

COUNTY ELECTION COMMISSIONS

Michigan Election Law, Section 168.23 (Membership, quorum, absences, disqualification)

- 1) Membership:
 - Chief or only judge of probate of the county or probate court district
 - County Clerk
 - County Treasurer
- 2) Quorum - 2 members
- 3) Probate judge is chairperson; county clerk is secretary of the board.
- 4) In absence of county clerk, board may select 1 of the clerks deputies to act in the clerks place.
- 5) In absence or disqualification of any other member, remaining members appoint some other county officer who will upon being notified, attend without delay and act as a member.
- 6) If a member is under recall or involved in the preparation of a petition for recall, the member is disqualified with respect to any determination as to clarity and shall be temporarily replaced.

Michigan Election Law, Section 168.301 (Consolidated Elections – Schools)

- 1) If the county clerk is the election coordinator for a school district, county election commission shall establish the school district's precincts and polling locations.

Michigan Election Law, Section 168.370 (Filling vacancies in township office)

- 1) If 1 or more vacancies occur in a twp. causing the number members serving to be less than the number required to constitute a quorum for the transaction of business, the county election commission shall make temporary appointments as necessary to constitute a quorum.
 - An official who is temporarily appointed shall not vote on himself or herself to an elective or appointive township office.
 - Temporary appointment must be made within 45 days after the beginning of the vacancy of the county clerk must call a special election within 5 calendar days.
 - The above does not apply to the filling of vacancies in the position of township constable; township board shall determine if and when such vacancies shall be filled. Position may remain vacant until the next general or special election in which township offices are filled.

Michigan Election Law, Section 168.381 (Village officers, vacancies, general law villages)

- 1) If village council is reduced to less than a quorum of 4 and a special election for filling all vacancies in the office of trustee is called under section 13 of chapter II of the general law village act (MCL 62.13) temporary appointments of trustees shall be made by the county election commission of the county in which the largest portion of the population of the village is situated as necessary to constitute a quorum. Appointees shall hold office only until a successor is elected and qualified. Appointees shall not vote on himself or herself to an elective or appointive village office.

Michigan Election Law, Section 168.559 (Official primary ballots)

- 1) It is the duty of the county election commission to prepare and furnish the necessary official primary ballots, except for city offices, of any political party at the August primary.

Michigan Election Law, Section 168.561 (Official primary ballots, names of candidates, clarifying designation, notice of determination, appeal, occupation, date of birth, residence of candidate, incumbency designation, guidelines)

- 1) Ballots prepared by the county election commission for use at a primary shall include the name of each candidate for the office of governor, US senator, district offices, the name of each candidate for county offices, and the name of each candidate for township offices.
- 2) If for a county office, or district office that is located solely within the county, 2 or more candidates seeking the same partisan or non-partisan office, have the same or similar surnames, a candidate may file a request with the county election commission for a clarifying designation.
 - Request must be filed not later than 3 days after the filing deadline
 - Not later than 3 days after the filing of the request, the county election commission shall determine whether a similarity exists and whether the request should be granted.
 - Board shall immediately notify each effected candidate of the date, time and location of the hearing scheduled to consider the designation.
 - The requester and each effected candidate shall be notified of the board's determination by 1 first-class mail sent within 24 hours.
 - A candidate who dissatisfied may file an appeal within 14 days after the final determination with the circuit court of the county where the board is located.
 - Court shall hear the matter de novo.
 - If determined by the board or circuit court that a designation is granted, the board shall print the occupation, date of birth, or residence of each of the effected candidates. The term occupation includes a currently held political office, even though it is not the candidate's principal occupation. Reference may not be made to a previous position or occupation.
- 3) If there are 2 candidates with the same or similar surnames and 1 of the candidates is entitled to an incumbency designation, no other designation shall be provided for the second candidate.
- 4) If there are more than 2 candidates with the same or similar surnames and 1 of the candidates is entitled to an incumbency designation, a clarifying designation may be given to the other candidates.
- 5) Except for an incumbency designation, if 2 or more candidates with the same or similar surnames are related, the board shall print the residence or date of birth of each of the candidates as the clarifying designation.

Michigan Election Law, Section 168.565 (Filing, mailing and correcting proof copies of ballots, affidavit)

- 1) Proof copies must be placed on file with the county clerk at least 14 days prior to the primary. Also, 1 proof copy shall be sent by registered or certified mail with return receipt demanded in counties with a population of 1 million 500 thousand or more, or in

counties with a population of less than 1 million 500 thousand by first-class mail to the SOS and to each candidate whose name appears on the ballot at his/her last known address. If the candidate wants to make a correction to the ballot, the candidate must forward the correction to the county clerk within 2 business days of receipt.

- The county clerk shall prepare and sign an affidavit attesting that the proof ballots were mailed as required that lists the names of the candidates, their addresses and the dates that proof ballots were mailed.

Michigan Election Law, Section 168.567 (Official primary ballots, errors, corrections by board of election commissioners)

- 1) Boards of election commissioners shall correct errors found in ballots and a copy of the corrected ballots shall be sent to the SOS by the county clerk..

Michigan Election Law, Section 168.667 (Election supplies furnished at county expense)

- 1) At any federal, state, district or county primary or election, county election commission shall furnish:

- Forms for use by election inspectors for making returns.
- Statements of Votes - Names of all candidates shall printed thereon and their offices and spaces to write the number of votes received in a given precinct in words in figures and the title or caption of any amendment or question to be voted on, and spaces for recording yes and no votes for each. Statements of returns shall also contain a certificate to be signed by the members of the boards of election inspectors.
- Tally sheets – obsolete except for write-in votes.
- Special envelopes for sealing and delivering Statements of Votes, Tally forms, Poll Lists, and certificate of election inspectors.
- Paper wrappers – obsolete, refers to paper ballots.
- Black or blue lead pencils – obsolete, refers to paper ballots.

Michigan Election Law, Section 168.689 (Official ballots, preparation, printing)

- 1) County election commission shall prepare official ballots for use at state, district or county election in sufficient number not less than 25% more than the total number of votes cast at the corresponding election held 4 years previous for the office that received the greatest number of votes, containing the names of all candidates, constitutional amendments or other questions.

Michigan Election Law, Section 168.711 (Filing, mailing proof copies of ballots, affidavit, certification, correction and printing, forwarding to SOS)

- 1) 1 proof copy shall be sent by registered or certified mail with return receipt demanded in counties with a population of 1 million 500 thousand or more, or in counties with a population of less than 1 million 500 thousand by first-class mail to each candidate whose name appears on the ballot at his/her last known address. If the candidate wants to make a correction to the ballot, the candidate must forward the correction to the county clerk within 2 business days of receipt.

The county clerk shall prepare and sign an affidavit attesting that the proof ballots were mailed as required that lists the names of the candidates, their addresses and the dates that proof ballots were mailed.

- The commission shall also send the SOS 2 copies of proof ballots who shall immediately approve and certify the ballot or notify the board of any correction.
- The commission shall make any necessary corrections and forward a copy of the corrected ballot to the SOS.

Michigan Election Law, Section 168.713 (Delivery of ballots and supplies to county clerk)

- 1) Board of election commissioners shall deliver the ballots for any regular or special election or primary election in the county as the earliest possible time after the approval of the proofs, absent voter ballots shall be delivered at least 47 days before the general November election and preceding August primary and at least 22 days before any other election or primary election. All other ballots and election supplies shall be delivered to the county clerk at least 12 days before any election or primary election.

Michigan Election Law, Section 168.952 (Recall petitions, requirements, submission to election commission, determination, notice, meeting, presentation or arguments, appeal, validity)

- 1) Board of election commissioners, not less than 10 day or more than 20 days after submission of a petition for the recall of an officer, shall meet and determine if the reasons for recall as stated in the petition are of sufficient clarity to enable the officer whose recall is sought and the electors to understand the conduct or reasons that are the basis of the recall.
 - Failure of the board to meet shall constitute a determination of sufficient clarity.
- 2) Not later than 24 hours after receipt of a petition for recall, the board shall notify the officer whose recall is sought of the reasons as stated in the petition and the date of the meeting to consider clarity.
- 3) The determination of the board may be appealed not more than 10 days after the determination in circuit court in the county.