

HOUSE BILL No. 5203

September 12, 2007, Introduced by Rep. Lemmons and referred to the Committee on Ethics and Elections.

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. The candidate or elector filing a recount petition
 2 with the clerk of the correct board of canvassers shall at the same
 3 time deposit with the clerk the sum of \$10.00 for each precinct
 4 referred to in his or her petition. If, by reason of the recount,
 5 the petitioner establishes sufficient fraud or mistake as set forth
 6 in his or her petition to change the result of the election and
 7 receives a certificate of election or establishes sufficient fraud
 8 or mistake to change the result ~~, upon~~ **ON** an amendment or

1 proposition, the votes for and against ~~which~~ were recounted, the
2 money deposited by the petitioner shall be refunded. If the
3 petitioner does not establish a fraud or mistake as set forth in
4 his or her petition, the sum deposited shall be paid by the clerk
5 of the board of county, city, township, or village canvassers to
6 the treasurer of the county, city, township, or village. **IF THE**
7 **VOTES CAST IN A PRECINCT REFERRED TO IN THE PETITION ARE UNABLE TO**
8 **BE RECOUNTED FOR ANY REASON, THE MONEY DEPOSITED FOR THE RECOUNT OF**
9 **THAT PRECINCT SHALL BE REFUNDED TO THE PETITIONER.**

10 Sec. 881. (1) A person filing a recount petition ~~pursuant to~~
11 **UNDER** section 879 or 880 shall file the petition with the state
12 bureau of elections. At the time of filing the petition, the
13 petitioner shall deposit the sum of \$10.00 for each precinct in
14 which a recount of the votes is demanded in cash or by check or
15 other negotiable instrument made payable to the state of Michigan.

16 (2) If, by reason of the recount, the petitioner establishes
17 fraud or mistake as set forth in his or her petition and receives a
18 certificate of election or establishes sufficient fraud or mistake
19 to change the result ~~upon~~ **ON** an amendment or proposition, the
20 votes for and against ~~which~~ were recounted, the state bureau of
21 elections shall refund the money deposited to the petitioner. The
22 secretary of state shall refund the money deposited to a petitioner
23 who is a chairperson of a state political party if the results of
24 the race for which a recount was petitioned for under section 879
25 are changed. If a refund is not made as required by this section,
26 then the secretary of state shall pay to the treasurer of each
27 county its proportionate share of the deposit based ~~upon~~ **ON** the

1 number of precincts in the county in which the votes were
2 recounted.

3 (3) IF THE VOTES CAST IN A PRECINCT REFERRED TO IN THE
4 PETITION ARE UNABLE TO BE RECOUNTED FOR ANY REASON, THE MONEY
5 DEPOSITED FOR THE RECOUNT OF THAT PRECINCT SHALL BE REFUNDED TO THE
6 PETITIONER AS PROVIDED IN SUBSECTION (2).