



ELECTION RECOUNTS

WHO CAN REQUEST A RECOUNT?

A candidate for a federal, state, county, city, township, village, or school office

who believes that the canvass of the votes cast on the office is incorrect because of fraud or error 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)

WHO CONDUCTS THE RECOUNT?

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

The Board of STATE Canvassers is responsible for conducting recounts for:

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

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)

HOW TO REQUEST A RECOUNT

Prepare a Recount Petition

An aggrieved candidate who wishes to obtain a recount must submit a written, notarized statement which specifies:

- the office for which a recount is sought,
- the reason that the person believes that the county and/or precinct statement of votes produced by the county canvass is incorrect,
- the precinct(s) for which the recount is sought, and
- if the person seeking a recount is a candidate, an affirmation that the candidate has a good-faith belief that, but for the errors alleged in the recount petition, the candidate would have had a reasonable chance of winning the election.

HOW TO REQUEST A RECOUNT (continued)

File the Recount Petition

The petition must be filed **with the clerk of the jurisdiction whose Board of Canvassers certified the results of the election.**

State Level: A petition for a recount by the Board of State Canvassers must be received by the Secretary of State **no later than 48 hours following the completion of the state canvass.**

County Level: A petition for a recount by a Board of County Canvassers must be received by the county clerk **on or before the sixth day following the completion of the county canvass.** If a recount petition is filed with a Board of County Canvassers, a copy of the petition must be forwarded to the Secretary of State within 48 hours of filing the petition with the county clerk.

WHAT IS THE COST OF A RECOUNT?

A deposit must be submitted with a 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 a precinct is determined to be 'not recountable', or the recount is discontinued due to withdrawal of a recount petition. If the recount does not change the result of the election, the deposit is kept by the county(ies) in which the recount was conducted. The required per precinct deposit amount is determined as follows (MCL 168.867):

- **\$25 per precinct; or**
- **\$125 per precinct**, if the official canvass of votes shows that the number separating the winning candidate and the petitioner is more than 50 votes, or 0.5% of the total number of votes cast in the race, whichever is greater; **or**
- **\$250 per precinct**, if the official canvass of votes shows that the number separating the winning candidate and the petitioner is more than 75 votes, or 5.0% of the total number of votes cast in the race, whichever is greater.

Recount Deposit Worksheets are available at [Michigan.gov/sos/elections](https://www.michigan.gov/sos/elections). Recount expenses are considered an "expenditure" and can be paid for with candidate committee funds.

NOTICE REQUIREMENT TO OPPOSING CANDIDATES

County Level: 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 opposing candidates who sought nomination or election to the office involved. (If a large number of candidates was involved in the race, notice is only required to the two candidates who received the lowest number of votes among those candidates who were nominated or elected, and the 2 candidates who received the highest number of votes among those candidates who were not nominated or elected.) (MCL 168.868)

State Level: 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.

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 or 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 168.868)

COUNTER PETITIONS

A candidate receiving notice of a recount petition from the county clerk or the Secretary of State 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.)

County Level: A counter petition must be submitted **within 48 hours after the submission of the original petition.**

State Level: 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 deposit must be submitted with the counter petition for each additional precinct in which a recount is requested. The per-precinct deposit is calculated in the same manner as for original recount petitions. The deposit is refunded if the recount changes the outcome of the election, if a precinct is determined to be 'not recountable', or the recount is cancelled due to withdrawal of a recount petition. If the recount does not change the result of the election, the deposit is kept by the county(ies) in which the recount was conducted.

CONDUCT OF RECOUNT

County Level: 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 MCL 168.861- 877.

State Level: 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.

TIMING OF RECOUNT

Because the staff carrying out a recount cannot be determined until both the deadline for submitting statewide recount petitions and the deadline for submitting local recount petitions has passed, a recount cannot commence until ALL of the following conditions are met:

- 6 days have elapsed since the end of the county canvass
- if any local recounts have been requested, 48 hours have elapsed since those recount petitions were received
- 48 hours have elapsed since the end of the state canvass

If, after all three timing conditions have been satisfied, no precincts in the county are involved in a statewide recount, the Board of County Canvassers may direct the county clerk's staff to begin the recount.

COMPLETION DEADLINE FOR RECOUNT

Primary Elections: The recount must be completed by the twentieth day after the deadline for filing a counter petition.

General Elections: The recount must be completed by the thirtieth day after the deadline for filing a counter petition.

RECOUNT PROCESS

The Board of County Canvassers is responsible for laying out the specific recount process to be followed in the county. The Board must ensure that all interested parties, or representatives of those parties, are present at the recount. The Board should determine:

- Which assistants or staff members will conduct the recount;
- Whether the recount will be conducted by hand, by electronic tabulation, or by a combination of the two methods;
- Who will answer procedural questions from either staff or interested parties; and
- How challenges to the determination of assistants or staff will be recorded and resolved.

Because the Board of County Canvassers is responsible for adjudicating disputes or challenges concerning the recount, Board members should not take part in the physical handling or tabulation of ballots. Instead, Board members should be present to supervise the process and available to adjudicate disputes or challenges as they arise.

“NOT RECOUNTABLE” PRECINCTS

There are three scenarios that can cause a precinct to be “not recountable”:

- The ballot container’s seal is not placed on the ballot container in such a way as to ensure that ballots could not have been inserted or removed without breaking the seal or damaging the ballot container.
- The number on the ballot container seal is not the seal number recorded in either or both the Poll Book or the completed Statement of Votes.
- The total number of ballots, as reflected by a physical count, is not the same as the number of voters recorded in the Poll Book, and an acceptable explanation for the discrepancy cannot be identified. Before determining that the total number of ballots and the total number of voters do not match, the Board of County Canvassers should account for any discrepancy caused by (1) spoiled or defective ballots; (2) ballots that were duplicated for proper reasons using procedures mandated by the local clerk; (3) any provisional envelope ballots not included in the ballot container; (4) and any other notes or remarks in the poll book explaining another source of discrepancy.

If a precinct is deemed “not recountable”, staff must report the vote totals from that precinct as included in the original canvass.

DISCONTINUANCE OF RECOUNT

If, at any time 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

AUTOMATIC STATEWIDE 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)