



Election Officials Manual

Chapter 4: Write-In Candidates

July 2024

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I. Introduction

This chapter addresses issues surrounding write-in candidates, including the *Declaration of Intent* that a write-in candidate must file to be eligible to receive votes, the process of recording write-in votes, and how to determine if a write-in candidate has been nominated or elected to office. Questions about the content of this chapter should be directed to Elections@Michigan.gov.

II. Declaration of intent requirement

Write-in candidates for public office

An individual who wishes to seek nomination or election with write-in votes to a federal, state, county, city, township, village, or school office, other than a precinct candidate position, is required to file a *Declaration of Intent* with the appropriate election official by 4 p.m. on the second Friday preceding the election. Write-in candidates seeking election to a partisan office at a general election are required to run without party affiliation. An example of a *Declaration of Intent* form appears in Appendix I.

A write-in vote cast for an individual who has not filed a *Declaration of Intent* is not counted. Similarly, a write-in vote cast for an individual who filed a *Declaration of Intent* is not counted unless the office for which the write-in vote was cast corresponds to the office the write-in candidate identified on the *Declaration of Intent*. If it is 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 these reasons are not considered when determining whether an overvote has occurred or whether a "crossover" vote has been cast at a partisan primary.

If a candidate dies or is otherwise disqualified after 4 p.m. on the second Friday preceding the election, the *Declaration of Intent* requirement is waived for that office. In these situations, all write-in votes cast for the relevant office must be counted, including any write-in votes cast for candidates who have not filed a *Declaration of Intent*.

The Bureau of Elections and the county clerk will notify local clerks of any write-in candidates who filed a *Declaration of Intent* with their applicable filing official by the filing deadline. The local clerk is then responsible for



notifying the precinct board. For more information on the precinct board's duties regarding write-in candidates, see the *Instructing Voters* section of *Chapter 12: Election Day and the voting process*.

Write-in candidates for Precinct Delegate

An individual who wishes to seek a Precinct Delegate position with write-in votes has two options. The individual may file a *Declaration of Intent* with the county clerk by 4 p.m. on the Friday preceding an even-year August primary or, as an alternative, may file a *Declaration of Intent* with their board of election inspectors on the day of the August primary at any time prior to the close of the polls. 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 must provide the requested form.

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. A *Declaration of Intent* form developed exclusively for use by Precinct Delegate candidates is provided in Appendix I and is available through commercial vendors.

A write-in vote cast for a Precinct Delegate candidate who has not filed a *Declaration of Intent* using one of the two options explained above is not counted. Similarly, a write-in vote cast for a Precinct Delegate candidate who filed a *Declaration of Intent* is not counted 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 these reasons are not considered when determining whether an overvote has occurred or whether a "crossover" vote has been cast at a partisan primary.

The county clerk is responsible for notifying the local clerk of any Precinct Delegate write-in candidates who filed a *Declaration of Intent* with the county clerk prior to the August primary. The local clerk is then responsible for notifying the precinct board.

III. Recording write-in votes

Write-in votes are not processed or tallied until the canvass of the precinct's votes, which occurs after the polls close. During the canvass, election inspectors must record all write-in votes on the *Write-In Statement of Votes*



page of the physical pollbook. **The votes must be recorded exactly as written by the voter on the ballot.** The record of write-in votes should reflect the candidate’s name with any name variations or misspellings preserved, the office for which the write-in vote was cast, and, if the write-in vote is cast during a primary, the party of the candidate for which the write-in vote was cast. The record of write-in votes in the pollbook prepared by a precinct’s election inspectors is the record that the board of county canvassers uses 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	II			<i>12</i>
<i>W. Smith</i>	<i>Twp Clerk</i>	<i>R</i>	II					<i>2</i>
<i>Bill Smith</i>	<i>Twp Clerk</i>	<i>R</i>	III	III	III	IIII		<i>19</i>
<i>Judith Jones</i>	<i>Twp Clerk</i>	<i>D</i>	III	II				<i>7</i>
<i>Judy Jones</i>	<i>Twp Clerk</i>	<i>D</i>	III					<i>3</i>
<i>Judyth Jones</i>	<i>Twp Clerk</i>	<i>D</i>	I					<i>1</i>
<i>Judy Johns</i>	<i>Twp Clerk</i>	<i>D</i>	I					<i>1</i>

IV. Determining if a write-in candidate has been nominated or elected

The number of votes a write-in candidate must receive to be elected to office or to be nominated to appear on a general election ballot depends on the nature of the election in which the write-in candidate is participating:

- In a **general election**, a write-in candidate is elected if the candidate receives more votes than any other candidate seeking the office; a minimum number of write-in votes is not required.
- In a **nonpartisan primary**, the write-in candidate is nominated to the office if the candidate receives enough votes to qualify to move forward to the general election. In nonpartisan primaries, twice the number of candidates are nominated and appear on the general



election ballot than will be elected to office at the general election. If the write-in candidate receives enough votes that they move on to the general election for the office sought, the write-in candidate has been nominated to that office; a minimum number of write-in votes is not required.

- In a **partisan primary**, a write-in candidate is nominated for office if the candidate receives more votes than any other candidate seeking nomination to that office **and** the candidate meets a particular vote threshold. The vote threshold is the largest of the following:
 - 10 votes.
 - One fifteenth of one percent (0.15% or 0.0015) of the total population in the last official census of the district or jurisdiction represented by the office sought.
 - If the write-in candidate seeks nomination to an office where more than one candidate is to be elected, five percent (5% or 0.05) of the greatest number of votes cast for any candidate seeking any party's nomination for the same office as the write-in candidate.
 - If the write-in candidate seeks nomination to an office where only one candidate is to be elected, five percent (5% or 0.05) of the votes cast in the partisan primary in the district or jurisdiction for which the write-in candidate is seeking election.

This value can be calculated by determining the primary contest that received the most votes in the district to which only one candidate would be nominated (typically, Governor or United States Senator), determining how many votes were cast in the relevant jurisdiction or district for that office, and then multiplying that number by 0.05.

For example, if a write-in candidate is seeking a Township Clerk position and the gubernatorial primary received the most votes in the primary held in the township, the board of county canvassers would add up the total number of votes cast for Governor in the township in the primary of the party from whom the write-in candidate seeks nomination, then multiply that number by 0.05 to determine the threshold.



If the write-in candidate sought a Township Council office, and the township council is elected by districts, the board of county canvassers would multiply the number of votes cast for Governor in that district in the primary of the party from whom the write-in candidate seeks nomination, then multiply that number by 0.05 to determine the threshold.

For more information on determining whether a write-in candidate has won an election, see the Bureau of Elections' publication *Procedures and Duties of the Boards of County Canvassers*.¹

¹ Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/02lehman/BCC_Manual.pdf.

