

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.882 Notice of recount petition; filing counter petition; refund of deposit money; filing objections to recount petition; notice; meeting; ruling; failure to give notice; withdrawal of recount petition.

Sec. 882. (1) If a petitioner has filed a recount petition and paid the deposit under sections 879 and 881, the secretary of state shall give notice of the recount petition to each opposing candidate or participating ballot question committee within 24 hours after the filing of the petition by mailing or emailing to each candidate or ballot question committee a copy of the recount petition.

(2) A candidate or ballot question committee may file a counter petition in the same manner as the original petition under section 881 not later than 48 hours after the original recount petition is filed with the secretary of state. At the time of filing the counter petition, the counter petitioner shall deposit the sum of money as required in section 881 for the original petitioner. The secretary of state shall refund to the counter petitioner the money deposited by the counter petitioner if the recount does not change the result of the election. If a ballot question committee did not participate in an election in which a ballot question is on the ballot, any elector who voted in that election may file a recount counter petition in the same manner as provided for a ballot question committee under this section.

(3) Not later than 48 hours after an original recount petition is filed under section 881, an opposing candidate or ballot question committee may file objections to the recount petition with the board of state canvassers. The opposing candidate or ballot question committee shall set forth the objections to the recount petition in writing. Upon receipt of an objection under this subsection, the board of state canvassers shall notify the petitioner and the objecting candidate or ballot question committee of the date of the meeting of the board of state canvassers to consider the objections. The board of state canvassers shall allow the recount petitioner and the objecting candidate or ballot question committee to present oral or written, or both, arguments on the objections raised to the recount petition at the meeting. In order to be presented at the meeting, written arguments on the objections raised to the recount petition must be submitted in writing to the board of state canvassers before the meeting. The board of state canvassers shall rule on the objections no later than 4 calendar days after the deadline for filing objections.

(4) Failure of the secretary of state to give notice to the opposing candidate or ballot question committee as required under this section does not affect the results of the recount.

(5) A candidate, ballot question committee, or elector may withdraw a recount petition or counter recount petition at any time.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1969, Act 188, Imd. Eff. Aug. 5, 1969;—Am. 1980, Act 61, Imd. Eff. Apr. 1, 1980;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2023, Act 269, Eff. Feb. 13, 2024;—Am. 2024, Act 74, Eff. Apr. 2, 2025.

Popular name: Election Code