

SENATE BILL No. 1300

April 28, 2010, Introduced by Senators CROPSEY, McMANUS, KUIPERS and BISHOP and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 404 (MCL 168.404), as amended by 1999 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 404. (1) The governor shall appoint a successor to fill
 2 the vacancy in the office of justice of the supreme court. The
 3 person appointed by the governor shall be considered an incumbent
 4 for purposes of this act and shall hold office until 12 noon of
 5 January 1 following the next general election, ~~at~~ at which a
 6 successor is elected and qualified.

7 (2) ~~At~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 395(2), AT** the
 8 next ~~general November~~ **FALL PRIMARY** election held at least 105 days
 9 after the vacancy occurs, ~~a person nominated under section 392~~

1 ~~shall be elected to fill that office.~~ **CANDIDATES SHALL BE NOMINATED**
2 **TO FILL THE VACANCY IN THE MANNER PROVIDED IN THIS CHAPTER FOR THE**
3 **NOMINATION OF CANDIDATES FOR SUPREME COURT JUSTICE. THE VACANCY**
4 **SHALL BE FILLED AT THE GENERAL NOVEMBER ELECTION NEXT FOLLOWING THE**
5 **PRIMARY IN THE MANNER PROVIDED IN THIS CHAPTER FOR THE ELECTION OF**
6 **SUPREME COURT JUSTICES.** The person elected shall hold the office
7 for the remainder of the unexpired term.

8 (3) A candidate receiving the highest number of votes for that
9 office who has subscribed to the oath as provided in section 1 of
10 article XI of the state constitution **OF 1963** is considered to be
11 elected and qualified even though a vacancy occurs before the time
12 he or she has entered upon the duties of his or her office.

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 95th Legislature are
15 enacted into law:

16 (a) Senate Bill No. 1296.

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18 (b) Senate Bill No. 1297.

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20 (c) Senate Bill No. 1298.

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22 (d) Senate Bill No. 1299.

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