

HOUSE BILL No. 6033

April 13, 2010, Introduced by Reps. Rogers and Lisa Brown and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a, 30g, 307, 308, 323, 347, 355, 360, 426c, 426f, 426l, 792, 806, 809, 822, 823, 826, 866, 867, and 868 (MCL 168.24a, 168.30g, 168.307, 168.308, 168.323, 168.347, 168.355, 168.360, 168.426c, 168.426f, 168.426l, 168.792, 168.806, 168.809, 168.822, 168.823, 168.826, 168.866, 168.867, and 168.868), section 24a as amended by 1982 PA 154, sections 307 and 308 as added by 2003 PA 302, section 426f as amended by 1990 PA 32, sections 809 and 868 as amended by 1995 PA 261, section 826 as amended by 2003 PA 119, and section 867 as amended by 1980 PA 200; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24a. (1) A 4-member board of county canvassers is
2 established in every county in this state. All of the powers
3 granted to and duties required by law to be performed by all boards
4 of canvassers established by law, other than the board of state
5 canvassers, ~~boards of city canvassers in cities having more than 5~~
6 ~~precincts,~~ **AND** boards of canvassers in counties having a population
7 of 1,500,000 or more, ~~and boards of township canvassers in~~
8 ~~townships having more than 5 precincts,~~ are granted to and required
9 to be performed by the board of county canvassers. The board of
10 county canvassers shall conduct all recounts of elections in
11 cities, townships, villages, school districts, or any other
12 districts and be vested with all of the powers and required to
13 perform all the duties in connection with any recount. If a city,
14 village, school district, or any other district lies in more than 1
15 county, and a duty is to be performed by the board of county
16 canvassers, the board of county canvassers in the county in which
17 the greatest number of registered voters of the city, village, or
18 district resides at the close of registration for the election
19 involved shall perform the duty. The cost of canvass of school,
20 city, township, and village elections shall be borne by the school
21 district, city, township, or village holding the election, and upon
22 presentation of a bill for the costs incurred by the board of
23 county canvassers, the school district, city, township, or village
24 shall reimburse the county treasurer.

25 (2) All boards of canvassers provided for in law including
26 boards of school canvassers, the duties of which are by this act
27 required to be performed by boards of county canvassers, are

1 abolished.

2 (3) Members of the board **OF COUNTY CANVASSERS** shall be
 3 appointed for terms of 4 years beginning on November 1 following
 4 their appointment. Of the members first appointed, 1 member of each
 5 of the political parties represented on the ~~canvassing~~ board **OF**
 6 **COUNTY CANVASSERS** shall be appointed for a term of 4 years and 1
 7 for a term of 2 years. ~~Members~~ **THE COUNTY CLERK SHALL NOTIFY**
 8 **MEMBERS** of the board ~~shall be notified~~ **OF COUNTY CANVASSERS** of
 9 their appointment within 5 days thereafter ~~by the county clerk~~ **OF**
 10 **BEING APPOINTED.**

11 (4) This section ~~shall apply~~ **APPLIES** to all elections, any
 12 charter provision to the contrary notwithstanding.

13 Sec. 30g. ~~Whenever~~ **IF** a board of canvassers created under this
 14 act is required to perform its statutory duties and because of
 15 illness or absence of members of the board **OF CANVASSERS** a quorum
 16 is not present, the clerk of the political subdivision may appoint
 17 a sufficient number of temporary members to constitute a quorum. If
 18 the vacancy is on the board of county canvassers, the appointment
 19 shall be made by the county clerk from party recommendations on
 20 file, if available. ~~If the vacancy is on the board of city or~~
 21 ~~township canvassers, the appointment shall be made from~~
 22 ~~applications on file, if available.~~ The appointments shall be of
 23 the same political party as the ill or absent members of the board
 24 **OF CANVASSERS.** ~~Any~~ **A** temporary appointee to the board of canvassers
 25 must possess all of the qualifications required for regular
 26 membership on that board **OF CANVASSERS.** Temporary appointees shall
 27 serve only until the business on hand has been transacted.

1 Sec. 307. (1) The appropriate board of **COUNTY** canvassers as
2 prescribed in section 24a ~~or 30a~~ shall canvass the votes for
3 candidates for school board member and votes for and against a
4 ballot question at a regular or special election in each school
5 district. That number of candidates equal to the number of
6 individuals to be elected who receive the greatest number of votes
7 cast at the election, as set forth in the report of the board of
8 **COUNTY** canvassers canvassing the votes, based upon the returns from
9 the election precincts or as determined by the board of **COUNTY**
10 canvassers as a result of a recount, are elected to the office of
11 school board member. Upon completion of the canvass, the board of
12 **COUNTY** canvassers shall make a statement of returns and certify the
13 election of school board members to the secretary of the school
14 board, the county clerk, and, if other than the county clerk, the
15 school district election coordinator.

16 (2) The votes cast for a candidate for school board member or
17 on a ballot question submitted to the electors at a school election
18 are subject to recount as provided in chapter XXXIII. An individual
19 elected to the office of school board member is subject to recall
20 as provided in chapter XXXVI and in section 8 of article II of the
21 state constitution of 1963.

22 Sec. 308. A local official who receives the certification of
23 the board of **COUNTY** canvassers under section 307 shall preserve and
24 file in his or her office the certified statement of returns and
25 certification of the board of **COUNTY** canvassers of the result of
26 the election. The ~~city, township, or~~ county clerk who is the
27 secretary to the board of **COUNTY** canvassers canvassing the school

1 board election shall immediately execute and provide to the
 2 individuals declared elected to the office of school board member a
 3 certificate of election.

4 Sec. 323. It ~~shall be~~ **IS** the duty of the board of city
 5 election commissioners to prepare the primary ballots to be used by
 6 the electors. The returns shall be canvassed by the board of ~~city~~
 7 **COUNTY** canvassers and the results certified to the board of city
 8 election commissioners, who shall ~~thereupon~~ prepare and furnish
 9 ballots for the ensuing election. The printing and distribution of
 10 ballots, equipment, and supplies, the conduct of the primary and
 11 election, the canvass and certification of the returns, and all
 12 other particulars shall be in accordance, as nearly as may be, with
 13 the provisions of this act governing general primaries and
 14 elections.

15 Sec. 347. Except as ~~herein~~ otherwise provided **IN THIS ACT**, the
 16 laws governing nominating petitions, the conduct of general primary
 17 elections, the furnishing of ballots, and the depositing, counting,
 18 and canvassing of ~~the same~~, **BALLOTS** shall, as near as may be, apply
 19 to primaries held under the provisions of this chapter. ~~In case of~~
 20 ~~recounts, said recounts~~ **RECOUNTS** shall be conducted by the ~~township~~
 21 board of **COUNTY** canvassers ~~and~~ all duties ~~which~~ **THAT**, under the
 22 parts of this act relating to general elections or primary
 23 elections, ~~devolve~~ **FALL** upon the county clerk ~~and~~ shall be performed
 24 by the township clerk.

25 Sec. 355. (1) The candidate or candidates of each political
 26 party to a township office receiving the greatest number of votes
 27 cast for candidates of ~~said~~ **THAT** office, as set forth in the report

1 of the ~~township~~ board of **COUNTY** canvassers, based on the returns
 2 from the various election precincts, or as determined by the board
 3 of county canvassers as the result of a recount, shall be declared
 4 the nominee or nominees of that political party for ~~said~~ **THAT**
 5 office at the next ensuing November election. The ~~township~~ board of
 6 **COUNTY** canvassers shall certify ~~such~~ **THE** nomination or nominations
 7 to the township clerk within 48 hours after the ~~closing of the~~
 8 polls **CLOSE**.

9 (2) Within 4 days following the primary, the township clerk
 10 shall deliver to the county clerk a list setting forth the names,
 11 addresses, political affiliation, and office sought of all
 12 candidates nominated at the primary.

13 Sec. 360. The township clerk shall file in his **OR HER** office
 14 and preserve the original statement and determination of the
 15 ~~township~~ board of **COUNTY** canvassers of the results of the election.
 16 ~~and~~ **THE TOWNSHIP CLERK** shall ~~forthwith~~ **IMMEDIATELY** execute and
 17 ~~cause to be delivered~~ **DELIVER** to the persons ~~thereby~~ declared to be
 18 elected to township offices a **PROPERLY CERTIFIED** certificate of
 19 election. ~~, certified by him.~~

20 Sec. 426c. (1) A general nonpartisan primary election shall be
 21 held in every municipality described in section 426a ~~, on the~~
 22 Tuesday ~~succeeding~~ **AFTER** the first Monday in August ~~preceding any~~
 23 **BEFORE A** general November election. ~~, at which~~

24 (2) **AT THE GENERAL NONPARTISAN PRIMARY ELECTION**, judges of the
 25 municipal courts of record ~~therein~~ are to be elected ~~, at which~~
 26 ~~time~~ **AND** the qualified and registered voters may vote for
 27 nonpartisan candidates for the office of judge of ~~such~~ **THE**

1 municipal court of record.

2 (3) If ~~upon~~ the expiration of the time for filing petitions
 3 ~~for~~ the primary election of the municipal judge or judges in any
 4 municipality ~~there~~ are not to exceed twice the number of
 5 candidates than persons to be elected, then the city clerk shall
 6 certify through the ~~city~~ board of **COUNTY** canvassers the names of
 7 the candidates for judge of the municipal court of record whose
 8 petitions have been properly filed. ~~who~~ **THESE CANDIDATES** shall be
 9 the **CERTIFIED** nominees for judges of the municipal court of record.
 10 ~~and shall be so certified,~~ **IN ADDITION**, there shall **NOT** be ~~no~~ **A**
 11 primary election ~~for~~ this office, and it shall be omitted from
 12 the official primary ballot.

13 Sec. 426f. (1) The candidates for the office of judge of the
 14 municipal court of record receiving the largest number of votes at
 15 any primary election, to a number equal to twice the number of
 16 persons to be elected, as set forth in the report of the ~~city~~ **BOARD**
 17 **OF COUNTY** canvassers, based on returns from the various ~~local~~
 18 ~~boards of canvassers and~~ election precincts, shall be declared the
 19 nominees for the office **OF JUDGE OF THE MUNICIPAL COURT OF RECORD**
 20 at the next general election.

21 (2) If, after the deadline for filing nominating petitions
 22 under section 426d, there are fewer candidates for nomination or
 23 nominees for the office of judge of a municipal court of record
 24 than there are persons to be elected at the general November
 25 election because of the death or disqualification of a candidate
 26 more than 65 days before the general November election, then a
 27 person, whether or not an incumbent, may qualify as a nominee for

1 that office at the general November election by filing nominating
2 petitions as required by section 426d. However, the filing shall be
3 made before 4 p.m. on the twenty-first day following the death or
4 disqualification of the candidate or 4 p.m. on the sixtieth day
5 ~~preceding~~ **BEFORE** the general November election, whichever is
6 earlier, and the minimum number of signatures required is 1,000 or
7 1/2 the minimum number required under section 426d, whichever is
8 less.

9 (3) The city clerk shall certify the nomination of each person
10 who qualifies as a nominee under subsection (2) to the board of
11 election commissioners of the city for the general November
12 election.

13 Sec. 426~~l~~. The ~~city~~ board of **COUNTY** canvassers shall determine
14 which candidates for judge of the municipal court of record
15 received the highest number of votes and on that basis shall
16 declare the candidates duly elected, specifying the terms to which
17 each was elected. The board **OF COUNTY CANVASSERS** shall ~~forthwith~~
18 **IMMEDIATELY** make and subscribe on its ~~statements~~ **STATEMENT** of
19 returns a certificate of ~~such~~ **THE** determination and deliver it to
20 the city clerk.

21 Sec. 792. (1) ~~Whenever~~ **IF** it shall ~~appear~~ **APPEARS** that there
22 is a discrepancy in the returns of any election district, the board
23 of **COUNTY** canvassers, ~~of the county, if it be a general election at~~
24 ~~which county or state officers are elected, or the board of~~
25 ~~canvassers of the city, village or township, if it be a city,~~
26 ~~village or township election at which city, village or township~~
27 ~~officers only are elected, or the authorized representatives of~~

1 ~~such~~**THE** board of **COUNTY** canvassers, shall make a record of the
2 number of the seal, if any, the number on the protective counter,
3 if one is provided, and shall open the counter compartment of ~~said~~
4 **THE** machine, and without unlocking the machine against voting,
5 shall re-canvass the vote cast ~~thereon~~**ON THE MACHINE**. Before
6 making ~~such~~**THE** re-canvass, the ~~said~~ board of **COUNTY** canvassers
7 shall give sufficient notice in writing to the clerk of the time
8 and place where ~~said~~**THE** re-canvass is to be made.

9 (2) If upon ~~such~~ re-canvass it ~~shall be~~**IS** found that the
10 original canvass of the returns has been correctly made from the
11 machine, and that the discrepancy still remains unaccounted for,
12 the clerk or authorized assistant **OF THE CLERK**, in the presence of
13 the **ELECTION** inspectors ~~of election~~ and the ~~said~~ board of **COUNTY**
14 canvassers, shall unlock the voting and counting mechanism of ~~said~~
15 **THE** machine and shall proceed to thoroughly examine and test the
16 machine to determine and reveal the true cause or causes, if any,
17 of the discrepancy in the return from ~~said~~**THE** machine.

18 (3) Before testing the machine, the counters in the party row
19 or column in which the discrepancy is alleged to have occurred
20 shall be set at zero after which each of ~~such~~**THE** counters shall be
21 operated at least 100 times.

22 (4) After the completion of ~~said~~**THE** examination, the clerk or
23 authorized assistant **OF THE CLERK** shall then and there prepare a
24 statement in writing giving the result ~~thereof~~**OF THE TEST**, and
25 ~~said~~**THE** statement shall be witnessed by the persons present and
26 shall be filed with the board of **COUNTY** canvassers. ~~Any~~

27 (5) **A** candidate voted for at any election who conceives

1 himself **OR HERSELF** aggrieved on account of any fraud, error, or
2 mistake in the canvass of the vote by the **ELECTION** inspectors or in
3 the returns made by the **ELECTION** inspectors ~~of election,~~ may file a
4 written petition for a recount with the board of **COUNTY** canvassers.
5 ~~, as provided in cases where voting machines are not used.~~

6 Sec. 806. (1) The **ELECTION** inspectors shall then prepare
7 duplicate statements of the returns showing the whole number of
8 votes cast for all offices voted ~~for which~~ **THAT** are to be canvassed
9 by the board of county canvassers, the names of the persons for
10 whom ~~such~~ **THE** votes were given, and the number each person
11 received. ~~, and~~ **THE ELECTION INSPECTORS** shall also prepare
12 duplicate statements of the results on any proposed constitutional
13 amendment or other propositions submitted to the voters at the
14 election ~~which~~ **THAT** are to be canvassed by the board of county
15 canvassers, showing the whole number of votes cast, the number of
16 votes cast for, and the number of votes cast against the proposed
17 constitutional amendment or other proposition.

18 (2) Each member of the board of election inspectors shall sign
19 the certificate on the statement of returns as to the correctness
20 of the returns and that the ballots have been packaged, sealed, and
21 indorsed in the manner ~~therein~~ specified. ~~Separate duplicate~~
22 ~~returns shall be completed for all offices, propositions or~~
23 ~~questions which are to be canvassed by a city or township board of~~
24 ~~canvassers.~~

25 Sec. 809. (1) The board of election inspectors shall seal 1 of
26 the statement of returns and 1 of the tally sheets or the combined
27 tally return sheet with a red state election seal in an envelope

1 and shall address the envelope to the board of county canvassers,
2 in care of the judge of probate. The board of election inspectors
3 shall deliver the sealed envelope to the clerk of the township or
4 city. Upon receipt of the sealed envelope, the township or city
5 clerk shall immediately deliver the envelope to the person to whom
6 addressed. The judge of probate shall deliver the sealed envelope
7 received by him or her to the board of county canvassers when it
8 meets to canvass the returns.

9 (2) The board of election inspectors shall seal the other
10 statement of returns or combined tally and statement, together with
11 the poll list, in an envelope addressed to the county clerk. The
12 board of election inspectors shall deliver the sealed envelope to
13 the clerk immediately upon completion of the count. The county
14 clerk shall open the envelope at that time, compile unofficial
15 returns, and make the returns in the envelope available to the
16 public. The office of the county clerk shall be open on election
17 day for election purposes and shall remain open until the last
18 returns have been received and the clerk completes an unofficial
19 tabulation.

20 ~~(3) If a city or township election to be canvassed by a board~~
21 ~~of city or township canvassers is held at a time at which no~~
22 ~~election returns must be forwarded to the board of county~~
23 ~~canvassers, the board of election inspectors shall return all poll~~
24 ~~books, tally sheets, and returns to the city or township clerk. The~~
25 ~~city or township clerk shall perform the duties required in this~~
26 ~~section of the county clerks.~~ If a local election to be canvassed
27 by the board of county canvassers is not held in conjunction with a

1 county or state election, the board of election inspectors shall
2 deliver both sealed envelopes to the local clerk. The local clerk
3 shall deliver both sealed envelopes to the county clerk before 11
4 a.m. on the day following the election. In a city or township
5 election, in which the city or township consists of more than 5
6 precincts, held in conjunction with an election to be canvassed by
7 the board of county canvassers, the board of election inspectors
8 shall deliver the duplicate returns required by section 806 to the
9 city or township clerk.

10 Sec. 822. (1) The board **OF COUNTY CANVASSERS** shall then
11 proceed without delay to canvass the returns of votes cast for all
12 candidates for offices voted for and all questions voted on at ~~said~~
13 **THE** election, according to the precinct returns filed with the
14 probate judge or presiding probate judge by the several city and
15 township clerks, or in case of local elections according to the
16 precinct returns filed with the county clerk, and shall conclude
17 ~~such~~**THE** canvass at the earliest possible time and in every case
18 within 14 days.

19 (2) ~~Should~~**IF** the board ~~fail~~**OF COUNTY CANVASSERS FAILS** to
20 certify the results of any election for any officer or proposition
21 within the 14 days as provided, ~~or fail to certify results~~
22 ~~forwarded to them from any city or township election, as provided~~
23 ~~in section 30c, within 7 days of the receipt of that record, they~~
24 **THE BOARD OF COUNTY CANVASSERS** shall immediately deliver to the
25 secretary of the ~~state~~ board of **STATE** canvassers all records and
26 other information pertaining ~~thereto~~**TO THE ELECTION**. The board of
27 state canvassers shall meet ~~forthwith~~**IMMEDIATELY** and make the

1 necessary determinations and certify the results within the 10 days
2 immediately following the receipt of the records from the ~~county~~
3 board **OF COUNTY CANVASSERS**. The cost of ~~such~~**THE** canvass shall be
4 borne by the county involved.

5 Sec. 823. (1) If it is found, upon the convening of the board
6 of **COUNTY** canvassers, that the returns from any of the boards of
7 election inspectors of the several election precincts are missing,
8 incomplete, or incorrect, or for any other reason it is found
9 necessary, then the board of county canvassers shall have power to
10 adjourn from day to day until the returns shall have been procured
11 or corrected.

12 (2) The board of **COUNTY** canvassers ~~are~~**IS** empowered to summon
13 the persons having the boxes containing the ballots cast at the
14 election and the keys and seals of the boxes, or having the returns
15 or the poll lists or tally sheets used and made at the elections,
16 to bring the boxes, keys, seals, returns, poll lists, and tally
17 sheets before the board **OF COUNTY CANVASSERS**, and the board of
18 **COUNTY** canvassers ~~are~~**IS** authorized to open the boxes and take
19 ~~therefrom~~ any books or papers bearing upon the count and return of
20 the election inspectors of the election precincts, but ~~they~~**THE**
21 **BOARD OF COUNTY CANVASSERS** shall not remove or mark the ballots.
22 ~~therein.~~

23 (3) The board of **COUNTY** canvassers shall correct obvious
24 mathematical errors in the tallies and returns. ~~and, when deemed~~
25 **THE BOARD OF COUNTY CANVASSERS MAY, IF** necessary for a proper
26 determination, ~~may summon the election inspectors before them, and~~
27 ~~require them~~**DESIGNATE STAFF MEMBERS FROM THE COUNTY CLERK'S OFFICE**

1 to count any ballots ~~which they~~ **THAT THE ELECTION INSPECTORS** failed
2 to count, to make correct returns in case, in the judgment of the
3 board of **COUNTY** canvassers after examining the returns, poll lists,
4 or tally sheets, the returns already made are incorrect or
5 incomplete, and the board of **COUNTY** canvassers shall canvass the
6 votes from the corrected returns. When the examination of the
7 papers is completed, or the ballots have been counted, they shall
8 be returned to the ballot boxes or delivered to the persons
9 entitled by law to their custody, and the boxes shall be locked and
10 sealed and delivered to the legal custodians. ~~thereof.~~

11 Sec. 826. (1) ~~Except as otherwise provided in this subsection,~~
12 ~~the~~ **THE** board of county canvassers shall determine and declare the
13 result of the election for county and local officers, and for all
14 county and local ballot questions. ~~If a city or township has more~~
15 ~~than 5 precincts, the board of city or township canvassers shall~~
16 ~~canvass votes for city or township officers and ballot questions.~~
17 If a state senatorial or representative district is located solely
18 within 1 county, the board of county canvassers shall determine and
19 declare the result of the election for that office. Upon making the
20 determination under this subsection, the board of county canvassers
21 shall prepare a certificate of determination and deliver the
22 properly certified certificate of determination to the county
23 clerk. If the determination relates to a state senatorial or
24 representative district located solely within 1 county, the board
25 of county canvassers shall also deliver the properly certified
26 certificate of determination to the board of state canvassers.

27 (2) Upon receipt of a properly certified certificate of

1 determination from a board of county canvassers under subsection
 2 (1), the county clerk shall file the certificate in his or her
 3 office. The county clerk may have a statement of the total county
 4 or district votes cast for the various candidates and the total
 5 vote cast for and against the various ballot questions at the
 6 election to be published in at least 1 newspaper printed or
 7 circulated in that county. The county clerk shall immediately
 8 execute and deliver to the persons declared elected, a properly
 9 certified certificate of election.

10 Sec. 866. ~~Such petitions for recount, be such~~ **RECOUNT**
 11 **PETITIONS** for an office or proposition, other than those filed with
 12 the ~~state board of canvassers~~ **SECRETARY OF STATE**, shall be filed
 13 with the clerk of the board of **COUNTY** canvassers, ~~which board~~ **THAT**
 14 originally conducted the canvass. In all cases, ~~such~~ **RECOUNT**
 15 petitions shall be filed within 6 days after the original canvass
 16 has been completed by the ~~county, city, township, village or~~
 17 ~~district~~ board of **COUNTY** canvassers. A copy of ~~any such~~ **THE RECOUNT**
 18 petition shall also be filed with the secretary of state within 2
 19 days after the time the original petition is filed with the board
 20 of county canvassers as provided in this section. ~~In case the~~
 21 ~~office or proposition in question be a city, ward, township,~~
 22 ~~village or district office or proposition, a copy of such petition~~
 23 ~~shall not be filed with the secretary of state, but a copy shall be~~
 24 ~~transmitted within 24 hours to the clerk of the board of county~~
 25 ~~canvassers by the appropriate local clerk if the recount fee has~~
 26 ~~been paid.~~

27 Sec. 867. (1) ~~The~~ **A** candidate or elector filing a recount

1 petition PURSUANT TO SECTION 862 OR 863 SHALL FILE THE RECOUNT
 2 PETITION with the clerk of the ~~correct~~ APPROPRIATE board of COUNTY
 3 canvassers. ~~shall at~~ AT the ~~same~~ time OF FILING THE RECOUNT
 4 PETITION, THE PETITIONER SHALL deposit with the clerk the sum of
 5 \$10.00 for each precinct referred to in his or her RECOUNT
 6 petition.

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

15 (3) If the petitioner does not establish a fraud or mistake as
 16 set forth in his or her RECOUNT petition, the sum deposited shall
 17 be paid by the clerk of the board of county ~~, city, township, or~~
 18 ~~village~~ canvassers to the treasurer of the county. ~~, city,~~
 19 ~~township, or village.~~

20 Sec. 868. (1) If a candidate has filed a recount petition and
 21 made the deposit under sections 862 and ~~866~~ 867, the clerk of the
 22 board of COUNTY canvassers shall give notice of the recount
 23 petition to the opposing candidates described in this subsection
 24 within 24 hours after filing of the RECOUNT petition by delivering
 25 to each candidate a copy of the recount petition, or, if the
 26 candidate cannot be found, by leaving a copy at the candidate's
 27 last known place of residence with a member of the candidate's

1 immediate family of suitable age. If a member of the candidate's
2 family cannot be found, the clerk of the board of **COUNTY** canvassers
3 may give notice by posting the recount petition in a conspicuous
4 place at the candidate's last known place of residence. The clerk
5 of the board of **COUNTY** canvassers is not required to give notice to
6 candidates other than the 2 candidates who, according to the return
7 of the board of **COUNTY** canvassers, received the lowest number of
8 votes among those candidates who were nominated or elected, and the
9 2 candidates who, according to the return of the board of **COUNTY**
10 canvassers, received the highest number of votes among those
11 candidates who were not nominated or elected.

12 (2) A candidate may file a counter petition in the same manner
13 as the original petition under section 866 within 48 hours after
14 the original recount petition was filed with the board of **COUNTY**
15 canvassers. At the time of filing the counter petition, the counter
16 petitioner shall deposit the sum of money as required in section
17 ~~866-867~~ for the original petitioner. The clerk of the board of
18 **COUNTY** canvassers shall refund to the counter petitioner the money
19 deposited by the counter petitioner if the original petitioner does
20 not establish fraud or receive a certificate of election. ~~Except as~~
21 ~~otherwise provided in this subsection, the~~ **THE** counter petitioner
22 shall file a copy of the counter petition with the secretary of
23 state within 4 days after the time the original petition is filed
24 with the ~~proper~~ **APPROPRIATE** board of **COUNTY** canvassers as provided
25 in this section. ~~If the office or ballot question in question is a~~
26 ~~city, township, ward, village, or district office or ballot~~
27 ~~question, the counter petitioner is not required to file a copy of~~

1 ~~the counter petition with the secretary of state.~~

2 (3) On or before 4 p.m. of the seventh day after a recount
3 petition has been filed under section 866, an opposing candidate
4 may file objections to the recount petition with the appropriate
5 board of **COUNTY** canvassers. The opposing candidate shall set forth
6 his or her objections to the recount petition in writing. Upon
7 receipt of an objection under this subsection, the board of **COUNTY**
8 canvassers shall notify the petitioner and the objecting candidate
9 of the date of the hearing of the board of **COUNTY** canvassers to
10 consider the objections. The board of **COUNTY** canvassers shall allow
11 the recount petitioner and the objecting candidate to present oral
12 or written, or both, arguments on the objections raised to the
13 recount petition at the hearing. Not later than 5 business days
14 following the hearing, the board of **COUNTY** canvassers shall rule on
15 the objections raised to the recount petition. The board of **COUNTY**
16 canvassers shall not begin a recount unless 2 or more business days
17 have elapsed since the board **OF COUNTY CANVASSERS** ruled on the
18 objections under this subsection, if applicable.

19 (4) If the time designated for filing a **RECOUNT** petition under
20 this section falls on a Saturday, Sunday, or legal holiday, the
21 **RECOUNT** petition may be filed on the next succeeding business day.
22 Failure of the clerk of the board of **COUNTY** canvassers or the
23 secretary of state to give notice to the opposing candidate as
24 required in this section shall not affect the results of the
25 recount.

26 Enacting section 1. Sections 30a to 30e of the Michigan
27 election law, 1954 PA 116, MCL 168.30a to 168.30e, are repealed.

1 Enacting section 2. This amendatory act does not take effect
2 unless all of the following bills of the 95th Legislature are
3 enacted into law:

4 (a) Senate Bill No.____ or House Bill No. 6031(request no.
5 04760'09 a).

6 (b) Senate Bill No.____ or House Bill No. 6032(request no.
7 04760'09 b).