

# HOUSE BILL No. 6096

December 1, 2016, Introduced by Reps. Driskell, Brinks, Schor, Wittenberg, Hovey-Wright, Lane, Lauren Plawewski and Greimel 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 **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  
11 filing requirement does not apply to a candidate nominated for the

1 office of president of the United States or vice president of the  
2 United States. **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**  
3 **CANDIDATE SHALL FILE A NOMINATING PETITION, QUALIFYING PETITION,**  
4 **FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN**  
5 **PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS**  
6 **ARE FILED AND SHALL IDENTIFY HIMSELF OR HERSELF TO THE OFFICER WITH**  
7 **WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED BY PRESENTING AN**  
8 **OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT INDIVIDUAL UNDER**  
9 **1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR CHAUFFEUR'S**  
10 **LICENSE ISSUED TO THAT INDIVIDUAL UNDER THE MICHIGAN VEHICLE CODE,**  
11 **1949 PA 300, MCL 257.1 TO 257.923, OR OTHER GENERALLY RECOGNIZED**  
12 **PICTURE IDENTIFICATION CARD. THE REQUIREMENT TO FILE A NOMINATING**  
13 **PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY,**  
14 **OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE**  
15 **PETITIONS, FEE, OR AFFIDAVITS ARE FILED, ALONG WITH THE REQUIREMENT**  
16 **OF PRESENTING AN AUTHORIZED PICTURE IDENTIFICATION CARD, DOES NOT**  
17 **APPLY TO ANY OF THE FOLLOWING CANDIDATES:**

18 (A) A CANDIDATE FOR FEDERAL OFFICE.

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

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

23 (2) An affidavit of identity shall contain the candidate's  
24 name, address, and ward and precinct where registered, if qualified  
25 to vote at that election; a statement that the candidate is a  
26 citizen of the United States; the candidate's number of years of  
27 residence in the state and county; other information that may be

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

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

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

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

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

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

21 (e) A name that constitutes a common law name as provided in  
22 section 560b.

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

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

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

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