

# HOUSE BILL No. 4821

April 22, 2009, Introduced by Reps. Scripps and Tlaib 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.

8       (2) IF THE INITIAL CANVASS OF VOTES RESULTS IN A VOTE

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

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

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

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

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

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

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

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

22 (3) ~~(2)~~ If, by reason of the recount, the petitioner  
23 establishes fraud or mistake as set forth in his or her petition  
24 and receives a certificate of election or establishes sufficient  
25 fraud or mistake to change the result ~~—~~ upon an amendment or  
26 proposition, the votes for and against ~~—~~ which were recounted, the  
27 state bureau of elections shall refund the money deposited to the

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

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

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

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