



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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February 28, 2012 Presidential Primary: Preparation for Conduct of the Presidential Primary

Public Act 163 was signed into law with immediate effect on October 4, 2011, amending Michigan Election law to conduct the state's 2012 presidential primary on February 28, 2012. The following discusses a number of procedural points and planning considerations that require your attention:

Production of Presidential Primary Ballots

Responsibility for production of ballots: The County Election Commission is responsible for the production and purchase of the ballots needed to administer the presidential primary. Instructions and specifications for producing the ballots have been forwarded to all county clerks in the state.

Separate ballots needed: As previously advised, the presidential primary will be conducted as a “closed” primary. Consequently, a minimum of two – and possibly three – ballots will be needed to administer the presidential primary as described below:

- If a local jurisdiction is not conducting a special election in conjunction with the presidential primary, two ballots will be needed for the administration of the primary: 1) a ballot which lists the Republican Party candidates and 2) a separate ballot which lists the Democratic Party candidates.
- If a local jurisdiction is conducting any type of special election in conjunction with the presidential primary, three ballots will be needed for the administration of the primary: 1) a ballot which lists the Republican Party candidates and the proposals and/or offices related to the special election 2) a ballot which lists the Democratic Party candidates and the proposals and/or offices related to the special election and 3) a ballot which contains only the proposals and/or offices related to the special election. The third ballot must be produced for voters who wish to participate in the special election – but do not wish to record a request for the Republican Party ballot or the Democratic Party ballot.

Special partisan primaries: It is important to note that in an instance where a special partisan primary must be conducted in conjunction with the presidential primary to nominate candidates for a vacant county commissioner position, the following must be observed:

- The Republican candidates who filed for the vacancy must be shown on the Republican Party presidential primary ballot – but not on the Democratic Party presidential primary ballot.
- The Democratic candidates who filed for the vacancy must be shown on the Democratic Party presidential primary ballot – but not on the Republican Party presidential primary ballot.
- Both the Republican Party and Democratic Party candidates who filed for the vacancy must be shown on the third ballot which contains only the proposals and/or offices related to the special election.

Candidate name rotations: All candidate names must be rotated on a precinct by precinct basis as required by law.

“Uncommitted” and write-in votes: Voters must be extended the opportunity to cast an “uncommitted” vote or a write-in vote on each presidential primary party ballot. “Uncommitted” allows a voter to vote a party choice even if they have not yet decided on a particular candidate. Consequently, the word “Uncommitted” must be printed after the last candidate name on each presidential primary party ballot and a write-in space must be provided beneath the “uncommitted” vote option. The “uncommitted” vote option and the write-in vote option are not rotated.

Ballot serial numbers: All ballots must be printed with the customary ballot serial number. To avoid confusion among the different ballots required as explained above, we recommend you begin your ballot serial number with a different sequence number for each type. For example,

Republican Party ballots begin with ballot serial number “1000”; the Democratic Party ballots begin with ballot serial number “2000”; and the third ballot containing only the special election proposals and/or offices (if any) begin with ballot serial number “3000.” Do not use any alpha characters to differentiate your ballot types, the use of “R”, “D”, etc. prohibited for ballot numbering.

Determining Ballot Quantities

When determining the number of ballots to order for the administration of the presidential primary, there are two decisions which must be made:

- 1) the total quantity of ballots needed by the jurisdiction; and
- 2) how the ballot quantity total should be divided between the two – or three – ballot types needed by the jurisdiction. (The number of Republican Party ballots, Democratic Party ballots and special election ballots for “no party declaration” voters ordered for a jurisdiction do not have to be equal.)

The following formulas are offered to assist with the above decisions. While the formulas are offered as general guidance on these matters, it is strongly emphasized that the county is solely responsible and accountable for all ballot ordering decisions. If there are any unique or unusual circumstances that could impact the quantity or type of ballots needed by a jurisdiction, it is important that the county give full consideration to these factors and adjust the suggested formulas as appropriate.

Estimating total ballot quantities: When estimating the number of ballots needed by a jurisdiction, start with the turnout in the jurisdiction for the January 15, 2008 presidential primary and increase the number by at least 25%. Do not fail to increase the quantity by more than 25% if deemed necessary.

Determining how the ballot quantity total should be divided by ballot type: When determining the number of ballots to order, careful consideration must be given to the partisan composition of the jurisdiction and the anticipated number of voters participating in the special election only (if the jurisdiction is conducting a special election). As a starting point for estimating the number of Republican Party ballots which will be needed, take the total Republican Party turnout in the jurisdiction for the January 15, 2008 presidential primary and increase this figure by at least 25%. As a starting point for estimating the number of Democratic Party ballots which will be needed, take the total Democratic Party turnout in the jurisdiction for the January 15, 2008 presidential primary and increase this figure by at least 25%. Do not fail to increase the party turnout figures by more than 25% if deemed necessary.

Important considerations: The Democratic Party has formally announced they will not be utilizing the results from the presidential primary to select candidates. The Democratic Party has opted to employ a caucus convening on May 5, 2012 for that purpose; this may lower turnout rates for the presidential primary. In addition, if there is a local issue or race on ballot, be aware that Democratic voters may opt for the Democratic ballot versus selecting the “no party declaration” ballot.

Commercial Forms Needed for Administration of Presidential Primary

All cities and townships may purchase specially produced forms for the administration of the presidential primary:

- 1) A special absent voter ballot application form which contains “ballot selection” checkoff boxes and the newly required citizenship question. Note* forms with detachable stubs are not required for this election and are not to be used.
- 2) A special Application to Vote form which contains “ballot selection” checkoff boxes and the newly required citizenship question.
- 3) Poll books which contain the number of ballot summary statements needed for each precinct in the jurisdiction. (A separate ballot summary statement is needed for each ballot format which will be issued in the precinct.)
- 4) “Affidavit of Voter Not in Possession of Picture Identification” forms.

Commercial vendors throughout the state who market election forms have been approved to produce these forms. Generic versions of the absent voter ballot application form and Application to Vote form needed for the administration of the presidential primary are provided with this newsletter; these forms are also posted for your convenience on the Bureau’s website at www.michigan.gov/elections. Do not utilize any old stock from the 2008 presidential primary or attempt to print these forms directly from QVF. Additional information on these forms sent previously via a News You Can Use, Issue #47 dated October 21, 2011. . Please ensure you are using an approved form.

Party Ballot Selection Disclosure

- The legislation which directs the conduct of the February 28, 2012 presidential primary (PA 163 of 2011) stipulates that the “information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary is not exempt from public disclosure.” The legislation mandates that the Secretary of State release a statewide list of this information within 71 days after the presidential primary and requires a schedule for county, city and township clerks to submit ballot selection data. Procedures for compiling and transmitting data will be provided in advance of the presidential primary.
- The legislation further stipulates that the Secretary of State and county, city and township clerks “shall destroy the information indicating which participating political party ballot each elector selected at the presidential primary ... immediately after the expiration of the 22-month federal election records retention period.”

Write-In Candidates

Appropriate information will be forwarded to all county clerks should anyone file a “Declaration of Intent” as a write-in candidate for the presidential primary. (At this date, there are no “declared” write-in candidates for the primary.) The deadline for filing a “Declaration of Intent”

for the presidential primary elapses at 4:00 p.m. on Friday, February 17, 2012. As noted above, a write-in space must be provided on both the Republican Party ballot and the Democratic Party ballot; this remains true even if no candidates file a “Declaration of Intent” for the primary.

Handling FPCA Absent Voter Ballot Requests

The Military and Overseas Voter Empowerment Act of 2009 (MOVE) removed the requirement to honor a Federal Post Card Application (FPCA) used to request absent voter ballots for “the next 2 regularly scheduled general elections for Federal office....” However, an overseas military or civilian voter who submits an FPCA after December 31, 2011 is automatically eligible to receive an absent voter ballot for the February 28, 2012 presidential primary and all subsequent elections for a calendar year.

As the February 28, 2012 presidential primary will be conducted as a “closed” primary, any overseas military or civilian voters who are eligible to receive an absent voter ballot for the presidential primary must indicate if they wish to receive the Republican Party ballot, the Democratic Party ballot, or the “no party declaration” special election ballot (if any) before an absent voter ballot can be sent to the voter. The FPCA form contains a party preference designation area that can be utilized for ballot preference purposes if information listed by voter reflects Republican or Democratic; if left blank or another party is listed, additional voter contact is necessary for clarification.

Processing FWAB’s Received – Expanded usage

The Military and Overseas Voter Empowerment Act of 2009 opened the usage of Federal Write-in Absentee Ballots (FWAB) to include all elections for federal offices (primary, special and general elections.) The February 28, 2012 presidential primary will be the first federal office primary since the expanded use of the FWAB went into effect on December 31, 2010. Please instruct your precinct workers on the procedures to process these forms if received.

Looking Ahead

The following informational materials, procedures and supplies will be provided in the coming weeks:

Party ballot selection data compilation and transmission procedures: As required under the presidential primary legislation, procedures for 1) compiling the political party ballot selections made by the voters who participate in the presidential primary and 2) transmitting the data to the Department of State will be provided in advance of the presidential primary.

Supplies: State election seals and voter instructional placards will be shipped to the county clerks throughout the state in early January. As is customary, the county clerks will be responsible for distributing the supplies to the cities and townships in their respective counties.

Unofficial and official result documents: The documents needed to record the results of the presidential primary will be mailed to the county clerks throughout the state in January 2012. The unofficial and official results compiled for the presidential primary must be reported by county and by congressional district as required by law. The results will be reported utilizing the

existing congressional districts based on the 2000 census for this election; new 2010 census districts will be utilized for future elections.

Election Resources Available on Department's Website

A wide variety of election related information and materials can be accessed through the Bureau's website: www.michigan.gov/elections. The information and materials currently available on the website include the following:

- Michigan election law.
- Designated 2012 Presidential Primary webpage containing:
 - February 28, 2012 presidential primary calendar.
 - Candidate Listing
 - Communications and important information
- May 8, 2012 election date calendar.
- 2012 August/November election dates.
- Provisional balloting implementation materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.

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

Application to Vote/Ballot Selection Form

Picture identification requirement: All Michigan voters must show a Michigan driver's license, a Michigan personal identification card or some other acceptable form of picture identification before voting. A voter who is unable to show picture identification can vote after signing an affidavit attesting that he/she is not in possession of picture identification.

February 28, 2012 Presidential Primary

Precinct _____

I certify that I am a registered and qualified elector in the above precinct and hereby make application to vote at this election.

Are you a United States Citizen? Yes No

ELECTION INSPECTOR COMPLETES
<input type="checkbox"/> ID AFFIDAVIT COMPLETED
ELEC. INSP. INITIAL
BALLOT STYLE
BALLOT NO.
VOTER NO.

PRINT NAME: _____
DATE OF BIRTH: _____
RESIDENCE ADDRESS: _____

SIGN HERE  <u> X </u> _____ SIGNATURE OF VOTER

SELECT BALLOT TYPE HERE
I hereby request the ballot type marked below for this election. (You must select one ballot type below. If you do not select a ballot type, a ballot will not be issued to you.)
SELECT ONLY ONE BALLOT TYPE:
<input type="checkbox"/> Republican Party Presidential Primary Ballot
<input type="checkbox"/> Democratic Party Presidential Primary Ballot
<input type="checkbox"/> Ballot without Presidential Primary (if available). Note: This ballot choice is for voters not voting in the presidential primary who wish to vote on local proposals or candidates (if on ballot).

AFFIDAVIT OF VOTER NOT IN POSSESSION OF PICTURE IDENTIFICATION

I, _____ hereby affirm that I am
(Print Name)

not in possession of a driver's license, a state-issued personal identification card or any other acceptable form of picture identification and wish to vote.

By signing this affidavit, I swear/affirm that the statements made above are true.

SIGNATURE OF VOTER: X _____

Penalty: Making a false statement in this affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both.

To be completed by Election Inspector

Sworn and subscribed to before me this _____ day of _____,

I certify that the elector named above has completed the above affidavit in my presence.

 X _____
Signature of Election Inspector

Absent Voter Ballot Application/Ballot Selection Form

Application for absent voter ballot for the February 28, 2012 Presidential Primary

I, _____, a qualified and registered elector of the _____ Precinct of the city of _____ or township of _____ in the County of _____ and State of Michigan, apply for an official ballot, or ballots, to be voted by me at the presidential primary election as requested in this application.

You must select one ballot type below. If you do not select a ballot type, a ballot will not be issued to you.

Are you a United States Citizen? Yes No

The statutory grounds on which I base my request are (check applicable reason):

- I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.
- I am physically unable to attend the polls without the assistance of another.
- I cannot attend the polls because of the tenets of my religion.
- I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.
- I am 60 years of age or older.
- I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

Send absent voter ballot to me at:

My registered address:

Street Address or R.R.

Street Address or R.R.

Post Office City State Zip Code

Post Office City State Zip Code

Sign Here:	I DECLARE THE FOREGOING STATEMENT TO BE TRUE	
	_____ Signature	_____ Date
WARNING:		
A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.		

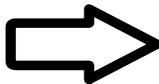
FILL OUT THIS BOTTOM PORTION ONLY IF YOU ARE ASSISTING A VOTER IN FILING THIS APPLICATION

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application	
I certify that my name is _____, my address is _____, and my date of birth is _____; that I am delivering the absent voter ballot application of _____ at his or her request; that I did not solicit or request to return the application, that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.	
Sign Here:	
_____ Signature	_____ Date

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

- Step 1.** After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.
- Step 2.** Deliver the application by 1 of the following methods:
- (a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.
 - (b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.
 - (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.
 - (d) In the event an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

Important Note:
You must select one ballot type. If you do not select a ballot type, a ballot will not be issued to you.



SELECT BALLOT TYPE HERE
_____ Please print full name
_____ Street Address or R.R.
I hereby request the ballot type marked below for this election. (You must select one ballot type below. If you do not select a ballot type, a ballot will not be issued to you.)
SELECT ONLY ONE BALLOT TYPE:
<input type="checkbox"/> Republican Party Presidential Primary Ballot.
<input type="checkbox"/> Democratic Party Presidential Primary Ballot.
<input type="checkbox"/> Ballot without Presidential Primary (if available). Note: This ballot choice is for voters not voting in the presidential primary who wish to vote on local proposals or candidates (if on ballot).