

**SUBSTITUTE FOR
SENATE BILL NO. 22**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 467b (MCL 168.467b), as amended by 1999 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 467b. (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 district 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 district or division as determined under section 544f. An
8 incumbent district court judge may also become a candidate by the
9 filing of an affidavit in lieu of petitions according to section
10 467c. The secretary of state shall receive nominating petitions up

1 to 4 p.m. on the fourteenth Tuesday ~~preceding~~ **BEFORE** the primary.
2 The provisions of sections 544a and 544b apply.

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

6 (a) An unspecified existing judgeship for which the incumbent
7 judge is seeking election.

8 (b) An unspecified existing judgeship for which the incumbent
9 judge is not seeking election.

10 (c) A new judgeship.

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

14 (4) In a primary and general election for 2 or more judgeships
15 where more than 1 of the categories in subsection (2) could be
16 selected, a candidate shall apply to the bureau of elections for a
17 written statement of office designation to correspond to the
18 judgeship sought by the candidate. The office designation provided
19 by the secretary of state shall be included in the heading of all
20 nominating petitions. Nominating petitions containing an improper
21 office designation are invalid.

22 (5) The secretary of state shall issue an office designation
23 of incumbent position for any judgeship for which the incumbent
24 judge is eligible to seek reelection. If an incumbent judge does
25 not file an affidavit of candidacy by the deadline, the secretary
26 of state shall notify all candidates for that office that a
27 nonincumbent position exists. All nominating petitions circulated

1 for the nonincumbent position ~~subsequent to~~ **AFTER** the deadline
2 shall bear an office designation of nonincumbent position. All
3 signatures collected ~~prior to~~ **BEFORE** the affidavit of candidacy
4 filing deadline may be filed with the nonincumbent nominating
5 petitions.

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

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

20 (B) THE CANDIDATE FILES AN AFFIDAVIT CERTIFYING THAT HE OR SHE
21 CONTACTED AND RECEIVED FROM THE SECRETARY OF STATE OR THE BUREAU OF
22 ELECTIONS INCORRECT OR INACCURATE WRITTEN INFORMATION CONCERNING
23 THE NUMBER OF NOMINATING PETITION SIGNATURES REQUIRED UNDER SECTION
24 544F.

25 (C) THE SECRETARY OF STATE OR THE BUREAU OF ELECTIONS
26 PUBLISHED OR DISTRIBUTED THE INCORRECT OR INACCURATE WRITTEN
27 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES

Senate Bill No. 22 as amended March 4, 2009

1 REQUIRED UNDER SECTION 544F BEFORE THE FILING DEADLINE UNDER
2 SUBSECTION (1).

3 (D) THE SECRETARY OF STATE OR BUREAU OF ELECTIONS DID NOT
4 INFORM THE CANDIDATE AT LEAST 14 DAYS BEFORE THE FILING DEADLINE
5 UNDER SUBSECTION (1) THAT INCORRECT OR INACCURATE WRITTEN
6 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
7 REQUIRED UNDER SECTION 544F HAD BEEN PUBLISHED OR DISTRIBUTED.

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

16 (8) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS
17 SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.>>