



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

May 23, 2022

REVIEW OF NOMINATING PETITIONS

TUDOR DIXON
Republican Candidate for Governor

NUMBER OF VALID SIGNATURES REQUIRED: 15,000 signatures.

TOTAL FILING: 29,240 signatures.

RESULT OF REVIEW: 29,041 facially valid signatures

Total number of signatures filed		29,240	
Challenged signatures (circulator attempted to correct jurisdiction error after signature)	<i>Less:</i>	122	
Number of signatures on sheets submitted by fraudulent-petition circulators	<i>Less:</i>	77	
TOTAL		29,041	

Staff reviewed each petition sheet submitted by Ms. Dixon. During that review, staff flagged each sheet which was signed by a fraudulent-petition circulator. For additional information on sheets submitted by fraudulent-petition circulators, see *Staff Report on Fraudulent Nominating Petitions*.

In total, staff’s review of Ms. Dixon’s petition sheets identified 77 invalid signatures and 29,041 facially valid signatures.

Signatures from the following fraudulent-petition circulators¹ were included in Mr. Johnson’s submission:

Stephen Tinnin	73 signatures
Freddie Toliver	<u>4 signatures</u>
	77 signatures

¹ Staff also identified 1,076 signatures submitted by Diallo Daniely, many of which appeared to be signatures of dubious authenticity. However, unlike circulators who were included in the staff report on fraudulent nominating petitions, it was not the case that every signature submitted by Diallo Daniely did not have any redeeming qualities. Accordingly, staff did not include his petitions among the fraudulent-petition circulator petitions. Regardless, there were not a sufficient number of signatures submitted by Diallo Daniely to bring Ms. Dixon below the threshold required for qualification to the ballot even if all of those signatures were invalid.

CHALLENGE: Maryanne Illman filed a challenge to Tudor Dixon’s nominating petitions. Ms. Illman alleged that all of Ms. Dixon’s petitions should be rejected because the header of the petitions listed the gubernatorial term sought as ending in 2026, rather than in 2027. The term of office ends at noon on January 1, 2027.² Because the challenge, if successful, would have disqualified all of Dixon’s petitions, staff processed the challenge.

The challenge notes, “the Michigan Election Law does not require a gubernatorial candidate to provide a term expiration date on a nominating petition[.]” Regardless, the challenger argues that no gubernatorial term ends in 2026 and that the heading is misleading to voters and inconsistent with the requirements of Michigan Election Law. However, an office’s term expiration date is not among the required elements on a nominating petition. MCL 168.544c. In an unpublished opinion,³ the Michigan Court of Appeals cited *omission* of a *required* element on a nominating petition as a reason for invalidating the signatures collected on that petition. However, *inclusion* of an element that is *not required*, even if that element is incorrect, does not carry the same penalty as long as the inclusion is determined to be harmless.⁴

In its guidance to candidates, the Bureau of Elections states that “[F]or all offices except certain judicial offices, the failure to include the “Term Expiration Date” does not render a petition sheet invalid if the filing official can ascertain which position the candidate is seeking.”⁵ (emphasis in original). The guidance goes on to provide that when there is only one possible term for an office, inclusion of the expiration date need not be included. Omitting an expiration date—when there is only one possible date and the element is not required—is similar to including an expiration date when there is only one possible date, and the element is not required. Therefore, the defect in the Dixon nominating petitions is similarly harmless and staff recommends rejection of the challenge. See also *Freeman v. Board of State Canvassers*, Dkt No. 310933 Mich. App. 2012 (stating that omissions are not fatal if location on the ballot can be readily be determined).

Additionally, Ms. Illman alleges that 25 of the names of signatories on Ms. Dixon’s petition sheets belonged to apparent deceased individuals, and that four of Dixon’s sheets were circulated by a fraudulent-petition circulator. However, even with the exclusion of all of those signatures, Dixon would easily meet the threshold for inclusion on the ballot.

Finally, Ms. Illman challenges every signature on sheets circulated by Corey Jamison as it appears the city or township name for all signers has been modified. Jamison submitted 122 signatures. Staff agrees with the argument made in this challenge; however, even if all were determined to be invalid, it would not affect Ms. Dixon’s eligibility.

Because the challenges which staff recommends accepting and the signatures submitted by fraudulent-petition circulators do not place a sufficient number of signatures into question to bring Ms. Dixon below the threshold of required signatures, staff recommends rejecting the challenge and determining the petition sufficient.

STAFF RECOMMENDATION: Determine petition sufficient.

² MCL 168.63

³ [Aiello v. Sabaugh, 2016 Mich. App. LEXIS 1214, 2016 WL 3421388](#)

⁴ See Comm. to Ban Fracking in Mich. V. Sec’y of State, 2020 Mich. App. LEXIS 2563 (finding that the inclusion of the incorrect election date in the heading of a statewide initiative did not render the entire petition sheet invalid).

⁵ Michigan Dep’t of State, Bureau of Elections, [Circulating and Canvassing Countywide Petition Forms: Nominating and Qualifying Petitions](#) at 7 (April 2020).