

DEPARTMENT OF STATE

BUREAU OF ELECTIONS

DISQUALIFICATION FROM BALLOT BASED UPON CONTENTS OF AFFIDAVIT
OF IDENTITY

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the secretary of state by section 31 of the Michigan election law, 1954 PA 116, MCL 168.31)

R 168.1, R. 168.2, R. 168.3, and R. 168.4 are added to the Michigan Administrative Code, as follows:

R 168.1 Definitions.

Rule 1. As used in these rules:

- (a) "Affidavit of identity" or "affidavit" means the filing made pursuant to section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.
- (b) "Compliance statement" means the statement required by section 558(4) of the Michigan election law, 1954 PA 116, MCL 168.558, that the candidate does not owe any statements, reports, fines, or late filing fees.
- (c) "Filing official" means the township, city, or county clerk or the secretary of state with which the affidavit of identity is filed.
- (d) "Notice of error or omission" means the notice issued pursuant to section 16(6) of the Michigan campaign finance act, 1976 PA 388, MCL 169.216.

R 168.2 Statement on the affidavit of identity regarding compliance with the campaign finance act.

Rule 2. (1) For the purposes of the candidate's 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, an outstanding notice of error or omission is not a statement, report, late filing fee, or fine for the purposes of section 558(4) of the Michigan election law, 1954 PA 116, MCL 168.558. A candidate with an outstanding notice of error or omission may be disqualified based on the unfiled or unpaid statement, report, late filing fees, or fines upon which the notice was based.

(2) When submitting an affidavit of identity, the candidate shall disclose every jurisdiction in which the candidate previously sought nomination or election.

(3) The filing official shall examine the campaign finance records of the secretary of state and county clerk for any county in which the candidate previously sought nomination or election, if applicable, to determine whether the candidate made a false statement in the affidavit of identity.

(4) The filing official shall disqualify a candidate who falsely states that as of the date he or she signed the affidavit of identity, 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. Candidates disqualified on this basis cannot reverse disqualification by filing a corrected affidavit.

(5) A candidate who files a statement of organization and does not request a reporting waiver is presumed to owe the campaign statement for the reporting period that includes the date the candidate committee was formed.

(6) A candidate who, as of the date he or she signed the affidavit of identity, has not responded to a notice of error or omission shall not be disqualified solely for that reason.

R 168.3 Other information on the affidavit of identity.

Rule 3. (1) The affidavit of identity must contain the following information that is true and complete as of the date the candidate signs the affidavit of identity:

(a) The candidate's name. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name, unless the candidate is exempt from this requirement under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(b) The candidate's residential address.

(c) A statement that the candidate is a citizen of the United States.

(d) The title of the office sought by the candidate.

(e) If the candidate seeks nomination or election to a partisan office, he or she must include the following:

(i) The name of the political party with which the candidate is affiliated.

(ii) If seeking nomination or election to a partisan office without being affiliated with a political party, the candidate must indicate "no party affiliation" using these or similar words or phrases.

(f) A statement that the candidate meets the constitutional and statutory qualifications for the office sought.

(g) Other information that may be required to satisfy the officer as to the identity of the candidate.

(h) The manner in which the candidate wishes to have his or her name appear on the ballot.

(i) Any other information required by section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.

(2) Subject to subrule (3) of this rule, a candidate who omits information required by this rule may correct the omission by filing a new affidavit of identity up until the filing deadline elapses. The filing official shall disqualify a candidate who fails to correct an

omission by the filing deadline. For purposes of this subrule, omissions include, but are not limited to, blanks or incomplete information on the affidavit of identity, but do not include omissions on the compliance statement required by section 558(4) of the Michigan election law, 1954 PA 116, MCL 168.558.

(3) The filing official shall disqualify a candidate who provides false information as of the date the candidate signed the affidavit of identity regarding information required by this rule. Candidates disqualified on this basis cannot reverse disqualification by filing a corrected affidavit.

R 168.4 Date of signing; notarization.

Rule 4. (1) The affidavit of identity must be signed, sworn to, and dated by the candidate. All information given and statements made by the candidate on the affidavit of identity must be true as of the date that the affidavit is signed.

(2) An affidavit of identity must be notarized in accordance with the Michigan law on notarial acts, 2003 PA 238, MCL 55.261 to 55.315.