



# HOUSE BILL No. 5084

September 20, 1995, Introduced by Reps. Stallworth, Wallace, DeMars, Gire, Dobronski, Martinez, Murphy, Baird, Parks, Hammerstrom, Varga, DeHart, Vaughn, Scott, Clack, Leland, Harder, Curtis, Baade, Kilpatrick, Price, Agee, Prusi, Hanley and Bennane and referred to the Committee on Local Government.

A bill to amend sections 867 and 881 of Act No. 116 of the Public Acts of 1954, entitled as amended

"Michigan election law,"

as amended by Act No. 200 of the Public Acts of 1980, being sections 168.867 and 168.881 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 867 and 881 of Act No. 116 of the  
2 Public Acts of 1954, as amended by Act No. 200 of the Public Acts  
3 of 1980, being sections 168.867 and 168.881 of the Michigan  
4 Compiled Laws, are amended to read as follows:

5 Sec. 867. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS  
6 SUBSECTION, A candidate or elector filing a recount petition with  
7 the clerk of the ~~correct~~ APPROPRIATE board of canvassers UNDER  
8 SECTION 862 shall at the same time deposit with the clerk the sum  
9 of \$10.00 for each precinct referred to in his or her petition.

1 IF THE INITIAL CANVASS OF THE VOTES BY THE INSPECTORS OF ELECTION  
2 RESULTS IN A VOTE DIFFERENTIAL OF MORE THAN 7%, A CANDIDATE OR  
3 ELECTOR FILING A RECOUNT PETITION WITH THE CLERK OF THE APPROPRI-  
4 ATE BOARD OF CANVASSERS UNDER SECTION 862 SHALL AT THE SAME TIME  
5 DEPOSIT WITH THE CLERK A SUM EQUAL TO 100% OF THE ESTIMATED COST  
6 OF THE RECOUNT FOR EACH PRECINCT REFERRED TO IN HIS OR HER  
7 PETITION. THE SECRETARY OF STATE SHALL DETERMINE THE ESTIMATED  
8 COST OF A RECOUNT FOR THE PURPOSES OF THIS SUBSECTION.

9 (2) If, by reason of the recount, the petitioner establishes  
10 sufficient fraud or mistake as set forth in his or her petition  
11 to change the result of the election and receives a certificate  
12 of election or establishes sufficient fraud or mistake to change  
13 the result, upon an amendment or proposition, the votes for and  
14 against, which were recounted, the CLERK OF THE BOARD OF CANVASS-  
15 ERS SHALL REFUND TO THE PETITIONER THE money deposited by the  
16 petitioner. ~~shall be refunded.~~ If the petitioner does not  
17 establish a fraud or mistake as set forth in his or her petition,  
18 the CLERK OF THE BOARD OF CANVASSERS SHALL PAY THE sum deposited  
19 ~~shall be paid by the clerk of the board of county, city, town-~~  
20 ~~ship, or village canvassers~~ to the treasurer of the APPROPRIATE  
21 county, city, township, or village.

22 Sec. 881. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS  
23 SUBSECTION, A candidate or elector ~~presenting~~ FILING a RECOUNT  
24 petition ~~to~~ WITH the secretary of state UNDER SECTION 879 shall  
25 at the same time deposit with the ~~clerk~~ SECRETARY OF STATE the  
26 sum of \$10.00 for each precinct in which a recount of the votes  
27 is demanded. IF THE INITIAL CANVASS OF THE VOTES BY THE

1 INSPECTORS OF ELECTION RESULTS IN A VOTE DIFFERENTIAL OF MORE  
2 THAN 7%, A CANDIDATE OR ELECTOR FILING A RECOUNT PETITION WITH  
3 THE SECRETARY OF STATE UNDER SECTION 879 SHALL AT THE SAME TIME  
4 DEPOSIT WITH THE SECRETARY OF STATE A SUM EQUAL TO 100% OF THE  
5 ESTIMATED COST OF THE RECOUNT FOR EACH PRECINCT IN WHICH A  
6 RECOUNT OF THE VOTES IS DEMANDED. THE SECRETARY OF STATE SHALL  
7 DETERMINE THE ESTIMATED COST OF A RECOUNT FOR THE PURPOSES OF  
8 THIS SUBSECTION.

9 (2) If, by reason of the recount, the petitioner establishes  
10 fraud or mistake as set forth in his or her petition and receives  
11 a certificate of election or establishes sufficient fraud or mis-  
12 take to change the result, upon an amendment or proposition, the  
13 votes for and against, which were recounted, the SECRETARY OF  
14 STATE SHALL REFUND TO THE PETITIONER THE money deposited by the  
15 petitioner. ~~shall be refunded.~~ If a refund is not made as  
16 required by this section, then the secretary of state shall pay  
17 to the treasurer of each county its proportionate share of the  
18 deposit based upon the number of precincts in the county in which  
19 the votes were counted.