

**SUBSTITUTE FOR
HOUSE BILL NO. 4825**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 558 (MCL 168.558), as amended by 2012 PA 586.

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 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.

3 (2) An affidavit of identity shall contain the candidate's
4 name, address, and ward and precinct where registered, if qualified
5 to vote at that election; a statement that the candidate is a
6 citizen of the United States; the candidate's number of years of
7 residence in the state and county; other information that may be
8 required to satisfy the officer as to the identity of the
9 candidate; the manner in which the candidate wishes to have his or
10 her name appear on the ballot; and a statement that the candidate
11 either is or is not using a name, whether a given name, a surname,
12 or otherwise, that is not a name that he or she was given at birth.
13 If a candidate is using a name that is not a name that he or she
14 was given at birth, the candidate shall include on the affidavit of
15 identity the candidate's full former name.

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

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

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

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

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

House Bill No. 4825 (H-2) as amended February 4, 2014

(4) An affidavit of identity shall include ~~a~~ **ALL OF THE**
FOLLOWING:

(A) A statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid. ~~and a~~

(B) A STATEMENT REQUIRING THE CANDIDATE TO INDICATE WHETHER HE OR SHE HAS BEEN CONVICTED OF A FELONY WITHIN THE IMMEDIATELY PRECEDING 10 YEARS. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, IF THE CANDIDATE HAS BEEN CONVICTED OF A FELONY AS DESCRIBED IN THIS SUBDIVISION, THE CANDIDATE SHALL LIST EACH FELONY INVOLVED ON THE AFFIDAVIT. THIS SUBDIVISION DOES NOT REQUIRE A CANDIDATE TO LIST EITHER OF THE FOLLOWING:

(i) ANY JUVENILE ADJUDICATIONS.

(ii) ANY FELONY CONVICTIONS THAT HAVE BEEN EXPUNGED, SET ASIDE, OR EXCLUDED FROM THE PUBLIC RECORD BEFORE THE DATE OF FILING THE AFFIDAVIT OF IDENTITY.

(C) A statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both.

[(5) WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF THE 2014 AMENDATORY ACT THAT ADDED THIS SUBSECTION, A CANDIDATE WHO FILED FOR AN OFFICE THAT WILL APPEAR ON THE AUGUST 5, 2014 PRIMARY ELECTION BALLOT BEFORE THE EFFECTIVE DATE OF THE 2014 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL FILE WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVIT WAS FILED 2 COPIES OF AN UPDATED AFFIDAVIT OF IDENTITY THAT INCLUDES ALL OF THE INFORMATION REQUIRED IN SUBSECTION (4) (B) .

(6)] If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class

House Bill No. 4825 (H-2) as amended February 4, 2014

1 mail. An officer shall not certify to the board of election
2 commissioners the name of a candidate who fails to comply with this
3 section.

4 [(7)] ~~(5)~~—If petitions or filing fees are filed by or in behalf
5 of a candidate for more than 1 office, either federal, state,
6 county, city, village, township, metropolitan district, or school
7 district, the terms of which run concurrently or overlap, the
8 candidate so filing, or in behalf of whom petitions or fees were so
9 filed, shall select the 1 office to which his or her candidacy is
10 restricted within 3 days after the last day for the filing of
11 petitions or filing fees unless the petitions or filing fees are
12 filed for 2 offices that are combined or for offices that are not
13 incompatible. Failure to make the selection disqualifies a
14 candidate with respect to each office for which petitions or fees
15 were so filed and the name of the candidate shall not be printed
16 upon the ballot for those offices. A vote cast for that candidate
17 at the ensuing primary or general election shall not be counted and
18 is void.

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