

HOUSE BILL No. 5853

May 5, 2004, Introduced by Reps. Meyer and Wenke and referred to the Committee on Local Government and Urban Policy.

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, the board of election inspectors shall not count a
3 write-in vote for ~~any~~ **a** person unless that person has filed a
4 declaration of intent to be a write-in candidate as provided in
5 this section. The write-in candidate shall file the declaration
6 of intent to be a write-in candidate with the filing official for
7 that elective office on or before 4 p.m. on the Friday
8 immediately ~~preceding~~ **before** the election. The secretary of
9 state, immediately after the 4 p.m. filing deadline under this
10 subsection, shall prepare and ~~cause to be~~ **have** delivered a list

1 of all persons who have filed a declaration of intent to be a
2 write-in candidate ~~pursuant to~~ **under** this subsection, if any,
3 to the appropriate county clerks. A filing official other than
4 the secretary of state who receives a declaration of intent to be
5 a write-in candidate or list of persons who filed a declaration
6 of intent from another filing official ~~pursuant to~~ **under** this
7 subsection shall prepare and ~~cause to be~~ **have** delivered a list
8 of all persons who have filed a declaration of intent to be a
9 write-in candidate ~~pursuant to~~ **under** this subsection to the
10 board of election inspectors in the appropriate precincts before
11 the close of the polls on election day.

12 (2) If a candidate whose name is printed on the official
13 ballot for the election dies or is otherwise disqualified on or
14 after the Wednesday immediately ~~preceding~~ **before** the election,
15 the requirement of filing a declaration of intent to be a
16 write-in candidate under subsection (1) does not apply to a
17 write-in candidate. If a death or disqualification has occurred
18 as described in this subsection, the board of election inspectors
19 shall count all write-in votes for write-in candidates for the
20 office sought by the deceased or disqualified candidate.

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

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

13 (4) Subsections (1) and (2) do not apply to a write-in
14 candidate for board member of a school district board of
15 education. The board of election inspectors shall not count a
16 write-in vote for a write-in candidate for board member of a
17 school district board of education unless that candidate has
18 filed a declaration of intent to be a write-in candidate as
19 provided in this subsection. A write-in candidate for board
20 member of a school district board of education shall file a
21 declaration of intent to be a write-in candidate with the school
22 district election coordinator on or before 4 p.m. on the
23 twenty-eighth day immediately before the election. A filing
24 official who receives a declaration of intent to be a write-in
25 candidate from a write-in candidate for board member of a school
26 district board of education under this subsection shall prepare
27 and have delivered a list of all persons who have filed a

1 declaration of intent to be a write-in candidate under this
2 subsection to the board of election inspectors in the appropriate
3 precincts before the close of the polls on election day.

4 (5) ~~—(4)—~~ The secretary of state shall prescribe forms for
5 the declaration of intent to be a write-in candidate. Clerks
6 shall maintain a supply of declaration of intent to be a write-in
7 candidate forms in the clerk's office and make the forms
8 available in the polling places during the August ~~—primary~~
9 **regular election** for this purpose. The declaration of intent to
10 be a write-in candidate form shall include all of the following
11 information:

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

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

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

18 (d) ~~—Any other—~~ **Other** information the secretary of state
19 considers appropriate.