

HOUSE BILL No. 4825

June 12, 2013, Introduced by Reps. Kesto, Walsh, Poleski, Lori, Foster, McCready, Farrington, Graves, Bumstead, Cavanagh, Cotter, Yonker, Schmidt, Jenkins, Callton, Shirkey, Heise, Olumba, Johnson, Pscholka, Muxlow, Pagel, Kowall, Nesbitt and Haines 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 an affidavit of
9 identity within 1 business day after being nominated with the
10 secretary of state. The affidavit of identity filing requirement

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

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

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

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

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

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

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

1 (4) An affidavit of identity shall include ~~a~~**ALL OF THE**
2 **FOLLOWING:**

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

8 (B) A STATEMENT REQUIRING THE CANDIDATE TO INDICATE WHETHER HE
9 OR SHE HAS BEEN CONVICTED OF A FELONY WITHIN THE IMMEDIATELY
10 PRECEDING 10 YEARS. EXCEPT AS OTHERWISE PROVIDED IN THIS
11 SUBDIVISION, IF THE CANDIDATE HAS BEEN CONVICTED OF A FELONY AS
12 DESCRIBED IN THIS SUBDIVISION, THE CANDIDATE SHALL LIST EACH FELONY
13 INVOLVED ON THE AFFIDAVIT. THIS SUBDIVISION DOES NOT REQUIRE A
14 CANDIDATE TO LIST ANY JUVENILE ADJUDICATIONS.

15 (C) A statement that the candidate acknowledges that making a
16 false statement in the affidavit is perjury, punishable by a fine
17 up to \$1,000.00 or imprisonment for up to 5 years, or both.

18 (5) If a candidate files the affidavit of identity with an
19 officer other than the county clerk or secretary of state, the
20 officer shall immediately forward to the county clerk 1 copy of the
21 affidavit of identity by first-class mail. The county clerk shall
22 immediately forward 1 copy of the affidavit of identity for state
23 and federal candidates to the secretary of state by first-class
24 mail. An officer shall not certify to the board of election
25 commissioners the name of a candidate who fails to comply with this
26 section.

27 (6) ~~(5)~~ If petitions or filing fees are filed by or in behalf

1 of a candidate for more than 1 office, either federal, state,
2 county, city, village, township, metropolitan district, or school
3 district, the terms of which run concurrently or overlap, the
4 candidate so filing, or in behalf of whom petitions or fees were so
5 filed, shall select the 1 office to which his or her candidacy is
6 restricted within 3 days after the last day for the filing of
7 petitions or filing fees unless the petitions or filing fees are
8 filed for 2 offices that are combined or for offices that are not
9 incompatible. Failure to make the selection disqualifies a
10 candidate with respect to each office for which petitions or fees
11 were so filed and the name of the candidate shall not be printed
12 upon the ballot for those offices. A vote cast for that candidate
13 at the ensuing primary or general election shall not be counted and
14 is void.