

SUBSTITUTE FOR
HOUSE BILL NO. 4861

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
7 federal, state, county, city, township, or village office at a
8 political party convention or caucus shall file an affidavit of
9 identity ~~within~~ **no later than** 1 business day after being nominated

1 with the secretary of state. The affidavit of identity filing
2 requirement does not apply to a candidate nominated for the office
3 of President of the United States or Vice President of the United
4 States.

5 (2) An affidavit of identity must contain the candidate's name
6 and residential address; a statement that the candidate is a
7 citizen of the United States; the title of the office sought
8 including the jurisdiction, district, circuit, or ward; **if the**
9 **candidate is seeking nomination or election to a partisan office,**
10 the candidate's political party or a statement indicating no party
11 affiliation if the candidate is running without political party
12 affiliation; the term of office; the date of the election in which
13 the candidate wishes to appear on the ballot; a statement that the
14 candidate meets the constitutional and statutory qualifications for
15 the office sought; other information that may be required to
16 satisfy the officer as to the identity of the candidate; and the
17 manner in which the candidate wishes to have ~~his or her~~ **the**
18 **candidate's** name appear on the ballot. **If a candidate is seeking**
19 **nomination or election to a nonpartisan office, the candidate is**
20 **not required to indicate the candidate's political party or that**
21 **the candidate is running without political party affiliation.** If a
22 candidate is using a name that is not a name that ~~he or she~~ **the**
23 **candidate** was given at birth, the candidate shall include on the
24 affidavit of identity the candidate's full former name. If the
25 affidavit of identity is for a candidate for precinct delegate, the
26 candidate shall include ~~his or her~~ **the candidate's** precinct number
27 on the affidavit of identity. If the affidavit of identity is for a
28 judicial candidate, the candidate shall include on the affidavit of
29 identity whether the office sought is an incumbent position, a

1 nonincumbent position, or a new judgeship.

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~~ **not less than** 10
6 years before 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~~ **not less than** 10 years before
10 filing as a 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 must include a signed and
17 notarized statement that as of the date of the affidavit, all
18 statements, reports, late filing fees, and fines required of the
19 candidate or any candidate committee organized to support the
20 candidate's election under the Michigan campaign finance act, 1976
21 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a
22 statement that the candidate acknowledges that making a false
23 statement in the affidavit is perjury ~~—~~ punishable by a fine up to
24 \$1,000.00, ~~or~~ imprisonment for up to 5 years, or both. If a
25 candidate files the affidavit of identity with an officer other
26 than the county clerk or secretary of state, the officer shall
27 immediately forward to the county clerk ~~1~~ **a** copy of the affidavit
28 of identity by first-class mail, facsimile, or electronic
29 transmission. The county clerk shall immediately forward ~~1~~ **a** copy

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

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

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