

HOUSE BILL NO. 4076

February 07, 2023, Introduced by Rep. Fink 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 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 with whom the petitions, fee, or affidavit is filed 2
6 copies of an affidavit of identity. A candidate nominated for a

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

7 (2) An affidavit of identity must contain the candidate's name
8 and residential address; a statement that the candidate is a
9 citizen of the United States; the title of the office sought
10 including the jurisdiction, district, circuit, or ward; **if the**
11 **candidate is seeking nomination or election to a partisan office,**
12 the 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 as to the identity of the candidate; and the
19 manner in which the candidate wishes to have ~~his or her~~ **the**
20 **candidate's** name appear on the ballot. If a candidate is using a
21 name that is not a name that ~~he or she~~ **the candidate** was given at
22 birth, the candidate shall include on the affidavit of identity the
23 candidate's full former name. If the affidavit of identity is for a
24 candidate for precinct delegate, the candidate shall include ~~his or~~
25 ~~her~~ **the candidate's** precinct number on the affidavit of identity.
26 If the affidavit of identity is for a judicial candidate, the
27 candidate shall include on the affidavit of identity whether the
28 office sought is an incumbent position, a nonincumbent position, or
29 a new judgeship.

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

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

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

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

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

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

15 (4) An affidavit of identity must include a signed and
16 notarized statement that as of the date of the affidavit, all
17 statements, reports, late filing fees, and fines required of the
18 candidate or any candidate committee organized to support the
19 candidate's election under the Michigan campaign finance act, 1976
20 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a
21 statement that the candidate acknowledges that making a false
22 statement in the affidavit is perjury, punishable by a fine up to
23 \$1,000.00 or imprisonment for up to 5 years, or both. If a
24 candidate files the affidavit of identity with an officer other
25 than the county clerk or secretary of state, the officer shall
26 immediately forward to the county clerk 1 copy of the affidavit of
27 identity by first-class mail, facsimile, or electronic
28 transmission. The county clerk shall immediately forward 1 copy of
29 the affidavit of identity for state and federal candidates to the

1 secretary of state by first-class mail, facsimile, or electronic
2 transmission. An officer shall not certify to the board of election
3 commissioners the name of a candidate who fails to comply with this
4 section, or the name of a candidate who executes an affidavit of
5 identity that contains a false statement with regard to any
6 information or statement required under this section.

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

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