

HOUSE BILL No. 4522

April 3, 2003, Introduced by Rep. Rocca and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 826, 845, and 933 (MCL 168.826, 168.845, and 168.933), as amended by 1999 PA 217, and by adding section 848.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 826. (1) Except as otherwise provided in this
2 subsection, the board of county canvassers shall determine and
3 declare the result of the election for county and local officers,
4 and for all county and local ballot questions. If a city or
5 township has more than 5 precincts, the board of city or township
6 canvassers shall canvass votes for city or township officers and
7 ballot questions. If a state senatorial or representative
8 district is located solely within 1 county, the board of county
9 canvassers shall determine and declare the result of the election
10 for that office. Upon making the determination under this

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1 subsection, the board of county canvassers shall prepare a
 2 certificate of determination and deliver the properly certified
 3 certificate of determination to the county clerk. If the
 4 determination relates to a state senatorial or representative
 5 district located solely within 1 county, the board of county
 6 canvassers shall also deliver the properly certified certificate
 7 of determination to the board of state canvassers.

8 (2) Upon receipt of a properly certified certificate of
 9 determination from a board of county canvassers ~~pursuant to~~
 10 **under** subsection (1), the county clerk shall file the certificate
 11 in his or her office. The county clerk may ~~cause~~ **have** a
 12 statement of the total county or district votes cast for the
 13 various candidates and the total vote cast for and against the
 14 various ballot questions at the election to be published in at
 15 least 1 newspaper printed or circulated in that county. The
 16 county clerk shall immediately execute and deliver to the persons
 17 declared elected, a properly certified certificate of election.

18 ~~(3) Each elected candidate who has been issued a certificate~~
 19 ~~of election under subsection (2) shall file an affidavit with the~~
 20 ~~county clerk. All of the following apply to the affidavit:~~

21 ~~—— (a) The affidavit shall certify that, as of the date of the~~
 22 ~~affidavit, all statements, reports, late filing fees, and fines~~
 23 ~~required of the candidate or any candidate committee organized to~~
 24 ~~support the candidate's election under the Michigan campaign~~
 25 ~~finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed~~
 26 ~~or paid.~~

27 ~~—— (b) The affidavit shall be filed with the county clerk before~~

1 ~~the elected candidate assumes office.~~

2 ~~—— (c) The affidavit shall be on a form prescribed by the~~
3 ~~secretary of state and shall include a statement that the~~
4 ~~candidate acknowledges that making a false statement in the~~
5 ~~affidavit is perjury punishable by a fine of up to \$1,000.00 or~~
6 ~~imprisonment for up to 5 years, or both.~~

7 ~~—— (d) An affidavit is not required of any candidate whose~~
8 ~~candidate committee did not receive or expend more than \$1,000.00~~
9 ~~during the election cycle.~~

10 ~~—— (e) Failure to file the affidavit if required is a~~
11 ~~misdemeanor punishable by a fine of up to \$500.00 or imprisonment~~
12 ~~for up to 93 days, or both. Making a false statement in the~~
13 ~~affidavit is perjury punishable by a fine of up to \$1,000.00 or~~
14 ~~imprisonment for up to 5 years, or both.~~

15 Sec. 845. ~~(1)~~ The members of the board of state
16 canvassers shall certify as to the correctness of the statement
17 provided for in section 844 and subscribe their names to the
18 statement. The members of the board of state canvassers shall
19 determine which persons have been duly elected to each office and
20 which constitutional amendments and propositions, if any, have
21 been approved or rejected. The board shall certify the
22 determinations and deliver the statement and certificate of
23 determinations to the secretary of state. The secretary of state
24 shall file and preserve the statement and certificate of
25 determinations in his or her office and shall immediately execute
26 and deliver a certificate of election to each person elected. If
27 the secretary of state ~~has received notice prior to~~ **receives**

1 **notice before** the certificate of determinations ~~being~~ **is** issued
2 that the person to whom the certificate of election is to be
3 issued died, withdrew from the district, was declared legally
4 incapacitated by a court having jurisdiction, or submitted to the
5 secretary of state an affidavit declaring that person's intention
6 to refuse the certificate of election, then the secretary of
7 state shall not issue a certificate of election and the office
8 shall be declared vacant as of the commencement of the term of
9 office to which that person would otherwise have been elected.
10 The secretary of state shall also publish any amendment to the
11 constitution ~~which has been~~ **that is** approved and ratified with
12 the laws enacted by the legislature at its next succeeding
13 session.

14 ~~(2) Each elected candidate who has been issued a certificate~~
15 ~~of election under subsection (1) shall file an affidavit with the~~
16 ~~secretary of state. All of the following apply to the~~
17 ~~affidavit:~~

18 ~~—— (a) The affidavit shall certify that, as of the date of the~~
19 ~~affidavit, all statements, reports, late filing fees, and fines~~
20 ~~required of the person or any candidate committee organized to~~
21 ~~support the person's election under the Michigan campaign finance~~
22 ~~act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or~~
23 ~~paid.~~

24 ~~—— (b) The affidavit shall be filed with the secretary of state~~
25 ~~before the elected person assumes office.~~

26 ~~—— (c) The affidavit shall be on a form prescribed by the~~
27 ~~secretary of state and shall include a statement that the elected~~

~~1 person acknowledges that making a false statement in the
2 affidavit is perjury punishable by a fine of up to \$1,000.00 or
3 imprisonment for up to 5 years, or both.~~

~~4 ——— (d) An affidavit is not required of any elected person whose
5 candidate committee did not receive or expend more than \$1,000.00
6 during the election cycle.~~

~~7 ——— (e) Failure to file the affidavit if required is a
8 misdemeanor punishable by a fine of up to \$500.00 or imprisonment
9 for up to 93 days, or both. Making a false statement in the
10 affidavit is perjury punishable by a fine of up to \$1,000.00 or
11 imprisonment for up to 5 years, or both.~~

12 **Sec. 848. (1) Each elected candidate who has been issued a**
13 **certificate of election under this act and whose candidate**
14 **committee received or expended more than \$1,000.00 during the**
15 **election cycle shall file a postelection statement with the**
16 **filing official designated to receive the elected candidate's**
17 **candidate committee campaign statements under section 36 of the**
18 **Michigan campaign finance act, 1976 PA 388, MCL 169.236. All of**
19 **the following apply to a postelection statement required by this**
20 **section:**

21 **(a) The postelection statement must be on a form prescribed**
22 **by the secretary of state.**

23 **(b) The elected candidate shall file the postelection**
24 **statement before the elected candidate assumes office.**

25 **(c) The postelection statement shall include an attestation**
26 **signed by the elected candidate that, as of the date of the**
27 **postelection statement, all statements, reports, late filing**

1 fees, and fines required of the candidate or a candidate
2 committee organized to support the candidate's election under the
3 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
4 169.282, have been filed or paid.

5 (d) The postelection statement shall include an attestation
6 signed by the elected candidate acknowledging that making a false
7 statement in a postelection statement is punishable by a fine of
8 not more than \$1,000.00 or imprisonment for not more than 5
9 years, or both.

10 (2) Failure to file a postelection statement as required by
11 subsection (1) is a misdemeanor punishable by a fine of not more
12 than \$500.00 or imprisonment for not more than 93 days, or both.

13 (3) Making a false statement in a postelection statement
14 required under subsection (1) is perjury, punishable as provided
15 in section 936.

16 Sec. 933. A person who makes a false affidavit or swears
17 falsely while under oath ~~under section 826(3) or~~ for the
18 purpose of securing registration, for the purpose of voting at an
19 election, or for the purpose of qualifying as a candidate for
20 elective office under section 558 is guilty of perjury.