

# HOUSE BILL No. 5057

September 20, 2001, Introduced by Rep. Switalski and referred to the Committee on Redistricting and Elections.

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

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

1 appropriate city or township clerk for that precinct on or before  
2 4 p.m. on the ~~Friday~~ TUESDAY immediately ~~preceding~~ BEFORE the  
3 election. ~~or with the board of election inspectors in the appro-~~  
4 ~~priate precinct before the close of the polls on election day.~~ A  
5 city or township clerk who receives a declaration of intent to be  
6 a 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.