

HOUSE BILL No. 4700

June 6, 2017, Introduced by Reps. Lilly, Webber, Calley, Kesto, Garcia, Moss and Guerra
and referred to the Committee on Elections and Ethics.

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

6 Sec. 607. ~~(1)~~ The required number of electors who receive the

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

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

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

~~appear at the drawing, the officer conducting the drawing shall
designate some person to draw for the absent candidate.~~

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

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

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

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

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

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

(5) As used in this section, "persons nominated as candidates
of a political party for county office and for state legislative
office who are delegates at large under section 599(5)" means
incumbent county officials, incumbent state legislators, and
unsuccessful candidates for county offices and state legislative
offices who were candidates at the last prior regular or special

1 election held for the respective office.

2 Sec. 625. A delegate ballot ~~shall~~ **MUST** be voted ~~and canvassed~~
 3 ~~by the precinct inspectors~~ in the same manner as ballots bearing
 4 the names of the candidates for other county offices. The returns
 5 ~~shall~~ **MUST** be made direct to the county clerk, who shall
 6 immediately notify the successful candidates by ~~registered,~~
 7 ~~certified, or first class~~ **FIRST-CLASS** mail at the address given in
 8 their ~~nominating petitions.~~ **AFFIDAVIT OF IDENTITY.** The county clerk
 9 shall, at the same time, furnish the chairperson of the county
 10 committee of each political party with the names and addresses of
 11 the delegates to the county convention of the chairperson's
 12 political party as required in section 608. However, in case of a
 13 tie vote between the candidates for delegate in any precinct, the
 14 county clerk shall notify the candidates to appear in his or her
 15 office at a specified time, and the successful candidate ~~shall~~ **MUST**
 16 be determined by drawing in a manner similar to that provided in
 17 section 851. If a candidate is elected ~~who has not filed a~~
 18 ~~nominating petition and whose name is not printed on the ballots,~~
 19 ~~the chairperson of the board of precinct election inspectors~~ **COUNTY**
 20 **CLERK** shall determine if the candidate is a registered elector in
 21 that precinct. ~~If the candidate is a registered elector in that~~
 22 ~~precinct, the candidate's name and address shall be certified to~~
 23 ~~the county clerk on the return and if not registered, the~~
 24 ~~candidate's name shall not be certified on the return.~~

25 Sec. 737a. (1) Except as otherwise provided in ~~this section,~~
 26 **SUBSECTION (2)**, the board of election inspectors shall not count a
 27 write-in vote for a person unless that person has filed a

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

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

26 ~~—— (3) Subsections (1) and (2) do not apply to a write-in~~
27 ~~candidate for precinct delegate. The board of election inspectors~~

~~shall not count a write-in vote for a write-in candidate for
precinct delegate unless that candidate has filed a declaration of
intent to be a write-in candidate as provided in this subsection. A
write-in candidate for precinct delegate shall 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 or with the board of election
inspectors in the appropriate precinct before the close of the
polls on election day. A city or township clerk who receives a
declaration of intent to be a write-in candidate from a write-in
candidate for precinct delegate under this subsection shall prepare
and have delivered a list of all persons 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.~~

~~(3) (4) The secretary of state shall prescribe forms for the
declaration of intent to be a write-in candidate. Clerks shall
maintain a supply of declaration of intent to be a write-in
candidate forms in the clerk's office. and make the forms available
in the polling places during the August primary for this purpose.~~

The declaration of intent to be a write-in candidate form shall
MUST include all of the following information:

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

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

(c) The residence address of the person seeking elective

1 office as a write-in candidate.

2 (d) Other information the secretary of state considers
3 appropriate.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.