



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 CFR Compliance Statement Must Be Filed by Elected Candidates

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.

- 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 Post-Election Campaign Finance Compliance Statement form can be accessed through the Department of State's Web site www.Michigan.gov/sos. (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 punishable by "fine of up to \$500.00 or imprisonment for up to 93 days, or both."

Recount Reminder: County and Local Recounts May Not Be Conducted Until State Clearance Is Issued

County and local recounts requested after the November 2 general election may not be conducted until written clearance is received through the Michigan Department of State's Bureau of Elections. All ballots, voting equipment, programs and other materials placed under security must remain sealed until instruction is received through the Bureau. A memo on the conduct of county and local recounts will be forwarded to all county clerks in late November.

A summary of the recount process is provided with this newsletter (*Chronology of Recount Process: November 2, 2010 General Election*).

2011 Election Date Calendars Available

Date calendars for the elections scheduled in 2011 are currently available on the Department of State's Web site www.Michigan.gov/sos. To locate the date calendars, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

The following calendars are available: February 22, 2011 election; May 3, 2011 election; September 13, 2011 village election; August 2, 2011 election; and the November 8, 2011 election.

Date calendars are also provided for cities that conduct a February primary and a May election and cities that conduct an August Primary and a November election.

Materials Needed to Administer February 22 Election

The following article outlines the election materials needed for the administration of the February 22 election which are available through the Department of State's Bureau of Elections.

The Department of State's Bureau of Elections is not responsible for supplying election seals for the administration of the February 22 election. If election seals are needed for the election, they must be ordered through a commercial vendor. (The Bureau is responsible for supplying election seals for state and federal elections only.)

Election materials which can be ordered from the Bureau: The following materials can be ordered through the Michigan Department of State's Bureau of Elections if needed. An order form is included with this newsletter for your convenience.

- A. Voter information posters:** A minimum of two copies of the poster must be placed on display in each polling place. The poster complies with the requirements of Michigan election law. (The voter information poster prepared for the February 22 election can also be printed from the Department's Web site as explained below.)
- B. Audio version of voter information (cassette tape):** An audio version of the voter information must be available in each polling place. (The audio version of the voter information used during the 2010 election cycle can be used for the February 22 election.)
- C. Braille version of voter information:** A Braille version of the voter information poster must be available in each polling place. (The Braille voter information displays used during the 2010 election cycle can be used for the February 22 election.)

Election materials which are available on the Bureau's Web site: The following materials needed to administer the February 22 election can be accessed on the Department of State's Web site www.Michigan.gov/sos. To locate the information, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

- A. Voter information posters:** As noted above, a minimum of two copies of the poster must be placed on display in each polling place. The voter information posters can be printed from the Bureau's Web site. (Legal sized paper is needed to print the poster.)
- B. Provisional balloting materials:** Every polling place must be supplied with the materials needed to administer Michigan's provisional balloting process. The following materials can be accessed through the Web site: the "Four Step Procedure Form," the notices needed for distribution to voters who are issued a provisional "envelope" ballot, the "Procedure for Handling 'Envelope' Ballots Returned to Clerk's Office," and the "Provisional Ballot Report Form."
- C. Michigan voter identification implementation materials:** Every polling place must be supplied with the materials needed to administer Michigan's voter identification requirement. The following materials can be accessed through the Web site: Instructions for implementing Michigan's voter identification requirement, "Affidavit of Voter Not In Possession of Photo ID" (English and Spanish), informational notice for voters (English and Spanish) and voter processing flow charts.
- D. AutoMARK Voter Assist Terminal materials:** The following materials are available: "Accessible Voting Signage," "AutoMARK Election Inspector Guide," "AutoMARK

Program Testing Procedures,” “Sample Public Accuracy Test Notice,” “Voting System Preparation Certificate,” 10-minute instructional video and “AutoMARK Troubleshooting Guide.”

Filing Deadline for May 3 Election Elapses on February 8

Local school board candidates, community college trustee candidates and district library board candidates who wish to seek office at the May 3, 2011 election must file an Affidavit of Identity and a nominating petition no later than 4:00 p.m. on Tuesday, February 8, 2011. 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 11, 2011.

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 a minimum of 40 signatures; no more than 100 signatures can be filed to cover the minimum signature requirement.

New Legislation Impacts Elections in Certain Cities

With the recent enactment of four Michigan election law amendments, all city level candidate filing deadlines are now governed under State law. In addition, the amendments move all odd-year September city primaries to the August election date. Complete information on the legislative changes is provided below.

New Michigan Election Law Amendments

Four amendments to Michigan election law were recently signed into law by the Governor:

PA 181 of 2010 (HB 6247)

PA 183 of 2010 (SB 1258)

PA 182 of 2010 (HB 6248)

PA 184 of 2010 (SB 1259)

The four bills make a number of adjustments needed to facilitate the implementation of PA 43 of 2010 – the State legislation that established a 45-day absentee ballot delivery deadline for all elections. The following changes were effected under the new legislation:

- Stipulates that any cities that conduct their municipal primary on the February election date must set the candidate filing deadline at 4:00 p.m. on the 12th Tuesday prior to the primary.

- Stipulates that any cities that conduct their municipal election on the May election date and do not conduct a February primary must set the candidate filing deadline at 4:00 p.m. on the 12th Tuesday prior to the May election.
- Requires the cities that have been using the odd-year September election date as their municipal primary date to hold their primary on the odd-year August election date. The change does not impact the 85 villages that conduct their regular elections on the odd-year September election date. Such villages are free to continue to use the odd-year September election date without restriction. (The villages that use the odd-year September election date are now the only jurisdictions authorized to hold elections on this date.)

Summary of Candidate Filing Deadlines for City Offices

City Election Schedule	Partisan/Nonpartisan Candidate Filing Deadline	Governing State Statute	Independent Candidate Filing Deadline*	Governing State Statute
February primary/ May election	4:00 p.m., 12 th Tuesday prior to February primary	MCL 168.322 as amended under PA 183 of 2010	5:00 p.m., 90 th day prior to May election	MCL 168.590c(2)
May election (no primary)	4:00 p.m., 12 th Tuesday prior to May election	MCL 168.322 as amended under PA 183 of 2010	4:00 p.m., 12 th Tuesday prior to May election	MCL 168.590c(2)
Odd-year August primary/odd-year November election	4:00 p.m., 12 th Tuesday prior to odd-year August primary	MCL 168.644f(1) as amended under PA 218 of 1999	5:00 p.m., 90 th day prior to odd-year November election	MCL 168.590c(2)
Odd-year November election (no primary)	4:00 p.m., 12 th Tuesday prior to odd-year November election	MCL 168.644e as amended under PA 44 of 2010	4:00 p.m., 12 th Tuesday prior to odd-year November election	MCL 168.590c(2)
Even-year August primary/even-year November election	4:00 p.m., 12 th Tuesday prior to even-year August primary	MCL 168.646a(1) as amended under PA 647 of 2007	4:00 p.m., 110 th day prior to even-year November election	MCL 168.590c(2)
Even-year November election (no primary)	As provided under the city charter – but no later than the date of the even-year August primary	MCL 168.646a(1) as amended under PA 647 of 2007	4:00 p.m., 110 th day prior to even-year November election	MCL 168.590c(2)

* The “Independent Candidate Filing Deadline” only applies in cities that fill their public offices on a partisan basis. Candidates without political party affiliation (“independent” candidates) who wish to seek a partisan city office must file a Qualifying Petition bearing the requisite number of valid signatures. See MCL 168.544f for signature requirements.

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 22, 2011 Voter Information Poster.
- 2011 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

Fax: (517) 373-0941



STATE OF MICHIGAN
 TERRI LYNN LAND, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

Order Form
-- February 22 Election Materials --

Return form via mail or fax to Ruth Lee, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Fax: (517) 373-0941.

Jurisdiction name: _____

Date: _____ **Submitted by:** _____

Mailing address for supplies: _____

Item

Quantity

Voter information posters*: _____

**Voter information in audio format
 (Cassette tape):** _____

Braille version of voter information: _____

Thank you!

* As an alternative, the voter information posters can be printed from the Bureau's Web site.



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 16, 2010

Chronology of Recount Process: November 2, 2010 General Election

Certification of Results

- County Canvassing Boards convene at 1:00 p.m. on November 2, 2010 to initiate canvass of the general election.
- County Canvassing Boards complete canvass of general election no later than November 16, 2010. Results for county and local offices are certified as official. Results for state level offices are forwarded to Secretary of State within 24 hours.
- Board of State Canvassers certifies state-level offices no later than November 22, 2010. Board authorizes staff to act on its behalf if recounts are requested.

Petitioning Process

- A candidate who seeks nomination to a county office, township office, the office of Probate Judge or any other local office on the general election ballot who wishes to obtain a recount must submit a “recount petition” to the county clerk within six days after the Board of County Canvassers certifies the results for the office involved. (Note: In an instance where a local office is certified by a city or township canvassing board, the recount petition must be submitted to the city or township clerk. The city or township clerk must forward the recount petition to the county clerk within 24 hours.)

A candidate who seeks nomination to the office of U.S. Representative in Congress, the office of State Senator, the office of State Representative or a judicial office (except Probate Judge) who wishes to obtain a recount must submit a “recount petition” to the Secretary of State within 48 hours after the Board of State Canvassers certifies the results for the office involved.

- Petition must be notarized.
- Petition must claim “fraud or mistake” in the canvass of votes.
- Petition must specify precincts to be recounted. (Can request a “full” recount or “partial” recount.)
- A \$10.00 deposit per precinct must be included with petition. (Deposit returned if election is reversed.)

- If the office of State Representative is involved, a copy of the petition must be filed with the clerk of the State House of Representatives. If the office of State Senator is involved, a copy of the petition must be filed with the Secretary of the Senate.
- Official receiving recount petition immediately notifies all opponents that recount petition has been filed.
- Opponents can “counter petition” if a partial recount. If original recount petition was submitted on the county or local level, counter petition must be filed within 48 hours after the submission of original petition. If original recount petition was filed with the Secretary of State, counter petition must be filed by 4:00 p.m. on the seventh calendar day after the submission of original petition. Opponents can also file objections by 4:00 p.m. on the seventh calendar day after submission of original petition. If objections are filed, the canvassing board responsible for conducting the recount holds a hearing to consider the objections.

Coordination of State-Level Recounts; Conduct of Local Recounts

- As soon as the state-level recount deadline elapses, Secretary of State contacts the clerks of the counties where recounts are requested to initiate coordination of recount. Considerations:
 - Date, time and place.
 - Coordination of an orientation/training session with Board of County Canvassers, candidates, and representatives of candidates. (Usually held immediately prior to conduct of recount.)
 - Rules and procedures.
- Counties where recounts will not be conducted under the authority of the Board of State Canvassers are advised to proceed with any local recounts which must be conducted under the authority of Board of County Canvassers.

Conduct of State-Level Recounts

- As soon as arrangements for any requested state-level recounts are complete, a packet of information is forwarded to each candidate giving full details on the coordination of the recount. The counties post recount with notices provided by Bureau.
- At the appointed time and place, the recount is convened and is conducted under the direction of the Board of State Canvassers’ representative.
- The recount process takes place at “work tables.”
 - The number of work tables set up in any given county depends on the number of ballots to be counted. Two to three workers are assigned to each work table.
 - The county is responsible for hiring the personnel needed to staff the work tables.

- Each candidate can have up to two “challengers” at each work table.
- The ballots are counted under the state laws, rules and policies which govern the process.
 - All ballots are recounted by hand.
 - Michigan is not a voter intent state: the voter must follow instructions and cast vote by marking “target area.” Any markings outside of “target area” cannot be considered.
- If there is a dispute over how a ballot is counted, the ballot is placed in an “exhibit envelope.”
 - Ballot is inspected by Board of County Canvassers who can overrule or uphold how ballot was counted at “work table.” Board votes on each challenged ballot; if a deadlock, manner in which ballot was counted at work table stands.
 - Board’s decision can be appealed to Board of State Canvassers’ representative who can overrule or uphold decision made by Board of County Canvassers.
 - Any decisions made by Board of State Canvassers’ representative can be appealed to Board of State Canvassers when it next convenes.
- Recount must be completed no later than the 30th calendar day after the deadline for submitting a “counter petition.” Recount is halted if original petitioner withdraws.
- If recount is completed, the Board of State Canvassers convenes to hear any challenges which the candidates wish to present. After ruling on any presented challenges, the Board certifies the result of the recount.
- If disputes remain, must be taken up in court.