



ELECTION NEWS

A special informational bulletin on the implementation of Michigan election law.

Michigan Department of State - Ruth Johnson, Secretary of State

Issue No. 94

February 21, 2012

In This Issue ...

- **The Election of Precinct Delegates**
- **Summary of Dates and Deadlines Associated With the Election of Precinct Delegates**
- **Filing Requirements for Non-Incumbent Judicial Candidates Available on Department's Website**
- **Presidential Primary -- Reimbursable Costs**
- **Resources/Appendixes Attached to this Election News Issue**
- **Election Resources Available on Department's Website**
- **Have a Question or Need Assistance?**

The Election of Precinct Delegates

This article outlines the procedures provided under Michigan election law for the election of precinct delegates. As the procedures associated with the election of precinct delegates are unique in many ways, the careful review of the information contained in this article is encouraged. A few immediate points and reminders:

- Precinct delegate candidates are required to file an Affidavit of Identity to gain ballot access; petition signatures are not required. (A copy of the most recent revision of the Precinct Delegate Affidavit of Identity form is provided with this newsletter.)
- Precinct delegate candidates are permitted to file with the clerk of their county, city, or township of residence.
- The precinct delegate filing deadline elapses at 4:00 p.m. on May 15, 2012 -- the same filing deadline imposed on all other partisan candidates.

- 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.” With respect to the age qualification, this means that a precinct delegate candidate must be at least 18 years of age by May 15, 2012.
- The three-vote minimum formerly imposed on precinct delegate candidates was eliminated. With the elimination of the three-vote minimum, a precinct delegate can now be elected with a single vote.
- Anyone who wishes to seek a precinct delegate position with write-in votes must file a “Declaration of Intent” with the city or township clerk by 4:00 p.m. on the first Friday preceding the August Primary (Friday, August 3, 2012.) 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.

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 no later than April 2, 2012 the number of precinct delegate positions to appear under the party’s vignette 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)

NOTE: County chairpersons may need access to local re-precinct plans to complete their certified precinct delegate plan by April 2. These precinct delegate plans must reflect reapportioned precincts that will be in place for the August primary. If a county chairperson with a request for assistance contacts you, please provide him or her with information on any planned precinct changes relative to your 2012 re-precinct plan.

- The Republican Party and the Democratic Party are qualified to appear on the August 7, 2012 primary ballot.
- If the county chairperson of a political party qualified to participate in the August primary fails to meet the April 2 certification deadline, the county election commission is required to determine the number of precinct delegate positions to appear under the party’s vignette in each precinct in the county.

Candidate qualifications and allowances: A precinct delegate candidate must be at least 18 years of age by the May 15, 2012 filing deadline and 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....” (MCL 168.624)

- 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 7, 2012 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)
- **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, city, or township 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. A copy of the most recent revision of the form is provided with this newsletter. The form is also available through commercial vendors and on the Department's website at www.michigan.gov/elections. It merits note that the availability of the precinct delegate Affidavit of Identity form does not prevent a precinct delegate candidate from filing with 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 Tuesday, May 15, 2012. (MCL 168.624)
- The deadline for withdrawing a precinct delegate filing is 4:00 p.m. on Friday, May 18, 2012. 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)
- A city or a township clerk who receives a precinct delegate candidate filing should immediately forward a copy of the candidate's Affidavit of Identity to the county clerk, unless arrangements are made with the county clerk for regular filing updates, but in no case no later than Monday, May 21, 2012. (MCL 168.624)
- 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" when filing their Affidavit of Identity or following the election. For more information on the "campaign finance compliance statement", please refer to MCL 168.558(4) and MCL 168.848.

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. Special attention should be paid to the precinct number the filer indicates on Affidavit of Identity form; filers must utilize the jurisdiction's 2012 re-precinct plan to ascertain the accurate precinct number. Precinct delegate candidates who do not accurately identify their precinct of residence on the form should be immediately contacted and alerted to the error. The filer through the submission of a notarized statement any time prior to the precinct delegate filing deadline can correct such errors (4:00 p.m., May 15, 2012).

- **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 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 the city or township clerk by 4:00 p.m. on Friday, August 3, 2012. 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. (It merits note that there are no provisions of law that permit write-in candidates seeking precinct delegate positions to file on the county level.) A Declaration of Intent form developed exclusively for use by precinct delegate candidates is provided with this newsletter. The form is also available through commercial vendors and on the Department’s website at www.michigan.gov/elections. (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 “over vote” or “split ticket” voting has occurred.)
- City and township clerks are responsible for notifying the appropriate precinct boards in their jurisdiction of any Declaration of Intent forms submitted 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 the Wednesday 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.)

The election; notification to winning precinct delegate candidates: The precinct delegate candidates who receive the highest number of votes for the available positions under each party column are elected. (The three-vote minimum, which was formerly needed to win a precinct delegate position, has been eliminated.) The precinct board responsible for counting the ballots certifies candidates elected to precinct delegate positions to the county clerk. The county clerk is required to notify candidates elected to precinct delegate positions of their election within seven days after the primary. The notification can be sent by first class, registered or certified mail. (MCL 168.607; 608; 625)

- Candidates elected to precinct delegate positions are the only candidates certified by precinct boards. In all other instances, county or local canvassing boards certify candidates nominated or elected to office.
- 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)

- Precinct delegate elections are not subject to vote recounts.

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) and (5).

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)

Summary of Dates and Deadlines Associated With the Election of Precinct Delegates
--

A summary of the dates and deadlines associated with the election of precinct delegates in 2012 is provided below:

By March 1	State party chairpersons of major political parties notify county and district committee chairs of county convention delegate (precinct delegate) allocation requirements. (MCL 168.623a(1))
By April 2	County political party chairpersons certify number of delegates to be elected in each precinct to county election commissions. (MCL 168.623a(1))
By 4:00 p.m., May 15	Candidates for precinct delegate file an Affidavit of Identity (in duplicate) with the clerk of the county, city or township in which the candidate resides. (MCL 168.624(2))
By 4:00 p.m., May 18	Precinct delegate candidates who wish to drop from ballot file withdrawals with county clerk. (MCL 168.624a(2))
By May 21	City and township clerks forward copies of Affidavit of Identity forms filed by precinct delegate candidates to county clerk. (MCL 168.624(2))

Prior to release of August primary ballots for production	Complaints may be filed with county clerk against the residency or registration status of precinct delegate candidates. City or township clerk must respond within 48 hours after receipt of complaint from county clerk. (MCL 168.624(3))
By 4:00 p.m., August 3	Individuals who wish to seek a precinct delegate position with write-in votes file Declaration of Intent forms with city or township clerk. (As an alternative, individuals who wish to seek a precinct delegate position with write-in votes may file the form with the appropriate precinct board prior to the close of the polls on the day of the August primary.) (MCL 168.737a)
August 7	Primary election conducted. Candidates elected to precinct delegate positions are certified to the county clerk by the precinct boards. (MCL 168.625)
By August 14	County clerk notifies candidates elected to precinct delegate positions by first class, registered or certified mail. County clerk also forwards appropriate notices to county political party chairpersons. (MCL 168.608(3)(4); 625)

Filing Requirements for Non-Incumbent Judicial Candidates Available on Department's Website

A document, which explains the filing requirements established for non-incumbent judicial candidates who wish to seek office in 2012, has been posted on the Department's website www.michigan.gov/elections. To locate the document, click on "Information for Candidates."

Presidential Primary -- Reimbursable Costs

The Bureau of Elections will be implementing an on-line presidential primary reimbursement claim / request process for counties and local jurisdictions. The forms and detailed instructions will be released soon after the February 28, 2012 presidential primary. To assist counties and local jurisdictions in planning for the reimbursement claim process, the following is offered as guidance regarding the allowable categories for reimbursement.

All claimed expenses must be attributable to the presidential primary. If a special election was conducted in conjunction with the presidential primary, any expenses that are attributable to the special election cannot be claimed.

Examples of Reimbursable Costs

- Costs associated with the production of the Republican Party presidential primary ballot and the Democratic Party presidential primary ballot. (The costs associated with the production of “no party declaration” special election ballots are not reimbursable.)
- Rental charges for buildings used to establish polling places. (The rental of public buildings is not reimbursable.)
- The cost of supplies and postage.
- The cost of publishing close of registration notices, election notices and public accuracy test notices for the presidential primary.
- Travel and transportation expenses associated with the presidential primary.
- Fees for equipment rentals.
- Wages or per diem payments made to precinct inspectors, canvassers and temporary employees.
- Election overtime or extra compensation paid to regular employees or officials for handling the presidential primary if it is the county or jurisdiction’s standard practice to pay overtime or extra compensation to regular employees or officials for handling elections. (Such payments must be authorized as appropriate.)
- Fees for janitorial services.
- Any other miscellaneous expenses associated with the presidential primary.

Examples of Costs Which Are Not Reimbursable

Any costs attributable to the conduct of a special election held in conjunction with the presidential primary cannot be claimed. As noted above, this includes the costs associated with the production of “no party declaration” special election ballots. Other expenses that cannot be claimed include:

- Compensation paid to regular employees or officials (except as noted above with respect to “overtime”).
- The cost of new equipment (capital outlay).
- The cost of reusable supplies or equipment.
- Any costs associated with the registration of voters. (A handling fee for specified voter registration applications is provided under a separate reimbursement program.)

The deadline for submitting a reimbursement claim for the presidential primary will be May 18, 2012.

Resources/Appendixes Attached to this Election News Issue

- Precinct Delegate - Affidavit of Identity and Receipt of Filing form
- Precinct Delegate – Write-in Candidate Declaration of Intent form

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:
 - Communications, important information and forms
- May 8, 2012 election date calendar
- 2012 August/November election dates
- Provisional balloting implementation materials
- Electronic Poll Book (EPB) 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
Fax: (517) 373-0941
Email: elections@michigan.gov

PRECINCT DELEGATE AFFIDAVIT OF IDENTITY AND RECEIPT OF FILING

PLEASE COMPLETE SECTIONS I, II AND III BELOW (PRINT OR TYPE) – See Reverse Side for Important Notifications

OFFICE USE ONLY

Received by _____ Date of Filing _____

County City Township of _____

I. CANDIDATE IDENTIFICATION/APPEARANCE OF NAME ON BALLOT

Name _____ Birth date _____ / _____ / _____
(Last) (First) (Middle) (Month) (Day) (Year)

Have you changed your name within the last 10 years for reasons other than marriage? Yes No

If yes, enter full former name here (See “Section A” on reverse) _____

I WISH TO HAVE MY NAME APPEAR ON THE BALLOT AS PRINTED BELOW (Nicknames/titles not permitted. See “Section B” on reverse.)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Residence Address _____
(Street Address) (Post Office) (Zip Code)

Mailing Address (See “Section C” on reverse) _____

Phone (_____) _____ Email _____

County of _____, Resident of County for _____ years. Resident of Michigan for _____ years.

I am a citizen of the United States: Yes No (You must be a United States citizen to seek a precinct delegate position.)

II. POSITION DESIGNATION

I wish to appear on the primary ballot as a precinct delegate candidate as indicated below:

City Township of _____ Precinct # _____ Ward # (if any) _____

Political Party _____ Date of Primary _____

I am registered and qualified to vote in the precinct identified above: Yes No
 (You must be registered to vote and reside within the precinct you wish to represent as a precinct delegate.)

III. FILER'S ACKNOWLEDGMENT

By signing this affidavit, I swear that the statements made above are true. I further acknowledge that making a false statement in this affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

SIGNATURE OF CANDIDATE _____

Subscribed and sworn to by _____ Name of Notary _____

before me on the _____ day of _____, _____ Notary Public, State of Michigan, County of _____

My commission expires _____

Acting in the County of _____

Signature of notary public

PRECINCT DELEGATE AFFIDAVIT OF IDENTITY

A candidate who seeks a precinct delegate position must file an Affidavit of Identity with his or her county clerk or, as an alternative, his or her city or township clerk no later than 4:00 p.m. on the twelfth Tuesday prior to the August primary. A city or township clerk receiving this form must forward a copy to the county clerk within four days after the filing deadline. (MCL 168.624)

A. CHANGE OF NAME

Michigan election law, MCL 168.558, stipulates that a candidate who is “not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth” must indicate his or her full former name on the Affidavit of Identity. The requirement to indicate a name change on the Affidavit of Identity does *not* apply if:

- The candidate’s name was formally changed 10 or more years ago.
- The candidate’s name was changed in a Certificate of Naturalization issued by a federal district court 10 or more years ago.
- The candidate’s name was changed because of marriage.
- The candidate’s name was changed through divorce to a “legal name by which the individual was previously known.”

Michigan election law provides that a candidate required to indicate a name change on the Affidavit of Identity must be listed on the ballot “with his or her current name and former name as prescribed by the Secretary of State.” (MCL 168.560b)

B. APPEARANCE OF NAME ON BALLOT

Michigan election law provides the following stipulations regarding the manner in which a candidate can have his or her name printed on the ballot:

- A candidate “may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot.”
- A candidate “may specify that either an initial or a recognized diminutive for the candidate’s given name or middle name, or for both, shall appear on the ballot.”
- A candidate may *not* use a “nickname that is not a recognized diminutive of the candidate’s given name or middle name” on the ballot.
- A married person may *not* use his or her spouse’s given name, middle name or a diminutive of his or her spouse’s given name or middle name on the ballot.

C. MAILING ADDRESS

A candidate who wishes to receive communications from his or her filing official at an address other than his or her residential address should enter a “mailing address” where indicated. (Note: A candidate may list a P.O. Box for his or her “mailing address”; a candidate may *not* list a P.O. Box for his or her residential address.)

D. WITHDRAWAL OF FILING

A precinct delegate candidate who wishes to withdraw his or her filing must submit a written withdrawal statement to the filing official no later than 4:00 p.m. on the third day after the filing deadline.

**PRECINCT DELEGATE
WRITE-IN CANDIDATE
DECLARATION OF INTENT**

(NAME OF CITY OR TOWNSHIP)

As a write-in candidate for a precinct delegate position, you must file this form with the clerk of your city or township of residence no later than 4:00 p.m. on the first Friday immediately preceding the August primary. As an alternative, you may file this form with your board of election inspectors on the day of the August primary any time prior to the close of the polls.

Name _____
(Print or Type)

Residence Address _____
(Street Address) (Post Office) (Zip Code)

City or Township of _____

I am registered and qualified to vote at this address: Yes No Birth Date _____ / _____ / _____

Home Phone (_____) _____ Business Phone (_____) _____

DATE OF PRIMARY: _____ / _____ / _____

OFFICE SOUGHT: Precinct Delegate.

Precinct No. _____

Political Party _____

By signing this affidavit, I swear the statements made above are true and do hereby declare my intent to seek the precinct delegate position identified above as a write-in candidate.

SIGNATURE OF WRITE-IN CANDIDATE: _____

Subscribed and sworn to by _____ Name of Notary _____

before me on the _____ day of _____, _____ Notary Public, State of Michigan, County of _____

_____ My commission expires _____

_____ Acting in the County of _____

Signature of notary public

OFFICE USE ONLY

OFFICE CODE _____ DATE OF FILING _____ / _____ / _____

RECEIVED BY _____