

HOUSE BILL No. 5507

January 31, 2018, Introduced by Reps. Geiss, Ellison, Love, Cambensy, Dianda, Peterson, Cochran, Durhal, Chang, Santana and Gay-Dagnogo.

A bill to amend 1954 PA 116, entitled
 "Michigan election law,"
 by amending sections 866 and 879 (MCL 168.866 and 168.879), section
 866 as amended by 2013 PA 51 and section 879 as amended by 1999 PA
 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (2) For a school district election, recount petitions, either
 7 for an office or proposition, ~~shall~~**MUST** be filed with the clerk of

1 the board of county canvassers that certified the result of the
2 school district election.

3 (3) Recount petitions ~~shall~~**MUST** be filed within ~~6-8~~ days
4 after the ~~original canvass has been completed~~**DATE OF FINAL**
5 **CERTIFICATION AND DETERMINATION** by the board of county canvassers
6 **OF THE CANVASS OF VOTES CAST AT AN ELECTION**. A copy of the recount
7 petition ~~shall~~**MUST** also be filed with the secretary of state
8 within 2 days after the time the original recount petition is filed
9 with the board of county canvassers as provided in this section.

10 Sec. 879. (1) A candidate voted for at a primary or election
11 for an office may petition for a recount of the votes if all of the
12 following requirements are met:

13 (a) The office is an office for which the votes are canvassed
14 by the board of state canvassers under section 841 or is the office
15 of ~~representative~~**REPRESENTATIVE** in Congress, state representative,
16 or state senator for a district located wholly within 1 county.

17 (b) The petition alleges that the candidate is aggrieved on
18 account of fraud or mistake in the canvass of the votes by the
19 inspectors of election or the returns made by the inspectors **OF**
20 **ELECTION**, or by a board of county canvassers or the board of state
21 canvassers. The petition ~~shall~~**MUST** contain specific allegations of
22 wrongdoing only if evidence of that wrongdoing is available to the
23 petitioner. If evidence of wrongdoing is not available, the
24 petitioner is only required to allege fraud or a mistake in the
25 petition without further specification.

26 (c) Except as otherwise provided in this subdivision, the
27 petition for a recount is filed not later than ~~48 hours following~~

1 ~~the completion~~ **8 DAYS AFTER THE DATE OF FINAL CERTIFICATION AND**
2 **DETERMINATION BY THE APPROPRIATE BOARD OF CANVASSERS** of the canvass
3 of votes cast at an election. If the recount petition relates to a
4 state senatorial or representative district located wholly within 1
5 county or to the district of a ~~representative~~ **REPRESENTATIVE** in
6 Congress located wholly within 1 county, the petition for a recount
7 ~~shall~~ **MUST** be filed not later than ~~48 hours~~ **8 DAYS** following the
8 **DATE OF THE** adjournment of the meeting of the board of state
9 canvassers at which the certificate of determination for that
10 office was recorded ~~pursuant to~~ **UNDER** section 841. However, for a
11 special election for ~~representative~~ **REPRESENTATIVE** in Congress,
12 state senator, or state representative for a district located
13 wholly within 1 county, the petition for recount ~~shall~~ **MUST** be
14 filed not later than ~~48 hours~~ **8 DAYS** after the **DATE THE** certificate
15 of determination is filed with the secretary of the board of state
16 canvassers.

17 (d) The petition is presented to and filed with the secretary
18 of state.

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

21 (f) The petition sets forth as nearly as possible the nature
22 and character of the fraud or mistakes alleged and the counties,
23 cities, or townships and the precincts in which they exist.

24 (g) The petition specifies the counties, cities, townships,
25 and precincts in which the recount is requested.

26 (h) ~~If the office is~~ **FOR** the office of state representative, a
27 copy of the petition is filed with the clerk of the house of

1 representatives. ~~If the office is~~ **FOR** the office of state senator,
2 a copy of the petition ~~shall be~~ **IS** filed with the secretary of the
3 senate.

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

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

24 (4) Upon the completion of a recount for a legislative office,
25 the board of state canvassers, in addition to the certification
26 required by section 892, shall forward to the appropriate
27 legislative body a report of the results of the recount.

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

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.