



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

May 23, 2016

REVIEW OF NOMINATING PETITION

Sander Levin
Candidate for U.S. Representative in Congress, 9th District

NUMBER OF VALID SIGNATURES REQUIRED: 1,000 signatures.

TOTAL FILING: 1,974 signatures.

RESULT OF FACE REVIEW: 1,638 face valid signatures; 336 invalid signatures.

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| Total number of signatures filed: | | 1,974 |
| Address errors by signers (incomplete or incorrect address, address given is outside of district, etc.): | | 261 |
| Other errors by signers (duplicates, etc.): | | 39 |
| Circulator errors: | | 36 |
| Face valid signatures: | | 1,638 |

TOTAL NUMBER OF SIGNATURES QUESTIONED UNDER CHALLENGE: The challenger, Christopher R. Morse, identified 696 individual signatures which he alleges are invalid. Additionally, the challenger alleges the entire filing is invalid for the following reasons: (1) the candidate omitted his middle name in the heading of the nominating petition forms, and (2) numerous date entries allegedly were made by someone other than the signer.

ANALYSIS OF CHALLENGE: With respect to the first allegation, MCL 168.544c(1) does not provide that the omission of the candidate’s middle name is a fatal defect. Instead, that provision refers to the requirement to print “[t]he name...of the candidate” or “Name of Candidate” in the heading of the petition. Here, the candidate’s name is printed as “Sander Levin” in the heading of each petition sheet. Staff recommends the rejection of this aspect of the challenge.

As to the second allegation, the Michigan Election Law does not require the signers of nominating petitions to complete each field in his or her own handwriting (with the obvious exception of the signature). On this point, in *Schmidt v Genesee County Clerk*, 127 Mich App 694 (1983), the Michigan Court of Appeals held that the signer of a recall petition must enter the date of signing in his or her own hand, but this holding is specifically limited to recall petitions:

The statutory provision being challenged is MCL 168.954; MSA 6.1954, which states in part that “[each] signer of the petition shall affix his signature, address, and the date of signing”. The language used by the Legislature clearly and

unambiguously requires the signer of the petition to affix the date of signing personally.

See *Schmidt v Genesee County Clerk, Id.* at 701. The statute on which the Court relied, MCL 168.954, has no parallel with respect to nominating petitions. Staff recommends the rejection of this aspect of the challenge.

As to the challenges to 696 individual entries, challenges against 320 signatures overlapped face review; 135 additional signatures determined to be invalid; and 241 challenged signatures were determined to be valid.

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| Total number of signatures filed: | | 1,974 |
| Signatures discounted under face review: | | 336 |
| Signatures discounted under challenge (signer not registered to vote or not registered to vote in the district, duplicates): | | 135 |
| Valid signatures after challenge: | | 1,503 |

FINAL RESULT: 1,503 valid signatures.

STAFF RECOMMENDATION: Determine petition sufficient.