



ELECTION NEWS

A special informational bulletin on the implementation of Michigan's new "consolidated elections" legislation

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 31

March 23, 2006

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Affidavit of Identity Revision Finalized

-- All county, city and township clerks are strongly encouraged to replace their current supplies of Affidavit of Identity forms with revised versions --

The planned Affidavit of Identity revision referenced in *Election News* No. 28 (November 30, 2005) has been finalized. Many thanks are extended to the county and local election officials who responded to our request for comments on the proposed revision.

The newly adopted revision eliminates the "campaign finance compliance statement" check off box and incorporates the required campaign finance compliance language in the attestation which must be signed at the bottom of the form.

Two versions of the newly revised Affidavit of Identity form are available: 1) a "universal" version developed for use by all candidates and 2) a version developed for use by school board candidates. (A third version of the form, developed for use by precinct delegate candidates, was *not* revised as precinct delegate candidates are not subject to the disclosure requirements provided under Michigan's Campaign Finance Act.)

Copies of the newly revised Affidavit of Identity forms are attached for review. The revised forms are also available on the Department's website <www.michigan.gov/sos>.

All county, city and township clerks are strongly encouraged to replace their current supplies of Affidavit of Identity forms with the revised versions. The revised Affidavit of Identity forms can be obtained through the commercial printers who produce election related forms and materials.

It merits note that candidates who have already filed for the August 8, 2006 primary with the Affidavit of Identity form which has been in use up to this date are not required to refile for office. Similarly, election officials can continue to accept the Affidavit of Identity forms which have been in use up to this date until a supply of the revised forms has been obtained.

November 7, 2006 Village Elections: Points to Remember

Villages that did not opt to elect their public officials on the odd-year September primary date must conduct their elections in conjunction with the even-year November general election. As a consequence, many villages will be employing the November 7, 2006 general election to fill their elected positions. (A listing of the villages that are required to fill their elected position in conjunction with the even-year November general election can be accessed through the Department's website <www.michigan.gov/sos>.) *(MCL 168.642(6)(7) as amended under PA 292 of 2004)*

- Village elections must be conducted as non-partisan elections. In addition, village primary elections have been abolished. Consequently, every candidate who submits a valid filing for a village office will appear on the November 7, 2006 general election ballot. Michigan election law stipulates that the village offices must be placed on the non-partisan section of the ballot immediately after the office of District Court Judge. *(MCL 168.642(6)(b) as amended under PA 292 of 2004; MCL 168.699 as amended under PA 71 of 2005; MCL 78.23 as amended under PA 304 of 2003)*
- In an instance where a village conducts its regular elections on the even-year November general election date, the township clerk is responsible for conducting the village's regular elections. The township clerk is also responsible for conducting all of the village's special elections. *(MCL 168.642 (6)(7) as amended under PA 292 of 2004)*
- In an instance where the township clerk is responsible for conducting a village's regular elections, the candidates who wish to seek office in the village must file with the township clerk. If the village is located in more than a single township, the candidates must file with the clerk of the township in which the greatest number of registered electors in the village reside. *(MCL 168.381(4) as amended under PA 71 of 2005)*
- A candidate who wishes to seek a village office which will be elected at the November 7, 2006 general election must file a Village Non-Partisan Nominating Petition and an Affidavit of Identity no later than 4:00 p.m. on May 16, 2006. IMPORTANT: House Bill 5813 would move the filing deadline which must be observed by village candidates to 4:00 p.m. on the twelfth Tuesday prior to the November general election (August 15). Immediate notification will be provided if the bill is enacted and signed into law.
- If the village does not have a charter which sets non-partisan petition signature requirements, the following signature requirements apply:

<i>Population of Village</i>	<i>Signatures Required on Nonpartisan Nominating Petitions (Unless otherwise specified by charter)</i>	
	Min	Max
Up to 9,999	6	20
10,000 – 24,999	40	100
25,000 – 49,999	100	200

- Villages are required to reimburse any expenses incurred by a township when conducting a regular or special election on behalf of the village. If a regular or special village election is held in conjunction with another election conducted by the township, the village is responsible for paying the township a proportionate share of the election expenses involved. If a regular or special village election is not held in conjunction with another election conducted by the township, the village is responsible for 100% of the costs attributable to the conduct of the village’s regular or special election. (*MCL 168.642(7) as amended under PA 292 of 2004*)

USPS Establishes Website for Election Officials

[<www.usps.com/electionmail>](http://www.usps.com/electionmail)

The United States Postal Service (USPS) has established a new online resource for election officials. The site offers information on how to plan, address and design election mail. Templates and links to related websites are also offered.

Other features include an updated Election Mail Users Guide, instructions for using the Election Mail logo and information on contacting local postal authorities.

“Mailing Resources for Election Officials” can be accessed at [<www.usps.com/electionmail>](http://www.usps.com/electionmail).

Election Resources Available on Department’s Website

The following information can be accessed through the Department’s website:

- Michigan election law.
- May 2, 2006 election date calendar.
- Voter information poster for May 2, 2006 election.
- Date calendar for August 8, 2006 primary and November 7, 2006 general election.
- Filing requirements for state level partisan candidates who wish to seek election in 2006.

- Filing requirements for non-incumbent judicial candidates who wish to seek election in 2006.
- Provisional balloting materials. (“Four Step Procedure Form,” “Notice to Voters Unable to Satisfy Identification Requirement and/or Residence Verification Requirement,” “Procedure for Handling ‘Envelope’ Ballots Returned to Clerk’s Office,” and “Provisional Ballot Report Form.”)
- Federal ID requirement notice.

AFFIDAVIT OF IDENTITY

All candidates seeking elective office in Michigan must submit an Affidavit of Identity (two copies) when filing. A candidate who fails to file Affidavits of Identity as required is ineligible to appear on the ballot (MCL 168.558 as amended under PA 163 of 2002).

A. CHANGE OF NAME

Michigan election law, MCL 168.558, stipulates that a candidate who is “not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth” must indicate his or her full former name on the Affidavit of Identity. The requirement to indicate a name change on the Affidavit of Identity does *not* apply if:

- The candidate’s name was formally changed 10 or more years ago.
- The candidate’s name was changed in a Certificate of Naturalization issued by a federal district court 10 or more years ago.
- The candidate’s name was changed because of marriage.
- The candidate’s name was changed through divorce to a “legal name by which the individual was previously known.”

Michigan election law provides that a candidate required to indicate a name change on the Affidavit of Identity must be listed on the ballot “with his or her current name and former name as prescribed by the Secretary of State.” (MCL 168.560b)

B. APPEARANCE OF NAME ON BALLOT

Michigan election law provides the following stipulations regarding the manner in which a candidate can have his or her name printed on the ballot:

- A candidate “may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot.”
- A candidate “may specify that either an initial or a recognized diminutive for the candidate’s given name or middle name, or for both, shall appear on the ballot.”
- A candidate may *not* use a “nickname that is not a recognized diminutive of the candidate’s given name or middle name” on the ballot.
- A married person may *not* use his or her spouse’s given name, middle name or a diminutive of his or her spouse’s given name or middle name on the ballot.

C. MAILING ADDRESS

A candidate who wishes to receive communications from his or her filing official at an address other than his or her residential address should enter a “mailing address” where indicated. (Note: A candidate may list a P.O. Box for his or her “mailing address”; a candidate may *not* list a P.O. Box for his or her residential address.)

D. JUDICIAL CANDIDATES

Place a check in the box before “Incumbent Position” if the candidate is seeking a judicial office for which the incumbent is seeking reelection.

Place a check in the box before “Non-Incumbent Position” if the candidate is seeking a judicial office for which the incumbent is *not* seeking reelection.

Place a check in the box before “New Judgeship” if the candidate is seeking a newly created judicial seat.

E. CAMPAIGN FINANCE ACT COMPLIANCE STATEMENT

All federal, state, local and judicial candidates are required to form a committee and meet financial disclosure obligations. For further information, contact your filing official.

Candidates running for a federal position should contact the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. Toll free line: (800) 424-9530.

Candidates running for a state or judicial position should contact the Michigan Department of State’s Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901-0726. Phone: (517) 373-2540.

Candidates running for a local position should contact their local county clerk’s office.

Candidates who are exempt from Michigan’s Campaign Finance Act are limited to those individuals who seek 1) the office of U.S. Senator or U.S. Representative in Congress 2) a precinct delegate position and 3) a school board position in a district with a pupil count of 2,400 or less. (School board position exemption does not apply if candidate spends or receives over \$1,000.00 for election.)

F. WITHDRAWAL OF FILING

Candidates who wish to withdraw a filing submitted for an elective office must submit a written withdrawal statement to their filing official no later than the third day after the applicable filing deadline.

SCHOOL BOARD CANDIDATE AFFIDAVIT OF IDENTITY

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- The candidate’s name was formally changed 10 or more years ago.
- The candidate’s name was changed in a Certificate of Naturalization issued by a federal district court 10 or more years ago.
- The candidate’s name was changed because of marriage.
- The candidate’s name was changed through divorce to a “legal name by which the individual was previously known.”

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- A candidate may *not* use a “nickname that is not a recognized diminutive of the candidate’s given name or middle name” on the ballot.
- A married person may *not* use his or her spouse’s given name, middle name or a diminutive of his or her spouse’s given name or middle name on the ballot.

C. MAILING ADDRESS

A candidate who wishes to receive communications from his or her filing official at an address other than his or her residential address should enter a “mailing address” where indicated. (Note: A candidate may list a P.O. Box for his or her “mailing address”; a candidate may *not* list a P.O. Box for his or her residential address.)

D. CAMPAIGN FINANCE ACT COMPLIANCE STATEMENT

School board candidates are required to form a committee and meet the financial disclosure obligations provided under Michigan’s Campaign Finance Act, P.A. 388 of 1976. (An exemption is provided for those individuals who seek a school board position in a district with a pupil count of 2,400 or less. The exemption does not apply if the candidate spends or receives over \$1,000.00 for the election.) For further information on the disclosure requirements or the exemption, contact your local county clerk.

E. WITHDRAWAL OF FILING

Candidates who wish to withdraw a filing submitted for an elective office must submit a written withdrawal statement to their filing official no later than the third day after the applicable filing deadline.