

HOUSE BILL No. 4082

January 22, 2009, Introduced by Reps. Rogers and Paul Scott and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 737a (MCL 168.737a), as amended by 2006 PA 87.

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 a person unless that person has filed a declaration of intent
4 to be a write-in candidate as provided in this section. The write-
5 in candidate shall file the declaration of intent to be a write-in
6 candidate with the filing official for that elective office on or
7 before 4 p.m. on the second Friday immediately before the election.
8 The secretary of state, immediately after the 4 p.m. filing
9 deadline under this subsection, shall prepare and have delivered a

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

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

20 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
21 CANDIDATE FOR AN OFFICE WHOSE NAME IS PRINTED ON A PRIMARY ELECTION
22 BALLOT AND WHO LOSES THE PRIMARY ELECTION SHALL NOT BE ELIGIBLE TO
23 FILE A DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR THAT
24 SAME OFFICE AT THE GENERAL ELECTION. THIS PROHIBITION DOES NOT
25 APPLY IF A CANDIDATE WHOSE NAME IS PRINTED ON THE GENERAL ELECTION
26 BALLOT FOR THAT OFFICE DIES OR IS OTHERWISE DISQUALIFIED BEFORE THE
27 GENERAL ELECTION.

1 (4) ~~(3)~~ Subsections (1) and (2) do not apply to a write-in
2 candidate for precinct delegate. The board of election inspectors
3 shall not count a write-in vote for a write-in candidate for
4 precinct delegate unless that candidate has filed a declaration of
5 intent to be a write-in candidate as provided in this subsection. A
6 write-in candidate for precinct delegate shall file a declaration
7 of intent to be a write-in candidate with the appropriate city or
8 township clerk for that precinct on or before 4 p.m. on the Friday
9 immediately before the election or with the board of election
10 inspectors in the appropriate precinct before the close of the
11 polls on election day. A city or township clerk who receives a
12 declaration of intent to be a write-in candidate from a write-in
13 candidate for precinct delegate under this subsection shall prepare
14 and have delivered a list of all persons who have filed a
15 declaration of intent to be a write-in candidate to the board of
16 election inspectors in the appropriate precincts before the close
17 of the polls on election day.

18 (5) ~~(4)~~ The secretary of state shall prescribe forms for the
19 declaration of intent to be a write-in candidate. Clerks shall
20 maintain a supply of declaration of intent to be a write-in
21 candidate forms in the clerk's office and make the forms available
22 in the polling places during the August primary for this purpose.
23 The declaration of intent to be a write-in candidate form shall
24 include all of the following information:

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

27 (b) The elective office that the person seeks as a write-in

1 candidate.

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

4 (d) Other information the secretary of state considers
5 appropriate.