



SENATE BILL No. 827

January 30, 1996, Introduced by Senator HONIGMAN and referred to the Committee on Government Operations.

A bill to amend sections 409b, 424a, 426d, 426k, 433, 435a, 467b, and 467c of Act No. 116 of the Public Acts of 1954, entitled as amended

"Michigan election law,"

as amended by Act No. 32 of the Public Acts of 1990, being sections 168.409b, 168.424a, 168.426d, 168.426k, 168.433, 168.435a, 168.467b, and 168.467c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 409b, 424a, 426d, 426k, 433, 435a,
2 467b, and 467c of Act No. 116 of the Public Acts of 1954, as
3 amended by Act No. 32 of the Public Acts of 1990, being sections
4 168.409b, 168.424a, 168.426d, 168.426k, 168.433, 168.435a,
5 168.467b, and 168.467c of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 409b. (1) To obtain the printing of the name of a
2 qualified person other than an incumbent judge of the court of
3 appeals as a candidate for nomination for the office of judge of
4 the court of appeals upon the official nonpartisan primary bal-
5 lots, there shall be filed with the secretary of state nominating
6 petitions containing the signatures, addresses, and dates of
7 signing of a number of qualified and registered electors residing
8 in the appellate court district equal to not less than 1/2 of 1%
9 or more than 2% of the total number of votes cast in that appel-
10 late court district for secretary of state at the last general
11 November election in which a secretary of state was elected. The
12 provisions of sections 544a and 544b apply. The secretary of
13 state shall receive nominating petitions up to 4 p.m. on the
14 twelfth Tuesday preceding the primary.

15 (2) Nominating petitions filed under this section are valid
16 only if they clearly indicate for which of the following offices
17 the candidate is filing, consistent with subsection (6):

18 (a) ~~An unspecified~~ A SPECIFIED existing judgeship for
19 which the incumbent judge is seeking election, IF KNOWN.

20 (b) ~~An unspecified~~ A SPECIFIED existing judgeship for
21 which the incumbent judge is not seeking election, IF KNOWN.

22 (c) A SPECIFIED new judgeship.

23 (3) Nominating petitions specifying a new or existing court
24 of appeals judgeship may not be used to qualify a candidate for
25 another judicial office of the same court in the same judicial
26 district. A person who files for election to more than 1 court

1 of appeals judgeship shall have not more than 3 days following
2 the close of filing to withdraw from all but 1 filing.

3 (4) An incumbent judge of the court of appeals may become a
4 candidate in the primary election for the office of which he or
5 she is the incumbent by filing with the secretary of state an
6 affidavit of candidacy not less than 120 days before the date of
7 the primary election. The affidavit of candidacy shall contain
8 statements that the affiant is an incumbent judge of the court of
9 appeals, is domiciled within the district, will not attain the
10 age of 70 by the date of election, and is a candidate for elec-
11 tion to the office of judge of the court of appeals.

12 (5) In the primary and general November election for 2 or
13 more judgeships of the court of appeals in a judicial district,
14 each of the following categories of candidates shall be listed
15 separately on the ballot, consistent with subsection (6):

16 (a) The names of candidates for ~~the~~ EACH judgeship ~~or~~
17 ~~judgeships~~ for which the incumbent is seeking election.

18 (b) The names of candidates for ~~the~~ EACH judgeship ~~or~~
19 ~~judgeships~~ for which the incumbent is not seeking election.

20 (c) The names of candidates for ~~a~~ EACH newly created
21 judgeship. ~~or judgeships.~~

22 (6) If the death or disqualification of an incumbent judge
23 triggers the application of section 409d(2), then for the pur-
24 poses of subsections (2) and (5), that judgeship shall be
25 regarded as a judgeship for which the incumbent judge is not
26 seeking election. The application of this subsection includes,
27 but is not limited to, circumstances in which the governor

1 appoints an individual to fill the vacancy and that individual
2 seeks to qualify as a nominee under section 409d(2).

3 Sec. 424a. (1) In the primary and general election for 2
4 or more judgeships of the circuit court, each of the following
5 categories of candidates shall be listed separately on the
6 ballot, consistent with subsection (3):

7 (a) The names of candidates for ~~the~~ EACH judgeship ~~or~~
8 ~~judgeships~~ for which the incumbent is seeking election.

9 (b) The names of candidates for ~~an~~ EACH existing judgeship
10 ~~or judgeships~~ for which the incumbent is not seeking election.

11 (c) The names of candidates for ~~a~~ EACH newly created
12 judgeship. ~~or judgeships.~~

13 (2) Nominating petitions filed under section 413 are valid
14 only if they clearly indicate for which of the following offices
15 the candidate is filing, consistent with subsection (3):

16 (a) ~~An unspecified~~ A SPECIFIED existing judgeship for
17 which the incumbent judge is not seeking election, IF KNOWN.

18 (b) A SPECIFIED new judgeship.

19 (c) ~~An unspecified~~ A SPECIFIED existing judgeship for
20 which the incumbent judge is seeking election, IF KNOWN.

21 (3) If the death or disqualification of an incumbent judge
22 triggers the application of section 415(2), then for the purposes
23 of subsections (1) and (2), that judgeship shall be regarded as a
24 judgeship for which the incumbent judge is not seeking election.
25 The application of this subsection includes, but is not limited
26 to, circumstances in which the governor appoints an individual to

1 fill the vacancy and that individual seeks to qualify as a
2 nominee under section 415(2).

3 (4) A person who files for election to more than 1 circuit
4 judgeship shall have not more than 3 days following the close of
5 filing to withdraw from all but 1 filing.

6 Sec. 426d. (1) To obtain the printing of the name of a
7 person on the ballot as a candidate for the office of judge of
8 the municipal court of record, there shall be filed with the city
9 clerk nominating petitions containing the signatures, addresses,
10 and dates of signing of a number of qualified and registered
11 electors residing in that city equal to not less than 1/2 of 1%
12 or more than 2% of the votes cast in that municipality for secre-
13 tary of state at the last general November election in which a
14 secretary of state was elected. The city clerk shall receive
15 nominating petitions up to 4 p.m. of the twelfth Tuesday preced-
16 ing the August primary. The provisions of sections 544a and 544b
17 apply.

18 (2) An incumbent judge of the municipal court of record may
19 become a candidate in the primary election for the office of
20 which the judge is the incumbent by filing, with the city clerk,
21 an affidavit of candidacy not less than 120 days before the date
22 of the primary election. The affidavit of candidacy shall con-
23 tain statements that the affiant is an incumbent judge of the
24 municipal court of record, is domiciled within the city, will not
25 attain the age of 70 by the date of election, and is a candidate
26 for election to the office of judge of the municipal court of
27 record.

1 (3) Nominating petitions filed under this section are valid
2 only if they clearly indicate for which of the following offices
3 the candidate is filing, consistent with section 426k(3):

4 (a) ~~An unspecified~~ A SPECIFIED existing judgeship for
5 which the incumbent judge is seeking election, IF KNOWN.

6 (b) ~~An unspecified~~ A SPECIFIED existing judgeship for
7 which the incumbent judge is not seeking election, IF KNOWN.

8 (c) A SPECIFIED new judgeship.

9 (4) A person who files for election to more than 1 municipal
10 court of record judgeship shall have not more than 3 days follow-
11 ing the close of filing to withdraw from all but 1 filing.

12 Sec. 426k. (1) In the primary and general election for a
13 judge of the municipal court of record, an incumbent judge who is
14 a candidate shall have printed upon the ballot under the name of
15 the candidate the designation of that office.

16 (2) In the primary and general election for 2 or more judge-
17 ships of the municipal court of record, each of the following
18 categories of candidates shall be listed separately on the
19 ballot, consistent with subsection (3):

20 (a) The names of candidates for ~~the~~ EACH judgeship ~~or~~
21 ~~judgeships~~ for which the incumbent is seeking election.

22 (b) The names of candidates for ~~an~~ EACH existing judgeship
23 ~~or judgeships~~ for which the incumbent is not seeking election.

24 (c) The names of candidates for ~~a~~ EACH newly created
25 judgeship. ~~or judgeships.~~

26 (3) If the death or disqualification of an incumbent judge
27 triggers the application of section 426f(2), then for the

1 purposes of subsection (2) and section 426d(3), that judgeship
2 shall be regarded as a judgeship for which the incumbent judge is
3 not seeking election. The application of this subsection
4 includes, but is not limited to, circumstances in which the gov-
5 ernor appoints an individual to fill the vacancy and that indi-
6 vidual seeks to qualify as a nominee under section 426f(2).

7 Sec. 433. (1) To obtain the printing of the name of a
8 person as a candidate for nomination for the office of judge of
9 probate upon the official nonpartisan primary ballots, there
10 shall be filed with the county clerk of each county nominating
11 petitions containing the signatures, addresses, and dates of
12 signing of a number of qualified and registered electors residing
13 in the county, equal to not less than 1% or more than 4% of the
14 total number of votes cast in that county for secretary of state
15 at the last general November election in which a secretary of
16 state was elected or by the filing of an affidavit according to
17 section 433a. In counties having a population of 1,500,000 or
18 more, the petition shall contain not less than 5,000 and not more
19 than 20,000 signatures. The county clerk shall receive nominat-
20 ing petitions up to 4 p.m. on the twelfth Tuesday preceding the
21 August primary. The provisions of sections 544a and 544b apply.

22 (2) Nominating petitions filed under this section are valid
23 only if they clearly indicate for which of the following offices
24 the candidate is filing, consistent with section 435a(2):

25 (a) ~~An unspecified~~ A SPECIFIED existing judgeship for
26 which the incumbent judge is seeking election, IF KNOWN.

1 (b) ~~An unspecified~~ A SPECIFIED existing judgeship for
2 which the incumbent judge is not seeking election, IF KNOWN.

3 (c) A SPECIFIED new judgeship.

4 (3) A person who files for election to more than 1 probate
5 judgeship shall have not more than 3 days following the close of
6 filing to withdraw from all but 1 filing.

7 Sec. 435a. (1) In the primary and general election for 2 or
8 more probate judgeships, each of the following categories of can-
9 didates shall be listed separately on the ballot, consistent with
10 subsection (2):

11 (a) The names of candidates for ~~the~~ EACH judgeship ~~or~~
12 ~~judgeships~~ for which the incumbent is seeking election.

13 (b) The names of candidates for ~~an~~ EACH existing judgeship
14 ~~or judgeships~~ for which the incumbent is not seeking election.

15 (c) The names of candidates for ~~a~~ EACH newly created
16 judgeship. ~~or judgeships.~~

17 (2) If the death or disqualification of an incumbent judge
18 triggers the application of section 435(2), then for the purposes
19 of subsection (1) and section 433(2), that judgeship shall be
20 regarded as a judgeship for which the incumbent judge is not
21 seeking election. The application of this subsection includes,
22 but is not limited to, circumstances in which the governor
23 appoints an individual to fill the vacancy and that individual
24 seeks to qualify as a nominee under section 435(2).

25 (3) In the primary or general election for a judge of pro-
26 bate, any incumbent judge who is a candidate shall have printed

1 upon the ballot under the name of the candidate the designation
2 of that office.

3 Sec. 467b. (1) To obtain the printing of the name of a
4 person as a candidate for nomination for the office of judge of
5 the district court upon the official nonpartisan primary ballots,
6 there shall be filed with the secretary of state nominating peti-
7 tions containing the signatures, addresses, and dates of signing
8 of a number of qualified and registered electors residing in the
9 judicial district or division, equal to not less than 1/2 of 1%
10 or more than 2% of the total number of votes cast in that judi-
11 cial district or division for secretary of state at the last gen-
12 eral November election in which a secretary of state was
13 elected. An incumbent district court judge may also become a
14 candidate by the filing of an affidavit in lieu of petitions
15 according to section 467c. The secretary of state shall receive
16 nominating petitions up to 4 p.m. on the twelfth Tuesday preced-
17 ing the primary. The provisions of sections 544a and 544b
18 apply.

19 (2) Nominating petitions filed under this section are valid
20 only if they clearly indicate for which of the following offices
21 the candidate is filing, consistent with section 467c(4):

22 (a) ~~An unspecified~~ A SPECIFIED existing judgeship for
23 which the incumbent judge is seeking election, IF KNOWN.

24 (b) ~~An unspecified~~ A SPECIFIED existing judgeship for
25 which the incumbent judge is not seeking election, IF KNOWN.

26 (c) A SPECIFIED new judgeship.

1 (3) A person who files for election to more than 1 district
2 judgeship shall have not more than 3 days following the close of
3 filing to withdraw from all but 1 filing.

4 Sec. 467c. (1) An incumbent district court judge may become
5 a candidate in the primary election for the office of which he or
6 she is an incumbent by filing with the secretary of state an
7 affidavit of candidacy in lieu of nominating petitions not less
8 than 120 days prior to the date of the primary election. The
9 affidavit of candidacy shall contain statements that the affiant
10 is an incumbent district court judge for the district or election
11 division in which election is sought, that he or she is domiciled
12 within the district or election division, and that he or she will
13 not attain the age of 70 by the date of election, and a declara-
14 tion that the affiant is a candidate for election to the office
15 of district court judge.

16 (2) There shall be printed upon the ballot under the name of
17 each incumbent district judge who is a candidate for nomination
18 or election to the same office the designation of that office.

19 (3) In the primary and general election for 2 or more judge-
20 ships of the district court, each of the following categories of
21 candidates shall be listed separately on the ballot, consistent
22 with subsection (4):

23 (a) The names of candidates for ~~the~~ EACH judgeship ~~or~~
24 ~~judgeships~~ for which the incumbent is seeking election.

25 (b) The names of candidates for ~~an~~ EACH existing judgeship
26 ~~or judgeships~~ for which the incumbent is not seeking election.

1 (c) The names of candidates for ~~a~~ EACH newly created
2 judgeship. ~~or judgeships.~~

3 (4) If the death or disqualification of an incumbent judge
4 triggers the application of section 467e(2), then for the pur-
5 poses of subsection (3) and section 467b(2), that judgeship shall
6 be regarded as a judgeship for which the incumbent judge is not
7 seeking election. The application of this subsection includes,
8 but is not limited to, circumstances in which the governor
9 appoints an individual to fill the vacancy and that individual
10 seeks to qualify as a nominee under section 467e(2).