

**SUBSTITUTE FOR
HOUSE BILL NO. 4915**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 867 and 881 (MCL 168.867 and 168.881),
section 867 as amended by 1980 PA 200 and section 881 as amended
by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 867. The candidate or elector filing a recount peti-
2 tion with the clerk of the correct board of canvassers shall at
3 the same time deposit with the clerk the sum of \$10.00 for each
4 precinct referred to in his or her petition. If, by reason of
5 the recount, the petitioner establishes sufficient fraud or mis-
6 take as set forth in his or her petition to change the result of
7 the election and receives a certificate of election or
8 establishes sufficient fraud or mistake to change the result —
9 ~~upon~~ ON an amendment or proposition, the votes for and against,

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1 ~~which~~ THAT were recounted, the money deposited by the
2 petitioner shall be refunded. If the petitioner does not estab-
3 lish a fraud or mistake as set forth in his or her petition, the
4 sum deposited shall be paid by the clerk of the board of county,
5 city, township, or village canvassers to the treasurer of the
6 county, city, township, or village. IF A PRECINCT REFERRED TO IN
7 THE PETITION IS UNABLE TO BE RECOUNTED FOR ANY REASON, THE MONEY
8 DEPOSITED FOR THE RECOUNT OF THAT PRECINCT BY THE PETITIONER
9 SHALL BE REFUNDED.

10 Sec. 881. (1) A person filing a recount petition ~~pursuant~~
11 ~~to~~ UNDER section 879 or 880 shall file the petition with the
12 state bureau of elections. At the time of filing the petition,
13 the petitioner shall deposit the sum of \$10.00 for each precinct
14 in which a recount of the votes is demanded in cash or by check
15 or other negotiable instrument made payable to the state of
16 Michigan.

17 (2) If, by reason of the recount, the petitioner establishes
18 fraud or mistake as set forth in his or her petition and receives
19 a certificate of election or establishes sufficient fraud or mis-
20 take to change the result, ~~upon~~ ON an amendment or proposition,
21 the votes for and against, which were recounted, the state bureau
22 of elections shall refund the money deposited to the petitioner.
23 The secretary of state shall refund the money deposited to a
24 petitioner who is a chairperson of a state political party if the
25 results of the race for which a recount was petitioned for under
26 section 879 are changed. If a refund is not made as required by
27 this section, then the secretary of state shall pay to the

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1 treasurer of each county its proportionate share of the deposit
2 based upon the number of precincts in the county in which the
3 votes were recounted.

4 (3) IF A PRECINCT REFERRED TO IN THE PETITION IS UNABLE TO
5 BE RECOUNTED FOR ANY REASON, THE MONEY DEPOSITED FOR THE RECOUNT
6 OF THAT PRECINCT BY THE PETITIONER SHALL BE REFUNDED AS PROVIDED
7 IN SUBSECTION (2).