

COSTS FOR ELECTION RECOUNT

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House Bill 6097 (H-1) as reported from committee
Sponsor: Rep. Lisa Posthumus Lyons
Committee: Elections
Complete to 12-7-16

Analysis available at
<http://www.legislature.mi.gov>

REVISED SUMMARY:

House Bill 6097 would amend the Michigan Election Law to provide that a candidate who petitions for a recount, citing fraud or a mistake in the canvass or return of the votes by the elections inspectors (under Sections 879 or 880), may have to pay for 100% of the estimated cost of the recount, depending on the percentage differential between the winner and petitioner.

Specifically, for a race for federal or statewide office, if there is more than a 5% difference between the votes counted for the winning candidate and the petitioner, the petitioner must pay the 100% of the cost of the recount for each precinct referred to in the petition for recount. The cost would be estimated by the State Bureau of Elections (SBE), and the payment would be deposited with the SBE. If the actual cost is less than the estimate, the difference would be returned to the petitioner; if the cost is greater, the petitioner would pay the difference.

In the case of a primary election for a nonpartisan office where only one candidate will be elected, the candidate whose nomination is at issue under the recount is the one with the lesser number of votes of the two candidates who would proceed to the general election.

If the percentage differential is less than 5%, the current law—that the petitioner must only pay \$25 per district for which the petitioner is requesting a recount—will remain in effect.

This bill would be retroactive to January 1, 2016.

MCL 168.881

FISCAL IMPACT:

The bill could prevent indeterminate but potentially significant decreases in county election funds depending on the extent to which the cost of a statewide or federal office election recount exceeds the amount required to be paid by the recount petitioner and on whether the vote percentage differential exceeds 5%.

Since the bill is retroactive and effective January 1, 2016, the bill's provisions would apply to the 2016 U.S. Presidential election recount. According to the bill, the petitioner of the Presidential election recount would be required to pay the actual final cost of the recount, as it is determined by the State Bureau of Elections. The final cost of the recount cannot

yet be determined but based on analysis of Wisconsin's Presidential election cost estimates, it is estimated that the recount will cost approximately \$4,548,209. Including the \$973,250 amount paid by the petitioner for the recount, the estimated cost incurred by state counties is \$3,574,959.

This estimate is based on the costs reported by Wisconsin's counties for conducting the Wisconsin Presidential election recount. Costs were adjusted to reflect the differential in ballot counts between the two states. Since some counties in Wisconsin are conducting the recount using optical scanning machines, only the costs of counties conducting hand counts were considered. Using the average estimated cost by county and adjusting the average to reflect the cost of Michigan's additional 1,854,664 ballots, the cost of Michigan's recount is estimated to be \$4,548,209. This estimate does not factor in that those Wisconsin counties that used optical scanners, and were not considered in the county average, were generally the most populous. If these counties had conducted hand counts and were included in the average country cost, the final estimate would likely be higher than \$4.5 million.

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