

SUBSTITUTE FOR
HOUSE BILL NO. 5057

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 sec-
2 tion, the board of election inspectors shall not count a write-in
3 vote for ~~any~~ A person unless that person has filed a declara-
4 tion of intent to be a write-in candidate as provided in this
5 section. The write-in candidate shall file the declaration of
6 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~~ TUESDAY
8 immediately ~~preceding~~ BEFORE the election. The secretary of
9 state, immediately after the 4 p.m. filing deadline under this
10 subsection, shall prepare and ~~cause to be~~ HAVE delivered a list

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

21 (3) Subsections (1) and (2) do not apply to a write-in can-
22 didate for precinct delegate. The board of election inspectors
23 shall not count a write-in vote for a write-in candidate for pre-
24 cinct delegate unless that candidate has filed a declaration of
25 intent to be a write-in candidate as provided in this
26 subsection. A write-in candidate for precinct delegate shall
27 file a declaration of intent to be a write-in candidate with the

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1 appropriate city or township clerk for that precinct on or before
2 4 p.m. on the Friday immediately ~~preceding~~ BEFORE the election
3 or with the board of election inspectors in the appropriate pre-
4 cinct before the close of the polls on election day. A city or
5 township clerk who receives a declaration of intent to be a
6 write-in candidate from a write-in candidate for precinct dele-
7 gate ~~pursuant to~~ UNDER this subsection shall prepare and ~~cause~~
8 ~~to be~~ HAVE delivered a list of all persons who have filed a dec-
9 laration of intent to be a write-in candidate ~~pursuant to this~~
10 ~~subsection~~ to the board of election inspectors in the appropri-
11 ate precincts before the close of the 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 can-
15 didate forms in the clerk's office and make the forms available
16 in the polling places during the August primary for this
17 purpose. The declaration of intent to be a write-in candidate
18 form shall 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.