



# ELECTION NEWS

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

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

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**Candidates Elected on November 3 Must File a “Post-Election Campaign Finance Compliance Statement” Before Assuming Office**

Michigan election law, MCL 168.848, requires any candidate elected to office on the state, county or local level 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 a Candidate Committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.”

- The affidavit is not required of an elected candidate whose Candidate Committee 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 form to the filing official designated to receive the elected candidate’s campaign finance disclosure filings.

- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by a “fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.” An elected candidate who falsifies the statement is guilty of perjury punishable by a “fine of not more than \$1,000.00 or imprisonment for not more than 5 years or both.”

A copy of the Post-Election Campaign Finance Compliance Statement form is provided with this newsletter. The form is also available on the Department’s Web site [www.michigan.gov/sos](http://www.michigan.gov/sos). To locate, click on “Elections in Michigan”; on the Elections in Michigan page, click on “Publications and Forms.”

<p><b>Polling Place Accessibility Grant Program Reopened</b></p>
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*New application period begins on November 20, 2009  
and ends on January 22, 2010*

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 application period is being offered. The new application window will begin on November 20, 2009 and extend through January 22, 2010.

Complete information on the polling place accessibility grant program can be found on the Department of State’s Web site [www.Michigan.gov/sos](http://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 are encouraged to contact David Foster of the Michigan Department of State’s Bureau of Elections. Phone: (517) 373-2540. Email: [FosterD2@Michigan.gov](mailto:FosterD2@Michigan.gov).

## School Board Acceptance of Office/Oath of Office Form

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)

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.

A combined "Acceptance of Office/Oath of Office" form developed for elected school board members is provided with this newsletter. The form is also available on the Department's Web site [www.michigan.gov/sos](http://www.michigan.gov/sos). To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Publications and Forms."

## Filing Deadline for May 4, 2010 Election Is February 9, 2010

Local school board candidates, community college trustee candidates and district library board candidates who wish to seek office at the May 4, 2010 election must file an Affidavit of Identity and a nominating petition no later than 4:00 p.m. on Tuesday, February 9, 2010. 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 12, 2010.

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 4, 2010 election is available on the Department's Web site [www.michigan.gov/sos](http://www.michigan.gov/sos). To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

<b>Cutoff for 2010 Election Date Changes Is December 31, 2009</b>
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School districts, cities and villages interested in changing their regular election dates are reminded that they have until December 31, 2009 to act on the election date change if they wish to have the change go into effect next year. The election date options extended to school districts, cities and villages are detailed below:

**Election Date Options Extended to School Districts, Cities and Villages**

***School districts:*** A local school district, intermediate school district or community college district that currently fills its board positions on any date other than the odd-year November election date may choose to conduct its regular elections on any of the following dates through the adoption of a resolution: odd-year May election date; odd-year November election date; even-year November election date; or annually on the November election date. In an instance where a school district adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” (MCL 168.642a(4) as amended under PA 71 of 2005)

**A school district that currently conducts its regular elections on the odd-year November election date or changes its regular election date to the odd-year November election date has no further options for changing its regular election date.**

***Cities:*** A city that currently fills its elective offices on the odd-year May election date, the even-year May election date or annually on the May election date may choose to conduct its regular elections on the odd-year November election date through the adoption of a resolution. In an instance where a city adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” A city taking such action has no further options for changing its regular election date. (MCL 168.642a(1) as amended under PA 71 of 2005)

A city that currently fills its elective offices on the even-year November election date or annually on the November election date may choose to conduct its regular elections on the odd-year November election date and its primaries (if held) on the odd-year August election date through the adoption of a resolution. A city taking such action has no further options for changing its regular election date. (MCL 168.642a(2) as amended under PA 71 of 2005)

A city that currently conducts its primary on the first Tuesday following the second Monday in September may choose to conduct its primary on the odd-year August election date through the adoption of a resolution. In an instance where a city adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” A city taking such action has no further option for changing its primary date. (MCL 168.642a(3) as amended under PA 71 of 2005)

***Villages:*** A village that currently fills its elective offices on the first Tuesday after the second Monday in September in odd-numbered years may choose to conduct its regular elections on the

even-year November election date through the adoption of a resolution. In an instance where a village adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” A village taking such action has no further options for changing its regular election date. (MCL 168.642a(5) as amended under PA 71 of 2005)

### **Consideration of Election Date Changes**

A school board, city council or village council that wishes to consider an election date change must observe the following requirements:

- At least one public hearing must be conducted by a local school board, intermediate school district board, community college district board, city council or village council prior to considering any of the above referenced election date options for adoption. (MCL 168.642(10) as amended under PA 292 of 2004)
- A “record roll call vote” on the resolution must be conducted. (MCL 168.642(10) as amended under PA 292 of 2004)
- The vote on the resolution may take place at the end of the final public hearing. If the resolution is adopted, a copy of the resolution must be filed with the Secretary of State. (MCL 168.642(10) as amended under PA 292 of 2004)

<p><b>Adopting Precinct Boundary Alterations for the 2010 Election Cycle: Important Considerations</b></p>
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Pursuant to Michigan election law, the boundaries of all precincts which will be used to administer the February, May, August and November elections in 2010 must be finalized no later than January 5, 2010. Any precinct boundary alterations made by the January 5, 2010 deadline must go into effect no later than February 4, 2010. (MCL 168.661(2))

Michigan election law, MCL 168.662(4), prohibits the legislative body of a city or township to establish, move or abolish a polling place less than 60 days before an election unless the polling place has been “damaged, destroyed or rendered inaccessible or unusable as a polling place.” Thus, the deadline for reassigning voters to a different polling place location for the February 23, 2010 election elapses on December 25, 2009. In view of the December 25, 2009 polling place relocation deadline for the February 23, 2010 election, cities and townships that 1) plan to adopt precinct boundary alterations for the 2010 election cycle that will involve the reassignment of voters to new polling places and 2) plan to conduct an election on February 23, 2010 must act on the precinct boundary changes no later than December 25, 2009.

***Authority to change precincts:*** In a township, the approval of all planned precinct boundary changes must be granted by the local election commission. In a city, the approval of all planned

precinct boundary changes must be granted by the local election commission or other officials charged with the performance of the duty by the city's charter.

**Information on altered precinct boundaries required:** If your jurisdiction alters any precinct boundaries, please forward 1) a copy of the resolution authorizing the precinct boundary alterations 2) a copy of the jurisdiction's current street index marked to show the changes and 3) maps showing the jurisdiction's new precinct boundaries and former precinct boundaries to the attention of Amanda Fedewa, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Email: [Fedewaa3@Michigan.gov](mailto:Fedewaa3@Michigan.gov).

The information will be used to ensure that the Statewide Street Index is properly coded for your city or township. If you have any need for assistance with this request, please feel free to contact the QVF Help Desk at (800) 310-5697.

**Precinct boundary requirements:** Michigan election law stipulates that all precincts "shall be composed as nearly as practicable of compact and contiguous territory and shall have clearly defined and clearly observable boundaries." A "clearly observable boundary" is defined under the law as follows:

- A named road or street.
- A road or highway that is part of the federal, state primary, or state secondary road system.
- A river, stream, or drainage feature that is 40 feet or more in width.
- A natural or constructed permanent physical feature that is shown on an official county, city, or township map issued by the Department of Transportation or a United States geological survey topographical map. (A school district boundary line can be used to define a precinct boundary line.)
- An apartment building, a dormitory, or other permanent multiple-unit housing structure.

If the observance of the above precinct boundary requirements is impossible due to the particular geographic features of your jurisdiction, please advise this office in writing as soon as possible. While this office does not have the authority to waive the precinct boundary requirements, we will be happy to assist you in any way possible with any difficulties you may encounter in complying with the requirements.

**Precinct size limits and voting station minimums:** An optical scan precinct must not contain more than 2,999 registered voters. At least one voting station must be provided for each 300 registered voters.

**Important caution regarding voting station formula:** The voting station minimum provided above (one station for each 300 registered voters) must be exceeded when and where appropriate after careful consideration has been given to the projected turnout, length of the ballot and the number of voters each voting station can handle per hour. If, after the election commission has considered these three factors, it appears that the number of voting stations needed in each

precinct to ensure the orderly conduct of the election exceeds the minimum requirements, the minimum requirements must be exceeded as appropriate. The election commission does not have the option of following the minimum voting station requirements after it has been determined that the minimum is inadequate for the election at hand.

### **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](http://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.
- 2010 election date calendars.
- 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](mailto:elections@michigan.gov)  
**Fax:** (517) 373-0941

**-- POST-ELECTION CAMPAIGN FINANCE COMPLIANCE STATEMENT --**

- This form must be filed by any candidate subject to Michigan's Campaign Finance Act who is elected to a state, county, city, township, village or school office. The form must be filed *before* the candidate assumes office. Exceptions: an elected candidate whose Candidate Committee did not receive or expend more than \$1,000.00 during the election cycle is *not* required to submit this form. In addition, this form does not have to be filed by an individual elected to a U.S. Senate, U.S. House or precinct delegate position.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit this form to the filing official designated to receive the elected candidate's campaign finance disclosure filings.
- An elected candidate subject to the Post -Election Campaign Finance Compliance Statement filing requirement who fails to submit this form prior to assuming office is guilty of a misdemeanor.
- If you need information on your current compliance status under the Michigan Campaign Finance Act, contact the Michigan Department of State's Bureau of Elections and/or the appropriate county clerks as necessary.

By signing this affidavit, I swear (or affirm) that the facts contained in the statement set forth below are true.

**At this date, all statements, reports, late filing fees, and fines due from me or any Candidate Committee organized to support my election to office under the Michigan Campaign Finance Act, PA 388 of 1976, have been filed or paid.**

I further acknowledge that making a false statement in this affidavit is perjury – a felony punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. (MCL 168.848, 933 and 936)

Signature of Candidate: \_\_\_\_\_

Printed Name of Candidate: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Office You Will Assume: \_\_\_\_\_

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

