

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.883a.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2024 REGULAR SESSION SINE DIE *****

168.883a.added Recount vote challenges; appeal; petition for de novo review; notice; meeting.

Sec. 883a. (1) A candidate or a ballot question committee that participated in a ballot question election may make a challenge to the board of county canvassers of a determination to count or not count a specific vote on a ballot for a candidate or for or against a ballot question subject to the recount. Before the completion of the recount in that county, the board of county canvassers must hear arguments on the challenge and decide, as provided under section 803, whether to accept or reject the challenge. A candidate or ballot question committee aggrieved by the decision of the board of county canvassers may appeal the decision to the representative designated by the board of state canvassers under section 890. The representative designated by the board of state canvassers may, as provided under section 803, confirm, reject, or modify the decision of the board of county canvassers.

(2) A candidate or ballot question committee that participated in a ballot question that is involved in the recount and that disagrees with the resolution of a challenge made under subsection (1) may petition the board of state canvassers for a de novo review of the challenge. The candidate or ballot question committee shall file a petition disagreeing with the resolution of the challenge with the representative designated by the board of state canvassers before the completion of the recount by the board of county canvassers. Subject to this subsection, the petition must specify the substance of the challenge and request a de novo review by the board of state canvassers. The board of state canvassers shall accept petitions for a de novo review only of challenges that concern the determination of how a specific vote on a ballot for a candidate or for or against a ballot question is counted.

(3) Upon receipt of a petition under subsection (2), the representative of the board of state canvassers shall make an exhibit detailing the resolution of the challenge that includes the ballot, which must be securely sealed in an exhibit envelope and retained by the representative. The representative of the board of state canvassers shall provide the county clerk with a receipt for the ballot that is subject to challenge.

(4) The board of state canvassers shall notify all candidates and ballot question committees involved in the recount, in the same manner that notice of the recount was given, of the date of the meeting of the board of state canvassers to consider the petition. The board of state canvassers shall allow the candidates and ballot question committees involved in the recount to present oral and written arguments on the challenges at the meeting. The board of state canvassers shall hear the challenge and rule on the challenge at the meeting only if the total number of challenges submitted to the board of state canvassers could change the result of the election.

History: Add. 2024, Act 74, Eff. (sine die).

Popular name: Election Code