



ELECTION NEWS

A special informational bulletin on the implementation of Michigan election law.

Michigan Department of State - Ruth Johnson, Secretary of State

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Candidates Elected on November 8 Must File a “Post-Election Campaign Finance Compliance Statement” Before Assuming Office

Michigan election law, MCL 168.848, requires any candidate elected to office on the state, county or local level to file an affidavit prior to assuming office which states that at the date the affidavit was executed “all statements, reports, late filing fees, and fines required of the candidate or a Candidate Committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.”

- The affidavit is not required of an elected candidate whose Candidate Committee did not receive or expend more than \$1,000.00 during the election cycle.

An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the form to the filing official designated to receive the elected candidate’s campaign finance disclosure filings.

- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by a “fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.” An elected candidate who falsifies the statement is guilty of perjury punishable by a “fine of not more than \$1,000.00 or imprisonment for not more than 5 years or both.”

A copy of the Post-Election Campaign Finance Compliance Statement form is provided with this newsletter. The form is also available on the Department's Web site at www.michigan.gov/elections. To locate the form on the *Elections in Michigan* page, click on "Publications and Forms."

School Board Acceptance of Office/Oath of Office Form

Within 5 business days after the certification of a school board election, the school district's "election coordinator" is required to issue a "Certificate of Election" to each elected candidate. Within 10 business days after the issuance of the certificate, the newly elected candidate is required to file an "Acceptance of Office" with the secretary of the school board. The secretary of the school board is required to forward a copy of the "Acceptance of Office" to the school district's election coordinator. (MCL 168.308 and 309)

Before entering upon the duties of his or her office, an elected school board member must take and file the oath provided in Article XI, Section 1, of the State Constitution. (MCL 168.310(1)) The oath is filed with the secretary of the school board.

A combined "Acceptance of Office/Oath of Office" form developed for elected school board members is provided with this newsletter. The form is also available on the Department's Web site at www.michigan.gov/elections. To locate the form on the *Elections in Michigan* page, click on "Publications and Forms."

Possible Election Consolidation Law Changes Affecting 2012 School Elections

The State legislature recently passed HB 4005 and SB 427, which would amend the Election Law and Revised School Code to require all school districts to conduct elections for school board members on the even-year November general election date. The school board member's term of office will commence on January 1 immediately following the election. Note that school districts would continue to have the option of conducting ballot question elections on the election dates authorized by law. If signed by Governor Rick Snyder, the bills will become effective on January 1, 2012. The Bureau of Elections will continue to track this legislation and will provide additional details upon enactment of these bills into law.

Election Resources Available on Department's Web Site

A wide variety of election-related information and materials can be accessed through the Department's Web site at www.Michigan.gov/elections. To locate these materials on the

Elections in Michigan page, click on “Information for Election Administrators.” The information and materials currently available on the Web site include the following:

- Michigan election law.
- Michigan ballot production standards.
- 2012 election date calendars.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

Have a Question or Need Assistance?
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If you have a question or need assistance with your election-related duties, please do not hesitate to contact the Michigan Department of State’s Bureau of Elections. We will be happy to assist in any way possible!

Mailing address:	Michigan Department of State Bureau of Elections PO Box 20126 Lansing, MI 48901-0726
Phone:	(517) 373-2540
Email:	elections@michigan.gov
Fax:	(517) 373-0941

-- POST-ELECTION CAMPAIGN FINANCE COMPLIANCE STATEMENT --

- This form must be filed by any candidate subject to Michigan's Campaign Finance Act who is elected to a state, county, city, township, village or school office. The form must be filed *before* the candidate assumes office. Exceptions: an elected candidate whose Candidate Committee did not receive or expend more than \$1,000.00 during the election cycle is *not* required to submit this form. In addition, this form does not have to be filed by an individual elected to a U.S. Senate, U.S. House or precinct delegate position.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit this form to the filing official designated to receive the elected candidate's campaign finance disclosure filings.
- An elected candidate subject to the Post -Election Campaign Finance Compliance Statement filing requirement who fails to submit this form prior to assuming office is guilty of a misdemeanor.
- If you need information on your current compliance status under the Michigan Campaign Finance Act, contact the Michigan Department of State's Bureau of Elections and/or the appropriate county clerks as necessary.

By signing this affidavit, I swear (or affirm) that the facts contained in the statement set forth below are true.

At this date, all statements, reports, late filing fees, and fines due from me or any Candidate Committee organized to support my election to office under the Michigan Campaign Finance Act, PA 388 of 1976, have been filed or paid.

I further acknowledge that making a false statement in this affidavit is perjury – a felony punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. (MCL 168.848, 933 and 936)

Signature of Candidate: _____

Printed Name of Candidate: _____

Residential Address: _____

Phone: _____

Office You Will Assume: _____

Subscribed and sworn to by _____

Name of Notary: _____

before me on the _____ day of _____, _____

Notary Public, State of Michigan, County of _____

My commission expires _____

Acting in the County of _____

Signature of notary public

**SCHOOL BOARD MEMBER
ACCEPTANCE OF OFFICE AND OATH OF OFFICE**

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Before entering upon the duties of his or her office, an elected school board member must take and file the oath provided in Article XI, Section 1, of the State Constitution. (MCL 168.310(1)) The oath is filed with the secretary of the school board.

ACCEPTANCE OF OFFICE

I do hereby accept the office of Member of the Board of Education of _____,
(LEGAL NAME OF SCHOOL DISTRICT)

Michigan. Dated _____, 20____. _____
SIGNATURE

CONSTITUTIONAL OATH OF OFFICE

STATE OF MICHIGAN)
County of _____) SS

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of Member of the Board of Education of _____ according to the best of my ability.
(LEGAL NAME OF SCHOOL DISTRICT)

Signature

Name Printed or Typed

Sworn to and subscribed before me this _____ day of _____ 20____

Signature *

Title *

Name Printed or Typed *

Subscribed and sworn to by _____ Name of Notary _____
before me on the _____ day of _____, _____ Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Signature of notary public

* This information is requested if Oath of Office is taken before someone other than a notary public.
(October 2009)