A bill to amend 1954 PA 116, entitled "Michigan election law,"
by amending sections 24a, 30g, 307, 308, 323, 347, 355, 426c, 426f,
426l, 642, 792, 806, 809, 822, 823, 826, 866, 867, and 868 (MCL
168.24a, 168.30g, 168.307, 168.308, 168.323, 168.347, 168.355,
168.426c, 168.426f, 168.426l, 168.642, 168.792, 168.806, 168.809,
168.822, 168.823, 168.826, 168.866, 168.867, and 168.868), section
24a as amended by 2012 PA 586, section 307 as amended by 2010 PA
55, section 308 as added by 2003 PA 302, section 426f as amended by
1990 PA 32, section 642 as amended by 2012 PA 523, sections 809 and
868 as amended by 1995 PA 261, section 826 as amended by 2003 PA
119, section 866 as amended by 2010 PA 53, and section 867 as
amended by 1980 PA 200; and to repeal acts and parts of acts.
THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 24a. (1) A 4-member board of county canvassers is established in every county in this state. All of the powers granted to and duties required by law to be performed by all boards of canvassers established by law, other than the board of state canvassers, boards of city canvassers in cities having more than 5 precincts, boards of canvassers in counties having a population of 1,500,000 or more, and boards of township canvassers in townships having more than 5 precincts, are granted to and required to be performed by the board of county canvassers.

(2) The board of county canvassers shall conduct all recounts of elections in cities, townships, villages, school districts, metropolitan districts, or any other districts and be vested with all of the powers and required to perform all the duties in connection with any recount.

(3) If a city, village, metropolitan district, or any other district, other than a school district, lies in more than 1 county, and a duty is to be performed by the board of county canvassers, the board of county canvassers in the county in which the greatest number of registered voters of the city, village, metropolitan district or other district resides at the close of registration for the election involved shall perform the duty.

(4) Except as otherwise provided in this subsection, if a school district lies in more than 1 county, the board of county canvassers for each county in which a portion of the school district lies shall canvass that portion of a school district election that is held in that county. If a school district election
precinct lies in more than 1 county, the board of county canvassers of the county in which the largest number of registered electors of that precinct reside shall canvass the results of that precinct. Notwithstanding the provisions of the preceding 2 sentences, unless the school district election is conducted on the same date as another election in the county, a board of county canvassers that is not responsible for certifying the results of the school district election is not required to meet to canvass the school district election and the board of county canvassers responsible for certifying the results of the school district election shall canvass that portion of the school district election held in that county. Upon completion of the canvass, the clerk of the board of county canvassers shall transmit the canvassed results to the county clerk of the county in which the largest number of registered electors of that school district reside. Upon receipt of the canvassed results, the county clerk of the county in which the largest number of registered electors of that school district reside shall make a statement of returns and certify the results of the school district election to the secretary of the school board. Notwithstanding any of the foregoing provisions of this subsection, if a city or village that lies in more than 1 county conducts an election on the same date as a school district that lies within the city or village that is conducting an election, that portion of the school district election held within that city or village shall be canvassed by the canvassing board responsible for canvassing the city or village election.

(5) The cost of canvass of school, metropolitan district,
city, township, and village elections shall be borne by the school
district, metropolitan district, city, township, or village holding
the election, and upon presentation of a bill for the costs
incurred by the board of county canvassers, the school district,
metropolitan district, city, township, or village shall reimburse
the county treasurer.

(6) All boards of canvassers provided for in law including
boards of school canvassers, the duties of which are by this act
required to be performed by boards of county canvassers, are
abolished.

(7) Members of the board of county canvassers shall be
appointed for terms of 4 years beginning on November 1 following
their appointment. Of the members first appointed, 1 member of each
of the political parties represented on the board of county
canvassers shall be appointed for a term of 4 years and 1 for a
term of 2 years. The county clerk shall notify members of the board
of county canvassers of their appointment within 5 days of being
appointed.

(8) This section applies to all elections, any charter
provision to the contrary notwithstanding.

Sec. 30g. Whenever IF a board of COUNTY canvassers created
under this act is required to perform its statutory duties and
because of illness or absence of members of the board OF COUNTY
CANVASSERS a quorum is not present, the clerk of the political
subdivision COUNTY may appoint a sufficient number of temporary
members to constitute a quorum. If the vacancy is on the board of
county canvassers, the THE appointment shall be made by the county
clerk from party recommendations on file, if available. If the
vacancy is on the board of city or township canvassers, the
appointment shall be made from applications on file, if available.
The appointments shall be of the same political party as the ill or
absent members of the board of COUNTY CANVASSERS. Any temporary
appointee to the board of COUNTY canvassers must possess all of the
qualifications required for regular membership on that board of
COUNTY CANVASSERS. Temporary appointees shall serve only until the
business on hand has been transacted.

Sec. 307. (1) The appropriate board of COUNTY canvassers as
prescribed in section 24a or 30a shall canvass the votes for
candidates for school board member and votes for and against a
ballot question at a regular or special election in each school
district. That number of candidates equal to the number of
individuals to be elected who receive the greatest number of votes
cast at the election, as set forth in the report of the board of
COUNTY canvassers canvassing the votes, based upon the returns from
the election precincts or as determined by the board of COUNTY
canvassers as a result of a recount, are elected to the office of
school board member. Except as otherwise provided in section
24a(4), upon completion of the canvass, the board of COUNTY
canvassers shall make a statement of returns and certify the
election of school board members to the secretary of the school
board, the county clerk, and, if other than the county clerk, the
school district election coordinator.

(2) The votes cast for a candidate for school board member or
on a ballot question submitted to the electors at a school election
are subject to recount as provided in chapter XXXIII. An individual
elected to the office of school board member is subject to recall
as provided in chapter XXXVI and in section 8 of article II of the
state constitution of 1963.

Sec. 308. A local official who receives the certification of
the board of COUNTY canvassers under section 307 shall preserve and
file in his or her office the certified statement of returns and
certification of the board of COUNTY canvassers of the result of
the election. The city, township, or county clerk who is the
secretary to the board of COUNTY canvassers canvassing the school
board election shall immediately execute and provide to the
individuals declared elected to the office of school board member a
certificate of election.

Sec. 323. It shall be IS the duty of the board of city
election commissioners to prepare the primary ballots to be used by
the electors. The returns shall be canvassed by the board of city
COUNTY canvassers and the results certified to the board of city
election commissioners, who shall thereupon prepare and furnish
ballots for the ensuing election. The printing and distribution of
ballots, equipment, and supplies, the conduct of the primary and
election, the canvass and certification of the returns, and all
other particulars shall be in accordance, as nearly as may be, with
the provisions of this act governing general primaries and
elections.

Sec. 347. Except as herein otherwise provided IN THIS ACT, the
laws governing nominating petitions, the conduct of general primary
elections, the furnishing of ballots, and the depositing, counting,
and canvassing of the same. BALLOTS shall, as near as may be, apply
to primaries held under the provisions of this chapter. In case of
recounts, said recounts RECOUNTS shall be conducted by the township
board of COUNTY canvassers. and all duties which ALL DUTIES THAT,
under the parts of this act relating to general elections or
primary elections, devolve FALL upon the county clerk shall be
performed IN THE SAME MANNER by the township clerk.

Sec. 355. (1) The candidate or candidates of each political
party to a township office receiving the greatest number of votes
cast for candidates of said office, as set forth in the report
of the township board of COUNTY canvassers, based on the returns
from the various election precincts, or as determined by the board
of county canvassers as the result of a recount, shall be declared
the nominee or nominees of that political party for said office at the next ensuing November election. The township board of
COUNTY canvassers shall certify such nomination or nominations
to the township clerk within 48 hours after the closing of the
polls CLOSE.

(2) Within 4 days following the primary, the township clerk
shall deliver to the county clerk a list setting forth the names,
addresses, political affiliation, and office sought of all
candidates nominated at the primary.

Sec. 426c. (1) A general nonpartisan primary election shall be
held in every municipality described in section 426a, on the
Tuesday succeeding AFTER the first Monday in August preceding any
BEFORE A general November election, at which

(2) AT THE GENERAL NONPARTISAN PRIMARY ELECTION, judges of the
municipal courts of record therein are to be elected at which time AND the qualified and registered voters may vote for nonpartisan candidates for the office of judge of THE municipal court of record.

(3) If upon the expiration of the time for filing petitions for the primary election of the municipal judge or judges in any municipality there are not to exceed twice the number of candidates than persons to be elected, then the city clerk shall certify through the city board of COUNTY canvassers the names of the candidates for judge of the municipal court of record whose petitions have been properly filed. THESE CANDIDATES shall be the CERTIFIED nominees for judges of the municipal court of record. and shall be so certified, IN ADDITION, there shall NOT be a primary election for this office, and it shall be omitted from the official primary ballot.

Sec. 426f. (1) The candidates for the office of judge of the municipal court of record receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected, as set forth in the report of the city BOARD OF COUNTY canvassers, based on returns from the various local boards of canvassers and election precincts, shall be declared the nominees for the office OF JUDGE OF THE MUNICIPAL COURT OF RECORD at the next general election.

(2) If, after the deadline for filing nominating petitions under section 426d, there are fewer candidates for nomination or nominees for the office of judge of a municipal court of record than there are persons to be elected at the general November
election because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 426d. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 426d, whichever is less.

(3) The city clerk shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners of the city for the general November election.

Sec. 426/. The city board of COUNTY canvassers shall determine which candidates for judge of the municipal court of record received the highest number of votes and on that basis shall declare the candidates duly elected, specifying the terms to which each was elected. The board OF COUNTY CANVASSERS shall forthwith immediately make and subscribe on its statements of returns a certificate of the determination and deliver it to the city clerk.

Sec. 642. (1) Except as otherwise provided in this section and section 642a, on the effective date of this act, a city shall hold its regular election or regular primary election as follows:

(a) A city shall hold its regular election for a city office
(b) A city shall hold its regular election primary at the odd year primary election.

(c) A city that holds its regular election for a city office annually or in the even year on the November regular election date shall continue holding elections on that schedule.

(d) A city that holds its regular election primary for a city office annually or in the even year on the August regular primary election date shall continue holding primary elections on that schedule.

(2) If, on September 1, 2004, a city holds its regular election at other than a regular November election date, the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election on the May regular election date, after December 31, 2004, the city's regular election is on the May regular election date. If a city's regular election is held on the May regular election date, the city's regular election primary shall be held on the February regular election date immediately before its regular election.

(3) If, on September 1, 2004, a city holds its regular election annually or in the even year on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution in compliance with this section. Except as provided in section
642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the odd year general election, after December 31, 2004, the city's regular election is at the odd year election. If a city's regular election is held at the odd year general election, the city's regular election primary shall be held at the odd year primary election.

(4) If, on September 1, 2004, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the even year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the even year general election, after December 31, 2004, the city's regular election is at the even year election. If a city's regular election is held at the even year general election, the city's regular election primary shall be held at the even year primary election.

(5) Except as otherwise provided in section 642a, on September 1, 2004, a village shall hold its regular election as follows:

(a) A village shall hold its regular election for a village office at the general election and the appropriate township clerk shall conduct the election.

(b) A village shall not hold a regular primary election.

(6) If a village's special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's special election is not held in conjunction with
ANOTHER ELECTION CONDUCTED BY A TOWNSHIP, THE VILLAGE SHALL PAY THE TOWNSHIP 100% OF THE ACTUAL COSTS OF CONDUCTING THE VILLAGE'S SPECIAL ELECTION.

(7) A resolution permitted under this section or section 642a is valid only if a city council adopts the resolution in compliance with all of the following:

(a) The resolution is adopted before 1 of the following:

(i) If the resolution is permitted under subsection (2), (3), or (4), January 1, 2005.

(ii) If the resolution is permitted under section 642a(1), (2), or (4), January 1 of the year in which the change in the date of the election takes effect.

(b) Before adopting the resolution, the council holds at least 1 public hearing on the resolution. The public hearing may be held on the same day and immediately before considering the adoption of the resolution.

(c) The council gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion.

(d) The council votes on the resolution and, on a record roll call vote, a majority of the council's board members, elected or appointed, and serving, adopt the resolution.

(e) The council files the resolution with the secretary of state.

Sec. 792. (1) Whenever it shall appear that there is a discrepancy in the returns of any election district, the board of COUNTY canvassers, of the county, if it be a general election at

Sec. 792. (1) Whenever it shall appear that there is a discrepancy in the returns of any election district, the board of COUNTY canvassers, of the county, if it be a general election at
which county or state officers are elected, or the board of
canvassers of the city, village or township, if it be a city,
village or township election at which city, village or township
officers only are elected, or the authorized representatives of
such THE board of COUNTY canvassers, shall make a record of the
number of the seal, if any, the number on the protective counter,
if one is provided, and shall open the counter compartment of said
THE machine, and without unlocking the machine against voting,
shall re-canvass the vote cast thereon ON THE MACHINE. Before
making such THE re-canvass, the said board of COUNTY canvassers
shall give sufficient notice in writing to the clerk of the time
and place where said THE re-canvass is to be made.

(2) If upon such re-canvass it shall be IS found that the
original canvass of the returns has been correctly made from the
machine, and that the discrepancy still remains unaccounted for,
the clerk or authorized assistant OF THE CLERK, in the presence of
the ELECTION inspectors of election and the said board of COUNTY
canvassers, shall unlock the voting and counting mechanism of said
THE machine and shall proceed to thoroughly examine and test the
machine to determine and reveal the true cause or causes, if any,
of the discrepancy in the return from said THE machine.

(3) Before testing the machine, the counters in the party row
or column in which the discrepancy is alleged to have occurred
shall be set at zero after which each of such THE counters shall be
operated at least 100 times.

(4) After the completion of said THE examination, the clerk or
authorized assistant OF THE CLERK shall then and there prepare a
statement in writing giving the result OF THE TEST, and
said THE statement shall be witnessed by the persons present and
shall be filed with the board of COUNTY canvassers. Any
(5) A candidate voted for at any election who conceives
himself OR HERSELF aggrieved on account of any fraud, error, or
mistake in the canvass of the vote by the ELECTION inspectors or in
the returns made by the ELECTION inspectors of election, may file a
written petition for a recount with the board of COUNTY canvassers,
as provided in cases where voting machines are not used.
Sec. 806. (1) The ELECTION inspectors shall then prepare
duplicate statements of the returns showing the whole number of
votes cast for all offices voted for which THAT are to be canvassed
by the board of county canvassers, the names of the persons for
whom such THE votes were given, and the number each person
received. — and THE ELECTION INSPECTORS shall also prepare
duplicate statements of the results on any proposed constitutional
amendment or other propositions submitted to the voters at the
election which THAT are to be canvassed by the board of county
canvassers, showing the whole number of votes cast, the number of
votes cast for, and the number of votes cast against the proposed
constitutional amendment or other proposition.
(2) Each member of the board of election inspectors shall sign
the certificate on the statement of returns as to the correctness
of the returns and that the ballots have been packaged, sealed, and
indorsed in the manner therein specified. Separate duplicate
returns shall be completed for all offices, propositions or
questions which are to be canvassed by a city or township board of
Sec. 809. (1) The board of election inspectors shall seal 1 of
the statement of returns and 1 of the tally sheets or the combined
tally return sheet with a red state election seal in an envelope
and shall address the envelope to the board of county canvassers,
in care of the judge of probate. The board of election inspectors
shall deliver the sealed envelope to the clerk of the township or
city. Upon receipt of the sealed envelope, the township or city
clerk shall immediately deliver the envelope to the person to whom
addressed. The judge of probate shall deliver the sealed envelope
received by him or her to the board of county canvassers when it
meets to canvass the returns.

(2) The board of election inspectors shall seal the other
statement of returns or combined tally and statement, together with
the poll list, in an envelope addressed to the county clerk. The
board of election inspectors shall deliver the sealed envelope to
the clerk immediately upon completion of the count. The county
clerk shall open the envelope at that time, compile unofficial
returns, and make the returns in the envelope available to the
public. The office of the county clerk shall be open on election
day for election purposes and shall remain open until the last
returns have been received and the clerk completes an unofficial
tabulation.

(3) If a city or township election to be canvassed by a board
of city or township canvassers is held at a time at which no
election returns must be forwarded to the board of county
canvassers, the board of election inspectors shall return all poll
books, tally sheets, and returns to the city or township clerk. The city or township clerk shall perform the duties required in this section of the county clerks. If a local election to be canvassed by the board of county canvassers is not held in conjunction with a county or state election, the board of election inspectors shall deliver both sealed envelopes to the local clerk. The local clerk shall deliver both sealed envelopes to the county clerk before 11 a.m. on the day following the election. In a city or township election, in which the city or township consists of more than 5 precincts, held in conjunction with an election to be canvassed by the board of county canvassers, the board of election inspectors shall deliver the duplicate returns required by section 806 to the city or township clerk.

Sec. 822. (1) The board of county canvassers shall then proceed without delay to canvass the returns of votes cast for all candidates for offices voted for and all questions voted on at said election, according to the precinct returns filed with the probate judge or presiding probate judge by the several city and township clerks, or in case of local elections according to the precinct returns filed with the county clerk, and shall conclude such canvass at the earliest possible time and in every case within 14 days.

(2) Should the board fail to certify the results of any election for any officer or proposition within the 14 days as provided, or fail to certify results forwarded to them from any city or township election, as provided in section 30e, within 7 days of the receipt of that record, they

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THE BOARD OF COUNTY CANVASSERS shall immediately deliver to the secretary of the state board of STATE canvassers all records and other information pertaining thereto TO THE ELECTION. The board of state canvassers shall meet forthwith IMMEDIATELY and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the county board OF COUNTY CANVASSERS. The cost of such THE canvass shall be borne by the county involved.

Sec. 823. (1) If it is found, upon the convening of the board of COUNTY canvassers, that the returns from any of the boards of election inspectors of the several election precincts are missing, incomplete, or incorrect, or for any other reason it is found necessary, then the board of county canvassers shall have power to adjourn from day to day until the returns shall have been procured or corrected.

(2) The board of COUNTY canvassers are IS empowered to summon the persons having the boxes containing the ballots cast at the election and the keys and seals of the boxes, or having the returns or the poll lists or tally sheets used and made at the elections, to bring the boxes, keys, seals, returns, poll lists, and tally sheets before the board OF COUNTY CANVASSERS, and the board of COUNTY canvassers are IS authorized to open the boxes and take therefrom any books or papers bearing upon the count and return of the election inspectors of the election precincts, but THE BOARD OF COUNTY CANVASSERS shall not remove or mark the ballots therein.

(3) The board of COUNTY canvassers shall correct obvious
mathematical errors in the tallies and returns. and, when deemed
THE BOARD OF COUNTY CANVASSERS MAY, IF necessary for a proper
determination, may—summon the election inspectors before them, and
require them to count any ballots which they—THAT THE ELECTION
INSPECTORS failed to count, to make correct returns in case, in the
judgment of the board of COUNTY canvassers after examining the
returns, poll lists, or tally sheets, the returns already made are
incorrect or incomplete, and the board of COUNTY canvassers shall
canvass the votes from the corrected returns. IN THE ALTERNATIVE TO
SUMMONING THE ELECTION INSPECTORS BEFORE THEM, THE BOARD OF COUNTY
CANVASSERS MAY DESIGNATE STAFF MEMBERS FROM THE COUNTY CLERK'S
OFFICE TO COUNT ANY BALLOTS THAT THE ELECTION INSPECTORS FAILED TO
COUNT, TO MAKE CORRECT RETURNS IN CASE, IN THE JUDGMENT OF THE
BOARD OF COUNTY CANVASSERS AFTER EXAMINING THE RETURNS, POLL LISTS,
OR TALLY SHEETS, THE RETURNS ALREADY MADE ARE INCORRECT OR
INCOMPLETE, AND THE BOARD OF COUNTY CANVASSERS SHALL CANVASS THE
VOTES FROM THE CORRECTED RETURNS. When the examination of the
papers is completed, or the ballots have been counted, they shall
be returned to the ballot boxes or delivered to the persons
entitled by law to their custody, and the boxes shall be locked and
sealed and delivered to the legal custodians. thereof.
Sec. 826. (1) Except as otherwise provided in this subsection,
the—THE board of county canvassers shall determine and declare the
result of the election for county and local officers, and for all
county and local ballot questions. If a city or township has more
than 5 precincts, the board of city or township canvassers shall
canvass votes for city or township officers and ballot questions.
If a state senatorial or representative district is located solely within 1 county, the board of county canvassers shall determine and declare the result of the election for that office. Upon making the determination under this subsection, the board of county canvassers shall prepare a certificate of determination and deliver the properly certified certificate of determination to the county clerk. If the determination relates to a state senatorial or representative district located solely within 1 county, the board of county canvassers shall also deliver the properly certified certificate of determination to the board of state canvassers.

(2) Upon receipt of a properly certified certificate of determination from a board of county canvassers under subsection (1), the county clerk shall file the certificate in his or her office. The county clerk may have a statement of the total county or district votes cast for the various candidates and the total vote cast for and against the various ballot questions at the election to be published in at least 1 newspaper printed or circulated in that county. The county clerk shall immediately execute and deliver to the persons declared elected, a properly certified certificate of election.

Sec. 866. (1) Except as otherwise provided in subsection (2), recount petitions, either for an office or proposition, other than those filed with the board of state canvassers—SECRETARY OF STATE—shall be filed with the clerk of the board of COUNTY canvassers—THAT originally conducted the canvass.

(2) For a school district election, recount petitions, either for an office or proposition, shall be filed with the clerk of the
board of COUNTY canvassers, which board THAT certified the result of the school district election.

(3) Recount petitions shall be filed within 6 days after the original canvass has been completed by the county, city, township, village, or district board of COUNTY canvassers. A copy of the recount petition shall also be filed with the secretary of state within 2 days after the time the original recount petition is filed with the board of county canvassers as provided in this section. If the office or proposition in question is a city, ward, township, village, or district office or proposition, a copy of the recount petition shall not be filed with the secretary of state, but a copy shall be transmitted within 24 hours to the clerk of the board of county canvassers by the appropriate local clerk if the recount fee has been paid.

Sec. 867. (1) The A candidate or elector filing a recount petition PURSUANT TO SECTION 862 OR 863 SHALL FILE THE RECOUNT PETITION with the clerk of the correct appropriate board of COUNTY canvassers. shall at AT the same time OF FILING THE RECOUNT PETITION, THE PETITIONER SHALL deposit with the clerk the sum of $10.00 for each precinct referred to in his or her RECOUNT petition.

(2) If, by reason of the recount, the petitioner establishes sufficient fraud or mistake as set forth in his or her RECOUNT petition to change the result of the election and receives a certificate of election or establishes sufficient fraud or mistake to change the result — upon an amendment or proposition, the votes for and against — which were recounted, THE CLERK OF THE BOARD OF
COUNTY CANVASSERS SHALL REFUND the money deposited by TO the petitioner. shall be refunded.

(3) If the petitioner does not establish a fraud or mistake as set forth in his or her RECOUNT petition, the sum deposited shall be paid by the clerk of the board of county, city, township, or village canvassers to the treasurer of the county, city, township, or village.

Sec. 868. (1) If a candidate has filed a recount petition and made the deposit under sections 862 and 866, the clerk of the board of COUNTY canvassers shall give notice of the recount petition to the opposing candidates described in this subsection within 24 hours after filing of the RECOUNT petition by delivering to each candidate a copy of the recount petition, or, if the candidate cannot be found, by leaving a copy at the candidate's last known place of residence with a member of the candidate's immediate family of suitable age. If a member of the candidate's family cannot be found, the clerk of the board of COUNTY canvassers may give notice by posting the recount petition in a conspicuous place at the candidate's last known place of residence. The clerk of the board of COUNTY canvassers is not required to give notice to candidates other than the 2 candidates who, according to the return of the board of COUNTY canvassers, received the lowest number of votes among those candidates who were nominated or elected, and the 2 candidates who, according to the return of the board of COUNTY canvassers, received the highest number of votes among those candidates who were not nominated or elected.

(2) A candidate may file a counter petition in the same manner
as the original petition under section 866 within 48 hours after the original recount petition was filed with the board of COUNTY canvassers. At the time of filing the counter petition, the counter petitioner shall deposit the sum of money as required in section 866–867 for the original petitioner. The clerk of the board of COUNTY canvassers shall refund to the counter petitioner the money deposited by the counter petitioner if the original petitioner does not establish fraud or receive a certificate of election. Except as otherwise provided in this subsection, the counter petitioner shall file a copy of the counter petition with the secretary of state within 4 days after the time the original petition is filed with the proper COUNTY canvassers as provided in this section. If the office or ballot question in question is a city, township, ward, village, or district office or ballot question, the counter petitioner is not required to file a copy of the counter petition with the secretary of state.

(3) On or before 4 p.m. of the seventh day after a recount petition has been filed under section 866, an opposing candidate may file objections to the recount petition with the appropriate board of COUNTY canvassers. The opposing candidate shall set forth his or her objections to the recount petition in writing. Upon receipt of an objection under this subsection, the board of COUNTY canvassers shall notify the petitioner and the objecting candidate of the date of the hearing of the board of COUNTY canvassers to consider the objections. The board of COUNTY canvassers shall allow the recount petitioner and the objecting candidate to present oral or written, or both, arguments on the objections raised to the
recount petition at the hearing. Not later than 5 business days
following the hearing, the board of COUNTY canvassers shall rule on
the objections raised to the recount petition. The board of COUNTY
canvassers shall not begin a recount unless 2 or more business days
have elapsed since the board of COUNTY CANVASSERS ruled on the
objections under this subsection, if applicable.

(4) If the time designated for filing a RECOUNT petition under
this section falls on a Saturday, Sunday, or legal holiday, the
RECOUNT petition may be filed on the next succeeding business day.
Failure of the clerk of the board of COUNTY canvassers or the
secretary of state to give notice to the opposing candidate as
required in this section shall not affect the results of the
recount.

Enacting section 1. Sections 30a to 30e and 360 of the
Michigan election law, 1954 PA 116, MCL 168.30a to 168.30e and
168.360, are repealed.

Enacting section 2. This amendatory act does not take effect
unless all of the following bills of the 97th Legislature are
enacted into law:

(a) House Bill No. 4169.
(b) House Bill No. 4170.