

SENATE BILL No. 462

May 5, 2005, Introduced by Senators SWITALSKI, JOHNSON, GOSCHKA and JACOBS and referred to the Committee on Government Operations.

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 ~~Friday~~ **TUESDAY** immediately
 8 ~~preceding~~ **BEFORE** the election. The secretary of state, immediately
 9 after the 4 p.m. filing deadline under this subsection, shall
 10 prepare and ~~cause to be~~ **HAVE** delivered a list of all persons who

1 have filed a declaration of intent to be a write-in candidate
2 ~~pursuant to~~ **UNDER** this subsection, if any, to the appropriate
3 county clerks. A filing official other than the secretary of state
4 who receives a declaration of intent to be a write-in candidate or
5 list of persons who filed a declaration of intent from another
6 filing official ~~pursuant to~~ **UNDER** this subsection shall prepare
7 and ~~cause to be~~ **HAVE** 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~~ **SECOND FRIDAY BEFORE**
15 the election, the requirement of filing a declaration of intent to
16 be a write-in candidate under subsection (1) does not apply to a
17 write-in 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 inspectors
23 shall not count a write-in vote for a write-in candidate for
24 precinct delegate unless that candidate has filed a declaration of
25 intent to be a write-in candidate as provided in this subsection. A
26 write-in candidate for precinct delegate shall file a declaration
27 of intent to be a write-in candidate with the appropriate city or

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

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

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

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

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

25 (d) ~~Any other~~ **OTHER** information the secretary of state
26 considers appropriate.