

HOUSE BILL No. 4800

June 17, 1999, Introduced by Reps. LaSata, Kuipers, Faunce, Toy, Cameron Brown, Rick Johnson, Mortimer, Jansen and Birkholz and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 867 and 881 (MCL 168.867 and 168.881),
section 867 as amended by 1980 PA 200 and section 881 as amended
by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 867. (1) ~~The~~ A candidate ~~or elector~~ filing a
2 recount petition with the clerk of the ~~correct~~ APPROPRIATE
3 board of canvassers UNDER SECTION 862 shall at the same time
4 deposit with the clerk the sum of \$10.00 for each precinct
5 referred to in his or her petition. AN ELECTOR FILING A RECOUNT
6 PETITION WITH THE CLERK OF THE APPROPRIATE BOARD OF CANVASSERS
7 UNDER SECTION 863 SHALL AT THE SAME TIME DEPOSIT WITH THE CLERK A
8 SUM EQUAL TO 100% OF THE ESTIMATED COST OF THE RECOUNT FOR EACH
9 PRECINCT REFERRED TO IN HIS OR HER PETITION. THE SECRETARY OF

1 STATE SHALL DETERMINE THE ESTIMATED COST OF A RECOUNT FOR THE
2 PURPOSES OF THIS SUBSECTION.

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

16 Sec. 881. (1) A person filing a recount petition pursuant
17 to section 879 or 880 shall file the petition with the state
18 bureau of elections. At the time of filing the petition, ~~the~~
19 ~~petitioner~~ A CANDIDATE FILING A RECOUNT PETITION UNDER
20 SECTION 879 shall deposit the sum of \$10.00 for each precinct in
21 which a recount of the votes is demanded in cash or by check or
22 other negotiable instrument made payable to the state of
23 Michigan. AT THE TIME OF FILING THE PETITION, AN ELECTOR FILING
24 A RECOUNT PETITION UNDER SECTION 880 SHALL DEPOSIT A SUM EQUAL TO
25 100% OF THE ESTIMATED COST OF THE RECOUNT FOR EACH PRECINCT IN
26 WHICH A RECOUNT OF THE VOTES IS DEMANDED IN CASH OR BY CHECK OR
27 OTHER NEGOTIABLE INSTRUMENT MADE PAYABLE TO THE STATE OF

1 MICHIGAN. THE SECRETARY OF STATE SHALL DETERMINE THE ESTIMATED
2 COST OF A RECOUNT FOR THE PURPOSES OF THIS SUBSECTION.

3 (2) If, by reason of the recount, the petitioner establishes
4 fraud or mistake as set forth in his or her petition and receives
5 a certificate of election or establishes sufficient fraud or mis-
6 take to change the result, upon an amendment or proposition, the
7 votes for and against, which were recounted, the state bureau of
8 elections shall refund the money deposited to the petitioner.
9 The secretary of state shall refund the money deposited to a
10 petitioner who is a chairperson of a state political party if the
11 results of the race for which a recount was petitioned for under
12 section 879 are changed. If a refund is not made as required by
13 this section, then the secretary of state shall pay to the trea-
14 surer of each county its proportionate share of the deposit based
15 upon the number of precincts in the county in which the votes
16 were recounted.