
CHAPTER 5 PRECINCT DELEGATE CANDIDATES

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CANDIDATE QUALIFICATIONS: Michigan election law stipulates that a precinct delegate candidate must 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.*” The precinct delegate filing deadline elapses at 4:00 p.m. on the thirteenth Tuesday preceding the primary. With respect to the age qualification, this means that a precinct delegate candidate must be at least 18 years of age by the filing deadline.

- A precinct delegate candidate may hold or seek any other public office in Michigan. Consequently, a precinct delegate candidate may appear as a candidate for another office on the August primary ballot.
- While a precinct delegate candidate may not serve as an election inspector in the precinct in which he or she resides, a precinct delegate candidate may serve as an election inspector in any other precinct in the county. (MCL 168.677)

CREATION OF PRECINCT DELEGATE POSITIONS: The county chairperson of each political party qualified to participate in the statewide August primary certifies to the county election commission on or before April 1st of an even year, the number of precinct delegate positions to appear under the party’s column heading in each precinct in the county. Michigan election law provides that the allotment

of delegates to all precincts in the state “shall be made to insure, as near as is practicable, equal apportionment based upon the total vote cast for the candidate of each political party for either president of the United States or secretary of state at the last general November election when elections for those offices were held, whichever is later. However, each precinct shall have at least 1 delegate.” (MCL 168.623a)

- The Republican Party and the Democratic Party are qualified to appear on the August primary ballot.
- 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.

FILING REQUIREMENTS: A person who wishes to seek a precinct delegate position must file an Affidavit of Identity (in duplicate) with the clerk of his or her county of residence. Petition signatures are *not* required.

To facilitate the precinct delegate candidate filing process, an Affidavit of Identity designed exclusively for use by precinct delegate candidates has been developed by the Department of State’s Bureau of Elections. The form is available through commercial vendors and a copy of the form is provided in *Appendix I and at mi.gov/elections*. A candidate for precinct delegate may also use the standard Affidavit of Identity form if desired.

- The deadline for filing an Affidavit of Identity for a precinct delegate position is 4:00 p.m. on the thirteenth Tuesday preceding the primary. (MCL 168.624)
- The deadline for withdrawing a precinct delegate filing is 4:00 p.m. on the *third day* following the filing deadline. The withdrawal must be in writing and must be filed with the **county clerk**; Michigan election law does **not** make any allowances for filing such withdrawals with the city or township clerk. (MCL 168.624a)
- Precinct delegate candidates are *not* required to file disclosure forms under Michigan’s Campaign Finance Act. Consequently, precinct delegate candidates are *not* required to file the “campaign finance compliance statement” required under MCL 168.558(4).

Careful Review of Filings Urged: It is important to carefully review all precinct delegate filings to confirm that the filer has accurately identified his or her **precinct** of residence on the Affidavit of Identity form. Precinct delegate candidates who do not accurately identify their precinct of residence on the form should be immediately contacted and alerted to the error. Such errors can be corrected by the filer through the submission of a notarized statement any time prior to the precinct delegate filing deadline. Furthermore, MCL 168.558(2) requires the candidate's name, address, and ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States.

COMPLAINT PROCESS: A complaint may be filed if it is believed that a precinct delegate candidate 1) is not registered to vote in the precinct he or she wishes to represent or 2) does not actually reside within the precinct he or she 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 forwards 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. (MCL 168.624)

PRECINCT DELEGATE BALLOT: 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.

WRITE-IN CANDIDATES FOR PRECINCT DELEGATE: An individual who wishes to seek a precinct delegate position with write-in votes is required to file a "Declaration of Intent" with their **county clerk** by 4:00 p.m. on the Friday immediately preceding the primary. As an alternative, such candidates may file a Declaration of Intent with the appropriate precinct board on the day of the August primary any time prior to the close of the polls. A Declaration of Intent form developed exclusively for use by precinct delegate candidates is provided in *Appendix I*. The form is also available through commercial vendors and on the Department's website. (MCL 168.737a)

Write-in votes cast for a precinct delegate candidate who has not filed a Declaration of Intent *do not count*. (Write-in votes which do not count due to the candidate's failure to file a Declaration of Intent are *not* considered when determining whether an "overvote" has occurred on optical scan ballots.)

City and township clerks are responsible for notifying the appropriate precinct boards in their jurisdiction of any Declaration of Intent forms submitted to the County Clerk by precinct delegate candidates by the

above referenced deadline. Precinct boards must carefully maintain any Declaration of Intent forms submitted by precinct delegate candidates at the polls on the day of the August primary.

The Declaration of Intent “waiver” *does not* apply to precinct delegate positions. (The Declaration of Intent waiver, applicable to all other offices on the ballot, is invoked if a candidate appearing on the ballot for the office involved dies or is otherwise disqualified on or after 4:00 p.m. on the 2nd Friday immediately preceding the election. In such an instance, all write-in votes cast for the office are counted including any write-in votes cast for candidates who have not filed a Declaration of Intent.)

PRECINCT CANVASS OF PRECINCT DELEGATES: Due to a 2018 change in law, precinct delegates are no longer certified in the precinct. Rather, the election inspectors must be instructed to record the write-in votes for precinct delegate on the Write-In Statement of Votes page of the physical poll book. Finally, 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 poll book and Statement of Votes.

CERTIFICATION OF PRECINCT DELEGATES: Candidates elected to precinct delegate positions must be certified by the **county clerk**. The county clerk must maintain a record of the names of the delegates elected, including their political party.

- Precinct delegate vote results are determined 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.
- 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. (MCL 168.607)
- 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.
- Precinct delegate elections are not subject to vote recounts.

Michigan election law further specifies that the county clerk be required to “record the names of the delegates elected in a book to be kept for that purpose and shall file the book among the records of the clerk’s office.” (MCL 168.608)

Notification to county political party organizations; office records: Immediately following the primary, the county clerk is required to furnish the chairpersons of the county political party organizations with the names of the precinct delegates elected by the political party. The county clerk is also required to supply the chairpersons with the names of those persons specified under Michigan election law, MCL 168.608(4)