



# MICHIGAN ASSOCIATION of COUNTY CLERKS

## Happy Spring!

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*MACC President Marcee Purcell  
Mecosta County Clerk*

It's hard to believe we're already heading into the 5<sup>th</sup> month of 2014 ~ *Time flies when you're having Fun!*

The Spring Quarterly Meeting is scheduled for next Thursday/Friday at The Perry Hotel in Petoskey and it looks to be a great turnout. I'm looking forward to our elections-packed program and visiting with those attending. If you are unable to attend, remember to check the website ([www.michigancountyclerks.us](http://www.michigancountyclerks.us)) for meeting handouts.

The Bureau of Elections' Voting System Vendor Fair in March offered a great opportunity to look at systems that might be considered in the next statewide bid process for new election equipment. The vendors that participated were: Dominion Voting Systems, Election Systems & Software, Everyone Counts, Hart Intercivic and Unisyn Voting Solutions. Each vendor presented at the top of the hour and offered time for Q & A. A BIG Thank You to the Bureau for putting the Vendor Fair together, it was informative and interesting to hear what each voting system had to offer. If you couldn't make the Vendor Fair, check out the vendors' websites ~ they offer an abundance of information on their individual voting systems.

The Summer Conference in Traverse City is right around the corner. The program is finalized (thanks to Marney!), food has been selected, entertainment booked and The Park Place is ready for us ~ another great opportunity for "learning, laughter and linking up with friends!" ~ be sure to make your reservation early.

### *Inside this issue...*

Letter from the President.....	1
Legislative Update.....	2-3
Spring Quarterly Meeting Review.....	4-5
MACC PAC Update.....	5
Great News for JIS Jury System Users!.....	6
MACC Birthdays & Anniversaries.....	6
Dan Kreuger Retiring June 30.....	6

# Legislative Update



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## **Governor Signs Two Elections Bills**

Prior to breaking for Spring Recess, the Legislature sent two bills to the Governor. Both bills were signed.

**Public Act 94 of 2014** amends the Michigan Election Law to make several changes regarding elector information on nominating petitions. Specifically, the Act clarifies that if an elector fails to include his or her signature, his or her address, or the date of signing, on a nominating petition, his or her signature would be invalid on that nominating petition and could not be counted by the filing official. This clarification was necessary as a result of a ruling last summer which overturned Bureau of Elections guidance that signatures missing key information were invalid. These changes codify the longstanding understanding that those names on nominating petitions absent the aforementioned information were invalid.

Additionally, the Act expands requirements existing within the Election Code relative to petition circulators for offices under MCLs 168.482, 590B(4) or 685. Under the prior law, those petition circulators were required to be a qualified elector, meaning voting-age Michigan residents. Under the new provisions, a circulator of a petition to amend the State Constitution, initiate legislation, or have a referendum on legislation; a petition for the office of U.S. President, U.S. Senator, Governor, Attorney General, Secretary of State, State Board of Education, Michigan Supreme Court justice, or board of the University of Michigan, Michigan State University, or Wayne State University; or a petition to form a new political party requires that the circulator to be a registered elector of this State or be qualified to be a registered elector if not a State resident. Additionally, the circulator must be at least 18 years old, be a U.S. citizen, and sign an irrevocable written stipulation agreeing to accept the jurisdiction of this State for the purpose of any legal proceeding or hearing initiated under certain sections of the Election Law. The bill also would require specific language related to this requirement to be added to the certificate of circulator that appears on the petition.

In addition to the above changes, the bill was used to correct a technical oversight that occurred with local vacancies when the filing deadline was moved from the twelfth Tuesday before the election to the fifteenth Tuesday. The fix clarifies that if the vacancy occurs at least 7 days before the filing deadline, the person appointed to fill the vacancy serves only until the next November general election.

Finally, two additional minor changes were enacted. First, establishing that the last four digits of a registered voter's Social Security number would be exempt from disclosure under the Freedom of Information Act, and the Secretary of State could use the digits only to verify a registered voter's data under the Federal Help America Vote Act or a registered voter's status under the Election law. Secondly, establishes that the requirement for a candidate to indicate a name change on an affidavit of identity would not apply if the name in question constituted a common law name as permitted under MCL 168.560 of Election Law.

**Public Act 79 of 2014** amends the Michigan Election Law to permit a physically disabled voter who is unable to sign his or her name due to the physical disability to use a signature stamp on a voter registration application or other election documents. Current law requires voters to sign the documents or make his or her mark. The new Act further defines that an election document includes, but is not limited to, all of the following: a voter application; an absent voter ballot application; an emergency absent voter ballot application; and an absent voter ballot return envelope.

The law also amends the provision addressing ballot wording for laws referred by the legislature for a vote of the people. Under the change, if the legislature drafts the ballot wording, the director of elections and the Board of State Canvassers are not required to develop the 100 word description that would appear on the ballot. Keep in mind that this exact issue came into play last year as the Legislature considered placing a sales tax increase before the voters dedicated to road and infrastructure.

## *Legislative Update continued...*

### **House Passes FOIA Reforms**

With a vote of 102-8, the Michigan House of Representatives overwhelmingly passed legislation reforming the FOIA process in a number of areas. The biggest change involves how costs are determined. Under the House-passed proposal, House Bill 4001 (H-6) requires public bodies to provide a requester of public documents with an itemized estimate of the costs of complying with the request. Currently, public bodies are only required to provide a total estimated cost for providing the requests documents. Under HB 4001 (H-6), the itemized estimate must outline the estimated cost in the six areas below:

- 1) That portion of labor costs (excluding the cost of benefits) directly associated with searching for, locating and examining requested records charged in increments of 15 minutes.
- 2) That portion of labor costs (excluding the cost of benefits) directly associated with separating and redacting exempt information from nonexempt information charged in increments of 15 minutes. Total labor costs shall not exceed the hourly rate of six times the state hourly minimum wage.
- 3) For non-paper digitized records, the actual and reasonable cost of the CD, tape or other media, if media is not provided by the requester.
- 4) For paper records, the actual total incremental cost of duplication and publication, not to exceed 10 cents per page with a decennial indexing of this fee beginning in 2019.
- 5) The cost of labor (excluding the cost of benefits) directly related to making copies of paper records, making digital copies, or transferring digital records to media. Total labor costs shall not exceed the hourly rate of three times the state hourly minimum wage.
- 6) The actual cost of postage for sending requested records.

Additional proposed changes to the FOIA process include:

- The fee waiver or reduction amount of \$20 has been raised to \$50 and may be waived or reduced not more than twice in a calendar year for an individual who is either indigent or on public assistance) if the request is specific and the records requested pertain to the individual. Additionally, this reduction or exemption applies to a nonprofit organization charged with

carrying activities for a person with developmental disabilities.

- A public body is required to establish procedures and guidelines to implement this Act and shall create a written public summary of the specific to how a member of the public may submit written requests.
- Clarifies that any records contained on a website maintained by the public body are nonexempt records and the public body may refer the requester to the website to obtain said records.
- Establishes that a good-faith estimate shall not exceed half of the estimated total cost if it's estimated to be greater than \$50 and shall include an itemized estimate breaking down the costs under the six areas expressed above. The public body shall also provide a good-faith estimate as to when the request will be completed.
- Requires the public body to respond in a "timely manner" and states that failure to timely respond reduces the charges by 10% each day for up to 50% if the delay was "willful and intentional" or the request included certain words or phrases.
- Prohibits a public body from asserting an exemption in any subsequent court action if the public body did not make that assertion in a written denial or an appeal. If the court find that legal basis for an exemption was erroneous, the charges shall be reduced by 50%.
- A requester may appeal the fee for compiling records by filing a complaint with the public body or commence legal action if the public body doesn't provide for an appeal or denies an appeal.
- Increases the amount of damages a requester may collect to \$2000 from \$500 if a court holds that the public body acted arbitrarily and capriciously in violating the Act.
- Permits a court to issue fines of between \$2500 and \$7500 per occurrence if the court holds that the public body willfully and intentionally failed to comply with the Act.

The bill was referred to the Senate Government Operations Committee, chaired by Senate Majority Leader Randy Richardville (R-Monroe). At this point, it is unclear whether this legislation will be taken up in the Senate.

# Spring Quarterly Meeting Review

by Tim Snow

Kalamazoo County Clerk & Register of Deeds

A gathering of 51 counties and 68 people enjoyed the Spring Quarterly Meeting in Petoskey on April 24-25. There were several excellent sessions, all relating to elections.

## **CAMPAIGN FINANCE**

Joe Rozell, Oakland County Elections Director, gave a presentation about how Oakland County maintains its campaign finance information and offered several suggestions that any size county could use.

- An introduction letter from the Clerk about campaign finance could be sent to candidates as they file.
- Reminder notices to committees about a month before the pre-election report is due.
- Post-election statements ALWAYS follow pre-election statements – whether the campaign spent any additional money or not.
- There is a new reporting for non-waivered committees in the off year, that July and October quarterly reports are now required. The July reports have a July 20 close and are due on July 25. The October reports have an October 20 close and are due on October 25.
- Late filers should be reported to both the Attorney General and the Prosecuting Attorney. This covers the requirements of the law, but don't expect anything to be done.
- The law also requires that the County Treasurer be notified regarding non-payment of late fees.
- Contribution limits have now doubled as of January 1, 2014.

Joe provided a number of samples of letters that Oakland County uses.

## **RECOUNT**

Tom Luitje from the Bureau of Elections gave a review of recount procedures that should be used. Here are a few of his points:

- Please forward a copy of the recount request filing to the Bureau of Elections.
- It is best if the Board of Canvassers members do not perform the actual hand counting. Hire (or ask for volunteers) from local clerks or election inspectors. Other people could be hired as well. In the case of clerks or election inspectors, they should not count precincts from their own jurisdictions.
- Recounts following a Primary Election must be completed within 20 days after the Bureau notifies clerks about any State recounts and when local recounts may begin. Recounts following a General Election must be completed within 30 days.

## **PRECINCT DELEGATES**

Joyce Watts was unable to do this presentation, but her "twin sister" (a/k/a Marney Kast) talked about this most favorite of election topics.

- The County Party Chair should have provided a list of delegates per precinct no later than April 1. If they did not, the Election Commission makes the determination.
- Some clerks assist the local parties with vote numbers, suggestions for numbers of delegates, etc. This is not required, but may help ensure the delegate distributions are completed promptly.

## *Spring Quarterly Meeting Review continued...*

### **ELECTION INSPECTOR TRAINING**

Cindy Luczak led a lively discussion/presentation from several clerks who shared their training procedures for election inspectors. Here are a few of the ideas:

- Make training interesting and change it frequently
- Try games during the training. Some clerks play Bingo or Jeopardy with the trainees to help them learn some of the precinct procedures.
- Not every inspector is suited for the e-Pollbook, and not everyone needs to be trained on it.
- If possible, hands-on demonstrations of equipment is a good way to learn – particularly for first time inspectors.
- Train Chairpeople, experienced workers and new inspectors separately if possible. They all have different needs.
- Enlist the help of some local clerks to take on some of the training. Split up larger groups into smaller ones and do training on specific topics. Then move inspectors around to the different sessions.
- Give the election inspectors a quiz to see what they know. The Bureau of Elections has one you can use. It could also be used as a group/oral quiz.

### **BUREAU OF ELECTIONS UPDATE**

Sally Williams offered an update of information from the Bureau.

- QVF Equipment will be replaced between May 5 and June 19. Everyone will be contacted prior to installation by State staff.
- The committees formed to look at replacement voting equipment are in the process of completing their work. The software/election night reporting committee will be meeting May 12-13 to do an in-depth look at the software components of four vendors.
- Be sure to attend the county by county training now going on.
- Board of Canvasser training will be in July. More information will be coming soon.
- The e-Learning Center will have a major update starting May 1. The end result should be a more user-friendly system.
- The major overhaul of the QVF software is in the development stage. There will no NO major updates to QVF in 2014.

Materials from the various sessions will be made available on the MACC website in the near future.

## ***MACC-PAC Update***

MACC is pleased to announce that we've raised over \$2,000 at our spring quarterly! This is a great start to the year, and we hope to sustain this momentum moving into summer with our silent auction and our year long goal of \$6,000 - thank you for your support!

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**

# *Great News for JIS Jury System Users!*

As many of you know it is that time of year when we send out mass mailing of jury questionnaires. The printing, folding, stuffing and mailing are time consuming, tedious and costly, not to mention that we are on a deadline. With budget costs being cut all over the state many offices are looking to find ways to save.

Well, I have some great news to share with you. Did you know that JIS (Judicial Information System) can now put our jurors into a "txt" or "csv" format? Why is this a great break through? By using the "txt" or "csv" format we can sort the questionnaires by juror number, name, zip code, tray them for delivery and save quite a bit in copying/ assembling time and postage.

If you are interested in further information regarding this process please contact the JIS Help Desk at 1-888-339-1547 ext. #3. They will be happy to assist you with any questions you may have.

## *MACC Birthdays & Anniversaries*

Cathy Garrett/Wayne	May 4
Dan Krueger/Ottawa	May 4
Ann Marie Main/Presque Isle	May 11
Mary Ann Froberg/Alger	May 18
Ann Manary/Midland	May 24
Margaret Dunleavy/Livingston	May 24
Stacy Preiss/Ontonagon	May 26
Sheryl Guy/Antrim	May 27
Jay DeBoyer/St. Clair	May 30

Wishing you ALL a Happy, Happy Birthday !!

Happy Anniversary to Elaine Richardson (Wexford County), who celebrates 20 years in office on May 16!

## *Dan Krueger Retiring June 30*

The most senior County Clerk, Dan Krueger, has announced his retirement from office as of June 30, 2014. Dan has served as Ottawa County Clerk since November of 1978 and as Register of Deeds since January 1, 2013. Dan has served MACC in many areas over the years and currently is Co-Chair of the Legislative Committee. In 1986, Dan was selected as County Clerk of the Year. He served as President of the Association in 1991.

A reception honoring Dan will be held on Friday, June 27 at the Ottawa County Fillmore Complex, 12220 Fillmore, West Olive, MI.

Many congratulations on a job well done! Best wishes in your retirement!