

HOUSE BILL NO. 5258

October 25, 2023, Introduced by Reps. Conlin, Stone, MacDonell, Morgan, Byrnes, Andrews, Coffia, McFall, Skaggs, Price, Hope, Rheingans, Brixie, Wilson, Paiz, Dievendorf, Brabec, McKinney, Martus and Arbit.

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; the
11 candidate's political party or a statement indicating no party
12 affiliation if the candidate is running without political party
13 affiliation; the term of office; the date of the election in which
14 the candidate wishes to appear on the ballot; a statement that the
15 candidate meets the constitutional and statutory qualifications for
16 the office sought; other information that may be required to
17 satisfy the officer as to the identity of the candidate; and the
18 manner in which the candidate wishes to have ~~his or her~~ **the**
19 **candidate's** name appear on the ballot. If a candidate is using a
20 name that is not a name that ~~he or she~~ **the candidate** was given at
21 birth, the candidate shall include on the affidavit of identity the
22 candidate's full former name. If the affidavit of identity is for a
23 candidate for precinct delegate, the candidate shall include ~~his or~~
24 ~~her~~ **the candidate's** precinct number on the affidavit of identity.
25 If the affidavit of identity is for a judicial candidate, the
26 candidate shall include on the affidavit of identity whether the
27 office sought is an incumbent position, a nonincumbent position, or
28 a new judgeship.

29 (3) The requirement to indicate a name change on the affidavit

1 of identity does not apply if the name in question is 1 of the
2 following:

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

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

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

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

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

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

transmission. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a candidate who executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section.

(5) In addition to subsection (4), an officer shall not certify to the board of election commissioners the name of a candidate who fails to file a report for the office sought as required under any of the following:

(a) The state representative financial disclosure act.

(b) The candidate for state representative financial disclosure act.

(c) The state senator financial disclosure act.

(d) The candidate for state senator financial disclosure act.

(e) The executive office financial disclosure act.

(f) The candidate for executive office financial disclosure act.

(g) The state board of education financial disclosure act.

(h) The candidate for the state board of education financial disclosure act.

(i) The university board member financial disclosure act.

(j) The candidate for university board member financial disclosure act.

(6) ~~(5)~~—If petitions or filing fees are filed by or on behalf of a candidate for more than 1 office, either federal, state, county, city, village, township, metropolitan district, or school district, the terms of which run concurrently or overlap, the candidate so filing, or on behalf of whom petitions or fees were so filed, shall select the 1 office to which ~~his or her~~ the

1 candidate's candidacy is restricted within 3 days after the last
day for the filing of petitions or filing fees unless the petitions
or filing fees are filed for 2 offices that are combined or for
offices that are not incompatible. Failure to make the selection
disqualifies a candidate with respect to each office for which
petitions or fees were so filed and the name of the candidate must
not be printed ~~upon~~**on** the ballot for those offices. A vote cast
for that candidate at the ensuing primary or general election must
not be counted and is void.

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