

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 603**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 2, 822, 825, 827, 828, 842, 861, 862, 863,
865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 878,
879, 880, 880a, 881, 882, 883, 884, 887, 888, 889, 890, and 892
(MCL 168.2, 168.822, 168.825, 168.827, 168.828, 168.842, 168.861,
168.862, 168.863, 168.865, 168.866, 168.867, 168.868, 168.869,
168.870, 168.871, 168.872, 168.873, 168.874, 168.875, 168.876,
168.878, 168.879, 168.880, 168.880a, 168.881, 168.882, 168.883,
168.884, 168.887, 168.888, 168.889, 168.890, and 168.892), section
2 as amended by 2023 PA 87, sections 822, 842, and 882 as amended
by 2023 PA 269, sections 862 and 879 as amended by 2018 PA 128,
section 863 as amended by 2012 PA 586, sections 866 and 868 as

amended by 2013 PA 51, sections 867 and 881 as amended by 2018 PA 130, section 871 as amended by 2012 PA 272, and sections 874, 875, and 890 as amended by 1995 PA 261, and by adding sections 861a and 883a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Absent voter" is a voter who utilizes the process
3 described in section 759.

4 (b) "Absent voter ballot" means a ballot that is issued to a
5 voter through the absent voter process.

6 (c) "Ballot container" is defined in section 14a.

7 (d) **"Ballot question committee" means that term as defined in**
8 **section 2 of the Michigan campaign finance act, 1976 PA 388, MCL**
9 **169.202.**

10 (e) ~~(d)~~—"Business day" or "secular day" means a day that is
11 not a Saturday, Sunday, or legal holiday.

12 (f) **"Change the result of the election" means either of the**
13 **following:**

14 (i) **Elect a different candidate.**

15 (ii) **Result in the opposite outcome for a ballot question.**

16 (g) ~~(e)~~—"Clearly observable boundaries" is defined in section
17 654a.

18 (h) ~~(f)~~—"Common carrier" means a company that transports mail,
19 on reasonable request, on regular routes and at set rates.

20 (i) ~~(g)~~—"Educational institution" means a public or private
21 institution, or a separate school or department of a public or
22 private institution, that is authorized by law or an accrediting
23 body to grant or issue a diploma, degree, certificate, or license,
24 or to grant approval to practice a profession or engage in an

1 enterprise, and includes, but is not limited to, an academy, high
2 school, college, university, community college, junior college,
3 secondary school, extension course, or a business, nursing,
4 professional, secretarial, technical, or vocational school.

5 (j) ~~(h)~~—"Election" means an election or primary election at
6 which the electors of this state or of a subdivision of this state
7 choose or nominate by ballot an individual for public office or
8 decide a ballot question lawfully submitted to them.

9 (k) ~~(i)~~—"Election precinct" is defined in section 654.

10 (l) ~~(j)~~—"Fall" state and county conventions and "spring" state
11 and county conventions are assigned meanings in section 596.

12 (m) ~~(k)~~—"General election" or "general November election"
13 means the election held on the November regular election date in an
14 even numbered year.

15 (n) ~~(l)~~—"Identification for election purposes" means, if issued
16 to the individual presenting the card or document and if presented
17 for voting purposes the name on the card or document sufficiently
18 matches the individual's name in the individual's voter
19 registration record so as to accurately identify the individual as
20 the registered elector, or if issued to the individual presenting
21 the card or document and if presented for voter registration
22 purposes, any of the following:

23 (i) An operator's or chauffeur's license issued under the
24 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an
25 enhanced driver license issued under the enhanced driver license
26 and enhanced official state personal identification card act, 2008
27 PA 23, MCL 28.301 to 28.308.

28 (ii) An official state personal identification card issued
29 under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official

1 state personal identification card issued under the enhanced driver
 2 license and enhanced official state personal identification card
 3 act, 2008 PA 23, MCL 28.301 to 28.308.

4 (iii) A current operator's or chauffeur's license issued by
 5 another state.

6 (iv) A current state personal identification card issued by
 7 another state.

8 (v) A current state government issued photo identification
 9 card.

10 (vi) A current United States passport or federal government
 11 issued photo identification card.

12 (vii) A current military photo identification card.

13 (viii) A current tribal photo identification card.

14 (ix) A current photo identification card issued by a local
 15 government.

16 (x) A current student photo identification card issued by an
 17 educational institution.

18 (o) ~~(m)~~ "Immediate family" means an individual's father,
 19 mother, son, daughter, brother, sister, and spouse and a relative
 20 of any degree residing in the same household as that individual.

21 Sec. 822. (1) The board of county canvassers shall then
 22 proceed without delay to canvass the returns of votes cast for all
 23 candidates for offices voted for and all questions voted on at the
 24 election, according to the precinct returns, early voting returns,
 25 and absent voter counting board returns filed with the probate
 26 judge or presiding probate judge by the ~~several~~ **county**, city, and
 27 township clerks, or for local elections according to the precinct
 28 returns filed with the county clerk, and must conclude the canvass
 29 at the earliest possible time and, **except as otherwise provided in**

1 **section 842(2)**, in every case no later than the fourteenth day
2 after the election.

3 (2) ~~If~~ **Subject to section 842(2)**, if the board of county
4 canvassers fails to certify the results of any election for any
5 officer or proposition by the fourteenth day after the election as
6 provided, the board of county canvassers shall immediately deliver
7 to the secretary of the board of state canvassers all records and
8 other information pertaining to the election. ~~The~~ **Subject to**
9 **section 842(2) and (3)**, the board of state canvassers shall meet
10 immediately and make the necessary determinations and certify the
11 results not later than the twentieth day after the election. The
12 board of county canvassers and all other county staff necessary to
13 complete the canvass must be present at all times during the
14 completion of the canvass by the board of state canvassers. All
15 costs associated with the completion of the canvass must be borne
16 by the county involved.

17 (3) It is the ministerial, clerical, and nondiscretionary duty
18 of each board of county canvassers, and each of the members of the
19 board of county canvassers, to certify election results based
20 solely on the statements of returns from the election day
21 precincts, early voting sites, and absent voter counting boards in
22 the county and any corrected returns.

23 (4) As used in this section and section 842, "to certify"
24 means to make a signed, written statement.

25 Sec. 825. ~~In said statements,~~ **Any statement prepared under**
26 **section 824 must state** the ~~whole~~ **total** number of votes given for
27 each office, the names of the candidates and the number of votes
28 given to each **candidate**, the ~~whole~~ **total** number of votes given on
29 any proposed constitutional amendment or other proposition

1 submitted to the electors at ~~such~~**the** election, and the number of
 2 votes given for and the number of votes given against ~~such~~**the**
 3 proposed amendment or other proposition ~~shall be written out in~~
 4 ~~words at length, and the number of votes shall in each case be also~~
 5 ~~stated in figures.~~ Each ~~such~~**statement shall** ~~must~~ be certified to
 6 by the ~~said~~ board of county canvassers, under ~~their~~**the board of**
 7 **county canvassers'** hands and the seal of the circuit court of the
 8 county, and ~~shall~~**must** be attested by the clerk of ~~said~~**the** board.
 9 ~~Thus~~**Once** certified and attested, each ~~such~~**statement shall** ~~must~~ be
 10 filed with the county clerk and kept by ~~him~~**the county clerk** in ~~his~~
 11 **the county clerk's** office.

12 Sec. 827. The county clerk of each county ~~which~~**that** alone
 13 constitutes 1 or more senatorial or representative districts shall,
 14 ~~upon~~**on** suitable blank forms furnished by the secretary of state,
 15 transmit ~~by mail,~~ without delay ~~,~~ to the secretary of state a copy
 16 of ~~such~~**the** certificate of determination certified by ~~said~~**the**
 17 county clerk under ~~his~~**the county clerk's** hand and seal of office.
 18 **The secretary of state shall specify to the county clerk whether**
 19 **the certificate of determination must be transmitted to the**
 20 **secretary of state electronically or by mail.** The ~~said~~ county clerk
 21 shall at the same time report to the secretary of state the
 22 ~~postoffice~~**post office** address of each ~~person~~**individual** elected in
 23 ~~said~~**the** county to any county office or to the office of state
 24 senator or representative in the legislature.

25 Sec. 828. The clerk of the board of county canvassers
 26 forthwith, and in no case later than 24 hours after the completion
 27 of the canvass, ~~upon~~**on** forms provided by the secretary of state,
 28 shall deliver in person or send to the secretary of state, by
 29 registered or certified mail with return receipt demanded, a

1 certified copy of each of the statements prepared by the board as
 2 required by section 824, ~~of this act,~~ so far as ~~such the~~ statements
 3 shall relate to the vote for any state office, electors of
 4 ~~president~~ **President** and ~~vice-president~~ **Vice President** of the United
 5 States, United States ~~senator, representative~~ **Senator,**
 6 **Representative** in ~~congress,~~ **Congress, supreme court justices, court**
 7 **of appeals judges, circuit court judges, probate judges, district**
 8 **court judges,** state senators and representatives in the state
 9 legislature, **members of the state board of education, members of**
 10 **the board of regents of the University of Michigan, members of the**
 11 **board of trustees of Michigan State University, members of the**
 12 **board of governors of Wayne State University,** and any proposed
 13 amendment to the constitution or other question or proposition
 14 submitted at ~~such the~~ election to the electors of ~~the this~~ state at
 15 large, together with a certificate of authenticity signed by
 16 ~~himself the clerk~~ and the ~~chairman~~ **chairperson** of the board of
 17 canvassers.

18 Sec. 842. (1) ~~The~~ **Except as otherwise provided under**
 19 **subsection (2), the** board of state canvassers, for the purpose of
 20 canvassing the returns and ascertaining and determining the result
 21 of an election, shall meet on or before the twentieth day after the
 22 election. The secretary of the board of state canvassers shall
 23 appoint the day of the meeting, which must be as soon as
 24 practicable after the receipt of the returns from the boards of
 25 county canvassers, and shall notify the other members of the board.
 26 ~~The~~ **Except as otherwise provided under subsections (2) and (3), the**
 27 board shall complete the canvass and announce the board's
 28 determination not later than the twentieth day after the election.
 29 The board may at the time of its meeting canvass the returns for

1 any office for which the returns have been received.

2 (2) If the unofficial election returns show that the election
3 of electors of President and Vice President of the United States is
4 determined by a vote differential between the first place and
5 second place candidates for President and Vice President of the
6 United States of less than 25,000 votes, the secretary of state
7 shall direct the boards of county canvassers to canvass returns ~~for~~
8 ~~electors of President and Vice President of the United States~~ on an
9 expedited schedule. The secretary of state may direct the boards of
10 county canvassers to complete the ~~statements for electors of~~
11 ~~President and Vice President of the United States~~ required by
12 ~~section 824~~ **canvass** and certify the statements as required by
13 ~~section 828 to the secretary of state by the seventh~~ **law not later**
14 **than the tenth** day after the election. ~~or by a date before the~~
15 ~~fourteenth day after the election.~~

16 (3) The secretary of the board of state canvassers may appoint
17 the day for the board of state canvassers to conduct the expedited
18 canvass of the returns ~~for electors of President and Vice President~~
19 ~~of the United States~~ **as required under subsection (2)** and determine
20 the results of that election. The day appointed for the expedited
21 canvass must be as soon as practicable after receipt of the returns
22 from the boards of county canvassers, but the board of state
23 canvassers shall complete the canvass and announce the board's
24 determination no later than the ~~twentieth~~ **thirteenth** day after the
25 election.

26 (4) **If any statewide primary election has an unofficial vote**
27 **differential of 1,500 votes or less, the secretary of state shall**
28 **direct the board of state canvassers to canvass the returns of that**
29 **statewide primary election on an expedited schedule and shall**

1 **appoint the day for the board of state canvassers to conduct the**
2 **expedited canvass.**

3 (5) ~~(4)~~—It is the ministerial, clerical, and nondiscretionary
4 duty of the board of state canvassers, and each of the members of
5 the board of state canvassers, to certify election results based
6 solely on the certified statements of votes from counties.

7 Sec. 861. (1) ~~For fraudulent or illegal voting, or tampering~~
8 ~~with the ballots or ballot boxes before a recount by the board of~~
9 ~~county canvassers, the remedy by quo warranto shall remain in full~~
10 ~~force, together with any other remedies now existing.~~**A board of**
11 **canvassers is authorized to conduct postcertification recounts of**
12 **election results under procedures described in this chapter, and**
13 **all recounts in this state must be conducted under the procedures**
14 **described in this chapter.**

15 (2) A recount conducted under this chapter by a board of
16 canvassers is an administrative process limited to determining the
17 number of votes cast on ballots for each candidate seeking a
18 particular office or determining the number of votes cast for or
19 against a ballot question.

20 (3) A recount is not an investigation or an audit of the
21 conduct of an election, and a recount does not assess the
22 qualifications of electors participating in an election or the
23 manner in which ballots are applied for or issued to electors. If a
24 board of canvassers receives a petition to conduct an investigation
25 or an audit of the conduct of an election, a petition to assess the
26 qualifications of electors participating in an election or the
27 manner in which ballots are applied for or issued to electors, or a
28 petition to do anything other than conduct a recount as described
29 in subsection (2), the board of canvassers must deny that petition.

1 (4) This chapter shall be liberally construed to achieve the
2 purpose of fair, impartial, uniform, and expeditious recounts in
3 this state.

4 (5) As used in this chapter, "precinct" means any of the
5 following:

6 (a) An election day precinct.

7 (b) A precinct at an absent voter counting board.

8 (c) A precinct at an early voting site.

9 Sec. 861a. Any proceeding intended to restrain, enjoin,
10 modify, control, reverse, or otherwise interfere with the action of
11 a board of county canvassers or any representative operating under
12 the supervision of a board of county canvassers must be instituted
13 only against the board of county canvassers and only by mandamus.

14 Sec. 862. A candidate for office who believes ~~he or she that~~
15 **the candidate** is aggrieved on account of ~~fraud or mistake~~ **error** in
16 the canvass or returns of the votes ~~by the election inspectors~~ may
17 petition for a recount of the votes cast for that office in any
18 precinct or precincts. ~~as provided in this chapter. The~~ **A candidate**
19 **is aggrieved if the** candidate ~~must be~~ **is** able to allege a good-
20 faith belief that, but for ~~fraud or mistake,~~ **error in the canvass**
21 **or returns of the votes**, the candidate would have had a reasonable
22 chance of winning the election. **If a candidate for office files a**
23 **recount petition, that candidate must file that recount petition in**
24 **good faith and the number of votes requested to be recounted must,**
25 **at a minimum, be greater than the difference in votes between the**
26 **petitioning candidate and the winning candidate. The candidate must**
27 **use the form as required under section 865(1).**

28 Sec. 863. ~~A qualified and registered elector voting in a city,~~
29 ~~township, or village election who believes there has been fraud or~~

1 ~~error committed by the inspectors of election in its canvass or~~
2 ~~returns of the votes cast at the election, upon a proposed~~
3 ~~amendment to the charter of the city or village or other ballot~~
4 ~~question submitted to the voters of the county, city, township,~~
5 ~~school district, community college district, metropolitan district,~~
6 ~~or village, may petition for a recount of the votes cast in any~~
7 ~~precinct or precincts of that county, city, township, school~~
8 ~~district, community college district, metropolitan district, or~~
9 ~~village, upon that proposed amendment or other ballot question as~~
10 ~~provided in this chapter.~~ **If a ballot question committee**
11 **participates in an election in which there was a ballot question on**
12 **the ballot and that ballot question committee believes that, but**
13 **for error, the outcome of the ballot question would have been the**
14 **opposite result, that ballot question committee may file a recount**
15 **petition of the votes cast on that ballot question in any precinct.**
16 **If a ballot question committee that participates in an election in**
17 **which there was a ballot question on the ballot files a recount**
18 **petition, that ballot question committee must file that recount**
19 **petition in good faith and the number of votes requested to be**
20 **recounted must, at a minimum, be greater than the difference**
21 **between the "yes" votes and the "no" votes on the proposed ballot**
22 **question. The ballot question committee must use the form as**
23 **required under section 865(3). If a ballot question committee did**
24 **not participate in an election in which there was a ballot question**
25 **on the ballot, any elector who voted in that election may file a**
26 **recount petition concerning that ballot question in the same manner**
27 **as provided for a ballot question committee under this section.**

28 ~~Sec. 865. (1) Such~~ **A candidate** ~~petition shall for a recount~~
29 ~~must be sworn to and shall set forth as near as may be the nature~~

1 ~~of the mistakes or frauds complained of and the city, ward,~~
2 ~~township, village and precinct in which they are alleged to have~~
3 ~~occurred, and shall ask for a correction thereof.~~ **in the following**
4 **form:**

5 **CANDIDATE PETITION FOR A RECOUNT**

6 I _____, the petitioner, reside at
7 _____, and I petition the _____
8 (state/county) board of canvassers for a recount of the votes cast
9 for the _____ (Office/District/Party) at the election. I am
10 aggrieved on account of error in the canvass or returns of the
11 votes. I have a good-faith belief that, but for error, I would have
12 had a reasonable chance of winning the election. I am requesting a
13 recount of sufficient votes to change the result of the election.

14 I request that the following precincts, absent voter counting
15 board (AVCB) precincts, and early voting precincts within the
16 listed jurisdictions be recounted:

Precinct/AVCB Precinct/Early Voting	Name of Jurisdiction
Precinct Number	
_____	_____
_____	_____
_____	_____

23 (List additional precincts/vote centers on the back or attach
24 additional sheets)

25 Specifically explain the error in the canvass or returns of votes:
26 _____
27 _____
28 _____

29 My deposit of \$ _____ is enclosed.

1 Signature of candidate: _____

2 Date of signature: _____

3

4 Subscribed and sworn to before me this __ day of _____, 20__

5 Name of notary public: _____

6 Signature of notary public: _____

7 Notary public, State of Michigan, County of _____

8 Acting in the County of _____

9 My commission expires: _____

10 (2) A candidate counter petition for a recount must be in the
11 following form:

12 CANDIDATE COUNTER PETITION FOR A RECOUNT

13 I _____, the counter petitioner, reside at
14 _____, and I counter petition the _____
15 (state/county) board of canvassers for a recount of the votes cast
16 for the _____ (Office/District/Party) at the election.

17 I request that the additional following precincts, absent
18 voter counting board (AVCB) precincts, and early voting precincts
19 within the listed jurisdictions be recounted:

20 Precinct/AVCB Precinct/Early Voting	Name of Jurisdiction
21 Precinct Number	
22 _____	_____
23 _____	_____
24 _____	_____

25

26 (List additional precincts/vote centers on the back or attach
27 additional sheets)

28 Specifically explain the error in the canvass or returns of votes:

29 _____

1 _____
 2 _____
 3 My deposit of \$ _____ is enclosed.
 4 Signature of candidate: _____
 5 Date of signature: _____

6
 7 Subscribed and sworn to before me this __ day of _____, 20____
 8 Name of notary public: _____
 9 Signature of notary public: _____
 10 Notary public, State of Michigan, County of _____
 11 Acting in the County of _____
 12 My commission expires: _____

13 (3) Except as otherwise provided under subsection (5), a
 14 ballot question committee petition for a recount must be in the
 15 following form:

16 BALLOT QUESTION COMMITTEE PETITION FOR A RECOUNT

17 I _____, an authorized representative of
 18 _____, petition the _____ (state/county) board
 19 of canvassers for a recount of the votes cast for the _____
 20 (ballot question) at the _____ election. The ballot
 21 question committee has a good-faith belief that, but for error, the
 22 result of the ballot question would have been the opposite. The
 23 ballot question committee is requesting a recount of sufficient
 24 votes to change the result of the election.

25 The ballot question committee requests that the following
 26 precincts, absent voter counting board (AVCB) precincts, and early
 27 voting precincts within the listed jurisdictions be recounted:

28 Precinct/AVCB Precinct/Early Voting	Name of Jurisdiction
29 Precinct Number	

1 _____
 2 _____
 3 _____

4
 5 (List additional precincts/vote centers on the back or attach
 6 additional sheets)

7 Specifically explain the error in the canvass or returns of votes:
 8 _____
 9 _____
 10 _____

11 My deposit of \$_____ is enclosed.

12 Signature of ballot question committee representative:
 13 _____

14 Date of signature: _____

15
 16 Subscribed and sworn to before me this __ day of _____, 20__

17 Name of notary public: _____

18 Signature of notary public: _____

19 Notary public, State of Michigan, County of _____

20 Acting in the County of _____

21 My commission expires: _____

22 (4) Except as otherwise provided under subsection (5), a
 23 ballot question committee counter petition for a recount must be in
 24 the following form:

25 **BALLOT QUESTION COMMITTEE COUNTER PETITION FOR A RECOUNT**

26 I _____, an authorized representative of
 27 _____, counter petition the _____
 28 (state/county) board of canvassers for a recount of the votes cast
 29 for the _____ (ballot question) at the election.

1 The ballot question committee requests that the additional
2 following precincts, absent voter counting board (AVCB) precincts,
3 and early voting precincts within the listed jurisdictions be
4 recounted:

5 Precinct/AVCB Precinct/Early Voting	Name of Jurisdiction
6 Precinct Number	
7 _____	_____
8 _____	_____
9 _____	_____

10
11 (List additional precincts/vote centers on the back or attach
12 additional sheets)

13 Specifically explain the error in the canvass or returns of votes:
14 _____
15 _____
16 _____

17 My deposit of \$ _____ is enclosed.
18 Signature of ballot question committee representative:
19 _____
20 Date of signature: _____

21
22 Subscribed and sworn to before me this __ day of _____, 20__
23 Name of notary public: _____
24 Signature of notary public: _____
25 Notary public, State of Michigan, County of _____
26 Acting in the County of _____
27 My commission expires: _____

28 (5) The secretary of state shall modify the ballot question
29 committee petition for a recount form under subsection (3) and the

1 **ballot question committee counter petition for a recount form under**
 2 **subsection (4) as appropriate to allow an elector to file either**
 3 **petition as authorized under sections 863 and 880.**

4 Sec. 866. (1) Except as otherwise provided in subsection (2),
 5 recount petitions, either for an office or ~~proposition,~~ **ballot**
 6 **question,** other than those filed with the secretary of state, ~~shall~~
 7 **must** be filed with the clerk of the board of county canvassers that
 8 originally conducted the canvass.

9 (2) For a school district election, recount petitions, either
 10 for an office or ~~proposition,~~ **shall ballot question, must** be filed
 11 with the clerk of the board of county canvassers that certified the
 12 result of the school district election.

13 (3) Recount petitions ~~shall must~~ be filed within ~~6 days after~~
 14 ~~the original canvass has been completed~~ **48 hours after the**
 15 **certification of the canvass** by the board of county canvassers. A
 16 ~~copy of the recount petition shall also be filed with the secretary~~
 17 ~~of state within 2 days after the time the original recount petition~~
 18 ~~is filed with the board of county canvassers as provided in this~~
 19 ~~section.~~

20 Sec. 867. (1) A ~~candidate or elector filing a~~ recount petition
 21 under section 862 or 863 ~~shall file the recount petition~~ **must be**
 22 **filed** with the clerk of the appropriate board of county canvassers.
 23 Except as otherwise provided in this section, at the time of filing
 24 the recount petition, the petitioner shall deposit with the clerk
 25 the sum of ~~\$25.00~~ **\$50.00** for each precinct referred to in ~~his or~~
 26 ~~her~~ **the petitioner's** recount petition.

27 (2) If 1 candidate is to be elected to the office and the
 28 official canvass of votes shows that the number of votes separating
 29 the winning candidate and the petitioner is more than 75 votes or

1 5.0% of the total number of votes cast in the race, whichever is
2 greater, the petitioner shall deposit with the clerk the sum of
3 ~~\$250.00~~**\$500.00** for each precinct referred to in ~~his or her~~**the**
4 **petitioner's recount** petition. For purposes of this subsection, the
5 winning candidate in a primary for a nonpartisan office where only
6 1 candidate will be elected means the candidate nominated with the
7 lesser number of votes.

8 (3) Subject to subsection (2), if 1 candidate is to be elected
9 to the office and the official canvass of votes shows that the
10 number of votes separating the winning candidate and the petitioner
11 is more than 50 votes or 0.5% of the total number of votes cast in
12 the race, whichever is greater, the petitioner shall deposit with
13 the clerk the sum of ~~\$125.00~~**\$250.00** for each precinct referred to
14 in ~~his or her~~**the petitioner's recount** petition. For purposes of
15 this subsection, the winning candidate in a primary for a
16 nonpartisan office where only 1 candidate will be elected means the
17 candidate nominated with the lesser number of votes.

18 (4) If more than 1 candidate is to be elected to the office
19 and the official canvass of votes shows that the number of votes
20 separating the winning candidate who received the least number of
21 votes and the petitioner is more than 75 votes or 5.0% of the sum
22 of the number of votes received by the 2 candidates, whichever is
23 greater, the petitioner shall deposit with the clerk the sum of
24 ~~\$250.00~~**\$500.00** for each precinct referred to in ~~his or her~~**the**
25 **petitioner's recount** petition.

26 (5) Subject to subsection (4), if more than 1 candidate is to
27 be elected to the office and the official canvass of votes shows
28 that the number of votes separating the winning candidate who
29 received the least number of votes and the petitioner is more than

1 50 votes or 0.5% of the sum of the number of votes received by the
 2 2 candidates, whichever is greater, the petitioner shall deposit
 3 with the clerk the sum of ~~\$125.00~~**\$250.00** for each precinct
 4 referred to in ~~his or her~~**the petitioner's recount** petition.

5 (6) If the vote is on a ballot question and the official
 6 canvass of votes shows that the number of votes separating the
 7 "yes" votes and the "no" votes is more than 75 votes or 5.0% of the
 8 total number of votes cast on the ballot question, whichever is
 9 greater, the petitioner shall deposit with the clerk the sum of
 10 \$500.00 for each precinct referred to in the petitioner's recount
 11 petition.

12 (7) ~~(6)~~**Subject to subsection (6)**, if the vote is on a
 13 ~~proposal~~**ballot question** and the official canvass of votes shows
 14 that the number of votes separating the "yes" votes and the "no"
 15 votes is more than 50 votes or 0.5% of the total number of votes
 16 cast on the ~~proposal~~**ballot question**, whichever is greater, the
 17 petitioner shall deposit with the clerk the sum of ~~\$125.00~~**\$250.00**
 18 for each precinct referred to in ~~his or her~~**the petitioner's**
 19 **recount** petition.

20 (8) Beginning January 1, 2027 and every 4 years thereafter,
 21 the secretary of state shall adjust each deposit amount provided in
 22 subsections (1) to (7) by comparing the percentage increase or
 23 decrease in the Consumer Price Index for the preceding August by
 24 the corresponding Consumer Price Index 4 years earlier. The
 25 secretary of state shall multiply that percentage change by each
 26 deposit amount in subsections (1) to (7). The secretary of state
 27 shall round up each dollar value adjustment made to the nearest
 28 \$10.00. The secretary of state shall announce the adjustments made
 29 by December 15 of each year in which an adjustment is made. As used

1 in this subsection, "Consumer Price Index" means the most
 2 comprehensive index of consumer prices available for this state
 3 from the Bureau of Labor Statistics of the United States Department
 4 of Labor.

5 (9) ~~(7)~~—If, by reason of the recount, the petitioner
 6 establishes sufficient ~~fraud or mistake as set forth in his or her~~
 7 ~~recount petition~~ **error** to change the result of the election, and
 8 ~~receives a certificate of election or establishes sufficient fraud~~
 9 ~~or mistake to change the result upon an amendment or proposition,~~
 10 ~~the votes for and against which were recounted,~~ the clerk of the
 11 board of county canvassers shall refund the money deposited to the
 12 petitioner.

13 (10) ~~(8)~~—If a refund is not made as required under subsection
 14 ~~(7),~~ **(9)**, the sum deposited must be paid by the clerk of the board
 15 of county canvassers to the treasurer of the county.

16 (11) ~~(9)~~—If a precinct referred to in the petition is
 17 determined "not recountable" as provided in section 871(3) or,
 18 subject to subsection ~~(10),~~ **(12)**, if a precinct referred to in the
 19 petition is not recounted due to the withdrawal of the petition,
 20 the money deposited for the recount of that precinct must be
 21 refunded to the petitioner.

22 (12) ~~(10)~~—If the votes cast on the ballots voted in a precinct
 23 have been examined and recounted, the withdrawal of the petition
 24 must not result in a refund of the money deposited for the recount
 25 of that precinct.

26 Sec. 868. (1) If a ~~candidate has filed~~ **petitioner files** a
 27 recount petition **under section 862 or 863** and ~~made~~ **makes** the
 28 deposit under ~~sections 862 and~~ **section** 867, the clerk of the board
 29 of county canvassers shall give notice of the recount petition to

1 the opposing candidates described in this subsection **or ballot**
 2 **question committees** within 24 hours after **the** filing of the recount
 3 petition by ~~delivering~~ **emailing** to each candidate **or ballot**
 4 **question committee** a copy of the recount petition. ~~, or, if the~~
 5 ~~candidate cannot be found, by leaving a copy at the candidate's~~
 6 ~~last known place of residence with a member of the candidate's~~
 7 ~~immediate family of suitable age. If a member of the candidate's~~
 8 ~~family cannot be found, the clerk of the board of county canvassers~~
 9 ~~may give notice by posting the recount petition in a conspicuous~~
 10 ~~place at the candidate's last known place of residence. The clerk~~
 11 of the board of county canvassers is not required to give notice to
 12 candidates other than the 2 candidates who, according to the return
 13 of the board of county canvassers, received the lowest number of
 14 votes among those candidates who were nominated or elected, and the
 15 2 candidates who, according to the return of the board of county
 16 canvassers, received the highest number of votes among those
 17 candidates who were not nominated or elected.

18 (2) A candidate **or ballot question committee** may file a
 19 counter petition in the same manner as the original petition under
 20 section 866 within 48 hours after the original recount petition was
 21 filed with the board of county canvassers. At the time of filing
 22 the counter petition, the counter petitioner shall deposit the sum
 23 of money as required in section 867. ~~for the original petitioner.~~
 24 The clerk of the board of county canvassers shall refund to the
 25 counter petitioner the money deposited by the counter petitioner if
 26 the ~~original petitioner does not establish fraud or receive a~~
 27 ~~certificate of election. The counter petitioner shall file a copy~~
 28 ~~of the counter petition with the secretary of state within 4 days~~
 29 ~~after the time the original petition is filed with the appropriate~~

1 ~~board of county canvassers as provided in this section.~~ **recount does**
 2 **not change the result of the election. If a ballot question**
 3 **committee did not participate in an election in which a ballot**
 4 **question is on the ballot, any elector who voted in that election**
 5 **may file a recount counter petition in the same manner as provided**
 6 **for a ballot question committee under this section.**

7 (3) ~~On or before 4 p.m. of the seventh day~~ **Not later than 48**
 8 **hours** after a recount petition has been filed under section 866, an
 9 opposing candidate **or ballot question committee** may file objections
 10 to the recount petition with the appropriate board of county
 11 canvassers. The opposing candidate **or ballot question committee**
 12 shall set forth ~~his or her~~ **the** objections to the recount petition
 13 in writing. Upon receipt of an objection under this subsection, the
 14 board of county canvassers shall notify the petitioner and the
 15 objecting candidate **or ballot question committee** of the date of the
 16 ~~hearing-meeting~~ of the board of county canvassers to consider the
 17 objections. ~~The~~ **Subject to this subsection, the** board of county
 18 canvassers shall allow the recount petitioner and the objecting
 19 candidate **or ballot question committee** to present oral or written,
 20 or both, arguments on the objections raised to the recount petition
 21 at the ~~hearing-meeting~~. **In order to be presented at the meeting,**
 22 **written arguments on the objections raised to the recount petition**
 23 **must be submitted in writing to the board of county canvassers**
 24 **before the meeting.** Not later than ~~5-business~~ **4 calendar** days
 25 following the ~~hearing,~~ **deadline to file objections to the recount**
 26 **petition,** the board of county canvassers shall rule on the
 27 objections raised to the recount petition. ~~The board of county~~
 28 ~~canvassers shall not begin a recount unless 2 or more business days~~
 29 ~~have elapsed since the board of county canvassers ruled on the~~

1 ~~objections under this subsection, if applicable.~~

2 (4) If the time designated for filing a recount petition ~~under~~
 3 ~~this section or counter recount petition~~ falls on a Saturday,
 4 Sunday, or legal holiday, the recount petition **or counter recount**
 5 **petition** may be filed on the next succeeding business day. Failure
 6 of the clerk of the board of county canvassers or the secretary of
 7 state to give notice to the opposing candidate **or ballot question**
 8 **committee** as required in this section ~~shall~~**does** not affect the
 9 results of the recount.

10 (5) **A candidate, ballot question committee, or elector may**
 11 **withdraw a recount petition or counter recount petition at any**
 12 **time.**

13 Sec. 869. ~~Upon the filing of a petition for recount, and the~~
 14 ~~giving of notice, if notice is required to be given, the board of~~
 15 ~~county canvassers shall be summoned by the clerk of the board and~~
 16 ~~here make an investigation of the facts set forth in the petition.~~
 17 ~~Should the recount involve a county or district office or~~
 18 ~~proposition, the~~ **A** recount ~~shall~~**must** not be commenced until the
 19 board ~~shall determine~~**of county canvassers determines**, by
 20 communicating with the secretary of state **in a form and manner as**
 21 **provided by the secretary of state**, that ~~no~~**a** petition has **not** been
 22 filed requesting a recount by the board of state canvassers of
 23 ballots cast in the same district. ~~In case said board shall be~~**If**
 24 **the board of county canvassers is** advised by the secretary of state
 25 that a petition has been filed with ~~him~~**the secretary of state**
 26 praying for a recount by the board of state canvassers of the
 27 ballots cast in the same county or district, then no action ~~shall~~
 28 **must** be taken ~~upon~~**on** the recount until the ~~county board shall~~
 29 ~~receive~~**of county canvassers receives** instructions from the board

1 of state canvassers. Nothing ~~herein~~ contained **in this section** shall
 2 act to delay any recount of the ballots cast at any city, ward,
 3 township, or village election if the ballots cast at ~~such that~~
 4 election are not sealed in the same ballot ~~boxes~~ **containers** with
 5 the state and county offices. ~~With respect to~~ **For** any recount of
 6 ballots cast in any city, ward, township, village, school, or
 7 district election, the board of county canvassers shall charge the
 8 appropriate local unit the actual and necessary expenses of
 9 conducting the recount, and the local unit shall pay ~~such those~~
 10 charges to the county treasurer.

11 Sec. 870. **(1)** ~~For the purpose of such investigation, the~~
 12 ~~clerk, if no meeting be already appointed, shall call a meeting of~~
 13 ~~such board of canvassers and the said board shall have power to~~
 14 ~~issue subpoenas requiring the person~~ **The individual** in charge
 15 ~~thereof to bring before it~~ **of** the ballot ~~boxes~~ used in the election
 16 **containers for each** precinct ~~or precincts~~ referred to in the
 17 **recount** petition, as well as ~~the poll lists, tally sheets,~~
 18 ~~statements of returns and such other documents or reports as may be~~
 19 ~~deemed~~ **the individual in charge of any other election materials**
 20 **that are considered** necessary, ~~Said~~ **shall bring those ballot**
 21 **containers and election materials to the board of county canvassers**
 22 **as requested by the board. The** board shall safely guard ~~such the~~
 23 ~~ballots, poll lists, tally sheets and returns~~ **ballot containers,**
 24 **and other election materials,** and when **those are** no longer
 25 required, shall ~~deliver them~~ **return those ballots, ballot**
 26 **containers, and other election materials** to the ~~officials charged~~
 27 ~~with the custody thereof. Whoever, being so~~ **individuals in charge**
 28 **of those ballots, ballot containers, and other election materials.**

29 **(2)** If an individual in charge of ballots, ballot containers,

1 or election materials fails to deliver those ballots, ballot
 2 containers, or election materials to the board of canvassers, the
 3 board of canvassers may subpoena that individual to compel delivery
 4 of those ballots, ballot containers, or election materials. If an
 5 individual is subpoenaed, ~~shall fail and fails~~ to appear or ~~shall~~
 6 ~~fail-fails~~ to produce any such box, ~~shall be deemed requested~~
 7 ballots, ballot containers, or election materials, that individual
 8 is guilty of a misdemeanor.

9 (3) The ~~persons~~ **individuals** who are required to appear before
 10 the board of canvassers shall be paid the same fees and mileage as
 11 are paid circuit court witnesses in the county. ~~They shall be paid~~
 12 ~~by the political subdivision before whose board of canvassers they~~
 13 ~~appear.~~

14 Sec. 871. (1) ~~The~~ **Subject to subsection (6), the** board of
 15 canvassers conducting a recount ~~pursuant to this chapter shall~~
 16 recount all ballots of a precinct ~~using an electronic voting system~~
 17 ~~unless 1 or more of the following circumstances exist:~~ **if both of**
 18 **the following occur:**

19 (a) ~~The seal on the transfer case or other ballot container is~~
 20 ~~broken or bears a different number than that recorded on the poll~~
 21 ~~book, the breaking or discrepancy is not explained to the~~
 22 ~~satisfaction of the board of canvassers, and security of the~~
 23 ~~ballots has not been otherwise preserved.~~ **ballots are properly**
 24 **sealed in a ballot container, in a manner that does not allow a**
 25 **ballot to be added to or removed from the ballot container, and the**
 26 **seal number on the seal is accurately recorded in the poll book, on**
 27 **the ballot container certificate, or on the statement of results.**

28 (b) ~~The number of ballots to be recounted and the number of~~
 29 ~~ballots issued on election day as shown on the poll list or the~~

1 ~~computer printout do not match and the difference is not explained~~
2 ~~to the satisfaction of the board of canvassers.~~ **One of the following**
3 **occurs:**

4 **(i) The precinct is in balance by matching the number of**
5 **ballots to be recounted and the number of ballots issued in the**
6 **precinct as shown in the poll book, the number of ballots tabulated**
7 **as shown on the tabulator tape, or the number of ballots cast as**
8 **shown by the county canvass.**

9 **(ii) The precinct was certified as out of balance during the**
10 **county canvass and remains out of balance by an identical or fewer**
11 **number of ballots after review during the recount.**

12 ~~(c) The seal used to seal the ballot label assembly to a~~
13 ~~voting device in the precinct is broken or bears a different number~~
14 ~~than that recorded in poll records and the ballot labels or~~
15 ~~rotation of candidates' names is different than that shown by other~~
16 ~~voting devices in the precinct and records of the board of election~~
17 ~~commissioners.~~

18 **(2) This section does not prohibit the recounting of absent**
19 **voter ballots tallied in a precinct using an absent voter counting**
20 **board or in a precinct in which 1 or more voting machines are**
21 **recountable, if the absent voter ballots are securely packaged and**
22 **sealed.** **If a board of canvassers conducting a recount under this**
23 **chapter determines that the ballots of a precinct are not eligible**
24 **for recount under subsection (1) (a) or (b), the board of canvassers**
25 **conducting that recount may still conduct the recount if a**
26 **satisfactory explanation in a sworn affidavit, in a form as**
27 **prescribed by the secretary of state, is provided by an election**
28 **inspector, a clerk, or a member of the clerk's staff to the board**
29 **of canvassers. An explanation must not be accepted by a board of**

1 canvassers as satisfactory unless the explanation documents that
 2 the security of the ballots is otherwise preserved. The secretary
 3 of state shall prepare and issue instructions for a board of
 4 canvassers to follow when determining if an explanation in a sworn
 5 affidavit is satisfactory under this subsection.

6 (3) If a board of canvassers conducting a recount ~~pursuant to~~
 7 ~~this chapter~~ determines that the ballots of a precinct are not
 8 eligible for recount, ~~under this section,~~ the original return of
 9 the votes for that precinct ~~shall~~**must** be taken as correct.

10 (4) A board of canvassers ~~conducting a recount pursuant to~~
 11 ~~this chapter~~ may conduct a recount by the following means:

12 (a) A manual tally of the ballots.

13 (b) A tabulation of the ballots on ~~a computer~~**an electronic**
 14 **voting system** using a software application designed to specifically
 15 count only the office or ballot question subject to the recount.

16 (c) A tabulation of the ballots on ~~a computer~~**an electronic**
 17 **voting system** using the same software application used ~~in the~~
 18 ~~precinct~~ on election day.

19 (d) Any combination of methods in subdivision (a), (b), or
 20 (c), as determined appropriate by the board of canvassers.

21 (5) If a board of canvassers ~~conducting a recount pursuant to~~
 22 ~~this chapter~~ intends to conduct a recount on ~~a computer,~~**an**
 23 **electronic voting system**, the board of canvassers ~~shall~~**must** first
 24 test the software application by use of a test deck to determine if
 25 the program accurately counts the votes for the office or ballot
 26 question subject to the recount. If the test ~~under this subsection~~
 27 fails to show that the software application accurately counts the
 28 votes for the office or ballot question subject to the recount, the
 29 board of canvassers ~~shall~~**must** use another means prescribed in

1 subsection (4) to conduct the recount.

2 (6) The only documents that a board of canvassers may use to
 3 determine whether a precinct may be recounted are the poll book,
 4 the poll lists, the statement of results, the ballot container
 5 certificate, the total ballots counted by a tabulator, the county
 6 canvass notations on the number of ballots and electors in the poll
 7 book, affidavits, and tabulator tapes.

8 Sec. 872. (1) ~~Whenever a petition has been filed for a recount~~
 9 ~~by any person conceiving himself aggrieved on account of any fraud,~~
 10 ~~wrongdoing or violation of the law perpetrated or committed by any~~
 11 ~~election inspector or inspectors or any other person in respect to~~
 12 ~~said election for which said recount has been petitioned, in any~~
 13 ~~primary or election, and it shall appear to the board of canvassers~~
 14 ~~having jurisdiction over said recount that there is probably cause~~
 15 ~~to believe that there has been fraud, wrongdoing or a violation of~~
 16 ~~the law in respect to said election for which said recount has been~~
 17 ~~petitioned, the said canvassers shall make full and complete~~
 18 ~~investigation of the same. Said canvassers shall have full power~~
 19 ~~and authority to subpoena witnesses and to open any ballot box,~~
 20 ~~regardless of the condition in which the same may be found, and may~~
 21 ~~break open, if sealed, the seal thereon and examine the ballots~~
 22 ~~contained therein. If , after the investigation, said a board of~~
 23 **canvassers conducting a recount** has good reason to believe that any
 24 fraud , ~~wrongdoing~~ or a violation of the law has been committed in
 25 respect to said election, **the canvass or return of the votes**, then
 26 said ~~that~~ board of canvassers shall, ~~forthwith make a written~~
 27 ~~report of their findings to the prosecuting attorney and to the~~
 28 ~~circuit judge or judges of the county where the petitioner resides~~
 29 ~~if it be a county, city, township or village election, and to the~~

1 ~~attorney general and to the circuit judge of the county of Ingham~~
 2 ~~if it be a district or state election. Said reports shall be signed~~
 3 ~~by each of the canvassers having jurisdiction of said recount, or a~~
 4 ~~majority thereof. Pending the making of such report, the board of~~
 5 ~~canvassers having jurisdiction of such recount shall carefully~~
 6 ~~preserve and safeguard the ballot boxes and the ballots contained~~
 7 ~~therein until an order of the court, to which said report was~~
 8 ~~submitted, is made authorizing the disposition of the same. **subject**~~
 9 ~~to subsection (2), refer any matter the board of canvassers~~
 10 ~~believes warrants investigation to the following:~~

11 (a) For a recount conducted by a board of county canvassers,
 12 the prosecuting attorney of the county in which the board of county
 13 canvassers is appointed.

14 (b) For a recount conducted by the board of state canvassers,
 15 the attorney general.

16 (2) The board of state canvassers shall refer a matter for
 17 investigation to the attorney general as provided under subsection
 18 (1) only if at least 1 member of each political party appointed to
 19 the board of state canvassers concurs in the decision to refer the
 20 matter for investigation.

21 (3) Any action taken in ~~such-an~~ investigation ~~shall-by~~ a
 22 **prosecuting attorney or the attorney general does** not preclude any
 23 official recount of the ballots cast at any ~~such~~-election, if
 24 otherwise allowed by the general election laws. ~~The powers of~~
 25 ~~investigation referred to in this section shall terminate with the~~
 26 ~~completion of the recount.~~

27 Sec. 873. Any ~~officer, assistant, clerk or employee engaged in~~
 28 ~~the conduct of a recount~~ **individual** who shall wilfully commit any
 29 act which shall interfere **willfully interferes** with a fair and

1 ~~impartial recount of the votes cast for a contested office,~~
 2 ~~amendment or proposition shall be deemed~~ **or activities relating to**
 3 **a recount is** guilty of a felony. ~~and subject to the penalties~~
 4 ~~thereof.~~

5 Sec. 874. (1) ~~Pursuant to this chapter, the~~ **The** board of
 6 canvassers conducting the recount shall reject all previous returns
 7 from the precincts, townships, or wards, except the returns from a
 8 precinct that cannot be recounted as to that candidate or ballot
 9 question ~~pursuant to~~ **under** section 871. In a public place where the
 10 candidates or ~~persons interested~~ **ballot question committees**
 11 **participating** in the ballot question and their counsel may be
 12 present, ~~if they so desire,~~ the board of canvassers shall proceed
 13 in the manner prescribed in section 871. ~~If applicable, the~~ **The**
 14 board of canvassers shall open the ballot ~~boxes~~ **containers** from the
 15 precincts ~~, townships, or wards, and the rolls or packages of~~
 16 ~~ballots in the ballot boxes,~~ and ~~to~~ make a recount of the ballots
 17 as to the candidates or ballot question. ~~Upon~~ **On** completion of the
 18 recount, the board of canvassers shall make a full, complete, and
 19 correct return in writing, showing the full number of votes given
 20 to each candidate, or the total number of votes cast for and
 21 against any ballot question. ~~, written out in words and figures.~~

22 (2) The board of canvassers shall conduct the recount so that
 23 the complete procedure may be observed and noted by the candidates
 24 or ~~persons interested~~ **ballot question committees participating** in
 25 the ballot question, their counsel, and not to exceed ~~1 watcher and~~
 26 ~~1 tallier~~ **2 individuals** at each table to check the work of the
 27 recount clerks. The secretary of state shall develop instructions
 28 consistent with this act for conducting a recount. ~~pursuant to this~~
 29 ~~subsection. All~~ **Except as otherwise provided in subsection (3), all**

1 votes cast, whether for candidates or ballot questions, ~~shall~~**must**
2 be recounted in the following manner:

3 ~~(a) The ballots from any given precinct shall first be counted~~
4 ~~and the total compared with the number of ballots issued on~~
5 ~~election day as shown on the poll list. If the first count of the~~
6 ~~number of ballots and the number of ballots issued on election day~~
7 ~~as shown on the poll list do not match, the ballots from that~~
8 ~~precinct shall be counted a second time and the total compared with~~
9 ~~the number of ballots issued on election day as shown on the poll~~
10 ~~list. If the second count of the number of ballots and the number~~
11 ~~of ballots issued on election day as shown on the poll list do not~~
12 ~~match, those ballots shall not be recounted as provided in section~~
13 ~~871. If the second count of the number of ballots and the number of~~
14 ~~ballots issued on election day as shown on the poll list match, the~~
15 ~~ballots from that precinct shall be counted a third time and the~~
16 ~~total compared with the number of ballots issued on election day as~~
17 ~~shown on the poll list. If the third count of the number of ballots~~
18 ~~and the number of ballots issued on election day as shown on the~~
19 ~~poll list do not match, those ballots shall not be recounted as~~
20 ~~provided in section 871.~~

21 ~~(b) If the first count described in subdivision (a) or the~~
22 ~~second and third counts described in subdivision (a) match the~~
23 ~~number of ballots issued on election day, the ballots shall be~~
24 ~~placed face up on the table and 1~~**One** recount clerk shall call the
25 votes for each candidate or ballot question involved in the
26 recount.

27 ~~(b) (e)~~Two tally clerks shall simultaneously record the
28 called votes on forms provided for that purpose.

29 **(3) A recount may be conducted in an alternative manner other**

1 than provided under subsection (2) if that alternative manner is
2 approved by the board of canvassers conducting the recount.

3 (4) ~~(3)~~The candidates or persons interested ~~ballot question~~
4 ~~committees participating~~ in the ballot question, their counsel,
5 ~~watchers, and talliers shall~~ and those other individuals as
6 ~~described under subsection (2) must~~ be allowed to observe each
7 ballot as it is called, **challenge the tabulation of a ballot**, and
8 ~~to take notes as they desire~~ **desired** for their own records.
9 **recordkeeping purposes.** The board of canvassers shall identify by
10 an exhibit number a ballot counted or rejected under ~~protest,~~
11 **challenge**, keep a record of the ~~protest,~~ **challenge**, and ~~proceed as~~
12 ~~required under section 871a.~~ **make a decision on all challenges**
13 **before the conclusion of the recount.**

14 Sec. 875. (1) ~~All~~ **Except as otherwise provided in subsection**
15 **(2), all** recounts ~~shall~~ **must** be completed for a primary election
16 not later than the twentieth day and for any other election not
17 later than the thirtieth day immediately following the last day for
18 filing ~~counter~~ petitions. ~~or the first day that recounts may~~
19 ~~lawfully begin.~~

20 (2) **Except as otherwise provided in this subsection, if a**
21 **recount involves the result of an election as to the electors of**
22 **President and Vice President of the United States, the recount must**
23 **be completed and certified before 3 p.m. on the sixth day before**
24 **the date on which the electors for President and Vice President of**
25 **the United States are to convene under section 47. If a recount**
26 **involving the result of an election as to the electors of President**
27 **and Vice President of the United States cannot be completed and**
28 **certified before 3 p.m. on the sixth day before the date on which**
29 **the electors for President and Vice President of the United States**

1 are to convene under section 47 because of a government-declared
 2 emergency or court order, that recount must be completed as soon as
 3 possible, but not later than 11:59 p.m. on the second day before
 4 the date on which the electors for President and Vice President of
 5 the United States are to convene under section 47.

6 (3) As soon as the recount is completed, the board shall
 7 return any ballots to ~~their~~**the** respective containers and seal the
 8 containers. The board shall then return the ballots ~~, voting~~
 9 ~~devices, machines, any related keys, and seals~~ **and election**
 10 **materials** to the ~~officer or officers~~**individuals** having the care
 11 and custody of those items.

12 Sec. 876. The returns made by ~~the said~~**a** board of canvassers
 13 upon recount ~~shall be deemed~~**are considered** to be correct,
 14 **notwithstanding** anything in the previous returns from ~~such~~**the**
 15 city, township, ward, or precinct to the contrary. ~~Notwithstanding:~~
 16 ~~Provided, however, That~~**However**, if the person petitioning for ~~such~~
 17 **a** recount ~~shall withdraw his~~**withdraws the recount** petition or
 18 ~~discontinue~~**discontinues** the recount before the ~~completion thereof,~~
 19 **recount is complete**, then ~~in such event the original return shall~~
 20 ~~be deemed to be~~**is considered** correct regardless of any change
 21 shown by the recount at the time of the withdrawal of the petition
 22 or the discontinuance of ~~such~~**the** recount. ~~∴ Provided further, That~~
 23 ~~the~~**The** final report on the results of any recount ~~shall~~**must** be
 24 ~~open to~~**made** public. ~~inspection immediately following its~~
 25 ~~certification by the board of canvassers.~~

26 Sec. 878. (1) ~~Nothing in the following sections of this~~
 27 ~~chapter contained shall be construed to repeal any action or remedy~~
 28 ~~which may now exist by reference of any controversy to the courts,~~
 29 ~~except that any~~**The certification of any election result by the**

1 board of state canvassers is final and subject only to either of
2 the following:

3 (a) A postcertification recount of the votes cast in that
4 election that is supervised by the board of state canvassers under
5 procedures described in this chapter.

6 (b) A postcertification court order.

7 (2) Unless otherwise provided by law, any recount conducted
8 under the direction, supervision, and control of the board of state
9 canvassers must be conducted in the same manner as provided in this
10 chapter for a recount conducted by a board of county canvassers.

11 (3) Any proceeding intended to restrain, enjoin, modify,
12 control, **reverse**, or otherwise interfere with the action of the
13 board of state canvassers, ~~the board of county canvassers or any~~
14 ~~other representative~~ **operating under the supervision** of the board
15 of state canvassers ~~operating under the provisions of the following~~
16 ~~sections of this chapter, shall~~ **must** be instituted only against the
17 board of state canvassers and **only** by ~~no other action than~~
18 mandamus.

19 (4) The board of state canvassers may promulgate rules
20 pursuant to the administrative procedures act of 1969, 1969 PA 306,
21 MCL 24.201 to 24.328, for conducting recounts.

22 Sec. 879. (1) ~~A~~ **Subject to subsection (2),** a candidate voted
23 for at a ~~primary or an~~ election for an office may petition **the**
24 **board of state canvassers** for a recount of the votes if **the**
25 **candidate believes that, but for error, a different candidate would**
26 **have been elected, and** all of the following requirements are met:

27 (a) The office is an office for which the votes are canvassed
28 by the board of state canvassers under section 841 or is the office
29 of Representative in Congress, state representative, or state

1 senator for a district located wholly within 1 county.

2 (b) ~~The petition alleges that the candidate is aggrieved on~~
3 ~~account of fraud or mistake in the canvass of the votes by the~~
4 ~~inspectors of election or the returns made by the inspectors of~~
5 ~~election, or by a board of county canvassers or the board of state~~
6 ~~canvassers. The candidate must be able to allege a good-faith~~
7 ~~belief that but for fraud or mistake, the candidate would have had~~
8 ~~a reasonable chance of winning the election. The petition must~~
9 ~~contain specific allegations of wrongdoing only if evidence of that~~
10 ~~wrongdoing is available to the petitioner. If evidence of~~
11 ~~wrongdoing is not available, the petitioner is only required to~~
12 ~~allege fraud or a mistake in the petition without further~~
13 ~~specification.~~**candidate meets the requirements under section 862.**

14 (c) ~~Except as otherwise provided in this subdivision, the~~**The**
15 ~~petition for a recount is filed not later than 48 hours following~~
16 ~~the completion of the canvass of votes cast at an election. If the~~
17 ~~recount petition relates to a state senatorial or representative~~
18 ~~district located wholly within 1 county or to the district of a~~
19 ~~Representative in Congress located wholly within 1 county, the~~
20 ~~petition for a recount must be filed not later than 48 hours~~
21 ~~following the adjournment of the meeting of the board of state~~
22 ~~canvassers at which the certificate of determination for that~~
23 ~~office was recorded under section 841. However, for a special~~
24 ~~election for Representative in Congress, state senator, or state~~
25 ~~representative for a district located wholly within 1 county, the~~
26 ~~petition for recount must be filed not later than 48 hours after~~
27 ~~the certificate of determination is filed with the secretary of the~~
28 ~~board of state canvassers.~~**5 p.m. of the second day after the day**
29 **the board of state canvassers certifies the results of the**

1 **election.**

2 (d) The petition is ~~presented to and~~ filed with the secretary
3 of state.

4 (e) The petition is written or printed and is signed and sworn
5 to by the candidate.

6 (f) The **candidate uses the** petition ~~sets forth as nearly as~~
7 ~~possible the nature and character of the fraud or mistakes alleged~~
8 ~~and the counties, cities, or townships and the precincts in which~~
9 ~~they exist.~~ **form required under section 865(1).**

10 ~~(g) The petition specifies the counties, cities, townships,~~
11 ~~and precincts in which the recount is requested.~~

12 ~~(h) If the office is the office of state representative, a~~
13 ~~copy of the petition is filed with the clerk of the house of~~
14 ~~representatives. If the office is the office of state senator, a~~
15 ~~copy of the petition is filed with the secretary of the senate.~~

16 (2) If a state senatorial race is determined by a vote
17 differential of 500 votes or less or a state representative race is
18 determined by a vote differential of 200 votes or less, the
19 chairperson of a state political party may petition for a recount
20 of the votes on behalf of a candidate in that race in the manner
21 prescribed in subsection (1). ~~Notwithstanding subsection (1)(b) and~~
22 ~~(f), the petition filed under this subsection need not allege fraud~~
23 ~~or mistake.~~ Notwithstanding subsection (1)(e), the petition must be
24 signed by the chairperson of the state political party filing the
25 petition. ~~under this subsection.~~

26 ~~(3) The ballots in a precinct petitioned for recount in a~~
27 ~~legislative contest must be recounted for that office by the board~~
28 ~~of state canvassers and must be preserved until the contest is~~
29 ~~disposed of under the rules of the legislative body that takes~~

1 ~~office beginning in January following the contested general~~
 2 ~~election. In legislative recounts of a special general election,~~
 3 ~~ballots in a precinct petitioned for recount must be preserved~~
 4 ~~until the contest is disposed of under the rules of the legislative~~
 5 ~~body serving at the time the report in subsection (4) is filed.~~

6 (3) ~~(4) Upon~~ **On** the completion of a recount for a **federal or**
 7 **state** legislative office, the board of state canvassers, in
 8 addition to the certification required by section 892, shall
 9 forward to the appropriate **federal or state** legislative body a
 10 report of the results of the recount.

11 (4) ~~(5)~~ This section does not limit the authority of the
 12 legislature under section 16 of article IV of the state
 13 constitution of 1963.

14 Sec. 880. ~~Any elector in this state who believes that there~~
 15 ~~has been fraud or error committed by the inspectors of election in~~
 16 ~~the return made by said inspectors or of any county canvassing~~
 17 ~~board in the canvass of votes cast upon the question of a proposed~~
 18 ~~amendment to the constitution or any other question or proposition,~~
 19 ~~the votes for which are canvassed by the board of state canvassers,~~
 20 **If a ballot question committee that participates in a statewide**
 21 **ballot question believes that, but for error, the outcome of the**
 22 **ballot question would have been the opposite, that ballot question**
 23 **committee** may, not later than ~~2 days~~ **5 p.m. of the second day** after
 24 ~~final certification and determination by the board of state~~
 25 ~~canvassers of the canvass of votes cast at an election, present to~~
 26 ~~and the day the board of state canvassers certifies the results of~~
 27 **the election,** file with the secretary of state a ~~written or printed~~
 28 **recount** petition. ~~which shall be sworn to by the elector presenting~~
 29 ~~the same and which shall set forth as nearly as may be the nature~~

1 ~~and character of the fraud or error of which the complaint is made~~
2 ~~and the counties, cities or townships or the precincts thereof in~~
3 ~~which it is believed that the fraud or error occurred, and such~~
4 ~~petition shall contain a prayer that a correction thereof be made~~
5 ~~by a recount of the votes cast therein.~~ **The ballot question**
6 **committee must use the form as required under section 865(3). A**
7 **ballot question committee must file a recount petition in good**
8 **faith and the number of votes requested to be recounted must, at a**
9 **minimum, be greater than the difference between the "yes" votes and**
10 **the "no" votes on the ballot question. If a ballot question**
11 **committee did not participate in an election in which there was a**
12 **ballot question on the ballot, any elector who voted in that**
13 **election may file a recount petition concerning that ballot**
14 **question in the same manner as provided for a ballot question**
15 **committee under this section.**

16 Sec. 880a. (1) ~~A~~ **Except as otherwise provided in subsection**
17 **(6), a** recount of all precincts in ~~the~~ **this** state ~~shall~~ **must** be
18 conducted at any time a statewide primary or election ~~shall be~~ **is**
19 certified by the board of state canvassers as having been
20 determined by a vote differential of ~~2,000 votes~~ **0.1%** or less **of**
21 **the total number of votes cast in that statewide election.** This
22 section ~~shall~~ **does** not apply to partisan offices to which more than
23 ~~1 person~~ **individual** is to be elected.

24 **(2) Except as otherwise provided in subsection (6), a recount**
25 **of all precincts in a state senate district must be conducted at**
26 **any time a state senate election, other than a state senate primary**
27 **election, is certified by the board of state canvassers or a board**
28 **of county canvassers as having been determined by a vote**
29 **differential of 75 votes or less.**

1 (3) Except as otherwise provided in subsection (6), a recount
2 of all precincts in a state representative district must be
3 conducted at any time a state representative election, other than a
4 state representative primary election, is certified by the board of
5 state canvassers or a board of county canvassers as having been
6 determined by a vote differential of 25 votes or less.

7 (4) ~~(2) If~~ Subject to subsection (6), if the election ~~is an~~
8 election ~~involving~~ involves candidates, the board of state
9 canvassers ~~forthwith~~ shall, as soon as practicable, notify all
10 candidates whose vote could be affected by the recount that a
11 recount ~~shall~~ must be conducted and of the time and place the board
12 of state canvassers will meet to determine ~~recount~~ procedures.

13 (5) ~~(3) If~~ Subject to subsection (6), if the election involves
14 a ~~proposition,~~ ballot question, the board of state canvassers
15 shall, ~~meet on the seventh day following certification at the~~
16 ~~office of the secretary of state for the purpose of determining~~
17 ~~procedures. Persons~~ as soon as practicable, notify each ballot
18 question committee that participated in the election that a recount
19 must be conducted and of the time and place the board of state
20 canvassers will meet to determine recount procedures. Individuals
21 or groups interested in being authorized to have ~~challengers and~~
22 observers at the recount shall petition the board of state
23 canvassers at that meeting to be considered interested parties for
24 ~~such~~ this purpose. The board of state canvassers at that meeting
25 shall determine which ~~persons~~ individuals or groups ~~shall be~~ are
26 considered interested parties for the recount of the
27 ~~proposition.~~ ballot question.

28 (6) If the election involves candidates, the recount required
29 under this section must not be conducted if, within 48 hours after

1 the election is certified, the losing candidate files a written
 2 statement with the secretary of state requesting that the recount
 3 required under this section not be conducted. If the election
 4 involves a ballot question, the recount required under this section
 5 must not be conducted if, within 48 hours after the election is
 6 certified, the losing ballot question committee files a written
 7 statement with the secretary of state requesting that the recount
 8 required under this section not be conducted.

9 Sec. 881. (1) A ~~person~~**petitioner** filing a recount petition
 10 under section 879 or 880 shall file the petition with the state
 11 bureau of elections. Except as otherwise provided in this section,
 12 at the time of filing the petition, the petitioner shall deposit
 13 the sum of ~~\$25.00~~**\$50.00** for each precinct in which a recount of
 14 the votes is demanded in cash or by check or other negotiable
 15 instrument made payable to the state of Michigan.

16 (2) If 1 candidate is to be elected to the office and the
 17 official canvass of votes shows that the number of votes separating
 18 the winning candidate and the petitioner is more than 75 votes or
 19 5.0% of the total number of votes cast in the race, whichever is
 20 greater, the petitioner shall deposit with the state bureau of
 21 elections the sum of ~~\$250.00~~**\$500.00** for each precinct referred to
 22 in ~~his or her~~**the petitioner's recount** petition. For purposes of
 23 this subsection, the winning candidate in a primary for a
 24 nonpartisan office where only 1 candidate will be elected means the
 25 candidate nominated with the lesser number of votes.

26 (3) Subject to subsection (2), if 1 candidate is to be elected
 27 to the office and the official canvass of votes shows that the
 28 number of votes separating the winning candidate and the petitioner
 29 is more than 50 votes or 0.5% of the total number of votes cast in

1 the race, whichever is greater, the petitioner shall deposit with
2 the state bureau of elections the sum of ~~\$125.00~~ **\$250.00** for each
3 precinct referred to in ~~his or her~~ **the petitioner's recount**
4 petition. For purposes of this subsection, the winning candidate in
5 a primary for a nonpartisan office where only 1 candidate will be
6 elected means the candidate nominated with the lesser number of
7 votes.

8 (4) If more than 1 candidate is to be elected to the office
9 and the official canvass of votes shows that the number of votes
10 separating the winning candidate who received the least number of
11 votes and the petitioner is more than 75 votes or 5.0% of the sum
12 of the number of votes received by the 2 candidates, whichever is
13 greater, the petitioner shall deposit with the state bureau of
14 elections the sum of ~~\$250.00~~ **\$500.00** for each precinct referred to
15 in ~~his or her~~ **the petitioner's recount** petition.

16 (5) Subject to subsection (4), if more than 1 candidate is to
17 be elected to the office and the official canvass of votes shows
18 that the number of votes separating the winning candidate who
19 received the least number of votes and the petitioner is more than
20 50 votes or 0.5% of the sum of the number of votes received by the
21 2 candidates, whichever is greater, the petitioner shall deposit
22 with the state bureau of elections the sum of ~~\$125.00~~ **\$250.00** for
23 each precinct referred to in ~~his or her~~ **the petitioner's recount**
24 petition.

25 (6) **If the statewide election for a statewide office is**
26 **certified by the board of state canvassers as having been**
27 **determined by a vote differential of more than 4,000 votes, the**
28 **petitioner shall deposit with the state bureau of elections the sum**
29 **of \$500.00 for each precinct referred to in the petitioner's**

1 recount petition.

2 (7) If the statewide election for a statewide office is
3 certified by the board of state canvassers as having been
4 determined by a vote differential of more than 2,000 votes and less
5 than 4,001 votes, the petitioner shall deposit with the state
6 bureau of elections the sum of \$250.00 for each precinct referred
7 to in the petitioner's recount petition.

8 (8) If the statewide primary election for a statewide office
9 is certified by the board of state canvassers as having been
10 determined by a vote differential of more than 1,400 votes, the
11 petitioner shall deposit with the state bureau of elections the sum
12 of \$500.00 for each precinct referred to in the petitioner's
13 recount petition.

14 (9) If the statewide primary election for a statewide office
15 is certified by the board of state canvassers as having been
16 determined by a vote differential of more than 700 votes and less
17 than 1,401 votes, the petitioner shall deposit with the state
18 bureau of elections the sum of \$250.00 for each precinct referred
19 to in the petitioner's recount petition.

20 (10) If a state senate election, other than a state senate
21 primary election, is certified by the board of state canvassers or
22 a board of county canvassers as having been determined by a vote
23 differential of more than 150 votes, the petitioner shall deposit
24 with the state bureau of elections the sum of \$500.00 for each
25 precinct referred to in the petitioner's recount petition.

26 (11) If a state senate election, other than a state senate
27 primary election, is certified by the board of state canvassers or
28 a board of county canvassers as having been determined by a vote
29 differential of more than 75 votes and less than 151 votes, the

1 petitioner shall deposit with the state bureau of elections the sum
2 of \$250.00 for each precinct referred to in the petitioner's
3 recount petition.

4 (12) If a state representative election, other than a state
5 representative primary election, is certified by the board of state
6 canvassers or a board of county canvassers as having been
7 determined by a vote differential of more than 50 votes, the
8 petitioner shall deposit with the state bureau of elections the sum
9 of \$500.00 for each precinct referred to in the petitioner's
10 recount petition.

11 (13) If a state representative election, other than a state
12 representative primary election, is certified by the board of state
13 canvassers or a board of county canvassers as having been
14 determined by a vote differential of more than 25 votes and less
15 than 51 votes, the petitioner shall deposit with the state bureau
16 of elections the sum of \$250.00 for each precinct referred to in
17 the petitioner's recount petition.

18 (14) Except as otherwise provided in section 880a, if the vote
19 is on a ballot question and the official canvass of votes shows
20 that the number of votes separating the "yes" votes and the "no"
21 votes is more than 75 votes or 5.0% of the total number of votes
22 cast on the ballot question, whichever is greater, the petitioner
23 shall deposit with the state bureau of elections the sum of \$500.00
24 for each precinct referred to in the petitioner's recount petition.

25 (15) ~~(6) If~~ Except as otherwise provided in section 880a and
26 subject to subsection (14), if the vote is on a ~~proposal~~ ballot
27 question and the official canvass of votes shows that the number of
28 votes separating the "yes" votes and the "no" votes is more than 50
29 votes or 0.5% of the total number of votes cast on the ~~proposal~~,

1 **ballot question**, whichever is greater, the petitioner shall deposit
2 with the state bureau of elections the sum of ~~\$125.00~~ **\$250.00** for
3 each precinct referred to in ~~his or her~~ **the petitioner's recount**
4 petition.

5 (16) Beginning January 1, 2027 and every 4 years thereafter,
6 the secretary of state shall adjust each deposit amount provided in
7 subsections (1) to (15) by comparing the percentage increase or
8 decrease in the Consumer Price Index for the preceding August by
9 the corresponding Consumer Price Index 4 years earlier. The
10 secretary of state shall multiply that percentage change by each
11 deposit amount in subsections (1) to (15). The secretary of state
12 shall round up each dollar value adjustment made to the nearest
13 \$10.00. The secretary of state shall announce the adjustments made
14 by December 15 of each year in which an adjustment is made. As used
15 in this subsection, "Consumer Price Index" means the most
16 comprehensive index of consumer prices available for this state
17 from the Bureau of Labor Statistics of the United States Department
18 of Labor.

19 (17) ~~(7)~~ If, by reason of the recount, the petitioner
20 establishes ~~fraud or mistake as set forth in his or her petition~~
21 ~~and receives a certificate of election or establishes sufficient~~
22 ~~fraud or mistake~~ **sufficient error** to change the result ~~upon an~~
23 ~~amendment or proposition, the votes for and against which were~~
24 ~~recounted,~~ **of the election**, the state bureau of elections shall
25 refund the money deposited to the petitioner. The secretary of
26 state shall refund the money deposited to a petitioner who is a
27 chairperson of a state political party if the results of the race
28 for which a recount was petitioned for under section 879 are
29 changed. If a refund is not made as required by this section, then

1 the secretary of state shall pay to the treasurer of each county
 2 its proportionate share of the deposit based ~~upon~~**on** the number of
 3 precincts in the county in which the votes were recounted.

4 **(18)** ~~(8)~~—If a precinct referred to in the petition is
 5 determined "not recountable" as provided in section 871(3) or,
 6 subject to subsection ~~(9)~~, **(19)**, if a precinct referred to in the
 7 petition is not recounted due to the withdrawal of the petition,
 8 the money deposited for the recount of that precinct must be
 9 refunded to the petitioner.

10 **(19)** ~~(9)~~—If the votes cast on the ballots voted in a precinct
 11 have been examined and recounted, the withdrawal of the petition
 12 must not result in a refund of the money deposited for the recount
 13 of that precinct.

14 Sec. 882. (1) If a ~~candidate~~**petitioner** has filed a recount
 15 petition and paid the deposit under sections 879 and 881, the
 16 secretary of state shall give notice of the recount petition to
 17 each opposing candidate **or participating ballot question committee**
 18 within ~~48~~**24** hours after the filing of the petition by ~~delivering~~
 19 **mailing or emailing** to each candidate **or ballot question committee**
 20 a copy of the recount petition. ~~, or, if the candidate cannot be~~
 21 ~~found, by leaving a copy at the candidate's last known place of~~
 22 ~~residence with a member of the candidate's immediate family of~~
 23 ~~suitable age. If a member of the candidate's family cannot be~~
 24 ~~found, the secretary of state may give notice by posting the~~
 25 ~~recount petition in a conspicuous place at the candidate's last~~
 26 ~~known place of residence.~~

27 (2) A candidate **or ballot question committee** may file a
 28 counter petition in the same manner as the original petition under
 29 section 881 not later than 48 hours after the original recount

1 petition is filed with the secretary of state. At the time of
2 filing the counter petition, the counter petitioner shall deposit
3 the sum of money as required in section 881 for the original
4 petitioner. The secretary of state shall refund to the counter
5 petitioner the money deposited by the counter petitioner if the
6 ~~original petitioner does not establish fraud or receive a~~
7 ~~certificate of election.~~ **recount does not change the result of the**
8 **election. If a ballot question committee did not participate in an**
9 **election in which a ballot question is on the ballot, any elector**
10 **who voted in that election may file a recount counter petition in**
11 **the same manner as provided for a ballot question committee under**
12 **this section.**

13 (3) Not later than 48 hours after an original recount petition
14 is filed under section 881, an opposing candidate **or ballot**
15 **question committee** may file objections to the recount petition with
16 the board of state canvassers. The opposing candidate **or ballot**
17 **question committee** shall set forth the objections to the recount
18 petition in writing. Upon receipt of an objection under this
19 subsection, the board of state canvassers shall notify the
20 petitioner and the objecting candidate **or ballot question committee**
21 of the date of the meeting of the board of state canvassers to
22 consider the objections. The board of state canvassers shall allow
23 the recount petitioner and the objecting candidate **or ballot**
24 **question committee** to present oral or written, or both, arguments
25 on the objections raised to the recount petition at the meeting. **In**
26 **order to be presented at the meeting, written arguments on the**
27 **objections raised to the recount petition must be submitted in**
28 **writing to the board of state canvassers before the meeting.** The
29 board of state canvassers shall rule on the objections no later

1 than 4 calendar days after the deadline for filing objections.

2 (4) Failure of the secretary of state to give notice to the
3 opposing candidate or ballot question committee as required under
4 this section does not affect the results of the recount.

5 (5) A candidate, ballot question committee, or elector may
6 withdraw a recount petition or counter recount petition at any
7 time.

8 Sec. 883. The secretary of state, upon receipt of any ~~such~~
9 petition for recount, shall immediately notify the county clerk of
10 each county in which are located any precincts included in ~~such the~~
11 petition for recount that a petition for ~~such~~ recount by the board
12 of state canvassers has been filed and the ballots for ~~such the~~
13 precincts ~~shall~~ **must** be carefully preserved. Ballots and ~~boxes~~
14 ~~shall~~ **ballot containers must** remain in the possession of city or
15 township clerks until requisitioned by the canvass board. ~~The board~~
16 ~~of state canvassers, at as early a date as possible after the~~
17 ~~receipt of such petition and the deposit required, shall~~
18 ~~investigate the facts set forth in said petition and cause a~~
19 ~~recount of the votes cast in the several precincts included in the~~
20 ~~petition.~~

21 Sec. 883a. (1) A candidate or a ballot question committee that
22 participated in a ballot question election may make a challenge to
23 the board of county canvassers of a determination to count or not
24 count a specific vote on a ballot for a candidate or for or against
25 a ballot question subject to the recount. Before the completion of
26 the recount in that county, the board of county canvassers must
27 hear arguments on the challenge and decide, as provided under
28 section 803, whether to accept or reject the challenge. A candidate
29 or ballot question committee aggrieved by the decision of the board

1 of county canvassers may appeal the decision to the representative
2 designated by the board of state canvassers under section 890. The
3 representative designated by the board of state canvassers may, as
4 provided under section 803, confirm, reject, or modify the decision
5 of the board of county canvassers.

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

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

27 (4) The board of state canvassers shall notify all candidates
28 and ballot question committees involved in the recount, in the same
29 manner that notice of the recount was given, of the date of the

1 meeting of the board of state canvassers to consider the petition.
 2 The board of state canvassers shall allow the candidates and ballot
 3 question committees involved in the recount to present oral and
 4 written arguments on the challenges at the meeting. The board of
 5 state canvassers shall hear the challenge and rule on the challenge
 6 at the meeting only if the total number of challenges submitted to
 7 the board of state canvassers could change the result of the
 8 election.

9 Sec. 884. The boards of ~~county~~ canvassers shall employ ~~such~~
 10 assistants and clerks as ~~shall be deemed~~ **are considered** necessary
 11 for ~~the conduct of any such~~ **conducting a** recount.

12 Sec. 887. Any ~~officer, assistant, clerk or employee engaged in~~
 13 ~~the conduct of a recount~~ **individual** who shall wilfully commit any
 14 act which shall interfere **willfully interferes** with a fair and
 15 impartial recount of the votes cast for a contested office,
 16 amendment or proposition shall be deemed **or activities of a recount**
 17 **is** guilty of a felony. and subject to penalties thereof.

18 Sec. 888. The board of state canvassers shall ~~have~~ **has** the
 19 right and authority to demand and cause the ballot boxes, poll
 20 books, tally sheets, the statement of votes **ballots and election**
 21 **materials** returned in connection with any ~~such~~ election, and ~~such~~
 22 **any** other documents and reports as ~~may be deemed~~ **are considered**
 23 necessary, to be brought before the several boards of county
 24 canvassers, and shall order that a concurrent recount of the votes
 25 ~~upon~~ **be conducted for** any office or proposition **ballot question**
 26 petitioned for under ~~the provisions of sections 861 et seq. hereof,~~
 27 ~~where such~~ **sections 861a to 876, if the** votes appear ~~upon~~ **on** the
 28 same ballots as those which are to be recounted by the board of
 29 state canvassers. ~~, be conducted, which~~ **The** concurrent recount

1 ~~shall~~**must** be under the exclusive jurisdiction and control of the
 2 ~~said~~ board of state canvassers. All ballots ~~, poll lists, tally~~
 3 ~~sheets, returns and reports shall~~ **and election materials must** be
 4 safely guarded and when no longer required shall ~~shall~~**must** be delivered
 5 to the ~~officials~~**individuals** charged with the **care and** custody
 6 ~~thereof.~~**of those items.**

7 Sec. 889. All recounts provided for ~~in~~**under** sections 878 ~~et~~
 8 ~~seq. of this act shall~~ **to 894 must** be conducted ~~in the several~~
 9 ~~counties wherein the votes to be counted were cast by the~~
 10 ~~respective~~ boards of county canvassers, ~~in each of the several~~
 11 ~~counties,~~ subject to the direction, supervision, and control of the
 12 ~~said~~ board of state canvassers. The ~~said~~ board of state canvassers
 13 shall prescribe the time and the place ~~in each county~~ where the
 14 recount of any votes shall ~~shall~~**must** be conducted, which recount shall
 15 **must** be in public. ~~Said~~**The board of state canvassers** shall provide
 16 each board of county canvassers with ~~such~~ rules and regulations ~~as~~
 17 **that** in the opinion of the ~~said~~ board of state canvassers shall ~~be~~
 18 **are** necessary to conduct ~~such~~**the** recount in a fair, impartial, and
 19 uniform manner. ~~in the said several counties.~~ Observance of ~~such~~
 20 **the** rules and regulations shall ~~shall~~**must** be enforced by ~~said~~**the** board
 21 **of state canvassers** or ~~its~~**the board's** representatives. ~~hereinafter~~
 22 ~~provided for.~~

23 Sec. 890. It is not necessary for all of the members of the
 24 board of state canvassers to be present in order to direct,
 25 supervise, or control the recount ~~in a~~**conducted by a board of**
 26 county **canvassers**. A member of the board of state canvassers or
 27 state officer, state employee, or member of the board of county
 28 canvassers may direct, supervise, and control the recount if
 29 designated by the board of state canvassers, so that fairness,

1 impartiality, and uniformity in the conduct of the recount may be
 2 obtained and the result of the ~~election~~ **recount** determined at the
 3 earliest possible ~~moment.~~ **time**. A member of the board of state
 4 canvassers or other representative designated by the board of state
 5 canvassers ~~under this subsection~~ has the same authority as the
 6 board of state canvassers to enforce and carry out the rules and
 7 regulations provided for the recount by the board **of state**
 8 **canvassers**.

9 Sec. 892. ~~Whenever a recount in any county shall be completed,~~
 10 ~~it shall be the duty of the county~~ **The** boards of **county** canvassers
 11 ~~to~~ **shall immediately** return forthwith the results of such ~~the~~
 12 recount to the board of state canvassers. ~~, which~~ **The** board **of**
 13 **state canvassers** shall compile ~~said~~ **the** returns and certify the
 14 result. The returns made by the ~~said~~ boards of county canvassers of
 15 any recount ~~shall be deemed~~ **are considered** to be correct,
 16 **notwithstanding** anything in the previous return of any board of
 17 election inspectors or any county canvassing board to the contrary.
 18 ~~notwithstanding.~~ The final report on the results of any recount
 19 ~~shall~~ **must** be open to public inspection immediately following ~~its~~
 20 certification by the board of **state** canvassers.

21 Enacting section 1. Sections 871a, 877, 885, 886, and 891 of
 22 the Michigan election law, 1954 PA 116, MCL 168.871a, 168.877,
 23 168.885, 168.886, and 168.891, are repealed.