

HOUSE BILL No. 6193

June 12, 2018, Introduced by Reps. Calley, Marino, Webber and LaSata 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 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
10 secretary of state. The affidavit of identity filing requirement
11 does not apply to a candidate nominated for the office of ~~president~~

1 **PRESIDENT** of the United States or ~~vice president~~ **VICE PRESIDENT** of
2 the United States.

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

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

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

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

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

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

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

6 (4) An affidavit of identity ~~shall~~**MUST** include a statement
7 that as of the date of the affidavit, all statements, reports, late
8 filing fees, and fines required of the candidate or any candidate
9 committee organized to support the candidate's election under the
10 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282,
11 have been filed or paid; and a statement that the candidate
12 acknowledges that making a false statement in the affidavit is
13 perjury, punishable by a fine up to \$1,000.00 or imprisonment for
14 up to 5 years, or both. If a candidate files the affidavit of
15 identity with an officer other than the county clerk or secretary
16 of state, the officer shall immediately forward to the county clerk
17 1 copy of the affidavit of identity by first-class mail. The county
18 clerk shall immediately forward 1 copy of the affidavit of identity
19 for state and federal candidates to the secretary of state by
20 first-class mail. An officer shall not certify to the board of
21 election commissioners the name of a candidate who fails to comply
22 with this section, **OR THE NAME OF A CANDIDATE WHO EXECUTES AN**
23 **AFFIDAVIT OF IDENTITY THAT CONTAINS A FALSE STATEMENT WITH REGARD**
24 **TO ANY INFORMATION OR STATEMENT REQUIRED UNDER THIS SECTION.**

25 (5) If petitions or filing fees are filed by or ~~in~~**ON** behalf
26 of a candidate for more than 1 office, either federal, state,
27 county, city, village, township, metropolitan district, or school

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

13 **(6) A VIOLATION OF THIS SECTION FOR PERJURY IS DISTINCT AND**
14 **SEPARATE FROM ANY VIOLATION OF THE MICHIGAN CAMPAIGN FINANCE ACT,**
15 **1976 PA 388, MCL 169.201 TO 169.282.**