

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.867 Recount petition; filing; deposit; adjustment of deposit; refund; disposition of sum deposited.

Sec. 867. (1) A recount petition under section 862 or 863 must be filed with the clerk of the appropriate board of county canvassers. Except as otherwise provided in this section, at the time of filing the recount petition, the petitioner shall deposit with the clerk the sum of \$50.00 for each precinct referred to in the petitioner's recount petition.

(2) If 1 candidate is to be elected to the office and the official canvass of votes shows that the number of votes separating the winning candidate and the petitioner is more than 75 votes or 5.0% of the total number of votes cast in the race, whichever is greater, the petitioner shall deposit with the clerk the sum of \$500.00 for each precinct referred to in the petitioner's recount petition. For purposes of this subsection, the winning candidate in a primary for a nonpartisan office where only 1 candidate will be elected means the candidate nominated with the lesser number of votes.

(3) Subject to subsection (2), if 1 candidate is to be elected to the office 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 in the race, whichever is greater, the petitioner shall deposit with the clerk the sum of \$250.00 for each precinct referred to in the petitioner's recount petition. For purposes of this subsection, the winning candidate in a primary for a nonpartisan office where only 1 candidate will be elected means the candidate nominated with the lesser number of votes.

(4) If more than 1 candidate is to be elected to the office and the official canvass of votes shows that the number of votes separating the winning candidate who received the least number of votes and the petitioner is more than 75 votes or 5.0% of the sum of the number of votes received by the 2 candidates, whichever is greater, the petitioner shall deposit with the clerk the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(5) Subject to subsection (4), if more than 1 candidate is to be elected to the office and the official canvass of votes 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 2 candidates, whichever is greater, the petitioner shall deposit with the clerk the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(6) If the vote is on a ballot question and the official canvass of votes shows that the number of votes separating the "yes" votes and the "no" votes is more than 75 votes or 5.0% of the total number of votes cast on the ballot question, whichever is greater, the petitioner shall deposit with the clerk the sum of \$500.00 for each precinct referred to in the petitioner's recount petition.

(7) Subject to subsection (6), if the vote is on a ballot question and the official canvass of votes shows that the number of votes separating the "yes" votes and the "no" votes is more than 50 votes or 0.5% of the total number of votes cast on the ballot question, whichever is greater, the petitioner shall deposit with the clerk the sum of \$250.00 for each precinct referred to in the petitioner's recount petition.

(8) Beginning January 1, 2027 and every 4 years thereafter, the secretary of state shall adjust each deposit amount provided in subsections (1) to (7) by comparing the percentage increase or decrease in the Consumer Price Index for the preceding August by the corresponding Consumer Price Index 4 years earlier. The secretary of state shall multiply that percentage change by each deposit amount in subsections (1) to (7). The secretary of state shall round up each dollar value adjustment made to the nearest \$10.00. The secretary of state shall announce the adjustments made by December 15 of each year in which an adjustment is made. As used in this subsection, "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the United States Department of Labor.

(9) If, by reason of the recount, the petitioner establishes sufficient error to change the result of the election, the clerk of the board of county canvassers shall refund the money deposited to the petitioner.

(10) If a refund is not made as required under subsection (9), the sum deposited must be paid by the clerk of the board of county canvassers to the treasurer of the county.

(11) If a precinct referred to in the petition is determined "not recountable" as provided in section 871(3) or, subject to subsection (12), if a precinct referred to in the petition is not recounted due to the withdrawal of the petition, the money deposited for the recount of that precinct must be refunded to the petitioner.

(12) If the votes cast on the ballots voted in a precinct have been examined and recounted, the withdrawal of the petition must not result in a refund of the money deposited for the recount of that precinct.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1980, Act 200, Imd. Eff. July 18, 1980;—Am. 2013, Act 51, Imd. Eff. June 11, 2013;—Am. 2014, Act 406, Imd. Eff. Dec. 30, 2014;—Am. 2018, Act 130, Eff. Aug. 1, 2018;—Am. 2024, Act 74, Eff. Apr. 2, 2025.

Rendered Monday, July 7, 2025

Page 1

Michigan Compiled Laws Complete Through PA 5 of 2025

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Popular name: Election Code