

# SENATE BILL No. 698

December 3, 2013, Introduced by Senator SMITH and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a, 30g, 307, 308, 323, 347, 355, 426c, 426f, 426l, 792, 806, 809, 822, 823, 826, 866, 867, and 868 (MCL 168.24a, 168.30g, 168.307, 168.308, 168.323, 168.347, 168.355, 168.426c, 168.426f, 168.426l, 168.792, 168.806, 168.809, 168.822, 168.823, 168.826, 168.866, 168.867, and 168.868), as amended by 2013 PA 51, and by adding sections 30a, 30b, 30c, 30d, 30e, and 360.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 24a. (1) A 4-member board of county canvassers is  
2 established in every county in this state. All of the powers  
3 granted to and duties required by law to be performed by all boards  
4 of canvassers established by law, other than the board of state

1 canvassers, **BOARDS OF CITY CANVASSERS IN CITIES HAVING MORE THAN 5**  
2 **PRECINCTS, BOARDS OF CANVASSERS IN COUNTIES HAVING A POPULATION OF**  
3 **1,500,000 OR MORE, AND BOARDS OF TOWNSHIP CANVASSERS IN TOWNSHIPS**  
4 **HAVING MORE THAN 5 PRECINCTS,** are granted to and required to be  
5 performed by the board of county canvassers.

6 (2) The board of county canvassers shall conduct all recounts  
7 of elections in cities, townships, villages, school districts,  
8 metropolitan districts, or any other districts and be vested with  
9 all of the powers and required to perform all the duties in  
10 connection with any recount.

11 (3) If a city, village, metropolitan district, or any other  
12 district, other than a school district, lies in more than 1 county,  
13 and a duty is to be performed by the board of county canvassers,  
14 the board of county canvassers in the county in which the greatest  
15 number of registered voters of the city, village, metropolitan  
16 district or other district resides at the close of registration for  
17 the election involved shall perform the duty.

18 (4) Except as otherwise provided in this subsection, if a  
19 school district lies in more than 1 county, the board of county  
20 canvassers for each county in which a portion of the school  
21 district lies shall canvass that portion of a school district  
22 election that is held in that county. If a school district election  
23 precinct lies in more than 1 county, the board of county canvassers  
24 of the county in which the largest number of registered electors of  
25 that precinct reside shall canvass the results of that precinct.  
26 Notwithstanding the provisions of the preceding 2 sentences, unless  
27 the school district election is conducted on the same date as

1 another election in the county, a board of county canvassers that  
2 is not responsible for certifying the results of the school  
3 district election is not required to meet to canvass the school  
4 district election and the board of county canvassers responsible  
5 for certifying the results of the school district election shall  
6 canvass that portion of the school district election held in that  
7 county. Upon completion of the canvass, the clerk of the board of  
8 county canvassers shall transmit the canvassed results to the  
9 county clerk of the county in which the largest number of  
10 registered electors of that school district reside. Upon receipt of  
11 the canvassed results, the county clerk of the county in which the  
12 largest number of registered electors of that school district  
13 reside shall make a statement of returns and certify the results of  
14 the school district election to the secretary of the school board.  
15 Notwithstanding any of the foregoing provisions of this subsection,  
16 if a city or village that lies in more than 1 county conducts an  
17 election on the same date as a school district that lies within the  
18 city or village that is conducting an election, that portion of the  
19 school district election held within that city or village shall be  
20 canvassed by the canvassing board responsible for canvassing the  
21 city or village election.

22 (5) The cost of canvass of school, metropolitan district,  
23 city, township, and village elections shall be borne by the school  
24 district, metropolitan district, city, township, or village holding  
25 the election, and upon presentation of a bill for the costs  
26 incurred by the board of county canvassers, the school district,  
27 metropolitan district, city, township, or village shall reimburse

1 the county treasurer.

2 (6) All boards of canvassers provided for in law including  
3 boards of school canvassers, the duties of which are by this act  
4 required to be performed by boards of county canvassers, are  
5 abolished.

6 (7) Members of the board of county canvassers shall be  
7 appointed for terms of 4 years beginning on November 1 following  
8 their appointment. Of the members first appointed, 1 member of each  
9 of the political parties represented on the board of county  
10 canvassers shall be appointed for a term of 4 years and 1 for a  
11 term of 2 years. The county clerk shall notify members of the board  
12 of county canvassers of their appointment within 5 days of being  
13 appointed.

14 (8) This section applies to all elections, any charter  
15 provision to the contrary notwithstanding.

16 **SEC. 30A. (1) A 4-MEMBER BOARD OF CANVASSERS IS ESTABLISHED IN**  
17 **EVERY CITY AND TOWNSHIP HAVING MORE THAN 5 PRECINCTS,**  
18 **NOTWITHSTANDING A STATUTORY OR CHARTER PROVISION, OR OTHER RULE OR**  
19 **LAW, TO THE CONTRARY. ALL OF THE POWERS GRANTED TO AND DUTIES**  
20 **REQUIRED BY LAW TO BE PERFORMED BY BOARDS OF CITY AND TOWNSHIP**  
21 **CANVASSERS ARE GRANTED TO AND REQUIRED TO BE PERFORMED BY THE**  
22 **BOARDS OF CITY AND TOWNSHIP CANVASSERS IN CITIES AND TOWNSHIPS**  
23 **HAVING MORE THAN 5 PRECINCTS. MEMBERS OF THE BOARD OF CANVASSERS**  
24 **SHALL BE APPOINTED FOR TERMS OF 4 YEARS BEGINNING THE JANUARY 1**  
25 **AFTER THEIR APPOINTMENT. MEMBERS OF THE BOARD OF CANVASSERS SHALL**  
26 **BE NOTIFIED OF THEIR APPOINTMENT WITHIN 5 DAYS AFTER APPOINTMENT BY**  
27 **THEIR CITY OR TOWNSHIP CLERK.**

1           (2) THE CITY COUNCIL OF A CITY OR THE TOWNSHIP BOARD OF A  
2 TOWNSHIP HAVING MORE THAN 5 PRECINCTS MAY CONTRACT WITH THE BOARD  
3 OF COMMISSIONERS OF THE COUNTY IN WHICH ALL OR THE GREATER PORTION  
4 OF THE CITY'S OR TOWNSHIP'S POPULATION RESIDES TO PROVIDE THAT THE  
5 BOARD OF COUNTY CANVASSERS OF THAT COUNTY SHALL PERFORM ALL THE  
6 FUNCTIONS OF THE BOARD OF CITY OR TOWNSHIP CANVASSERS. FINANCIAL  
7 ARRANGEMENTS OF A CONTRACT WITH THE COUNTY BOARD OF COMMISSIONERS  
8 MAY PROVIDE THAT THE CITY OR TOWNSHIP SHALL BEAR ALL OR PART OF THE  
9 COST OF THE WORK OF THE BOARD OF COUNTY CANVASSERS.

10           SEC. 30B. (1) MEMBERS OF THE BOARD OF CANVASSERS SHALL BE  
11 QUALIFIED AND REGISTERED ELECTORS OF THE CITY OR TOWNSHIP IN WHICH  
12 THEY SERVE. A PERSON SHALL NOT BE APPOINTED TO A BOARD OF  
13 CANVASSERS UNLESS THE PERSON HAS FILED WITH THE CITY OR TOWNSHIP  
14 CLERK AN AFFIDAVIT ON A FORM APPROVED BY THE STATE BUREAU OF  
15 ELECTIONS CONTAINING AT A MINIMUM ALL OF THE FOLLOWING INFORMATION:

16           (A) NAME.

17           (B) HOME ADDRESS.

18           (C) POLITICAL PARTY AFFILIATION.

19           (D) DATE OF BIRTH.

20           (E) EMPLOYMENT.

21           (F) STATEMENT OF PHYSICAL DISABILITY, IF ANY.

22           (2) THE CITY OR TOWNSHIP CLERK SHALL NOTIFY THE COUNTY CLERK  
23 OF THE NAME, ADDRESS, AND POLITICAL AFFILIATION OF BOARD MEMBERS,  
24 AND THE COUNTY CLERK SHALL MAINTAIN THE RECORD FOR PUBLIC  
25 INSPECTION. A MEMBER OF THE BOARD OF CANVASSERS VACATES HIS OR HER  
26 OFFICE IF AT ANY TIME DURING HIS OR HER TERM OF OFFICE HE OR SHE OR  
27 ANY MEMBER OF HIS OR HER IMMEDIATE FAMILY SERVES AS AN ELECTION

1 INSPECTOR OR BECOMES A CANDIDATE FOR ANY ELECTIVE PUBLIC OFFICE AT  
2 AN ELECTION TO BE CANVASSED BY HIS OR HER BOARD OF CANVASSERS OR  
3 SERVES AS A MEMBER OF THE GOVERNING BODY OF THE UNIT FOR WHICH HIS  
4 OR HER BOARD OF CANVASSERS IS ESTABLISHED.

5 SEC. 30C. SELECTION OF THE MEMBERS OF THE BOARD OF CANVASSERS  
6 SHALL BE MADE FROM EACH OF THE 2 POLITICAL PARTIES CASTING THE  
7 GREATEST NUMBER OF VOTES FOR SECRETARY OF STATE AT THE PRECEDING  
8 NOVEMBER ELECTION IN THE COUNTY OR COUNTIES IN WHICH THE CITY OR  
9 TOWNSHIP IS LOCATED. A POLITICAL PARTY SHALL NOT BE REPRESENTED BY  
10 MORE THAN 2 MEMBERS ON THE BOARD AT ANY 1 TIME. A PERSON POSSESSING  
11 THE QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD MAY SUBMIT AN  
12 APPLICATION FOR THE POSITION ON A FORM APPROVED BY THE STATE BUREAU  
13 OF ELECTIONS. THE GOVERNING BODY OF THE CITY OR TOWNSHIP SHALL  
14 APPOINT FROM THE APPLICATIONS ON FILE THE MEMBERS OF THE BOARD OF  
15 CANVASSERS BY DECEMBER 1 OF EACH ODD-NUMBERED YEAR. IF A VACANCY  
16 OCCURS, THE GOVERNING BODY SHALL MAKE THE APPOINTMENT TO FILL THE  
17 VACANCY. ANY PERSON APPOINTED TO FILL THE VACANCY SHALL SERVE FOR  
18 THE BALANCE OF THE UNEXPIRED TERM. NOTWITHSTANDING SECTION 30B, IF  
19 AN INSUFFICIENT NUMBER OF APPLICATIONS TO FILL THE POSITIONS HAVE  
20 BEEN SUBMITTED, THE GOVERNING BODY SHALL MAKE THE APPOINTMENTS IN  
21 ANY MANNER IT DEEMS ADVISABLE.

22 SEC. 30D. THE BOARD OF CANVASSERS SHALL MEET AS NECESSARY TO  
23 TRANSACT ITS BUSINESS AND SHALL ELECT 1 OF ITS MEMBERS CHAIRPERSON  
24 AND 1 OF ITS MEMBERS VICE-CHAIRPERSON. ANY 3 MEMBERS OF THE BOARD  
25 OF CANVASSERS SHALL CONSTITUTE A QUORUM, BUT NO ACTION IS EFFECTIVE  
26 UNLESS 1 MEMBER FROM EACH POLITICAL PARTY REPRESENTED CONCURS IN  
27 THE ACTION. THE CITY OR TOWNSHIP CLERK SHALL BE THE CLERK OF THE

1 BOARD OF CITY OR TOWNSHIP CANVASSERS.

2 SEC. 30E. THE MEMBERS OF THE BOARD OF CITY OR TOWNSHIP  
3 CANVASSERS SHALL RECEIVE ACTUAL AND NECESSARY EXPENSES INCURRED IN  
4 THE PERFORMANCE OF THEIR OFFICIAL DUTIES AND IN ADDITION MAY BE  
5 PAID A DAILY RATE IF ORDERED BY THE GOVERNING BODY OF THE CITY OR  
6 TOWNSHIP. IF THE BOARD OF CITY OR TOWNSHIP CANVASSERS FAILS TO  
7 CERTIFY THE RESULTS OF ANY ELECTION FOR ANY OFFICE OR PROPOSITION  
8 WITHIN THE 14 DAYS IMMEDIATELY FOLLOWING THE ELECTION AT WHICH THE  
9 OFFICE OR PROPOSITION WAS VOTED ON, THE CITY OR TOWNSHIP CLERK  
10 SHALL IMMEDIATELY DELIVER TO THE SECRETARY OF THE BOARD OF COUNTY  
11 CANVASSERS OF THAT COUNTY ALL RECORDS AND OTHER INFORMATION  
12 PERTAINING THERETO. THE BOARD OF COUNTY CANVASSERS SHALL MEET  
13 FORTHWITH, MAKE THE NECESSARY DETERMINATIONS, AND CERTIFY THE  
14 RESULTS OF THAT ELECTION WITHIN THE 7 DAYS IMMEDIATELY FOLLOWING  
15 RECEIPT OF THE RECORDS. THE COST OF THE CANVASS SHALL BE BORNE BY  
16 THE CITY OR TOWNSHIP INVOLVED.

17 Sec. 30g. If a board of ~~county~~ canvassers created under this  
18 act is required to perform its statutory duties and because of  
19 illness or absence of members of the board of ~~county~~ canvassers a  
20 quorum is not present, the clerk of the ~~county~~ **POLITICAL**  
21 **SUBDIVISION** may appoint a sufficient number of temporary members to  
22 constitute a quorum. ~~The~~ **IF THE VACANCY IS ON THE BOARD OF COUNTY**  
23 **CANVASSERS, THE** appointment shall be made by the county clerk from  
24 party recommendations on file, if available. **IF THE VACANCY IS ON**  
25 **THE BOARD OF CITY OR TOWNSHIP CANVASSERS, THE APPOINTMENT SHALL BE**  
26 **MADE FROM APPLICATIONS ON FILE, IF AVAILABLE.** The appointments  
27 shall be of the same political party as the ill or absent members

1 of the board of ~~county~~ canvassers. A temporary appointee to the  
2 board of ~~county~~ canvassers must possess all of the qualifications  
3 required for regular membership on that board of ~~county~~ canvassers.  
4 Temporary appointees shall serve only until the business on hand  
5 has been transacted.

6       Sec. 307. (1) The appropriate board of ~~county~~ canvassers as  
7 prescribed in section 24a **OR 30A** shall canvass the votes for  
8 candidates for school board member and votes for and against a  
9 ballot question at a regular or special election in each school  
10 district. That number of candidates equal to the number of  
11 individuals to be elected who receive the greatest number of votes  
12 cast at the election, as set forth in the report of the board of  
13 ~~county~~ canvassers canvassing the votes, based upon the returns from  
14 the election precincts or as determined by the board of ~~county~~  
15 canvassers as a result of a recount, are elected to the office of  
16 school board member. Except as otherwise provided in section  
17 24a(4), upon completion of the canvass, the board of ~~county~~  
18 canvassers shall make a statement of returns and certify the  
19 election of school board members to the secretary of the school  
20 board, the county clerk, and, if other than the county clerk, the  
21 school district election coordinator.

22       (2) The votes cast for a candidate for school board member or  
23 on a ballot question submitted to the electors at a school election  
24 are subject to recount as provided in chapter XXXIII. An individual  
25 elected to the office of school board member is subject to recall  
26 as provided in chapter XXXVI and in section 8 of article II of the  
27 state constitution of 1963.

1           Sec. 308. A local official who receives the certification of  
2 the board of ~~county~~ canvassers under section 307 shall preserve and  
3 file in his or her office the certified statement of returns and  
4 certification of the board of ~~county~~ canvassers of the result of  
5 the election. The county, **CITY, OR TOWNSHIP** clerk who is the  
6 secretary to the board of ~~county~~ canvassers canvassing the school  
7 board election shall immediately execute and provide to the  
8 individuals declared elected to the office of school board member a  
9 certificate of election.

10           Sec. 323. It is the duty of the board of city election  
11 commissioners to prepare the primary ballots to be used by the  
12 electors. The returns shall be canvassed by the board of ~~county~~  
13 **CITY** canvassers and the results certified to the board of city  
14 election commissioners, who shall prepare and furnish ballots for  
15 the ensuing election. The printing and distribution of ballots,  
16 equipment, and supplies, the conduct of the primary and election,  
17 the canvass and certification of the returns, and all other  
18 particulars shall be in accordance, as nearly as may be, with the  
19 provisions of this act governing general primaries and elections.

20           Sec. 347. Except as otherwise provided in this act, the laws  
21 governing nominating petitions, the conduct of general primary  
22 elections, the furnishing of ballots, and the depositing, counting,  
23 and canvassing of ballots shall, as near as may be, apply to  
24 primaries held under the provisions of this chapter. Recounts shall  
25 be conducted by the board of ~~county~~ **TOWNSHIP** canvassers. All duties  
26 that, under the parts of this act relating to general elections or  
27 primary elections, fall upon the county clerk shall be performed in

1 the same manner by the township clerk.

2       Sec. 355. (1) The candidate or candidates of each political  
3 party to a township office receiving the greatest number of votes  
4 cast for candidates of that office, as set forth in the report of  
5 the board of ~~county~~**TOWNSHIP** canvassers, based on the returns from  
6 the various election precincts, or as determined by the board of  
7 county canvassers as the result of a recount, shall be declared the  
8 nominee or nominees of that political party for that office at the  
9 next ensuing November election. The board of ~~county~~**TOWNSHIP**  
10 canvassers shall certify the nomination or nominations to the  
11 township clerk within 48 hours after the polls close.

12       (2) Within 4 days following the primary, the township clerk  
13 shall deliver to the county clerk a list setting forth the names,  
14 addresses, political affiliation, and office sought of all  
15 candidates nominated at the primary.

16       **SEC. 360. THE TOWNSHIP CLERK SHALL FILE IN HIS OR HER OFFICE**  
17 **AND PRESERVE THE ORIGINAL STATEMENT AND DETERMINATION OF THE BOARD**  
18 **OF TOWNSHIP CANVASSERS OF THE RESULTS OF THE ELECTION AND SHALL**  
19 **FORTHWITH EXECUTE AND CAUSE TO BE DELIVERED TO THE PERSONS DECLARED**  
20 **TO BE ELECTED TO TOWNSHIP OFFICES A CERTIFICATE OF ELECTION**  
21 **CERTIFIED BY THE TOWNSHIP CLERK.**

22       Sec. 426c. (1) A general nonpartisan primary election shall be  
23 held in every municipality described in section 426a on the Tuesday  
24 after the first Monday in August before a general November  
25 election.

26       (2) At the general nonpartisan primary election, judges of the  
27 municipal courts of record are to be elected and the qualified and

1 registered voters may vote for nonpartisan candidates for the  
2 office of judge of the municipal court of record.

3 (3) If upon the expiration of the time for filing petitions  
4 for the primary election of the municipal judge or judges in any  
5 municipality there are not to exceed twice the number of candidates  
6 than persons to be elected, then the city clerk shall certify  
7 through the board of ~~county~~**CITY** canvassers the names of the  
8 candidates for judge of the municipal court of record whose  
9 petitions have been properly filed. These candidates shall be the  
10 certified nominees for judges of the municipal court of record. In  
11 addition, there shall not be a primary election for this office,  
12 and it shall be omitted from the official primary ballot.

13 Sec. 426f. (1) The candidates for the office of judge of the  
14 municipal court of record receiving the largest number of votes at  
15 any primary election, to a number equal to twice the number of  
16 persons to be elected, as set forth in the report of the board of  
17 ~~county~~**CITY** canvassers, based on returns from the various election  
18 precincts, shall be declared the nominees for the office of judge  
19 of the municipal court of record at the next general election.

20 (2) If, after the deadline for filing nominating petitions  
21 under section 426d, there are fewer candidates for nomination or  
22 nominees for the office of judge of a municipal court of record  
23 than there are persons to be elected at the general November  
24 election because of the death or disqualification of a candidate  
25 more than 65 days before the general November election, then a  
26 person, whether or not an incumbent, may qualify as a nominee for  
27 that office at the general November election by filing nominating

1 petitions as required by section 426d. However, the filing shall be  
2 made before 4 p.m. on the twenty-first day following the death or  
3 disqualification of the candidate or 4 p.m. on the sixtieth day  
4 before the general November election, whichever is earlier, and the  
5 minimum number of signatures required is 1,000 or 1/2 the minimum  
6 number required under section 426d, whichever is less.

7 (3) The city clerk shall certify the nomination of each person  
8 who qualifies as a nominee under subsection (2) to the board of  
9 election commissioners of the city for the general November  
10 election.

11 Sec. 426l. The board of ~~county~~-**CITY** canvassers shall determine  
12 which candidates for judge of the municipal court of record  
13 received the highest number of votes and on that basis shall  
14 declare the candidates duly elected, specifying the terms to which  
15 each was elected. The board of ~~county~~-**CITY** canvassers shall  
16 immediately make and subscribe on its statement of returns a  
17 certificate of the determination and deliver it to the city clerk.

18 Sec. 792. (1) If it appears that there is a discrepancy in the  
19 returns of any election district, the board of county canvassers,  
20 **IF IT BE A GENERAL ELECTION AT WHICH COUNTY OR STATE OFFICERS ARE**  
21 **ELECTED, OR THE BOARD OF CANVASSERS OF THE CITY, VILLAGE, OR**  
22 **TOWNSHIP, IF IT BE A CITY, VILLAGE, OR TOWNSHIP ELECTION AT WHICH**  
23 **CITY, VILLAGE, OR TOWNSHIP OFFICERS ONLY ARE ELECTED,** or the  
24 authorized representatives of the board of ~~county~~-canvassers, shall  
25 make a record of the number of the seal, if any, the number on the  
26 protective counter, if one is provided, and shall open the counter  
27 compartment of the machine, and without unlocking the machine

1 against voting, shall re-canvass the vote cast on the machine.  
2 Before making the re-canvass, the board of ~~county~~-canvassers shall  
3 give sufficient notice in writing to the clerk of the time and  
4 place where the re-canvass is to be made.

5 (2) If upon re-canvass it is found that the original canvass  
6 of the returns has been correctly made from the machine, and that  
7 the discrepancy still remains unaccounted for, the clerk or  
8 authorized assistant of the clerk, in the presence of the election  
9 inspectors and the board of ~~county~~-canvassers, shall unlock the  
10 voting and counting mechanism of the machine and shall proceed to  
11 thoroughly examine and test the machine to determine and reveal the  
12 true cause or causes, if any, of the discrepancy in the return from  
13 the machine.

14 (3) Before testing the machine, the counters in the party row  
15 or column in which the discrepancy is alleged to have occurred  
16 shall be set at zero after which each of the counters shall be  
17 operated at least 100 times.

18 (4) After the completion of the examination, the clerk or  
19 authorized assistant of the clerk shall then and there prepare a  
20 statement in writing giving the result of the test, and the  
21 statement shall be witnessed by the persons present and shall be  
22 filed with the board of ~~county~~-canvassers.

23 (5) A candidate voted for at any election who conceives  
24 himself or herself aggrieved on account of any fraud, error, or  
25 mistake in the canvass of the vote by the election inspectors or in  
26 the returns made by the election inspectors may file a written  
27 petition for a recount with the board of ~~county~~-canvassers.

1           Sec. 806. (1) The election inspectors shall then prepare  
2 duplicate statements of the returns showing the whole number of  
3 votes cast for all offices voted that are to be canvassed by the  
4 board of county canvassers, the names of the persons for whom the  
5 votes were given, and the number each person received. The election  
6 inspectors shall also prepare duplicate statements of the results  
7 on any proposed constitutional amendment or other propositions  
8 submitted to the voters at the election that are to be canvassed by  
9 the board of county canvassers, showing the whole number of votes  
10 cast, the number of votes cast for, and the number of votes cast  
11 against the proposed constitutional amendment or other proposition.

12           (2) Each member of the board of election inspectors shall sign  
13 the certificate on the statement of returns as to the correctness  
14 of the returns and that the ballots have been packaged, sealed, and  
15 indorsed in the manner specified. **SEPARATE DUPLICATE RETURNS SHALL**  
16 **BE COMPLETED FOR ALL OFFICES, PROPOSITIONS, OR QUESTIONS THAT ARE**  
17 **TO BE CANVASSED BY A BOARD OF CITY OR TOWNSHIP CANVASSERS.**

18           Sec. 809. (1) The board of election inspectors shall seal 1 of  
19 the statement of returns and 1 of the tally sheets or the combined  
20 tally return sheet with a red state election seal in an envelope  
21 and shall address the envelope to the board of county canvassers,  
22 in care of the judge of probate. The board of election inspectors  
23 shall deliver the sealed envelope to the clerk of the township or  
24 city. Upon receipt of the sealed envelope, the township or city  
25 clerk shall immediately deliver the envelope to the person to whom  
26 addressed. The judge of probate shall deliver the sealed envelope  
27 received by him or her to the board of county canvassers when it

1 meets to canvass the returns.

2 (2) The board of election inspectors shall seal the other  
3 statement of returns or combined tally and statement, together with  
4 the poll list, in an envelope addressed to the county clerk. The  
5 board of election inspectors shall deliver the sealed envelope to  
6 the clerk immediately upon completion of the count. The county  
7 clerk shall open the envelope at that time, compile unofficial  
8 returns, and make the returns in the envelope available to the  
9 public. The office of the county clerk shall be open on election  
10 day for election purposes and shall remain open until the last  
11 returns have been received and the clerk completes an unofficial  
12 tabulation.

13 (3) **IF A CITY OR TOWNSHIP ELECTION TO BE CANVASSED BY A BOARD**  
14 **OF CITY OR TOWNSHIP CANVASSERS IS HELD AT A TIME AT WHICH NO**  
15 **ELECTION RETURNS MUST BE FORWARDED TO THE BOARD OF COUNTY**  
16 **CANVASSERS, THE BOARD OF ELECTION INSPECTORS SHALL RETURN ALL POLL**  
17 **BOOKS, TALLY SHEETS, AND RETURNS TO THE CITY OR TOWNSHIP CLERK. THE**  
18 **CITY OR TOWNSHIP CLERK SHALL PERFORM THE DUTIES REQUIRED IN THIS**  
19 **SECTION OF THE COUNTY CLERKS.** If a local election to be canvassed  
20 by the board of county canvassers is not held in conjunction with a  
21 county or state election, the board of election inspectors shall  
22 deliver both sealed envelopes to the local clerk. The local clerk  
23 shall deliver both sealed envelopes to the county clerk before 11  
24 a.m. on the day following the election. In a city or township  
25 election, in which the city or township consists of more than 5  
26 precincts, held in conjunction with an election to be canvassed by  
27 the board of county canvassers, the board of election inspectors

1 shall deliver the duplicate returns required by section 806 to the  
2 city or township clerk.

3       Sec. 822. (1) The board of ~~county~~ canvassers shall then  
4 proceed without delay to canvass the returns of votes cast for all  
5 candidates for offices voted for and all questions voted on at the  
6 election, according to the precinct returns filed with the probate  
7 judge or presiding probate judge by the several city and township  
8 clerks, or in case of local elections according to the precinct  
9 returns filed with the county clerk, and shall conclude the canvass  
10 at the earliest possible time and in every case within 14 days.

11       (2) If the board of ~~county~~ canvassers fails to certify the  
12 results of any election for any officer or proposition within the  
13 14 days as provided, **OR FAILS TO CERTIFY RESULTS FORWARDED TO IT**  
14 **FROM ANY CITY OR TOWNSHIP ELECTION, AS PROVIDED IN SECTION 30E,**  
15 **WITHIN 7 DAYS OF THE RECEIPT OF THAT RECORD,** the board of ~~county~~  
16 canvassers shall immediately deliver to the secretary of the board  
17 of state canvassers all records and other information pertaining to  
18 the election. The board of state canvassers shall meet immediately  
19 and make the necessary determinations and certify the results  
20 within the 10 days immediately following the receipt of the records  
21 from the board of county canvassers. The cost of the canvass shall  
22 be borne by the county involved.

23       Sec. 823. (1) If it is found, upon the convening of the board  
24 of ~~county~~ canvassers, that the returns from any of the boards of  
25 election inspectors of the several election precincts are missing,  
26 incomplete, or incorrect, or for any other reason it is found  
27 necessary, then the board of county canvassers shall have power to

1 adjourn from day to day until the returns shall have been procured  
2 or corrected.

3 (2) The board of ~~county~~ canvassers is empowered to summon the  
4 persons having the boxes containing the ballots cast at the  
5 election and the keys and seals of the boxes, or having the returns  
6 or the poll lists or tally sheets used and made at the elections,  
7 to bring the boxes, keys, seals, returns, poll lists, and tally  
8 sheets before the board of ~~county~~ canvassers, and the board of  
9 ~~county~~ canvassers is authorized to open the boxes and take any  
10 books or papers bearing upon the count and return of the election  
11 inspectors of the election precincts, but the board of ~~county~~  
12 canvassers shall not remove or mark the ballots.

13 (3) The board of ~~county~~ canvassers shall correct obvious  
14 mathematical errors in the tallies and returns. The board of ~~county~~  
15 canvassers may, if necessary for a proper determination, summon the  
16 election inspectors before them, and require them to count any  
17 ballots that the election inspectors failed to count, to make  
18 correct returns in case, in the judgment of the board of ~~county~~  
19 canvassers after examining the returns, poll lists, or tally  
20 sheets, the returns already made are incorrect or incomplete, and  
21 the board of ~~county~~ canvassers shall canvass the votes from the  
22 corrected returns. In the alternative to summoning the election  
23 inspectors before them, the board of ~~county~~ canvassers may  
24 designate staff members from the ~~county~~ clerk's office to count any  
25 ballots that the election inspectors failed to count, to make  
26 correct returns in case, in the judgment of the board of ~~county~~  
27 canvassers after examining the returns, poll lists, or tally

1 sheets, the returns already made are incorrect or incomplete, and  
2 the board of ~~county~~ canvassers shall canvass the votes from the  
3 corrected returns. When the examination of the papers is completed,  
4 or the ballots have been counted, they shall be returned to the  
5 ballot boxes or delivered to the persons entitled by law to their  
6 custody, and the boxes shall be locked and sealed and delivered to  
7 the legal custodians.

8       Sec. 826. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**  
9 **SUBSECTION, THE** board of county canvassers shall determine and  
10 declare the result of the election for county and local officers,  
11 and for all county and local ballot questions. **IF A CITY OR**  
12 **TOWNSHIP HAS MORE THAN 5 PRECINCTS, THE BOARD OF CITY OR TOWNSHIP**  
13 **CANVASSERS SHALL CANVASS VOTES FOR CITY OR TOWNSHIP OFFICERS AND**  
14 **BALLOT QUESTIONS.** If a state senatorial or representative district  
15 is located solely within 1 county, the board of county canvassers  
16 shall determine and declare the result of the election for that  
17 office. Upon making the determination under this subsection, the  
18 board of county canvassers shall prepare a certificate of  
19 determination and deliver the properly certified certificate of  
20 determination to the county clerk. If the determination relates to  
21 a state senatorial or representative district located solely within  
22 1 county, the board of county canvassers shall also deliver the  
23 properly certified certificate of determination to the board of  
24 state canvassers.

25       (2) Upon receipt of a properly certified certificate of  
26 determination from a board of county canvassers under subsection  
27 (1), the county clerk shall file the certificate in his or her

1 office. The county clerk may have a statement of the total county  
2 or district votes cast for the various candidates and the total  
3 vote cast for and against the various ballot questions at the  
4 election to be published in at least 1 newspaper printed or  
5 circulated in that county. The county clerk shall immediately  
6 execute and deliver to the persons declared elected, a properly  
7 certified certificate of election.

8       Sec. 866. (1) Except as otherwise provided in subsection (2),  
9 recount petitions, either for an office or proposition, other than  
10 those filed with the secretary of state, shall be filed with the  
11 clerk of the board of ~~county~~ canvassers that originally conducted  
12 the canvass.

13       (2) For a school district election, recount petitions, either  
14 for an office or proposition, shall be filed with the clerk of the  
15 board of ~~county~~ canvassers that certified the result of the school  
16 district election.

17       (3) Recount petitions shall be filed within 6 days after the  
18 original canvass has been completed by the **COUNTY, CITY, TOWNSHIP,**  
19 **VILLAGE, OR DISTRICT** board of ~~county~~ canvassers. A copy of the  
20 recount petition shall also be filed with the secretary of state  
21 within 2 days after the time the original recount petition is filed  
22 with the board of county canvassers as provided in this section. **IF**  
23 **THE OFFICE OR PROPOSITION IN QUESTION IS A CITY, WARD, TOWNSHIP,**  
24 **VILLAGE, OR DISTRICT OFFICE OR PROPOSITION, A COPY OF THE RECOUNT**  
25 **PETITION SHALL NOT BE FILED WITH THE SECRETARY OF STATE, BUT A COPY**  
26 **SHALL BE TRANSMITTED WITHIN 24 HOURS TO THE CLERK OF THE BOARD OF**  
27 **COUNTY CANVASSERS BY THE APPROPRIATE LOCAL CLERK IF THE RECOUNT FEE**

1 **HAS BEEN PAID.**

2       Sec. 867. (1) A candidate or elector filing a recount petition  
3 pursuant to section 862 or 863 shall file the recount petition with  
4 the clerk of the appropriate board of ~~county~~ canvassers. At the  
5 time of filing the recount petition, the petitioner shall deposit  
6 with the clerk the sum of \$10.00 for each precinct referred to in  
7 his or her recount petition.

8       (2) If, by reason of the recount, the petitioner establishes  
9 sufficient fraud or mistake as set forth in his or her recount  
10 petition to change the result of the election and receives a  
11 certificate of election or establishes sufficient fraud or mistake  
12 to change the result upon an amendment or proposition, the votes  
13 for and against which were recounted, the clerk of the board of  
14 ~~county~~ canvassers shall refund the money deposited to the  
15 petitioner.

16       (3) If the petitioner does not establish a fraud or mistake as  
17 set forth in his or her recount petition, the sum deposited shall  
18 be paid by the clerk of the board of county, **CITY, TOWNSHIP, OR**  
19 **VILLAGE** canvassers to the treasurer of the county, **CITY, TOWNSHIP,**  
20 **OR VILLAGE.**

21       Sec. 868. (1) If a candidate has filed a recount petition and  
22 made the deposit under sections 862 and 867, the clerk of the board  
23 of ~~county~~ canvassers shall give notice of the recount petition to  
24 the opposing candidates described in this subsection within 24  
25 hours after filing of the recount petition by delivering to each  
26 candidate a copy of the recount petition, or, if the candidate  
27 cannot be found, by leaving a copy at the candidate's last known

1 place of residence with a member of the candidate's immediate  
2 family of suitable age. If a member of the candidate's family  
3 cannot be found, the clerk of the board of ~~county~~-canvassers may  
4 give notice by posting the recount petition in a conspicuous place  
5 at the candidate's last known place of residence. The clerk of the  
6 board of ~~county~~-canvassers is not required to give notice to  
7 candidates other than the 2 candidates who, according to the return  
8 of the board of ~~county~~-canvassers, received the lowest number of  
9 votes among those candidates who were nominated or elected, and the  
10 2 candidates who, according to the return of the board of ~~county~~  
11 canvassers, received the highest number of votes among those  
12 candidates who were not nominated or elected.

13 (2) A candidate may file a counter petition in the same manner  
14 as the original petition under section 866 within 48 hours after  
15 the original recount petition was filed with the board of ~~county~~  
16 canvassers. At the time of filing the counter petition, the counter  
17 petitioner shall deposit the sum of money as required in section  
18 867 for the original petitioner. The clerk of the board of ~~county~~  
19 canvassers shall refund to the counter petitioner the money  
20 deposited by the counter petitioner if the original petitioner does  
21 not establish fraud or receive a certificate of election. The  
22 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE** counter  
23 petitioner shall file a copy of the counter petition with the  
24 secretary of state within 4 days after the time the original  
25 petition is filed with the appropriate board of ~~county~~-canvassers  
26 as provided in this section. **IF THE OFFICE OR BALLOT QUESTION IN**  
27 **QUESTION IS A CITY, TOWNSHIP, WARD, VILLAGE, OR DISTRICT OFFICE OR**

1 **BALLOT QUESTION, THE COUNTER PETITIONER IS NOT REQUIRED TO FILE A**  
2 **COPY OF THE COUNTER PETITION WITH THE SECRETARY OF STATE.**

3 (3) On or before 4 p.m. of the seventh day after a recount  
4 petition has been filed under section 866, an opposing candidate  
5 may file objections to the recount petition with the appropriate  
6 board of ~~county~~-canvassers. The opposing candidate shall set forth  
7 his or her objections to the recount petition in writing. Upon  
8 receipt of an objection under this subsection, the board of ~~county~~  
9 canvassers shall notify the petitioner and the objecting candidate  
10 of the date of the hearing of the board of ~~county~~-canvassers to  
11 consider the objections. The board of ~~county~~-canvassers shall allow  
12 the recount petitioner and the objecting candidate to present oral  
13 or written, or both, arguments on the objections raised to the  
14 recount petition at the hearing. Not later than 5 business days  
15 following the hearing, the board of ~~county~~-canvassers shall rule on  
16 the objections raised to the recount petition. The board of ~~county~~  
17 canvassers shall not begin a recount unless 2 or more business days  
18 have elapsed since the board of ~~county~~-canvassers ruled on the  
19 objections under this subsection, if applicable.

20 (4) If the time designated for filing a recount petition under  
21 this section falls on a Saturday, Sunday, or legal holiday, the  
22 recount petition may be filed on the next succeeding business day.  
23 Failure of the clerk of the board of ~~county~~-canvassers or the  
24 secretary of state to give notice to the opposing candidate as  
25 required in this section shall not affect the results of the  
26 recount.