



HOUSE BILL No. 4449

February 21, 1995, Introduced by Reps. Hammerstrom, McBryde, Galloway, Dolan, Brackenridge, Hill, Jellema, Bullard and Dobb and referred to the Committee on Local Government.

A bill to amend Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, by adding section 737a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 116 of the Public Acts of 1954, as
2 amended, being sections 168.1 to 168.992 of the Michigan Compiled
3 Laws, is amended by adding section 737a to read as follows:

4 SEC. 737A. (1) THE BOARD OF ELECTIONS INSPECTORS SHALL NOT
5 COUNT A WRITE-IN VOTE FOR ANY PERSON UNLESS THAT PERSON HAS FILED
6 A NOTARIZED DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE AS
7 PROVIDED IN THIS SECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS
8 SECTION, THE WRITE-IN CANDIDATE SHALL FILE THE DECLARATION OF

1 INTENT WITH THE FILING OFFICIAL FOR THAT ELECTIVE OFFICE ON OR
2 BEFORE 5 P.M. ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.

3 (2) IF A CANDIDATE WHOSE NAME IS PRINTED ON THE OFFICIAL
4 BALLOT FOR THE ELECTION DIES AFTER 5 P.M. ON THE FRIDAY IMMEDI-
5 ATELY PRECEDING THE ELECTION, A WRITE-IN CANDIDATE MAY FILE A
6 NOTARIZED DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE WITH
7 THE FILING OFFICIAL FOR THAT ELECTIVE OFFICE ON OR BEFORE 12 NOON
8 ON THE MONDAY IMMEDIATELY PRECEDING THE ELECTION. THE BOARD OF
9 ELECTIONS INSPECTORS SHALL COUNT A WRITE-IN VOTE FOR A WRITE-IN
10 CANDIDATE IF A DEATH HAS OCCURRED AS DESCRIBED IN THIS SUBSECTION
11 AND THE WRITE-IN CANDIDATE HAS FILED A NOTARIZED DECLARATION OF
12 INTENT TO BE A WRITE-IN CANDIDATE WITH THE APPROPRIATE FILING
13 OFFICIAL FOR THAT ELECTIVE OFFICE AS PROVIDED IN THIS
14 SUBSECTION. THE WRITE-IN CANDIDATE SHALL INCLUDE IN THE NOTA-
15 RIZED DECLARATION A STATEMENT AFFIRMING THAT, TO THE BEST OF THE
16 WRITE-IN CANDIDATE'S KNOWLEDGE, THE CANDIDATE WHOSE PLACE ON THE
17 BALLOT HE OR SHE SEEKS IS DECEASED.

18 (3) THE SECRETARY OF STATE SHALL PRESCRIBE AND SUPPLY FORMS
19 FOR THE DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE. CLERKS
20 SHALL MAINTAIN A SUPPLY OF DECLARATION OF INTENT TO BE A WRITE-IN
21 CANDIDATE FORMS IN THE CLERK'S OFFICE FOR THIS PURPOSE. THE DEC-
22 LARATION OF INTENT TO BE A WRITE-IN CANDIDATE FORM SHALL INCLUDE
23 ALL OF THE FOLLOWING INFORMATION:

24 (A) THE NAME OF THE PERSON INTENDING TO BE A WRITE-IN
25 CANDIDATE.

26 (B) THE ELECTIVE OFFICE THAT THE PERSON SEEKS AS WRITE-IN
27 CANDIDATE.

1 (C) THE RESIDENCE ADDRESS OF THE PERSON SEEKING ELECTIVE
2 OFFICE AS A WRITE-IN CANDIDATE.

3 (D) ANY OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS
4 APPROPRIATE.

5 (4) A FILING OFFICIAL WHO RECEIVES A DECLARATION OF INTENT
6 TO BE A WRITE-IN CANDIDATE PURSUANT TO THIS SECTION SHALL DELIVER
7 A LIST OF ALL PERSONS WHO HAVE FILED A DECLARATION PURSUANT TO
8 THIS SECTION TO THE BOARD OF ELECTIONS INSPECTORS IN THE APPRO-
9 PRIATE PRECINCTS ON OR BEFORE THE OPENING OF THE POLLS ON ELEC-
10 TION DAY.

11 (5) A PERSON WHO MEETS 1 OR MORE OF THE FOLLOWING REQUIRE-
12 MENTS IS INELIGIBLE TO FILE A DECLARATION OF INTENT TO BE A
13 WRITE-IN CANDIDATE AT THE IMMEDIATELY SUCCEEDING GENERAL ELEC-
14 TION, PURSUANT TO THIS SECTION:

15 (A) A CANDIDATE FOR WHOM A NOMINATION PAPER HAS BEEN FILED
16 AS A PARTISAN CANDIDATE AT A PRIMARY ELECTION AND WHO IS DEFEATED
17 FOR HIS OR HER NOMINATION AT THE PRIMARY ELECTION.

18 (B) A CANDIDATE SEEKING ELECTION TO AN OFFICE FOR WHICH CAN-
19 DIDATES OF POLITICAL PARTIES ARE NOMINATED BY CAUCUS WHO IS A
20 PARTICIPANT IN THE CAUCUS AND WHO IS DEFEATED FOR HIS OR HER NOM-
21 INATION AT THE CAUCUS.

22 (C) A CANDIDATE SEEKING ELECTION TO AN OFFICE FOR WHICH CAN-
23 DIDATES ARE NOMINATED AT A PRIMARY ELECTION ON A NONPARTISAN
24 BASIS AND WHO IS DEFEATED FOR HIS OR HER NOMINATION AT THE PRI-
25 MARY ELECTION.