

Legislative Analysis



COST TO PETITIONERS SEEKING RECOUNTS

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House Bill 4821

Sponsor: Rep. Dan Scripps

Committee: Ethics and Elections

Complete to 2-16-10

A SUMMARY OF HOUSE BILL 4821 AS INTRODUCED 4-22-09

For both local and statewide elections, House Bill 4821 would amend the Michigan Election Law in the following ways.

- The recount petition fee would be increased to \$25 from \$10 for each precinct to be recounted.
- An additional deposit of \$125 per precinct would be required if the margin between winner and loser was more than 0.5 percent (one-half of one percent) or 50 votes, whichever was greater.
- Currently, a petitioner forfeits the deposit if he or she does not establish sufficient fraud or mistake to change the result. Under the bill, in cases where the margin between the winner and loser requires a petitioner to make an extra \$125 deposit, if the petitioner does not establish a fraud or a mistake, the petitioner would have to pay the **actual costs** of conducting the recount (minus the deposit).

For **state elections**, the deposit is made with the Bureau of Elections of the Department of State. If no fraud or mistake is established, the Secretary of State would pay the treasurer of each county its proportionate share of the deposit and/or the actual costs of conducting the election.

For **local elections**, the deposit is made with the clerk of the appropriate board of canvassers. If no fraud or mistake is established, the deposit and/or actual cost of conducting the election would be forwarded to the treasurer of the county, city, township, or village.

The bill also specifies that if for any reason a recount does not take place in a precinct, the money deposited for the recount of that precinct would be returned to the petitioner.

MCL 168.867 and 168.881

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.