

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4915 (Substitute H-1 as reported without amendment)
Sponsor: Representative LaMar Lemmons III
House Committee: Redistricting and Elections
Senate Committee: Government Operations

Date Completed: 6-26-02

RATIONALE

Under the Michigan Election Law, a candidate or an elector who files a recount petition must deposit with the local clerk or the State Bureau of Elections \$10 for each precinct to be recounted. In general, the Election Law requires recount petitions for local elections to be filed with local boards of canvassers, and those for Congress, the Legislature, and other Statewide offices and ballot questions to be filed with the State Elections Bureau. In either case, the deposit is refunded to the petitioner if he or she establishes fraud or mistake and the recount changes the results of the election in question. Otherwise, the local board of canvassers must pay the deposit to the local units that contained recounted precincts, the State Elections Bureau must pay it to the counties with precincts that were recounted. The Election Law prescribes requirements that a board of canvassers must follow to conduct a recount, but also prohibits recounting the votes in a precinct if certain actions or inactions have or have not occurred. (For instance, a precinct cannot be recounted if the seal on a ballot container is broken or bears a number different than that recorded in the poll book.) It has been pointed out that the Election Law contains no provision for the return of a deposit paid for those precincts where a recount cannot be conducted.

CONTENT

The bill would amend the Michigan Election Law to provide that if an election precinct referred to in a recount petition could not be recounted for any reason, the money deposited for the recount by the petitioner would have to be refunded as provided in the Election Law.

MCL 168.867 & 168.881

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Currently, under the Election Law, the per-precinct deposit that accompanies a recount petition is returned if the recount changes the outcome of the election but is not returned if it does not. No refund is provided when a recount cannot occur. If there are a great number of precincts that cannot be recounted, the unrefunded deposit may be sizeable. It is not fair to candidates or advocates, who file recount petitions and required deposits, for local units to receive and keep the deposits when no recount was conducted because of errors made by local election officials. The bill would correct this inconsistency.

Legislative Analyst: George Towne

FISCAL IMPACT

This bill would have no fiscal impact on the State.

The \$10 fee paid by the petitioner is credited to the county, city, township, or village conducting the recount. The refunding of the fee would result in a reduction of funding for the counties and municipalities. For example, in the recount of Congressional District #8 in the 2000 election, 21 of 226 precincts were not eligible for recount. Under the changes proposed in this bill, \$210 in fees would have been refunded to the political party and not

credited to the affected counties. The Bureau of Elections reports that the number of precincts deemed ineligible for recount in any given election is generally between zero and 25%.

Fiscal Analyst: Jessica Runnels

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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.