

# CHAPTER 3 CANDIDATE FILINGS AND FINANCIAL DISCLOSURE REQUIREMENTS

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## GENERAL FILING INFORMATION

**Candidates with Political Party Affiliation Who Seek a Partisan Office:** A candidate who is affiliated with a political party who seeks a partisan office must file a *partisan nominating petition* which bears the requisite number of valid signatures. If the petition is sufficient, the candidate's name is placed on the primary ballot. The following exceptions apply:

- A candidate who is affiliated with a political party that will appear on the primary ballot who seeks the office of State Senator or State Representative or who seeks a county office may file a \$100.00 fee in lieu of a nominating petition. A filing official may only accept a filing fee in lieu of a nominating petitions, when specifically authorized under law. A list of offices which candidates may file a \$100 filing fee follows later in this chapter. **Starting with the 2020 election, township offices may also utilize the \$100 filing fee option.**
- A candidate who is affiliated with a political party that will not appear on the primary ballot who seeks the office of Lieutenant Governor, Attorney General, Secretary of State, State Board of Education, University of Michigan Regent, Michigan State University Trustee or Wayne State University Governor must seek nomination to the office at the party's state convention. A nominating petition cannot be filed. Candidates nominated for the above offices are placed on the general election ballot.
- A candidate who is affiliated with a political party that is qualified to appear on the general election ballot – but not on the primary ballot – must seek nomination at the convention or caucus held by the party to nominate the office involved. A nominating petition cannot be filed. Candidates nominated by the political party are placed on the general election ballot.

**Candidates Without Political Party Affiliation Who Seek a Partisan Office:** A candidate who is not affiliated with a political party who seeks a partisan office must file a qualifying petition which bears the requisite number of valid signatures. If the petition is sufficient, the candidate name is placed on the general election ballot.

**Candidates Who Seek a Non-Partisan Office:** A candidate who seeks a non-partisan office must file a *non-partisan nominating petition* which bears the requisite number of valid signatures. Upon the filing official's determination that the petition is sufficient, the candidate's name is placed on the primary

ballot if a primary is held for the office involved. If a primary is not held for the office involved, the candidate's name is placed on the general election ballot. The following exceptions apply:

- A judicial officer who is running for reelection to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition.
- A candidate who is seeking the office of Supreme Court Justice must receive nomination at a party convention. As an alternative, an incumbent Supreme Court Justice who is running for reelection may file an Affidavit of Candidacy; a non-incumbent can file a qualifying petition. Candidates nominated to the office of Supreme Court Justice are placed on the general election ballot.

## ADDITIONAL FILING REQUIREMENTS

### **Affidavit of Identity:**

All candidates must submit two *Affidavit of Identity* forms (an original and a copy are acceptable) when filing. *A candidate who fails to file an Affidavit of Identity when filing is ineligible to appear on the ballot.* The Affidavit of Identity requirement is provided under Michigan election law, MCL 168.558. The Affidavit of Identity form is useful because it verifies a candidate's intent to seek office, provides pertinent information about the candidate and reduces the chance for name misspellings on the ballot.

Any candidate filing an Affidavit of Identity is required to state on the form 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.

County clerks are required to forward copies of all affidavits submitted by candidates who seek the office of U.S. Representative in Congress, State Representative or Probate Court Judge to the Department of State's Bureau of Elections.

An example of an Affidavit of Identity form is provided in Appendix I. Note: Only Affidavits of Identity with a revision date of 2/2019 or 8/2019 are currently approved.

**Affidavit of Constitutional Qualification:** A candidate who files a petition for a judicial office must file an Affidavit of Constitutional Qualification (one copy) when filing for the office.

**Presidential and Gubernatorial Candidates:** A candidate without political party affiliation who files for the office of U.S. President or Governor is required to comply with special filing requirements related to

his or her candidacy. For complete information, contact the Michigan Department of State's Bureau of Elections.

**PETITION FORMS:** All petitions used by candidates must be in the form required under Michigan election law. Petition forms are available from election officials on the county and local levels. Upon request, the election official must provide a reasonable number of petition sheets at no charge. Candidates can also purchase petition forms from commercial suppliers that produce election materials.

The different types of petitions provided for candidates are described below. It is important to advise candidates to use the appropriate petition form. The use of an inappropriate petition form can affect the candidate's eligibility to appear on the ballot. Current approved petition forms have revision dates of 2015 and 2019.

**Countywide Partisan Nominating Petition:** Must be used by any candidate with party affiliation who seeks a partisan office. Exception: The form may not be used by a partisan candidate who seeks the office of County Commissioner.

**City/Township Partisan Nominating Petition:** Must be used by any candidate with political party affiliation who seeks a partisan office. Must also be used by a candidate with political party affiliation who seeks the office of County Commissioner.

**Countywide Qualifying Petition:** Must be used by any candidate without political party affiliation. Exceptions: The form may not be used by a candidate without political party affiliation who seeks the office of County Commissioner.

**City/Township Qualifying Petition:** Must be used by any candidate without political party affiliation who seeks a city or township partisan office. Must be used by a candidate without party affiliation who seeks the office of County Commissioner.

**Countywide Non-Partisan Nominating Petition:** Must be used by any candidate who seeks a county or state nonpartisan office. Exceptions: The form may not be used by a candidate who seeks a school board position, intermediate school board position, community college trustee position, library board position or a district library board position.

**City/Township Non-Partisan Nominating Petition:** Must be used by any candidate who seeks a nonpartisan office. Exceptions: The form may not be used by any candidate who seeks a school board position, intermediate school board position or community college trustee position.

**Village Non-Partisan Nominating Petition:** Must be used by all candidates who seek a village office.

**School Nominating Petition:** Must be used by candidates who seek a local school board position. Specially designed versions of the petition form are available for candidates who seek a position on an intermediate school board or a community college board of trustees.

## PREPARATION OF PETITION SHEETS

**All Offices:** The heading of each petition sheet must show the candidate's name, address, political party affiliation (if appropriate), the office sought, the district served by the office (if any) and any other required information.

**Judicial Offices:** In addition to the above, petitions circulated for a judicial office must bear the appropriate designation listed below to indicate the office sought by the candidate:

- Regular Term - Incumbent Position
- Regular Term - Non-Incumbent Position
- Partial Term - Incumbent Position\*
- Partial Term - Non-Incumbent Position\*
- New Judgeship

\*Add expiration date of term if more than one partial term will be filled in judicial district.

The terms "vacancy," "partial term" and "unexpired term" are interchangeably used to reference a judicial position which will be filled at an election for less than the full term.

**Obtaining Information on Appropriate Office Designations:** Michigan election law stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge, Probate Court Judge or Probate District Court Judge seeks election in a district where there is a combination of "new" positions, "incumbent" positions and/or "non-incumbent" positions to fill, the candidate must apply to the Department of State's Bureau of Elections for a "written statement of office designation to correspond to the judgeship sought by the candidate."

Michigan election law further directs the Bureau of Elections to designate a judicial position as an "incumbent" position in any instance where 1) there is an incumbent judge eligible to seek reelection to the position and 2) the deadline for filling the Affidavit of Candidacy has not yet elapsed. If the

incumbent judge does not file for reelection by the deadline for submitting an Affidavit of Candidacy, Michigan election law directs the Bureau of Elections to 1) re-designate the position as a “non-incumbent” position and 2) notify all candidates seeking election in the judicial district that a “non-incumbent” position exists. Michigan election law further stipulates that in such instances, 1) nominating petition sheets circulated for the “non-incumbent” position subsequent to the Affidavit of Candidacy filing deadline “shall bear an office designation of non-incumbent position” and 2) signatures collected prior to the Affidavit of Candidacy filing deadline “may be filed with the non-incumbent nominating petitions.” The Affidavit of Candidacy filing deadline elapses 134 days prior to the date of the August primary election.

**PETITION CIRCULATORS:** Circulators are not required to be registered voters or a resident of Michigan. However, they must possess the qualifications to be a registered voter.

**PETITION CIRCULATION:** The following provides general information on the procedures for circulating a petition for public office.

- Before circulating a countywide petition sheet, the circulator must enter the county of circulation in the space provided at the top of the sheet. The signers of the sheet must reside within the listed county. No more than one county can be listed on a sheet.
- Before circulating a city/township, village or school petition sheet, the circulator must enter the county and the city, township or village of circulation in the space provided at the top of the sheet. The signers of the sheet must reside within the listed city, township or village. No more than one county and one city, township or village can be listed on a sheet. If listing a city or a township that shares a name with another city or township in the county, the circulator must indicate whether the jurisdiction listed is the “city” or the “township.”
- The circulator must complete and date the certificate at the bottom of the sheet after gathering the last signature he or she intends to collect on the sheet. Signatures on a petition sheet which are dated after the date of the circulator’s certificate are invalid.
- A petition sheet cannot be circulated by more than one person.

**PETITION SIGNERS:** Each petition signer is required to sign his or her name and enter their street address or rural route number, and the month, day and year of signing on the petition sheet. In addition, though not mandatory, signers are asked to enter their printed name. The printed name makes it easier for the clerk to locate the voter's registration record in cases where the signature is illegible.

- The signers of a countywide petition must be registered voters of a city or township located within the county listed on the petition sheet and the district represented by the office involved. If the signer lives in a city that overlaps county lines, the circulator must make sure the signer affixes his or her signature on a petition sheet which lists the signer's county of residence.
- The signers of a city/township, village or school petition must be registered voters of the city, township or village listed on the petition sheet and the district represented by the office involved. If the signer lives in a city, village or school district that overlaps county lines, the circulator must make sure that the signer affixes his or her signature on a petition sheet which lists the signer's county of residence.
- While it is not necessary for petition signers to sign their name exactly as it appears on their voter registration record, petition signers should be urged to follow this practice. This will assist in the verification of the signer's registration status if necessary.
- A person is not permitted to sign a petition on behalf of another person.
- All signatures on a petition sheet must be affixed in a face-to-face exchange with the petition circulator. A circulator is not permitted to leave a petition unattended.

**SIGNATURE REQUIREMENTS:** the following "population based" signature requirements apply to all state offices, judicial offices, county offices (including county commissioner), township offices (including offices elected in charter townships), city offices (unless otherwise set by charter) and village offices (unless otherwise set by charter). See notes following chart for additional information on petition signature requirements and information on petition signature requirements established for candidates

who seek school board positions; intermediate school board positions; community college trustee positions; district library board positions; and city, township and village library board positions.

Population	Partisan Petition		Non Partisan Petition		Qualifying Petition	
	Min	Max	Min	Max	Min	Max
<b>0 - 9,999</b>	3	10	6	20	9	30
<b>10,000 - 24,999</b>	20	50	40	100	60	150
<b>25,000 - 49,999</b>	50	100	100	200	150	300
<b>50,000 - 74,999</b>	100	200	200	400	300	600
<b>75,000 - 99,999</b>	200	400	400	800	600	1,200
<b>100,000 - 199,999</b>	300	500	600	1,000	900	1,500
<b>200,000 - 499,999</b>	500	1,000	1,000	2,000	1,500	3,000
<b>500,000 - 999,999</b>	1,000	2,000	2,000	4,000	3,000	6,000
<b>1,000,000 - 1,999,999</b>	2,000	4,000	4,000	8,000	6,000	12,000
<b>2,000,000 - 4,999,999</b>	4,000	8,000	6,200	12,000	12,000	24,000
<b>Over 5 million (statewide)</b>	15,000	30,000	30,000	60,000	30,000	60,000



## ADDITIONAL FILING REQUIREMENTS AND OPTIONS

- **State Senate, State House and County Level Positions:** A candidate who is affiliated with a political party that will appear on the primary ballot who seeks the office of State Senator or State Representative or who seeks a county office including the office of County Commissioner, may file a \$100.00 fee in lieu of a nominating petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- **Judicial Positions:** A judicial officer who is running for reelection to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition. No filing fee applicable.
- **Statewide Positions:** In addition to containing the requisite number of valid signatures; a nominating petition filed for the office of Governor or U.S. Senator must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state. No filing fee applicable.

In addition to containing the requisite number of valid signatures, a qualifying petition filed for the office of U.S. President, U.S. Senator, Governor, Secretary of State, Attorney General, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor or Supreme Court Justice must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.

- **County Commissioner Positions:** Candidates seeking the office of county commissioner may file a \$100.00 fee in lieu of a petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- **County Road Commissioner Positions:** Candidates seeking the office of county road commissioner may file a \$100.00 fee in lieu of a petition. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- **Township Positions:** Candidates seeking the office of township supervisor, trustee, clerk, treasurer, or park commissioner may file a refundable \$100.00 fee in lieu of nominating petitions. The filing fee is refunded if the candidate receives nomination to the office or places second in the race.
- **School Board/Intermediate School Board Positions:** Candidates seeking a school board position may file a \$100.00 *nonrefundable* fee, as detailed below, in lieu of a petition:

- **School district with less than 10,000 in population according to the most recent federal census:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- **School district with 10,000 or more in population according to the most recent federal census:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- **Intermediate school district with less than 10,000 in population according to the most recent federal census:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- **Intermediate school district with 10,000 or more in population according to the most recent federal census:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- **Community College Trustee Positions:** In a community college district organized by an intermediate school district of over 1.5 million, the minimum number of valid signatures required is 250. A candidate may not file more than 500 signatures to cover the requirement. (MCL 389.83)

In all other community college districts, the following signature requirements apply (MCL 389.512 as amended under PA 62 of 2005):

- **Community college district with less than 10,000 in population according to the most recent federal census:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- **Community college district with 10,000 or more in population according to the most recent federal census:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- **District Library Board Positions:** Candidates seeking a district library board position may file a \$100.00 *nonrefundable* fee, as detailed below, in lieu of a petition:
  - **District with less than 10,000 in population according to the most recent federal census:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
  - **District with 10,000 or more in population according to the most recent federal census:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

- **Library Board Positions Within a City, Township or Village:** Candidates seeking a district library board position may file a \$100.00 *nonrefundable* fee, as detailed below, in lieu of a petition.
  - **Library board positions within cities, townships and villages with less than 10,000 in population:** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
  - **Library board positions within cities, townships and villages with 10,000 or more in population:** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

**PRECINCT DELEGATE FILINGS:** A person who wishes to seek a precinct delegate position must file two Affidavit of Identity forms with the clerk of his or her county. Petition signatures are not required.

To facilitate the precinct delegate candidate filing process, an Affidavit of Identity designed exclusively for use by precinct delegate candidates has been developed by the Department of State's Bureau of Elections. An example of the form is provided in *Appendix I*. The form is available through commercial vendors. The availability of the precinct delegate Affidavit of Identity form does *not* preclude a precinct delegate candidate from filing with the *standard* Affidavit of Identity form.

Precinct delegate candidates are *not* required to file disclosure forms under Michigan's Campaign Finance Act. Consequently, precinct delegate candidates are *not* required to file the "campaign finance compliance statement" required under PA 217 of 1999. (See: "Financial Disclosure Filing Requirements" below for additional information.)

## CHECKING FILINGS: STEP ONE—PRELIMINARY INSPECTION

Petitions filed by candidates must be checked to determine if they comply with the governing provisions of Michigan election law. All candidates must file petitions containing the requisite number of signatures (or filing fee if permitted by law) and two Affidavits of Identity on or before the filing deadline. Petitions, filing fees and Affidavits of Identity submitted after the filing deadline may not be recognized. In addition, while "supplemental" filings may be accepted up until the filing deadline, the initial filing must contain at least the minimum number of required signatures or full fee and two completed Affidavits of Identity.

**Receipt of Filing:** It is important that the filer be provided with a receipt that documents the following information: 1) date that the filing was received 2) number of petition sheets received 3) an estimate of the number of signatures filed 4) if a fee was filed in lieu of petitions, the amount received and method

of payment and 5) a statement that the filing contained the required Affidavits of Identity. The receipt should be signed by the official who received the filing. If a 3-part Affidavit of Identity is used, the third copy may be returned to the filer as the receipt; as an alternative, a copy of the affidavit may be used for this purpose. Otherwise, a separate receipt must be provided.

The review of the filing documents is performed in two steps with the first step being the preliminary inspection. During the preliminary inspection, the Affidavits of Identity and petition sheets are visually reviewed for completeness and accuracy.

**Affidavit of Identity:** All areas of the affidavit must be complete. In addition, the affidavit must be signed by the candidate and notarized. If the filing was made in person, it is recommended that this inspection be performed while the filer is present. This allows any errors or omissions to be immediately brought to the attention of the filer. Certain errors and omissions, if not corrected by the filing deadline, could result in the disqualification of the candidate.

Affidavits of Identity filed by candidates must be checked to determine if they comply with the governing provisions of Michigan election law. The following areas must be checked:

- **Candidate Information:** This section contains the name, address, and mailing address of the candidate.
- **Additional Information:** This section requests the candidate's phone number, date of birth, email address, and campaign website.
- ☐ **Office Sought:** The section contains information used to identify the office sought, the election, and the term as well as corresponding ballot information, including how the candidate's name should appear on the ballot.
- **Filer's Acknowledgement:** The section is for the candidate to indicate what documents are included in the filing.
- **Statements and Attestation:** Candidates must check the citizenship and acknowledgement that they meet the statutory and constitutional requirements of the office and sign the compliance statement and attestation before a notary public; the candidate's signature must be notarized. By signing the affidavit, the candidate attests to the accuracy of the information provided and acknowledges the penalty for any false or untrue statements.

**PETITIONS:** All areas of each petition sheet must be complete. The following areas must be checked:

- **The heading:** The heading of each petition sheet must be completely filled out and include the name of the city, township or county where the petition was circulated, the name of the candidate, the office sought and the candidate's party (if applicable). If errors are found in the heading of the sheet, the validity of the signatures on the sheet may be in question. Contact the Department of State's Bureau of Election for direction.
- **The circulator's certificate:** The circulator's certificate must contain the circulator's signature and address (street and number or rural route). An incomplete address invalidates the entire sheet of signatures. In addition, the circulator's certificate must be dated. A circulator's certificate which is not dated or dated after the petition was filed invalidates the entire sheet of signatures.

Michigan election law provides that a circulator's failure to 1) enter a Zip Code in the circulator's certificate or 2) enter a correct Zip Code in the circulator's certificate does *not* affect the validity of the petition sheet. As a result, no consideration should be given to the Zip Code entry in the circulator's certificate when reviewing petitions for validity.

A petition sheet is invalid and none of the signatures affixed to the petition sheet shall be counted as valid if the circulator is not a resident of Michigan and fails to mark the nonresident box in the Certificate of Circulator.

- **The body:** The signers' addresses must be complete (street and number or rural route) and located within the city, township or county listed in the heading. (On countywide petitions, each signer must list his or her city or township of registration.)

An incomplete address or an address outside of the city, township or county listed in the heading voids the signature. In addition, the signatures must be dated. Signatures which are not dated, dated after the date on the circulator's certificate, or dated prior to the first date the petition could be circulated are void. In addition, all signatures submitted on a qualifying petition must have been collected within the preceding 180 day period; signatures which are dated more than 180 days prior to the date of filing are invalid.

Michigan election law provides that a signer's failure to 1) enter a Zip Code in the Zip Code column or 2) enter a correct Zip Code in the Zip Code column does not affect the validity of the signer's

signature. As a result, no consideration should be given to the Zip Code entries on petition forms when reviewing petitions for validity.

## CHECKING FILINGS: STEP TWO—REVIEW AND FINAL DETERMINATION

The review and final determination should always be completed as quickly as possible following the receipt of the initial filing as candidates have the right to submit “supplemental” filings up until the filing deadline. For this reason, candidates should always be encouraged to file early and file more than the minimum number of required signatures.

Immediately after completing the preliminary inspection, the voter registration status of each signer must be checked to determine if he or she was registered in the jurisdiction named in the heading of the petition on the date that the petition was signed. This check may be made using master cards or the QVF. If it is discovered that the signer’s voter registration is canceled, check the date of cancellation. If the cancellation took place *after* the date of signing, the signature may be used. If the cancellation took place *on or before* the date of signing, the signature is *invalid* and may not be used. In addition, each signature must be reviewed for compliance with the following standards:

- **Initials:** If the name is signed Robert Charles Jones on the registration card, do not reject the signature if it is signed R.C. Jones or R. Jones on the petition. The reverse is also true: if the name is signed Andrew L. Smith on the registration card, do not reject the signature if it is signed Andrew Smith on the petition.
- **Titles:** If the name is signed Helen Jones on the registration card, do not reject the signature if it is signed Dr. Helen Jones or Rev. Helen Jones on the petition.
- **Illegible handwriting:** Many people have distinctive signatures that are not easy to read. Even if a signature is impossible to read, it must be counted if it matches the person’s signature on the registration card.
- **Two signatures in same handwriting:** Most election officials who are experienced petition checkers can recognize when two signatures have been executed by the same hand. If one of the signatures can be identified from the registration record, count it and reject the other signature. (This generally occurs when an individual signs a petition for his or her spouse.)

- **Printed signatures:** Generally, a printed name on a petition is not acceptable. However, if the person normally prints his or her signature (the registration record will show this), the signature is acceptable.
- **Different registration address:** If the signature on the petition is the same as the signature on the registration card, but the address is different, the signature must be counted if the address on the petition is still located within the city or township and district, if applicable.
- **Name change:** If the person's name has changed because of marriage or court action and the person signs his or her "new" name to a petition, the signature is acceptable as long as the person can be identified in the jurisdiction's registration records.
- **Miscellaneous irregularities:** Signatures signed in the following ways may be accepted if the signer can be identified in your registration records: Mr. J. Smith; Mrs. Robert Jones; Ms. J. Green. The same rule applies if the signer attaches a nickname to his or her signature (for example, "Dead Eye" Dick Smith).

**Acceptable sheet irregularities:** The following irregularities do not affect the validity of petition sheets:

- Village or "unincorporated place" listed instead of township when village or "unincorporated place" is contained within a single township.
- Illegible circulator signature.
- Any of the following: circulator prints name in entry provided for signature; circulator fails to print name in entry provided for printed name; circulator enters his or her cursive signature in entry provided for printed name.
- Circulator fails to enter his or her Zip Code or enters an incorrect Zip Code.
- Circulator lists village or "unincorporated place" instead of township of registration when village or "unincorporated place" is contained within a single township.

**Petition Signature Validity:** A signature is not acceptable if it contains one or more of the irregularities or omissions listed below. The codes used to mark irregularities and omissions on petition sheets are shown to the left of the descriptions.

- NR Not registered in jurisdiction.
- CO Signature crossed out prior to filing.
- OC Address outside of city or township listed in heading.
- ND Signature not dated or incompletely dated.
- ED Signature dated before first date permitted under law.
- SDC Signature dated after circulator dated sheet.
- NA No street address or rural route number listed.
- IN Signature appears as follows: Mrs. Smith, Mr. Smith, John, Jane.
- MC Miscellaneous identification problem.

**Acceptable signature irregularities:** The following irregularities do not affect the validity of petition signatures:

- Signature appears as follows: J. Smith; J.B. Smith; Mrs. J. Brown; Mrs. J.B. Brown; Mrs. John Brown.
- Illegible signature.
- Any of the following: signer prints name in entry provided for signature; signer fails to print name in entry provided for printed name; signer enters his or her cursive signature in entry provided for printed name. (Note: A signature is not acceptable if signer prints name in entry provided for printed name -- and fails to enter his or her signature in the signature entry.)
- Signer fails to enter his or her Zip Code or enters an incorrect Zip Code.
- Ditto marks.



**Attention to Detail Advised:** Michigan contains 83 counties, 280 cities, 1,240 townships and 253 villages. Contained within Michigan's townships are numerous "unincorporated places" which bear separate, unique names. Additionally, all of the state is served by post offices with names that in many cases do not correspond to the names of the cities, townships and villages they serve. Circulators using the "city/township" petition form are advised of the following:

- **Cities and townships:** All registered voters in Michigan are registered in a single city or township within the state. Because many cities and townships share the same name, it is important that the place of registration listed in the heading of the petition sheet be clearly identified as a "city" or a "township." For example, in Shiawassee County there is a City of Owosso and a Township of Owosso.

It is emphasized that if a registered voter signs a petition sheet that lists -- in its heading -- the wrong community of registration, the signature is invalid. For example, if a voter registered in the City of Owosso signs a sheet which lists the Township of Owosso in its heading, the signature is invalid.

A number of cities in the state overlap county boundary lines. (No townships overlap county boundaries.) When obtaining a signature from a voter who is registered in a city that crosses county boundaries, make sure that the voter signs a sheet which properly identifies the voter's city *and* county of registration.

- **Villages:** Villages are Michigan's smallest units of government. Some villages are wholly contained within a single township; others cross township boundaries. (Villages are not contained within nor do they cross into cities.)

A village resident who signs a "city/township" petition form must sign a sheet which bears – in its heading – the name of the village resident's township of registration. Further, the signer must be registered to vote in the *township*. A signature affixed to the petition by a village resident will be found invalid if the person is not registered at the township level.

If an error is made and the name of a village is listed in the heading of a petition sheet, the sheet will be accepted if the village is wholly contained within a single township. As noted above, the signers of the sheet must hold registrations at the township level. A petition sheet will be found invalid if it lists – in its heading – the name of a village that crosses township boundaries.

- **Unincorporated places:** Michigan contains a number of unincorporated places that do not qualify as units of government as do cities, townships and villages. Some unincorporated places are wholly contained within a single township; others cross township boundaries. (Unincorporated places are not contained within nor do they cross into cities. Exceptions may be found.) Michigan residents who live in unincorporated places register to vote with their township clerk.

A resident of an unincorporated place who wishes to sign a “city/township” petition form must sign a sheet which bears – in its heading – the name of the person’s *township* of registration. If an error is made and the name of an unincorporated place is listed in the heading of a petition sheet, the sheet will be accepted if the unincorporated place is wholly contained within a single township. A petition sheet will be found invalid if it lists – in its heading -- the name of an unincorporated place that crosses township boundaries.

- **Post offices and Zip Codes:** All post offices are referred to by name and serve delivery areas of varying sizes. Each delivery area is assigned a Zip Code. In some cases, the name of a person’s post office will correspond to the name of the person’s city or township of residence. In other cases, especially in sparsely populated areas, the name of the person’s post office will not correspond to the name of the person’s city or township of residence. Thus, a person’s mailing address may or may not correspond to the name of the city or township where the person is registered to vote. For example, East Lansing residents are registered to vote in the City of East Lansing and have an East Lansing mailing address. However, persons registered to vote in Genesee Township, Richfield Township and Vienna Township in Genesee County have a Mt. Morris mailing address.

When circulating a “city/township” petition form – especially in sparsely populated areas – make sure that potential signers of the petition correctly identify the city or township in which they are registered to vote and sign a petition sheet which bears the name of that city or township. For example, if a voter registered in Genesee Township, Genesee County signs a sheet which lists Mt. Morris (the name of the voter’s post office), the signature is *invalid*.

**SUPPLEMENTAL FILINGS:** As noted above, supplemental filings may be made up until the filing deadline. Therefore, if after completing the review of the filing documents it is determined that the filing is insufficient it is recommended that the candidate be immediately notified of the determination so that arrangements can be made to obtain any additional signatures or affidavits prior to the filing deadline. If the number of valid signatures falls short of the number needed to certify the candidate to the ballot, the candidate must be provided with one or more blank petition sheets for obtaining the additional

signatures. If the insufficiency is the result of an error or omission on the Affidavit of Identity, the candidate has the option of submitting a new affidavit or correcting the problem via an amendment to the original document.

Caution! Once a petition sheet and Affidavit of Identity have been filed, they become public record and may not be released or altered.

Any additional documents received as part of a supplemental filing should be attached to the original filing documents received. A receipt which lists the additional documents and the date upon which they were received must be prepared and a copy provided to the filer.

**WITHDRAWAL DEADLINE:** Once the filing deadline has passed, candidates have until 4:00 p.m. on the third day following the filing deadline to formally withdraw their name as a candidate. All withdrawals must be submitted in writing. The request must be signed by the candidate. If a withdrawal is received by the deadline, the original filing documents are retained until January 1 following the election for which they were filed.

### **CHALLENGE DEADLINE AND PROCEDURE:**

The validity of signatures appearing on petitions may be challenged up to seven days following the filing deadline (MCL 168.522). The challenge must specify each signature being challenged and the reason why the validity of the signature is being questioned. To challenge anything other than specific signatures, a full written description of what is being challenged must be submitted.

### **PUBLIC RECORD OF NOMINATION PETITIONS FILED AND FINAL DISPOSITION:**

Filing officials are required to maintain a public record of all petitions received and how the petitions were disposed of January 1 following the election for which they were filed. The record, which must be maintained for two years beyond the election for which the petitions were filed, must contain the following information: 1) date that the petitions/fees or other documents were received 2) the office sought 3) the name of the candidate 4) the number of signatures required 5) number of signatures filed and 6) final disposition (petitions were returned or destroyed January 1 following the election).

In addition, local clerks are required to forward copies of all affidavits submitted by candidates to the County Clerk no later than the third day after the withdrawal deadline. County Clerks are required to forward copies of all affidavits submitted by candidates who see the Office of U.S. Representative in

Congress, State Senator, State Representative, or Probate Court Judge to the Department of State's Bureau of Elections.

**PUBLIC AVAILABILITY OF CANDIDATE FILINGS:** All filings for public office are public records. Therefore, election officials are required to cooperate with all reasonable requests to inspect the filings. A well-organized filing system and a filing log will greatly facilitate the handling of these requests.

**FINANCIAL DISCLOSURE FILING REQUIREMENTS:** Candidates seeking state, judicial, county, city, township, village and certain school offices in Michigan must meet the disclosure obligations provided under Michigan's Campaign Finance Act. A state, judicial or local candidate must meet the disclosure requirements of the Act even if he or she uses personal funds to campaign; does not receive or spend any funds when seeking office; or is running a write-in campaign.

Candidates running for federal office are subject to federal campaign finance disclosure laws. Information on the federal campaign finance disclosure laws can be obtained from the Federal Election Commission, 999 E. Street - N.W., Washington, D.C. 20463. Toll free line: (800) 424-9530, or on-line at [www.fec.gov](http://www.fec.gov).

- A candidate for a state elective office is required to submit all filings required under the Act to the Michigan Department of State's Bureau of Elections. State elective offices are: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Senator, State Representative, State Board of Education, University of Michigan Regent, Michigan State University Trustee and Wayne State University Governor. Judicial offices include the offices of Supreme Court, Justice, Court of Appeals Judge, Circuit Court Judge, District Court Judge, Probate Court Judge, Probate District Court Judge and Municipal Court Judge.
- A candidate for a county, city, township, village, school or other local elective office is required to submit all filings required under the Act to the clerk of the county in which he or she resides. EXCEPTION: A candidate for a school board seat or any other local seat that will be voted on in more than a single county files with the clerk of the county in which the greatest number of voters eligible to vote on the office reside.

**Candidates Exempt from Filing Requirements:** A candidate who seeks a precinct delegate position is not subject to the filing requirements of the Campaign Finance Act. As a consequence, candidates for precinct delegate positions are *not* required to file a Statement of Organization or Campaign Statements.

A candidate who seeks a school board seat is not subject to the filing requirements of the Campaign Finance Act if he or she meets the following conditions:

- The school district in which the office is being sought has a pupil membership count of 2,400 or less; **and**
- The candidate's Candidate Committee receives or expends \$1,000.00 or less for the election.

A candidate exempt from the Campaign Finance Act is still obligated to include proper identification on printed and broadcast materials related to the election and may *not* accept contributions from any source prohibited from contributing to other candidates (i.e. corporations, labor unions, Indian tribes, persons holding a 1% or greater interest in a Detroit casino, public bodies or Ballot Question Committees).

**Compliance with the Act:** As soon as a person becomes a "candidate" under the Act (see below), he or she is required to form and register a Candidate Committee. A candidate registers a Candidate Committee by filing a Statement of Organization with his or her filing official. After the committee is registered, Campaign Statements are filed periodically to disclose the committee's campaign finance activity.

**Definition of "Candidate":** An individual becomes a candidate under the Act as soon as he or she files a fee, Affidavit of Candidacy or a nominating petition for an elective office; is nominated as a candidate for elective office at a political party convention or caucus and certified to the appropriate filing official; receives a contribution or makes an expenditure in an attempt to be nominated or elected to office; or gives consent to someone else to receive a contribution or make an expenditure in an attempt to be nominated or elected to office.

- An elected officeholder is considered to be a candidate for reelection to the office he or she holds unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline.
- A person appointed to an elective office is not a candidate under the Act until he or she meets the above definition or is the subject of a recall election.
- A person nominated at a primary through write-in votes who has not received or spent any funds in order to be elected becomes a candidate under the Act five days after the nomination is certified by the Board of Canvassers.

- A person elected to office at an election through write-in votes who has not received or spent any funds in order to be elected becomes a candidate under the Act on the date the election is certified.
- An individual who receives a contribution, makes an expenditure, or gives consent to another person to receive a contribution or make an expenditure for the purpose of seeking write-in votes at an election is a candidate as soon as he or she receives the contribution or makes the expenditure or gives consent to the other person to receive the contribution or make the expenditure.
- There are no provisions in Michigan election law or in the Campaign Finance Act for “testing the waters.” A person who spends or receives money to “test the waters” for an elective office becomes a candidate as soon as he or she spends or receives money or authorizes anyone else to spend or receive money.
- An officeholder who is term-limited is no longer a candidate for that office and therefore can no longer make campaign related expenditures from his or her Candidate Committee account for that office.

**Post-Election Campaign Finance Compliance Statement:** A candidate subject to Michigan’s Campaign Finance Act who is elected to a state, county, city, township, village or school office is required to file a Post-Election Campaign Finance Compliance Statement form *prior to assuming office*. The Post-Election Campaign Finance Compliance Statement form states that at the date the form 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 the Michigan Campaign Finance Act ... have been filed or paid.”

The form is *not* required of an elected candidate who did not receive or expend more than \$1,000.00 during the election cycle. In addition, the 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 the 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 the form prior to assuming office is guilty of a misdemeanor.

- An elected candidate subject to the Post-Election Campaign Finance Compliance Statement filing requirement who knowingly files a false statement is guilty of perjury; a felony punishable by a fine up to \$1000.00 or imprisonment for up to 5 years or both.