

HOUSE BILL No. 6232

November 5, 1998, Introduced by Rep. Rhead and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 737a (MCL 168.737a), as added by 1996 PA 461.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 737a. (1) Except as otherwise provided in this sec-
2 tion, the board of election inspectors shall not count a write-in
3 vote for any person unless that person has filed a declaration of
4 intent to be a write-in candidate as provided in this section.
5 THE BOARD OF ELECTION INSPECTORS SHALL NOT COUNT A WRITE-IN VOTE
6 FOR A PERSON WHO FILES A DECLARATION OF INTENT TO BE A WRITE-IN
7 CANDIDATE UNDER THIS SECTION IN VIOLATION OF EITHER SUBDIVISION
8 (A) OR (B). The write-in candidate shall file the declaration of
9 intent to be a write-in candidate with the filing official for
10 that elective office on or before 4 p.m. on the Friday

1 immediately preceding the election. A PERSON SHALL NOT FILE A
2 DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE UNDER THIS SEC-
3 TION IF EITHER OF THE FOLLOWING CIRCUMSTANCES EXISTS:

4 (A) THE PERSON HAS ALREADY FILED A DECLARATION OF INTENT TO
5 BE A WRITE-IN CANDIDATE UNDER THIS SECTION FOR ANOTHER ELECTIVE
6 OFFICE.

7 (B) THE PERSON'S NAME APPEARS ON THE BALLOT AS A CANDIDATE
8 FOR ANY OTHER ELECTIVE OFFICE.

9 (2) The secretary of state, immediately after the
10 4 p.m. filing deadline under this subsection, shall prepare and
11 cause to be delivered a list of all persons who have filed a dec-
12 laration of intent to be a write-in candidate pursuant to ~~this~~
13 subsection (1), if any, to the appropriate county clerks. A
14 filing official other than the secretary of state who receives a
15 declaration of intent to be a write-in candidate or list of per-
16 sons who filed a declaration of intent from another filing offi-
17 cial pursuant to ~~this~~ subsection (1) shall prepare and cause to
18 be delivered a list of all persons who have filed a declaration
19 of intent to be a write-in candidate pursuant to ~~this~~ subsec-
20 tion (1) to the board of election inspectors in the appropriate
21 precincts before the close of the polls on election day.

22 (3) ~~(2)~~ If a candidate whose name is printed on the offi-
23 cial ballot for the election dies or is otherwise disqualified on
24 or after the Wednesday immediately preceding the election, the
25 requirement of filing a declaration of intent to be a write-in
26 candidate under subsection (1) does not apply to a write-in
27 candidate. If a death or disqualification has occurred as

1 described in this subsection, the board of election inspectors
2 shall count all write-in votes for write-in candidates for the
3 office sought by the deceased or disqualified candidate.

4 (4) ~~(3)~~ Subsections (1), ~~and~~ (2), AND (3) do not apply
5 to a write-in candidate for precinct delegate. The board of
6 election inspectors shall not count a write-in vote for a
7 write-in candidate for precinct delegate unless that candidate
8 has filed a declaration of intent to be a write-in candidate as
9 provided in this subsection. A write-in candidate for precinct
10 delegate shall file a declaration of intent to be a write-in can-
11 didate with the appropriate city or township clerk for that pre-
12 cinct on or before 4 p.m. on the Friday immediately preceding the
13 election or with the board of election inspectors in the appro-
14 priate precinct before the close of the polls on election day. A
15 city or township clerk who receives a declaration of intent to be
16 a write-in candidate from a write-in candidate for precinct dele-
17 gate pursuant to this subsection shall prepare and cause to be
18 delivered a list of all persons who have filed a declaration of
19 intent to be a write-in candidate pursuant to this subsection to
20 the board of election inspectors in the appropriate precincts
21 before the close of the polls on election day.

22 (5) ~~(4)~~ The secretary of state shall prescribe forms for
23 the declaration of intent to be a write-in candidate. Clerks
24 shall maintain a supply of declaration of intent to be a write-in
25 candidate forms in the clerk's office and make the forms avail-
26 able in the polling places during the August primary for this

1 purpose. The declaration of intent to be a write-in candidate
2 form shall include all of the following information:

3 (a) The name of the person intending to be a write-in
4 candidate.

5 (b) The elective office that the person seeks as a write-in
6 candidate.

7 (c) The residence address of the person seeking elective
8 office as a write-in candidate.

9 (D) A STATEMENT CERTIFYING THAT THE PERSON INTENDING TO BE A
10 WRITE-IN CANDIDATE HAS NOT FILED A DECLARATION OF INTENT TO BE A
11 WRITE-IN CANDIDATE FOR ANOTHER ELECTIVE OFFICE AND THAT HIS OR
12 HER NAME DOES NOT APPEAR ON THE BALLOT AS A CANDIDATE FOR ANY
13 OTHER ELECTIVE OFFICE.

14 (E) ~~(d)~~ Any other information the secretary of state con-
15 siders appropriate.