

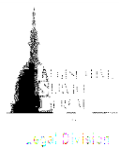
HOUSE BILL NO. 4625

May 21, 2019, Introduced by Reps. Garza, Brenda Carter, Kennedy, Pagan, Elder, Liberati and Gay-Dagnogo and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 866 and 879 (MCL 168.866 and 168.879), section
866 as amended by 2013 PA 51 and section 879 as amended by 2018 PA
128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 866. (1) Except as otherwise provided in subsection (2),
2 recount petitions, either for an office or proposition, other than
3 those filed with the secretary of state, ~~shall~~**must** be filed with



1 the clerk of the board of county canvassers that originally
2 conducted the canvass.

3 (2) For a school district election, recount petitions, either
4 for an office or proposition, ~~shall~~**must** be filed with the clerk of
5 the board of county canvassers that certified the result of the
6 school district election.

7 (3) Recount petitions ~~shall~~**must** be filed within ~~6-8~~ days
8 after the ~~original canvass has been completed~~**date of final**
9 **certification and determination** by the board of county canvassers
10 **of the canvass of votes cast at an election**. A copy of the recount
11 petition ~~shall~~**must** also be filed with the secretary of state
12 within 2 days after the time the original recount petition is filed
13 with the board of county canvassers as provided in this section.

14 Sec. 879. (1) A candidate voted for at a primary or election
15 for an office may petition for a recount of the votes if all of the
16 following requirements are met:

17 (a) The office is an office for which the votes are canvassed
18 by the board of state canvassers under section 841 or is the office
19 of Representative in Congress, state representative, or state
20 senator for a district located wholly within 1 county.

21 (b) The petition alleges that the candidate is aggrieved on
22 account of fraud or mistake in the canvass of the votes by the
23 inspectors of election or the returns made by the inspectors of
24 election, or by a board of county canvassers or the board of state
25 canvassers. The candidate must be able to allege a good-faith
26 belief that but for fraud or mistake, the candidate would have had
27 a reasonable chance of winning the election. The petition must
28 contain specific allegations of wrongdoing only if evidence of that
29 wrongdoing is available to the petitioner. If evidence of



1 wrongdoing is not available, the petitioner is only required to
2 allege fraud or a mistake in the petition without further
3 specification.

4 (c) Except as otherwise provided in this subdivision, the
5 petition for a recount is filed not later than ~~48 hours following~~
6 ~~the completion~~ **8 days after the date of final certification and**
7 **determination by the appropriate board of canvassers** of the canvass
8 of votes cast at an election. If the recount petition relates to a
9 state senatorial or representative district located wholly within 1
10 county or to the district of a Representative in Congress located
11 wholly within 1 county, the petition for a recount must be filed
12 not later than ~~48 hours~~ **8 days** following the **date of the**
13 adjournment of the meeting of the board of state canvassers at
14 which the certificate of determination for that office was recorded
15 under section 841. However, for a special election for
16 Representative in Congress, state senator, or state representative
17 for a district located wholly within 1 county, the petition for
18 recount must be filed not later than ~~48 hours~~ **8 days** after the **date**
19 **of the** certificate of determination is filed with the secretary of
20 the board of state canvassers.

21 (d) The petition is presented to and filed with the secretary
22 of state.

23 (e) The petition is written or printed and is signed and sworn
24 to by the candidate.

25 (f) The petition sets forth as nearly as possible the nature
26 and character of the fraud or mistakes alleged and the counties,
27 cities, or townships and the precincts in which they exist.

28 (g) The petition specifies the counties, cities, townships,
29 and precincts in which the recount is requested.



1 (h) ~~If the office is~~ **For** the office of state representative, a
2 copy of the petition is filed with the clerk of the house of
3 representatives. ~~If the office is~~ **For** the office of state senator,
4 a copy of the petition is filed with the secretary of the senate.

5 (2) If a state senatorial race is determined by a vote
6 differential of 500 votes or less or a state representative race is
7 determined by a vote differential of 200 votes or less, the
8 chairperson of a state political party may petition for a recount
9 of the votes on behalf of a candidate in that race in the manner
10 prescribed in subsection (1). Notwithstanding subsection (1)(b) and
11 (f), the petition filed under this subsection need not allege fraud
12 or mistake. Notwithstanding subsection (1)(e), the petition must be
13 signed by the chairperson of the state political party filing the
14 petition under this subsection.

15 (3) The ballots in a precinct petitioned for recount in a
16 legislative contest must be recounted for that office by the board
17 of state canvassers and must be preserved until the contest is
18 disposed of under the rules of the legislative body that takes
19 office beginning in January following the contested general
20 election. In legislative recounts of a special general election,
21 ballots in a precinct petitioned for recount must be preserved
22 until the contest is disposed of under the rules of the legislative
23 body serving at the time the report in subsection (4) is filed.

24 (4) Upon the completion of a recount for a legislative office,
25 the board of state canvassers, in addition to the certification
26 required by section 892, shall forward to the appropriate
27 legislative body a report of the results of the recount.

28 (5) This section does not limit the authority of the
29 legislature under section 16 of article IV of the state

1 constitution of 1963.

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.

