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BILL



ANALYSIS

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House Bill 4700 (Substitute H-3 as passed by the House)
Sponsor: Representative Jim Lilly
House Committee: Elections and Ethics
Senate Committee: Elections and Government Reform

Date Completed: 12-5-18

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Modify references to "board of primary elections inspectors" to refer to "county clerk".**
- **Amend the process for write-in candidates for precinct delegate.**
- **Eliminate a provision allowing one or more write-in candidate names to be placed by printed or written slips pasted on the ballot.**
- **Modify the requirements for certification and recording of elected delegate's names.**

References to Board of Primary Election Inspectors

Under the Law, the board of primary election Inspectors must declare the required number of electors who receive the highest number of votes for delegates to the fall county convention of a political party to be elected. Additionally, the board of primary election inspectors must certify the names of the electors elected as delegates, naming the political party upon whose ballots the delegates were elected. Where the Act refers to the board of primary election inspectors, the bill would refer to the county clerk.

Write-in for Precinct Delegate

The law requires a write-in candidate for precinct delegate must file a declaration of intent to be a write-in candidate with the appropriate city or township clerk for that precinct on or before 4 p.m. on the Friday immediately before the election. Under the bill, a write-in candidate would have to file a declaration of intent to be a write-in candidate to the county clerk of the county in which that precinct was located.

The Law requires a city or township clerk who receives a declaration of intent to be a write-in candidate from a candidate for precinct delegate to prepare and have delivered a list of all individuals who have filed a declaration of intent to be a write-in candidate to the board of election inspectors in the appropriate precincts before the close of the polls on election day. The bill would require a county clerk to prepare this list and deliver it to the city and township clerks for the appropriate precincts before election day. A city or township clerk would have to deliver a list of all individuals who had filed a declaration of intent to be a write-in candidate for precinct delegate to the board of election inspectors in the appropriate precincts before the close of polls on election day.

Delegates to County Convention

Currently, the name of a candidate for delegate to the county convention must not be printed upon the official primary election ballot, but one or more names may be placed on the ballot by printed or written slips by the elector, or the names may be written in by the elector. Under the bill, the names could be written in by the elector.

Certifying & Recording Names of Delegates

The board of primary election inspectors must certify to the county clerk the names of the electors elected as delegates, naming the political party upon whose ballot the delegates were elected. Under the bill, the county clerk would have to certify those names. The county clerk must record the names of the delegates elected in a book kept for that purpose and must file it among the records of the clerk's office. Instead, the bill would require the county clerk to maintain a record of those elected as delegates among the records of the county clerk.

The bill also would change all references to "nominating petition" to "affidavit of identity".

MCL 168.605 et al.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.