

HOUSE BILL NO. 4826

May 11, 2021, Introduced by Rep. Wendzel 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 2018 PA 611.

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~~ **an individual** unless that ~~person~~
4 **individual** has filed a declaration of intent to be a write-in
5 candidate as provided in this section. The write-in candidate shall

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

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

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

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

17 (3) ~~(4)~~The secretary of state shall prescribe forms for the
18 declaration of intent to be a write-in candidate. Clerks shall
19 maintain a supply of declaration of intent to be a write-in
20 candidate forms in the clerk's office. ~~and make the forms available~~
21 ~~in the polling places during the August primary for this purpose.~~
22 The declaration of intent to be a write-in candidate form must
23 include all of the following information:

24 (a) The name of the ~~person~~**individual** intending to be a write-
25 in candidate.

26 (b) The elective office that the ~~person~~**individual** seeks as a
27 write-in candidate.

28 (c) The residence address of the ~~person~~**individual** seeking

1 elective office as a write-in candidate.

2 (d) Other information the secretary of state considers

3 appropriate.