



MICHIGAN ASSOCIATION of COUNTY CLERKS

Ready or Not...

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*MACC President Marcee Purcell
Mecosta County Clerk*

closing with the Bureau of Elections. If that doesn't put us in the mood for August/November Elections, I don't know what will!

Our 106th Annual Conference will take place in Traverse City at The Park Place Hotel August 17-20, and we will end the year with our Fall Quarterly in Big Rapids at the Holiday Inn November 21/22.

A fun-filled year has been planned for our association, so be sure to mark your calendars and join in on the "learning, laughter and linking up with friends"!

MACC welcomes and congratulates the following newly appointed County Clerks

Houghton County: Patricia Janke
Iron County: Diane Hilberg
Sanilac County: Denise McGuire
Ontonagon County: Stacy Preiss
(appointed Aug. 2013)

2014 is here and I am excited to start this busy year as your President of MACC!

The Crowne Plaza in Lansing was the site of our January Mid-Winter Conference. UCOA planned speakers that ranged from Plat Boards to Harassment in the Workplace. The Clerk topics included a background on the same-sex marriage issue and updates on Elections with the Bureau, Legislation with Bill Zaagman and SCAO with Hon. John Hohman, Jr.

The Spring Quarterly is planned for April 24/25 at The Perry Hotel in Petoskey. The program is election-based with presentations on Campaign Finance, Recount Procedures, Precinct Delegates, Election Inspector Training demos and

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Legislative Update



Bill Zaagman
Governmental Consultant Services, Inc.
MACC Lobbyist
zaagman.w@gcsionline.com



Gov. Signs Campaign Finance Expansion

Governor Snyder signed legislation doubling the maximum amounts individuals and PACs can contribute to all state offices, thereby doubling the current limits for all local offices. Under the new law, both personal and PAC contributions are doubled. For example, an individual could contribute no more than \$500 to a state representative candidate. That increases to \$1000 under the new Act. Existing law provides that Independent PACs can contribute up to ten (10) times the individual limit. Therefore, a PAC organized as an independent committee could contribute up to \$10,000 to the same state representative candidate and up to \$20,000 to a state senate candidate. Additionally, future lawmakers conceivably will never need to revisit this issue as the maximum contribution amounts will now be indexed for inflation every 4 years to the nearest \$25 increment.

The more controversial part of the bill came about when Senate Republicans inserted an amendment clarifying a bright line test of what is considered political advocacy that is regulated under the Act. The amendment effectively thwarted Secretary of State Ruth Johnson's effort to bring most forms of political advocacy under the purview of the state's Campaign Finance Act. Had her rules process moved forward, those engaging in political advocacy but not using words and phrases such as "vote for" and "elect" would have been regulated and donors disclosed. The amendment effectively prohibits her from moving forward with the rules promulgation process. However, some additional disclosures will be required, even for those otherwise exempted political communications. For example, political communications, known as "issue" advocacy, will be required to include a disclosure statement of the group paying for the ad, even though the group may otherwise be exempt from filing a campaign finance statement disclosing donors. The disclosure requirement applies to all forms of political communication appearing within 60 days of a general election (30 days before a primary) that includes a mention of a candidate by name or a ballot issue.

Finally, the bill requires two additional report filings for candidates in the years that they are not on the ballot. The Act is 252 of 2013 and takes immediate effect.

Filing Deadline Uniformity Bills Enacted

Another MACC priority was green-lighted late last year when Governor Snyder signed bills a package of bills establishing a common filing deadline for all local ballot questions. The bills, now Public Acts 253 of 2013 through Public Act 257 of 2013, amend the Michigan Election Law and a series of other bills establishing that all local ballot questions must be submitted to the County clerk no later than 4 p.m. on the twelfth Tuesday before the election that the question is to appear. These bills, House Bills 4393 through 4397, passed the Legislature with near unanimous support. They were placed on the Senate calendar and all passed unanimously by the Senate. The bills were signed on December 27, but will not take effect for 120 days from signature in order to give ample time for education. This means that the prior deadlines will apply for the May elections, but the new law will apply for the August elections.

Gov. Signs Bill Permitting E-Filing of Campaign Finance Reports:

The Governor signed legislation granting county clerks the authority to require local campaign finance reports to be filed electronically. Under Public Act 258 of 2013, a county clerk may establish a dollar threshold of either \$1500 or \$5000 in campaign expenditures and require those candidates surpassing the threshold to file those statements electronically. It also requires that if a county clerk adopts an electronic filing threshold, that the MDOS must provide the software to accept those reports at no cost to the clerk.

Verdict is in on Student Jury Service

The Legislature overwhelmingly passed legislation to permit the chief judge to postpone service for full-time college students who can satisfactorily demonstrate that the jury service would likely interfere with the student's class schedule. House Bill 4570, now Public Act 10 of 2014, would include college, community college, university and professional/vocational and trade schools. The change took effect upon the Governor's signature

Gov. Signs Court E-filing Bills:

Public Acts 199 and 201 of 2013 permit e-filing of court documents by granting SCAO the ability to require all writs, process, proceedings, and records in any court to be filed in a manner and on any medium authorized by Supreme Court rules. The new Acts also provide that an electronic signature on any document filed with or created by a court is considered a true signature of the document. The new Acts also grant SCAO the ability to establish a record retention schedule for court records, regardless of medium. Finally, the bills prohibit destruction of records that are not in accordance with the approved retention schedule. The Acts repeal Public Act 66 of 1949.

House Passes Bill to Raise Recount Fees

The price of a recount would go up under legislation overwhelmingly passed by the House 95-9 last month. The bill was unanimously reported from the House Elections and Ethics Committee in June. House Bill 4833, sponsored by Rep. Kurt Heise (R-Plymouth), increases the costs paid by a petitioner in a recount case and creates a two-tier fee for a recount. For those close contests where the outcome could reasonably be in question, the bill proposes increasing the recount fee from \$10 to \$25 per precinct. Those close contests are defined in the bill as contests where the vote differential is 50 votes or 0.5 percent of the total votes cast in the race, whichever is greater. For those contests where the results are really not in question, but the losing candidate calls for a recount for other various reasons, the cost to recount the precinct would be \$125 per precinct. This fee is a closer reflection of what the actual costs of conducting a recount are. The intent in creating a two-tier approach is to not financially penalize a candidate or petitioner who calls for a recount when the vote differential is reasonably close. The bill was referred to the Senate Local Government and Elections Committee where a hearing is expected later this fall.

Senate Moves on Bill Changing Local Library Elections

Legislation to update an 1887 law governing the establishment of local library boards passed the Senate unanimously back in October. Senate Bill 546, introduced by Sen. Dave Robertson (R-Grand Blanc), makes several changes to the election of

local library boards. First and foremost, the bill clarifies that a member of a library board organized under this Act must be at least 18 years of age and must be a qualified elector, meaning a registered voter and resident. Second, the bill establishes that if a city or village holds elections every four years, that the term of a library board member will be four years. Currently, statute does not provide for a four-year term for a city or village library board, yet there are several. Finally, the bill clarifies that if a city or village moves to an even-year election date, that the library board would follow and move its date automatically.

Bill to Restrict County Lawsuits Enacted

A Senate panel gave the thumbs-up to legislation placing some restrictions on when and how a county officer sues the board of commissioners over budget decisions. House Bill 4704, introduced by Rep. Peter Pettalia (R-Alpena), originally eliminated a county officer's ability to sue the county commission over budgets. However, after stiff opposition from county organizations like the MACC, the bill was modified to permit suits after meeting certain conditions. Under the bill the (S-3) version of the bill, a countywide office does have standing to sue the county board of commissioners. The suit must be brought within 60-days of its adoption or amendment if the amendment constitutes the basis for the suit. If a court is involved, mediation must occur before proceeding to the Michigan Court of Appeals. Additionally, the bill codifies a current Court of Appeals ruling which establishes that the budget adopted by the board of commissioners is presumed to fund the service or activity at a serviceable level. The bill is now Public Act 172 of 2013.

House Passes bill Requiring Felony Disclosure

The House passed legislation to require that candidates for office disclose any prior felony convictions within the last ten years on the Affidavit of Identity. As passed the House 105-3, candidates who have already filed for the August 2014 primary would have 45 days from the date of enactment to submit a new affidavit. The bill, House Bill 4825, was referred to the Senate Local Government and Elections Committee.

MACC Sessions at the UCOA Conference

by Tim Snow

Kalamazoo County Clerk & Register of Deeds

DeBoer v. Snyder

On Monday afternoon, January 20, Professor Daniel Ray discussed the background of *DeBoer v. Snyder* (*same sex marriage*), noting that the trial begins on February 25 before Judge Bernard Friedman. He anticipated that the trial would last for about a week to 10 days and that the focus will be on equal protection and the 14th Amendment to the Constitution regarding classification of people.

Professor Ray talked about the possible scenarios of the decision making process, noting that in his opinion, the case would be decided as a rational basis standard. He anticipates a ruling in favor of the plaintiffs and that the state will appeal to the 6th Circuit Court of Appeals, and then possibly to the U.S. Supreme Court. This case is unique among the several similar cases as this one involves children.

He also suggested that all clerks talk to their legal counsels regarding this issue.

The Marriage Subcommittee also presented its preliminary report which covers a variety of items regarding marriage. This report has been sent to all clerks for review.

Court Update

John Hohman, the new State Court Administrator came to introduce himself and give an SCAO update.

- The court survey results were e-mailed to chief judges on January 24.
- A survey to courts about SCAO will be done in April, and will be administered by the National Association of Trial Courts.
- SCAO is not extending contracts to develop e-filing for courts at this time. The Legislature needs to be on board with this project. SCAO plans to work with County Clerks to develop a good system. They will try again after the November elections.
- JIS conversion to MCS (Michigan Court System) has begun a 5-7 year rollout. Berrien County Civil Division was a pilot. Criminal will be introduced in Clinton and Eaton Counties.
- Remember to post court dockets in a public place – this is a requirement from the Supreme Court.

MACC-PAC Update

MACC is grateful for the continued engagement and participation of our membership. Your support for the MACC-PAC fundraising is much appreciated.

It is this continued cooperation that strengthens our organization. Your ongoing commitment is vital to our advocacy efforts. Please consider contributing to the MACC-PAC. Please make out your personal checks to MACC-PAC and mail to:

Tara Paksi
Michigan Association of County Clerks
120 N Washington Sq., Suite 110A
Lansing, MI 48933

MACC Sessions at the UCOA Conference continued...

Elections Update

- Train the Trainer sessions for Counties and local clerks who train election inspectors will be held in February and March at 7 locations.
- Election Cycle Training for all clerks will be done in March & April in each County.
- Board of Canvassers training will be in June.
- Continuing Education preliminary plans were discussed:
 - These sessions will be both in-person and online.
 - Separate tracks for new and experienced local clerks and County Clerks
 - Sections on “Elections 101”, Qualified Voter File (QVF) and Election Management Portal (EMP) will be included
 - Topics such as Voter Registration, Candidates, Absent Voters and Election Day will be in the “new” clerk unit
 - Election Law, Recall and Recount will be discussed in the “advanced” track
- There will be follow up coursework for audited clerks who had issues come up in their audits.
- Webinars on special topics will continue
- On-Line ordering of State supplies (seals, etc.) has begun. All ordering of supplies is now done online.
- QVF Refresh project is being planned. This will be a major improvement to the QVF, which is now considered a “legacy” system. The improved QVF will be web based. State employees are currently working on the plans. There will not be anything rolled out in 2014.
- QVF computers in counties and larger local units will be replaced starting in April, which includes an upgrade to Windows 7.
- 92% of all precincts are now using Electronic Poll Books.
- Michigan is participating in the Kansas Project, which compares voter registration records among participating states for duplicates. 107 million records were recently matched.
- An Android application is coming soon for “E-Precinct List”, where an I-Pad could be used by election inspectors to check voters’ addresses while they are standing in line to vote. Some demonstration sites could be seen later this year.
- County Clerks will be receiving information about locals who are not using Merit e-mail.

Thank You County Clerks

I'd like to express my gratitude to the various County Clerks and staff who would have expressed their condolences in the passing of my dad, Albert Greniuk Sr. on November 21, 2013 who resided in Standish, Michigan. The outpouring of support during this difficult time was overwhelming and one realizes how short the distances can be between 83 counties during a time like this. Thank you.

Cynthia A. Luczak
Bay County Clerk

UCOA Conference in Review

by Tim Snow
Kalamazoo County Clerk & Register of Deeds

The Annual Meeting of the United County Officers Association was held at the Crowne Plaza Hotel in Lansing on January 19 – 22, 2014. Here's a quick rundown of the activities that were held:

Remonumentation & Land Survey – Chris Beland, Director

- There is a new Indiana-Michigan Boundary Line Commission being established with surveyor representatives from the 5 border counties serving on it along with similar representatives from Indiana.
- Preliminary Plats have been an issue from time to time. A Michigan licensed surveyor must sign a preliminary plat. The County Plat Board only deals with proprietor's plats. If an Amended Plat comes out of the Circuit Court, the Clerk does not sign it.
- Chris' slide presentation is available through Ginny McLaren at UCOA.

County Finances – Dr. Eric Scorsone, MSU

Dr. Scorsone gave an overview of how counties have been financed through the years and how our financing mechanisms of today came to be, and what to look forward to in the future.

His presentation is also available through UCOA.

Communicating with Your Board of Commissioners – Julie Pioch, MSU Extension – VanBuren County

Julie offered ideas about working with commissioners and administrators from both the elected official perspective and from the commissioner perspective, as she also conducts new commissioner training.

Julie's handout is available on the MACC Website.

HR 101 – Patrick Aseltyne – Johnson, Rosati, Schultz & Joppich, PC

Patrick reviewed many excellent points regarding aspects of employment law and the Americans with Disabilities Act that we can use in our offices.

Patrick's handout is available on the MACC Website.

Harassment in the Workplace – Peter Cohl – Cohl, Stoker & Toskey, PC

Peter discussed a variety of things we all need to be aware of when it comes to sexual harassment in the workplace. He also shared several actual cases and what they could mean to us.

Peter's handout is available on the MACC Website.

MACC Anniversaries

First Quarter Anniversaries in Office

Three County Clerks are celebrating 25 years in office during the first quarter on 2014.

Joyce A. Watts – Allegan County
Anne Norlander – Calhoun County
Gary Klacking – Ogemaw County

Joyce and Anne came into office as Clerk on January 1, 1989 and Gary assumed office on February 13, 1989. It should be noted that Joyce was already the Allegan County Register of Deeds prior to becoming County Clerk. Congratulations Joyce, Anne & Gary!

Five years in office

The following County Clerks came into office January 1, 2009 and are celebrating 5 years as County Clerk. Congratulations to all!

Pam Jarvis – Barry County
Cheryl Potter Browe – Charlevoix County
Pam Mayfield – Clare County
Laura Brandon-Maveal – Gladwin County
Marney Kast – Hillsdale County
Deb Hill – Kalkaska County
Julie Carlson – Keweenaw County
Ann Manary – Midland County
Sharon Lemasters – Monroe County
Nancy Waters – Muskegon County

Welcome to new County Clerks

Three County Clerks retired at the end of 2013 and we want to thank them for their years of service and welcome the folks that have been appointed to take over their duties.

Houghton County – Mary Schoos retired after 14 years as County Clerk/Register. Patricia Janke was appointed as Clerk/Register beginning in 2014. Patricia's e-mail is pat@houghtoncounty.net.

Iron County – Joan Luhtanen retired after 17 years as County Clerk. Diane Hilberg was appointed as County Clerk beginning in 2014. Her e-mail is dhilberg@ironmi.org.

Sanilac County – Linda Kozfkay retired after 23 years as County Clerk. Denise McGuire was appointed as County Clerk beginning in 2014. Her e-mail is countyclerk@sanilacounty.net.

Welcome to Pat, Diane and Denise!

MACC would also like to welcome Stacy Preiss, who was appointed Ontonagon Clerk/Register of Deeds in August of 2013. Her e-mail is StacyP@ontonagoncounty.org.