

HOUSE BILL No. 5799

August 3, 2016, Introduced by Rep. Lucido and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 558 (MCL 168.558), as amended by 2014 PA 94.

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

1 secretary of state. The affidavit of identity filing requirement
2 does not apply to a candidate nominated for the office of president
3 of the United States or vice president 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 constitutes a common law name as provided in
3 section 560b.

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

21 (5) AN AFFIDAVIT OF IDENTITY SHALL INCLUDE A CHECK BOX THAT
22 ALLOWS A CANDIDATE TO NOT HAVE HIS OR HER RESIDENCE ADDRESS
23 PUBLISHED, RELEASED, OR OTHERWISE DISCLOSED.

24 (6) ~~(5)~~—If petitions or filing fees are filed by or in behalf
25 of a candidate for more than 1 office, either federal, state,
26 county, city, village, township, metropolitan district, or school
27 district, the terms of which run concurrently or overlap, the

1 candidate so filing, or in behalf of whom petitions or fees were so
2 filed, shall select the 1 office to which his or her candidacy is
3 restricted within 3 days after the last day for the filing of
4 petitions or filing fees unless the petitions or filing fees are
5 filed for 2 offices that are combined or for offices that are not
6 incompatible. Failure to make the selection disqualifies a
7 candidate with respect to each office for which petitions or fees
8 were so filed and the name of the candidate shall not be printed
9 upon the ballot for those offices. A vote cast for that candidate
10 at the ensuing primary or general election shall not be counted and
11 is void.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.