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BILL ANALYSIS



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Senate Bill 23 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Tony Stamas
Committee: Judiciary

CONTENT

The bill would amend the Michigan Election Law to allow a candidate for probate judge to bring an action for equitable relief if he or she received incorrect or inaccurate written information from the county clerk concerning the required number of nominating petition signatures; and allow the candidate to obtain additional signatures if the court granted relief.

Specifically, if a candidate received incorrect or inaccurate information from the county clerk concerning the number of nominating petition signatures required under Section 544f of the Law and the clerk published or distributed the incorrect or inaccurate information, the candidate could bring an action in a court of competent jurisdiction for equitable relief. A court could grant relief if all of the following applied:

- The candidate brought the action within six days after being notified by the county clerk that the nominating petition contained insufficient signatures.
- The candidate filed an affidavit certifying that he or she contacted the clerk and received incorrect or inaccurate written information concerning the number of required nominating petition signatures.
- The clerk had published or distributed the incorrect or inaccurate written information before the filing deadline.
- The clerk did not inform the candidate at least 14 days before the filing deadline that incorrect or inaccurate written information had been published or distributed.

If a court granted equitable relief, the candidate would have to be given the opportunity to obtain additional nominating petition signatures to meet the requirements of Section 544f (which specifies the number of signatures necessary based on the population of the district involved). The candidate would have to file the additional signatures with the county clerk by 4 p.m. on the fifth business day after the date that the court order was filed. The additional signatures would be subject to challenge as provided under the Law.

MCL 168.433

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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