

A SUMMARY OF HOUSE BILL 4057 AS INTRODUCED 1-27-99

House Bill 4057 would amend the Michigan Election Law to repeal the section of law that sets qualifications for write-in candidates. These qualifications have been in effect since the legislature passed Public Act 461 of 1996 (House Bill 4449).

Under current law, in order for a write-in candidate's votes to be counted, the candidate must file a declaration of intent to be a write-in candidate with the appropriate filing official before 4 p.m. on the Friday immediately preceding the election. When the appropriate filing official is the secretary of state, then the secretary of state must prepare and deliver a list of all people who have filed a declaration of intent to the appropriate county clerks. If the appropriate filing official is other than the secretary of state, then that official must prepare and deliver a list of write-in candidates to the board of election inspectors in the appropriate precincts before the close of the polls on election day. However, if a death or disqualification has occurred after the Wednesday immediately before election day, the write-in candidates need not file the declaration of intent, since the qualifications do not apply.

Further, under the law, a write-in candidate for precinct delegate must file a declaration of intent with the appropriate city or township clerk before 4 p.m. on the Friday before the election or with the board of election inspectors in the appropriate precinct before the close of the polls on election day. The clerks who receive the declarations of intent must prepare and deliver lists of the write-in candidates to the election inspectors in the appropriate precincts.

The current law requires the secretary of state to prescribe forms for the declaration of intent, and requires clerks to maintain a supply of the forms, and to make them available at polling places during the August primary. The declaration of intent to be a write-in candidate must include the name of the person intending to be a write-in candidate, the elective office that the person seeks, the residence address of the candidate, and any other information the secretary of state considers appropriate.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.