

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.868.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

168.868.amended Recount petition; notice to opposing candidates or ballot question committees; counter petition; objections to recount petition; meeting; ruling; failure to give notice to opposing candidate or ballot question committee; withdrawal of recount petition.

Sec. 868. (1) If a petitioner files a recount petition under section 862 or 863 and makes the deposit under section 867, the clerk of the board of county canvassers shall give notice of the recount petition to the opposing candidates described in this subsection or ballot question committees within 24 hours after the filing of the recount petition by emailing to each candidate or ballot question committee a copy of the recount petition. The clerk of the board of county canvassers is not required to give notice to candidates other than the 2 candidates who, according to the return of the board of county canvassers, received the lowest number of votes among those candidates who were nominated or elected, and the 2 candidates who, according to the return of the board of county canvassers, received the highest number of votes among those candidates who were not nominated or elected.

(2) A candidate or ballot question committee may file a counter petition in the same manner as the original petition under section 866 within 48 hours after the original recount petition was filed with the board of county canvassers. At the time of filing the counter petition, the counter petitioner shall deposit the sum of money as required in section 867. The clerk of the board of county canvassers 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 a recount petition has been filed under section 866, an opposing candidate or ballot question committee may file objections to the recount petition with the appropriate board of county 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 county canvassers shall notify the petitioner and the objecting candidate or ballot question committee of the date of the meeting of the board of county canvassers to consider the objections. Subject to this subsection, the board of county 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 county canvassers before the meeting. Not later than 4 calendar days following the deadline to file objections to the recount petition, the board of county canvassers shall rule on the objections raised to the recount petition.

(4) If the time designated for filing a recount petition or counter recount petition falls on a Saturday, Sunday, or legal holiday, the recount petition or counter recount petition may be filed on the next succeeding business day. Failure of the clerk of the board of county canvassers or the secretary of state to give notice to the opposing candidate or ballot question committee as required in 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. 1959, Act 24, Eff. Mar. 19, 1960;—Am. 1963, 2nd Ex. Sess., Act 38, Imd. Eff. Dec. 27, 1963;—Am. 1969, Act 188, Imd. Eff. Aug. 5, 1969;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2013, Act 51, Imd. Eff. June 11, 2013;—Am. 2024, Act 74, Eff. (sine die).

Popular name: Election Code