



ELECTION NEWS

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

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

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Post-Election Notices and Certifications Related to May 5 Election

Certificate of Election and Acceptance of Office: Within 5 business days after the certification of a school board election, the school district’s “election coordinator” is required to issue a “Certificate of Election” to each elected candidate. Within 10 business days after the issuance of the certificate, the newly elected candidate is required to file an “Acceptance of Office” with the secretary of the school board. The secretary of the school board is required to forward a copy of the “Acceptance of Office” to the school district’s election coordinator. (MCL 168.308 and 309)

Oath of Office: Before entering upon the duties of his or her office, an elected school board member must take and file the oath provided in Article XI, Section 1, of the State Constitution. (MCL 168.310(1)) The oath is filed with the secretary of the school board.

Post-Election CFR Compliance Statement: Any candidate elected to office on the state, county or local level is required to file an affidavit prior to assuming office which states that at the date the affidavit was executed, all statements, reports, late filing fees and fines required of the candidate or any Candidate Committee organized to support the candidate’s election under Michigan’s Campaign Finance Act have been filed or paid. (MCL 168.848)

- The affidavit is not required of an elected candidate who 1) is exempt from the filing requirements of Michigan’s Campaign Finance Act or 2) did not receive or expend more than \$1,000.00 during the election cycle.

- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the affidavit to the filing official designated to receive the elected candidate's campaign finance disclosure filings. Thus, an elected candidate who is required to file his or her campaign finance disclosure filings on the county level must file his or her Post-Election Campaign Finance Compliance Statement on the county level.
- The most recent version of the Post-Election Campaign Finance Compliance Statement form (September 2008 revision) can be accessed through the Department of State's Web site www.michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Publication and Forms."
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor. An elected candidate who falsifies the statement is guilty of a felony.
- Candidates participating in the May 5 election who have any questions regarding their compliance status under Michigan's Campaign Finance Act should be directed to the county clerk responsible for accepting the candidate's campaign finance disclosure filings.

<p>Issuing Absent Voter Ballots for May 5 Election to Voters Outside U.S.: A Reminder</p>
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Michigan election law stipulates that an **absent voter ballot request** sent to a city, township or village clerk by a uniformed services voter outside of the United States or a civilian voter outside of the United States must be honored for every election conducted through the balance of the calendar year – including all school district elections.

All county, city and township clerks who will be involved in administering the upcoming May 5 election are reminded that an absent voter ballot for the election must be mailed to all uniformed services voters outside of the United States and all civilian voters outside of the United States who submitted an absent voter ballot request anytime after December 31, 2008. This means that all uniformed services voters outside of the United States and all civilian voters outside of the United States who received an absent voter ballot for the February 24, 2009 election are automatically eligible to receive an absent voter ballot for the May 5 election.

City and township clerks must maintain a careful record of all absent voter ballot requests submitted by uniformed service voters outside of the United States and civilian voters outside of the United States to ensure compliance with the requirement that such requests must be honored for every election conducted throughout the calendar year.

Publishing “Close of Registration” and Election Notices: A Review

“Close of Registration” Notice: A “close of registration” notice must be published in a local newspaper no later than the 7th calendar day prior to the registration deadline for the election. (The deadline for publishing the “close of registration” notice for the May 5, 2009 election elapses on March 30, 2009.) Michigan election law, MCL 168.498, stipulates that “close of registration” notices must contain the following information:

- The days and hours the clerk will be at the clerk’s office or other designated place for the purpose of receiving registrations for the election.
- A listing of the offices that will be elected or nominated at the election. (The names of the candidates seeking nomination or election to the offices do not have to be included in the notice.)
- A brief description of any ballot proposals which will appear on the ballot. (If presenting a bond proposal, the development of the proposal description in close consultation with the bond counsel is recommended.) Additional discussion regarding the publication of ballot proposal language appears below.
- Information on where voters can obtain the full text of any ballot proposals which will appear on the ballot.

Election Notice: A “notice of election” must be published in a local newspaper no later than the 7th calendar day prior to the date of the election. (The deadline for publishing the “notice of election” for the May 5, 2009 election elapses on April 28, 2009.) Michigan election law, MCL 168.653a, stipulates that election notices must contain the following information:

- The date of the election and the hours that the polls will be open (7:00 a.m. through 8:00 p.m.).
- A listing of the offices which will be elected or nominated at the election. (The names of the candidates seeking nomination or election to the offices do not have to be included in the notice.)
- A brief description of any ballot proposals which will appear on the ballot. (If presenting a bond proposal, the development of the proposal description in close consultation with the bond counsel is recommended.) Additional discussion regarding the publication of ballot proposal language appears below.
- Information on where voters can obtain the full text of any ballot proposals which will appear on the ballot.
- A listing of the polling place locations.

- A statement regarding the accessibility of the polling place locations and the availability of voting instructions in alternative formats (audio and Braille).
- A “treasurer’s statement” if required. (MCL 211.203(3) provides that the “notice of an election in which an increase in the total tax rate limitation is to be voted upon shall contain a statement by the county treasurer of the county or counties in which the local unit voting on the increase is located of the total of all voted increases in the total tax rate limitation, in any local units, affecting the taxable property in the local unit voting on the increase, and the years the increases are effective.”)
- While not required by law, it is recommended that the “notice of election” include information on how and where a voter can obtain an absentee ballot for the election.

Publication of ballot proposal language: PA 71 of 2005 amended Michigan election law to eliminate the need to publish the full text of ballot proposals in “close of registration” notices and election notices. (As noted above, a brief description of the proposals and information on where the full text of the proposals can be obtained is now required.)

The above referenced amendment did not impact any proposal publication requirements that fall outside of Michigan election law, MCL 168.498 (“close of registration” notice requirements) or MCL 168.653a (election notice requirements). Thus, any proposal publication requirements that fall outside of MCL 168.498 or MCL 168.653a must be observed.

As an example, the amendment does not eliminate the need to publish the full text of city charter amendments and the charter provisions that would be altered or abrogated by the proposed charter amendment as required under the Home Rule City Act, MCL 117.21.

In an instance where a proposal publication requirement which falls outside of Michigan election law must be observed, the required proposal language can be included in the “close of registration” notice or the election notice if such an approach is deemed practicable and satisfies the publication requirements. If the required proposal language is not included in the “close of registration” notice or the election notice, a third notice which satisfies the proposal publication requirements must be prepared.

Publication of “joint” notices: A county clerk may enter into an agreement with the clerk of one or more cities and townships in the county to jointly publish a required “close of registration” or election notice. Similarly, local clerks may enter into an agreement with one another to jointly publish a required “close of registration” or election notice. If any of the offices or proposals listed in the notice will not appear on the ballots in all of the jurisdictions involved in the joint publication of the notice, the notice must include an appropriate explanation.

Polling Place Accessibility Grant Program Application Deadline Elapses on May 1

Any and all buildings used for polling place locations must meet the accessibility requirements set forth under the Americans with Disabilities Act (ADA). If a building used for a polling place location cannot be made accessible as stipulated under the ADA, the polling place must be moved to a building which meets the ADA accessibility requirements.

In April 2005, the Department introduced the Polling Place Accessibility Improvement Program – a grant program which Michigan’s cities and townships can use to recover the costs they incur in making their polling places ADA compliant. The grant program is funded through the Help America Vote Act of 2002 (Title II, Section 261; CFDA 93.617). The Department of State’s Bureau of Elections is responsible for overseeing the grant process.

As there are still a number of jurisdictions that could benefit from the grant program and grant funds remain available, a new grant program application period was opened earlier this year. The new application window extends through **May 1, 2009**.

Complete information on the polling place accessibility grant program can be found on the Department of State’s Web site www.Michigan.gov/sos. Click on “Elections in Michigan.” On the Elections in Michigan page, click on “Information for Election Administrators” and scroll down to “HAVA Compliance Materials.”

City and township clerks who have any questions regarding the grant program or the status of a previously submitted grant application are encouraged to contact David Foster of the Michigan Department of State’s Bureau of Elections. Phone: (517) 373-2540. Email: FosterD2@Michigan.gov.

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.
- Michigan ballot production standards.
- May 5, 2009 Voter Information Poster (English and Spanish).
- May 5, 2009 election date calendar.

- August 4, 2009 election date calendar
- September 15, 2009 village election date calendar.
- 2009 city election date calendars.
- November 3, 2009 election date calendar.
- 2010 election date calendars.
- Information on implementing Michigan's absentee voting laws.
- 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?
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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!

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