



STATE OF MICHIGAN  
BUREAU OF ELECTIONS  
LANSING

May 24, 2024

**REVIEW OF NOMINATING PETITIONS**

Rhonda Powell  
Democratic Candidate for U.S. Representative in Congress, 10<sup>th</sup> District

**NUMBER OF VALID SIGNATURES REQUIRED:** 1,000 signatures.

**TOTAL FILING:** 964 signatures.

Staff's signature count of Powell's petition sheets identified 964 signatures submitted, which was fewer than the 1,000-signature threshold and rendered her ineligible for the ballot.

**CHALLENGE:** Two individuals filed challenges to Powell's nominating petitions.

In the first challenge, Kayli McTague did not challenge any individual signatures, but alleged that Powell submitted insufficient signatures to qualify for ballot access. In support of her argument, she provided a tally of signatures submitted by Powell.

In the second challenge, Carlos Matti also argued that Powell failed to submit the minimum number of signatures needed for ballot access. In addition, he challenged individual signatures, alleging that they were provided by signers that indicated an address outside of the electoral district for the office sought (issue code "OD").

In sum, Matti challenged 17 signatures.

Powell responded to the challenges, asserting that she submitted 1,044 petition signatures on April 22, 2024, and 77 signatures as a supplemental filing on April 23, 2024. She attached to her response copies of the additional petitions purportedly filed. She did not attach copies of her initial filing, or otherwise explain her claim that her initial submission consisted of 1,044 signatures where the staff count yielded 964 total signatures.<sup>1</sup> Additionally, she argued that she was not notified by staff that prior to the filing deadline that she had not submitted a sufficient number of signatures submitted, and cited MCL 168.553 and the Michigan Election Officials manual.

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<sup>1</sup> She did not, for example, argue that she submitted more than 120 petition sheets in her initial filing. Accordingly, staff cannot determine the basis for her claim that her initial submission consisted of 1,044 signatures rather than the staff count of 964. Like most petitions submitted, her initial submission included lines without signatures and lines with crossed out signatures.

Following the initial signature count, Powell was left with 964 signatures, which is fewer than the 1,000 signatures needed for ballot access. Accordingly, it was unnecessary to conduct a face review or to process either of the challenges or Powell’s response.

**PURPORTED SUPPLEMENTAL FILING:** Staff has no record of a supplemental filing by Powell. When staff contacted Powell and asked for a copy of the receipt she would have received, she replied:

Unfortunately, the consultant we used to finalize our petitions and submit the supplemental filing on April 23<sup>rd</sup> (Londell Thomas), has been unable to locate the receipt he was given. However, he insists that the Bureau should have a record of the filing and his attendance on that day.

Londell Thomas was present at the Austin Building on April 23, 2024, and submitted petitions for several candidates. Thomas was stopped from submitting additional petitions at the 4 p.m. filing deadline.

When individuals submit nominating petitions to the Bureau of Elections and when they submit supplemental filings, they receive a receipt from Bureau of Elections staff. Nominating petitions for each candidate are scanned and stored in labeled folders and boxes, which are stored in a central location in the Bureau of Elections. Upon receiving Powell’s response that she had submitted a supplemental filing, staff re-checked the location in which petitions are stored and verified that there were no additional petitions for Powell.

Regardless, even if Powell did submit 77 supplemental signatures, Powell would still not have a sufficient number of valid signatures. Following Powell’s response regarding the purported supplemental filing, staff face reviewed Powell’s initial petition sheets and identified 57 invalid signatures and 907 valid signatures.

<b>Total number of signatures filed</b>		<b>964</b>
Invalid signature (signature is omitted or does not sufficiently agree with signature on file)	<i>Less:</i>	1
Duplicate signature (voter signed petition multiple times, or signed nominating petitions for more candidates than there are persons to be elected to the office)	<i>Less:</i>	2
Invalid date (no date given by signer, date of birth entered, or date given by signer is later than circulator’s date of signing)	<i>Less:</i>	37
Invalid address (address is blank or missing house number or street name)	<i>Less:</i>	1
Circulator information missing (circulator did not sign or date petition, etc.)	<i>Less:</i>	15
Illegible	<i>Less:</i>	1
<b>Total number of face valid signatures after face review</b>		<b>907</b>

The purported supplemental filing contains 77 signatures. Even if those signatures had indeed been timely filed and were all face valid, Powell would have 983 face valid signatures, which is below the 1,000-signature threshold.

Powell also argues that under MCL 168.553, staff should have notified her “immediately” that she had submitted fewer than 1,000 signatures in her original filing. Her filing was submitted on April

22, 2024, the day before the filing deadline. The statute does not require filing officials to instantaneously count signatures in an original filing and instantaneously notify the candidate how many signatures the candidate has filed. Rather, the statute provides:

In case it is determined that the nominating petitions of any candidate do not comply with the requirements of this act, or if for any other cause such candidate is not entitled to have his name printed upon the official primary ballots, it shall be the duty of the secretary of state or county or city clerk to immediately notify such candidate of such fact, together with a statement of the reasons why his name was not certified to the respective boards of election commissioners.

MCL 168.553

The statute requires the filing official to notify a candidate as soon as the candidate's petition is deemed insufficient. It does not require an instantaneous, pre-filing deadline count of signatures and instantaneous notification to the candidate. As practical matter, this is not possible for several reasons. First, the sufficiency of the petition is not decided by Bureau staff; staff make a recommendation to the Board of State Canvassers, which determines the sufficiency of the petition. Second, other individuals have the right to challenge petitions after the filing deadline.

Third, it is not possible for staff to instantaneous count all signatures filed with the Bureau. At least 420,254 signatures were submitted to staff prior to the April 23, 2024, filing deadline, with most of those filings taking place on April 22 or 23 (as was the case for Powell, who filed on April 22). Those signatures are hand-counted by staff. As a courtesy to candidates, when candidates file further in advance of the filing deadline, staff count signatures and notify candidates who have not filed enough total signatures (even before face review, challenge, and signature lookup). In the Election Officials' Manual, cited by Powell, the Bureau recommends clerks do the same for their filings. However, the volume of signatures submitted on April 22 and 23 makes it infeasible to count those signatures in real time and to notify candidates of any insufficiency.

**STAFF RECOMMENDATION:** Determine petition insufficient.