

SENATE BILL NO. 603

October 24, 2023, Introduced by Senators CHANG and MOSS and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 842, 861, 862, 863, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 878, 879, 880, 880a, 881, 882, 883, 884, 887, 888, 889, 890, and 892 (MCL 168.842, 168.861, 168.862, 168.863, 168.865, 168.866, 168.867, 168.868, 168.869, 168.870, 168.871, 168.872, 168.873, 168.874, 168.875, 168.876, 168.878, 168.879, 168.880, 168.880a, 168.881, 168.882, 168.883, 168.884, 168.887, 168.888, 168.889, 168.890, and 168.892), section

842 as amended by 2018 PA 382, sections 862 and 879 as amended by 2018 PA 128, section 863 as amended by 2012 PA 586, sections 866 and 868 as amended by 2013 PA 51, sections 867 and 881 as amended by 2018 PA 130, section 871 as amended by 2012 PA 272, and sections 874, 875, 882, and 890 as amended by 1995 PA 261, and by adding sections 861a and 883a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 842. (1) The board of state canvassers, for the purpose
2 of canvassing the returns and ascertaining and determining the
3 result of an election, shall meet at the office of the secretary of
4 state on or before the twentieth day after the election. The
5 secretary of state shall appoint the day of the meeting and shall
6 notify the other members of the board. The board has power to
7 adjourn from time to time to await the receipt or correction of
8 returns, or for other necessary purposes, but shall complete the
9 canvass and announce ~~their~~**the board's** determination not later than
10 the fortieth day after the election. The board may at the time of
11 its meeting, or an adjournment of ~~its~~**the board's** meeting, canvass
12 the returns for any office for which the complete returns have been
13 received.

14 (2) If the unofficial election returns show that the election
15 of electors of President and Vice President of the United States is
16 determined by a vote differential between the first place and
17 second place candidates for President and Vice President of the
18 United States of less than 25,000 votes, the secretary of state
19 shall direct the boards of county canvassers to canvass returns for
20 electors of President and Vice President of the United States on an
21 expedited schedule. The secretary of state may direct the boards of
22 county canvassers to complete the statements for electors of

1 President and Vice President of the United States required by
2 section 824 and certify the statements as required by section 828
3 to the secretary of state by the seventh day after the election or
4 by a date before the fourteenth day after the election.

5 (3) The secretary of state may appoint the day for the board
6 of state canvassers to conduct the expedited canvass of the returns
7 for electors of President and Vice President of the United States
8 and determine the results of that election. The day appointed for
9 the expedited canvass must be as soon as practicable after receipt
10 of the returns from the boards of county canvassers, but no later
11 than the twentieth day after the election.

12 (4) **If any statewide primary election has an unofficial vote**
13 **differential of 1,500 votes or less, the secretary of state shall**
14 **direct the board of state canvassers to canvass the returns of that**
15 **statewide primary election on an expedited schedule and shall**
16 **appoint the day for the board of state canvassers to conduct the**
17 **expedited canvass.**

18 Sec. 861. (1) ~~For fraudulent or illegal voting, or tampering~~
19 ~~with the ballots or ballot boxes before a recount by the board of~~
20 ~~county canvassers, the remedy by quo warranto shall remain in full~~
21 ~~force, together with any other remedies now existing.~~ **A board of**
22 **canvassers is authorized to conduct postcertification recounts of**
23 **election results under procedures described in this chapter, and**
24 **all recounts in this state must be conducted under the procedures**
25 **described in this chapter.**

26 (2) **This chapter shall be liberally construed to achieve the**
27 **purpose of fair, impartial, uniform, and expeditious recounts in**
28 **this state.**

29 (3) **As used in this chapter, "precinct" includes an election**

1 day precinct, an absent voter counting board, an election day vote
2 center, and an early voting site.

3 Sec. 861a. Any proceeding intended to restrain, enjoin,
4 modify, control, reverse, or otherwise interfere with the action of
5 a board of county canvassers or any representative operating under
6 the supervision of a board of county canvassers must be instituted
7 only against the board of county canvassers and only by mandamus.

8 Sec. 862. A candidate for office who believes ~~he or she that~~
9 **the candidate** is aggrieved on account of ~~fraud or mistake~~ **error** in
10 the canvass or returns of the votes ~~by the election inspectors~~ may
11 petition for a recount of the votes cast for that office in any
12 precinct or precincts. ~~as provided in this chapter. The~~ **A candidate**
13 **is aggrieved if the** candidate ~~must be~~ **is** able to allege a good-
14 faith belief that, but for ~~fraud or mistake,~~ **error**, the candidate
15 would have had a reasonable chance of winning the election. **If a**
16 **candidate for office files a recount petition, that candidate must**
17 **file that recount petition in good faith and the number of votes**
18 **requested to be recounted must, at a minimum, be greater than the**
19 **difference in votes between the petitioning candidate and the**
20 **winning candidate.**

21 Sec. 863. ~~A qualified and registered elector voting in a city,~~
22 ~~township, or village election who believes there has been fraud or~~
23 ~~error committed by the inspectors of election in its canvass or~~
24 ~~returns of the votes cast at the election, upon a proposed~~
25 ~~amendment to the charter of the city or village or other ballot~~
26 ~~question submitted to the voters of the county, city, township,~~
27 ~~school district, community college district, metropolitan district,~~
28 ~~or village, may petition for a recount of the votes cast in any~~
29 ~~precinct or precincts of that county, city, township, school~~

1 I _____, the petitioner, reside at
 2 _____, petition the _____ (state/county)
 3 board of canvassers for a recount of the votes cast for the
 4 _____ (Office/District/Party) at the election. I am
 5 aggrieved on account of error in the canvass or returns of the
 6 votes. I have a good-faith belief that, but for error, I would have
 7 had a reasonable chance of winning the election. I am requesting a
 8 recount of sufficient votes to change the result of the election.

9 I request that the following precincts, absent voter counting
 10 board (AVCB) precincts, early voting precincts, and election day
 11 vote centers within the listed jurisdictions be recounted:

Precinct/AVCB Precinct/Early Voting Precinct/Election Day Vote Center Number	Name of Jurisdiction
_____	_____
_____	_____
_____	_____

18
 19 (List additional precincts/vote centers on the back or attach
 20 additional sheets)

21 My deposit of \$ _____ is enclosed.
 22 Signature of candidate: _____
 23 Subscribed and sworn to before me this ___ day of _____, 20____
 24 County: _____
 25 Name of notary: _____
 26 _____
 27 (Signature of notary public) Commission expires: _____

28 (2) A candidate counter petition for a recount must be in the
 29 following form:

CANDIDATE COUNTER PETITION FOR A RECOUNT

I _____, the counter petitioner, reside at _____, and I counter petition the _____ (state/county) board of canvassers for a recount of the votes cast for the _____ (Office/District/Party) at the election.

I request that the additional following precincts, absent voter counting board (AVCB) precincts, early voting precincts, and election day vote centers within the listed jurisdictions be recounted:

Precinct/AVCB Precinct/Early Voting Precinct/Election Day Vote Center Number	Name of Jurisdiction
_____	_____
_____	_____
_____	_____

(List additional precincts/vote centers on the back or attach additional sheets)

My deposit of \$_____ is enclosed.

Signature of candidate:_____

Subscribed and sworn to before me this __ day of _____, 20__

County:_____

Name of notary:_____

(Signature of notary public) Commission expires:_____

(3) Except as otherwise provided under subsection (5), a ballot question committee petition for a recount must be in the following form:

BALLOT QUESTION COMMITTEE PETITION FOR A RECOUNT

1 I, an authorized representative of _____, petition
 2 the _____ (state/county) board of canvassers for a recount
 3 of the votes cast for the _____ (ballot question) at the
 4 _____ election. The ballot question committee has a good-
 5 faith belief that, but for error, the result of the ballot question
 6 would have been the opposite. The ballot question committee is
 7 requesting a recount of sufficient votes to change the result of
 8 the election.

9 The ballot question committee requests that the following
 10 precincts, absent voter counting board (AVCB) precincts, early
 11 voting precincts, and election day vote centers within the listed
 12 jurisdictions be recounted:

Precinct/AVCB Precinct/Early Voting	Name of Jurisdiction
Precinct/Election Day Vote Center	
Number	
_____	_____
_____	_____
_____	_____

19
 20 (List additional precincts/vote centers on the back or attach
 21 additional sheets)

22 My deposit of \$ _____ is enclosed.

23 Signature of ballot question committee representative:

24 _____

25 Subscribed and sworn to before me this __ day of _____, 20__

26 County: _____

27 Name of notary: _____

28 _____

29 (Signature of notary public) Commission expires: _____

1 (4) Except as otherwise provided under subsection (5), a
2 ballot question committee counter petition for a recount must be in
3 the following form:

4 BALLOT QUESTION COMMITTEE COUNTER PETITION FOR A RECOUNT

5 I, an authorized representative of _____, counter
6 petition the _____ (state/county) board of canvassers for
7 a recount of the votes cast for the _____ (ballot
8 question) at the election.

9 I request that the additional following precincts, absent
10 voter counting board (AVCB) precincts, early voting precincts, and
11 election day vote centers within the listed jurisdictions be
12 recounted:

Precinct/AVCB Precinct/Early Voting	Name of Jurisdiction
Precinct/Election Day Vote Center	
Number	
_____	_____
_____	_____
_____	_____

19
20 (List additional precincts/vote centers on the back or attach
21 additional sheets)

22 My deposit of \$ _____ is enclosed.

23 Signature of candidate: _____

24 Subscribed and sworn to before me this __ day of _____, 20__

25 County: _____

26 Name of notary: _____

27 _____

28 (Signature of notary public) Commission expires: _____

29 (5) The secretary of state shall modify the ballot question

1 committee petition for a recount form under subsection (3) and the
 2 ballot question committee counter petition for a recount form under
 3 subsection (4) as appropriate to allow an elector to file either
 4 petition as authorized under sections 863 and 882.

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

10 (2) For a school district election, recount petitions, either
 11 for an office or ~~proposition,~~ **shall ballot question, must** be filed
 12 with the clerk of the board of county canvassers that certified the
 13 result of the school district election.

14 (3) Recount petitions ~~shall must~~ be filed within ~~6 days after~~
 15 ~~the original canvass has been completed~~ **48 hours after the**
 16 **certification of the canvass** by the board of county canvassers. A
 17 ~~copy of the recount petition shall also be filed with the secretary~~
 18 ~~of state within 2 days after the time the original recount petition~~
 19 ~~is filed with the board of county canvassers as provided in this~~
 20 ~~section.~~

21 Sec. 867. (1) A ~~candidate or elector filing a~~ recount petition
 22 under section 862 or 863 ~~shall file the recount petition~~ **must be**
 23 **filed** with the clerk of the appropriate board of county canvassers.
 24 Except as otherwise provided in this section, at the time of filing
 25 the recount petition, the petitioner shall deposit with the clerk
 26 the sum of ~~\$25.00~~ **\$50.00** for each precinct referred to in ~~his or~~
 27 ~~her~~ **the petitioner's** recount petition.

28 (2) If 1 candidate is to be elected to the office and the
 29 official canvass of votes shows that the number of votes separating

1 the winning candidate and the petitioner is more than 75 votes or
2 5.0% of the total number of votes cast in the race, whichever is
3 greater, the petitioner shall deposit with the clerk the sum of
4 ~~\$250.00~~ **\$300.00** for each precinct referred to in ~~his or her~~ **the**
5 **petitioner's recount** petition. For purposes of this subsection, the
6 winning candidate in a primary for a nonpartisan office where only
7 1 candidate will be elected means the candidate nominated with the
8 lesser number of votes.

9 (3) Subject to subsection (2), if 1 candidate is to be elected
10 to the office and the official canvass of votes shows that the
11 number of votes separating the winning candidate and the petitioner
12 is more than 50 votes or 0.5% of the total number of votes cast in
13 the race, whichever is greater, the petitioner shall deposit with
14 the clerk the sum of ~~\$125.00~~ **\$250.00** for each precinct referred to
15 in ~~his or her~~ **the petitioner's recount** petition. For purposes of
16 this subsection, the winning candidate in a primary for a
17 nonpartisan office where only 1 candidate will be elected means the
18 candidate nominated with the lesser number of votes.

19 (4) If more than 1 candidate is to be elected to the office
20 and the official canvass of votes shows that the number of votes
21 separating the winning candidate who received the least number of
22 votes and the petitioner is more than 75 votes or 5.0% of the sum
23 of the number of votes received by the 2 candidates, whichever is
24 greater, the petitioner shall deposit with the clerk the sum of
25 ~~\$250.00~~ **\$300.00** for each precinct referred to in ~~his or her~~ **the**
26 **petitioner's recount** petition.

27 (5) Subject to subsection (4), if more than 1 candidate is to
28 be elected to the office and the official canvass of votes shows
29 that the number of votes separating the winning candidate who

1 received the least number of votes and the petitioner is more than
 2 50 votes or 0.5% of the sum of the number of votes received by the
 3 2 candidates, whichever is greater, the petitioner shall deposit
 4 with the clerk the sum of ~~\$125.00~~ **\$250.00** for each precinct
 5 referred to in ~~his or her~~ **the petitioner's recount** petition.

6 **(6) If the vote is on a ballot question and the official**
 7 **canvass of votes shows that the number of votes separating the**
 8 **"yes" votes and the "no" votes is more than 75 votes or 5.0% of the**
 9 **total number of votes cast on the ballot question, whichever is**
 10 **greater, the petitioner shall deposit with the clerk the sum of**
 11 **\$300.00 for each precinct referred to in the petitioner's recount**
 12 **petition.**

13 **(7) ~~(6)~~ If the vote is on a ~~proposal~~ **ballot question** and the**
 14 **official canvass of votes shows that the number of votes separating**
 15 **the "yes" votes and the "no" votes is more than 50 votes or 0.5% of**
 16 **the total number of votes cast on the ~~proposal~~, **ballot question,****
 17 **whichever is greater, the petitioner shall deposit with the clerk**
 18 **the sum of ~~\$125.00~~ **\$250.00** for each precinct referred to in ~~his or~~**
 19 **~~her~~ **the petitioner's recount** petition.**

20 **(8) Beginning January 1, 2027 and every 4 years thereafter,**
 21 **the secretary of state shall adjust each deposit amount provided in**
 22 **subsections (1) to (7) by comparing the percentage increase or**
 23 **decrease in the Consumer Price Index for the preceding August by**
 24 **the corresponding Consumer Price Index 4 years earlier. The**
 25 **secretary of state shall multiply that percentage change by each**
 26 **deposit amount in subsections (1) to (7). The secretary of state**
 27 **shall round up each dollar value adjustment made to the nearest**
 28 **\$10.00. The secretary of state shall announce the adjustments made**
 29 **by December 15 of each year in which an adjustment is made. As used**

1 in this subsection, "Consumer Price Index" means the most
 2 comprehensive index of consumer prices available for this state
 3 from the Bureau of Labor Statistics of the United States Department
 4 of Labor.

5 (9) ~~(7)~~—If, by reason of the recount, the petitioner
 6 establishes sufficient ~~fraud or mistake as set forth in his or her~~
 7 ~~recount petition~~ **error** to change the result of the election, and
 8 ~~receives a certificate of election or establishes sufficient fraud~~
 9 ~~or mistake to change the result upon an amendment or proposition,~~
 10 ~~the votes for and against which were recounted,~~ the clerk of the
 11 board of county canvassers shall refund the money deposited to the
 12 petitioner. **As used in this subsection, "change the result of the**
 13 **election" means either of the following:**

14 (a) **Elect a different candidate.**

15 (b) **Result in the opposite outcome for the ballot question.**

16 (10) ~~(8)~~—If a refund is not made as required under subsection
 17 ~~(7),~~ **(9)**, the sum deposited must be paid by the clerk of the board
 18 of county canvassers to the treasurer of the county.

19 (11) ~~(9)~~—If a precinct referred to in the petition is
 20 determined "not recountable" as provided in section 871(3) or,
 21 subject to subsection ~~(10),~~ **(12)**, if a precinct referred to in the
 22 petition is not recounted due to the withdrawal of the petition,
 23 the money deposited for the recount of that precinct must be
 24 refunded to the petitioner.

25 (12) ~~(10)~~—If the votes cast on the ballots voted in a precinct
 26 have been examined and recounted, the withdrawal of the petition
 27 must not result in a refund of the money deposited for the recount
 28 of that precinct.

29 Sec. 868. (1) If a ~~candidate has filed~~ **petitioner files** a

1 recount petition and ~~made~~**makes** the deposit under sections 862 and
 2 867, the clerk of the board of county canvassers shall give notice
 3 of the recount petition to the opposing candidates described in
 4 this subsection **or ballot question committees** within 24 hours after
 5 **the** filing of the recount petition by ~~delivering~~**emailing** to each
 6 candidate **or ballot question committee** a copy of the recount
 7 petition. ~~, or, if the candidate cannot be found, by leaving a copy~~
 8 ~~at the candidate's last known place of residence with a member of~~
 9 ~~the candidate's immediate family of suitable age. If a member of~~
 10 ~~the candidate's family cannot be found, the clerk of the board of~~
 11 ~~county canvassers may give notice by posting the recount petition~~
 12 ~~in a conspicuous place at the candidate's last known place of~~
 13 ~~residence.~~The clerk of the board of county canvassers is not
 14 required to give notice to candidates other than the 2 candidates
 15 who, according to the return of the board of county canvassers,
 16 received the lowest number of votes among those candidates who were
 17 nominated or elected, and the 2 candidates who, according to the
 18 return of the board of county canvassers, received the highest
 19 number of votes among those candidates who were not nominated or
 20 elected.

21 (2) A candidate **or ballot question committee** may file a
 22 counter petition in the same manner as the original petition under
 23 section 866 within 48 hours after the original recount petition was
 24 filed with the board of county canvassers. At the time of filing
 25 the counter petition, the counter petitioner shall deposit the sum
 26 of money as required in section 867. ~~for the original petitioner.~~
 27 The clerk of the board of county canvassers shall refund to the
 28 counter petitioner the money deposited by the counter petitioner if
 29 the ~~original petitioner does not establish fraud or receive a~~

1 ~~certificate of election. The counter petitioner shall file a copy~~
 2 ~~of the counter petition with the secretary of state within 4 days~~
 3 ~~after the time the original petition is filed with the appropriate~~
 4 ~~board of county canvassers as provided in this section.~~ **recount does**
 5 **not change the result of the election. If a ballot question**
 6 **committee does not participate in an election in which a ballot**
 7 **question is on the ballot, any elector who voted in that election**
 8 **may file a recount counter petition in the same manner as provided**
 9 **for a ballot question committee under this section.**

10 (3) ~~On or before 4 p.m. of the seventh day~~ **Not later than 48**
 11 **hours** after a recount petition has been filed under section 866, an
 12 opposing candidate may file objections to the recount petition with
 13 the appropriate board of county canvassers. The opposing candidate
 14 shall set forth ~~his or her~~ **the** objections to the recount petition
 15 in writing. Upon receipt of an objection under this subsection, the
 16 board of county canvassers shall notify the petitioner and the
 17 objecting candidate of the date of the hearing of the board of
 18 county canvassers to consider the objections. The board of county
 19 canvassers shall allow the recount petitioner and the objecting
 20 candidate to present oral or written, or both, arguments on the
 21 objections raised to the recount petition at the hearing. Not later
 22 than 5 business days following the hearing, the board of county
 23 canvassers shall rule on the objections raised to the recount
 24 petition. The board of county canvassers shall not begin a recount
 25 unless 2 or more business days have elapsed since the board of
 26 county canvassers ruled on the objections under this subsection, if
 27 applicable.

28 (4) If the time designated for filing a recount petition ~~under~~
 29 ~~this section~~ **or counter recount petition** falls on a Saturday,

1 Sunday, or legal holiday, the recount petition **or counter recount**
 2 **petition** may be filed on the next succeeding business day. Failure
 3 of the clerk of the board of county canvassers or the secretary of
 4 state to give notice to the opposing candidate **or ballot question**
 5 **committee** as required in this section ~~shall~~**does** not affect the
 6 results of the recount.

7 (5) **A candidate, ballot question committee, or elector may**
 8 **withdraw a recount petition or counter recount petition at any**
 9 **time.**

10 Sec. 869. ~~Upon the filing of a petition for recount, and the~~
 11 ~~giving of notice, if notice is required to be given, the board of~~
 12 ~~county canvassers shall be summoned by the clerk of the board and~~
 13 ~~here make an investigation of the facts set forth in the petition.~~
 14 ~~Should the recount involve a county or district office or~~
 15 ~~proposition, the~~**A** recount shall **must** not be commenced until the
 16 board ~~shall determine~~**of county canvassers determines**, by
 17 communicating with the secretary of state **in a form and manner as**
 18 **provided by the secretary of state**, that ~~no~~**a** petition has **not** been
 19 filed requesting a recount by the board of state canvassers of
 20 ballots cast in the same district. ~~In case said board shall be~~**If**
 21 **the board of county canvassers is** advised by the secretary of state
 22 that a petition has been filed with ~~him~~**the secretary of state**
 23 praying for a recount by the board of state canvassers of the
 24 ballots cast in the same county or district, then no action ~~shall~~
 25 **must** be taken ~~upon~~**on** the recount until the ~~county board shall~~
 26 ~~receive~~**of county canvassers receives** instructions from the board
 27 of state canvassers. Nothing ~~herein~~ contained **in this section** shall
 28 act to delay any recount of the ballots cast at any city, ward,
 29 township, or village election if the ballots cast at ~~such~~**that**

1 election are not sealed in the same ballot ~~boxes~~**containers** with
 2 the state and county offices. ~~With respect to~~**For** any recount of
 3 ballots cast in any city, ward, township, village, school, or
 4 district election, the board of county canvassers shall charge the
 5 appropriate local unit the actual and necessary expenses of
 6 conducting the recount, and the local unit shall pay ~~such~~**those**
 7 charges to the county treasurer.

8 Sec. 870. ~~(1) For the purpose of such investigation, the~~
 9 ~~clerk, if no meeting be already appointed, shall call a meeting of~~
 10 ~~such board of canvassers and the said board shall have power to~~
 11 ~~issue subpoenas requiring the person~~**The individual** in charge
 12 ~~thereof to bring before it~~**of** the ballot ~~boxes~~ used in the election
 13 **containers for each** precinct ~~or precincts~~ referred to in the
 14 **recount** petition, as well as ~~the poll lists, tally sheets,~~
 15 ~~statements of returns and such other documents or reports as may be~~
 16 ~~deemed~~**the individual in charge of any other election materials**
 17 **that are considered necessary, - Said shall bring those ballot**
 18 **containers and election materials to the board of county canvassers**
 19 **as requested by the board. The** board shall safely guard ~~such~~**the**
 20 ~~ballots, poll lists, tally sheets and returns~~**ballot containers,**
 21 **and other election materials,** and when **those are** no longer
 22 required, shall ~~deliver them~~**return those ballots, ballot**
 23 **containers, and other election materials** to the ~~officials~~ charged
 24 ~~with the custody thereof. Whoever, being so~~**individuals in charge**
 25 **of those ballots, ballot containers, and other election materials.**

26 (2) If an individual in charge of ballots, ballot containers,
 27 or election materials fails to deliver those ballots, ballot
 28 containers, or election materials to the board of canvassers, the
 29 board of canvassers may subpoena that individual to compel delivery

1 **of those ballots, ballot containers, or election materials. If an**
 2 **individual is** subpoenaed ~~, shall fail and fails~~ to appear or ~~shall~~
 3 ~~fail-fails~~ to produce any such box, ~~shall be deemed requested~~
 4 **ballots, ballot containers, or election materials, that individual**
 5 **is** guilty of a misdemeanor.

6 (3) The ~~persons~~**individuals** who are required to appear before
 7 the board of canvassers shall be paid the same fees and mileage as
 8 are paid circuit court witnesses in the county. ~~They shall be paid~~
 9 ~~by the political subdivision before whose board of canvassers they~~
 10 ~~appear.~~

11 Sec. 871. (1) The board of canvassers conducting a recount
 12 ~~pursuant to this chapter shall~~ recount all ballots of a precinct
 13 ~~using an electronic voting system unless 1 or more of the following~~
 14 circumstances exist:

15 (a) ~~The~~**Except as otherwise provided under subsection (2), the**
 16 seal on the transfer case or other ballot container is broken or
 17 bears a different number than that recorded on the poll book,
 18 **ballot container certificate, or statement of results,** the breaking
 19 or discrepancy is not explained to the satisfaction of the board of
 20 canvassers, and security of the ballots has not been otherwise
 21 preserved.

22 (b) ~~The~~**Except as otherwise provided under subsection (2), the**
 23 number of ballots to be recounted and the number of ballots issued
 24 on election day **or during the early voting process** as shown ~~on~~**in**
 25 the poll ~~list~~**book, the number of ballots tabulated as shown on the**
 26 **tabulator tape,** or the ~~computer printout~~**number of ballots cast as**
 27 **shown by the county canvass,** do not match and the difference is not
 28 explained to the satisfaction of the board of canvassers.

29 (c) ~~The seal used to seal the ballot label assembly to a~~

1 ~~voting device in the precinct is broken or bears a different number~~
2 ~~than that recorded in poll records and the ballot labels or~~
3 ~~rotation of candidates' names is different than that shown by other~~
4 ~~voting devices in the precinct and records of the board of election~~
5 ~~commissioners.~~ **Except as otherwise provided under subsection (2),**
6 **the ballot container in which the ballots are stored was not**
7 **approved by the board of county canvassers before the election. The**
8 **board of canvassers shall maintain a list of unapproved ballot**
9 **containers and notify the appropriate clerk and the secretary of**
10 **state of those unapproved ballot containers.**

11 (2) ~~This section does not prohibit the recounting of absent~~
12 ~~voter ballots tallied in a precinct using an absent voter counting~~
13 ~~board or in a precinct in which 1 or more voting machines are~~
14 ~~recountable, if the absent voter ballots are securely packaged and~~
15 ~~sealed.~~ **If a board of canvassers conducting a recount under this**
16 **chapter determines that the ballots of a precinct are not eligible**
17 **for recount under subsection (1) (a) or (b), the board of canvassers**
18 **conducting that recount may still conduct the recount if a**
19 **satisfactory explanation in a sworn affidavit, in a form as**
20 **prescribed by the department of state, is provided to the board of**
21 **canvassers. The secretary of state shall prepare and issue**
22 **instructions for a board of canvassers to follow when determining**
23 **if an explanation in a sworn affidavit is satisfactory under this**
24 **subsection. If a board of canvassers conducting a recount under**
25 **this chapter determines that the ballots of a precinct are not**
26 **eligible for recount under subsection (1) (c), the board of**
27 **canvassers conducting that recount may still conduct the recount if**
28 **the board of canvassers determines that the unapproved ballot**
29 **container was properly sealed and the container is intact so that**

1 **ballots could not have been added to or removed from the ballot**
 2 **container.**

3 (3) If a board of canvassers conducting a recount ~~pursuant to~~
 4 ~~this chapter~~ determines that the ballots of a precinct are not
 5 eligible for recount, ~~under this section,~~ the original return of
 6 the votes for that precinct ~~shall~~ **must** be taken as correct.

7 (4) A board of canvassers ~~conducting a recount pursuant to~~
 8 ~~this chapter~~ may conduct a recount by the following means:

9 (a) A manual tally of the ballots.

10 (b) A tabulation of the ballots on ~~a computer~~ **an electronic**
 11 **voting system** using a software application designed to specifically
 12 count only the office or ballot question subject to the recount.

13 (c) A tabulation of the ballots on ~~a computer~~ **an electronic**
 14 **voting system** using the same software application used ~~in the~~
 15 ~~precinct~~ on election day.

16 (d) Any combination of methods in subdivision (a), (b), or
 17 (c), as determined appropriate by the board of canvassers.

18 (5) If a board of canvassers ~~conducting a recount pursuant to~~
 19 ~~this chapter~~ intends to conduct a recount on ~~a computer,~~ **an**
 20 **electronic voting system,** the board of canvassers ~~shall~~ **must** first
 21 test the software application by use of a test deck to determine if
 22 the program accurately counts the votes for the office or ballot
 23 question subject to the recount. If the test ~~under this subsection~~
 24 fails to show that the software application accurately counts the
 25 votes for the office or ballot question subject to the recount, the
 26 board of canvassers ~~shall~~ **must** use another means prescribed in
 27 subsection (4) to conduct the recount.

28 Sec. 872. ~~Whenever a petition has been filed for a recount by~~
 29 ~~any person conceiving himself aggrieved on account of any fraud,~~

~~wrongdoing or violation of the law perpetrated or committed by any~~
~~election inspector or inspectors or any other person in respect to~~
~~said election for which said recount has been petitioned, in any~~
~~primary or election, and~~ **If** it shall appear **appears** to the board of
~~canvassers having jurisdiction over said~~ **conducting a** recount that
there is ~~probably~~ **probable** cause to believe that there has been
fraud, wrongdoing, or a violation of the law ~~in~~ **with** respect to
~~said~~ **the** election for which ~~said~~ **the** recount has been petitioned,
the ~~said~~ **board of** canvassers shall ~~make full and complete~~
~~investigation of the same. Said canvassers shall have full power~~
~~and authority to subpoena witnesses and to open any ballot box,~~
~~regardless of the condition in which the same may be found, and may~~
~~break open, if sealed, the seal thereon and examine the ballots~~
~~contained therein. If, after the investigation, said board has good~~
~~reason to believe that any fraud, wrongdoing or a violation of the~~
~~law has been committed in respect to said election, then said board~~
~~of canvassers shall forthwith~~ **as soon as practicable** make a written
report of ~~their~~ **the board's** findings to the prosecuting attorney
and to ~~the circuit judge or judges~~ of the county where the
petitioner resides if it ~~be~~ **is** a county, city, township, ~~or~~
village, **or other** election, and to the attorney general and ~~to the~~
~~circuit judge of the county of Ingham~~ **secretary of state** if it ~~be~~
is a district or state election. ~~Said~~ **The secretary of state shall**
receive all written reports required under this section. The
reports ~~shall~~ **must** be signed by each of the **members of the board of**
~~canvassers having jurisdiction of~~ ~~said~~ **the** recount, or **by a**
majority ~~thereof. Pending the~~ **of the members of the board of**
~~canvassers having jurisdiction of the recount. After making of such~~
the report, the board of canvassers having jurisdiction of ~~such~~ **the**

1 recount shall carefully preserve and safeguard the ballot ~~boxes~~
 2 **containers** and the ballots contained ~~therein in the ballot~~
 3 **containers** until an order of the court, to which said report was
 4 submitted, is made authorizing the disposition of the same. Any
 5 action taken in such investigation shall not preclude any official
 6 recount of the ballots cast at any such election, if otherwise
 7 allowed by the general election laws. The powers of investigation
 8 referred to in this section shall terminate with the completion of
 9 ~~the recount.~~ **directed by the prosecuting attorney or the attorney**
 10 **general.**

11 Sec. 873. Any ~~officer, assistant, clerk or employee engaged in~~
 12 ~~the conduct of a recount~~ **individual** who shall wilfully commit any
 13 act which shall interfere **willfully interferes** with a fair and
 14 impartial recount of the votes cast for a contested office,
 15 amendment or proposition shall be deemed **or activities relating to**
 16 **a recount is** guilty of a felony. and subject to the penalties
 17 thereof.

18 Sec. 874. (1) Pursuant to this chapter, the ~~The~~ board of
 19 canvassers conducting the recount shall reject all previous returns
 20 from the precincts, townships, or wards, except the returns from a
 21 precinct that cannot be recounted as to that candidate or ballot
 22 question pursuant to **under** section 871. In a public place where the
 23 candidates or persons interested **ballot question committees**
 24 **participating** in the ballot question and their counsel may be
 25 present, ~~if they so desire,~~ the board of canvassers shall proceed
 26 in the manner prescribed in section 871. ~~If applicable,~~ the ~~The~~
 27 board of canvassers shall open the ballot ~~boxes~~ **containers** from the
 28 precincts, ~~townships, or wards,~~ and the rolls or packages of
 29 ballots in the ballot boxes, and to make a recount of the ballots

1 as to the candidates or ballot question. ~~Upon~~**On** completion of the
 2 recount, the board of canvassers shall make a full, complete, and
 3 correct return in writing, showing the full number of votes given
 4 to each candidate, or the total number of votes cast for and
 5 against any ballot question. ~~, written out in words and figures.~~

6 (2) The board of canvassers shall conduct the recount so that
 7 the complete procedure may be observed and noted by the candidates
 8 or ~~persons interested~~**ballot question committees participating** in
 9 the ballot question, their counsel, and not to exceed ~~1 watcher and~~
 10 ~~1 tallier~~**2 individuals** at each table to check the work of the
 11 recount clerks. The secretary of state shall develop instructions
 12 consistent with this act for conducting a recount. ~~pursuant to this~~
 13 ~~subsection. All~~**Except as otherwise provided in subsection (3), all**
 14 votes cast, whether for candidates or ballot questions, ~~shall~~**must**
 15 be recounted in the following manner:

16 (a) ~~The ballots from any given precinct shall first be counted~~
 17 ~~and the total compared with the number of ballots issued on~~
 18 ~~election day as shown on the poll list. If the first count of the~~
 19 ~~number of ballots and the number of ballots issued on election day~~
 20 ~~as shown on the poll list do not match, the ballots from that~~
 21 ~~precinct shall be counted a second time and the total compared with~~
 22 ~~the number of ballots issued on election day as shown on the poll~~
 23 ~~list. If the second count of the number of ballots and the number~~
 24 ~~of ballots issued on election day as shown on the poll list do not~~
 25 ~~match, those ballots shall not be recounted as provided in section~~
 26 ~~871. If the second count of the number of ballots and the number of~~
 27 ~~ballots issued on election day as shown on the poll list match, the~~
 28 ~~ballots from that precinct shall be counted a third time and the~~
 29 ~~total compared with the number of ballots issued on election day as~~

1 ~~shown on the poll list. If the third count of the number of ballots~~
 2 ~~and the number of ballots issued on election day as shown on the~~
 3 ~~poll list do not match, those ballots shall not be recounted as~~
 4 ~~provided in section 871.~~

5 ~~(b) If the first count described in subdivision (a) or the~~
 6 ~~second and third counts described in subdivision (a) match the~~
 7 ~~number of ballots issued on election day, the ballots shall be~~
 8 ~~placed face up on the table and 1~~ **One** recount clerk shall call the
 9 votes for each candidate or ballot question involved in the
 10 recount.

11 ~~(b) (e)~~ Two tally clerks shall simultaneously record the
 12 called votes on forms provided for that purpose.

13 **(3) A recount may be conducted in an alternative manner other**
 14 **than provided under subsection (2) if that alternative manner is**
 15 **approved by the board of state canvassers.**

16 ~~(4) (3)~~ **The candidates or persons interested ballot question**
 17 **committees participating** in the ballot question, their counsel,
 18 ~~watchers, and talliers shall~~ **and those other individuals as**
 19 **described under subsection (2) must** be allowed to observe each
 20 ballot as it is called, **challenge the tabulation of a ballot,** and
 21 ~~to take notes as they desire~~ **desired** for their own records.
 22 **recordkeeping purposes.** The board of canvassers shall identify by
 23 an exhibit number a ballot counted or rejected under ~~protest,~~
 24 **challenge,** keep a record of the ~~protest,~~ **challenge,** and ~~proceed as~~
 25 ~~required under section 871a.~~ **make a decision on all challenges**
 26 **before the conclusion of the recount.**

27 Sec. 875. All recounts ~~shall~~ **must** be completed for a primary
 28 election not later than the twentieth day and for any other
 29 election not later than the thirtieth day immediately following the

1 last day for filing ~~counter~~ petitions. ~~or the first day that~~
 2 ~~recounts may lawfully begin.~~ As soon as the recount is completed,
 3 the board shall return any ballots to ~~their~~ **the** respective
 4 containers and seal the containers. The board shall then return the
 5 ballots ~~, voting devices, machines, any related keys, and seals~~ **and**
 6 **election materials** to the ~~officer or officers~~ **individuals** having
 7 the care and custody of those items.

8 Sec. 876. The returns made by ~~the said~~ **a** board of canvassers
 9 upon recount ~~shall be deemed~~ **are considered** to be correct,
 10 **notwithstanding** anything in the previous returns from ~~such~~ **the**
 11 city, township, ward, or precinct to the contrary. ~~Notwithstanding:~~
 12 ~~Provided, however, That~~ **However**, if the person petitioning for ~~such~~
 13 **a** recount ~~shall withdraw his~~ **withdraws the recount** petition or
 14 ~~discontinue~~ **discontinues** the recount before the ~~completion thereof,~~
 15 **recount is complete**, then ~~in such event~~ the original return shall
 16 ~~be deemed to be~~ **is considered** correct regardless of any change
 17 shown by the recount at the time of the withdrawal of the petition
 18 or the discontinuance of ~~such~~ **the** recount. ~~∴ Provided further, That~~
 19 ~~the~~ **The** final report on the results of any recount shall **must** be
 20 open to **made** public. ~~inspection immediately following its~~
 21 ~~certification by the board of canvassers.~~

22 Sec. 878. **(1)** ~~Nothing in the following sections of this~~
 23 ~~chapter contained shall be construed to repeal any action or remedy~~
 24 ~~which may now exist by reference of any controversy to the courts,~~
 25 ~~except that any~~ **The certification of any election result by the**
 26 **board of state canvassers is final and subject only to either of**
 27 **the following:**

28 **(a)** A postcertification recount of the votes cast in that
 29 election that is supervised by the board of state canvassers under

1 procedures described in this chapter.

2 (b) A postcertification court order.

3 (2) Unless otherwise provided by law, any recount conducted
4 under the direction, supervision, and control of the board of state
5 canvassers must be conducted in the same manner as provided in this
6 chapter for a recount conducted by a board of county canvassers.

7 (3) Any proceeding intended to restrain, enjoin, modify,
8 control, **reverse**, or otherwise interfere with the action of the
9 board of state canvassers, ~~the board of county canvassers or any~~
10 ~~other representative~~ **operating under the supervision** of the board
11 of state canvassers ~~operating under the provisions of the following~~
12 ~~sections of this chapter, shall~~ **must** be instituted only against the
13 board of state canvassers and **only** by ~~no other action than~~
14 mandamus.

15 Sec. 879. (1) ~~A~~ **Subject to subsection (2)**, a candidate voted
16 for at a ~~primary or an~~ election for an office may petition **the**
17 **board of state canvassers** for a recount of the votes if all of the
18 following requirements are met:

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

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

1 ~~contain specific allegations of wrongdoing only if evidence of that~~
 2 ~~wrongdoing is available to the petitioner. If evidence of~~
 3 ~~wrongdoing is not available, the petitioner is only required to~~
 4 ~~allege fraud or a mistake in the petition without further~~
 5 ~~specification.~~ **candidate meets the requirements under section 862.**

6 (c) ~~Except as otherwise provided in this subdivision, the~~ **The**
 7 ~~petition for a recount is filed not later than 48 hours following~~
 8 ~~the completion of the canvass of votes cast at an election. If the~~
 9 ~~recount petition relates to a state senatorial or representative~~
 10 ~~district located wholly within 1 county or to the district of a~~
 11 ~~Representative in Congress located wholly within 1 county, the~~
 12 ~~petition for a recount must be filed not later than 48 hours~~
 13 ~~following the adjournment of the meeting of the board of state~~
 14 ~~canvassers at which the certificate of determination for that~~
 15 ~~office was recorded under section 841. However, for a special~~
 16 ~~election for Representative in Congress, state senator, or state~~
 17 ~~representative for a district located wholly within 1 county, the~~
 18 ~~petition for recount must be filed not later than 48 hours after~~
 19 ~~the certificate of determination is filed with the secretary of the~~
 20 ~~board of state canvassers.~~ **adjournment of the meeting of the board**
 21 **of state canvassers under section 842.**

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

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

26 (f) The **candidate uses the** ~~petition sets forth as nearly as~~
 27 ~~possible the nature and character of the fraud or mistakes alleged~~
 28 ~~and the counties, cities, or townships and the precincts in which~~
 29 ~~they exist.~~ **form required under section 865(1).**

1 ~~(g) The petition specifies the counties, cities, townships,~~
2 ~~and precincts in which the recount is requested.~~

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

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

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

26 (3) ~~(4) Upon~~ **On** the completion of a recount for a **federal or**
27 **state** legislative office, the board of state canvassers, in
28 addition to the certification required by section 892, shall
29 forward to the appropriate **federal or state** legislative body a

1 report of the results of the recount.

2 (4) ~~(5)~~ This section does not limit the authority of the
3 legislature under section 16 of article IV of the state
4 constitution of 1963.

5 Sec. 880. ~~Any elector in this state who believes that there~~
6 ~~has been fraud or error committed by the inspectors of election in~~
7 ~~the return made by said inspectors or of any county canvassing~~
8 ~~board in the canvass of votes cast upon the question of a proposed~~
9 ~~amendment to the constitution or any other question or proposition,~~
10 ~~the votes for which are canvassed by the board of state canvassers,~~
11 **If a ballot question committee that participates in a statewide**
12 **ballot question believes that, but for error, the outcome of the**
13 **ballot question would have been the opposite, that ballot question**
14 **committee** may, not later than 2 days after ~~final certification and~~
15 ~~determination by the adjournment of the meeting of~~ the board of
16 state canvassers, ~~of the canvass of votes cast at an election,~~
17 ~~present to and file~~ with the secretary of state a ~~written or~~
18 ~~printed~~ **recount** petition. which shall be sworn to by the elector
19 presenting the same and which shall set forth as nearly as may be
20 the nature and character of the fraud or error of which the
21 complaint is made and the counties, cities or townships or the
22 precincts thereof in which it is believed that the fraud or error
23 occurred, and such petition shall contain a prayer that a
24 correction thereof be made by a recount of the votes cast
25 therein. **The ballot question committee must use the form as required**
26 **under section 865(3). A ballot question committee must file a**
27 **recount petition in good faith and the number of votes requested to**
28 **be recounted must, at a minimum, be greater than the difference**
29 **between the "yes" votes and the "no" votes on the ballot question.**

1 Sec. 880a. (1) A recount of all precincts in ~~the~~**this** state
 2 ~~shall~~**must** be conducted at any time a statewide ~~primary or~~
 3 election, ~~shall be~~**other than a statewide primary election, is**
 4 certified by the board of state canvassers as having been
 5 determined by a vote differential of 2,000 votes or less. This
 6 section ~~shall~~**does** not apply to partisan offices to which more than
 7 1 ~~person~~**individual** is to be elected.

8 (2) A recount of all precincts in this state must be conducted
 9 at any time a statewide primary election is certified by the board
 10 of state canvassers as having been determined by a vote
 11 differential of 700 votes or less. This section does not apply to
 12 partisan offices to which more than 1 individual is to be elected.

13 (3) A recount of all precincts in a state senate district must
 14 be conducted at any time a state senate election, other than a
 15 state senate primary election, is certified by the board of state
 16 canvassers as having been determined by a vote differential of 75
 17 votes or less.

18 (4) A recount of all precincts in a state representative
 19 district must be conducted at any time a state representative
 20 election, other than a state representative primary election, is
 21 certified by the board of state canvassers or a board of county
 22 canvassers as having been determined by a vote differential of 25
 23 votes or less.

24 (5) ~~(2)~~ If the election is ~~an election involving~~**involves**
 25 candidates, the board of state canvassers ~~forthwith~~**shall, as soon**
 26 **as practicable**, notify all candidates whose vote could be affected
 27 by the recount that a recount ~~shall~~**must** be conducted and of the
 28 time and place the board of state canvassers will meet to determine
 29 recount procedures.

1 (6) ~~(3)~~ If the election involves a ~~proposition, ballot~~
 2 **question**, the board of state canvassers shall, ~~meet on the seventh~~
 3 ~~day following certification at the office of the secretary of state~~
 4 ~~for the purpose of determining procedures. Persons as soon as~~
 5 **practicable, notify each ballot question committee that**
 6 **participated in the election that a recount must be conducted and**
 7 **of the time and place the board of state canvassers will meet to**
 8 **determine recount procedures. Individuals** or groups interested in
 9 being authorized to have challengers ~~and or~~ observers at the
 10 recount shall petition the board **of state canvassers** at that
 11 meeting to be considered interested parties for ~~such this~~ purpose.
 12 The board **of state canvassers** at that meeting shall determine which
 13 ~~persons individuals~~ or groups ~~shall be are~~ considered interested
 14 parties for the recount of the ~~proposition. ballot question.~~

15 Sec. 881. (1) A ~~person~~ **petitioner** filing a recount petition
 16 under section 879 or 880 shall file the petition with the state
 17 bureau of elections. Except as otherwise provided in this section,
 18 at the time of filing the petition, the petitioner shall deposit
 19 the sum of ~~\$25.00~~ **\$50.00** for each precinct in which a recount of
 20 the votes is demanded in cash or by check or other negotiable
 21 instrument made payable to the state of Michigan.

22 (2) If 1 candidate is to be elected to the office and the
 23 official canvass of votes shows that the number of votes separating
 24 the winning candidate and the petitioner is more than 75 votes or
 25 5.0% of the total number of votes cast in the race, whichever is
 26 greater, the petitioner shall deposit with the state bureau of
 27 elections the sum of ~~\$250.00~~ **\$300.00** for each precinct referred to
 28 in ~~his or her~~ **the petitioner's recount** petition. For purposes of
 29 this subsection, the winning candidate in a primary for a

1 nonpartisan office where only 1 candidate will be elected means the
2 candidate nominated with the lesser number of votes.

3 (3) Subject to subsection (2), if 1 candidate is to be elected
4 to the office and the official canvass of votes shows that the
5 number of votes separating the winning candidate and the petitioner
6 is more than 50 votes or 0.5% of the total number of votes cast in
7 the race, whichever is greater, the petitioner shall deposit with
8 the state bureau of elections the sum of ~~\$125.00~~ **\$250.00** for each
9 precinct referred to in ~~his or her~~ **the petitioner's recount**
10 petition. For purposes of this subsection, the winning candidate in
11 a primary for a nonpartisan office where only 1 candidate will be
12 elected means the candidate nominated with the lesser number of
13 votes.

14 (4) If more than 1 candidate is to be elected to the office
15 and the official canvass of votes shows that the number of votes
16 separating the winning candidate who received the least number of
17 votes and the petitioner is more than 75 votes or 5.0% of the sum
18 of the number of votes received by the 2 candidates, whichever is
19 greater, the petitioner shall deposit with the state bureau of
20 elections the sum of ~~\$250.00~~ **\$300.00** for each precinct referred to
21 in ~~his or her~~ **the petitioner's recount** petition.

22 (5) Subject to subsection (4), if more than 1 candidate is to
23 be elected to the office and the official canvass of votes shows
24 that the number of votes separating the winning candidate who
25 received the least number of votes and the petitioner is more than
26 50 votes or 0.5% of the sum of the number of votes received by the
27 2 candidates, whichever is greater, the petitioner shall deposit
28 with the state bureau of elections the sum of ~~\$125.00~~ **\$250.00** for
29 each precinct referred to in ~~his or her~~ **the petitioner's recount**

1 petition.

2 (6) If the vote is on a ballot question and the official
3 canvass of votes shows that the number of votes separating the
4 "yes" votes and the "no" votes is more than 75 votes or 5.0% of the
5 total number of votes cast on the ballot question, whichever is
6 greater, the petitioner shall deposit with the state bureau of
7 elections the sum of \$300.00 for each precinct referred to in the
8 petitioner's recount petition.

9 (7) ~~(6)~~ If the vote is on a ~~proposal~~ **ballot question** and the
10 official canvass of votes shows that the number of votes separating
11 the "yes" votes and the "no" votes is more than 50 votes or 0.5% of
12 the total number of votes cast on the ~~proposal~~ **ballot question**,
13 whichever is greater, the petitioner shall deposit with the state
14 bureau of elections the sum of ~~\$125.00~~ **\$250.00** for each precinct
15 referred to in ~~his or her~~ **the petitioner's recount** petition.

16 (8) Beginning January 1, 2027 and every 4 years thereafter,
17 the secretary of state shall adjust each deposit amount provided in
18 subsections (1) to (7) by comparing the percentage increase or
19 decrease in the Consumer Price Index for the preceding August by
20 the corresponding Consumer Price Index 4 years earlier. The
21 secretary of state shall multiply that percentage change by each
22 deposit amount in subsections (1) to (7). The secretary of state
23 shall round up each dollar value adjustment made to the nearest
24 \$10.00. The secretary of state shall announce the adjustments made
25 by December 15 of each year in which an adjustment is made. As used
26 in this subsection, "Consumer Price Index" means the most
27 comprehensive index of consumer prices available for this state
28 from the Bureau of Labor Statistics of the United States Department
29 of Labor.

1 (9) ~~(7)~~—If, by reason of the recount, the petitioner
 2 establishes ~~fraud or mistake as set forth in his or her petition~~
 3 ~~and receives a certificate of election or establishes sufficient~~
 4 ~~fraud or mistake~~ **sufficient error** to change the result ~~upon an~~
 5 ~~amendment or proposition, the votes for and against which were~~
 6 ~~recounted,~~ **of the election**, the state bureau of elections shall
 7 refund the money deposited to the petitioner. The secretary of
 8 state shall refund the money deposited to a petitioner who is a
 9 chairperson of a state political party if the results of the race
 10 for which a recount was petitioned for under section 879 are
 11 changed. If a refund is not made as required by this section, then
 12 the secretary of state shall pay to the treasurer of each county
 13 its proportionate share of the deposit based ~~upon~~ **on** the number of
 14 precincts in the county in which the votes were recounted. **As used**
 15 **in this subsection, "change the result of the election" means**
 16 **either of the following:**

17 (a) **Elect a different candidate.**

18 (b) **Result in the opposite outcome for the ballot question.**

19 (10) ~~(8)~~—If a precinct referred to in the petition is
 20 determined "not recountable" as provided in section 871(3) or,
 21 subject to subsection ~~(9)~~, **(11)**, if a precinct referred to in the
 22 petition is not recounted due to the withdrawal of the petition,
 23 the money deposited for the recount of that precinct must be
 24 refunded to the petitioner.

25 (11) ~~(9)~~—If the votes cast on the ballots voted in a precinct
 26 have been examined and recounted, the withdrawal of the petition
 27 must not result in a refund of the money deposited for the recount
 28 of that precinct.

29 Sec. 882. (1) If a ~~candidate~~ **petitioner** has filed a recount

1 petition and paid the deposit under sections 879 and 881, the
 2 secretary of state shall give notice of the recount petition to
 3 each opposing candidate **or participating ballot question committee**
 4 within ~~48~~**24** hours after the filing of the petition by delivering
 5 to each candidate **or ballot question committee** a copy of the
 6 recount petition. ~~, or, if the candidate cannot be found, by~~
 7 ~~leaving a copy at the candidate's last known place of residence~~
 8 ~~with a member of the candidate's immediate family of suitable age.~~
 9 ~~If a member of the candidate's family cannot be found, the~~
 10 ~~secretary of state may give notice by posting the recount petition~~
 11 ~~in a conspicuous place at the candidate's last known place of~~
 12 ~~residence.~~

13 (2) A candidate **or ballot question committee** may file a
 14 counter petition in the same manner as the original petition under
 15 section 881 not later than ~~4 p.m. of the seventh day~~**48 hours** after
 16 the original recount petition has been filed with the secretary of
 17 state. At the time of filing the counter petition, the counter
 18 petitioner shall deposit the sum of money as required in section
 19 881 for the original petitioner. The secretary of state shall
 20 refund to the counter petitioner the money deposited by the counter
 21 petitioner if the ~~original petitioner does not establish fraud or~~
 22 ~~receive a certificate of election.~~**recount does not change the**
 23 **result of the election. If a ballot question committee does not**
 24 **participate in an election in which a ballot question is on the**
 25 **ballot, any elector who voted in that election may file a recount**
 26 **counter petition in the same manner as provided for a ballot**
 27 **question committee under this section.**

28 (3) ~~On or before 4 p.m. of the seventh day~~**Not later than 48**
 29 **hours** after ~~a~~**an original** recount petition ~~has been~~**is** filed under

1 section 881, an opposing candidate may file objections to the
 2 recount petition with the board of state canvassers. The opposing
 3 candidate shall set forth ~~his or her~~**the** objections to the recount
 4 petition in writing. Upon receipt of an objection under this
 5 subsection, the board of state canvassers shall notify the
 6 petitioner and the objecting candidate of the date of the hearing
 7 of the board of state canvassers to consider the objections. The
 8 board of state canvassers shall allow the recount petitioner and
 9 the objecting candidate to present oral or written, or both,
 10 arguments on the objections raised to the recount petition at the
 11 hearing. Not later than 5 business days following the hearing, the
 12 board of state canvassers shall rule on the objections raised to
 13 the recount petition. The board of state canvassers shall not begin
 14 a recount unless 2 or more business days have elapsed since the
 15 board ruled on the objections under this subsection, if applicable.

16 **(4) If the time designated for filing a recount petition or**
 17 **counter recount petition falls on a Saturday, Sunday, or legal**
 18 **holiday, the recount petition or counter recount petition may be**
 19 **filed on the next succeeding business day. Failure of the secretary**
 20 **of state to give notice to the opposing candidate or ballot**
 21 **question committee as required in this section does not affect the**
 22 **results of the recount.**

23 **(5) A candidate, ballot question committee, or elector may**
 24 **withdraw a recount petition or counter recount petition at any**
 25 **time.**

26 Sec. 883. The secretary of state, upon receipt of any ~~such~~
 27 petition for recount, shall immediately notify the county clerk of
 28 each county in which are located any precincts included in ~~such~~**the**
 29 petition for recount that a petition for ~~such~~ recount by the board

1 of state canvassers has been filed and the ballots for ~~such~~**the**
2 precincts ~~shall~~**must** be carefully preserved. Ballots and ~~boxes~~
3 ~~shall~~**ballot containers must** remain in the possession of city or
4 township clerks until requisitioned by the canvass board. ~~The board~~
5 ~~of state canvassers, at as early a date as possible after the~~
6 ~~receipt of such petition and the deposit required, shall~~
7 ~~investigate the facts set forth in said petition and cause a~~
8 ~~recount of the votes cast in the several precincts included in the~~
9 ~~petition.~~

10 **Sec. 883a.** If a proper challenge is raised by a candidate or a
11 ballot question committee that participated in a ballot question
12 during a recount being conducted by the board of state canvassers,
13 a member of the board of state canvassers, or other representative
14 designated by the board of state canvassers under section 890,
15 shall resolve that challenge before the recount is completed in
16 that county. A candidate or ballot question committee that
17 participated in a ballot question that is involved in the recount
18 and that disagrees with the resolution of the challenge may
19 petition the board of state canvassers for a de novo review of the
20 challenge. The candidate or ballot question committee shall file a
21 petition disagreeing with the resolution of a challenge not later
22 than 48 hours after the board of state canvassers gives notice that
23 the recount has been completed to the candidates or ballot question
24 committees. Upon receiving a petition disagreeing with the
25 resolution of a challenge, the board of state canvassers shall
26 notify all candidates and ballot question committees involved in
27 the recount of the date of the meeting of the board of state
28 canvassers to consider the petition. The board of state canvassers
29 shall allow the candidates and ballot question committees involved

1 in the recount to present oral or written, or both, arguments on
 2 the challenge at the meeting. The board of state canvassers shall
 3 rule on the challenge at that meeting.

4 Sec. 884. The boards of ~~county~~ canvassers shall employ such
 5 assistants and clerks as ~~shall be deemed~~ **are considered** necessary
 6 for ~~the conduct of any such~~ **conducting a** recount.

7 Sec. 887. Any ~~officer, assistant, clerk or employee engaged in~~
 8 ~~the conduct of a recount~~ **individual** who shall wilfully commit any
 9 act which shall interfere **willfully interferes** with a fair and
 10 impartial recount of the votes cast for a contested office,
 11 amendment or proposition shall be deemed **or activities of a recount**
 12 **is** guilty of a felony. and ~~subject to penalties thereof.~~

13 Sec. 888. The board of state canvassers ~~shall have~~ **has** the
 14 right and authority to demand and cause the ballot boxes, poll
 15 books, tally sheets, the statement of votes **ballots and election**
 16 **materials** returned in connection with any ~~such~~ election, and ~~such~~
 17 **any** other documents and reports as ~~may be deemed~~ **are considered**
 18 necessary, to be brought before the several boards of county
 19 canvassers, and shall order that a concurrent recount of the votes
 20 ~~upon~~ **be conducted for** any office or ~~proposition~~ **ballot question**
 21 petitioned for under ~~the provisions of sections 861 et seq. hereof,~~
 22 ~~where such~~ **sections 861a to 876, if the** votes appear ~~upon~~ **on** the
 23 same ballots as those which are to be recounted by the board of
 24 state canvassers. ~~, be conducted, which~~ **The** concurrent recount
 25 ~~shall~~ **must** be under the exclusive jurisdiction and control of the
 26 said board of state canvassers. All ballots ~~, poll lists, tally~~
 27 sheets, returns and reports shall ~~and election materials must~~ **must** be
 28 safely guarded and when no longer required ~~shall~~ **must** be delivered
 29 to the ~~officials~~ **individuals** charged with the **care and** custody

1 ~~thereof.~~ **of those items.**

2 Sec. 889. All recounts provided for ~~in~~ **under** sections 878 et
3 ~~seq. of this act shall~~ **to 894 must** be conducted ~~in the several~~
4 ~~counties wherein the votes to be counted were cast by the~~
5 ~~respective~~ boards of county canvassers, ~~in each of the several~~
6 ~~counties,~~ subject to the direction, supervision, and control of the
7 ~~said~~ board of state canvassers. The ~~said~~ board of state canvassers
8 shall prescribe the time and the place ~~in each county~~ where the
9 recount of any votes ~~shall~~ **must** be conducted, which recount ~~shall~~
10 **must** be in public. ~~Said~~ **The board of state canvassers** shall provide
11 each board of county canvassers with ~~such~~ rules and regulations as
12 **that** in the opinion of the ~~said~~ board of state canvassers ~~shall be~~
13 **are** necessary to conduct ~~such~~ **the** recount in a fair, impartial, and
14 uniform manner. ~~in the said several counties.~~ Observance of ~~such~~
15 **the** rules and regulations ~~shall~~ **must** be enforced by ~~said~~ **the** board
16 **of state canvassers** or ~~its~~ **the board's** representatives. ~~hereinafter~~
17 ~~provided for.~~

18 Sec. 890. It is not necessary for all of the members of the
19 board of state canvassers to be present in order to direct,
20 supervise, or control the recount ~~in a~~ **conducted by a board of**
21 county **canvassers**. A member of the board of state canvassers or
22 state officer, state employee, or member of the board of county
23 canvassers may direct, supervise, and control the recount if
24 designated by the board of state canvassers, so that fairness,
25 impartiality, and uniformity in the conduct of the recount may be
26 obtained and the result of the ~~election~~ **recount** determined at the
27 earliest possible ~~moment.~~ **time**. A member of the board of state
28 canvassers or other representative designated by the board of state
29 canvassers ~~under this subsection~~ has the same authority as the

1 board of state canvassers to enforce and carry out the rules and
2 regulations provided for the recount by the board **of state**
3 **canvassers**.

4 Sec. 892. ~~Whenever a recount in any county shall be completed,~~
5 ~~it shall be the duty of the county~~ **The** boards of **county** canvassers
6 ~~to~~ **shall immediately** return ~~forthwith~~ the results of ~~such~~ **the**
7 recount to the board of state canvassers. ~~, which~~ **The** board **of**
8 **state canvassers** shall compile ~~said~~ **the** returns and certify the
9 result. The returns made by the ~~said~~ boards of county canvassers of
10 any recount ~~shall be deemed~~ **are considered** to be correct,
11 **notwithstanding** anything in the previous return of any board of
12 election inspectors or any county canvassing board to the contrary.
13 ~~notwithstanding.~~ The final report on the results of any recount
14 ~~shall~~ **must** be open to public inspection immediately following ~~its~~
15 certification by the board of **state** canvassers.

16 Enacting section 1. Sections 871a, 877, 885, 886, and 891 of
17 the Michigan election law, 1954 PA 116, MCL 168.871a, 168.877,
18 168.885, 168.886, and 168.891, are repealed.