

**SENATE BILL NO. 858**

January 29, 1998, Introduced by Senators CISKY and NORTH  
and referred to the Committee on Government Operations.

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~~  
2 ~~section~~ SUBSECTION (2) OR (4), the board of election inspectors  
3 shall not count a write-in vote for any person unless that person  
4 has filed a declaration of intent to be a write-in candidate as  
5 provided in this section. ~~The~~

6       (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A write-in  
7 candidate shall file ~~the~~ A declaration of intent to be a  
8 write-in candidate with the filing official for that elective  
9 office on or before 4 p.m. on the Friday immediately preceding  
10 the election. The secretary of state, immediately after the 4

1 p.m. filing deadline under this subsection, shall prepare and  
 2 cause to be delivered a list of all persons who have filed a dec-  
 3 laration of intent to be a write-in candidate pursuant to this  
 4 subsection, if any, to the appropriate county clerks. A filing  
 5 official other than the secretary of state who receives a decla-  
 6 ration of intent to be a write-in candidate or list of persons  
 7 who filed a declaration of intent from another filing official  
 8 pursuant to this subsection shall prepare and cause to be deliv-  
 9 ered a list of all persons who have filed a declaration of intent  
 10 to be a write-in candidate pursuant to this subsection to the  
 11 board of election inspectors in the appropriate precincts before  
 12 the close of the polls on election day. ~~-(2)-~~ If a candidate  
 13 whose name is printed on the official ballot for the election  
 14 dies or is otherwise disqualified on or after the Wednesday imme-  
 15 diately preceding the election, the requirement of filing a dec-  
 16 laration of intent to be a write-in candidate under THIS subsec-  
 17 tion ~~-(1)-~~ does not apply to a write-in candidate. If a death or  
 18 disqualification ~~has occurred~~ OCCURS as described in this sub-  
 19 section, the board of election inspectors shall count all  
 20 write-in votes for write-in candidates for the office sought by  
 21 the deceased or disqualified candidate.

22 (3) ~~Subsections (1) and (2) do~~ SUBSECTION (2) DOES not  
 23 apply to a write-in candidate for precinct delegate. ~~The board~~  
 24 ~~of election inspectors shall not count a write-in vote for a~~  
 25 ~~write-in candidate for precinct delegate unless that candidate~~  
 26 ~~has filed a declaration of intent to be a write-in candidate as~~  
 27 ~~provided in this subsection.~~ A write-in candidate for precinct

1 delegate shall file a declaration of intent to be a write-in  
2 candidate with the appropriate city or township clerk for that  
3 precinct on or before 4 p.m. on the Friday immediately preceding  
4 the election or with the board of election inspectors in the  
5 appropriate precinct before the close of the polls on election  
6 day. A city or township clerk who receives a declaration of  
7 intent to be a write-in candidate from a write-in candidate for  
8 precinct delegate pursuant to this subsection shall prepare and  
9 cause to be delivered a list of all persons who have filed a dec-  
10 laration of intent to be a write-in candidate pursuant to this  
11 subsection to the board of election inspectors in the appropriate  
12 precincts before the close of the polls on election day.

13 (4) SUBSECTION (2) DOES NOT APPLY TO A WRITE-IN CANDIDATE  
14 FOR THE OFFICE OF SCHOOL BOARD MEMBER. A WRITE-IN CANDIDATE FOR  
15 THE OFFICE OF SCHOOL BOARD MEMBER SHALL FILE A DECLARATION OF  
16 INTENT TO BE A WRITE-IN CANDIDATE WITH THE FILING OFFICIAL NOT  
17 LATER THAN 4 P.M. ON THE SIXTH MONDAY BEFORE THE DATE OF THE  
18 ELECTION. THE FILING OFFICIAL WHO RECEIVES A DECLARATION OF  
19 INTENT TO BE A WRITE-IN CANDIDATE UNDER THIS SUBSECTION SHALL  
20 PREPARE AND CAUSE TO BE DELIVERED A LIST OF ALL PERSONS WHO HAVE  
21 FILED A DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE PURSUANT  
22 TO THIS SUBSECTION TO THE SECRETARY OF THE BOARD OF THE SCHOOL  
23 DISTRICT NOT LATER THAN 4 P.M. ON THE WEDNESDAY IMMEDIATELY FOL-  
24 LOWING THE FILING DEADLINE. EXCEPT AS OTHERWISE PROVIDED IN THIS  
25 SUBSECTION, IF A CANDIDATE FOR THE OFFICE OF SCHOOL BOARD MEMBER  
26 WHOSE NAME IS PRINTED ON THE OFFICIAL BALLOT FOR THE ELECTION  
27 DIES OR IS OTHERWISE DISQUALIFIED ON OR AFTER THE FILING DEADLINE

1 FOR THE DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE UNDER  
2 THIS SUBSECTION, THE REQUIREMENT OF FILING A DECLARATION OF  
3 INTENT TO BE A WRITE-IN CANDIDATE UNDER THIS SUBSECTION DOES NOT  
4 APPLY TO WRITE-IN CANDIDATES. IF A DEATH OR DISQUALIFICATION  
5 OCCURS AS DESCRIBED IN THIS SUBSECTION, THE BOARD OF ELECTION  
6 INSPECTORS SHALL COUNT ALL WRITE-IN VOTES FOR WRITE-IN CANDIDATES  
7 FOR THE OFFICE SOUGHT BY THE DECEASED OR DISQUALIFIED CANDIDATE.  
8 HOWEVER, IF THE BOARD OF A SCHOOL DISTRICT HAS CANCELED AN ELEC-  
9 TION IN THE MANNER PRESCRIBED IN SECTION 1061 OF THE REVISED  
10 SCHOOL CODE, 1976 PA 451, MCL 380.1061, A DEATH OR DISQUALIFICA-  
11 TION OF A CANDIDATE AFTER THE FILING DEADLINE FOR THE DECLARATION  
12 OF INTENT DOES NOT ALTER THE STATUS OF THE CANCELED ELECTION.

13 (5) ~~-(4)-~~ The secretary of state shall prescribe forms for  
14 the declaration of intent to be a write-in candidate. Clerks  
15 shall maintain a supply of declaration of intent to be a write-in  
16 candidate forms in the clerk's office and make the forms avail-  
17 able in the polling places during the August primary for this  
18 purpose. The declaration of intent to be a write-in candidate  
19 form shall include all of the following information:

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

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

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

26 (d) Any other information the secretary of state considers  
27 appropriate.

1       Enacting section 1. This amendatory act does not take  
2 effect unless Senate Bill No. 739 of the 89th Legislature is  
3 enacted into law.