

HOUSE BILL No. 4180

February 11, 2015, Introduced by Rep. Darany and referred to the Committee on Elections.

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,
10 shall prepare and have delivered a list of all persons who have
11 filed a declaration of intent to be a write-in candidate under this

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

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

18 ~~—— (3) Subsections (1) and (2) do not apply to a write-in~~
19 ~~candidate for precinct delegate. The board of election inspectors~~
20 ~~shall not count a write-in vote for a write-in candidate for~~
21 ~~precinct delegate unless that candidate has filed a declaration of~~
22 ~~intent to be a write-in candidate as provided in this subsection. A~~
23 ~~write-in candidate for precinct delegate shall file a declaration~~
24 ~~of intent to be a write-in candidate with the appropriate city or~~
25 ~~township clerk for that precinct on or before 4 p.m. on the Friday~~
26 ~~immediately before the election or with the board of election~~
27 ~~inspectors in the appropriate precinct before the close of the~~

1 ~~polls on election day. A city or township clerk who receives a~~
2 ~~declaration of intent to be a write-in candidate from a write-in~~
3 ~~candidate for precinct delegate under this subsection shall prepare~~
4 ~~and have delivered a list of all persons who have filed a~~
5 ~~declaration of intent to be a write-in candidate to the board of~~
6 ~~election inspectors in the appropriate precincts before the close~~
7 ~~of the polls on election day.~~

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

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

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

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

21 (d) Other information the secretary of state considers
22 appropriate.