
CHAPTER 4 WRITE-IN CANDIDATE

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DECLARATION OF INTENT REQUIREMENT

An individual who wishes to seek nomination or election to a federal, state, county, city, township, village or school office with write-in votes is required to file a Declaration of Intent with the appropriate election official by 4:00 p.m. on the second Friday preceding the election. An example of the form appears in *Appendix I*. (Exception: An individual who wishes to seek a precinct delegate position as a write-in candidate is required to file a Declaration of Intent with their county clerk by 4:00 p.m. on the first Friday preceding the August primary or, as an alternative, may file a Declaration of Intent with his or her board of election inspectors on Election Day. (See: "Precinct Delegate Positions" in this chapter for additional information.)

- The local clerk is responsible for notifying the precinct board of any write-in candidates who filed a Declaration of Intent by the filing deadline. (See: XI. "Election Day Issues, Instructing Voters" for additional information.)
- A write-in vote cast for an individual who has *not* filed a Declaration of Intent *does not count*. Similarly, a write-in vote cast for an individual who filed a Declaration of Intent does not count unless the office for which the write-in vote was cast corresponds to the office identified on the Declaration of Intent; if a partisan primary, a write-in vote cast for an individual who filed a Declaration of Intent does not count unless the voter writes the candidate's name on the correct *office and party line on the ballot*. Write-in votes which do not count for the above reasons are *not* considered when determining whether an "over vote" has occurred or whether a "crossover" vote has been cast at a partisan primary.

- The Declaration of Intent requirement is *waived* if a candidate appearing on the ballot for the office involved dies or is otherwise disqualified after 4:00 pm the second Friday preceding the election. If the waiver is invoked, all write-in votes cast for the office must be counted including any write-in votes cast for candidates who have not filed a Declaration of Intent. The waiver does *not* apply to precinct delegate positions.
- Write-in candidates seeking *election* to a partisan office at a general election are required to run *without party affiliation*.

Precinct Delegate Positions: An individual who wishes to seek a precinct delegate position with write-in votes is required to file a Declaration of Intent with the county clerk by 4:00 p.m. on the Friday preceding the August primary. As an alternative, such candidates may file a Declaration of Intent with their board of election inspectors on the date of the August primary any time prior to the close of the polls. Individuals seeking precinct delegate positions as write-in candidates are the *only* persons permitted to file a Declaration of Intent with the board of election inspectors on Election Day; all other write-in candidates must file the form with the appropriate election official prior to the election.

- The local city or township clerk is responsible for notifying the precinct board of any precinct delegate write-in candidates who filed a Declaration of Intent with the county clerk prior to the August primary. If an individual interested in seeking a precinct delegate position with write-in votes asks for a Declaration of Intent form on Election Day, the precinct board has an obligation to provide the requested form.
- A write-in vote cast for a precinct delegate candidate who has not filed a Declaration of Intent *does not count*. Similarly, a write-in vote cast for a precinct delegate candidate who filed a Declaration of Intent does not count unless the write-in vote was cast under the political party column identified on the Declaration of Intent. Write-in votes which do not count for the above reasons are called invalid and are not considered when determining whether an “over vote” has occurred or whether a “crossover” vote has been cast at a partisan primary.
- The Declaration of Intent “waiver” (referenced above) *does not* apply to precinct delegate positions.

RECORDING WRITE-IN VOTES

Election inspectors must record all write-in votes exactly as cast. The record should reflect the candidate's name with any name variations or misspellings preserved; the office; and the political party (if a partisan primary). Note: write-in votes are only recorded for declared write-in candidates and must be recorded by the voter under the proper office and political party, if applicable, as indicated on the *Declaration of Intent* submitted by the candidate. If the name of a write-in candidate is recorded by the voter under an office or political party that differs from the office and/or political party listed on the *Declaration of Intent*, the write-in vote is not recorded. Write-in votes are not processed or tallied until after the polls close.

Record all valid write-in votes **exactly as they were cast**. Include any name variations or name misspellings which may appear and show vote tallies as illustrated below. Election Inspectors completing this process are creating a record for the Board of Canvassers to use when certifying votes for official write-in candidates.

Candidate's Name	Office	Party	Tally of Votes					Total Write-In Votes
			5	10	15	20	25	
<i>William Smith</i>	<i>Twp Clerk</i>	<i>R</i>	III	III	<i>II</i>			<i>12</i>
<i>W. Smith</i>	<i>Twp Clerk</i>	<i>R</i>	<i>II</i>					<i>2</i>
<i>Bill Smith</i>	<i>Twp Clerk</i>	<i>R</i>	III	III	III	<i>IIII</i>		<i>19</i>
<i>Judith Jones</i>	<i>Twp Clerk</i>	<i>D</i>	III	<i>II</i>				<i>7</i>
<i>Judy Jones</i>	<i>Twp Clerk</i>	<i>D</i>	<i>III</i>					<i>3</i>
<i>Judyth Jones</i>	<i>Twp Clerk</i>	<i>D</i>	<i>I</i>					<i>1</i>
<i>Judy Johns</i>	<i>Twp Clerk</i>	<i>D</i>	<i>I</i>					<i>1</i>

See Chapter 12 – Precinct Canvass – Closing the Polls for more Election Day Procedures.

DETERMINING IF A WRITE-IN CANDIDATE HAS BEEN NOMINATED OR ELECTED

- If the office involved appears on a partisan or *nonpartisan general election ballot*, a write-in candidate is elected to the office if he or she receives more votes than any other candidate seeking the office; a minimum number of write-in votes is not required.
- If the office involved appears on a *nonpartisan primary ballot*, a write-in candidate is nominated to the office if he or she receives enough votes to qualify to move forward to the general election. In nonpartisan primaries, twice the number to be elected move forward to the general election. For example, for an office where one position is to be elected, the write-in candidate must receive enough votes to finish in first place or second place in order to be nominated. Likewise, for an office where four positions are to be elected, a write-in candidate must receive enough votes to finish in first, second, third, fourth, fifth, sixth, seventh, or eighth place in order to be nominated; a minimum number of write-in votes is not required.
- If the office involved appears on a *partisan primary ballot*, a write-in candidate is nominated to the office if he or she 1) receives more votes than any other candidate seeking nomination to the position and 2) meets a vote threshold provided under Michigan election law. (MCL 168.582) Under the vote threshold formula, the number of votes received by the write-in candidate must equal the greater of the following:
 - 1) 10 votes.
 - 2) .15 of 1% (.0015) of the total population, as reflected by the last official federal census, of the district represented by the office sought by the write-in candidate
 - 3) **Apply the following only if write-in candidate seeks nomination to an office for which only one candidate is to be elected:** 5% (.05) of the greatest number of votes cast under the write-in candidate's party for all candidates running for any office for which only one candidate is to be elected within the district represented by the office sought by the write-in candidate. To determine the number of votes required under this formula:
 - Working with the write-in candidate's party, identify the "Vote for One" office on the ballot that received the greatest total number of votes. In a partisan primary, this office is typically a "top of the ticket" office, i.e., Governor or U.S. Senator. Do not take into consideration any office where more than one candidate is to be elected (e.g., township trustee).
 - Next, determine the total number of votes received by all candidates who ran for that office within the district represented by the office sought by the write-in candidate. (For example,

if the write-in candidate ran for a countywide office, it would be necessary to include all of the votes cast for all of the candidates running for the office that received the greatest number of votes within the county. If the write-in candidate ran for a township office, it would only be necessary to include all of the votes cast for all of the candidates running for the office that received the highest number of votes within the township.)

- Take 5% of that number to find the number of votes required under this formula.

EXAMPLE: Write-In candidate seeking a township clerk position.

- The office that received the greatest total number of votes under the write-in candidate's party was the office of U.S. Senator.
- The total number of votes received in the township by all candidates who ran for U.S. Senator under the write-in candidate's party was 520.
- As a result, the number of votes required under this formula is 26 (5% of 520).

- 4) **Apply following only if write-in candidate seeks nomination to an office for which more than one candidate is to be elected:** 5% (.05) of the greatest number of votes cast by any party on the ballot for any candidate seeking the same office as the write-in candidate.