



Election Officials Manual

Chapter 5: Precinct Delegate Candidates

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I. Introduction

This chapter addresses the election of Precinct Delegates, including requirements to file to run for Precinct Delegate and the process for determining which person was elected as a Precinct Delegate. Questions about the content of this chapter should be directed to Elections@Michigan.gov.

II. Precinct Delegate candidate qualifications

The Michigan Election Law requires that a Precinct Delegate candidate be “a qualified and registered elector residing within, as well as having his or her actual bona fide residence within, the election precinct for which he or she desires to become a candidate *on the filing deadline.*” (emphasis added). The Precinct Delegate filing deadline elapses at 4 p.m. on the thirteenth Tuesday preceding the primary. This means that as of that date, a Precinct Delegate candidate must be at least 18 years of age, registered to vote at an address within the precinct, and make their bona fide residence within the precinct.

Seeking or holding the office of Precinct Delegate does not preclude a person from holding or seeking any other public office in Michigan. Consequently, a Precinct Delegate candidate may also appear as a candidate for another office on the August primary ballot.

A Precinct Delegate candidate cannot serve as an election inspector in the precinct in which the candidate resides and is seeking election as Precinct Delegate, but the candidate may serve as an election inspector in any other precinct.

III. Creation of Precinct Delegate positions

The county chairperson of each political party qualified to participate in the statewide August primary must certify to the county election commission on or before April 1 of every even-numbered year the number of Precinct



Delegate positions to appear under the party's column heading in each precinct in the county. Each precinct must have at least 1 delegate. The allotment of delegates to all precincts in the state should, as near as is practicable, be an equal apportionment based upon the total vote cast for the candidate of each political party for either President of the United States (in a presidential election year) or Secretary of State (in a gubernatorial election year) at the most recent November general election. If the county chairperson of a political party qualified to participate in the August primary fails to meet the April 1 certification deadline, the county election commission is required to determine the number of Precinct Delegate positions to appear under the party's column heading in each precinct in the county.

Currently, the Republican Party and the Democratic Party are the only two parties qualified to appear on the August primary ballot.

IV. Precinct Delegate filing requirements

A person who wishes for their name to appear as a candidate for a Precinct Delegate position on the ballot must file two copies of the *Affidavit of Identity* with the clerk of the person's county of residence by 4 p.m. on the thirteenth Tuesday preceding the primary. Petition signatures are not required.

To facilitate the Precinct Delegate candidate filing process, a special *Affidavit of Identity* exclusively for use by Precinct Delegate candidates has been developed by the Bureau of Elections. The form is available through commercial vendors. A copy of the form is provided in *Appendix I* and can also be accessed online.¹ Alternatively, a Precinct Delegate candidate may use the standard *Affidavit of Identity* form instead of the Precinct Delegate-specific form.

The deadline for withdrawing a Precinct Delegate filing is 4 p.m. on the third day following the filing deadline. The withdrawal must be in writing and must be filed with the county clerk; because the *Affidavit of Identity* is filed with

¹ Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/25delrio/Aff-ID_Precnt_139901_7.pdf?rev=b5f6f5617d8041aeae48b9d7755bad3f&hash=DF74376919EC0826D1A8A2C4ED65D20B.



the county clerk, city or township clerks cannot accept or process withdrawals.

Precinct Delegate candidates are exempt from the reporting requirements of the Michigan Campaign Finance Act. Precinct Delegate candidates also are not required to file the campaign finance compliance statement required of candidates for other offices.

Reviewing a Precinct Delegate candidate's Affidavit of Identity

County clerks should carefully review every Precinct Delegate candidate's filing upon submission to confirm that the candidate has accurately identified his or her precinct of residence on the *Affidavit of Identity*. Precinct Delegate candidates who do not accurately identify their precinct of residence on the form should immediately be contacted and alerted to the error. Such errors may be corrected by the filer through the submission of a notarized statement at any time prior to the Precinct Delegate filing deadline. The county clerk should also verify that the candidate's name, address, and ward and precinct where registered, if qualified to vote at that election, are accurate, and that the candidate has indicated that they are a citizen of the United States.

V. Complaint process

Any person may file a complaint with the county clerk if the person believes that a Precinct Delegate candidate either is not registered to vote in the precinct the candidate wishes to represent or does not actually reside within the precinct the candidate wishes to represent. The complaint must be presented to the county clerk in writing before the August primary ballots are released for printing.

The county clerk must forward any challenges filed against the registration or residence of a Precinct Delegate candidate to the appropriate city or township clerk for review. The city or township clerk then has 48 hours to complete the review and report back to the county clerk.



VI. Precinct Delegate ballot placement

Precinct Delegate positions are placed after all other partisan offices on optical scan ballots. The names of Precinct Delegate candidates are not rotated on the ballot.

VII. Write-in candidates for Precinct Delegate

An individual who wishes to seek a Precinct Delegate position with write-in votes has two options. The individual may file a *Declaration of Intent* with the county clerk by 4 p.m. on the Friday preceding an even-year August primary, or, as an alternative, may file a *Declaration of Intent* with their board of election inspectors on the day of the August primary at any time prior to the close of the polls. If an individual interested in seeking a Precinct Delegate position with write-in votes asks for a *Declaration of Intent* form on Election Day, the precinct board must provide the requested form. Individuals seeking Precinct Delegate positions as write-in candidates are the only persons permitted to file a *Declaration of Intent* with the board of election inspectors on Election Day; all other write-in candidates must file the form with the appropriate election official prior to the election. A *Declaration of Intent* form developed exclusively for use by Precinct Delegate candidates is provided in *Appendix I* and is available through commercial vendors.

A write-in vote cast for a Precinct Delegate candidate who has not filed a *Declaration of Intent* using one of these two options does not count. Similarly, a write-in vote cast for a Precinct Delegate candidate who filed a *Declaration of Intent* does not count unless the write-in vote was cast under the political party column identified on the *Declaration of Intent*. Write-in votes which do not count for these reasons are not considered when determining whether an overvote has occurred or whether a “crossover” vote has been cast at a partisan primary.

The county clerk is responsible for notifying the local clerk of any Precinct Delegate write-in candidates who filed a *Declaration of Intent* with the county clerk prior to the August primary. The local clerk is then responsible for notifying the precinct board.



VIII. Precinct canvass of Precinct Delegates

Until 2018, Precinct Delegate elections were certified in the precinct. Now, Precinct Delegate elections are certified by the county clerk. To facilitate that process, election inspectors must record any write-in votes for Precinct Delegate on the *Write-In Statement of Votes* page of the physical pollbook. Additionally, any *Declaration of Intent* forms filed by Precinct Delegate candidates on Election Day must be forwarded to the county clerk in the county clerk's envelope along with the pollbook and statement of votes.

IX. Certification of Precinct Delegates

Candidates elected to Precinct Delegate positions must be certified by the **county clerk**. The county clerk obtains Precinct Delegate vote results by combining votes cast for Precinct Delegates on the ballot using the tabulator tape and the write-in tally for Precinct Delegate write-in candidates. Precinct Delegate elections are not subject to vote recounts. A tie vote for a Precinct Delegate position is resolved by the conduct of a drawing held under the direction of the county clerk. When conducting a drawing to resolve a tie vote for a Precinct Delegate position, the county clerk has the involved candidates draw folded strips of paper bearing the words "elected" or "not elected" from a box. The county clerk is required to notify candidates elected to Precinct Delegate positions of their election within seven days after the primary. The notification must be made by First-Class Mail. The county clerk must also maintain a record of the names of the delegates elected, including their political party, in a document maintained at the clerk's office for the purpose of recording Precinct Delegates elected.

