

HOUSE BILL No. 4237

February 18, 2003, Introduced by Rep. Ward and referred to the Committee on Local Government and Urban Policy.

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
2 section, the board of election inspectors shall not count a
3 write-in vote for any 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
8 immediately preceding the election. The secretary of state,
9 immediately after the 4 p.m. filing deadline under this
10 subsection, shall prepare and cause to be delivered a list of all

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1 persons who have filed a declaration of intent to be a write-in
2 candidate pursuant to this subsection, if any, to the appropriate
3 county clerks. A filing official other than the secretary of
4 state who receives a declaration of intent to be a write-in
5 candidate or list of persons who filed a declaration of intent
6 from another filing official pursuant to this subsection shall
7 prepare and cause to be delivered a list of all persons who have
8 filed a declaration of intent to be a write-in candidate pursuant
9 to this subsection to the board of election inspectors in the
10 appropriate precincts before the close of the polls on election
11 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 the election, the
15 requirement of filing a declaration of intent to be a write-in
16 candidate under subsection (1) does not apply to a write-in
17 candidate. If a death or disqualification has occurred as
18 described in this subsection, the board of election inspectors
19 shall count all write-in votes for write-in candidates for the
20 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 the election
3 or with the board of election inspectors in the appropriate
4 precinct before the close of the polls on election day. A city
5 or township clerk who receives a declaration of intent to be a
6 write-in candidate from a write-in candidate for precinct
7 delegate pursuant to this subsection shall prepare and cause to
8 be delivered a list of all persons who have filed a declaration
9 of intent to be a write-in candidate pursuant to this subsection
10 to the board of election inspectors in the appropriate precincts
11 before the close of the polls on election day.

12 (4) Subsections (1) and (2) do not apply to a write-in
13 candidate for board member of the board of a school district.
14 The board of election inspectors shall not count a write-in vote
15 for a write-in candidate for board member of the board of a
16 school district unless that candidate has filed a declaration of
17 intent to be a write-in candidate as provided in this
18 subsection. A write-in candidate for board member of the board
19 of a school district shall file a declaration of intent to be a
20 write-in candidate with the appropriate filing official on or
21 before 4 p.m. on the twenty-first day immediately preceding the
22 election. A filing official who receives a declaration of intent
23 to be a write-in candidate from a write-in candidate for board
24 member of the board of a school district pursuant to this
25 subsection shall prepare and cause to be delivered a list of all
26 persons who have filed a declaration of intent to be a write-in
27 candidate pursuant to this subsection to the board of election

1 inspectors in the appropriate school district before the close of
2 the polls on 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
7 available in the polling places during the August primary for
8 this purpose. The declaration of intent to be a write-in
9 candidate 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.