



**House
Legislative
Analysis
Section**

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WRITE-IN CANDIDATE CRITERIA

**House Bill 4449 (Substitute H-2)
First Analysis (10-12-95)**

**Sponsor: Rep. Beverly Hammerstrom
Committee: Local Government**

THE APPARENT PROBLEM:

Local election officials often face the frustrating task of counting frivolous write-in votes. Coming at the end of a long, exhausting election day, the prospect of tallying the various votes for "Mickey Mouse" and other fictional and near-fictional celebrities, as well as for ordinary but unwilling or unavailable people, is far from amusing. Local clerks have complained that this is particularly burdensome at the August primary when precinct delegates for political parties are selected, where there may be a dearth of legitimate candidates on the ballot. Most serious candidates for political office appear on the ballot after having met the various deadlines and requirements, such as filing petitions and paying filing fees. Some people believe it is not too much to ask for write-in candidates to take the responsibility to notify election officials before the election of their candidacies. If election officials had a list of official write-in candidates, they could concentrate on counting votes for those candidates and ignore the frivolous write-in votes.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Election Law to prohibit the counting of votes for a write-in candidate unless the candidate had filed a declaration of intent to be a write-in candidate. There would be an exception for cases in which a candidate on the ballot had died or otherwise been disqualified before the election.

The secretary of state would have to prescribe the forms for the declaration of intent for write-in candidates and clerks would be required to maintain a supply in their offices and make them available in polling places during the August primary. The form would contain the candidate's name and address, the office sought, and other information the secretary of state considered appropriate.

Declarations of intent would have to filed on or before 4 p.m. on the Friday immediately preceding

the election. The secretary of state, immediately after the filing deadline, would prepare and cause to be delivered a list of all those who had filed declarations of intent, if any, to the appropriate county clerks. A filing official, other than the secretary of state, who had received a declaration of intent from a candidate or had received from another filing official a list of persons filing declarations of intent would be required to deliver a list of persons who had filed declarations to the board of election inspectors on or before the opening of the polls on election day.

However, if a candidate on the printed ballot died or was otherwise disqualified after the Wednesday immediately preceding the election, the declaration of intent requirement would not apply. In that case, board of election inspectors would count all write-in votes for the office sought by the deceased or disqualified candidate.

A write-in candidate for precinct delegate would be required to file the declaration of intent with the appropriate city or township clerk by 4 p.m. on the Friday immediately preceding the election or with the board of election inspectors in the appropriate precinct before the close of polls on election day. A clerk who received a declaration for a precinct delegate candidate would prepare and cause to be delivered a list of all such candidates to the board of election inspectors in the appropriate precincts before the close of the polls on election day.

MCL 168.737a

FISCAL IMPLICATIONS:

The bill would have no fiscal implications, according to both the House Fiscal Agency (Fiscal Note dated 9-26-95) and the Michigan Department of State (analysis dated 10-10-95).

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ARGUMENTS:

For:

The bill imposes a filing requirement on people who wish to become legitimate write-in candidates for public office or for party precinct delegate. This would remove the aggravation for election officials of counting frivolous write-in votes at the end of long, tiring election days. It also saves unsuspecting and unwilling candidates from the embarrassment of seeing their name in the election results. Election workers would only count and record the votes for those write-in candidates who appeared on an official list. Candidates could get on the list by filing a declaration of intent to be a write-in candidate by 4 p.m. on the Friday immediately preceding the election. This seems a reasonable requirement. There would be an exception for write-in candidates for offices where a candidate on the ballot had died or otherwise been disqualified. The bill also would allow someone to become a candidate for precinct delegate by filing a declaration of intent with election inspectors at the appropriate precinct before the close of the polls on election day.

Election officials also point out that the bill would permit the reuse of secrecy envelopes in punch card jurisdictions when there were no official write-in votes to be counted. Also, in precincts with optical scan systems, election workers would not have to review ballots for write-in votes if no candidates had filed declarations of intent.

Against:

Some people have expressed concern about limiting political involvement or ignoring voter's desires because election officials are tired, frustrated, and unhappy several times each year.

POSITIONS:

The Department of State supports the bill. (11-11-95)

A representative of the Michigan Municipal Clerks Association has indicated support for the bill. (11-11-95)