

HOUSE BILL No. 4467

March 26, 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 sections 196, 354, 357, 539, 540, 541, 644f, and 737a (MCL 168.196, 168.354, 168.357, 168.539, 168.540, 168.541, 168.644f, and 168.737a), section 644f as amended by 1999 PA 218 and section 737a as added by 1996 PA 461, and by adding section 653b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 196. ~~If~~ **Subject to sections 539 and 737a, if**, for
 2 any reason, the number of candidates of a political party for any
 3 1 or more of the offices named in section 191 ~~of this act shall~~
 4 ~~be~~ **is** equal to less than the total number to be nominated by
 5 ~~said~~ **the** political party, a blank space or spaces shall be
 6 provided on each of the official primary ballots ~~which~~ **that**
 7 will afford ~~every~~ **each** elector of ~~said~~ **the** party an

1 opportunity to vote **by write-in vote** for as many candidates for
2 ~~such~~ **the** office as are to be nominated by ~~said~~ **the** party ~~—~~
3 by writing in the name or names of his or her selection or by the
4 use of slips or pasters.

5 Sec. 354. ~~If~~ **Subject to section 737a, if**, for any reason,
6 the number of candidates of a political party to a township
7 office ~~shall be~~ **is** equal to less than the total number to be
8 nominated and elected, a sufficient number of blank spaces shall
9 be provided on the official primary ballots ~~which~~ **that** will
10 afford ~~every~~ **each** elector to ~~said~~ **the** party an opportunity to
11 vote for as many candidates as are to be nominated and elected by
12 writing in the name or names of his or her selection or by the
13 use of slips or pasters.

14 Sec. 357. ~~When any~~ **Subject to section 737a, if a**
15 candidate of a political party, after having been nominated for a
16 township office, ~~shall die, remove~~ **dies, moves** from the
17 township, or ~~become~~ **becomes** disqualified for any reason, the
18 township board of election commissioners shall provide a blank
19 space or spaces on the official ballots ~~which~~ **that** will afford
20 ~~every~~ **each** elector of ~~said~~ **the** party an opportunity to vote
21 for a candidate to fill the vacancy ~~thereby caused,~~ by writing
22 in the name of his or her selection or by the use of a slip or
23 paster.

24 Sec. 539. ~~If, upon the expiration of the time for filing~~
25 ~~petitions in any primary for city or county, it appears that~~
26 ~~there is no opposition to any candidate for any office upon any~~
27 ~~ticket, then the city or county clerk, as the case may be, shall~~

~~1 certify to the board of election commissioners the names of all
2 persons whose petitions have been properly filed and the office
3 for which such petitions were filed, and such persons shall be
4 declared by such board of election commissioners nominees for the
5 respective offices, and such county clerk shall forthwith notify
6 the several clerks of the townships and cities interested, if
7 any, and give notice that the primary will not be held as
8 contemplated, giving the reasons therefor, and a public notice
9 shall be given of such determination by a brief notice published
10 by such clerk in a newspaper circulated in such county. Subject
11 to section 737a, if, after the deadline for filing nominating
12 petitions in a city or county primary election, the city or
13 county clerk finds that there is no opposition to any candidate
14 for any office on the ballot, the city or county clerk shall
15 certify to the board of election commissioners the name of each
16 candidate whose nominating petitions were properly filed. The
17 board of election inspectors shall declare those candidates the
18 nominees for the respective offices. The county clerk shall
19 immediately notify the interested city, township, and village
20 clerks and give notice that the primary election will not be held
21 as scheduled, giving the reasons for canceling the primary
22 election. The county clerk shall publish a public notice of the
23 primary election cancellation in a newspaper circulated in the
24 county.~~

25 Sec. 540. ~~If, upon the expiration of the time for filing
26 petitions for any nonpartisan primary election, it shall appear
27 that as to any office on any nonpartisan ticket there are not to~~

1 ~~exceed twice the number of candidates as there are persons to be~~
2 ~~elected, then the officer with whom such petitions are filed~~
3 ~~shall certify to the proper board of election commissioners the~~
4 ~~names of such candidates whose petitions have been properly filed~~
5 ~~and such candidates shall be the nominees for such offices and~~
6 ~~shall be so certified. As to such offices, there shall be no~~
7 ~~primary election and such offices shall be omitted from the~~
8 ~~primary ballot. Subject to section 737a, if, after the deadline~~
9 ~~for filing nominating petitions for a nonpartisan primary~~
10 ~~election, the filing official finds that as to any office on any~~
11 ~~nonpartisan ballot there are not more than twice the number of~~
12 ~~candidates as there are individuals to be elected, the filing~~
13 ~~official shall certify to the proper board of election~~
14 ~~commissioners the name of each candidate whose nominating~~
15 ~~petitions were properly filed. The board of election~~
16 ~~commissioners shall declare those candidates the nominees for the~~
17 ~~respective offices. As to those offices, there shall be no~~
18 ~~primary election and those offices shall be omitted from the~~
19 ~~primary ballot. If there is no ballot question on the primary~~
20 ~~election ballot and the filing official finds that there is no~~
21 ~~opposition for any office on the ballot, the filing official may~~
22 ~~cancel the primary election. If the primary election is~~
23 ~~canceled, the filing official shall provide reasonable public~~
24 ~~notice of the primary election cancellation to the electors.~~

25 Sec. 541. ~~If upon the expiration of the time for filing~~
26 ~~petitions in any primary, the secretary of state shall find~~
27 ~~within a given district that there is no opposition for any~~

~~1 office upon any ticket, he shall forthwith give notice to the
2 clerk of the several counties embraced, at the same time
3 certifying the names of the candidates and the office to which
4 they aspire to the state board of canvassers, who shall declare
5 them the nominees for the respective offices, and shall give
6 notice to the clerk of the several counties embraced in such
7 district, and if the clerk shall find that there is no opposition
8 for any office upon any ticket for a county office, then it shall
9 be the duty of such clerk to forthwith give notice to the several
10 city and township clerks interested that a primary will not be
11 held as contemplated, but in no event shall a primary election be
12 abandoned in any township, city, county or district wherein there
13 shall be opposition for any office upon any ticket. Subject to
14 section 737a, if, after the deadline for filing nominating
15 petitions in a primary election, the secretary of state finds
16 within a given district that there is no opposition for any
17 office on any district ballot, he or she shall immediately give
18 notice to the clerk in the interested counties. The secretary of
19 state shall at the same time certify the names of the candidates
20 and the office for which nominating petitions were properly filed
21 to the state board of canvassers. The state board of canvassers
22 shall declare the candidates the nominees for the respective
23 offices and shall give notice to each clerk of the interested
24 counties in the district. If a county clerk finds that there is
25 no opposition for any office on any ballot for a county office,
26 the clerk shall immediately give notice to the interested city,
27 township, and village clerks that a primary election will not be~~

1 held as scheduled. A primary election shall not be canceled in a
2 city, township, village, county, or district if there is
3 opposition for any office on any ballot.

4 Sec. 644f. (1) Except as provided in section 644e,
5 nominating petitions for offices to be filled at the odd year
6 general election shall be filed by 4 p.m. on the twelfth Tuesday
7 ~~prior to~~ **before** the odd year primary election. The place of
8 filing and the number of signatures shall be the same as is now
9 required by law for ~~such~~ **those** offices.

10 (2) If a nonpartisan petition requirement is not contained in
11 law or charter, the minimum number of signatures shall be the
12 amount as provided for in section 544f.

13 (3) ~~If, upon the expiration of the time~~ **Subject to section**
14 **737a, if, after the deadline** for filing nonpartisan petitions,
15 not more than twice the number of candidates as there are
16 ~~persons~~ **individuals** to be elected to that office have filed,
17 the primary for that office shall not be held and those ~~persons~~
18 **individuals** filing valid petitions shall be declared the nominees
19 for the offices, unless a city charter provides otherwise for
20 city offices.

21 Sec. 653b. (1) A county, city, village, or township clerk
22 or the board of a school district may cancel a general or special
23 election before the date of the election if all of the following
24 apply:

25 (a) There is no ballot question on the ballot at the
26 election.

27 (b) The deadline has passed for filing a declaration of

1 intent to be a write-in candidate under section 737a.

2 (c) There is not more than 1 candidate on the ballot for each
3 office on the ballot or, for a nonpartisan election, there are
4 not more than the number of candidates as there are individuals
5 to be elected.

6 (2) If an election is canceled under subsection (1), the
7 candidate on the ballot for each office on the ballot shall be
8 considered elected to that office for all purposes under this act
9 as if the election had occurred and the candidate had been
10 elected at the election.

11 (3) If a county, city, village, or township clerk cancels an
12 election under subsection (1), the clerk shall provide reasonable
13 notice of the cancellation to the electors of the county, city,
14 village, township, or school district.

15 Sec. 737a. (1) Except as otherwise provided in this
16 section, the board of election inspectors shall not count a
17 write-in vote for ~~any person~~ **an individual** unless that ~~person~~
18 **individual** has filed a declaration of intent to be a write-in
19 candidate as provided in this section. The write-in candidate
20 shall file the declaration of intent to be a write-in candidate
21 with the filing official for that elective office on or before 4
22 p.m. on the Friday immediately ~~preceeding~~ **before** the election.
23 The secretary of state, immediately after the 4 p.m. filing
24 deadline under this subsection, shall prepare and ~~cause to be~~
25 **have** delivered a list of all ~~persons~~ **individuals** who have filed
26 a declaration of intent to be a write-in candidate ~~pursuant to~~
27 **under** this subsection ~~, if any,~~ to the appropriate county

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

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

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

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

11 (4) Subsections (1) and (2) do not apply if, after the
12 deadline for filing nominating petitions for a district, county,
13 city, township, village, or school board member election, there
14 is not more than 1 candidate on the ballot for each office or,
15 for a nonpartisan election, there are not more than the number of
16 candidates as there are individuals to be elected. The board of
17 election inspectors shall not count a write-in vote for a
18 write-in candidate for a district, county, city, township,
19 village, or school board election under this subsection unless
20 that candidate has filed a declaration of intent to be a write-in
21 candidate with the appropriate filing official on or before 4
22 p.m. on the twenty-first day immediately before the election. A
23 filing official who receives a declaration of intent to be a
24 write-in candidate from an individual under this subsection shall
25 prepare and have delivered to the appropriate board of election
26 inspectors a list of all individuals who have filed a declaration
27 of intent to be a write-in candidate. If a candidate whose name

1 is printed on the official ballot for the election dies or is
2 otherwise disqualified on or after the twenty-third day
3 immediately before the election, the requirement of filing a
4 declaration of write-in candidate under this subsection does not
5 apply to a write-in candidate. If a death or disqualification
6 has occurred as described in this subsection, the board of
7 election inspectors shall count all write-in votes for write-in
8 candidates for the office sought by the deceased or disqualified
9 candidate.

10 (5) ~~(4)~~ The secretary of state shall prescribe forms for
11 the declaration of intent to be a write-in candidate. ~~Clerks~~
12 **Each clerk** shall maintain a supply of declaration of intent to be
13 a write-in candidate forms in the clerk's office and make the
14 forms available in the polling places during the August primary
15 for this purpose. The declaration of intent to be a write-in
16 candidate form shall include all of the following information:

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

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

21 (c) The residence address of the ~~person~~ **individual** seeking
22 elective office as a write-in candidate.

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