



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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In This Issue ...

- **County Clerks Required to Accept Filings and Prepare Ballots for Upcoming ISD Meetings Convened to Fill ISD Board Position**
- **Establishment and Use of “Receiving Boards” Encouraged**
- **All School District “Election Coordinating Committees” Must Meet in Early 2011**
- **Provisional Ballot Statistics: Usage Falls in 2010**
- **Election Related Resources Available on Department’s Web Site**
- **Have a Question or Need Assistance?**

<p>County Clerks Required to Accept Filings and Prepare Ballots for Upcoming ISD Meetings Convened to Fill ISD Board Positions</p>

The statutes which govern the conduct of the biennial meetings convened by intermediate school districts to fill their board positions require county clerks to accept the filings submitted for the positions and prepare the ballots needed for the election of the positions. (MCL 380.612 and 614) The following article outlines the provisions of law which govern the conduct of the meetings and the various duties which must be performed by Michigan’s county clerks.

The duties a county clerk must perform to fill ISD board positions are limited in nature and clearly defined under the law. The duties do not have to be considered or documented by the members of the ISD’s “coordinating committee.”

Date of meeting: The meeting must be conducted by the ISD on the first Monday in June in every odd-numbered year. This year, the meetings will be conducted on Monday, June 6, 2011.

Candidate filing deadline; filing official: A candidate must file a petition or a \$100.00 nonrefundable filing fee and an Affidavit of Identity with the ISD’s “election coordinator” no later than Monday, May 9, 2011. The ISD’s “election coordinator” is the clerk of the county in which the largest number of the district’s registered electors reside.

Petition signature requirements: The following petition signature requirements apply if the candidate chooses to file a petition as opposed to the \$100.00 nonrefundable filing fee:

Population of ISD less than 10,000 according to most recent federal census: minimum of 6 signatures; maximum of 20 signatures.

Population of ISD 10,000 or more according to most recent federal census: minimum of 40 signatures; maximum of 100 signatures.

- An “Intermediate School District Nominating Petition” form is available for use by ISD candidates. County clerks are obligated to maintain a supply of the forms and distribute them to interested candidates. The form can be obtained through the commercial suppliers who handle election related forms. The petition must be circulated on a city/township basis.
- Any registered voter who resides within the intermediate school district can sign the candidate’s petition. An ISD candidate is not required to limit the circulation of his or her petition to his or her constituent school district of residence.
- An elector of the ISD may sign as many petitions as there are positions to fill on the ISD board.
- The county clerk serving as the ISD’s filing official is responsible for determining the sufficiency of any petitions filed by ISD candidates.

Office term: ISD board members are elected to 6-year terms. The new terms commence on July 1 following the election.

Preparation of ballots for meeting: The county clerk serving as the ISD’s filing official is responsible for preparing the ballots needed for the conduct of the meeting convened by the ISD to fill its board positions.

- The creation of a simple paper ballot which lists the candidates’ names in alphabetical order is recommended.
- Several sets of the ballots should be prepared for the conduct of the meeting in the event that those participating in the meeting must vote more than once as referenced under “Voting and canvassing” below.
- The chairperson of the meeting may accept nominations for an available position “from the floor” if no candidates filed for the position. Consequently, in an instance where no candidates file for an available ISD position, the ballot must contain several lines for the hand entry of the candidates who receive nomination at the meeting.

Conduct of meeting: The president and secretary of the ISD are responsible for convening and conducting any meetings held by the ISD to fill its board positions; county clerks are not required to play any role in the conduct of the meetings.

- The meetings are subject to the Open Meetings Act and must be publicly posted as required under the Act. The ISD is responsible for handling the posting requirements.
- The electoral body responsible for electing the ISD board seats which must be filled at the meeting comprises one representative from each constituent school district in the ISD. The board of each constituent school district is required to designate its meeting representative by resolution during the three-week period which precedes the meeting. In addition to designating the school district’s meeting representative, the resolution must identify the candidate the board supports for each ISD board position which must be filled. The statute which governs the process stipulates that the board “shall consider the resolution at not less than 1 public meeting before adopting the resolution.”
- The secretary of the ISD is required to notify the secretary of each constituent school district of the location and time of the meeting at least 10 days before the meeting. The notice must be sent by certified mail.

Candidate eligibility: The statutes which govern the election of ISD board members stipulate that:

- not more than two members of the ISD board “shall be from the same school district unless there are fewer districts than there are positions to be filled”;
- not more than three members of the ISD board may also be serving at the same time as a member of the board of a constituent district or board of directors of a public school academy.

Ensuring compliance with the above stipulations is the responsibility of the ISD board and the ISD officials handling the election of the ISD board members.

Voting and canvassing: The president and secretary of the ISD are responsible for supervising the voting process. The votes are canvassed at the meeting. The statutes which govern the voting process stipulate that each constituent district representative entitled to vote at the meeting is required to vote for the candidate supported for each position by the constituent board he or she represents “at least on the first ballot taken by the electoral body.”

<p>Establishment and Use of “Receiving Boards” Encouraged</p>
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Michigan election law, MCL 168.679a, provides that the legislative body of a city or township may, by resolution, approve the establishment of one or more “receiving boards” to administer any upcoming election scheduled in the jurisdiction.

When established, receiving boards are responsible for ensuring that 1) all ballot containers delivered to the clerk’s office after the polls close are properly sealed 2) all seal numbers are

properly recorded and 3) the number of names entered in the Poll Book balances with the number of ballots counted in the precinct as shown on the Statement of Votes.

The use of receiving boards is strongly encouraged as they provide an effective, low-cost way to promote the “recountability” of precincts in the event that a recount is requested after the election. Jurisdictions that employ receiving boards report that the associated procedures take no more than 10 minutes to perform per precinct. (Of course, if corrections are needed, the procedures may take longer to perform depending on the nature of the issue that must be addressed.)

To assist with the administration of receiving boards, the Bureau is currently in the process of developing simplified receiving board checklists. The checklists will be posted on the Bureau’s Web site as soon as they are available for distribution.

Appointment process: If the establishment of one or more receiving boards is approved by the jurisdiction’s legislative body, the local election commission must appoint at least two election inspectors to each board. When making the appointments, the election commission must appoint an equal number of election inspectors from each of the two major political parties in the state.

While it is important that those appointed to serve on a receiving board meet all of the precinct inspector eligibility requirements, there is nothing to prevent staff members who work in the clerk’s office from serving on a receiving board if deemed convenient and desirable. Precinct inspectors who worked in the polls or in an absent voter counting board throughout the day are also eligible to serve on a receiving board. (NOTE: If the clerk is seeking office at the election, staff members who work for the clerk should *not* be appointed to serve on a receiving board to avoid any appearance of impropriety.)

Delivery of materials to receiving boards: At the close of the polls, two election inspectors representing each of the two major political parties are required to deliver to the appropriate receiving board the precinct’s sealed ballot container containing the voted ballots and, in a separate sealed envelope, the Poll Book and Statement of Votes.

Receiving board procedures: Upon the delivery of the ballot container, Poll Book and Statement of Votes, the receiving board is authorized to take the following actions:

- 1) Check to confirm that the ballot container is properly sealed and that the seal number is properly recorded in the Poll Book and on the Statement of Votes. If the ballot container is not properly sealed or the seal number is not properly recorded in the Poll Book or on the Statement of Votes, the election inspectors and the members of the receiving board may take the necessary actions to correct the discrepancy. If the correction of a discrepancy is necessary, the election inspectors and the members of the receiving board must note the discrepancy and the actions taken to correct the matter in the remarks section of the Poll Book. The notation must be signed by the election inspectors and the members of the receiving board.
- 2) Check to confirm that the number of names entered in the Poll Book balances with the number of ballots counted in the precinct as shown on the Statement of Votes. If the number of names entered in the Poll Book does not balance with the number of ballots

counted in the precinct and a satisfactory explanation has not been entered in the Poll Book, the receiving board must question the election inspectors on the discrepancy. After questioning the election inspectors, the members of the receiving board must note the explanation provided by the election inspectors in the remarks section of the Poll Book. The notation must be signed by the election inspectors and the members of the receiving board.

After completing the above checks, the members of the receiving board must replace the Poll Book and Statement of Votes in the delivery envelope, seal the envelope with a red paper seal and initial the seal. If permitted by the clerk of the board of canvassers responsible for canvassing the election, the Poll Books and Statement of Votes for multiple precincts may be included in a single delivery envelope.

Actions receiving board can take if Poll Book or Statement of Votes is sealed in ballot container: If the receiving board finds that the Poll Book or Statement of Votes has been sealed in the ballot container, the election inspectors may open the ballot container to remove the Poll Book or Statement of Votes under the receiving board's supervision. In such an instance, the election inspectors and the members of the receiving board must note the actions taken to correct the matter in the remarks section of the Poll Book. The notation must be signed by the election inspectors and the members of the receiving board. After removing the Poll Book or Statement of Votes from the ballot container, the election inspectors must reseal the ballot container and record the new seal number in the Poll Book and on the Statement of Votes.

All School District "Election Coordinating Committees" Must Meet in Early 2011

All school district "election coordinating committees" must meet in early 2011 to review the arrangements that are currently in place to conduct the school district's elections.

All school district "election coordinating committees" must meet in early 2011 to review the arrangements that are currently in place to conduct the district's elections and file the required notification with the Secretary of State after meeting. The submission of the required notification no later than February 15, 2011 is required.

A report must be submitted for every local school district, intermediate school district and community college district in the state. This includes intermediate school districts that elect their board members at meetings as opposed to popular elections. (While the "consolidated elections" legislation did not change the meeting process most intermediate school districts use to elect their board members, the district's "election coordinating committee" must meet to review the arrangements made for the conduct of the district's special elections.)

Any and all meetings held by "election coordinating committees" are subject to the Open Meetings Act and must be publicly posted as required under the Act.

Additional information regarding the conduct of the “election coordinating committee” meetings – including a suggested report template – can be found in Issue 83 of *Election News*.

Provisional Ballot Statistics: Usage Falls in 2010

Provisional Ballots	2004	2006	2008	2010
<i>Total vote:</i>	4,875,692	3,852,008	5,039,080	3,268,217
<i>Number issued:</i>	5,610	2,426	3,797	835
<i>Number counted:</i>	3,227	952	1,823	324
<i>Number not counted:</i>	2,383	1,474	1,974	511
<i>Percentage counted:</i>	57.5%	39.2%	48.0%	38.8%

Michigan’s city and township clerks reported a sharp decline in the number of provisional ballots issued for the November 2, 2010 general election. As shown in the above chart, less than 1,000 provisional ballots were issued for the 2010 gubernatorial election while over 2,400 provisional ballots were issued for the 2006 gubernatorial election. Despite the disparity, the percentage of the ballots that were determined valid and counted was approximately the same for both elections (39.2% in 2006; 38.8% in 2010).

County level provisional balloting data 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 “Previous Elections.”

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.
- February 22, 2011 Voter Information Poster.
- 2011 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!

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