

HOUSE BILL No. 5944

March 30, 2006, Introduced by Rep. Zelenko and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 558 and 560b (MCL 168.558 and 168.560b),
section 558 as amended by and section 560b as added by 2002 PA 163.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 558. (1) When filing a nominating petition, qualifying
2 petition, filing fee, or affidavit of candidacy for a federal,
3 county, state, city, township, village, or school district office
4 in any election, a candidate shall file with the officer with whom
5 the petitions, fee, or affidavit is filed 2 copies of an affidavit
6 of identity. A candidate nominated for a federal, state, county,
7 city, township, or village office at a political party convention
8 or caucus shall file an affidavit of identity within 1 business day
9 after being nominated with the secretary of state. The affidavit of

1 identity filing requirement does not apply to a candidate nominated
2 for the office of president of the United States or vice president
3 of the United States.

4 (2) An affidavit of identity shall contain the candidate's
5 name, address, and ward and precinct where registered, if qualified
6 to vote at that election; a statement that the candidate is a
7 citizen of the United States; the candidate's number of years of
8 residence in the state and county; other information that may be
9 required to satisfy the officer as to the identity of the
10 candidate; the manner in which the candidate wishes to have his or
11 her name appear on the ballot; and a statement that the candidate
12 either is or is not using a name, whether a given name, a surname,
13 or otherwise, that is not a name that he or she was given at birth.
14 If a candidate is using a name that is not a name that he or she
15 was given at birth, the candidate shall include on the affidavit of
16 identity the candidate's full former name.

17 (3) The requirement to indicate a name change on the affidavit
18 of identity does not apply if the name in question is 1 of the
19 following:

20 (a) A name that was formally changed at least 10 years before
21 filing as a candidate.

22 (b) A name that was changed in a certificate of naturalization
23 issued by a federal district court at the time the individual
24 became a naturalized citizen at least 10 years before filing as a
25 candidate.

26 (c) A name that was changed because of marriage.

27 (d) A name that was changed because of divorce, but only if to

1 a legal name by which the individual was previously known.

2 (E) A NAME THAT WAS CHANGED FOLLOWING AND PURSUANT TO A
3 SURGICAL PROCEDURE BY WHICH THE INDIVIDUAL'S SEXUAL CHARACTERISTICS
4 WERE ALTERED TO RESEMBLE THOSE OF THE OPPOSITE SEX.

5 (4) An affidavit of identity shall include a statement that as
6 of the date of the affidavit, all statements, reports, late filing
7 fees, and fines required of the candidate or any candidate
8 committee organized to support the candidate's election under the
9 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282,
10 have been filed or paid; and a statement that the candidate
11 acknowledges that making a false statement in the affidavit is
12 perjury, punishable by a fine up to \$1,000.00 or imprisonment for
13 up to 5 years, or both. If a candidate files the affidavit of
14 identity with an officer other than the county clerk or secretary
15 of state, the officer shall immediately forward to the county clerk
16 1 copy of the affidavit of identity by first-class mail. The county
17 clerk shall immediately forward 1 copy of the affidavit of identity
18 for state and federal candidates to the secretary of state by
19 first-class mail. An officer shall not certify to the board of
20 election commissioners the name of a candidate who fails to comply
21 with this section.

22 (5) If petitions or filing fees are filed by or in behalf of a
23 candidate for more than 1 office, either federal, state, county,
24 city, village, township, or school district, the terms of which run
25 concurrently or overlap, the candidate so filing, or in behalf of
26 whom petitions or fees were so filed, shall select the 1 office to
27 which his or her candidacy is restricted within 3 days after the

1 last day for the filing of petitions or filing fees unless the
2 petitions or filing fees are filed for 2 offices that are combined
3 or for offices that are not incompatible. Failure to make the
4 selection disqualifies a candidate with respect to each office for
5 which petitions or fees were so filed and the name of the candidate
6 shall not be printed upon the ballot for those offices. A vote cast
7 for that candidate at the ensuing primary or general election shall
8 not be counted and is void.

9 Sec. 560b. (1) A candidate required to indicate a name change
10 on the affidavit of identity under section 558 shall be listed on
11 the ballot with his or her current name and former name as
12 prescribed by the secretary of state.

13 (2) Subject to subsections (3) and (4), both a candidate's
14 given name and surname that he or she was given at birth, and only
15 those names, shall appear on the ballot, except under 1 of the
16 following circumstances:

17 (a) The name in question, whether a given name, a surname, or
18 otherwise, is a name that was formally changed.

19 (b) The candidate is subject to subsection (1).

20 (c) The name in question, whether a given name, a surname, or
21 otherwise, is 1 of the following:

22 (i) A name that was changed in a certificate of naturalization
23 issued by a federal district court at the time the individual
24 became a naturalized citizen at least 10 years before filing as a
25 candidate.

26 (ii) A name that was changed because of marriage.

27 (iii) A name that was changed because of divorce, but only if to

1 a legal name by which the individual was previously known.

2 (iv) A NAME THAT WAS CHANGED FOLLOWING AND PURSUANT TO A
3 SURGICAL PROCEDURE BY WHICH THE INDIVIDUAL'S SEXUAL CHARACTERISTICS
4 WERE ALTERED TO RESEMBLE THOSE OF THE OPPOSITE SEX.

5 (3) A candidate may specify that both his or her given name
6 and middle name, or only a middle name, shall appear on the ballot.
7 A candidate may specify that either an initial or a recognized
8 diminutive for the candidate's given or middle name, or for both,
9 shall appear on the ballot.

10 (4) A candidate is prohibited from specifying that a nickname
11 that is not a recognized diminutive of the candidate's given name
12 or middle name appear on the ballot. A married individual is
13 prohibited from specifying that his or her spouse's given name, or
14 an alternative for that given name otherwise permitted under
15 subsection (3), appear on the ballot.

16 (5) A ballot that would violate this section shall not be
17 produced, printed, or distributed.