

SUBSTITUTE FOR
SENATE BILL NO. 21

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 413 (MCL 168.413), as amended by 1999 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 413. (1) To obtain the printing of the name of a person
2 as a candidate for nomination for the office of judge of the
3 circuit court upon the official nonpartisan primary ballots, there
4 shall be filed with the secretary of state nominating petitions
5 containing the signatures, addresses, and dates of signing of a
6 number of qualified and registered electors residing in the
7 judicial circuit as determined under section 544f or by the filing
8 of an affidavit according to section 413a. The secretary of state
9 shall receive the nominating petitions up to 4 p.m. of the
10 fourteenth Tuesday ~~preceding~~ **BEFORE** the primary. The provisions of

1 sections 544a and 544b apply.

2 (2) IF A CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUDGE OF
3 THE CIRCUIT COURT RECEIVES INCORRECT OR INACCURATE WRITTEN
4 INFORMATION FROM THE SECRETARY OF STATE OR THE BUREAU OF ELECTIONS
5 CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES REQUIRED
6 UNDER SECTION 544F AND THAT INCORRECT OR INACCURATE WRITTEN
7 INFORMATION IS PUBLISHED OR DISTRIBUTED BY THE SECRETARY OF STATE
8 OR THE BUREAU OF ELECTIONS, THE CANDIDATE MAY BRING AN ACTION IN A
9 COURT OF COMPETENT JURISDICTION FOR EQUITABLE RELIEF. A COURT MAY
10 GRANT EQUITABLE RELIEF TO A CANDIDATE UNDER THIS SUBSECTION IF ALL
11 OF THE FOLLOWING OCCUR:

12 (A) THE CANDIDATE BRINGS THE ACTION FOR EQUITABLE RELIEF
13 WITHIN 6 DAYS AFTER THE CANDIDATE IS NOTIFIED BY THE SECRETARY OF
14 STATE OR THE BUREAU OF ELECTIONS THAT THE CANDIDATE'S NOMINATING
15 PETITION CONTAINS INSUFFICIENT SIGNATURES.

16 (B) THE CANDIDATE FILES AN AFFIDAVIT CERTIFYING THAT HE OR SHE
17 CONTACTED AND RECEIVED FROM THE SECRETARY OF STATE OR THE BUREAU OF
18 ELECTIONS INCORRECT OR INACCURATE WRITTEN INFORMATION CONCERNING
19 THE NUMBER OF NOMINATING PETITION SIGNATURES REQUIRED UNDER SECTION
20 544F.

21 (C) THE SECRETARY OF STATE OR THE BUREAU OF ELECTIONS
22 PUBLISHED OR DISTRIBUTED THE INCORRECT OR INACCURATE WRITTEN
23 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
24 REQUIRED UNDER SECTION 544F BEFORE THE FILING DEADLINE UNDER
25 SUBSECTION (1).

26 (D) THE SECRETARY OF STATE OR BUREAU OF ELECTIONS DID NOT
27 INFORM THE CANDIDATE AT LEAST 14 DAYS BEFORE THE FILING DEADLINE

Senate Bill No. 21 as amended March 4, 2009

1 UNDER SUBSECTION (1) THAT INCORRECT OR INACCURATE WRITTEN
2 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
3 REQUIRED UNDER SECTION 544F HAD BEEN PUBLISHED OR DISTRIBUTED.

4 (3) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER
5 SUBSECTION (2), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO
6 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE
7 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION
8 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE
9 SECRETARY OF STATE NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY
10 AFTER THE DATE THAT THE COURT ORDER GRANTING EQUITABLE RELIEF IS
11 FILED. <<

12 (4) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS
13 SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.>>