

SUBSTITUTE FOR
SENATE BILL NO. 462

(As amended March 2, 2006)

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 section,
2 the board of election inspectors shall not count a write-in vote
3 for ~~any~~ **A** person unless that person has filed a declaration of
4 intent to be a write-in candidate as provided in this section. The
5 write-in candidate shall file the declaration of intent to be a
6 write-in candidate with the filing official for that elective
7 office on or before 4 p.m. on the **[SECOND Friday** **]** immediately
8 ~~preceding~~ **BEFORE** the election. The secretary of state, immediately

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

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

23 (3) Subsections (1) and (2) do not apply to a write-in
24 candidate for precinct delegate. The board of election inspectors
25 shall not count a write-in vote for a write-in candidate for
26 precinct delegate unless that candidate has filed a declaration of
27 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 appropriate city or
3 township clerk for that precinct on or before 4 p.m. on the Friday
4 immediately ~~preceding~~ **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 city or township clerk who receives a
7 declaration of intent to be a write-in candidate from a write-in
8 candidate for precinct delegate ~~pursuant to~~ **UNDER** this subsection
9 shall prepare and ~~cause to be~~ **HAVE** delivered a list of all
10 persons who have filed a declaration of intent to be a write-in
11 candidate ~~pursuant to this subsection~~ to the board of election
12 inspectors in the appropriate precincts before the close of the
13 polls on election day.

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

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

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

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

27 (d) ~~Any other~~ **OTHER** information the secretary of state

1 considers appropriate.