

**DEPARTMENT OF STATE**

**BUREAU OF ELECTIONS**

**DISQUALIFICATION FROM BALLOT BASED UPON CONTENTS OF  
AFFIDAVIT OF IDENTITY**

(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 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) “Good cause” means 1 or more of the following reasons:

(i) The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of the challenger or candidate or a member of the immediate family of the challenger or candidate.

(ii) Other unique, unintentional factors beyond the control of the challenger or candidate not stemming from a negligent act or nonaction that a reasonably prudent person would excuse the failure to comply on a temporary basis.

(e) “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.

History: 2022 AACS; 2025 MR 12, Eff. June 4, 2025.

**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 the state of Michigan in which the candidate previously sought nomination or election. The candidate is not required to disclose a jurisdiction in which the candidate

previously sought nomination or election if the only offices for which the candidate previously sought nomination or election in that jurisdiction are not offices for which candidates are required to file campaign finance statements under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. A failure to disclose a jurisdiction or jurisdictions in which the candidate previously sought nomination or election shall not be a reason to disqualify a candidate from appearing on the ballot.

(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.

History: 2022 AACS.

### **R 168.3 Other information on the affidavit of identity.**

Rule 3. (1) Subject to subrule (2) of this rule, a candidate who omits information required by section 558(2) of the Michigan election law, 1954 PA 116, MCL 168.558, 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.

(2) 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 section 558(2) of the Michigan election law, 1954 PA 116, MCL 168.558. Candidates disqualified on this basis cannot reverse disqualification by filing a corrected affidavit.

History: 2022 AACS.

### **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.

History: 2022 AACCS.

**R 168.5 Affidavit of identity challenge.**

Rule 5. (1) Except as provided in subrule (3) of this rule, the filing official shall reject any challenge received more than 7 days after the deadline for the filing of the affidavit of identity.

(2) Except as provided in subrule (3) of this rule, the filing official shall reject any challenge that is not in the form of a signed and notarized complaint.

(3) The filing official may exercise discretion to accept a challenge that does not meet the requirements in subrules (1) and (2) of this rule on a showing of good cause.

History: 2025 MR 12, Eff. June 4, 2025.

**R 168.6 Candidate response to challenge.**

Rule 6. (1) Except as provided in subrule (3) of this rule, the filing official shall render a decision without consideration of a candidate's response to a challenge to the candidate's affidavit of identity if the response is received more than 7 days after the candidate was provided with the challenge.

(2) Except as provided in subrule (3) of this rule, the filing official shall decline to consider a response that is not signed.

(3) The filing official may exercise discretion to accept a challenge that does not meet the requirements in subrules (1) and (2) of this rule on a showing of good cause.

History: 2025 MR 12, Eff. June 4, 2025.