



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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Michigan's February 28, 2012 Presidential Primary: Preliminary Information for Michigan's County and Local Clerks

Public Act 163 of 2011, signed into law with immediate effect on October 4, 2011, amends Michigan election law to schedule the state's 2012 presidential primary in conjunction with the regular February 28, 2012 election date.

Reimbursement Program

As in the past, counties will be reimbursed for the costs they incur in producing ballots for the presidential primary and for other costs directly related to conducting the presidential primary. Similarly, all cities and townships will be reimbursed for the costs they incur in administering the presidential primary. (MCL 168.624g) Forms for claiming reimbursement for the presidential primary will be distributed in advance of the primary. While there is nothing to prohibit the conduct of a special election in conjunction with the presidential primary, any expenses which are attributable to the special election cannot be claimed. For example, costs for a third ballot containing issues and/or candidates unrelated to the Presidential Primary cannot be claimed. Complete information on the reimbursement program will be provided with the claim forms.

Highlighted Features of Presidential Primary Legislation

Features of the new presidential primary legislation that merit immediate note include the following:

Provides party participation formula: The legislation stipulates that a political party that received less than 5% of the total vote cast nationwide for the office of president in the last presidential election is not eligible to participate in the presidential primary. Given this formula, only the Republican Party and the Democratic Party are eligible to participate in Michigan's 2012 presidential primary.

Establishes “closed” primary procedures: The legislation provides that in order to participate in the presidential primary, an elector must indicate “in writing” which political party ballot he or she wishes to vote. The legislation further requires the Secretary of State to prescribe a form which voters can use to indicate their party ballot choice and procedures. (A generic sample Application to Vote form which has been revised to meet this need is provided with this newsletter; commercial vendors are able to supply these forms also.)

Requires compilation of political party ballot selection information: The legislation requires the Secretary of State to “develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary that contains the printed name, address, and qualified voter file number of each elector and the participating political party ballot selected by that elector at the presidential primary.” The legislation further requires the Secretary of State to “set a schedule” for county, city, and township clerks to submit the compiled political party ballot selection information to the Department of State. (The Bureau of Elections is in the process of making necessary changes to the QVF’s absentee ballot and voter history modules and to the Electronic Poll Book to meet this requirement.)

Requires that the political party ballot selection information be publicly available: The legislation declares that the political party ballot selection is not exempt from disclosure under the Freedom of Information Act, 1976 PA 442 and requires the Secretary of State to make available to the public the compiled political party ballot selection information within 71 days after the presidential primary (May 9, 2012).

Provides for destruction of political party ballot selection information: The legislation requires that the secretary of state and county, city and township clerks “shall destroy the information indicating which political party ballot each elector selected at the presidential primary ... immediately upon the expiration of the 22-month federal election records retention period.” Upon expiration of this retention period, no political party data will be available in the QVF program, and shall cease to be available to the public in any format.

Modifies absentee voting procedures: The legislation requires the Secretary of State to “revise the absent voter ballot application form described in section 759 or provide a separate form to require that a presidential primary elector indicate a participating political party ballot selection when requesting an absent voter ballot.” (A generic sample Absent Voter Ballot Application form which has been revised to meet this need is provided with this newsletter; commercial vendors are able to supply these forms also.)

In addition to the above, the legislation requires the Secretary of State to “prescribe procedures for contacting an elector who is a member of the armed services or an overseas voter ... and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary, offering the elector the opportunity to select a participating political party ballot for the presidential primary.”

Conduct of Special Elections in Conjunction with Presidential Primary

Any type of authorized special election can be scheduled in conjunction with the presidential primary including: 1) special primaries and elections needed to fill office vacancies 2) recalls

3) special bond and millage proposal elections (including school district and village bond and millage proposals) and 4) other types of special proposal elections. Several points merit immediate note:

Recalls: The last day a recall petition can be filed for the presidential primary ballot is November 25, 2011 (95th day prior to the presidential primary).

County and local proposals: The last day a petition to place a county or local proposal on the presidential primary ballot can be filed is December 6, 2011 (84th day prior to presidential primary).

Ballot language certification: The ballot wording of county and local proposals to be presented at the presidential primary must be certified to the appropriate county or local clerk no later than December 20, 2011 (70th day prior to presidential primary). Local clerks receiving ballot wording must forward it to the county clerk no later than December 22, 2011. The ballot language certification deadline must be strictly observed; exceptions will not be allowed.

Separate “special election” ballot needed: In an instance where a special election is conducted in conjunction with the presidential primary, a separate “special election” ballot will be needed for those voters who wish to participate in the special election – but do not wish to request the Republican Party or the Democratic Party presidential primary ballot. (Voters who choose to participate in the Republican Party or the Democratic Party presidential primary will not need the separate “special election” ballot as any special elections conducted in conjunction with the presidential primary will appear on the presidential primary ballot issued to the voter.) There will be no state reimbursement for this “special election” ballot.

Precinct Consolidations Not Permitted for Presidential Primary

It is important to note that temporary precinct consolidations are not permitted for the February 28, 2012 presidential primary. (Michigan election law, MCL 168.659 permits the temporary consolidation of precincts for any election that is not a “statewide or federal election.”)

Looking Ahead

As we approach the February 28, 2012 presidential primary, the following informational materials, procedures and supplies will be provided:

Notice of presidential primary: The “official” notice of the presidential primary will be forwarded to all county clerks mid-December 2011.

Ballot printing specifications and candidate listings: The prescribed standards for producing the presidential primary ballots and the final listings of candidates eligible to appear on each political party’s presidential primary ballot will be forwarded to all county clerks as soon as possible after the December 9, 2011 filing deadline imposed on candidates who wish to access the presidential primary ballot by petition. (Note: The state legislature has until December 30, 2011 to place a statewide proposal on the presidential primary ballot. If there is any indication that the state legislature will take such action, the finalization of the presidential primary ballot

may extend to early January 2012. However, it does not now appear likely that any statewide proposal will be added to the Presidential Primary.)

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: The supplies which must be provided by the Bureau of Elections for the administration of the presidential primary (state election seals, precinct manuals 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.

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.

Unofficial and official result documents: The documents needed to record the results of the presidential primary will be mailed out early 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.

SUMMARY:

- The Presidential Primary will be held February 28, 2012
- Precincts may not be consolidated for this election
- Only the Republican and Democratic parties are eligible to participate
- This is a “closed” Primary which means:
 - There will be at least 2 ballot styles (3 if non-partisan candidates or proposals are added to the election)
 - Voters will have to select their ballot style in writing by using the modified application to vote
 - Absentee voters will also have to select their ballot style in writing
 - Ballot style selection will be recorded in QVF for 22 months and will be subject to FOIA
- Special elections may be run in conjunction with the Presidential Primary following regular rules
- Qualified expenses will be reimbursed

Attachments

To assist with early planning for the February 28, 2012 presidential primary, the following materials are provided with this newsletter:

- A calendar of dates and deadlines associated with the presidential primary.
- A generic sample Application to Vote form specially designed for the administration of the presidential primary; the use of the specially designed Application to Vote form for the administration of the presidential primary is mandatory. The form is available through commercial suppliers. The cost of the forms is a reimbursable expense.*
- A generic sample Absent Voter Ballot Application form specially designed for the administration of the presidential primary; use of the specially designed Absent Voter Ballot Application form for the administration of the presidential primary is mandatory. The form is available through commercial suppliers. The cost of the forms is a reimbursable expense.*

Note* A new citizenship verification question has been added to both the Application to Vote and the Absent Voter Ballot Application form. (“Are you a United States Citizen?”) This question will appear on these forms permanently, starting with the February 28, 2012 Presidential Primary. Detailed procedures will be distributed in the next few weeks indicating how to address responses to this question and the possible affect on ballot issuance.

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 by clicking on “Information for Election Administrators.” The information and materials currently available on the website include the following:

- Michigan election law.
- Michigan Ballot Production Standards
- February 28, 2012 presidential primary calendar.
- May 8, 2012 election date calendar.
- 2012 August/November election dates.

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:

- Republican Party Presidential Primary Ballot.
- Democratic Party Presidential Primary Ballot.
- 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).



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 22, 2011

**February 28, 2012 Presidential Primary
-- Dates and Deadlines --**

Refer to Michigan election law (MCL 168.1-992) for referenced statutory provisions.

By 4:00 p.m., November 11, 2011	Secretary of State issues a list of individuals “generally advocated” by the national news media as potential Republican Party and Democratic Party presidential nominees. (614a)
By 4:00 p.m., November 15, 2011	State chairpersons of the Republican Party and Democratic Party advise Secretary of State of individuals their respective parties view as potential presidential nominees. (614a)
November 16, 2011	Secretary of State notifies potential presidential nominees of legal provisions relating to Michigan’s presidential primary. (614a)
November 25, 2011	Last day a recall petition can be filed for election. (963)
By December 6, 2011	Petitions to place county and local questions on presidential primary ballot filed with county and local clerks. (646a)
By 4:00 p.m., December 9, 2011	Potential presidential nominees appearing on lists compiled by Secretary of State and state party chairpersons who do not wish to have their names printed on Michigan’s presidential primary ballot or who wish to change their political party affiliation file an affidavit with the Secretary of State. (615a)
By 4:00 p.m., December 9, 2011	Individuals not listed as potential presidential nominees by Secretary of State or state party chairpersons who wish to appear on Michigan’s presidential primary ballot file a nominating petition with the Secretary of State. (615a) (Petitions cannot be circulated prior to October 1, 2011. Signature requirements: Republican Party candidate: 10,244; Democratic Party candidate: 14,363).

By December 20, 2011	Ballot wording of county and local proposals to be presented at the presidential primary certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (646a)
December 30, 2011	Constitutional amendments and legislative referendums which the legislature wishes to place on presidential primary ballot presented to Secretary of State. (Art. 12, Sec. 1)
By January 14, 2012	County clerks deliver A.V. ballots for presidential primary to local clerks. (714)
January 19, 2012 through February 7, 2012	Local election commissions appoint precinct inspectors for presidential primary. (674)
By January 23, 2012	Notice of close of registration for presidential primary published. (498)
January 30, 2012	Last date to register for presidential primary. (498)
By 4:00 p.m., February 17, 2012	Write-in candidates file Declaration of Intent forms. (168.737a as amended under PA 87 of 2006)
By February 18, 2012	County clerks deliver remainder of ballots and election supplies for presidential primary to local clerks. (714)
By February 21, 2012	Notice of presidential primary published. (653a)
By February 23, 2012	Public accuracy test must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (168.798)
By 2:00 p.m., February 25, 2012	Electors who wish to receive an A.V. ballot for the presidential primary by mail submit A.V. applications. (759)
Up to 4:00 p.m., February 27, 2012	Electors qualified to obtain an A.V. ballot for presidential primary may vote in person in clerk's office. (761)
Up to 4:00 p.m., February 28, 2012	Emergency A.V. voting for presidential primary. (759b)
February 28, 2012	Presidential Primary (613a)
1:00 p.m., February 29, 2012	Boards of county canvassers meet to canvass presidential primary. (821)

By March 13, 2012	Boards of county canvassers complete canvass of presidential primary; county clerks forward results to Secretary of State within 24 hours. (581, 822, 828)
By March 19, 2012	Board of State Canvassers meet to canvass presidential primary. (581)
By May 28, 2012	County, city and township clerks submit reimbursement vouchers for presidential primary. (624g)