

HOUSE BILL No. 5844

September 11, 2012, Introduced by Reps. Byrum, Segal, Bauer, Tlaib, Hovey-Wright, Townsend, Hobbs, McCann, Brunner, Ananich, Smiley, Haugh, Stanley, Rutledge, Barnett, Lipton, Slavens, Switalski, Constan, Darany, Lindberg, Bledsoe, Geiss, Nathan and Brown and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
 "Michigan election law,"
 by amending section 558 (MCL 168.558), as amended by 2012 PA 128.

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, or school district office
 4 in any election, a candidate shall file with the officer with whom
 5 the petitions, fee, or affidavit is filed 2 copies of an affidavit
 6 of identity. A candidate nominated for a federal, state, county,
 7 city, township, or village office at a political party convention
 8 or caucus shall file **WITH THE SECRETARY OF STATE** an affidavit of
 9 identity within 1 business day after being nominated. ~~with the~~
 10 ~~secretary of state.~~ The affidavit of identity filing requirement

1 does not apply to a candidate nominated for the office of president
2 of the United States or vice president of the United States. **EXCEPT**
3 **AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CANDIDATE SHALL FILE A**
4 **NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF**
5 **CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH**
6 **WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED. THE REQUIREMENT**
7 **TO FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE,**
8 **AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE**
9 **OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED DOES**
10 **NOT APPLY TO ANY OF THE FOLLOWING CANDIDATES:**

11 (A) A CANDIDATE FOR FEDERAL OFFICE.

12 (B) A CANDIDATE FOR THE OFFICE OF JUSTICE OF THE SUPREME
13 COURT.

14 (C) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE COURT OF
15 APPEALS.

16 (2) An affidavit of identity shall contain the candidate's
17 name, address, and ward and precinct where registered, if qualified
18 to vote at that election; a statement that the candidate is a
19 citizen of the United States; the candidate's number of years of
20 residence in the state and county; other information that may be
21 required to satisfy the officer as to the identity of the
22 candidate; the manner in which the candidate wishes to have his or
23 her name appear on the ballot; and a statement that the candidate
24 either is or is not using a name, whether a given name, a surname,
25 or otherwise, that is not a name that he or she was given at birth.
26 If a candidate is using a name that is not a name that he or she
27 was given at birth, the candidate shall include on the affidavit of

1 identity the candidate's full former name.

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

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

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

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

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

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

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

1 clerk shall immediately forward 1 copy of the affidavit of identity
2 for state and federal candidates to the secretary of state by
3 first-class mail. An officer shall not certify to the board of
4 election commissioners the name of a candidate who fails to comply
5 with this section.

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