



**PREPARING, CIRCULATING AND
FILING PETITIONS FOR PUBLIC OFFICE
(REGULARLY SCHEDULED ELECTIONS)**

Michigan Department of State
Bureau of Elections
March 2015

www.michigan.gov/elections

OBTAIN ASSISTANCE FIRST!

If you are interested in seeking a public office in Michigan, you should first contact the election official who is designated by law as responsible for receiving filings for the specific office sought. The election official will provide complete information on the applicable filing requirements and the qualifications you must meet to seek the office.

OFFICE	CONTACT
Federal or State Office (district comprised of multiple counties) Supreme Court Justice Appeals Court Judge Circuit Court Judge District Court Judge Probate District Judge	Michigan Department Of State Bureau Of Elections Post Office Box 20126 Lansing, Michigan 48901-0726 Phone: (517) 373-2540 (800) 292-5973 Fax: (517) 373-0941 Email: elections@michigan.gov
Federal or State Office (district lies within a single county) Probate Judge County Office District Library Board	County Clerk
City Office Municipal Court Judge	City Clerk
Township Office	Township Clerk
Village Office	Township Clerk <i>Note: If the village lies in two or more townships, contact the clerk of the township in which the largest number of the village's registered electors reside.</i>
School Office (district lies within a single city or township)	City or Township Clerk

OFFICE	CONTACT
School Office (district comprised of multiple cities, townships, or counties)	School District Election Coordinator (contact County Clerk for information) <i>Note: If the district lies in two or more counties, contact the clerk of the county in which the largest number of the district's registered electors reside.</i>
Metropolitan District Office	Metropolitan District Election Coordinator (contact County Clerk for information) <i>Note: If the district lies in two or more counties, contact the clerk of the county in which the largest number of the district's registered electors reside.</i>

FINANCIAL DISCLOSURE

State and local candidates are required to comply with the financial disclosure requirements of the Michigan Campaign Finance Act (MCFA), P.A. 388 of 1976, MCL 169.201 *et seq.* The designated filing official for financial disclosure reports may be the Secretary of State or County Clerk, depending on the office sought. The Michigan Department of State's Bureau of Elections has published a brief step-by-step guide for MCFA compliance, available [here](#). Additional information is available from your county clerk or the Michigan Department of State's Bureau of Elections.

A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,400 or less is exempt from the Act's filing requirements as long as the candidate does not spend or receive more than \$1,000.00 for the election.

Candidates who seek a federal office should contact the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463 for information regarding their financial disclosure obligations. Toll free line: (800) 424-9530. Web: www.fec.gov.

GENERAL FILING INFORMATION

Candidates with political party affiliation who seek a partisan office: A candidate affiliated with a political party who seeks a partisan office must file an Affidavit of Identity and a Partisan Nominating Petition which bears the required 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 affiliated with a major political party (Republican Party or Democratic Party) who seeks the office of State Senator, State Representative, or a county office may pay a \$100.00 fee in lieu of filing a nominating petition. (The fee is refunded to the nominated candidate and the runner up candidate.)
- A candidate affiliated with a major political party (Republican Party or Democratic Party) 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 be nominated to the office at the party's state convention. A nominating petition cannot be filed. Candidates nominated for these offices are placed on the general election ballot.
- A candidate affiliated with a minor political party that is authorized by law to appear on the general election ballot – but not on the primary ballot – must seek nomination at the minor party's nominating convention or caucus. A nominating petition cannot be filed. Such candidates must file the Certificate of Acceptance in addition to the Affidavit of Identity. Candidates nominated by a minor 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 an Affidavit of Identity and a qualifying petition which bears the required number of valid signatures. If the petition is sufficient, the candidate's 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 an Affidavit of Identity and a Non-Partisan Nominating Petition which bears the required number of valid signatures. If the petition is sufficient, the candidate's name is placed on the primary ballot if a primary is held for the office sought. If a primary is not held for the office sought, the candidate's name is placed on the general election ballot. The following exceptions apply:

- An incumbent judge who is running for re-election to the office he or she holds may file an Affidavit of Candidacy in lieu of a nominating petition.
- A candidate who seeks the office of Supreme Court Justice must be nominated at a party convention. As an alternative, an incumbent Supreme Court Justice who is running for re-election may file an Affidavit of Candidacy - Supreme Court Justice; a

non-incumbent candidate may file a qualifying petition. Candidates nominated to the office of Supreme Court Justice are placed on the general election ballot.

- A candidate who seeks a judicial office and is not an incumbent must also file the Affidavit of Constitutional Qualification or Affidavit of Constitutional Qualification - Supreme Court Justice.
- A candidate who seeks a local school board position, an intermediate school board position, or a community college trustee position may pay a nonrefundable \$100.00 fee in lieu of filing a nominating petition.
- A candidate who seeks a position on the city library board, township library board, or village library board or a position on the district library board may pay a nonrefundable \$100.00 fee in lieu of filing a nominating petition.

PETITION FORMS

All petitions used by candidates must be in the format prescribed by the Michigan Election Law, P.A. 116 of 1954, MCL 168.1 *et seq.* Petition forms are available from county and local election officials. Upon request, the election official will provide a reasonable number of petition sheets at no charge. Petition forms may also be purchased from commercial suppliers that produce election materials.

The different types of petitions provided for candidates are described below. Candidates must use the proper petition form. The use of the wrong petition form can result in the candidate's disqualification.

Countywide Partisan Nominating Petition: May be used by any major party candidate who seeks a partisan office. Exception: The form cannot be used by a candidate who seeks the office of County Commissioner.

City/Township Partisan Nominating Petition: May be used by any major party candidate who seeks a partisan office. Must be used by a major party candidate who seeks the office of County Commissioner.

Countywide Qualifying Petition: May be used by any candidate without political party affiliation who seeks a partisan office. Exception: The form cannot be used by a candidate who seeks the office of County Commissioner.

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

Countywide Non-Partisan Nominating Petition: May be used by any candidate who seeks a nonpartisan office. Exceptions: The form cannot 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: May be used by any candidate who seeks a nonpartisan office. Exceptions: The form cannot 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: Use restricted to candidates who seek a village office.

School Nominating Petition: Use restricted to candidates who seek a 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.

Metropolitan District Nominating Petition: Use restricted to candidates who seek a metropolitan district office.

PETITION CIRCULATORS

Individuals who circulate nominating and qualifying petitions are no longer required to reside or be registered to vote in Michigan.

However, petition circulators who are not residents of Michigan must mark the nonresident box in the Certificate of Circulator and provide their county of registration (if registered to vote in their home state). A petition sheet is invalid and none of the signatures affixed to the 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.

PREPARATION OF PETITION SHEETS

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

Judicial offices: In addition to the above, petitions circulated by candidates seeking a judicial office must bear the appropriate designation (listed below) to indicate the particular position sought by the candidate:

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

* Note: A candidate must include the term expiration date if more than one partial term will be filled at the election. The phrase "partial term" is used to refer to a judicial position which will be filled at an election for less than the full term.

Obtaining information on judicial office designations: Under the Michigan Election Law, if 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 are a combination of "new" positions, "incumbent" positions, and/or "nonincumbent" positions to fill, he or she 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."

Positions are designated as follows:

- A judicial position will be designated as an "incumbent" position if: 1) there is an incumbent judge who is eligible to seek re-election to the position, and 2) the deadline for an incumbent judge to file the Affidavit of Candidacy has not yet elapsed. (The designation will remain "incumbent" position if the incumbent judge files the Affidavit of Candidacy by the filing deadline.)
- A judicial position will be designated as a "nonincumbent" position if an incumbent judge who is otherwise eligible for re-election does not file an Affidavit of Candidacy for re-election by the deadline. In this situation, the Bureau of Elections must: 1) Re-designate the position as a "nonincumbent" position, and 2) Notify all candidates who are known to be seeking election to the office that a "nonincumbent" position exists. It is important to note that all nominating petition sheets circulated for the "nonincumbent" position subsequent to the Affidavit of Candidacy filing deadline "shall bear an office designation of nonincumbent position. Any signatures collected *prior to* the Affidavit of Candidacy filing deadline "may be filed with the nonincumbent nominating petitions." Note: the Affidavit of Candidacy filing deadline elapses 134 days prior to the date of the August primary election.

PETITION CIRCULATION

The following summary provides general information on the procedures for circulating a nominating or qualifying petition. For additional information regarding the standards used to judge the sufficiency of petitions, contact the election official who is designated by law as responsible for receiving filings for the specific office sought.

- Before circulating a **countywide petition sheet**, the circulator must enter the county of circulation in the space provided at the top of the sheet. All voters who sign the sheet must be registered to vote within the county listed in the heading. Only one county can be listed on a sheet.
- Before circulating a **city/township, village, school, or metropolitan district 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. All voters who sign the sheet must be registered to vote within the city, township or village listed in the heading. Only one county and one city, township or village can be listed on a sheet. If listing a city or township that shares its name with another city or township in the county, the circulator must indicate whether the jurisdiction listed is the "city" or the "township."
- A petition sheet must be circulated by a single person.
- 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 on the circulator's certificate are invalid.
- Special note for nonresident circulators only: A petition sheet is invalid if the circulator is not a resident of Michigan and fails to mark the nonresident box in the certificate of circulator.

PETITION SIGNERS

Each petition signer must affix his or her signature and name (cursive and printed); street address or rural route number; Zip Code; and the date on which the signer's signature was affixed to the petition sheet.

- The signers of a **countywide petition** must be registered to vote in the county and electoral district listed in the heading of the petition sheet. The signers must also be registered to vote in the city or township preceding the signature. If listing a city or township that shares its name with another city or township in the county, the signer must indicate whether the jurisdiction listed is the "city" or the "township." If the signer lives in a city that lies in multiple counties, 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, school, or metropolitan district** petition must be registered to vote in the city, township or village and electoral district listed in the heading of the petition sheet. If the signer lives in a city, village or school district that lies in multiple counties, 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 encouraged to do so. This will assist election officials in verifying the signer's registration status.
- A person cannot sign a petition on behalf of another person, sign a petition more than once, or sign more petitions for the same office than there are persons to be elected to the office.
- All signatures on a petition sheet must be obtained in a face-to-face exchange with the petition circulator. A circulator cannot leave a petition unattended.

ADDITIONAL SIGNATURE REQUIREMENTS

- The law establishes a maximum number of signatures which may be submitted and considered in determining whether a petition contains a sufficient number of valid signatures. Further information can be obtained by contacting the election official who is designated by law as responsible for receiving filings for the specific office sought.
- In addition to containing the required number of valid signatures, a nominating petition filed for the offices of **Governor or U.S. Senator** must be signed by at least 100 registered electors in each of at least $\frac{1}{2}$ of the congressional districts in the state.
- In addition to containing the required number of valid signatures, a qualifying petition filed for the offices of **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 $\frac{1}{2}$ of the congressional districts in the state.
- All signatures submitted on a qualifying petition must have been collected within a 180 day period immediately preceding the date of filing; signatures which are dated more than 180 days prior to the date of filing are invalid.

ADDITIONAL FILING REQUIREMENTS

The election official with whom you file can supply you with any of the required affidavits described below upon request.

Affidavit of Identity: All candidates must submit an Affidavit of Identity in duplicate when filing for office. Candidates who fail to file this form are ineligible to appear on the ballot. The Michigan Election Law requires any candidate filing an Affidavit of Identity to certify under penalty of perjury that on 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 the Michigan Campaign Finance Act ... have been filed or paid." Exceptions: The campaign finance compliance statement is not required of candidates seeking the offices of U.S. Senator or U.S. Representative in Congress. In addition, a candidate seeking the office of school board member in a district having 2,400 or fewer pupils is not required to complete the campaign finance compliance statement as long as the candidate spends or receives \$1,000.00 or less for the election. (Note: the school board exemption does not apply if candidate spends or receives over \$1,000.00 for the election.)

Affidavit of Candidacy: An incumbent judge who is running for re-election to the office he or she holds may submit an Affidavit of Candidacy or Affidavit of Candidacy - Supreme Court Justice in lieu of a nominating petition.

Affidavit of Constitutional Qualification: A candidate who files a petition for a judicial office must submit an Affidavit of Constitutional Qualification or Affidavit of Constitutional Qualification - Supreme Court Justice (one copy) when filing for the office.

Certificate of Acceptance: A candidate nominated by a minor political party that is authorized by law to appear on the general election ballot must file the Certificate of Acceptance.

Gubernatorial Candidates: A candidate without political party affiliation who seeks the office of Governor is required to comply with additional filing requirements related to his or her candidacy. For complete information, contact the Michigan Department of State's Bureau of Elections in Lansing.

Post-Election Campaign Finance Compliance Statement: The Michigan Election Law requires any candidate elected to office on the state, county or local level to file an affidavit certifying under penalty of perjury that on 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 the Michigan Campaign Finance Act ... have been filed or paid." The Compliance Affidavit - Post-Election must be filed before assuming office. Exceptions: the affidavit is not required of an elected candidate who 1) is exempt from the filing requirements of Michigan's Campaign Finance Act or 2) did not receive or expend more than \$1,000.00 during the election cycle.

THE FINAL CHECK BEFORE FILING

Before filing, carefully review each petition sheet for errors and defects. You may find that additional signatures are needed!

- If a signature is invalid for any reason, strike the signature by using a pen or marker to cross out the entire entry (city/township where registered – if applicable; signature; printed name; street address or rural route; Zip Code; and date of signing).
- If the circulator did not complete the Certificate of Circulator, remove the sheet from the filing as the entire sheet is invalid.
- If you are filing more than one petition, make sure that sheets from one filing are not mixed in with another filing.
- If the petition sheets have detachable stubs with instructions or advertising, remove the stubs before filing the petitions.

MAKE SURE YOU KNOW WHERE AND WHEN TO FILE. LATE FILINGS ARE NOT ACCEPTED!

Petitions and affidavits are due on the date and at the time specified by law. Any filings that are tendered after the applicable deadline will be rejected and the candidate's name will not appear on the ballot.

Petitions and affidavits must be submitted to the election official designated by law as responsible for receiving filings for the specific office sought. Any filings that are presented to the wrong election official will be rejected and the candidate's name will not appear on the ballot.

If you want a copy of your petition, copy it before you file. The filing official with whom you file may not have available staff or the equipment needed to make a copy of your petition for you.

IMPORTANT

The information in this brochure is offered as a summary of the provisions which govern the preparation, circulation and filing of petitions for public office; it is not a complete description of the governing laws. If any errors are found, it the law, itself, which must be followed. Questions may be addressed to:

Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901-0726
Telephone: (517) 373-2540 or (800) 292-5973
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Email: elections@michigan.gov
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