

# SENATE BILL No. 1446

August 11, 2010, Introduced by Senators ANDERSON and PRUSI and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 933 (MCL 168.933), as amended by 2003 PA 119,  
and by adding section 558a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 558A. (1) WHEN FILING A NOMINATING PETITION, QUALIFYING  
2        PETITION, FILING FEE, OR AFFIDAVIT OF CANDIDACY FOR AN ELECTIVE  
3        OFFICE IN ANY ELECTION, A CANDIDATE SHALL FILE WITH THE SECRETARY  
4        OF STATE A TAX COMPLIANCE AFFIDAVIT.

5        (2) A CANDIDATE NOMINATED FOR AN ELECTIVE OFFICE AT A  
6        POLITICAL PARTY CONVENTION OR CAUCUS SHALL FILE A TAX COMPLIANCE  
7        AFFIDAVIT WITH THE SECRETARY OF STATE WITHIN 1 BUSINESS DAY AFTER  
8        BEING NOMINATED.

9        (3) THE TAX COMPLIANCE AFFIDAVIT REQUIRED UNDER THIS SECTION

1 SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

2 "TAX COMPLIANCE AFFIDAVIT"

3 I DECLARE UNDER PENALTY OF PERJURY THAT I AM NOT CURRENTLY  
 4 AWARE OF ANY DELINQUENCY IN THE FILING OR PAYMENT OF ANY STATE  
 5 INCOME TAXES, PERSONAL PROPERTY TAXES, OR REAL PROPERTY TAXES  
 6 ON MY RESIDENCE, AS PROVIDED IN MY AFFIDAVIT OF IDENTITY, AND  
 7 THAT I AM NOT A PAST OR PRESENT BOARD MEMBER OR OFFICER OF ANY  
 8 CORPORATION THAT OWES ANY TAXES TO THIS STATE FOR THE PERIOD  
 9 OF TIME THAT I WAS OR AM A BOARD MEMBER OR OFFICER, OTHER THAN  
 10 THOSE TAXES WHICH MAY BE IN DISPUTE.

11 SIGNATURE OF CANDIDATE: \_\_\_\_\_

12 PRINTED NAME OF CANDIDATE: \_\_\_\_\_ "

13 (4) UPON RECEIPT OF A COMPLAINT ALLEGING A DELINQUENCY OF A  
 14 CANDIDATE FOR ELECTIVE OFFICE IN THE FILING OR PAYMENT OF ANY  
 15 STATE TAXES, PERSONAL PROPERTY TAXES, OR REAL PROPERTY TAXES ON  
 16 HIS OR HER RESIDENCE, AS PROVIDED ON HIS OR HER AFFIDAVIT OF  
 17 IDENTITY, OR UPON RECEIPT OF A COMPLAINT ALLEGING THAT THE  
 18 CANDIDATE FOR ELECTIVE OFFICE IS A PAST OR PRESENT BOARD MEMBER  
 19 OR OFFICER OF ANY CORPORATION THAT OWES TAXES TO THIS STATE FOR  
 20 THE PERIOD OF TIME THAT THE CANDIDATE WAS OR IS A BOARD MEMBER OR  
 21 OFFICER, THE SECRETARY OF STATE SHALL INVESTIGATE THE CANDIDATE  
 22 TO VERIFY THE CLAIM CONTAINED IN THE COMPLAINT. IF THE SECRETARY  
 23 OF STATE CONFIRMS THAT THE CANDIDATE FOR ELECTIVE OFFICE IS  
 24 DELINQUENT IN FILING OR PAYING ANY OF HIS OR HER STATE TAXES,  
 25 PERSONAL PROPERTY TAXES, OR REAL PROPERTY TAXES ON HIS OR HER  
 26 RESIDENCE, OR THAT THE CANDIDATE FOR ELECTIVE OFFICE IS A PAST OR  
 27 PRESENT BOARD MEMBER OR OFFICER OF ANY CORPORATION THAT OWES

1 TAXES TO THIS STATE FOR THE PERIOD OF TIME THAT THE CANDIDATE WAS  
2 OR IS A BOARD MEMBER OR OFFICER, THE SECRETARY OF STATE SHALL  
3 PROVIDE WRITTEN NOTICE TO THE CANDIDATE AND THE OFFICER WITH WHOM  
4 THE CANDIDATE'S AFFIDAVIT OF IDENTITY WAS FILED OF THE  
5 OUTSTANDING TAXES OWED.

6 (5) THE SECRETARY OF STATE SHALL GIVE THE CANDIDATE FOR  
7 ELECTIVE OFFICE 30 DAYS FROM THE POSTMARK DATE OF THE WRITTEN  
8 NOTICE UNDER SUBSECTION (4) TO REMIT THE OUTSTANDING TAXES OWED  
9 THAT ARE NOT THE SUBJECT OF A DISPUTE. IF THE CANDIDATE FOR  
10 ELECTIVE OFFICE FAILS TO REMIT THE OUTSTANDING TAXES OWED IN FULL  
11 WITHIN 30 DAYS FROM THE POSTMARK DATE OF THE WRITTEN NOTICE UNDER  
12 SUBSECTION (4), THE CANDIDATE SHALL BE DISQUALIFIED FROM  
13 PARTICIPATING IN THE CURRENT ELECTION AND THE CANDIDATE IS BARRED  
14 FROM REFILEING FOR OR FROM BEING NOMINATED TO AN ELECTIVE OFFICE  
15 FOR A PERIOD OF 2 YEARS EVEN IF THE CANDIDATE PAYS ALL OF THE  
16 OUTSTANDING TAXES OWED THAT ARE THE SUBJECT OF THE COMPLAINT.

17 (6) AS USED IN THIS SECTION, "ELECTIVE OFFICE" MEANS A  
18 PUBLIC OFFICE FILLED BY AN ELECTION. ELECTIVE OFFICE DOES NOT  
19 INCLUDE A FEDERAL OFFICE.

20 Sec. 933. A person who makes a false affidavit or swears  
21 falsely while under oath under section 848 or for the purpose of  
22 securing registration, for the purpose of voting at an election,  
23 or for the purpose of qualifying as a candidate for elective  
24 office under section 558 OR 558A is guilty of perjury.