



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 16, 2011

- ELECTION RECOUNTS -

A candidate for a federal, state, county, city, township, village or school office who feels that the canvass of the votes cast on the office may be incorrect because of possible "fraud or mistake" in the precinct returns may petition for a recount of the votes cast in the precincts involved. Candidates seeking a precinct delegate position do not have the right to petition for a recount. (MCL 168.862; 168.879)

In addition, a registered elector eligible to vote on a question appearing on the ballot who feels that the canvass of the votes cast on the question is incorrect because of fraud or error in the precinct returns may petition for a recount of the votes cast in the precincts involved. (MCL 168.863; 168.880)

Recounts Conducted Under Authority of Board of State Canvassers

AUTHORITY: The Board of State Canvassers is responsible for conducting recounts for:

- Statewide offices.
- U.S. Representative in Congress, State Senator and State Representative.
- Judicial offices (except Probate Judge in single county districts and Municipal Court Judge).
- Statewide ballot proposals.

PREPARATION OF RECOUNT PETITION: A person who wishes to obtain a recount must submit a written, notarized statement which specifies the office or question involved; alleges that the canvass of the votes cast for the office or on the question is incorrect due to fraud or mistake; and identifies the precincts in which a recount of the votes cast is desired. A recount request for an office must be submitted by a candidate who sought the office involved; a recount request for a statewide proposal can be submitted by any Michigan elector. (MCL 168.879; 168.880)

SUBMISSION OF RECOUNT PETITION AND DEPOSIT: A petition for a recount which will be conducted under the authority of the Board of State Canvassers is filed with the Secretary of State. If the recount involves a U.S. House District, State Senate District or State House District that is wholly contained within a single county, the petition must be submitted no later than 48 hours "following the adjournment" of the meeting convened by the Board of State Canvassers to certify the election. For any other office, the petition must be submitted no later than 48 hours "following the completion of the canvass" of the election.

If the office of the State Representative is involved, a copy of the petition is filed with the clerk of the State House of Representatives. If the office of State Senator is involved, a copy of the petition is filed with the Secretary of the Senate. (MCL 168.879)

A \$10.00 deposit must be submitted with the recount petition for each precinct in which a recount is requested. The deposit is refunded if the recount changes the result of the election. If the recount does not change the result of the election, the deposit is proportionately divided among the counties involved in the recount. (MCL 168.881)

NOTICE REQUIREMENT; COUNTER PETITIONING OPTION: Within 48 hours after the receipt of a recount petition filed by a candidate, the Secretary of State is required to give notice of the filing to any opposing candidates who sought nomination or election to the office involved.

A candidate receiving notice of a recount may submit a “counter petition” if he or she wishes to have additional precincts recounted. (The counter petitioning option is moot if the original petition requests that the entire district be recounted.) A counter petition must be submitted no later than 4:00 p.m. on the seventh day after the submission of the original petition. A \$10.00 deposit must be submitted with the counter petition for each additional precinct in which a recount is requested. If the recount does not change the result of the election, the deposit is returned to the counter petitioner. (MCL 168.882)

CONDUCT OF RECOUNT: Upon the Secretary of State’s receipt of a recount petition, the Department’s Bureau of Elections immediately contacts the clerks of the counties involved to coordinate the conduct of the recount. (MCL 168.883) The recount is conducted as provided under Michigan election law, MCL 168.861 – 168.894.

RECOUNT PETITION OBJECTIONS: On or before 4:00 p.m. of the seventh day after the original recount petition is filed, an opposing candidate may submit objections to the recount request to the Board of State Canvassers. The objections must be set forth in writing. A hearing is conducted by the Board to consider the objections. A ruling on the objections is issued by the Board within five days after the conduct of the hearing. If the objections are overturned by the Board, the recount can commence after the second business day following the issuance of the Board’s decision. (MCL 168.882)

DELEGATION OF AUTHORITY: The members of the Board of State Canvassers have the authority to delegate their supervisory authority over recounts to any state officer, state employee or county canvassing board member. (MCL 168.890)

DISCONTINUANCE OF RECOUNT: If, at anytime prior to the completion of the recount, the person requesting the recount withdraws his or her petition, the recount is immediately discontinued. In such an event, the original returns certified for the race or question are deemed to be correct. (MCL 168.893)

AUTOMATIC RECOUNTS: A recount of all precincts in the state is automatically conducted if the difference between the number of votes received by a candidate nominated or elected to a statewide office and the number of votes received by the second place candidate is 2,000 votes or less. The provision does not extend to the office of State Board of Education, University of

Michigan Regent, Michigan State University Trustee or Wayne State University Governor. A recount of all precincts in the state is similarly conducted if the difference between the “Yes” vote and the “No” vote cast on a statewide ballot proposal is 2,000 votes or less. (MCL 168.880a)

COMPLETION OF RECOUNT: If a primary election, the recount must be completed by the twentieth day after the deadline for filing a counter petition. If a general election, the recount must be completed by the thirtieth day after the deadline for filing a counter petition. (MCL 168.875)

COST OF RECOUNT: All costs associated with a recount conducted under the authority of the Board of State Canvassers – except for those expenses directly incurred by the members of the Board or the Department’s Bureau of Elections staff for travel, meals, lodging etc. – are the responsibility of the county or counties involved. (MCL 168.894)

Recounts Conducted Under Authority of County Canvassing Boards

AUTHORITY: The Board of County Canvassers is responsible for conducting recounts for:

- County, city, township, village and school offices.
- Probate Judge in single county districts and Municipal Court Judge.
- County, city, township, village and school ballot proposals.

PREPARATION OF RECOUNT PETITION: A person who wishes to obtain a recount must submit a written, notarized statement which specifies the office or question involved; alleges that the canvass of the votes cast for the office or on the question is inaccurate due to fraud or mistake; and identifies the precincts in which a recount of the votes cast is desired. A recount request for an office must be submitted by a candidate who sought the office involved; a recount request for a proposal must be submitted by a registered elector who was eligible to vote on the proposal. (MCL 168.879; 168.862; 168.863)

SUBMISSION OF RECOUNT PETITION AND DEPOSIT: A petition for a recount which will be conducted under the authority of the Board of County Canvassers is filed with the clerk of the canvassing board that certified the office or ballot proposal. The petition must be submitted no later than the sixth day after the completion of the canvass. If a state office, a county office or a county proposal is involved, a copy of the recount petition must be forwarded to the Secretary of State within two (2) days after its receipt. If a city, township, village or school office or proposal is involved and the recount petition was filed on the city, township, village or school level, a copy of the petition must be forwarded to the county clerk within 24 hours of its receipt. (MCL 168.866)

A \$10.00 deposit must be submitted with the recount petition for each precinct in which a recount is requested. The deposit is refunded if the recount changes the outcome of the election. If the recount does not change the result of the election, the deposit is retained by the county. (MCL 168.867)

NOTICE REQUIREMENT; COUNTER PETITIONING OPTION: Within 24 hours after the receipt of a recount petition filed by a candidate, the clerk receiving the petition is required to

give notice of the filing to any opposing candidates who sought nomination or election to the office involved. (If a large number of candidates was involved in the race, notice is given to the candidates who placed second, third, second to last and last.) (MCL 168.868)

A candidate receiving such a notice may submit a “counter petition” if he or she wishes to have additional precincts recounted. (The counter petitioning option is moot if the original petition requests that the entire district be recounted.) A counter petition must be submitted within 48 hours after the submission of the original petition. A \$10.00 deposit must be submitted with the counter petition for each additional precinct in which a recount is requested. If the recount does not change the result of the election, the deposit is returned to the counter petitioner. (MCL 168.868)

If a state office, a county office or a county proposal is involved, a copy of the counter petition must be forwarded to the Secretary of State within four (4) days after its receipt. (MCL 168.868)

CONDUCT OF RECOUNT: Upon the county clerk’s receipt of a recount petition, he or she notifies the Board of County Canvassers of the need to schedule a meeting to conduct the recount. The Board cannot begin the recount until after the county clerk has determined whether a recount petition has been filed on the state level which involves the county. If a recount petition has been filed on the state level which involves the county, the conduct of both recounts (the recount requested on the county level and the recount requested on the state level) are coordinated through the Department of State’s Bureau of Elections. The Board of County Canvassers is not required to obtain state clearance to proceed with a recount of votes cast on a city, township, village or school office or question if the ballots involved are not sealed in ballot boxes containing ballots cast on state or county offices or questions. (MCL 168.869) The recount is conducted as provided under Michigan election law, MCL 168.861 – 877.

RECOUNT PETITION OBJECTIONS: On or before 4:00 p.m. of the seventh day after the original recount petition is filed, an opposing candidate may submit objections to the recount request to the Board of County Canvassers. The objections must be set forth in writing. A hearing is conducted by the Board to consider the objections. A ruling on the objections is issued by the Board within five days after the conduct of the hearing. If the objections are overturned by the Board, the recount can commence after the second business day following the issuance of the Board’s decision. (MCL 168.868)

DISCONTINUANCE OF RECOUNT: If, at anytime prior to the completion of the recount, the person requesting the recount withdraws his or her petition, the recount is immediately discontinued. In such an event, the original returns certified for the race or question are deemed to be correct. (MCL 168.876)

COMPLETION OF RECOUNT: If a primary election, the recount must be completed by the twentieth day after the deadline for filing a counter petition. If a general election, the recount must be completed by the thirtieth day after the deadline for filing a counter petition. (MCL 168.875)

COST OF RECOUNT: If a Board of County Canvassers recounts the votes cast on a city, township, village or school office or question, the expense of conducting the recount is charged back to the local unit. The local unit is then responsible for reimbursing the county treasurer for the expenses involved. (MCL 168.869)