

SENATE BILL No. 22

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 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

1 467c. The secretary of state shall receive nominating petitions up
2 to 4 p.m. on the fourteenth Tuesday ~~preceeding~~**BEFORE** the primary.
3 The provisions of sections 544a and 544b apply.

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

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

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

11 (c) A new judgeship.

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

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

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

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

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

15 (A) THE NUMBER OF VALID NOMINATING PETITION SIGNATURES
16 SUBMITTED BY THE CANDIDATE BEFORE THE FILING DEADLINE UNDER
17 SUBSECTION (1) IS WITHIN 20% OF THE MINIMUM NUMBER OF NOMINATING
18 PETITION SIGNATURES ACTUALLY REQUIRED UNDER SECTION 544F.

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

24 (7) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER
25 SUBSECTION (6), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO
26 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE
27 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION

1 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE
2 SECRETARY OF STATE NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY
3 AFTER THE DATE OF THE COURT ORDER GRANTING EQUITABLE RELIEF.