



ELECTION NEWS

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

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 67

January 22, 2009

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Post-Election Data Questionnaire Distributed to City and Township Clerks

Response required no later than Monday, January 26, 2009

On January 14, 2009, a post-election data questionnaire was mailed to all city and township clerks throughout the state. (A copy of the questionnaire was also mailed to all county clerks for informational purposes.) The questionnaire is designed to collect the data needed by the Bureau of Elections to respond to the "2008 Election Administration and Voting Survey" distributed by the Election Assistance Commission (EAC) in Washington D.C.

The questionnaire only asks for information requested by the EAC which we cannot supply with the resources available in our office. Every effort has been made to make the survey as convenient to complete as possible.

It is important that all city and township clerks respond to the questionnaire no later than Monday, January 26, 2009.

A copy of the survey can be accessed through the Department's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The online survey form is provided in an updateable Pdf format.

Please feel free to contact Carol Pierce of this office if you have any questions regarding the completion of the questionnaire. Phone: (517) 373-2540. Email: Piercec1@Michigan.gov.

County Clerks Required to Accept Filings and Prepare Ballots for Upcoming ISD Meetings Convened to Fill ISD Board Positions
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The statutes which govern the conduct of the biennial meetings convened by intermediate school districts to fill their board positions require county clerks to accept the filings submitted for the positions and prepare the ballots needed for the election of the positions. (MCL 380.612 and 614) The following article outlines the provisions of law which govern the conduct of the meetings and the various duties which must be performed by Michigan's county clerks.

The duties a county clerk must perform to fill ISD board positions are limited in nature and clearly defined under the law. The duties do not have to be considered or documented by the members of the ISD's "coordinating committee."

Date of meeting: The meeting must be conducted by the ISD on the first Monday in June in every odd-numbered year. This year, the meetings will be conducted on Monday, June 1, 2009.

Candidate filing deadline; filing official: A candidate must file a petition or a \$100.00 nonrefundable filing fee and an Affidavit of Identity with the ISD's "election coordinator" no later than Monday, May 4, 2009. The ISD's "election coordinator" is the clerk of the county in which the largest number of the district's registered electors reside.

Petition signature requirements: The following petition signature requirements apply if the candidate chooses to file a petition as opposed to the \$100.00 nonrefundable filing fee:

Population of ISD less than 10,000 according to most recent federal census: minimum of 6 signatures; maximum of 20 signatures.

Population of ISD 10,000 or more according to most recent federal census: minimum of 40 signatures; maximum of 100 signatures.

- An "Intermediate School District Nominating Petition" form is available for use by ISD candidates. County clerks are obligated to maintain a supply of the forms and distribute them to interested candidates. The form can be obtained through the commercial suppliers who handle election related forms. The petition must be circulated on a city/township basis.

- Any registered voter who resides within the intermediate school district can sign the candidate's petition. An ISD candidate is not required to limit the circulation of his or her petition to his or her constituent school district of residence.
- An elector of the ISD may sign as many petitions as there are positions to fill on the ISD board.
- The county clerk serving as the ISD's filing official is responsible for determining the sufficiency of any petitions filed by ISD candidates.

Office term: ISD board members are elected to 6-year terms. The new terms commence on July 1 following the election.

Preparation of ballots for meeting: The county clerk serving as the ISD's filing official is responsible for preparing the ballots needed for the conduct of the meeting convened by the ISD to fill its board positions.

- The creation of a simple paper ballot which lists the candidates' names in alphabetical order is recommended.
- Several sets of the ballots should be prepared for the conduct of the meeting in the event that those participating in the meeting must vote more than once as referenced under "Voting and canvassing" below.
- The chairperson of the meeting may accept nominations for an available position "from the floor" if no candidates filed for the position. Consequently, in an instance where no candidates file for an available ISD position, the ballot must contain several lines for the hand entry of the candidates who receive nomination at the meeting.

Conduct of meeting: The president and secretary of the ISD are responsible for convening and conducting any meetings held by the ISD to fill its board positions; county clerks are not required to play any role in the conduct of the meetings.

- The meetings are subject to the Open Meetings Act and must be publicly posted as required under the Act. The ISD is responsible for handling the posting requirements.
- The electoral body responsible for electing the ISD board seats which must be filled at the meeting comprises one representative from each constituent school district in the ISD. The board of each constituent school district is required to designate its meeting representative by resolution during the three-week period which precedes the meeting. In addition to designating the school district's meeting representative, the resolution must identify the candidate the board supports for each ISD board position which must be filled. The statute which governs the process stipulates that the board "shall consider the resolution at not less than 1 public meeting before adopting the resolution."

- The secretary of the ISD is required to notify the secretary of each constituent school district of the location and time of the meeting at least 10 days before the meeting. The notice must be sent by certified mail.

Candidate eligibility: The statutes which govern the election of ISD board members stipulate that:

- not more than two members of the ISD board “shall be from the same school district unless there are fewer districts than there are positions to be filled”;
- not more than three members of the ISD board may also be serving at the same time as a member of the board of a constituent district or board of directors of a public school academy. (If an ISD board has more than three members serving as of September 1, 2004 who are also serving at the same time as members of the board of a constituent district, the limitation does not apply until the expiration of the current terms of those ISD board members.)

Ensuring compliance with the above stipulations is the responsibility of the ISD board and the ISD officials handling the election of the ISD board members.

Voting and canvassing: The president and secretary of the ISD are responsible for supervising the voting process. The votes are canvassed at the meeting. The statutes which govern the voting process stipulate that each constituent district representative entitled to vote at the meeting is required to vote for the candidate supported for each position by the constituent board he or she represents “at least on the first ballot taken by the electoral body.”

Reminder: Filing Deadline for May 5, 2009 Election Elapses on February 10
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Local school board candidates, community college trustee candidates and district library board candidates who wish to seek office at the May 5, 2009 election must file an Affidavit of Identity and a nominating petition no later than 4:00 p.m. on Tuesday, February 10, 2009. A \$100.00 nonrefundable filing fee may be filed by the candidate in lieu of a petition. The candidate withdrawal deadline elapses at 4:00 p.m. on Friday, February 13, 2009.

If the population of the district is less than 10,000, the candidate’s petition must contain a minimum of 6 signatures; no more than 20 signatures can be filed to cover the minimum signature requirement. If the population of the district is 10,000 or more, the candidate’s petition must contain minimum of 40 signatures; no more than 100 signatures can be filed to cover the minimum signature requirement.

A calendar of dates and deadlines associated with the May 5, 2009 election can be accessed through the Department’s Web site www.Michigan.gov/sos.

**All School District “Election Coordinating Committees” Must Meet in Early 2009:
A Reminder**

All school district “election coordinating committees” must meet in early 2009 to review the arrangements that are currently in place to conduct the school district’s elections.

Michigan election law, MCL 168.305(1), required all school district “election coordinating committees” to file a report with the Secretary of State in early 2005 which set forth the arrangements made by the members of the committee for the conduct of the school district’s elections.

Michigan election law, MCL 168.305(2), requires all school district “election coordinating committees” to meet at 2-year intervals to review and, if necessary, alter the election arrangements set forth in the committee’s most recent report. After meeting, the committee must notify the Secretary of State in writing that 1) its previous report is not being altered or 2) its new report contains agreed upon alterations. Election arrangements made by a school district “election coordinating committee” are binding on the participating jurisdictions for at least 2 years after the report is filed and each jurisdiction continues to be bound until an altered report is filed.

In view of the above, all school district “election coordinating committees” must meet in early 2009 to review the arrangements that are currently in place to conduct the district’s elections and file the required notification with the Secretary of State after meeting. The submission of the required notification no later than February 17, 2009 is required. (NOTE: Committees changing the arrangements which will be used to conduct the May 5, 2009 election are urged to submit the changes to the Secretary of State well in advance of the February 10, 2009 candidate filing deadline established for the election. The early submission of the notification is especially important if the committee changes the office where the school board candidates must file.)

A report must be submitted for every local school district, intermediate school district and community college district in the state. This includes intermediate school districts that elect their board members at meetings as opposed to popular elections. (While the “consolidated elections” legislation did not change the meeting process most intermediate school districts use to elect their board members, the district’s “election coordinating committee” must meet to review the arrangements made for the conduct of the district’s special elections.)

Any and all meetings held by “election coordinating committees” are subject to the Open Meetings Act and must be publicly posted as required under the Act.

Additional information regarding the conduct of the “election coordinating committee” meetings – including a suggested report template – can be found in Issue 66 of *Election News*.

Election Resources Available on Department's Web Site

A wide variety of election related information and materials can be accessed through the Department's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the Web site include the following:

- Michigan election law.
- February 24, 2009 Voter Information Poster.
- February 24, 2009 election date calendar.
- May 5, 2009 election date calendar.
- August 4, 2009 election date calendar
- September 15, 2009 village election date calendar.
- 2009 city election date calendar.
- November 3, 2009 election date calendar.
- August 3, 2010 primary and November 2, 2010 general election date calendar.
- Provisional balloting implementation 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

Email: elections@michigan.gov

Fax: (517) 373-0941