

HOUSE BILL No. 4435

March 12, 2013, Introduced by Reps. Brinks, Ananich, LaVoy, Faris, Singh, Smiley, Knezek, Rutledge, Brunner, Brown, Greimel, Barnett, Hovey-Wright, Roberts, McCann, Banks, Townsend, Dillon, Switalski, Yanez, Kosowski, Hobbs, Driskell, Kandrevas, Tlaib, Lamonte, Cavanagh, Schor, Slavens, Lipton and Abed and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 558 (MCL 168.558), as amended by 2012 PA 586.

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, metropolitan district, or
4 school district office in any election, a candidate shall file with
5 the officer with whom the petitions, fee, or affidavit is filed 2
6 copies of an affidavit of identity. A candidate nominated for a
7 federal, state, county, city, township, or village office at a
8 political party convention or caucus shall file **WITH THE SECRETARY**
9 **OF STATE** an affidavit of identity within 1 business day after being
10 nominated. ~~with the secretary of state.~~ The affidavit of identity

filing requirement does not apply to a candidate nominated for the office of president of the United States or vice president of the United States. **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CANDIDATE SHALL FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED AND SHALL IDENTIFY HIMSELF OR HERSELF TO THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED BY PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT INDIVIDUAL UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO THAT INDIVIDUAL UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD. THE REQUIREMENT TO FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED, ALONG WITH THE REQUIREMENT OF PRESENTING AN AUTHORIZED PICTURE IDENTIFICATION CARD, DOES NOT APPLY TO ANY OF THE FOLLOWING CANDIDATES:**

(A) A CANDIDATE FOR FEDERAL OFFICE.

(B) A CANDIDATE FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT.

(C) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE COURT OF APPEALS.

(2) An affidavit of identity shall contain the candidate's name, address, and ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States; the candidate's number of years of

1 residence in the state and county; other information that may be
2 required to satisfy the officer as to the identity of the
3 candidate; the manner in which the candidate wishes to have his or
4 her name appear on the ballot; and a statement that the candidate
5 either is or is not using a name, whether a given name, a surname,
6 or otherwise, that is not a name that he or she was given at birth.
7 If a candidate is using a name that is not a name that he or she
8 was given at birth, the candidate shall include on the affidavit of
9 identity the candidate's full former name.

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

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

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

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

20 (d) A name that was changed because of divorce, but only if to
21 a legal name by which the individual was previously known.

22 (4) An affidavit of identity shall include a statement that as
23 of the date of the affidavit, all statements, reports, late filing
24 fees, and fines required of the candidate or any candidate
25 committee organized to support the candidate's election under the
26 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282,
27 have been filed or paid; and a statement that the candidate

1 acknowledges that making a false statement in the affidavit is
2 perjury, punishable by a fine up to \$1,000.00 or imprisonment for
3 up to 5 years, or both. If a candidate files the affidavit of
4 identity with an officer other than the county clerk or secretary
5 of state, the officer shall immediately forward to the county clerk
6 1 copy of the affidavit of identity by first-class mail. The county
7 clerk shall immediately forward 1 copy of the affidavit of identity
8 for state and federal candidates to the secretary of state by
9 first-class mail. An officer shall not certify to the board of
10 election commissioners the name of a candidate who fails to comply
11 with this section.

12 (5) If ~~petitions or filing fees are filed by or in behalf of a~~
13 candidate **FILES PETITIONS OR FILING FEES** for more than 1 office,
14 either federal, state, county, city, village, township,
15 metropolitan district, or school district, the terms of which run
16 concurrently or overlap, the candidate ~~so filing, or in behalf of~~
17 ~~whom petitions or fees were so filed,~~ shall select the 1 office to
18 which his or her candidacy is restricted within 3 days after the
19 last day for the filing of petitions or filing fees unless the
20 petitions or filing fees are filed for 2 offices that are combined
21 or for offices that are not incompatible. Failure to make the
22 selection disqualifies a candidate with respect to each office for
23 which petitions or fees were so filed and the name of the candidate
24 shall not be printed upon the ballot for those offices. A vote cast
25 for that candidate at the ensuing primary or general election shall
26 not be counted and is void.