



HOUSE BILL No. 5055

October 26, 1999, Introduced by Rep. Shulman and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 558, 826, 841, and 933 (MCL 168.558,
168.826, 168.841, and 168.933), sections 558 and 993 as amended
by 1997 PA 137 and sections 826 and 841 as amended by 1995
PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 558. (1) ~~A candidate~~ WHEN filing nominating peti-
2 tions or a filing fee for a county, state, national, city, town-
3 ship, village, or school district office in any election, ~~at the~~
4 ~~time of filing the nominating petitions or filing fee,~~ A
5 CANDIDATE shall file with the officer with whom the petitions or
6 fee is filed 2 copies of an affidavit. The affidavit shall
7 contain the candidate's name; address; ward and precinct where
8 registered, if qualified to vote at that election; a statement

1 that the candidate is a citizen of the United States; number of
2 years of residence in the state and county; other information
3 that may be required to satisfy the officer as to the identity of
4 the candidate; A STATEMENT THAT, AS OF THE DATE OF THE AFFIDAVIT,
5 ALL STATEMENTS, REPORTS, FILING FEES, LATE FILING FEES, AND FINES
6 REQUIRED OF THE CANDIDATE OR ANY CANDIDATE COMMITTEE ORGANIZED TO
7 SUPPORT THE CANDIDATE'S ELECTION UNDER THE MICHIGAN CAMPAIGN
8 FINANCE ACT, 1976 PA 388, MCL 169.201 TO 169.282, HAVE BEEN FILED
9 OR PAID; and a statement that the candidate acknowledges that
10 making a false statement in the affidavit is perjury, punishable
11 by a fine up to \$1,000.00 or imprisonment for up to 5 years, or
12 both. If a candidate files the affidavit with an officer other
13 than the county clerk or secretary of state, the officer shall
14 immediately forward to the county clerk 1 copy of the affidavit
15 by first class mail. The county clerk shall immediately forward
16 1 copy of the affidavit for state and national candidates to the
17 secretary of state by first class mail. An officer shall not
18 certify to the board of election commissioners the name of a can-
19 didate who fails to comply with this section.

20 (2) If petitions or filing fees are filed by or in behalf of
21 a candidate for more than 1 office, either national, state,
22 county, city, village, township, or school district, the terms of
23 which run concurrently or overlap, the candidate so filing, or in
24 behalf of whom petitions or fees were so filed, shall select the
25 1 office to which his or her candidacy is restricted within 3
26 days after the last day for the filing of petitions or filing
27 fees unless the petitions or filing fees are filed for 2 offices

1 that are combined or for offices that are not incompatible.
2 Failure to make the selection disqualifies a candidate with
3 respect to any office for which petitions or fees were so filed
4 and the name of the candidate shall not be printed upon the
5 ballot for those offices. A vote cast for that candidate at the
6 primary or general election ensuing shall not be counted and is
7 void.

8 Sec. 826. (1) Except as otherwise provided in this subsec-
9 tion, the board of county canvassers shall determine and declare
10 the result of the election for county and local officers, and for
11 all county and local ballot questions. If a city or township has
12 more than 5 precincts, the board of city or township canvassers
13 shall canvass votes for city or township officers and ballot
14 questions. If a state senatorial or representative district is
15 located solely within 1 county, the board of county canvassers
16 shall determine and declare the result of the election for that
17 office. ~~Upon~~ EXCEPT AS PROVIDED IN SUBSECTION (3), UPON making
18 the determination under this subsection, the board of county can-
19 vassers shall prepare a certificate of determination and deliver
20 the properly certified certificate of determination to the county
21 clerk. ~~In addition~~ EXCEPT AS PROVIDED IN SUBSECTION (3), if
22 the determination relates to a state senatorial or representative
23 district located solely within 1 county, the board of county can-
24 vassers shall ALSO deliver the properly certified certificate of
25 determination to the board of state canvassers.

26 (2) Upon receipt of a properly certified certificate of
27 determination from a board of county canvassers pursuant to

1 subsection (1), the county clerk shall file the certificate in
2 his or her office. The county clerk may cause a statement of the
3 total county or district votes cast for the various candidates
4 and the total vote cast for and against the various ballot ques-
5 tions at the election to be published in at least 1 newspaper
6 printed or circulated in that county. The county clerk shall
7 immediately execute and deliver to the persons declared elected,
8 a properly certified certificate of election.

9 (3) THE BOARD OF COUNTY CANVASSERS SHALL NOT PREPARE A CER-
10 TIFICATE OF DETERMINATION FOR A CANDIDATE WHO RAISED OR EXPENDED
11 MORE THAN \$1,000.00 ON THE CAMPAIGN UNTIL THE CANDIDATE HAS FILED
12 WITH THE BOARD OF COUNTY CANVASSERS AN AFFIDAVIT STATING THAT, AS
13 OF THE DATE OF THE AFFIDAVIT, ALL STATEMENTS, REPORTS, FILING
14 FEES, LATE FILING FEES, AND FINES REQUIRED OF THE CANDIDATE OR
15 ANY CANDIDATE COMMITTEE ORGANIZED TO SUPPORT THE CANDIDATE'S
16 ELECTION UNDER THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388,
17 MCL 169.201 TO 169.282, HAVE BEEN FILED OR PAID AND THAT THE CAN-
18 DIDATE ACKNOWLEDGES THAT MAKING A FALSE STATEMENT IN THE AFFIDA-
19 VIT IS PERJURY PUNISHABLE BY A FINE OF UP TO \$1,000.00 OR IMPRIS-
20 ONMENT FOR UP TO 5 YEARS, OR BOTH. THE BOARD OF COUNTY CANVASS-
21 ERS SHALL CONTACT THE APPROPRIATE AGENCY TO DETERMINE WHETHER ALL
22 REQUIRED STATEMENTS AND REPORTS HAVE BEEN FILED AND ALL REQUIRED
23 FILING FEES, LATE FILING FEES, AND FINES HAVE BEEN PAID.

24 Sec. 841. (1) The board of state canvassers shall canvass
25 the returns and determine the result of all elections for elec-
26 tors of president and vice-president of the United States, state
27 officers, United States senators, representatives in congress,

1 circuit judges, state senators and representatives elected by a
2 district that is located in more than 1 county, and other offi-
3 cers as required by law. The board of state canvassers shall
4 also determine the result of an election on a proposed amendment
5 to the constitution or on any other ballot question that has been
6 submitted, pursuant to law, to the qualified and registered elec-
7 tors of this state at large for ratification or rejection.

8 ~~Upon~~ EXCEPT AS PROVIDED IN SUBSECTION (3), UPON making the
9 determination, the board of state canvassers shall immediately
10 prepare a certificate of determination and deliver the properly
11 certified certificate of determination to the secretary of
12 state.

13 (2) Upon receipt of a properly certified certificate of
14 determination from a board of county canvassers pursuant to
15 section 826, the board of state canvassers, at its next meeting,
16 shall record the results of the county canvass contained in the
17 certificate.

18 (3) THE BOARD OF STATE CANVASSERS SHALL NOT PREPARE A CER-
19 TIFICATE OF DETERMINATION FOR A CANDIDATE WHO RAISED OR EXPENDED
20 MORE THAN \$1,000.00 ON THE CAMPAIGN UNTIL THE CANDIDATE HAS FILED
21 WITH THE BOARD OF STATE CANVASSERS AN AFFIDAVIT STATING THAT, AS
22 OF THE DATE OF THE AFFIDAVIT, ALL STATEMENTS, REPORTS, FILING
23 FEES, LATE FILING FEES, AND FINES REQUIRED OF THE CANDIDATE OR
24 ANY CANDIDATE COMMITTEE ORGANIZED TO SUPPORT THE CANDIDATE'S
25 ELECTION UNDER THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388,
26 MCL 169.201 TO 169.282, HAVE BEEN FILED OR PAID AND THAT THE
27 CANDIDATE ACKNOWLEDGES THAT MAKING A FALSE STATEMENT IN THE

1 AFFIDAVIT IS PERJURY PUNISHABLE BY A FINE OF UP TO \$1,000.00 OR
2 IMPRISONMENT FOR UP TO 5 YEARS, OR BOTH. THE BOARD OF STATE CAN-
3 VASSERS SHALL CONTACT THE APPROPRIATE AGENCY TO DETERMINE WHETHER
4 ALL REQUIRED STATEMENTS AND REPORTS HAVE BEEN FILED AND ALL
5 REQUIRED FILING FEES, LATE FILING FEES, AND FINES HAVE BEEN PAID.

6 Sec. 933. A person who makes a false affidavit or swears
7 falsely while under oath UNDER SECTION 826(3) OR 841(3) OR for
8 the purpose of securing registration, for the purpose of voting
9 at an election, or for the purpose of qualifying as a candidate
10 for elective office under section 558 is guilty of perjury.