



ELECTION NEWS

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

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 75

April 9, 2010

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Materials Needed to Administer May 4 Election

The following article outlines the election materials needed for the administration of the May 4 election which are available through the Department of State's Bureau of Elections.

Election materials which can be ordered from the Bureau: The following materials can be ordered through the Michigan Department of State's Bureau of Elections if needed. An order form is included with this newsletter for your convenience.

- A. **Voter information posters:** A minimum of two copies of the poster must be placed on display in each polling place. The poster complies with the requirements of Michigan election law. (The voter information poster prepared for the May 4 election can also be printed from the Bureau's Web site as explained below.)
- B. **Audio version of voter information (cassette tape):** An audio version of the voter information must be available in each polling place. (The audio version of the voter information used during the 2008 election cycle can be used for the May 4 election.)
- C. **Braille version of voter information:** A Braille version of the voter information poster must be available in each polling place. (The Braille voter information displays used during the 2008 election cycle can be used for the May 4 election.)

Election materials which are available on the Bureau's Web site: The following materials needed to administer the upcoming May 4 election can be accessed on the Department of State's Web site www.Michigan.gov/sos. To locate the information, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

- A. **Voter information posters:** As noted above, a minimum of two copies of the poster must be placed on display in each polling place. The voter information posters can be printed from the Bureau's Web site. (Legal sized paper is needed to print the poster.)
- B. **Provisional balloting materials:** Every polling place must be supplied with the materials needed to administer Michigan's provisional balloting process. The following materials can be accessed through the Web site: the "Four Step Procedure Form," the notices needed for distribution to voters who are issued a provisional "envelope" ballot, the "Procedure for Handling 'Envelope' Ballots Returned to Clerk's Office," and the "Provisional Ballot Report Form."
- C. **Michigan voter identification implementation materials:** Every polling place must be supplied with the materials needed to administer Michigan's voter identification requirement. The following materials can be accessed through the Web site: Instructions for implementing Michigan's voter identification requirement, "Affidavit of Voter Not In Possession of Photo ID" (English and Spanish), informational notice for voters (English and Spanish) and voter processing flow charts.
- D. **AutoMARK Voter Assist Terminal materials:** The following materials are available: "Accessible Voting Signage," "AutoMARK Election Inspector Guide," "AutoMARK Program Testing Procedures," "Sample Public Accuracy Test Notice," "Voting System Preparation Certificate," 10-minute instructional video and "AutoMARK Troubleshooting Guide."

Declaration of Intent Filing Deadline for May 4 Election Elapses on April 23

Any candidate who wishes to seek an office on the May 4 election ballot with write-in votes must file a Declaration of Intent with the filing official for the office no later than 4:00 p.m. on Friday, April 23.

If a candidate who appears on the ballot dies or is disqualified on or after the Wednesday immediately preceding the election, all write-in votes cast under the race involved count – including those cast for individuals who did not file a Declaration of Intent form. In the case of the May 4 election, the waiver would be invoked if a candidate on the ballot dies or is disqualified on or after April 28.

Issuing Absent Voter Ballots for May 4 Election to Voters Outside U.S.

Michigan election law stipulates that an absent voter ballot request sent to a city, township or village clerk by an uniformed services voter outside of the United States or a civilian voter outside of the United States must be honored for every election conducted in the applicant’s city of residence or township and village of residence (if any) through the balance of the calendar year – including all school district elections.

Given the above, all county, city and township clerks who will be involved in administering the upcoming May 4 election are reminded that an absent voter ballot for the election must be mailed to all uniformed services voters outside of the United States and all civilian voters outside of the United States who submitted an absent voter ballot request anytime after December 31, 2009.

Post-Election Notices and Certifications Related to May 4 Election

Certificate of Election and Acceptance of Office: Within five 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 as added under PA 302 of 2003; MCL 168.309 as added under PA 288 of 2004)

Oath of Office: 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) as added under PA 302 of 2003) The oath is filed with the secretary of the school board.

Post-Election CFR Compliance Statement: Any candidate elected to office on the state, county or local level is required 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 any Candidate Committee organized to support the candidate's election under Michigan's Campaign Finance Act have been filed or paid.

- The affidavit is not required of an elected candidate who 1) is exempt from the filing requirements of Michigan's Campaign Finance Act or 2) 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 affidavit to the filing official designated to receive the elected candidate's campaign finance disclosure filings. Thus, an elected candidate who is required to file his or her campaign finance disclosure filings on the county level must file his or her Post-Election Campaign Finance Compliance Statement on the county level.
- The Post-Election Campaign Finance Compliance Statement form can be accessed through the Department of State's Web site www.michigan.gov/sos. (Click on "Elections in Michigan." On the Elections in Michigan page, click on "Publications and Forms.")
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by "fine of up to \$500.00 or imprisonment for up to 93 days, or both."
- Candidates participating in the May 4 election who have any questions regarding their compliance status under Michigan's Campaign Finance Act should be directed to the county clerk responsible for accepting the candidate's campaign finance disclosure filings.

<p>Polling Place Accessibility Grant Program Reopened</p>

***New application period begins on May 10, 2010
and ends on July 30, 2010***

Any and all buildings used for polling place locations must meet the accessibility requirements set forth under the Americans with Disabilities Act (ADA). If a building used for a polling place location cannot be made accessible as stipulated under the ADA, the polling place must be moved to a building which meets the ADA accessibility requirements.

In April 2005, the Department introduced the Polling Place Accessibility Improvement Program – a grant program which Michigan's cities and townships can use to recover the costs they incur in making their polling places ADA compliant. The grant program is funded through the Help America Vote Act of 2002 (Title II, Section 261; CFDA 93.617). The Department of State's Bureau of Elections is responsible for overseeing the grant process.

As there are still a number of jurisdictions that could benefit from the grant program and grant funds remain available, a new grant application period is being offered. The new application window will begin on May 10, 2010 and extend through July 30, 2010.

Complete information on the polling place accessibility grant program can be found on the Department of State's Web site www.Michigan.gov/sos. Click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators" and scroll down to "HAVA Compliance Materials."

City and township clerks who have any questions regarding the grant program are encouraged to contact David Foster of the Michigan Department of State's Bureau of Elections. Phone: (517) 373-2540. Email: FosterD2@Michigan.gov.

Upcoming Candidate Filing Deadlines on County/Local Level

- | | |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| By 4:00 p.m.,
April 27 | Candidates seeking Probate Court judgeships file nominating petitions, Affidavit of Identity and Affidavit of Constitutional Qualification for the August primary. Filing submitted to the local county clerk. Withdrawal deadline elapses at 4:00 p.m. on April 30. |
| By 4:00 p.m.,
May 11 | Precinct delegate candidates file an Affidavit of Identity for the August primary. Filing submitted to the clerk of the county, city or township in which candidate resides. Withdrawal deadline elapses at 4:00 p.m. on May 14. |
| By 4:00 p.m.,
May 11 | Partisan and nonpartisan candidates (other than judicial candidates) file nominating petitions (or fees if applicable) and Affidavit of Identity for the August primary. (A partisan candidate who seeks a county office, the office of State Senator or the office of State Representative may file a \$100.00 filing fee in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on May 14. |
| By 4:00 p.m.,
May 11 | Candidates who seek a Wayne County Community College Trustee position file an Affidavit of Identity and a nominating petition. (A filing fee option is not available.) |
| By 4:00 p.m.,
July 15 | District Library Board candidates who wish to seek office at the November general election file an Affidavit of Identity and a nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) (Special note: If district library includes a school district, District Library Board candidates file by 4:00 p.m. on August 10.) |

- By 4:00 p.m.,
July 15** Candidates without political party affiliation who wish to seek a partisan office at the November general election file an Affidavit of Identity and a qualifying petition. (A filing fee option is not available.) Withdrawal deadline elapses at **4:00 p.m. on July 19.**
- By 4:00 p.m.,
July 23** Write-in candidates other than write-in candidates who seek precinct delegate positions file Declaration of Intent forms for the August primary.
- By 4:00 p.m.,
July 30** Write-in candidates who seek a precinct delegate position file Declaration of Intent form with city or township clerk for the August primary. (As an alternative, candidates for precinct delegate may file form with appropriate precinct board on election day before the close of the polls.) (Special note: There are no provisions of law which permit write-in candidates who seek a precinct delegate position to file a Declaration of Intent on the county level.)
- By 4:00 p.m.,
August 10** Local School Board candidates, Community College Trustee candidates and District Library Board candidates who wish to seek office at the November general election file an Affidavit of Identity and a nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at **4:00 p.m. on August 13.** (Special notes: If district library does not include a school district, District Library Board candidates file by 4:00 p.m. on July 15. Candidates seeking a Wayne County Community College Trustee position file by 4:00 p.m. on May 11.)
- By 4:00 p.m.,
August 10** Village candidates who wish to seek office at the November general election file an Affidavit of Identity and a nonpartisan nominating petition. Withdrawal deadline elapses at **4:00 p.m. on August 13.**
- By 4:00 p.m.,
October 22** Write-in candidates file Declaration of Intent forms for the November general election.

-- Important Reminders --

County and township vacancies: Vacancies occurring in county or township offices on or before May 3, 2010 must be elected for the remainder of the term this year.

Submission of filings for township offices: A county clerk is *not* authorized to accept filings from candidates who seek township offices; a candidate who seeks a township office *must* file with his or her township clerk's office. Filings for township offices which are erroneously accepted on the county level are invalid.

Signature requirements: A chart which lists the petition signature requirements which are currently in effect is attached to this newsletter. (See *Petition Signature Requirement Chart.*)

Acceptance of U.S. House, State Senate and State House filings on county level: A candidate who seeks a U.S. House, State Senate or State House seat in a district which is wholly contained within a single county files with the local county clerk; a candidate who seeks a U.S. House, State Senate or State House seat in a multi-county district must file on the state level.

Petition forms: The partisan nominating petition form (used by candidates to seek partisan offices), the qualifying petition form (used by candidates without political party affiliation to seek partisan offices) and the nonpartisan nominating petition form (used by nonpartisan candidates to seek nonpartisan offices) are three different forms. All three petition forms are available from commercial suppliers. While county and local clerks must stock the petition forms for distribution to candidates, candidates who are in need of a large quantity of petitions can be directed to the commercial suppliers who market the forms.

Public availability of filings: All candidate filings are public information as soon as they are submitted. Honor all copy requests as soon as possible.

Filing Requirements for Non-Incumbent Judicial Candidates Available on Department's Web Site

A document which explains the filing requirements established for non-incumbent judicial candidates who wish to seek office in 2010 has been posted on the Department's Web site <www.michigan.gov/sos>. To locate the document, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Candidates."

Ballot Container Inspections Must Be Completed by June 1

As earlier advised, the Board of County Canvassers must complete a countywide ballot container inspection no later than June 1, 2010. All ballot containers owned by the county and the cities, township and villages located within the county must be included in the inspection. The term "ballot container" is used to mean 1) any containers used to transport and secure optical scan ballots and 2) any containers used to secure memory units and test data.

Approval stickers and tags authorizing the use of approved ballot containers until May 31, 2014 have been shipped to all county clerks. An "approved" sticker or tag must be affixed to every ballot container that passes the Board of Canvassers' inspection.

Important New Policy Regarding Use of "Dual Seal" Ballot Containers

An instructional memo on the ballot container inspections was recently issued to all county clerks through the Bureau. The memo advised that the "dual seal" ballot containers produced by Business Records Corporation cannot be approved unless:

- 1) the small door is permanently sealed with a state-issued 15 ½ inch Pull Tight seal or a horseshoe and a state-issued metal Globe seal; and
- 2) a completed ballot container tag that documents the serial number appearing on the permanent seal securing the small door, the date the small door was sealed and the individuals who sealed the small door is taped to the inside of the large door.

Documenting the serial number appearing on the permanent seal in the above described fashion will ensure that the permanent seal does not become an issue during a vote recount. As an added precaution, the election inspectors should be instructed to record the serial number appearing on the permanent seal in the precinct’s poll book.

Important Note Regarding the Approval of Ballot Containers Manufactured by Douglas

In 2002 it was observed that the two ballot containers listed below are not fully “tamper resistant” as required under Michigan election law. Specifically, the sides of the containers can be pushed in to the point where a ballot can be inserted into the container without breaking the seal on the container.

<i>Manufacturer</i>	<i>Model</i>	<i>Description</i>
Douglas	DOSB-3	Square blue metal ballot container.
Douglas	DSN-1	Square silver metal ballot container.

All county clerks were further advised in the above referenced instructional memo that the two Douglas containers cannot be approved unless they have been modified to ensure that they are fully “tamper resistant.” The ballot containers can be modified using one of the three methods below:

- 1) Drill holes on each side of the container large enough to affix additional seals. Two additional seals must be used with this solution; all three seals must be recorded in the Poll Book.
- 2) Affix double sided poster board tape to the inside of the lid. The tape should be placed approximately one half inch from the inside container wall. The tape may be purchased from most office supply stores.
- 3) Purchase a “retro fit” kit from the manufacturer or an election supply vendor.

Ballot Container and Seal Photos Available on Web Site

Photographs of the ballot containers and seals approved for use in Michigan are available on the Department’s Web site www.michigan/sos. Click on 1) “Elections in Michigan” 2) “Information for Election Administrators” and 3) “Voting Equipment” (appears on dropdown menu under “Information for Election Administrators”).

National Mail-In Voter Registration Application Form Available in Chinese, Japanese, Korean, Tagalog and Vietnamese

The U.S. Election Assistance Commission (“EAC”) has announced that the National Mail-In Voter Registration Application form is now available in Chinese, Japanese, Korean, Tagalog, and Vietnamese. The EAC is providing the new translations in addition to the English and Spanish versions of the form. The forms can be accessed through the EAC’s Web site at www.eac.gov. The forms can be completed online and then printed by the applicant.

The translated forms consist of a bilingual translation of the application and a monolingual translation of the general and state-specific instructions. The translated forms contain instructions requesting applicants to complete the form in English.

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 www.Michigan.gov/sos. To locate, click on “Elections in Michigan”; 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.
- May 4, 2010 election date calendar.
- May 4, 2010 Voter Information Poster (English and Spanish).
- August 3 and November 2, 2010 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?

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



STATE OF MICHIGAN
 TERRI LYNN LAND, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

April 9, 2010

PETITION SIGNATURE REQUIREMENT CHART
-- 2010 Election Cycle --

The following “population based” signature requirements apply to all state offices, judicial offices, county offices (including county commissioner), township offices (including offices elected in charter townships), city offices (unless otherwise set by charter) and village offices (unless otherwise set by charter). See notes following chart for information on petition signature requirements established for candidates who seek school board positions; intermediate school board positions; community college trustee positions; district library board positions; and city, township and village library board positions.

Population	Partisan Petition		Non Partisan Petition		Qualifying Petition	
	Min	Max	Min	Max	Min	Max
0 - 9,999	3	10	6	20	9	30
10,000 - 24,999	20	50	40	100	60	150
25,000 - 49,999	50	100	100	200	150	300
50,000 - 74,999	100	200	200	400	300	600
75,000 - 99,999	200	400	400	800	600	1,200
100,000 - 199,999	300	500	600	1,000	900	1,500
200,000 - 499,999	500	1,000	1,000	2,000	1,500	3,000
500,000 - 999,999	1,000	2,000	2,000	4,000	3,000	6,000
1,000,000 - 1,999,999	2,000	4,000	4,000	8,000	6,000	12,000
2,000,000 - 4,999,999	4,000	8,000	6,200	12,000	12,000	24,000
Over 5 million (statewide)	15,000	30,000	30,000	60,000	30,000	60,000

- 1) ***State Senate, State House and county level positions:*** Republican and Democratic candidates who seek the office of State Senator, the office of State Representative or a county office may file a \$100.00 fee in lieu of a nominating petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- 2) ***Judicial positions:*** A judicial officer who is running for reelection to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition.
- 3) ***Statewide positions:*** Nominating petitions filed for the office of Governor or U.S. Senator must be signed by at least 100 registered voters in each of at least ½ of the congressional districts in the state. Similarly, a qualifying petition filed by a candidate without political party affiliation for the office of President, Governor, Secretary of State, Attorney General, U.S. Senator, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor or Supreme Court Justice must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.
- 4) ***County commissioner positions:*** The “population based” signature requirements listed in the above chart apply to candidates who seek the office of county commissioner. Candidates seeking the office of county commissioner may file a \$100.00 fee in lieu of a petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- 5) ***School board/intermediate school board positions:*** Local school board and intermediate school board candidates are required to meet the filing requirements list below (MCL 168.303 as added under PA 302 of 2003):
 - ***District with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - ***District with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 6) ***Community college trustee positions:*** In a community college district organized by an intermediate school district of over 1.5 million, the minimum number of valid signatures required is 250. A candidate may not file more than 500 signatures to cover the requirement. (MCL 389.83)

In all other community college districts, the following signature requirements apply (MCL 389.152 as amended under PA 62 of 2005):

- ***Community college district with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

- **Community college district with 10,000 or more in population according to the most recent federal census:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 7) **District library board positions:** The following signature requirements apply to district library board candidates (MCL 397.181 as amended under PA 159 of 2002):
- **District with less than 10,000 in population according to the most recent federal census:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - **District with 10,000 or more in population according to the most recent federal census:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 8) **City library board positions, township library board positions and village library board positions:** The following signature requirements apply to city, township and village library board candidates (MCL 397.211 as amended under PA 160 of 2002):
- **Jurisdiction with less than 10,000 in population:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
 - **Jurisdiction with 10,000 or more in population:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- 9) **Qualifying petitions:** All signatures submitted on a qualifying petition must have been collected within the preceding 180-day period; signatures which are dated more than 180 days prior to the date of the petition is filed are invalid.



STATE OF MICHIGAN
 TERRI LYNN LAND, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

Order Form
-- May 4 Election Materials --

Return form via mail or fax to Ruth Lee, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Fax: (517) 373-0941.

Jurisdiction name: _____

Date: _____ **Submitted by:** _____

Mailing address for supplies: _____

Item

Quantity

Voter information posters*: _____

**Voter information in audio format
 (Cassette tape):** _____

Braille version of voter information: _____

Thank you!

* As an alternative, the voter information posters can be printed from the Bureau's Web site.