

HOUSE BILL No. 5488

January 22, 1998, Introduced by Reps. Hammerstrom, Raczkowski, Bobier, Crissman, Brackenridge, London and Perricone and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 322, 349, 413, 426d, 433, and 467b (MCL
168.322, 168.349, 168.413, 168.426d, 168.433, and 168.467b), as
amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 322. (1) To obtain the printing of the name of a can-
2 didate of a political party for a city office, including a ward
3 office, under the particular party heading on the official pri-
4 mary election ballots for use in the city, there shall be filed
5 with the city clerk of the city not later than 4 p.m. on the
6 twelfth Tuesday preceding the August primary, or not later than 4
7 p.m. on the seventh Monday preceding the primary election
8 provided to be held on the third Monday in February, nominating
9 petitions signed by a number of qualified and registered electors

1 of the political party who reside in the city or ward, equal to
2 not less than 1% or more than 2% of the number of votes that the
3 political party cast in the city or ward for secretary of state
4 at the last general November election in which a secretary of
5 state was elected. This section does not apply to a city the
6 charter of which provides for a different method of nominating
7 candidates for public office. The form of the petition shall be
8 as provided in section 544c.

9 (2) IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE
10 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE CITY CLERK.
11 PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE
12 PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN THE CASE OF
13 NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN THE GENERAL
14 FUND OF THE CITY.

15 Sec. 349. (1) To obtain the printing of the name of a
16 person as a candidate for nomination by a political party for a
17 township office under the particular party heading upon the offi-
18 cial primary ballots, there shall be filed with the township
19 clerk nominating petitions signed by a number of qualified and
20 registered electors residing within the township equal to not
21 less than 1% or more than 2% of the number of votes cast by the
22 party in the township for secretary of state at the last general
23 November election in which a secretary of state was elected, but
24 in no case less than 5 signatures. Nominating petitions shall be
25 in the form prescribed in section 544c. The township clerk shall
26 receive nominating petitions up to 4 p.m. of the twelfth Tuesday
27 preceding the August primary.

1 (2) IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE
2 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE TOWNSHIP
3 CLERK. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
4 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN
5 THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN
6 THE GENERAL FUND OF THE TOWNSHIP.

7 (3) ~~-(2)-~~ Within 4 days after the last day for filing nomi-
8 nating petitions, the township clerk shall deliver to the county
9 clerk a list setting forth the name, address, and political
10 affiliation and office sought of each candidate who has qualified
11 for a position on the primary ballot.

12 Sec. 413. (1) To obtain the printing of the name of a
13 person as a candidate for nomination for the office of judge of
14 the circuit court upon the official nonpartisan primary ballots,
15 there shall be filed with the secretary of state nominating peti-
16 tions containing the signatures, addresses, and dates of signing
17 of a number of qualified and registered electors residing in the
18 judicial circuit, equal to not less than 1% or more than 2% of
19 the total number of votes cast in that judicial district for sec-
20 retary of state at the last general November election in which a
21 secretary of state was elected or by the filing of an affidavit
22 according to section 413a. The secretary of state shall receive
23 the nominating petitions up to 4 p.m. of the twelfth Tuesday pre-
24 ceding the primary. The provisions of sections 544a and 544b
25 apply.

26 (2) IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE
27 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE SECRETARY OF

1 STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
2 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN
3 THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN
4 THE GENERAL FUND OF THIS STATE.

5 Sec. 426d. (1) To obtain the printing of the name of a
6 person on the ballot as a candidate for the office of judge of
7 the municipal court of record, there shall be filed with the city
8 clerk nominating petitions containing the signatures, addresses,
9 and dates of signing of a number of qualified and registered
10 electors residing in that city equal to not less than 1/2 of 1%
11 or more than 2% of the votes cast in that municipality for secre-
12 tary of state at the last general November election in which a
13 secretary of state was elected. The city clerk shall receive
14 nominating petitions up to 4 p.m. of the twelfth Tuesday preced-
15 ing the August primary. The provisions of sections 544a and 544b
16 apply. IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE
17 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE CITY CLERK.
18 PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE
19 PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN THE CASE OF
20 NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN THE GENERAL
21 FUND OF THE CITY.

22 (2) An incumbent judge of the municipal court of record may
23 become a candidate in the primary election for the office of
24 which the judge is the incumbent by filing, with the city clerk,
25 an affidavit of candidacy not less than 120 days before the date
26 of the primary election. The affidavit of candidacy shall
27 contain statements that the affiant is an incumbent judge of the

1 municipal court of record, is domiciled within the city, will not
2 attain the age of 70 by the date of election, and is a candidate
3 for election to the office of judge of the municipal court of
4 record.

5 (3) Nominating petitions OR FEES filed under this section
6 are valid only if they clearly indicate for which of the follow-
7 ing offices the candidate is filing, consistent with section
8 426k(3):

9 (a) An unspecified existing judgeship for which the incum-
10 bent judge is seeking election.

11 (b) An unspecified existing judgeship for which the incum-
12 bent judge is not seeking election.

13 (c) A new judgeship.

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

17 Sec. 433. (1) To obtain the printing of the name of a
18 person as a candidate for nomination for the office of judge of
19 probate upon the official nonpartisan primary ballots, there
20 shall be filed with the county clerk of each county nominating
21 petitions containing the signatures, addresses, and dates of
22 signing of a number of qualified and registered electors residing
23 in the county, equal to not less than 1% or more than 2% of the
24 total number of votes cast in that county for secretary of state
25 at the last general November election in which a secretary of
26 state was elected or by the filing of an affidavit according to
27 section 433a. The county clerk shall receive nominating

1 petitions up to 4 p.m. on the twelfth Tuesday preceding the
2 August primary. The provisions of sections 544a and 544b apply.
3 IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE MAY PAY A
4 NONREFUNDABLE FILING FEE OF \$100.00 TO THE COUNTY CLERK. PAYMENT
5 OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE PAYING
6 THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN THE CASE OF NOMI-
7 NATING PETITIONS. THE FEE SHALL BE DEPOSITED IN THE GENERAL FUND
8 OF THE COUNTY.

9 (2) Nominating petitions OR FEES filed under this section
10 are valid only if they clearly indicate for which of the follow-
11 ing offices the candidate is filing, consistent with section
12 435a(2):

13 (a) An unspecified existing judgeship for which the incum-
14 bent judge is seeking election.

15 (b) An unspecified existing judgeship for which the incum-
16 bent judge is not seeking election.

17 (c) A new judgeship.

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

21 Sec. 467b. (1) To obtain the printing of the name of a
22 person as a candidate for nomination for the office of judge of
23 the district court upon the official nonpartisan primary ballots,
24 there shall be filed with the secretary of state nominating peti-
25 tions containing the signatures, addresses, and dates of signing
26 of a number of qualified and registered electors residing in the
27 judicial district or division, equal to not less than 1/2 of 1%

1 or more than 2% of the total number of votes cast in that
2 judicial district or division for secretary of state at the last
3 general November election in which a secretary of state was
4 elected. An incumbent district court judge may also become a
5 candidate by the filing of an affidavit in lieu of petitions
6 according to section 467c. The secretary of state shall receive
7 nominating petitions up to 4 p.m. on the twelfth Tuesday preced-
8 ing the primary. The provisions of sections 544a and 544b
9 apply. IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE
10 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE SECRETARY OF
11 STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
12 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN
13 THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN
14 THE GENERAL FUND OF THIS STATE.

15 (2) Nominating petitions OR FEES filed under this section
16 are valid only if they clearly indicate for which of the follow-
17 ing offices the candidate is filing, consistent with section
18 467c(4):

19 (a) An unspecified existing judgeship for which the incum-
20 bent judge is seeking election.

21 (b) An unspecified existing judgeship for which the incum-
22 bent judge is not seeking election.

23 (c) A new judgeship.

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