

HOUSE BILL No. 4571

March 24, 2005, Introduced by Reps. Meyer, Taub, Wenke, Nofs and Stahl and referred to the Committee on House Oversight, Elections, and Ethics.

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

1 ~~cause to be~~ **HAVE** delivered a list of all persons who have filed a
2 declaration of intent to be a write-in candidate ~~pursuant to~~
3 **UNDER** this subsection, if any, to the appropriate county clerks. A
4 filing official other than the secretary of state who receives a
5 declaration of intent to be a write-in candidate or list of persons
6 who filed a declaration of intent from another filing official
7 ~~pursuant to~~ **UNDER** this subsection shall prepare and ~~cause to be~~
8 **HAVE** delivered a list of all persons who have filed a declaration
9 of intent to be a write-in candidate ~~pursuant to~~ **UNDER** this
10 subsection to the board of election inspectors in the appropriate
11 precincts before 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 write-in
16 candidate under subsection (1) does not apply to a write-in
17 candidate. If a death or disqualification has occurred as described
18 in this subsection, the board of election inspectors shall count
19 all write-in votes for write-in candidates for the office sought by
20 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 inspectors
23 shall not count a write-in vote for a write-in candidate for
24 precinct delegate unless that candidate has filed a declaration of
25 intent to be a write-in candidate as provided in this subsection. A
26 write-in candidate for precinct delegate shall file a declaration
27 of intent to be a write-in candidate with the appropriate city or

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

12 (4) SUBSECTIONS (1) AND (2) DO NOT APPLY TO A WRITE-IN
13 CANDIDATE FOR BOARD MEMBER OF A SCHOOL DISTRICT BOARD OF EDUCATION.
14 THE BOARD OF ELECTION INSPECTORS SHALL NOT COUNT A WRITE-IN VOTE
15 FOR A WRITE-IN CANDIDATE FOR BOARD MEMBER OF A SCHOOL DISTRICT
16 BOARD OF EDUCATION UNLESS THAT CANDIDATE HAS FILED A DECLARATION OF
17 INTENT TO BE A WRITE-IN CANDIDATE AS PROVIDED IN THIS SUBSECTION. A
18 WRITE-IN CANDIDATE FOR BOARD MEMBER OF A SCHOOL DISTRICT BOARD OF
19 EDUCATION SHALL FILE A DECLARATION OF INTENT TO BE A WRITE-IN
20 CANDIDATE WITH THE SCHOOL DISTRICT ELECTION COORDINATOR ON OR
21 BEFORE 4 P.M. ON THE FOURTEENTH DAY IMMEDIATELY BEFORE THE
22 ELECTION. A FILING OFFICIAL WHO RECEIVES A DECLARATION OF INTENT TO
23 BE A WRITE-IN CANDIDATE FROM A WRITE-IN CANDIDATE FOR BOARD MEMBER
24 OF A SCHOOL DISTRICT BOARD OF EDUCATION UNDER THIS SUBSECTION SHALL
25 PREPARE AND HAVE DELIVERED A LIST OF ALL PERSONS WHO HAVE FILED A
26 DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE UNDER THIS
27 SUBSECTION TO THE BOARD OF ELECTION INSPECTORS IN THE APPROPRIATE

1 **PRECINCTS BEFORE THE CLOSE OF THE POLLS ON ELECTION DAY.**

2 **(5)** ~~—(4)—~~ The secretary of state shall prescribe forms for
3 the declaration of intent to be a write-in candidate. Clerks shall
4 maintain a supply of declaration of intent to be a write-in
5 candidate forms in the clerk's office and make the forms available
6 in the polling places during the August ~~primary~~ **REGULAR ELECTION**
7 for this purpose. The declaration of intent to be a write-in
8 candidate form shall include all of the following information:

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

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

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

15 (d) ~~Any other~~ **OTHER** information the secretary of state
16 considers appropriate.