House Bill 4833 (Substitute H-4 as passed by the House)
Sponsor: Representative Kurt Heise
House Committee: Elections and Ethics
Senate Committee: Local Government and Elections

Date Completed: 12-10-14

CONTENT

The bill would amend the Michigan Election Law to do the following:

-- **Increase from $10 to $25 the per-precinct deposit that must be paid when a petition for a recount of an election is filed.**
-- **Require a $125 deposit per precinct if the number of votes separating a winning candidate and the petitioner, or the number of votes separating the votes for and against a proposal, were more than 50 or 0.5% of the votes cast, whichever was greater.**
-- **Require the refund of a petitioner's deposit if a precinct were determined to be "not recountable" or were not recounted before the recount petition was withdrawn.**

Deposit for Recount Petition

Under the Law, a petitioner for the recount of an election must file the petition with the clerk of the appropriate board of county canvassers, or with the State Bureau of Elections, depending on the election and the recount sought. At the time of filing, the petitioner must deposit $10 for each precinct referred to in the petition. The bill would increase that amount to $25.

Under the bill, if one candidate were to be elected and the official canvass of votes showed that the number of votes separating the winning candidate and the petitioner was more than 50 votes or 0.5% of the total number of votes cast, whichever was greater, the petitioner would have to deposit $125 for each precinct referred to in the petition. For purposes of this provision, "the winning candidate in a primary for a nonpartisan office where only one candidate will be elected" would mean the candidate nominated with the lesser number of votes.

The petitioner also would have to deposit $125 for each precinct referred to in the petition if more than one candidate were to be elected and the official canvass showed that the number of votes separating the winning candidate who received the least number of votes and the petitioner was more than 50 votes or 0.5% of the sum of the number of votes received by the two candidates, whichever was greater.

In addition, the petitioner would have to deposit $125 for each precinct referred to in the petition if the vote were on a proposal and the official canvass of votes showed that the number of votes separating the "yes" votes and the "no" votes was more than 50 votes or 0.5% of the total number of votes cast on the proposal, whichever was greater.

Refund of Deposit

Under the Law, if by recount the petitioner establishes sufficient fraud or error to change the result of an election, the money deposited for the recount must be refunded to the petitioner.

The bill also would require the money deposited for a recount to be refunded to the petitioner if a precinct referred to in the petition were determined "not recountable" under Section 871(3) of the Law, or if a precinct referred to in the petition were not recounted due to the withdrawal of the petition. Withdrawal of a petition would not result in a refund, however, if the votes cast on the ballots voted in a precinct had already been examined and recounted.

(Under Section 871(3), if a board of canvassers conducting a recount determines that the ballots of precinct are not eligible for recount, the original return of the votes for that precinct must be taken as correct.)

MCL 168.867 & 168.881   Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a positive, albeit indeterminate, fiscal impact on local units of government and on the Bureau of Elections in the Department of State. The bill would increase currently required deposits and add new deposit requirements depending on the recount outcome, as described in the bill. These provisions could result in additional revenue for local units of government and the State depending on the number of recount requests for each election. The Secretary of State does not collect data on the number of recount petitions for local elections; however, the number of recount petitions and the resulting increase in revenue are assumed to be minimal.

Fiscal Analyst: Joe Carrasco