HOUSE BILL No. 5737

August 27, 2014, Introduced by Rep. Darany and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 737a (MCL 168.737a), as amended by 2012 PA 276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 737a. (1) Except as otherwise provided in ~~this section,~~

2   **SUBSECTION (2),** the board of election inspectors shall not count a

3   write-in vote for a person unless that person has filed a

4   declaration of intent to be a write-in candidate as provided in

5   this ~~section.~~ **SUBSECTION.** The write-in candidate shall file the

6   declaration of intent to be a write-in candidate with the filing

7   official for that elective office on or before 4 p.m. on the second

8   Friday immediately before the election. The secretary of state,

9   immediately after the 4 p.m. filing deadline under this subsection,

1 shall prepare and have delivered a list of all persons who have

2 filed a declaration of intent to be a write-in candidate under this

3 subsection, if any, to the appropriate county clerks. A filing

4 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 under this subsection shall prepare and have delivered a list of

8 all persons who have filed a declaration of intent to be a write-in

9 candidate to the board of election inspectors in the appropriate

10 precincts before the close of the polls on election day.

11   (2) If a candidate whose name is printed on the official

12 ballot for the election dies or is otherwise disqualified after 4

13 p.m. on the second Friday immediately before the election, the

14 requirement of filing a declaration of intent to be a write-in

15 candidate under subsection (1) does not apply to a write-in

16 candidate. If a death or disqualification has occurred as described

17 in this subsection, the board of election inspectors shall count

18 all write-in votes for write-in candidates for the office sought by

19 the deceased or disqualified candidate.

20 ~~(3) Subsections (1) and (2) do not apply to a write-in~~

21 ~~candidate for precinct delegate. The board of election inspectors~~

22 ~~shall not count a write-in vote for a write-in candidate for~~

23 ~~precinct delegate unless that candidate has filed a declaration of~~

24 ~~intent to be a write-in candidate as provided in this subsection. A~~

25 ~~write-in candidate for precinct delegate shall file a declaration~~

26 ~~of intent to be a write-in candidate with the appropriate city or~~

27 ~~township clerk for that precinct on or before 4 p.m. on the Friday~~

1 ~~immediately before the election or with the board of election~~

2 ~~inspectors in the appropriate precinct before the close of the~~

3 ~~polls on election day. A city or township clerk who receives a~~

4 ~~declaration of intent to be a write-in candidate from a write-in~~

5 ~~candidate for precinct delegate under this subsection shall prepare~~

6 ~~and have delivered a list of all persons who have filed a~~

7 ~~declaration of intent to be a write-in candidate to the board of~~

8 ~~election inspectors in the appropriate precincts before the close~~

9 ~~of the polls on election day.~~

10   **(3)** ~~(4)~~ The secretary of state shall prescribe forms for the

11 declaration of intent to be a write-in candidate. Clerks shall

12 maintain a supply of declaration of intent to be a write-in

13 candidate forms in the clerk's office. ~~and make the forms available~~

14 ~~in the polling places during the August primary for this purpose.~~

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

16 include all of the following information:

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

18 candidate.

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

20 candidate.

21   (c) The residence address of the person seeking elective

22 office as a write-in candidate.

23   (d) Other information the secretary of state considers

24 appropriate.