

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4171

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 24a, 30g, 307, 308, 323, 347, 355, 426c, 426f, 426l, 642, 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, 168.426c, 168.426f, 168.426l, 168.642, 168.792, 168.806, 168.809, 168.822, 168.823, 168.826, 168.866, 168.867, and 168.868), section 24a as amended by 2012 PA 586, section 307 as amended by 2010 PA 55, section 308 as added by 2003 PA 302, section 426f as amended by 1990 PA 32, section 642 as amended by 2012 PA 523, sections 809 and 868 as amended by 1995 PA 261, section 826 as amended by 2003 PA 119, section 866 as amended by 2010 PA 53, 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, boards of canvassers in counties having a population of~~
7 ~~1,500,000 or more, and boards of township canvassers in townships~~
8 ~~having more than 5 precincts,~~ are granted to and required to be
9 performed by the board of county canvassers.

10 (2) The board of county canvassers shall conduct all recounts
11 of elections in cities, townships, villages, school districts,
12 metropolitan districts, or any other districts and be vested with
13 all of the powers and required to perform all the duties in
14 connection with any recount.

15 (3) If a city, village, metropolitan district, or any other
16 district, other than a school district, lies in more than 1 county,
17 and a duty is to be performed by the board of county canvassers,
18 the board of county canvassers in the county in which the greatest
19 number of registered voters of the city, village, metropolitan
20 district or other district resides at the close of registration for
21 the election involved shall perform the duty.

22 (4) Except as otherwise provided in this subsection, if a
23 school district lies in more than 1 county, the board of county
24 canvassers for each county in which a portion of the school
25 district lies shall canvass that portion of a school district
26 election that is held in that county. If a school district election

1 precinct lies in more than 1 county, the board of county canvassers
2 of the county in which the largest number of registered electors of
3 that precinct reside shall canvass the results of that precinct.

4 Notwithstanding the provisions of the preceding 2 sentences, unless
5 the school district election is conducted on the same date as

6 another election in the county, a board of county canvassers that
7 is not responsible for certifying the results of the school

8 district election is not required to meet to canvass the school

9 district election and the board of county canvassers responsible

10 for certifying the results of the school district election shall

11 canvass that portion of the school district election held in that

12 county. Upon completion of the canvass, the clerk of the board of

13 county canvassers shall transmit the canvassed results to the

14 county clerk of the county in which the largest number of

15 registered electors of that school district reside. Upon receipt of

16 the canvassed results, the county clerk of the county in which the

17 largest number of registered electors of that school district

18 reside shall make a statement of returns and certify the results of

19 the school district election to the secretary of the school board.

20 Notwithstanding any of the foregoing provisions of this subsection,

21 if a city or village that lies in more than 1 county conducts an

22 election on the same date as a school district that lies within the

23 city or village that is conducting an election, that portion of the

24 school district election held within that city or village shall be

25 canvassed by the canvassing board responsible for canvassing the

26 city or village election.

27 (5) The cost of canvass of school, metropolitan district,

1 city, township, and village elections shall be borne by the school
2 district, metropolitan district, city, township, or village holding
3 the election, and upon presentation of a bill for the costs
4 incurred by the board of county canvassers, the school district,
5 metropolitan district, city, township, or village shall reimburse
6 the county treasurer.

7 (6) All boards of canvassers provided for in law including
8 boards of school canvassers, the duties of which are by this act
9 required to be performed by boards of county canvassers, are
10 abolished.

11 (7) Members of the board of county canvassers shall be
12 appointed for terms of 4 years beginning on November 1 following
13 their appointment. Of the members first appointed, 1 member of each
14 of the political parties represented on the board of county
15 canvassers shall be appointed for a term of 4 years and 1 for a
16 term of 2 years. The county clerk shall notify members of the board
17 of county canvassers of their appointment within 5 days of being
18 appointed.

19 (8) This section applies to all elections, any charter
20 provision to the contrary notwithstanding.

21 Sec. 30g. ~~Whenever~~**IF** a board of **COUNTY** canvassers created
22 under this act is required to perform its statutory duties and
23 because of illness or absence of members of the board **OF COUNTY**
24 **CANVASSERS** a quorum is not present, the clerk of the ~~political~~
25 ~~subdivision~~**COUNTY** may appoint a sufficient number of temporary
26 members to constitute a quorum. ~~If the vacancy is on the board of~~
27 ~~county canvassers, the~~**THE** appointment shall be made by the county

1 clerk from party recommendations on file, if available. ~~If the~~
2 ~~vacancy is on the board of city or township canvassers, the~~
3 ~~appointment shall be made from applications on file, if available.~~

4 The appointments shall be of the same political party as the ill or
5 absent members of the board **OF COUNTY CANVASSERS**. ~~Any~~ A temporary
6 appointee to the board of **COUNTY** canvassers must possess all of the
7 qualifications required for regular membership on that board **OF**
8 **COUNTY CANVASSERS**. Temporary appointees shall serve only until the
9 business on hand has been transacted.

10 Sec. 307. (1) The appropriate board of **COUNTY** canvassers as
11 prescribed in section 24a ~~or 30a~~ shall canvass the votes for
12 candidates for school board member and votes for and against a
13 ballot question at a regular or special election in each school
14 district. That number of candidates equal to the number of
15 individuals to be elected who receive the greatest number of votes
16 cast at the election, as set forth in the report of the board of
17 **COUNTY** canvassers canvassing the votes, based upon the returns from
18 the election precincts or as determined by the board of **COUNTY**
19 canvassers as a result of a recount, are elected to the office of
20 school board member. Except as otherwise provided in section
21 24a(4), upon completion of the canvass, the board of **COUNTY**
22 canvassers shall make a statement of returns and certify the
23 election of school board members to the secretary of the school
24 board, the county clerk, and, if other than the county clerk, the
25 school district election coordinator.

26 (2) The votes cast for a candidate for school board member or
27 on a ballot question submitted to the electors at a school election

1 are subject to recount as provided in chapter XXXIII. An individual
2 elected to the office of school board member is subject to recall
3 as provided in chapter XXXVI and in section 8 of article II of the
4 state constitution of 1963.

5 Sec. 308. A local official who receives the certification of
6 the board of **COUNTY** canvassers under section 307 shall preserve and
7 file in his or her office the certified statement of returns and
8 certification of the board of **COUNTY** canvassers of the result of
9 the election. The ~~city, township, or~~ county clerk who is the
10 secretary to the board of **COUNTY** canvassers canvassing the school
11 board election shall immediately execute and provide to the
12 individuals declared elected to the office of school board member a
13 certificate of election.

14 Sec. 323. It ~~shall be~~ **IS** the duty of the board of city
15 election commissioners to prepare the primary ballots to be used by
16 the electors. The returns shall be canvassed by the board of ~~city~~
17 **COUNTY** canvassers and the results certified to the board of city
18 election commissioners, who shall ~~thereupon~~ prepare and furnish
19 ballots for the ensuing election. The printing and distribution of
20 ballots, equipment, and supplies, the conduct of the primary and
21 election, the canvass and certification of the returns, and all
22 other particulars shall be in accordance, as nearly as may be, with
23 the provisions of this act governing general primaries and
24 elections.

25 Sec. 347. Except as ~~herein~~ otherwise provided **IN THIS ACT**, the
26 laws governing nominating petitions, the conduct of general primary
27 elections, the furnishing of ballots, and the depositing, counting,

1 and canvassing of ~~the same~~, **BALLOTS** shall, as near as may be, apply
 2 to primaries held under the provisions of this chapter. ~~In case of~~
 3 ~~recounts, said recounts~~ **RECOUNTS** shall be conducted by the township
 4 board of **COUNTY** canvassers. ~~and all duties which~~ **ALL DUTIES THAT**,
 5 under the parts of this act relating to general elections or
 6 primary elections, ~~devolve~~ **FALL** upon the county clerk ~~and shall be~~
 7 performed **IN THE SAME MANNER** by the township clerk.

8 Sec. 355. (1) The candidate or candidates of each political
 9 party to a township office receiving the greatest number of votes
 10 cast for candidates of ~~said~~ **THAT** office, as set forth in the report
 11 of the ~~township~~ board of **COUNTY** canvassers, based on the returns
 12 from the various election precincts, or as determined by the board
 13 of county canvassers as the result of a recount, shall be declared
 14 the nominee or nominees of that political party for ~~said~~ **THAT**
 15 office at the next ensuing November election. The ~~township~~ board of
 16 **COUNTY** canvassers shall certify ~~such~~ **THE** nomination or nominations
 17 to the township clerk within 48 hours after the ~~closing of the~~
 18 polls **CLOSE**.

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

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

27 (2) **AT THE GENERAL NONPARTISAN PRIMARY ELECTION**, judges of the

1 municipal courts of record ~~therein~~ are to be elected ~~, at which~~
 2 ~~time~~ **AND** the qualified and registered voters may vote for
 3 nonpartisan candidates for the office of judge of ~~such~~ **THE**
 4 municipal court of record.

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

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

24 (2) If, after the deadline for filing nominating petitions
 25 under section 426d, there are fewer candidates for nomination or
 26 nominees for the office of judge of a municipal court of record
 27 than there are persons to be elected at the general November

1 election because of the death or disqualification of a candidate
 2 more than 65 days before the general November election, then a
 3 person, whether or not an incumbent, may qualify as a nominee for
 4 that office at the general November election by filing nominating
 5 petitions as required by section 426d. However, the filing shall be
 6 made before 4 p.m. on the twenty-first day following the death or
 7 disqualification of the candidate or 4 p.m. on the sixtieth day
 8 ~~preceding~~ **BEFORE** the general November election, whichever is
 9 earlier, and the minimum number of signatures required is 1,000 or
 10 1/2 the minimum number required under section 426d, whichever is
 11 less.

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

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

24 Sec. 642. (1) Except as otherwise provided in this section and
 25 section 642a, on the effective date of this act, a city shall hold
 26 its regular election or regular primary election as follows:

27 (a) A city shall hold its regular election for a city office

1 at the odd year general election.

2 (b) A city shall hold its regular election primary at the odd
3 year primary election.

4 (c) A city that holds its regular election for a city office
5 annually or in the even year on the November regular election date
6 shall continue holding elections on that schedule.

7 (d) A city that holds its regular election primary for a city
8 office annually or in the even year on the August regular primary
9 election date shall continue holding primary elections on that
10 schedule.

11 (2) If, on September 1, 2004, a city holds its regular
12 election at other than a regular November election date, the city
13 council may choose to hold the regular election on the May regular
14 election date by adopting a resolution in compliance with this
15 section. Except as provided in section 642a, if a city council
16 adopts the resolution in compliance with this section to hold its
17 regular election on the May regular election date, after December
18 31, 2004, the city's regular election is on the May regular
19 election date. If a city's regular election is held on the May
20 regular election date, the city's regular election primary shall be
21 held on the February regular election date immediately before its
22 regular election.

23 (3) If, on September 1, 2004, a city holds its regular
24 election annually or in the even year on the November regular
25 election date, the city council may choose to hold the regular
26 election at the odd year general election by adopting a resolution
27 in compliance with this section. Except as provided in section

1 642a, if a city council adopts the resolution in compliance with
2 this section to hold its regular election at the odd year general
3 election, after December 31, 2004, the city's regular election is
4 at the odd year election. If a city's regular election is held at
5 the odd year general election, the city's regular election primary
6 shall be held at the odd year primary election.

7 (4) If, on September 1, 2004, a city holds its regular
8 election annually on the November regular election date, the city
9 council may choose to hold the regular election at the even year
10 general election by adopting a resolution in compliance with this
11 section. Except as provided in section 642a, if a city council
12 adopts the resolution in compliance with this section to hold its
13 regular election at the even year general election, after December
14 31, 2004, the city's regular election is at the even year election.
15 If a city's regular election is held at the even year general
16 election, the city's regular election primary shall be held at the
17 even year primary election.

18 ~~(5) Except as otherwise provided in section 642a, on September~~
19 ~~1, 2004, a~~ A village shall hold its regular election as follows:

20 (a) A village shall hold its regular election for a village
21 office at the general election and the appropriate township clerk
22 shall conduct the election.

23 (b) A village shall not hold a regular primary election.

24 **(6) IF A VILLAGE'S SPECIAL ELECTION IS HELD IN CONJUNCTION**
25 **WITH ANOTHER ELECTION CONDUCTED BY A TOWNSHIP, THE VILLAGE SHALL**
26 **PAY THE TOWNSHIP A PROPORTIONATE SHARE OF THE ELECTION EXPENSES. IF**
27 **A VILLAGE'S SPECIAL ELECTION IS NOT HELD IN CONJUNCTION WITH**

1 ANOTHER ELECTION CONDUCTED BY A TOWNSHIP, THE VILLAGE SHALL PAY THE
2 TOWNSHIP 100% OF THE ACTUAL COSTS OF CONDUCTING THE VILLAGE'S
3 SPECIAL ELECTION.

4 (7) ~~(6)~~—A resolution permitted under this section or section
5 642a is valid only if a city council adopts the resolution in
6 compliance with all of the following:

7 (a) The resolution is adopted before 1 of the following:

8 (i) If the resolution is permitted under subsection (2), (3),
9 or (4), January 1, 2005.

10 (ii) If the resolution is permitted under section 642a(1), (2),
11 or (4), January 1 of the year in which the change in the date of
12 the election takes effect.

13 (b) Before adopting the resolution, the council holds at least
14 1 public hearing on the resolution. The public hearing may be held
15 on the same day and immediately before considering the adoption of
16 the resolution.

17 (c) The council gives notice of each public hearing on the
18 resolution in a manner designed to reach the largest number of the
19 jurisdiction's qualified electors in a timely fashion.

20 (d) The council votes on the resolution and, on a record roll
21 call vote, a majority of the council's board members, elected or
22 appointed, and serving, adopt the resolution.

23 (e) The council files the resolution with the secretary of
24 state.

25 Sec. 792. (1) ~~Whenever IF it shall appear~~ **APPEARS** that there
26 is a discrepancy in the returns of any election district, the board
27 of **COUNTY** canvassers, ~~of the county, if it be a general election at~~

1 ~~which county or state officers are elected, or the board of~~
2 ~~canvassers of the city, village or township, if it be a city,~~
3 ~~village or township election at which city, village or township~~
4 ~~officers only are elected, or the authorized representatives of~~
5 ~~such~~ **THE** board of **COUNTY** canvassers, shall make a record of the
6 number of the seal, if any, the number on the protective counter,
7 if one is provided, and shall open the counter compartment of ~~said~~
8 **THE** machine, and without unlocking the machine against voting,
9 shall re-canvass the vote cast ~~thereon~~ **ON THE MACHINE**. Before
10 making ~~such~~ **THE** re-canvass, the ~~said~~ board of **COUNTY** canvassers
11 shall give sufficient notice in writing to the clerk of the time
12 and place where ~~said~~ **THE** re-canvass is to be made.

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

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

26 (4) After the completion of ~~said~~ **THE** examination, the clerk or
27 authorized assistant **OF THE CLERK** shall then and there prepare a

1 statement in writing giving the result thereof ~~OF THE TEST~~, and
2 ~~said-**THE**~~ statement shall be witnessed by the persons present and
3 shall be filed with the board of **COUNTY** canvassers. ~~Any~~

4 (5) A candidate voted for at any election who conceives
5 himself **OR HERSELF** aggrieved on account of any fraud, error, or
6 mistake in the canvass of the vote by the **ELECTION** inspectors or in
7 the returns made by the **ELECTION** inspectors ~~of election~~, may file a
8 written petition for a recount with the board of **COUNTY** canvassers.
9 ~~, as provided in cases where voting machines are not used.~~

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

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

1 ~~canvassers.~~

2 Sec. 809. (1) The board of election inspectors shall seal 1 of
3 the statement of returns and 1 of the tally sheets or the combined
4 tally return sheet with a red state election seal in an envelope
5 and shall address the envelope to the board of county canvassers,
6 in care of the judge of probate. The board of election inspectors
7 shall deliver the sealed envelope to the clerk of the township or
8 city. Upon receipt of the sealed envelope, the township or city
9 clerk shall immediately deliver the envelope to the person to whom
10 addressed. The judge of probate shall deliver the sealed envelope
11 received by him or her to the board of county canvassers when it
12 meets to canvass the returns.

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

24 ~~(3) If a city or township election to be canvassed by a board~~
25 ~~of city or township canvassers is held at a time at which no~~
26 ~~election returns must be forwarded to the board of county~~
27 ~~canvassers, the board of election inspectors shall return all poll~~

~~books, tally sheets, and returns to the city or township clerk. The city or township clerk shall perform the duties required in this section of the county clerks.~~ If a local election to be canvassed by the board of county canvassers is not held in conjunction with a county or state election, the board of election inspectors shall deliver both sealed envelopes to the local clerk. The local clerk shall deliver both sealed envelopes to the county clerk before 11 a.m. on the day following the election. In a city or township election, in which the city or township consists of more than 5 precincts, held in conjunction with an election to be canvassed by the board of county canvassers, the board of election inspectors shall deliver the duplicate returns required by section 806 to the city or township clerk.

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

(2) ~~Should~~ **IF** the board ~~fail~~ **OF COUNTY CANVASSERS FAILS** to certify the results of any election for any officer or proposition within the 14 days as provided, ~~or fail to certify results forwarded to them from any city or township election, as provided in section 30c, within 7 days of the receipt of that record, they~~

1 **THE BOARD OF COUNTY CANVASSERS** shall immediately deliver to the
2 secretary of the ~~state~~-board of **STATE** canvassers all records and
3 other information pertaining thereto **TO THE ELECTION**. The board of
4 state canvassers shall meet ~~forthwith~~-**IMMEDIATELY** and make the
5 necessary determinations and certify the results within the 10 days
6 immediately following the receipt of the records from the ~~county~~
7 board **OF COUNTY CANVASSERS**. The cost of ~~such~~-**THE** canvass shall be
8 borne by the county involved.

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

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

27 (3) The board of **COUNTY** canvassers shall correct obvious

1 mathematical errors in the tallies and returns. ~~and, when deemed~~
2 **THE BOARD OF COUNTY CANVASSERS MAY, IF** necessary for a proper
3 determination, ~~may~~ summon the election inspectors before them, and
4 require them to count any ballots ~~which they~~ **THAT THE ELECTION**
5 **INSPECTORS** failed to count, to make correct returns in case, in the
6 judgment of the board of **COUNTY** canvassers after examining the
7 returns, poll lists, or tally sheets, the returns already made are
8 incorrect or incomplete, and the board of **COUNTY** canvassers shall
9 canvass the votes from the corrected returns. **IN THE ALTERNATIVE TO**
10 **SUMMONING THE ELECTION INSPECTORS BEFORE THEM, THE BOARD OF COUNTY**
11 **CANVASSERS MAY DESIGNATE STAFF MEMBERS FROM THE COUNTY CLERK'S**
12 **OFFICE TO COUNT ANY BALLOTS THAT THE ELECTION INSPECTORS FAILED TO**
13 **COUNT, TO MAKE CORRECT RETURNS IN CASE, IN THE JUDGMENT OF THE**
14 **BOARD OF COUNTY CANVASSERS AFTER EXAMINING THE RETURNS, POLL LISTS,**
15 **OR TALLY SHEETS, THE RETURNS ALREADY MADE ARE INCORRECT OR**
16 **INCOMPLETE, AND THE BOARD OF COUNTY CANVASSERS SHALL CANVASS THE**
17 **VOTES FROM THE CORRECTED RETURNS.** When the examination of the
18 papers is completed, or the ballots have been counted, they shall
19 be returned to the ballot boxes or delivered to the persons
20 entitled by law to their custody, and the boxes shall be locked and
21 sealed and delivered to the legal custodians. ~~thereof.~~

22 Sec. 826. (1) ~~Except as otherwise provided in this subsection,~~
23 ~~the~~ **THE** board of county canvassers shall determine and declare the
24 result of the election for county and local officers, and for all
25 county and local ballot questions. ~~If a city or township has more~~
26 ~~than 5 precincts, the board of city or township canvassers shall~~
27 ~~canvass votes for city or township officers and ballot questions.~~

1 If a state senatorial or representative district is located solely
 2 within 1 county, the board of county canvassers shall determine and
 3 declare the result of the election for that office. Upon making the
 4 determination under this subsection, the board of county canvassers
 5 shall prepare a certificate of determination and deliver the
 6 properly certified certificate of determination to the county
 7 clerk. If the determination relates to a state senatorial or
 8 representative district located solely within 1 county, the board
 9 of county canvassers shall also deliver the properly certified
 10 certificate of determination to the board of state canvassers.

11 (2) Upon receipt of a properly certified certificate of
 12 determination from a board of county canvassers under subsection
 13 (1), the county clerk shall file the certificate in his or her
 14 office. The county clerk may have a statement of the total county
 15 or district votes cast for the various candidates and the total
 16 vote cast for and against the various ballot questions at the
 17 election to be published in at least 1 newspaper printed or
 18 circulated in that county. The county clerk shall immediately
 19 execute and deliver to the persons declared elected, a properly
 20 certified certificate of election.

21 Sec. 866. (1) Except as otherwise provided in subsection (2),
 22 recount petitions, either for an office or proposition, other than
 23 those filed with the ~~board of state canvassers~~ **SECRETARY OF STATE**,
 24 shall be filed with the clerk of the board of **COUNTY** canvassers ~~7~~
 25 ~~which board~~ **THAT** originally conducted the canvass.

26 (2) For a school district election, recount petitions, either
 27 for an office or proposition, shall be filed with the clerk of the

1 board of **COUNTY** canvassers ~~, which board~~ **THAT** certified the result
2 of the school district election.

3 (3) Recount petitions shall be filed within 6 days after the
4 original canvass has been completed by the ~~county, city, township,~~
5 ~~village, or district~~ board of **COUNTY** canvassers. A copy of the
6 recount petition shall also be filed with the secretary of state
7 within 2 days after the time the original recount petition is filed
8 with the board of county canvassers as provided in this section. ~~If~~
9 ~~the office or proposition in question is a city, ward, township,~~
10 ~~village, or district office or proposition, a copy of the recount~~
11 ~~petition shall not be filed with the secretary of state, but a copy~~
12 ~~shall be transmitted within 24 hours to the clerk of the board of~~
13 ~~county canvassers by the appropriate local clerk if the recount fee~~
14 ~~has been paid.~~

15 Sec. 867. (1) ~~The~~ **A** candidate or elector filing a recount
16 petition **PURSUANT TO SECTION 862 OR 863 SHALL FILE THE RECOUNT**
17 **PETITION** with the clerk of the ~~correct~~ **APPROPRIATE** board of **COUNTY**
18 canvassers. ~~shall at~~ **AT** the same time **OF FILING THE RECOUNT**
19 **PETITION, THE PETITIONER SHALL** deposit with the clerk the sum of
20 \$10.00 for each precinct referred to in his or her **RECOUNT**
21 petition.

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

1 **COUNTY CANVASSERS SHALL REFUND** the money deposited ~~by~~ **TO** the
2 petitioner. ~~shall be refunded.~~

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

8 Sec. 868. (1) If a candidate has filed a recount petition and
9 made the deposit under sections 862 and ~~866~~ **867**, the clerk of the
10 board of **COUNTY** canvassers shall give notice of the recount
11 petition to the opposing candidates described in this subsection
12 within 24 hours after filing of the **RECOUNT** petition by delivering
13 to each candidate a copy of the recount petition, or, if the
14 candidate cannot be found, by leaving a copy at the candidate's
15 last known place of residence with a member of the candidate's
16 immediate family of suitable age. If a member of the candidate's
17 family cannot be found, the clerk of the board of **COUNTY** canvassers
18 may give notice by posting the recount petition in a conspicuous
19 place at the candidate's last known place of residence. The clerk
20 of the board of **COUNTY** canvassers is not required to give notice to
21 candidates other than the 2 candidates who, according to the return
22 of the board of **COUNTY** canvassers, received the lowest number of
23 votes among those candidates who were nominated or elected, and the
24 2 candidates who, according to the return of the board of **COUNTY**
25 canvassers, received the highest number of votes among those
26 candidates who were not nominated or elected.

27 (2) A candidate may file a counter petition in the same manner

1 as the original petition under section 866 within 48 hours after
2 the original recount petition was filed with the board of **COUNTY**
3 canvassers. At the time of filing the counter petition, the counter
4 petitioner shall deposit the sum of money as required in section
5 ~~866-867~~ for the original petitioner. The clerk of the board of
6 **COUNTY** canvassers shall refund to the counter petitioner the money
7 deposited by the counter petitioner if the original petitioner does
8 not establish fraud or receive a certificate of election. ~~Except as~~
9 ~~otherwise provided in this subsection, the~~ **THE** counter petitioner
10 shall file a copy of the counter petition with the secretary of
11 state within 4 days after the time the original petition is filed
12 with the ~~proper~~ **APPROPRIATE** board of **COUNTY** canvassers as provided
13 in this section. ~~If the office or ballot question in question is a~~
14 ~~city, township, ward, village, or district office or ballot~~
15 ~~question, the counter petitioner is not required to file a copy of~~
16 ~~the counter petition with the secretary of state.~~

17 (3) On or before 4 p.m. of the seventh day after a recount
18 petition has been filed under section 866, an opposing candidate
19 may file objections to the recount petition with the appropriate
20 board of **COUNTY** canvassers. The opposing candidate shall set forth
21 his or her objections to the recount petition in writing. Upon
22 receipt of an objection under this subsection, the board of **COUNTY**
23 canvassers shall notify the petitioner and the objecting candidate
24 of the date of the hearing of the board of **COUNTY** canvassers to
25 consider the objections. The board of **COUNTY** canvassers shall allow
26 the recount petitioner and the objecting candidate to present oral
27 or written, or both, arguments on the objections raised to the

1 recount petition at the hearing. Not later than 5 business days
2 following the hearing, the board of **COUNTY** canvassers shall rule on
3 the objections raised to the recount petition. The board of **COUNTY**
4 canvassers shall not begin a recount unless 2 or more business days
5 have elapsed since the board **OF COUNTY CANVASSERS** ruled on the
6 objections under this subsection, if applicable.

7 (4) If the time designated for filing a **RECOUNT** petition under
8 this section falls on a Saturday, Sunday, or legal holiday, the
9 **RECOUNT** petition may be filed on the next succeeding business day.
10 Failure of the clerk of the board of **COUNTY** canvassers or the
11 secretary of state to give notice to the opposing candidate as
12 required in this section shall not affect the results of the
13 recount.

14 Enacting section 1. Sections 30a to 30e and 360 of the
15 Michigan election law, 1954 PA 116, MCL 168.30a to 168.30e and
16 168.360, are repealed.

17 Enacting section 2. This amendatory act does not take effect
18 unless all of the following bills of the 97th Legislature are
19 enacted into law:

20 (a) House Bill No. 4169.

21 (b) House Bill No. 4170.