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BILL ANALYSIS



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House Bill 4449 (Substitute H-2 as passed by the House)
Sponsor: Representative Beverly Hammerstrom
House Committee: Local Government
Senate Committee: Government Operations

Date Completed: 11-13-96

CONTENT

The bill would add a section to the Michigan Election Law to establish certain requirements for write-in candidates for elective office and for precinct delegate; and require the Secretary of State to prescribe forms for a declaration of intent to be a write-in candidate.

The bill would prohibit the Board of Election Inspectors from counting a write-in vote for any person unless that person had filed a declaration of intent to be a write-in candidate. The write-in candidate would have to file the declaration of intent with the filing official for that elective office by 4 p.m. on the Friday immediately preceding the election. The Secretary of State, immediately after the 4 p.m. deadline, would have to prepare and deliver to the appropriate county clerks a list of all persons who had filed a declaration of intent to be a write-in candidate, if any. A filing official other than the Secretary of State who received a declaration of intent, or a list of persons who filed a declaration of intent, from another filing official, would have to prepare a list of all persons who filed a declaration of intent to be a write-in candidate and deliver the list to the Board of Election Inspectors in the appropriate precincts before the close of the polls on election day.

If a candidate whose name was printed on the official ballot for the election died or were otherwise disqualified on or after the Wednesday immediately preceding the election, the requirement of filing a declaration of intent to be a write-in candidate would not apply. If a death or disqualification had occurred, the Board of Election Inspectors would have to count all write-in votes for write-in candidates for the office sought by the deceased or disqualified candidate.

The Board of Election Inspectors could not count a write-in vote for a write-in candidate for precinct delegate unless that candidate had filed a declaration of intent to be a write-in candidate. A write-in candidate for precinct delegate would have to file a declaration of intent with the appropriate city or township clerk for that precinct 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 the polls on election day. A city or township clerk who received a declaration of intent to be a write-in candidate for precinct delegate would have to prepare a list of all persons who had filed a declaration and deliver the list to the Board of Election Inspectors in the appropriate precincts before the close of the polls on election day.

The Secretary of State would have to prescribe forms for the declaration of intent. Clerks would have to maintain a supply of declaration of intent forms in the clerks' offices and make the forms

available in the polling places during the August primary. The declaration of intent form would have to include the name of the person intending to be a write-in candidate; the elective office that the person sought as write-in candidate; the residence address of the person seeking elective office as a write-in candidate; and any other information the Secretary of State considered appropriate.

Proposed MCL 168.737a

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of State for developing the forms for write-in candidates and preparing lists of write-in candidates and delivering lists to county clerks.

Local government savings would result from not having to count write-in votes for individuals who do not file declarations of intent to be a write-in candidate. Local officials report that these savings would more than offset costs associated with declaration of intent forms.

Fiscal Analyst: B. Bowerman

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This Analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.