



## Michigan Election Law: How to Be a Write-In Candidate

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It's not too late to join the November general election ballot in Michigan as a write-in candidate!

### *What's Required?*

A candidate seeking a partisan or nonpartisan office on the general election (November) ballot **must** file a Declaration of Intent on or before 4:00 P.M. on the second Friday immediately before the election, which is **Friday, October 28, 2016**. If a Declaration of Intent is not filed, then write-in votes for a candidate will *not* be counted. The Declaration of Intent form is available online **here**.

This form must be filed "with the filing official for that elective office." A late Declaration of Intent will not be effective unless a candidate whose name is printed on the ballot dies or is otherwise disqualified after the second Friday immediately before the election. The local clerk must notify the precinct board of any write-in candidates who have timely filed a Declaration.

Note that write-in candidates seeking election to a partisan office at a general election are required to run *without party affiliation*.

### *Number of Votes*

According to the Bureau of Elections, a write-in candidate for a nonpartisan office in the general election "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."

### *How Does It Work?*

Write-in votes are recorded exactly as written - misspellings and all. Does that mean that John Smith won't get credit for a vote cast for "Jon" Smith? Not necessarily. The Board of Canvassers is responsible for determining the voter's intent, and if that intent is "not doubtful," then ballot will be counted for the intended candidate.

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### **PRACTICE AREAS**

Election & Campaign Finance Law



*Questions?*

Foster Swift's election lawyers can help. **Visit our practice page** or **contact Laura J. Genovich** with questions.

*This article contains general information and should not be relied upon as legal advice.*