

Act No. 217
Public Acts of 1999
Approved by the Governor
December 28, 1999
Filed with the Secretary of State
December 28, 1999
EFFECTIVE DATE: March 10, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999**

Introduced by Rep. Shulman

Reps. Allen, Bishop, Bradstreet, DeRossett, DeWeese, Ehardt, Faunce, Gilbert, Hart, Ruth Johnson, Julian, Kuipers, Kukuk, Law, Mortimer, Pappageorge, Patterson, Rocca, Shackleton, Tabor, Toy, Van Woerkom and Vander Roest named co-sponsors

ENROLLED HOUSE BILL No. 5055

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 558, 826, 845, and 933 (MCL 168.558, 168.826, 168.845, and 168.933), sections 558 and 933 as amended by 1997 PA 137 and section 826 as amended by 1995 PA 261.

The People of the State of Michigan enact:

Sec. 558. (1) When filing a nominating petition, filing fee, or an affidavit of candidacy, or within 1 business day of being nominated by a political party convention or caucus, for a county, state, national, city, township, village, or school district office in any election, a candidate shall file with the officer with whom the petitions or fee is filed 2 copies of an affidavit. The affidavit shall contain the candidate's name; address; ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States; number of years of residence in the state and county; other information that may be required to satisfy the officer as to the identity of the candidate; a statement that, as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit by first class mail. The county clerk shall immediately forward 1 copy of the affidavit for state and national candidates to the secretary of state by first class mail. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section.

(2) If petitions or filing fees are filed by or in behalf of a candidate for more than 1 office, either national, state, county, city, village, township, or school district, the terms of which run concurrently or overlap, the candidate so filing, or in behalf of whom petitions or fees were so filed, shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to any office for which petitions or fees were so filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the primary or general election ensuing shall not be counted and is void.

Sec. 826. (1) Except as otherwise provided in this subsection, the board of county canvassers shall determine and declare the result of the election for county and local officers, and for all county and local ballot questions. If a city or township has more than 5 precincts, the board of city or township canvassers shall canvass votes for city or township officers and ballot questions. If a state senatorial or representative district is located solely within 1 county, the board of county canvassers shall determine and declare the result of the election for that office. Upon making the determination under this subsection, the board of county canvassers shall prepare a certificate of determination and deliver the properly certified certificate of determination to the county clerk. If the determination relates to a state senatorial or representative district located solely within 1 county, the board of county canvassers shall also deliver the properly certified certificate of determination to the board of state canvassers.

(2) Upon receipt of a properly certified certificate of determination from a board of county canvassers pursuant to subsection (1), the county clerk shall file the certificate in his or her office. The county clerk may cause a statement of the total county or district votes cast for the various candidates and the total vote cast for and against the various ballot questions at the election to be published in at least 1 newspaper printed or circulated in that county. The county clerk shall immediately execute and deliver to the persons declared elected, a properly certified certificate of election.

(3) Each elected candidate who has been issued a certificate of election under subsection (2) shall file an affidavit with the county clerk. All of the following apply to the affidavit:

(a) The affidavit shall certify that, as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid.

(b) The affidavit shall be filed with the county clerk before the elected candidate assumes office.

(c) The affidavit shall be on a form prescribed by the secretary of state and shall include a statement that the candidate acknowledges that making a false statement in the affidavit is perjury punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

(d) An affidavit is not required of any candidate whose candidate committee did not receive or expend more than \$1,000.00 during the election cycle.

(e) Failure to file the affidavit if required is a misdemeanor punishable by a fine of up to \$500.00 or imprisonment for up to 93 days, or both. Making a false statement in the affidavit is perjury punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

Sec. 845. (1) The members of the board of state canvassers shall certify as to the correctness of the statement provided for in section 844 and subscribe their names to the statement. The members of the board of state canvassers shall determine which persons have been duly elected to each office and which constitutional amendments and propositions, if any, have been approved or rejected. The board shall certify the determinations and deliver the statement and certificate of determinations to the secretary of state. The secretary of state shall file and preserve the statement and certificate of determinations in his or her office and shall immediately execute and deliver a certificate of election to each person elected. If the secretary of state has received notice prior to the certificate of determinations being issued that the person to whom the certificate of election is to be issued died, withdrew from the district, was declared legally incapacitated by a court having jurisdiction, or submitted to the secretary of state an affidavit declaring that person's intention to refuse the certificate of election, then the secretary of state shall not issue a certificate of election and the office shall be declared vacant as of the commencement of the term of office to which that person would otherwise have been elected. The secretary of state shall also publish any amendment to the constitution which has been approved and ratified with the laws enacted by the legislature at its next succeeding session.

(2) Each elected candidate who has been issued a certificate of election under subsection (1) shall file an affidavit with the secretary of state. All of the following apply to the affidavit:

(a) The affidavit shall certify that, as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the person or any candidate committee organized to support the person's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid.

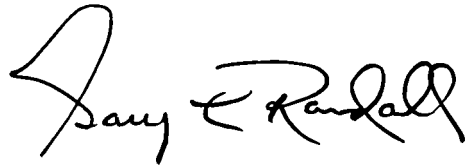
(b) The affidavit shall be filed with the secretary of state before the elected person assumes office.

(c) The affidavit shall be on a form prescribed by the secretary of state and shall include a statement that the elected person acknowledges that making a false statement in the affidavit is perjury punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

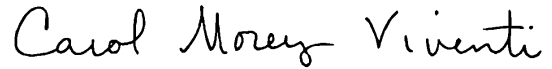
(d) An affidavit is not required of any elected person whose candidate committee did not receive or expend more than \$1,000.00 during the election cycle.

(e) Failure to file the affidavit if required is a misdemeanor punishable by a fine of up to \$500.00 or imprisonment for up to 93 days, or both. Making a false statement in the affidavit is perjury punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

Sec. 933. A person who makes a false affidavit or swears falsely while under oath under section 826(3) or for the purpose of securing registration, for the purpose of voting at an election, or for the purpose of qualifying as a candidate for elective office under section 558 is guilty of perjury.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved

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Governor.