



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5012 (as passed by the House)
Sponsor: Representative Jim Lilly
House Committee: Elections and Ethics
Senate Committee: Elections and Government Reform

Date Completed: 2-20-18

CONTENT

The bill would amend Chapter 33 (Recounts) of the Michigan Election Law to require a candidate petitioning for a recount to allege a good-faith belief that, but for fraud or mistake, the candidate would have had a reasonable chance of winning the election.

Under the Law, a candidate for office who believes he or she is aggrieved on account of fraud or mistake in the canvass or returns of the votes by the election inspectors may petition for a recount of the votes cast for that office in any precinct or precincts as provided in Chapter 33.

Under the bill, the candidate would be required to be able to allege a good-faith belief that but for fraud or mistake, the candidate would have had a reasonable chance of winning the election.

Currently, a candidate voted for at a primary or election for an office may petition for a recount of the votes if certain requirements are met. These include the requirement that the petition allege that the candidate is aggrieved on account of fraud or mistake in the canvass of the votes by the inspectors of election of the returns made by the inspectors, or by a board of county canvassers or the Board of State Canvassers.

The bill also would require the candidate to be able to allege a good-faith belief that but for fraud or mistake, the candidate would have had a reasonable chance of winning the election.

The bill would take effect 90 days after it was enacted.

MCL 168.862 & 168.879

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on the State.

The bill could produce savings to local units of government, depending on recount requests. By requiring a candidate to be able to allege a good faith belief that but for fraud or mistake he or she would have had a reasonable chance of winning, the bill would likely result in fewer recounts and thus savings to local units of government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.