

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.874.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

168.874.amended Recount; return of ballots; manner of counting votes.

Sec. 874. (1) The board of canvassers conducting the recount shall reject all previous returns from the precincts, townships, or wards, except the returns from a precinct that cannot be recounted as to that candidate or ballot question under section 871. In a public place where the candidates or ballot question committees participating in the ballot question and their counsel may be present, the board of canvassers shall proceed in the manner prescribed in section 871. The board of canvassers shall open the ballot containers from the precincts and make a recount of the ballots as to the candidates or ballot question. On completion of the recount, the board of canvassers shall make a full, complete, and correct return in writing, showing the full number of votes given to each candidate, or the total number of votes cast for and against any ballot question.

(2) The board of canvassers shall conduct the recount so that the complete procedure may be observed and noted by the candidates or ballot question committees participating in the ballot question, their counsel, and not to exceed 2 individuals at each table to check the work of the recount clerks. The secretary of state shall develop instructions consistent with this act for conducting a recount. Except as otherwise provided in subsection (3), all votes cast, whether for candidates or ballot questions, must be recounted in the following manner:

(a) One recount clerk shall call the votes for each candidate or ballot question involved in the recount.

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

(3) A recount may be conducted in an alternative manner other than provided under subsection (2) if that alternative manner is approved by the board of canvassers conducting the recount.

(4) The candidates or ballot question committees participating in the ballot question, their counsel, and those other individuals as described under subsection (2) must be allowed to observe each ballot as it is called, challenge the tabulation of a ballot, and take notes as desired for recordkeeping purposes. The board of canvassers shall identify by an exhibit number a ballot counted or rejected under challenge, keep a record of the challenge, and make a decision on all challenges before the conclusion of the recount.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2024, Act 74, Eff. (sine die).

Popular name: Election Code