

# HOUSE BILL No. 6342

September 18, 2002, Introduced by Rep. Scranton and referred to the Committee on Redistricting and Elections.

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

1 declaration of intent to be a write-in candidate pursuant to this  
2 subsection, if any, to the appropriate county clerks. A filing  
3 official other than the secretary of state who receives a decla-  
4 ration of intent to be a write-in candidate or list of persons  
5 who filed a declaration of intent from another filing official  
6 pursuant to this subsection shall prepare and cause to be deliv-  
7 ered a list of all persons who have filed a declaration of intent  
8 to be a write-in candidate pursuant to this subsection to the  
9 board of election inspectors in the appropriate precincts before  
10 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 on or  
13 after the Wednesday immediately preceding 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  
17 described in this subsection, the board of election inspectors  
18 shall count all write-in votes for write-in candidates for the  
19 office sought by the deceased or disqualified candidate.

20 (3) Subsections (1) and (2) do not apply to a write-in can-  
21 didate for precinct delegate. The board of election inspectors  
22 shall not count a write-in vote for a write-in candidate for pre-  
23 cinct delegate unless that candidate has filed a declaration of  
24 intent to be a write-in candidate as provided in this  
25 subsection. A write-in candidate for precinct delegate shall  
26 file a declaration of intent to be a write-in candidate with the  
27 appropriate city or township clerk for that precinct on or before

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

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

1 APPROPRIATE SCHOOL DISTRICT BEFORE THE CLOSE OF THE POLLS ON  
2 ELECTION DAY.

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

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

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

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

16 (d) Any other information the secretary of state considers  
17 appropriate.