



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 290 (as introduced 3-30-17)  
Sponsor: Senator Dave Robertson  
Committee: Elections and Government Reform

Date Completed: 5-4-17

**CONTENT**

**The bill would amend the Michigan Election Law to require the petitioner of an election recount to deposit with the clerk of the board of county canvassers or the Bureau of Elections \$250 per precinct under the following circumstances:**

- **One candidate was to be elected and the percentage differential separating the winning candidate and the petitioner was more than 5.0% of the total number of votes cast in an election.**
- **More than one candidate was to be elected and the percentage differential separating the winning candidate who received the least number of votes and the petitioner was more than 5.0% of the total number of votes cast in the election.**

Under the Law, if a candidate for office believes that he or she is aggrieved due to fraud or mistake in the canvass or returns of the votes by the election inspectors, the board of county canvassers, or the Board of State Canvassers, the candidate may petition for a recount of the votes cast for that office in any precinct or precincts.

A petitioner for a recount 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 \$25 for each precinct referred to in the petition.

If one candidate is to be elected 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, whichever is greater, the petitioner must deposit \$125 for each precinct referred to in his or her petition. For the purposes of this provision, "the winning candidate" in a primary for a nonpartisan office where only candidate will be elected means the candidate nominated with the lesser number of votes.

Under the bill, if one candidate were to be elected to the office and the official canvass of votes showed that the percentage differential separating the winning candidate and the petitioner was more than 5.0% of the total number of votes cast in the race, the petitioner would have to deposit with the clerk or the State Bureau of Elections \$250 for each precinct referred to in his or her petition. For the purposes of this provision, "the winning candidate" in a primary for a nonpartisan office where only candidate would be elected would mean the candidate nominated with the lesser number of votes.

Under the Law, the petitioner must deposit \$125 for each precinct referred to in the petition if more than one candidate is to be elected and the official canvass 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 two candidates, whichever is greater.

Under the bill, if more than one candidate were to be elected to the office and the official canvass of votes showed that the percentage differential separating the winning candidate who received the least number of votes and the petitioner was more than 5.0% of the sum of the number of votes received by the two candidates, the petitioner would have to deposit with the clerk or the State Bureau of Elections \$250 for each precinct referred to in his or her petition.

The bill would take effect 90 days after enactment.

MCL 168.867 & 168.881

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bill would have no impact on the Department of State and a positive indeterminate impact on local units of government. Recount costs to local units would be affected to the extent that the \$250 per precinct fee deterred recounts, and would bring in additional revenue for those still requested.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.