

# HOUSE BILL No. 4801

May 17, 2005, Introduced by Reps. David Law, Jones, Nofs, Tobocman, Kahn, Gaffney, Ward, Hildenbrand, Taub, Brandenburg, Newell, Cushingberry, Drolet, Elsenheimer, Marleau and Lemmons, III and referred to the Committee on House Oversight, Elections, 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 recount  
 2 petition **PURSUANT TO SECTION 862 OR 863 SHALL FILE THE PETITION**  
 3 with the clerk of the ~~correct~~ **APPROPRIATE** board of canvassers.  
 4 ~~shall at~~ **AT** the ~~same~~ time **OF FILING THE PETITION, THE PETITIONER**  
 5 **SHALL** deposit with the clerk ~~the~~ A sum ~~of \$10.00~~ **EQUAL TO 100%**  
 6 **OF THE ESTIMATED COST OF THE RECOUNT** for each precinct referred to  
 7 in his or her petition. **THE SECRETARY OF STATE SHALL DETERMINE THE**  
 8 **ESTIMATED COST OF A RECOUNT FOR PURPOSES OF THIS SUBSECTION.**
- 9           (2) If, by reason of the recount, the petitioner establishes

1 sufficient fraud or mistake as set forth in his or her petition to  
2 change the result of the election and receives a certificate of  
3 election or establishes sufficient fraud or mistake to change the  
4 result — upon an amendment or proposition, the votes for and  
5 against — which were recounted, the **CLERK OF THE BOARD OF**  
6 **CANVASSERS SHALL REFUND THE** money deposited ~~by~~ **TO** the petitioner.  
7 ~~shall be refunded.~~ If the petitioner does not establish a fraud or  
8 mistake as set forth in his or her petition, the sum deposited  
9 shall be paid by the clerk of the board of county, city, township,  
10 or village canvassers to the treasurer of the county, city,  
11 township, or village.

12       Sec. 881. (1) A person filing a recount petition pursuant to  
13 section 879 or 880 shall file the petition with the state bureau of  
14 elections. At the time of filing the petition, the petitioner shall  
15 deposit ~~the~~ **A sum of \$10.00 EQUAL TO 100% OF THE ESTIMATED COST**  
16 **OF THE RECOUNT** for each precinct in which a recount of the votes is  
17 demanded in cash or by check or other negotiable instrument made  
18 payable to the state of Michigan. **THE SECRETARY OF STATE SHALL**  
19 **DETERMINE THE ESTIMATED COST OF A RECOUNT FOR PURPOSES OF THIS**  
20 **SUBSECTION.**

21       (2) If, by reason of the recount, the petitioner establishes  
22 fraud or mistake as set forth in his or her petition and receives a  
23 certificate of election or establishes sufficient fraud or mistake  
24 to change the result — upon an amendment or proposition, the  
25 votes for and against — which were recounted, the state bureau of  
26 elections shall refund the money deposited to the petitioner. The  
27 secretary of state shall refund the money deposited to a petitioner

1 who is a chairperson of a state political party if the results of  
2 the race for which a recount was petitioned for under section 879  
3 are changed. If a refund is not made as required by this section,  
4 then the secretary of state shall pay to the treasurer of each  
5 county its proportionate share of the deposit based upon the number  
6 of precincts in the county in which the votes were recounted.