

SENATE BILL No. 333

March 20, 2003, Introduced by Senators SWITALSKI, JACOBS, CLARKE, STAMAS and GOSCHKA and referred to the Committee on Government Operations.

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:

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1 Sec. 737a. (1) Except as otherwise provided in this
 2 section, the board of election inspectors shall not count a
 3 write-in vote for ~~any~~ a person unless that person has filed a
 4 declaration of intent to be a write-in candidate as provided in
 5 this section. The write-in candidate shall file the declaration
 6 of intent to be a write-in candidate with the filing official for
 7 that elective office on or before 4 p.m. on the ~~Friday~~ **Tuesday**
 8 immediately ~~preceding~~ **before** the election. The secretary of
 9 state, immediately after the 4 p.m. filing deadline under this
 10 subsection, shall prepare and ~~cause to be~~ **have** delivered a list

1 of all persons who have filed a declaration of intent to be a
2 write-in candidate ~~pursuant to~~ **under** this subsection, if any,
3 to the appropriate county clerks. A filing official other than
4 the secretary of state who receives a declaration of intent to be
5 a write-in candidate or list of persons who filed a declaration
6 of intent from another filing official ~~pursuant to~~ **under** this
7 subsection shall prepare and ~~cause to be~~ **have** delivered a list
8 of all persons who have filed a declaration of intent to be a
9 write-in candidate ~~pursuant to this subsection~~ to the board of
10 election inspectors in the appropriate precincts before the close
11 of the polls on election day.

12 (2) If a candidate whose name is printed on the official
13 ballot for the election dies or is otherwise disqualified on or
14 after the ~~Wednesday immediately preceding~~ **second Friday before**
15 the election, the requirement of filing a declaration of intent
16 to be a write-in candidate under subsection (1) does not apply to
17 a write-in candidate. If a death or disqualification has
18 occurred as described in this subsection, the board of election
19 inspectors shall count all write-in votes for write-in candidates
20 for the office sought by the deceased or disqualified candidate.

21 (3) Subsections (1) and (2) do not apply to a write-in
22 candidate for precinct delegate. The board of election
23 inspectors shall not count a write-in vote for a write-in
24 candidate for precinct delegate unless that candidate has filed a
25 declaration of intent to be a write-in candidate as provided in
26 this subsection. A write-in candidate for precinct delegate
27 shall file a declaration of intent to be a write-in candidate

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

13 (4) The secretary of state shall prescribe forms for the
14 declaration of intent to be a write-in candidate. Clerks shall
15 maintain a supply of declaration of intent to be a write-in
16 candidate forms in the clerk's office and make the forms
17 available in the polling places during the August primary for
18 this purpose. The declaration of intent to be a write-in
19 candidate form shall include all of the following information:

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

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

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

26 (d) ~~Any other~~ **Other** information the secretary of state
27 considers appropriate.