

HOUSE BILL NO. 5958

March 23, 2022, Introduced by Rep. Calley 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 2021 PA 158.

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~~**filing official** with whom the petitions, fee, or
6 affidavit is filed 2 copies of an affidavit of identity. A

1 candidate nominated for a federal, state, county, city, township,
2 or village office at a political party convention or caucus shall
3 file an affidavit of identity within 1 business day after being
4 nominated with the secretary of state. The affidavit of identity
5 filing requirement does not apply to a candidate nominated for the
6 office of President of the United States or Vice President of the
7 United States.

8 (2) An affidavit of identity must contain the candidate's name
9 and residential address; a statement that the candidate is a
10 citizen of the United States; the title of the office sought
11 including the jurisdiction, district, circuit, or ward; the
12 candidate's political party or a statement indicating no party
13 affiliation if the candidate is running without political party
14 affiliation; the term of office; the date of the election in which
15 the candidate wishes to appear on the ballot; a statement that the
16 candidate meets the constitutional and statutory qualifications for
17 the office sought; other information that may be required to
18 satisfy the ~~officer~~**filing official** as to the identity of the
19 candidate; and the manner in which the candidate wishes to have his
20 or her name appear on the ballot. **Except as otherwise provided in**
21 **this subsection, an affidavit of identity must also contain every**
22 **jurisdiction in this state in which the candidate previously sought**
23 **nomination or election. A candidate is not required to disclose on**
24 **the affidavit of identity a jurisdiction in which the candidate**
25 **previously sought nomination or election if the office for which**
26 **the candidate sought nomination or election in that jurisdiction is**
27 **not an office for which a candidate is required to file campaign**
28 **statements under the Michigan campaign finance act, 1976 PA 388,**
29 **MCL 169.201 to 169.282.** If a candidate is using a name that is not

1 a name that he or she was given at birth, the candidate shall
2 include on the affidavit of identity the candidate's full former
3 name. If the affidavit of identity is for a candidate for precinct
4 delegate, the candidate shall include his or her precinct number on
5 the affidavit of identity. If the affidavit of identity is for a
6 judicial candidate, the candidate shall include on the affidavit of
7 identity whether the office sought is an incumbent position, a
8 nonincumbent position, or a new judgeship.

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 must include a ~~signed and~~
24 ~~notarized~~ **compliance** statement that as of the date of the
25 affidavit, all statements, reports, late filing fees, and fines
26 required of the candidate or any candidate committee organized to
27 support the candidate's election under the Michigan campaign
28 finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed
29 or paid; and a statement that the candidate acknowledges that

1 making a false statement in the affidavit is perjury, punishable by
2 a fine up to \$1,000.00 or imprisonment for up to 5 years, or both.

3 **An outstanding notice of error or omission is not a statement,**
4 **report, late filing fee, or fine for purposes of this subsection.**

5 (5) If a candidate files the affidavit of identity with ~~an~~
6 ~~officer~~ **a filing official** other than the county clerk or secretary
7 of state, the ~~officer~~ **filing official** shall immediately forward to
8 the county clerk 1 copy of the affidavit of identity by first-class
9 mail, facsimile, or electronic transmission. The county clerk shall
10 immediately forward 1 copy of the affidavit of identity for state
11 and federal candidates to the secretary of state by first-class
12 mail, facsimile, or electronic transmission. ~~An officer shall not~~
13 ~~certify to the board of election commissioners the name of a~~
14 ~~candidate who fails to comply with this section, or the name of a~~
15 ~~candidate who executes an affidavit of identity that contains a~~
16 ~~false statement with regard to any information or statement~~
17 ~~required under this section.~~

18 (6) All information given and statements made by the candidate
19 on the affidavit of identity must be true as of the date that the
20 affidavit is signed. The affidavit of identity must be signed,
21 sworn to, and dated by the candidate, and the affidavit of identity
22 must be properly notarized under the Michigan law on notarial acts,
23 2003 PA 238, MCL 55.261 to 55.315.

24 (7) The failure of a candidate to disclose a jurisdiction in
25 which the candidate previously sought nomination or election is not
26 a reason to disqualify the candidate from appearing on the ballot.

27 (8) A candidate who omits information required on the
28 affidavit of identity may correct the omission by filing a new
29 affidavit of identity until the filing deadline. The filing

1 official with whom an affidavit of identity is filed shall
2 disqualify a candidate who fails to correct an omission by the
3 filing deadline. For purposes of this subsection, an omission
4 includes, but is not limited to, a blank or any incomplete
5 information on the affidavit of identity, but does not include an
6 omission on the compliance statement required under subsection (4).

7 (9) The filing official with whom an affidavit of identity is
8 filed shall disqualify a candidate who provides false information
9 as of the date the candidate signed the affidavit of identity
10 regarding the information required under subsection (2). A
11 candidate disqualified under this subsection cannot reverse the
12 disqualification by filing a corrected affidavit of identity.

13 (10) A candidate who, as of the date he or she signed the
14 affidavit of identity, has not responded to a notice of error or
15 omission must not be disqualified solely for that reason. However,
16 a candidate with an outstanding notice of error or omission may be
17 disqualified based on the unfiled or unpaid statement, report, late
18 filing fees, or fines upon which the notice was based.

19 (11) The filing official with whom an affidavit of identity is
20 filed shall examine the campaign finance records of the secretary
21 of state and the county clerk of any county in which the candidate
22 previously sought nomination or election, if applicable, to
23 determine if the candidate made a false statement in the affidavit
24 of identity. The filing official shall disqualify a candidate who
25 falsely states that as of the date he or she signed the affidavit,
26 all statements, reports, late filing fees, and fines required of
27 the candidate or any candidate committee organized to support the
28 candidate's election under the Michigan campaign finance act, 1976
29 PA 388, MCL 169.201 to 169.282, have been filed or paid. A

1 candidate disqualified under this subsection cannot reverse the
2 disqualification by filing a corrected affidavit of identity.

3 (12) For purposes of this section, a candidate who files a
4 statement of organization under the Michigan campaign finance act,
5 1976 PA 388, MCL 169.201 to 169.282, and who does not request a
6 reporting waiver is presumed to owe the campaign statement for the
7 reporting period that includes the date the candidate committee was
8 formed.

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

24 (14) ~~(6)~~ A violation of this section for perjury is distinct
25 and separate from any violation of the Michigan campaign finance
26 act, 1976 PA 388, MCL 169.201 to 169.282.

27 (15) As used in this section, "notice of error or omission"
28 means the notice issued under section 16(6) of the Michigan
29 campaign finance act, 1976 PA 388, MCL 169.216.