR A RECOUNT CONDUCTED UNDER SUBSECTION (1), IF THE
8 PETITIONER DOES NOT ESTABLISH A FRAUD OR MISTAKE AS SET FORTH IN
9 HIS OR HER PETITION, THEN THE SECRETARY OF STATE SHALL PAY TO THE
10 TREASURER OF EACH COUNTY ITS PROPORTIONATE SHARE OF THE DEPOSIT
11 BASED UPON THE NUMBER OF PRECINCTS IN THE COUNTY IN WHICH THE VOTES
12 WERE RECOUNTED.

13 (5) FOR A RECOUNT CONDUCTED UNDER SUBSECTION (2), IF THE
14 PETITIONER DOES NOT ESTABLISH A FRAUD OR MISTAKE AS SET FORTH IN
15 HIS OR HER PETITION, THE PETITIONER SHALL PAY THE ACTUAL COSTS OF
16 CONDUCTING THE RECOUNT MINUS THE DEPOSIT PAID IN SUBSECTION (2) TO
17 THE STATE BUREAU OF ELECTIONS NOT LATER THAN 90 DAYS AFTER THE
18 COMPLETION OF THE RECOUNT. ~~THE~~ secretary of state shall pay to the
19 treasurer of each county its ~~proportionate share of the deposit~~
20 ~~based upon the number of precincts in the county in which the votes~~
21 ~~were recounted~~ ACTUAL COSTS FOR CONDUCTING THE RECOUNT FROM THE
22 AMOUNT COLLECTED FROM THE PETITIONER UNDER THIS SUBSECTION.

23 (6) IF FOR ANY REASON A RECOUNT DOES NOT TAKE PLACE IN A
24 PRECINCT REFERRED TO IN THE PETITION, THE MONEY DEPOSITED FOR THE
25 RECOUNT OF THAT PRECINCT SHALL BE REFUNDED TO THE PETITIONER.