

SENATE BILL No. 21

January 27, 2009, Introduced by Senator STAMAS and referred to the Committee on Judiciary.

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 INFORMATION FROM
4 THE SECRETARY OF STATE, THE BUREAU OF ELECTIONS, OR A LOCAL
5 ELECTION OFFICIAL CONCERNING THE NUMBER OF NOMINATING PETITION
6 SIGNATURES REQUIRED UNDER SECTION 544F, THE CANDIDATE MAY BRING AN
7 ACTION IN A COURT OF COMPETENT JURISDICTION FOR EQUITABLE RELIEF. A
8 COURT MAY GRANT EQUITABLE RELIEF TO A CANDIDATE UNDER THIS
9 SUBSECTION IF ALL OF THE FOLLOWING OCCUR:

10 (A) THE NUMBER OF VALID NOMINATING PETITION SIGNATURES
11 SUBMITTED BY THE CANDIDATE BEFORE THE FILING DEADLINE UNDER
12 SUBSECTION (1) IS WITHIN 20% OF THE MINIMUM NUMBER OF NOMINATING
13 PETITION SIGNATURES ACTUALLY REQUIRED UNDER SECTION 544F.

14 (B) THE CANDIDATE FILES AN AFFIDAVIT CERTIFYING THAT HE OR SHE
15 CONTACTED AND RECEIVED FROM THE SECRETARY OF STATE, THE BUREAU OF
16 ELECTIONS, OR A LOCAL ELECTION OFFICIAL INCORRECT OR INACCURATE
17 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
18 REQUIRED UNDER SECTION 544F.

19 (3) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER
20 SUBSECTION (2), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO
21 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE
22 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION
23 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE
24 SECRETARY OF STATE NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY
25 AFTER THE DATE OF THE COURT ORDER GRANTING EQUITABLE RELIEF.