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Senate Bill 212 (as introduced 3-9-21)  
Sponsor: Senator Ruth Johnson  
Committee: Elections

*(enacted version)*

Date Completed: 4-28-21

### **CONTENT**

**The bill would amend the Michigan Election Law to do the following:**

- **Require an affidavit of identity to contain the title of the office sought, including the jurisdiction, district, circuit, or ward; the candidate's political party or a statement that indicated no party affiliation if the candidate were running without political party affiliation; the term of office; and the date of the election in which the candidate wished to appear on the ballot.**
- **Require an affidavit of identity for a candidate for a precinct delegation to include his or her precinct number on the affidavit.**
- **Require an affidavit of identity for a judicial candidate to include whether the office sought was an incumbent position, a nonincumbent position, or a new judgeship.**
- **Require an affidavit of identity to be signed and notarized.**
- **Require copies of an affidavit of identity to be sent to the county clerk or the Secretary of State (SOS) by first-class mail, as currently required, or by facsimile or electronic transmission.**

Currently, when filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a Federal, county, State, city, township, village, metropolitan district, or school district office in any election, a candidate must file with the office with whom the petitions, fee, or affidavit is filed two copies of an affidavit of identity. A candidate nominated for a Federal, State, county, city, township, or village office at a political party convention or caucus must file an affidavit of identity with the SOS within one business day after being nominated. The affidavit of identity filing requirement does not apply to a candidate nominated for the office of President or Vice President of the United States.

An affidavit of identity must contain the candidate's name and residential address; a statement that the candidate is a citizen of the United States; a statement that the candidate meets the constitutional statutory qualifications for the office sought; other information that may be required to satisfy the office as to the identity of the candidate; and the manner in which the candidate wishes to have his or her name appear on the ballot. If a candidate is using a name that is not a name that he or she was given at birth, the candidate must include on the affidavit of identity the candidate's full former name.

The Law also requires the affidavit to include the title of the office sought. Under the bill, this would include the jurisdiction, district, circuit, or ward. The affidavit of identity also would have to include the candidate's political party or a statement that indicated no party affiliation

if the candidate were running without political party affiliation; the term of office; and the date of the election in which the candidate wished to appear on the ballot.

If the affidavit were for a candidate for precinct delegate, the candidate would have to include his or her precinct number on the affidavit of identity. If the affidavit were for a judicial candidate, the candidate would have to include on the affidavit whether the office sought was an incumbent position, a nonincumbent position, or a new judgeship.

Currently, an affidavit of identity must include a statement that, as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Campaign Finance Act, have been filed or paid; and a statement that the candidate acknowledges that making a false statement on the affidavit is perjury, punishable by a fine up to \$1,000 or imprisonment for up to five years, or both. Under the bill, the affidavit would have to be signed and notarized.

The Law specifies that if a candidate files the affidavit of identity with an officer other than the county clerk or SOS, the office must immediately forward to the county clerk one copy of the affidavit of identity. The county clerk must immediately forward one copy of the affidavit for State and Federal candidates to the Secretary of State. In either case, these copies must be sent by first-class mail. Under the bill, in either case, a copy would have to be sent by first-class mail, facsimile, or electronic transmission.

MCL 168.558

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.