

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.881.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

168.881.amended Recount petition; filing; deposit; adjustment of deposit; refund; disposition of sum deposited.

Sec. 881. (1) A petitioner filing a recount petition under section 879 or 880 shall file the petition with the state bureau of elections. Except as otherwise provided in this section, at the time of filing the petition, the petitioner shall deposit the sum of \$50.00 for each precinct in which a recount of the votes is demanded in cash or by check or other negotiable instrument made payable to the state of Michigan.

(2) If 1 candidate is to be elected to the office and the official canvass of votes shows that the number of votes separating the winning candidate and the petitioner is more than 75 votes or 5.0% of the total number of votes cast in the race, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition. For purposes of this subsection, the winning candidate in a primary for a nonpartisan office where only 1 candidate will be elected means the candidate nominated with the lesser number of votes.

(3) Subject to subsection (2), if 1 candidate is to be elected to the office and the official canvass of votes shows that the number of votes separating the winning candidate and the petitioner is more than 50 votes or 0.5% of the total number of votes cast in the race, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition. For purposes of this subsection, the winning candidate in a primary for a nonpartisan office where only 1 candidate will be elected means the candidate nominated with the lesser number of votes.

(4) If more than 1 candidate is to be elected to the office and the official canvass of votes shows that the number of votes separating the winning candidate who received the least number of votes and the petitioner is more than 75 votes or 5.0% of the sum of the number of votes received by the 2 candidates, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(5) Subject to subsection (4), if more than 1 candidate is to be elected to the office and the official canvass of votes shows that the number of votes separating the winning candidate who received the least number of votes and the petitioner is more than 50 votes or 0.5% of the sum of the number of votes received by the 2 candidates, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(6) If the statewide election for a statewide office is certified by the board of state canvassers as having been determined by a vote differential of more than 4,000 votes, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(7) If the statewide election for a statewide office is certified by the board of state canvassers as having been determined by a vote differential of more than 2,000 votes and less than 4,001 votes, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(8) If the statewide primary election for a statewide office is certified by the board of state canvassers as having been determined by a vote differential of more than 1,400 votes, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(9) If the statewide primary election for a statewide office is certified by the board of state canvassers as having been determined by a vote differential of more than 700 votes and less than 1,401 votes, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(10) If a state senate election, other than a state senate primary election, is certified by the board of state canvassers or a board of county canvassers as having been determined by a vote differential of more than 150 votes, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(11) If a state senate election, other than a state senate primary election, is certified by the board of state canvassers or a board of county canvassers as having been determined by a vote differential of more than 75 votes and less than 151 votes, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(12) If a state representative election, other than a state representative primary election, is certified by the board of state canvassers or a board of county canvassers as having been determined by a vote differential of

more than 50 votes, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(13) If a state representative election, other than a state representative primary election, is certified by the board of state canvassers or a board of county canvassers as having been determined by a vote differential of more than 25 votes and less than 51 votes, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(14) Except as otherwise provided in section 880a, if the vote is on a ballot question and the official canvass of votes shows that the number of votes separating the "yes" votes and the "no" votes is more than 75 votes or 5.0% of the total number of votes cast on the ballot question, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(15) Except as otherwise provided in section 880a and subject to subsection (14), if the vote is on a ballot question and the official canvass of votes shows that the number of votes separating the "yes" votes and the "no" votes is more than 50 votes or 0.5% of the total number of votes cast on the ballot question, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(16) Beginning January 1, 2027 and every 4 years thereafter, the secretary of state shall adjust each deposit amount provided in subsections (1) to (15) by comparing the percentage increase or decrease in the Consumer Price Index for the preceding August by the corresponding Consumer Price Index 4 years earlier. The secretary of state shall multiply that percentage change by each deposit amount in subsections (1) to (15). The secretary of state shall round up each dollar value adjustment made to the nearest \$10.00. The secretary of state shall announce the adjustments made by December 15 of each year in which an adjustment is made. As used in this subsection, "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the United States Department of Labor.

(17) If, by reason of the recount, the petitioner establishes sufficient error to change the result of the election, the state bureau of elections shall refund the money deposited to the petitioner. The secretary of state shall refund the money deposited to a petitioner who is a chairperson of a state political party if the results of the race for which a recount was petitioned for under section 879 are changed. If a refund is not made as required by this section, then the secretary of state shall pay to the treasurer of each county its proportionate share of the deposit based on the number of precincts in the county in which the votes were recounted.

(18) If a precinct referred to in the petition is determined "not recountable" as provided in section 871(3) or, subject to subsection (19), if a precinct referred to in the petition is not recounted due to the withdrawal of the petition, the money deposited for the recount of that precinct must be refunded to the petitioner.

(19) If the votes cast on the ballots voted in a precinct have been examined and recounted, the withdrawal of the petition must not result in a refund of the money deposited for the recount of that precinct.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1980, Act 200, Imd. Eff. July 18, 1980;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2014, Act 406, Imd. Eff. Dec. 30, 2014;—Am. 2018, Act 130, Eff. Aug. 1, 2018;—Am. 2024, Act 74, Eff. (sine die).

Popular name: Election Code