



**House  
Legislative  
Analysis  
Section**

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**REVISE DEADLINE FOR  
WRITE-IN CANDIDATES**

**House Bill 5057 (Substitute H-1)  
First Analysis (2-26-02)**

**Sponsor: Rep. Michael Switalski  
Committee: Redistricting and Elections**

***THE APPARENT PROBLEM:***

Under the Michigan Election Law, a write-in vote is only counted if it is cast for a person who filed a declaration of intent to be a write-in candidate prior to the election. (There is an exception in cases when a candidate printed on the ballot dies or is disqualified.) The deadline for submitting a declaration of intent is 4 p.m. on the Friday immediately before the election. Some local clerks have pointed out that this deadline, coming so close to the day of the election, does not give them sufficient time to properly train their election workers. For example, some jurisdictions provide training on the Wednesday and Thursday the week before the election. It would be helpful if election officials knew at that time the names of the write-in candidates whose votes were to be tabulated at the election. Representatives of local clerks say that moving the filing deadline to a few days earlier would help in the administration of elections without inconveniencing potential candidates.

***THE CONTENT OF THE BILL:***

The bill would change the deadline for a person to declare their intent to be a write-in candidate from 4 p.m. on the Friday immediately before the election to 4 p.m. on the Tuesday immediately before the election. (Without the filing of a declaration of intent, a vote for a candidate is not counted.)

Under the election law, the declaration of intent requirement does not apply, and all write-in votes are counted, if a candidate on the ballot dies or is otherwise disqualified on or after the Wednesday immediately before the election. The bill would change that date to the second Friday before the election.

MCL 168.737a

***BACKGROUND INFORMATION:***

The provision that write-in votes only be counted for candidates who file a declaration of intent was added to the Michigan Election Law by Public Act 461 of 1996 (House Bill 4449). The provision was aimed at relieving election workers from having to count frivolous election votes, such as votes for "Mickey Mouse" and votes for unwilling and unsuspecting people, who would only be embarrassed to see their names in the official election results. Election officials now need only to count write-in votes for individuals who appear on the official list of write-in candidates.

It should be noted that the election law contains separate provisions for political party precinct delegates. A write-in candidate for precinct delegate must file a declaration of intent with the appropriate city or township clerk by 4 p.m. on the Friday immediately before the election or with the board of election inspectors in the appropriate precinct before the close of the polls on election day. House Bill 5057 as introduced would have amended this provision, and would have removed the language permitting an election day declaration, but the substitute bill does not address precinct delegates.

***FISCAL IMPLICATIONS:***

The House Fiscal Agency reports that the Department of State would incur minor costs associated with notifying county and local election officials of the new deadlines and developing a revised declaration of intent for write-in candidates. The HFA estimates the costs at \$5,000, for postage, photocopying, labor, and materials. (HFA fiscal note dated 2-13-02)

***ARGUMENTS:***

***For:***

The aim of the bill is to improve the administration of elections: to ensure that elections are run by well-trained election workers and that votes are counted accurately and at a reasonable cost. It would make it

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easier for election workers to know which write-in votes are to be counted if the filing deadline for write-in candidates was a few days earlier. The purpose of the declaration of intent and the deadline is to let election workers know which votes to count and which to ignore.

***POSITIONS:***

The office of the Secretary of State supports the bill.  
(2-22-02)

The Michigan Association of Municipal Clerks and the Council of Election Officials both support the bill. (2-22-02)

Analyst: C. Couch

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.