



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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Materials Needed to Administer May 3 Election

The following article outlines the election materials needed for the administration of the May 3 election which are available through the Department of State’s Bureau of Elections.

The Department of State’s Bureau of Elections is not responsible for supplying election seals for the administration of the May 3 election. If election seals are needed for the election, they must be ordered through a commercial vendor. (The Bureau is responsible for supplying election seals for state and federal elections only.)

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. English and Spanish versions of the poster are available. (The voter information poster prepared for the May 3 election can also be printed from the Bureau’s Web site as explained below.)

- B. Audio version of voter information (CD):** An audio version of the voter information must be available in each polling place. (The audio version of the voter information used during the 2010 election cycle can be used for the May 3 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 2010 election cycle can be used for the May 3 election.)

Election materials which are available on the Bureau's Web site: The following materials needed to administer the upcoming May 3 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. English and Spanish versions of the poster are available. (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."

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| Declaration of Intent Filing Deadline for May 3 Election Elapses on April 22 |
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Any candidate who wishes to seek an office on the May 3 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 22.

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 3 election, the waiver would be invoked if a candidate on the ballot dies or is disqualified on or after Wednesday, April 27.

Issuing Absent Voter Ballots for May 3 Election to Absent Uniformed Services Voters and Overseas Voters

Michigan election law stipulates that an absent voter ballot request sent to a city, township or village clerk by an absent uniformed services voter (inside the U.S. or outside the U.S.) or a civilian voter outside the U.S. must be honored for every election through the balance of the calendar year – including all school district elections. (MCL 168.759a as amended under PA 50 of 2010)

Given the above, all county, city and township clerks who will be involved in administering the upcoming May 3 election are reminded that an absent voter ballot for the election must be mailed to all absent uniformed services voters and all civilian voters outside the U.S. who submitted an absent voter ballot request anytime after December 31, 2010.

Post-Election Notices and Certifications Related to May 3 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.
- 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 3 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.

Forms available online: A combined Acceptance of Office/Oath of Office form and 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.”)

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| <p>Publishing “Close of Registration” and Election Notices: A Review</p> |
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“Close of Registration” Notice: A “close of registration” notice must be published in a local newspaper no later than the 7th calendar day prior to the registration deadline for the election. (The deadline for publishing the “close of registration” notice for the May 3, 2011 election elapses on March 28, 2011.) Michigan election law, MCL 168.498, stipulates that “close of registration” notices must contain the following information:

- The days and hours the clerk will be at the clerk’s office or other designated place for the purpose of receiving registrations for the election.
- A listing of the offices that will be elected or nominated at the election. (The names of the candidates seeking nomination or election to the offices do not have to be included in the notice.)
- A brief description of any ballot proposals which will appear on the ballot. (If presenting a bond proposal, the development of the proposal description in close consultation with the bond counsel is recommended.) Additional discussion regarding the publication of ballot proposal language appears below.

- Information on where voters can obtain the full text of any ballot proposals which will appear on the ballot.

Election Notice: A “notice of election” must be published in a local newspaper no later than the 7th calendar day prior to the date of the election. (The deadline for publishing the “notice of election” for the May 3, 2011 election elapses on April 26, 2011.) Michigan election law, MCL 168.653a, stipulates that election notices must contain the following information:

- The date of the election and the hours that the polls will be open (7:00 a.m. through 8:00 p.m.).
- A listing of the offices which will be elected or nominated at the election. (The names of the candidates seeking nomination or election to the offices do not have to be included in the notice.)
- A brief description of any ballot proposals which will appear on the ballot. (If presenting a bond proposal, the development of the proposal description in close consultation with the bond counsel is recommended.) Additional discussion regarding the publication of ballot proposal language appears below.
- Information on where voters can obtain the full text of any ballot proposals which will appear on the ballot.
- A listing of the polling place locations.
- A statement regarding the accessibility of the polling place locations and the availability of voting instructions in alternative formats (audio and Braille).
- A “treasurer’s statement” if required. (MCL 211.203(3) provides that the “notice of an election in which an increase in the total tax rate limitation is to be voted upon shall contain a statement by the county treasurer of the county or counties in which the local unit voting on the increase is located of the total of all voted increases in the total tax rate limitation, in any local units, affecting the taxable property in the local unit voting on the increase, and the years the increases are effective.”)
- While not required by law, it is recommended that the “notice of election” include information on how and where a voter can obtain an absentee ballot for the election.

Publication of ballot proposal language: PA 71 of 2005 amended Michigan election law to eliminate the need to publish the full text of ballot proposals in “close of registration” notices and election notices. (As noted above, a brief description of the proposals and information on where the full text of the proposals can be obtained is now required.)

The above referenced amendment did not impact any proposal publication requirements that fall outside of Michigan election law, MCL 168.498 (“close of registration” notice requirements) or MCL 168.653a (election notice requirements). Thus, any proposal publication requirements that fall outside of MCL 168.498 or MCL 168.653a must be observed.

As an example, the amendment does not eliminate the need to publish the full text of city charter amendments and the charter provisions that would be altered or abrogated by the proposed charter amendment as required under the Home Rule City Act, MCL 117.21.

In an instance where a proposal publication requirement which falls outside of Michigan election law must be observed, the required proposal language can be included in the “close of registration” notice or the election notice if such an approach is deemed practicable and satisfies the publication requirements. If the required proposal language is not included in the “close of registration” notice or the election notice, a third notice which satisfies the proposal publication requirements must be prepared.

Publication of “joint” notices: A county clerk may enter into an agreement with the clerk of one or more cities and townships in the county to jointly publish a required “close of registration” or election notice. Similarly, local clerks may enter into an agreement with one another to jointly publish a required “close of registration” or election notice. If any of the offices or proposals listed in the notice will not appear on the ballots in all of the jurisdictions involved in the joint publication of the notice, the notice must include an appropriate explanation.

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| Election Resources Available on Department’s Web Site |
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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.
- May 3, 2011 Voter Information Poster (English and Spanish).
- 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?

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
 RUTH JOHNSON, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

Order Form
-- May 3 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: _____

| <i>Item</i> | <i>Quantity</i> |
|--|-----------------|
| Voter information posters (English)*: | _____ |
| Voter information posters (Spanish)*: | _____ |
| Voter information in audio format (CD): | _____ |
| Braille version of voter information: | _____ |

Thank you!

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