

SUBSTITUTE FOR
HOUSE BILL NO. 4700

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 605, 607, 608, 624a, 625, and 737a (MCL
168.605, 168.607, 168.608, 168.624a, 168.625, and 168.737a),
section 607 as amended by 1996 PA 583, sections 608 and 625 as
amended by 1988 PA 116, section 624a as amended by 2018 PA 120, and
section 737a as amended by 2012 PA 276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 605. The name of the candidate for delegate to the county
2 convention ~~shall~~**MUST** not be printed upon the official primary
3 election ballot, but 1 or more ~~such~~ names may be ~~placed on such~~
4 ~~ballot by printed or written slips pasted thereon by the elector,~~
5 ~~or the names may be written in by the elector.~~

1 Sec. 607. ~~(1)~~ The required number of electors who receive the
2 highest number of votes for delegates to the fall county convention
3 of a political party shall **MUST** be declared by the ~~board of primary~~
4 ~~election inspectors~~ **COUNTY CLERK** to be elected. If, on the canvass
5 of the votes polled at a primary election for delegates to the fall
6 county convention of a political party, 2 or more candidates for
7 delegate receive an equal number of votes for the same office, and
8 that causes a failure to elect a delegate, the election to the
9 office shall **MUST** be determined as provided in subsection

10 ~~(2)~~. **SECTION 625.**

11 ~~—— (2) The board of canvassers for the county in which the~~
12 ~~election was held shall appoint a day for the appearance of all the~~
13 ~~candidates for delegate before the county clerk for the purpose of~~
14 ~~determining by lot among the candidates the right to the office of~~
15 ~~delegate. The board of county canvassers shall give notice of the~~
16 ~~drawing to all interested candidates. The officer before whom the~~
17 ~~drawing is to take place shall prepare as many slips of paper as~~
18 ~~there are candidates and write the word "elected" on as many slips~~
19 ~~of paper as there are offices to be filled, and the words "not~~
20 ~~elected" on the remaining slips. The officer shall fold the slips~~
21 ~~of paper so as to conceal the writing and so that they may appear~~
22 ~~as near alike as possible. The slips of paper shall be placed in a~~
23 ~~box, and, at the time and place appointed for the drawing of the~~
24 ~~lots, each candidate may draw 1 of the slips from the box. The~~
25 ~~candidate drawing a slip on which is written the word "elected" is~~
26 ~~considered legally elected to the office of delegate. The officer~~
27 ~~conducting the drawing shall immediately give the elected delegate~~

~~1 a certificate of election. If an interested candidate fails to~~
~~2 appear at the drawing, the officer conducting the drawing shall~~
~~3 designate some person to draw for the absent candidate.~~

4 Sec. 608. (1) ~~The board of primary election inspectors~~ **COUNTY**
5 **CLERK** shall certify ~~to the county clerk~~ the names of the electors
6 elected as delegates, naming the political party upon whose ballot
7 the delegates were elected.

8 (2) The county clerk shall ~~record the names of the delegates~~
9 ~~elected in a book kept for that purpose and shall file the book~~
10 **MAINTAIN A RECORD OF THOSE ELECTED AS DELEGATES** among the records
11 of the clerk's office.

12 (3) No later than 7 days following the primary election, the
13 **COUNTY** clerk shall notify each delegate elected of his or her
14 election as delegate.

15 (4) The county clerk shall certify the following to the
16 chairperson of the committee of each political party of the county:

17 (a) The delegates elected by the political party as delegates
18 to the county conventions.

19 (b) The names of all persons nominated as candidates of a
20 political party for county office and for state legislative office
21 who are delegates at large under section 599(5), when those names
22 become available to the county clerk.

23 (5) As used in this section, "persons nominated as candidates
24 of a political party for county office and for state legislative
25 office who are delegates at large under section 599(5)" means
26 incumbent county officials, incumbent state legislators, and
27 unsuccessful candidates for county offices and state legislative

1 offices who were candidates at the last prior regular or special
2 election held for the respective office.

3 Sec. 624a. (1) A precinct delegate may resign his or her
4 office upon written notice to the chairperson of the county
5 committee and the county clerk of the county or district in which
6 the delegate resides.

7 (2) ~~A person~~ **AN INDIVIDUAL** who has filed ~~petitions~~ **AN**
8 **AFFIDAVIT OF IDENTITY** for precinct delegate may withdraw his or her
9 name from the ballot by filing a statement of withdrawal with the
10 county clerk within 72 hours after 4 p.m. of the last day to file
11 for the office of precinct delegate.

12 (3) ~~A person~~ **AN INDIVIDUAL** elected to fill a delegate vacancy
13 or elected as a precinct delegate is not qualified to participate
14 in a convention if, at the time of the convention, that ~~person~~
15 **INDIVIDUAL** does not reside in the precinct from which he or she was
16 elected. A delegate is not disqualified if the delegate no longer
17 resides in the precinct as a result of a division or rearrangement
18 of the precinct under section 660 or 661.

19 (4) If a written complaint is made to the county clerk
20 regarding a delegate's qualification to hold the office, the county
21 clerk shall check with the township or city clerk of the township
22 or city in which the delegate indicated on the ~~nominating petition~~
23 **AFFIDAVIT OF IDENTITY** as his or her place of residence. The
24 township or city clerk shall report back to the county clerk within
25 48 hours as to the complaint made under this subsection. If the
26 township or city clerk's report shows that the delegate is not
27 qualified to hold the office, the county clerk shall certify to the

1 chairperson of the county committee of the political party the name
2 of the delegate of that political party who is no longer qualified
3 to hold the office of delegate under this subsection.

4 Sec. 625. A delegate ballot ~~shall~~ **MUST** be voted ~~and canvassed~~
5 ~~by the precinct inspectors~~ in the same manner as ballots bearing
6 the names of the candidates for other county offices. The returns
7 ~~shall~~ **MUST** be made direct to the county clerk, who shall **CANVASS**
8 **THE BALLOTS AND** immediately notify the successful candidates by
9 ~~registered, certified, or first class~~ **FIRST-CLASS** mail at the

10 address given in their ~~nominating petitions~~. **AFFIDAVIT OF IDENTITY.**

11 The county clerk shall, at the same time, furnish the chairperson
12 of the county committee of each political party with the names and
13 addresses of the delegates to the county convention of the
14 chairperson's political party as required in section 608. However,
15 in case of a tie vote between the candidates for delegate in any
16 precinct, the county clerk shall notify the candidates to appear in
17 his or her office at a specified time, and the successful candidate
18 ~~shall~~ **MUST** be determined by drawing in a manner similar to that

19 provided in section 851. If a candidate is elected ~~who has not~~
20 ~~filed a nominating petition and~~ whose name is not printed on the
21 ballots, the ~~chairperson of the board of precinct election~~

22 ~~inspectors~~ **COUNTY CLERK** shall determine if the candidate is a
23 registered elector in that precinct. ~~If the candidate is a~~

24 ~~registered elector in that precinct, the candidate's name and~~

25 ~~address shall be certified to the county clerk on the return and if~~
26 ~~not registered, the candidate's name shall not be certified on the~~
27 ~~return.~~

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 a person unless that person has filed a declaration of intent
4 to be a write-in candidate as provided in this section. The write-
5 in candidate shall file the declaration of intent to be a write-in
6 candidate with the filing official for that elective office on or
7 before 4 p.m. on the second Friday immediately before the election.
8 The secretary of state, immediately after the 4 p.m. filing
9 deadline under this subsection, shall prepare and have delivered a
10 list of all persons who have filed a declaration of intent to be a
11 write-in candidate under this subsection, if any, to the
12 appropriate county clerks. A filing official other than the
13 secretary of state who receives a declaration of intent to be a
14 write-in candidate or list of persons who filed a declaration of
15 intent from another filing official under this subsection shall
16 prepare and have delivered a list of all persons who have filed a
17 declaration of intent to be a write-in candidate to the board of
18 election inspectors in the appropriate precincts before the close
19 of the polls on election day.

20 (2) If a candidate whose name is printed on the official
21 ballot for the election dies or is otherwise disqualified after 4
22 p.m. on the second Friday immediately before the election, the
23 requirement of filing a declaration of intent to be a write-in
24 candidate under subsection (1) does not apply to a write-in
25 candidate. If a death or disqualification has occurred as described
26 in this subsection, the board of election inspectors shall count
27 all write-in votes for write-in candidates for the office sought by

1 the deceased or disqualified candidate.

2 (3) Subsections (1) and (2) do not apply to a write-in
3 candidate for precinct delegate. The board of election inspectors
4 shall not count a write-in vote for a write-in candidate for
5 precinct delegate unless that candidate has filed a declaration of
6 intent to be a write-in candidate as provided in this subsection. A
7 write-in candidate for precinct delegate shall file a declaration
8 of intent to be a write-in candidate with the ~~appropriate city or~~
9 ~~township~~ **COUNTY** clerk ~~for~~ **OF THE COUNTY IN WHICH** that precinct **IS**
10 **LOCATED** on or before 4 p.m. on the Friday immediately before the
11 election or with the board of election inspectors in the
12 appropriate precinct before the close of the polls on election day.
13 ~~A city or township~~ **A COUNTY** clerk who receives a declaration of
14 intent to be a write-in candidate from a write-in candidate for
15 precinct delegate under this subsection shall prepare and have
16 delivered a list of all persons who have filed a declaration of
17 intent to be a write-in candidate to the ~~board of election~~
18 ~~inspectors in~~ **CITY AND TOWNSHIP CLERKS FOR** the appropriate
19 precincts before ~~the close of the polls on~~ election day. **A CITY OR**
20 **TOWNSHIP CLERK SHALL DELIVER A LIST OF ALL PERSONS WHO HAVE FILED A**
21 **DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR PRECINCT**
22 **DELEGATE TO THE BOARD OF ELECTION INSPECTORS IN THE APPROPRIATE**
23 **PRECINCTS BEFORE THE CLOSE OF THE POLLS ON ELECTION DAY.**

24 (4) The secretary of state shall prescribe forms for the
25 declaration of intent to be a write-in candidate. Clerks shall
26 maintain a supply of declaration of intent to be a write-in
27 candidate forms in the clerk's office and make the forms available

1 in the polling places during the August primary for this purpose.

2 The declaration of intent to be a write-in candidate form ~~shall~~

3 **MUST** include all of the following information:

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

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

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

10 (d) Other information the secretary of state considers
11 appropriate.