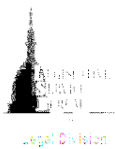


# HOUSE BILL NO. 5609

March 10, 2020, Introduced by Reps. Garza, Berman, Maddock and LaGrand and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 409a, 409b, 409c, 409d, 409l, 412, 413, 414, 415, 424a, 432, 433, 434, 435, 444, 467a, 467b, 467d, 467e, 467m, and 544b (MCL 168.409a, 168.409b, 168.409c, 168.409d, 168.409l, 168.412, 168.413, 168.414, 168.415, 168.424a, 168.432, 168.433, 168.434, 168.435, 168.444, 168.467a, 168.467b, 168.467d, 168.467e, 168.467m, and 168.544b), sections 409b, 413, 433, 467a, and 467b as amended by 2018 PA 120, sections 409c, 414, 424a, 434, and 467d as



amended by 1999 PA 218, sections 409d, 415, 435, and 467e as amended by 1990 PA 32, sections 409l, 444, and 467m as amended by 2014 PA 94, and section 544b as amended by 1999 PA 216.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 409a. A general nonpartisan primary election ~~shall~~**must**  
 2 be held in every appellate court district of this state on the  
 3 Tuesday ~~succeeding~~**after** the first Monday in August ~~preceeding~~  
 4 **before** every general November election in which judges of the court  
 5 of appeals are to be elected, at which time the qualified and  
 6 registered electors may vote for nonpartisan candidates for the  
 7 office of judge of the court of appeals. ~~÷ Provided, however, That~~  
 8 ~~if,~~**If**, upon expiration of the time for filing **nominating** petitions  
 9 **or paying the nonrefundable filing fee** for the primary election of  
 10 ~~said~~**the** judge of the court of appeals in any appellate court  
 11 district, it ~~shall appear~~**appears** that there are not to exceed  
 12 twice the number of candidates as there are ~~persons~~**individuals** to  
 13 be elected, then the secretary of state shall certify to the county  
 14 board or boards of election commissioners the names of ~~such~~**those**  
 15 candidates for court of appeals judge whose nominating petitions,  
 16 filing fee, or affidavit of candidacy have been properly filed, and  
 17 ~~such~~**those** candidates ~~shall be~~**are** the nominees for judge of the  
 18 court of appeals and ~~shall~~**must** be so certified. As to ~~such~~**that**  
 19 office there ~~shall~~**must not** be ~~no~~**a** primary election and this  
 20 office ~~shall~~**must** be omitted from the judicial primary ballot.

21           Sec. 409b. (1) ~~To~~**Subject to subsection (9), to** obtain the  
 22 printing of the name of a qualified ~~person~~**individual** other than an  
 23 incumbent judge of the court of appeals as a candidate for  
 24 nomination for the office of judge of the court of appeals upon the  
 25 official nonpartisan primary ballots, there must be filed with the



1 secretary of state nominating petitions containing the signatures,  
2 addresses, and dates of signing of a number of qualified and  
3 registered electors residing in the appellate court district as  
4 determined under section 544f. The provisions of sections 544a and  
5 544b apply. The secretary of state shall receive nominating  
6 petitions up to 4 p.m. on the fifteenth Tuesday before the primary.

7 (2) Nominating petitions filed under this section are valid  
8 only if they clearly indicate for which of the following offices  
9 the candidate is filing, consistent with subsection (8):

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

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

14 (c) A new judgeship.

15 (3) Nominating petitions specifying a new or existing court of  
16 appeals judgeship may not be used to qualify a candidate for  
17 another judicial office of the same court in the same judicial  
18 district. ~~A person~~ **An individual** who files nominating petitions for  
19 election to more than 1 court of appeals judgeship has not more  
20 than 3 days following the close of filing to withdraw from all but  
21 1 filing.

22 (4) In a primary and general election for 2 or more judgeships  
23 where more than 1 of the categories in subsection (2) could be  
24 selected, a candidate shall apply to the bureau of elections for a  
25 written statement of office designation to correspond to the  
26 judgeship sought by the candidate. The office designation provided  
27 by the secretary of state must be included in the heading of all  
28 nominating petitions. Nominating petitions containing an improper  
29 office designation are invalid.



1           (5) The secretary of state shall issue an office designation  
2 of incumbent position for any judgeship for which the incumbent  
3 judge is eligible to seek reelection. If an incumbent judge does  
4 not file an affidavit of candidacy by the deadline, the secretary  
5 of state shall notify all candidates for that office that a  
6 nonincumbent position exists. All nominating petitions circulated  
7 for the nonincumbent position subsequent to the deadline must bear  
8 an office designation of nonincumbent position. All signatures  
9 collected before the affidavit of candidacy filing deadline may be  
10 filed with the nonincumbent nominating petitions.

11           (6) An incumbent judge of the court of appeals may become a  
12 candidate in the primary election for the office of which he or she  
13 is the incumbent by filing with the secretary of state an affidavit  
14 of candidacy not less than 134 days before the date of the primary  
15 election. However, if an incumbent judge of the court of appeals  
16 was appointed to fill a vacancy and the judge entered upon the  
17 duties of the office less than 137 days before the date of the  
18 primary election but before the fifteenth Tuesday before the  
19 primary election, the incumbent judge may file the affidavit of  
20 candidacy not more than 3 days after entering upon the duties of  
21 office. The affidavit of candidacy must contain statements that the  
22 affiant is an incumbent judge of the court of appeals, is domiciled  
23 within the district, will not attain the age of 70 by the date of  
24 election, and is a candidate for election to the office of judge of  
25 the court of appeals.

26           (7) In the primary and general November election for 2 or more  
27 judgeships of the court of appeals in a judicial district, each of  
28 the following categories of candidates must be listed separately on  
29 the ballot, consistent with subsection (8):

1 (a) The names of candidates for the judgeship or judgeships  
2 for which the incumbent is seeking election.

3 (b) The names of candidates for the judgeship or judgeships  
4 for which the incumbent is not seeking election.

5 (c) The names of candidates for a newly created judgeship or  
6 judgeships.

7 (8) If the death or disqualification of an incumbent judge  
8 triggers the application of section 409d(2), then for the purposes  
9 of subsections (2) and (7), that judgeship must be regarded as a  
10 judgeship for which the incumbent judge is not seeking election.  
11 The application of this subsection includes, but is not limited to,  
12 circumstances in which the governor appoints an individual to fill  
13 the vacancy and that individual seeks to qualify as a nominee under  
14 section 409d(2).

15 **(9) Instead of filing nominating petitions, a candidate for**  
16 **judge of the court of appeals may pay a nonrefundable filing fee to**  
17 **the secretary of state in an amount as provided in this subsection.**  
18 **If the nonrefundable filing fee is paid by the due date for filing**  
19 **nominating petitions, the payment of the nonrefundable filing fee**  
20 **has the same effect under this section as the filing of nominating**  
21 **petitions. The nonrefundable filing fee must be deposited in the**  
22 **general fund of the state treasury. The amount of the nonrefundable**  
23 **filing fee is as follows:**

24 (a) If the number of nominating petition signatures required  
25 for the candidate under section 544f is fewer than 1,000, \$100.00.

26 (b) If the number of nominating petition signatures required  
27 for the candidate under section 544f is 1,000 or more and fewer  
28 than 2,000, \$200.00.

29 (c) If the number of nominating petition signatures required



1 for the candidate under section 544f is 2,000 or more and fewer  
2 than 4,000, \$300.00.

3 (d) If the number of nominating petition signatures required  
4 for the candidate under section 544f is 4,000 or more and fewer  
5 than 6,200, \$500.00.

6 (e) If the number of nominating petition signatures required  
7 for the candidate under section 544f is 6,200 or more, \$700.00.

8 Sec. 409c. After the filing of a nominating petition, **payment**  
9 **of the nonrefundable filing fee, or filing of an** affidavit of  
10 candidacy by or in behalf of a proposed candidate for the office of  
11 judge of the court of appeals, the proposed candidate is not  
12 permitted to withdraw unless he or she serves a written notice of  
13 withdrawal on the secretary of state or his or her duly authorized  
14 agent. The notice must be served not later than 3 days after the  
15 last day for filing nominating petitions **or paying the**  
16 **nonrefundable filing fee** if a nominating petition was filed **or**  
17 **nonrefundable filing fee paid** for the proposed candidate, and not  
18 later than 3 days after the last day for filing affidavits of  
19 candidacy if an affidavit of candidacy was filed for the proposed  
20 candidate. If the third day falls on a Saturday, Sunday, or legal  
21 holiday, the notice of withdrawal may be served on the secretary of  
22 state or his or her duly authorized agent at any time on or before  
23 4 p.m. ~~, eastern standard time,~~ on the next secular day.

24 Sec. 409d. (1) In each appellate court district the candidates  
25 for office of judge of the court of appeals receiving the largest  
26 number of votes at any primary election, to a number equal to twice  
27 the number of ~~persons~~ **individuals** to be elected as ~~set forth~~  
28 **provided** in the report of the board of state canvassers, based on  
29 the returns from the various boards of county canvassers and



1 election precincts, or as determined by the board of state  
 2 canvassers as the result of a recount, ~~shall~~**must** be declared the  
 3 nominees for the office at the next general November election. The  
 4 board of state canvassers shall certify the nomination to the  
 5 county election commissions.

6 (2) If, after the deadline for filing nominating petitions **or**  
 7 **paying the nonrefundable filing fee** under section 409b, there are  
 8 fewer candidates for nomination or nominees for the office of judge  
 9 of the court of appeals than there are ~~persons~~**individuals** to be  
 10 elected at the general November election because of the death or  
 11 disqualification of a candidate more than 65 days before the  
 12 general November election, then ~~a person,~~**an individual**, whether or  
 13 not an incumbent, may qualify as a nominee for that office at the  
 14 general November election by filing nominating petitions **or paying**  
 15 **the nonrefundable filing fee** as required by section 409b. However,  
 16 the filing ~~shall~~**or payment must** be made before 4 p.m. on the  
 17 twenty-first day following the death or disqualification of the  
 18 candidate or 4 p.m. on the sixtieth day ~~preceding~~**before** the  
 19 general November election, whichever is earlier, and the minimum  
 20 number of signatures required is 1,000 or 1/2 the minimum number  
 21 required under section 409b, whichever is less.

22 (3) The secretary of state shall certify the nomination of  
 23 each ~~person~~**individual** who qualifies as a nominee under subsection  
 24 (2) to the board of election commissioners of each county in the  
 25 appellate court district for the general November election.

26 Sec. 409f. (1) If a vacancy occurs in the office of judge of  
 27 the court of appeals, the governor shall appoint a successor to  
 28 fill the vacancy. Except as otherwise provided in section 409b(8),  
 29 the ~~person~~**individual** appointed by the governor ~~shall be considered~~



1 **is** an incumbent for purposes of this act. The ~~person~~**individual**  
 2 appointed by the governor shall hold office until 12 noon of  
 3 January 1 following the next general November election at which a  
 4 successor is elected and qualified.

5 (2) Except as otherwise provided in section 409d(2), if the  
 6 vacancy occurs more than 7 days before the nominating petition **or**  
 7 **nonrefundable** filing **fee** deadline as provided in section 409b for  
 8 the general November election that is not the general November  
 9 election at which a successor in office would be elected if there  
 10 were no vacancy, the ~~person~~**individual** appointed shall hold office  
 11 only until a successor is elected at the next general November  
 12 election in the manner provided for in this chapter for the  
 13 election of judges of the court of appeals. The ~~person~~**individual**  
 14 elected shall hold office for the remainder of the unexpired term.

15 Sec. 412. A general nonpartisan primary election ~~shall~~**must** be  
 16 held in every county of this state on the Tuesday ~~succeeding~~**after**  
 17 the first Monday in August ~~prior to~~**before** the general election at  
 18 which judges of the circuit court are elected, at which time the  
 19 qualified and registered electors may vote for nonpartisan  
 20 candidates for the office of judge of the circuit court. If, upon  
 21 the expiration of the time for filing **nominating** petitions, **paying**  
 22 **the nonrefundable filing fee**, or **filing** incumbency affidavits of  
 23 candidacy for the primary election of ~~said~~**the** judge of the circuit  
 24 court in any judicial circuit, it ~~shall appear~~**appears** that there  
 25 are not to exceed twice the number of candidates as there are  
 26 ~~persons~~**individuals** to be elected, then the secretary of state  
 27 shall certify to the county board of election commissioners the  
 28 name of ~~such~~**the** candidate for circuit court judge whose **nominating**  
 29 petitions, **nonrefundable filing fee**, or ~~affidavits~~**affidavit of**





1 **candidacy** have been properly filed, and ~~such~~**the** candidate ~~shall be~~  
 2 **is** the nominee for the judge of the circuit court and ~~shall~~**must** be  
 3 so certified. As to ~~such~~**that** office, there ~~shall~~**must not** be ~~no~~**a**  
 4 primary election and this office ~~shall~~**must** be omitted from the  
 5 judicial primary ballot.

6 Sec. 413. (1) ~~To~~**Subject to subsection (5),** to obtain the  
 7 printing of the name of ~~a person~~**an individual** as a candidate for  
 8 nomination for the office of judge of the circuit court upon the  
 9 official nonpartisan primary ballots, there must be filed with the  
 10 secretary of state nominating petitions containing the signatures,  
 11 addresses, and dates of signing of a number of qualified and  
 12 registered electors residing in the judicial circuit as determined  
 13 under section 544f or by the filing of an affidavit **of candidacy**  
 14 according to section 413a. The secretary of state shall receive the  
 15 nominating petitions up to 4 p.m. of the fifteenth Tuesday before  
 16 the primary. The provisions of sections 544a and 544b apply.

17 (2) If a candidate for nomination for the office of judge of  
 18 the circuit court receives incorrect or inaccurate written  
 19 information from the secretary of state or the bureau of elections  
 20 concerning the number of nominating petition signatures required  
 21 under section 544f and that incorrect or inaccurate written  
 22 information is published or distributed by the secretary of state  
 23 or the bureau of elections, the candidate may bring an action in a  
 24 court of competent jurisdiction for equitable relief. A court may  
 25 grant equitable relief to a candidate under this subsection if all  
 26 of the following occur:

27 (a) The candidate brings the action for equitable relief  
 28 within 6 days after the candidate is notified by the secretary of  
 29 state or the bureau of elections that the candidate's nominating



1 petition contains insufficient signatures.

2 (b) The candidate files an affidavit certifying that he or she  
3 contacted and received from the secretary of state or the bureau of  
4 elections incorrect or inaccurate written information concerning  
5 the number of nominating petition signatures required under section  
6 544f.

7 (c) The secretary of state or the bureau of elections  
8 published or distributed the incorrect or inaccurate written  
9 information concerning the number of nominating petition signatures  
10 required under section 544f before the filing deadline under  
11 subsection (1).

12 (d) The secretary of state or bureau of elections did not  
13 inform the candidate at least 14 days before the filing deadline  
14 under subsection (1) that incorrect or inaccurate written  
15 information concerning the number of nominating petition signatures  
16 required under section 544f had been published or distributed.

17 (3) If a court grants equitable relief to a candidate under  
18 subsection (2), the candidate must be given the opportunity to  
19 obtain additional nominating petition signatures to meet the  
20 requirements under section 544f. The additional nominating petition  
21 signatures obtained by a candidate must be filed with the secretary  
22 of state no later than 4 p.m. on the fifth business day after the  
23 date that the court order granting equitable relief is filed.

24 (4) The nominating petition signatures filed under this  
25 section are subject to challenge as provided in section 552.

26 **(5) Instead of filing nominating petitions, a candidate for**  
27 **judge of the circuit court may pay a nonrefundable filing fee to**  
28 **the secretary of state in an amount as provided in this subsection.**  
29 **If the nonrefundable filing fee is paid by the due date for filing**



1 nominating petitions, the payment of the nonrefundable filing fee  
2 has the same effect under this section as the filing of nominating  
3 petitions. The nonrefundable filing fee must be deposited in the  
4 general fund of the state treasury. The amount of the nonrefundable  
5 filing fee is as follows:

6 (a) If the number of nominating petition signatures required  
7 for the candidate under section 544f is fewer than 1,000, \$100.00.

8 (b) If the number of nominating petition signatures required  
9 for the candidate under section 544f is 1,000 or more and fewer  
10 than 2,000, \$200.00.

11 (c) If the number of nominating petition signatures required  
12 for the candidate under section 544f is 2,000 or more and fewer  
13 than 4,000, \$300.00.

14 (d) If the number of nominating petition signatures required  
15 for the candidate under section 544f is 4,000 or more, \$500.00.

16 Sec. 414. After the filing of a nominating petition, **payment**  
17 **of the nonrefundable filing fee, or filing of an** affidavit of  
18 candidacy by or in behalf of a proposed candidate for the office of  
19 judge of the circuit court, the proposed candidate is not permitted  
20 to withdraw unless he or she serves a written notice of withdrawal  
21 on the secretary of state or his or her duly authorized agent. The  
22 notice must be served not later than 3 days after the last day for  
23 filing nominating petitions **or paying the nonrefundable filing fee**  
24 **if a nominating petition was filed or nonrefundable filing fee paid**  
25 for the proposed candidate, and not later than 3 days after the  
26 last day for filing affidavits of candidacy if an affidavit of  
27 candidacy was filed for the proposed candidate. If the third day  
28 falls on a Saturday, Sunday, or legal holiday, the notice of  
29 withdrawal may be served on the secretary of state or his or her



1 duly authorized agent at any time on or before 4 p.m. ~~7 eastern~~  
 2 ~~standard time,~~ on the next secular day.

3       Sec. 415. (1) The candidates for the office of judge of the  
 4 circuit court receiving the largest number of votes at any primary  
 5 election, to a number equal to twice the number of ~~persons~~  
 6 **individuals** to be elected as ~~set forth~~ **provided** in the report of  
 7 the board of state canvassers, based on the returns from the  
 8 various county boards of canvassers and election precincts or as  
 9 determined by the board of state canvassers as the result of a  
 10 recount, ~~shall~~ **must** be declared the nominees for the office at the  
 11 next general election. The board of state canvassers shall certify  
 12 the nomination to the county election commissions.

13       (2) If, after the deadline for filing nominating petitions **or**  
 14 **paying the nonrefundable filing fee** under section 413, there are  
 15 fewer candidates for nomination or nominees for the office of judge  
 16 of the circuit court than there are ~~persons~~ **individuals** to be  
 17 elected at the general November election because of the death or  
 18 disqualification of a candidate more than 65 days before the  
 19 general November election, then ~~a person,~~ **an individual**, whether or  
 20 not an incumbent, may qualify as a nominee for that office at the  
 21 general November election by filing nominating petitions **or paying**  
 22 **the nonrefundable filing fee** as required by section 413. However,  
 23 the filing ~~shall~~ **or payment must** be made before 4 p.m. on the  
 24 twenty-first day following the death or disqualification of the  
 25 candidate or 4 p.m. on the sixtieth day ~~preceding~~ **before** the  
 26 general November election, whichever is earlier, and the minimum  
 27 number of signatures required is 1,000 or 1/2 the minimum number  
 28 required under section 413, whichever is less.

29       (3) The secretary of state shall certify the nomination of



1 each ~~person~~**individual** who qualifies as a nominee under subsection  
 2 (2) to the board of election commissioners specified by section 687  
 3 for the general November election.

4 Sec. 424a. (1) In the primary and general election for 2 or  
 5 more judgeships of the circuit court, each of the following  
 6 categories of candidates ~~shall~~**must** be listed separately on the  
 7 ballot, consistent with subsection (3):

8 (a) The names of candidates for the judgeship or judgeships  
 9 for which the incumbent is seeking election.

10 (b) The names of candidates for an existing judgeship or  
 11 judgeships for which the incumbent is not seeking election.

12 (c) The names of candidates for a newly created judgeship or  
 13 judgeships.

14 (2) Nominating petitions filed under section 413 are valid  
 15 only if they clearly indicate for which of the following offices  
 16 the candidate is filing, consistent with subsection (3):

17 (a) An unspecified existing judgeship for which the incumbent  
 18 judge is not seeking election.

19 (b) A new judgeship.

20 (c) An unspecified existing judgeship for which the incumbent  
 21 judge is seeking election.

22 (3) If the death or disqualification of an incumbent judge  
 23 triggers the application of section 415(2), then for the purposes  
 24 of subsections (1) and (2), that judgeship ~~shall be~~**is** regarded as  
 25 a judgeship for which the incumbent judge is not seeking election.  
 26 The application of this subsection includes, but is not limited to,  
 27 circumstances in which the governor appoints an individual to fill  
 28 the vacancy and that individual seeks to qualify as a nominee under  
 29 section 415(2).



1           (4) ~~A person~~ **An individual** who files nominating petitions **or**  
 2 **pays the nonrefundable filing fee** for election to more than 1  
 3 circuit judgeship ~~shall have~~ **has** not more than 3 days following the  
 4 close of filing to withdraw from all but 1 filing.

5           (5) In a primary and general election for 2 or more judgeships  
 6 where more than 1 of the categories in subsection (2) could be  
 7 selected, a candidate shall apply to the bureau of elections for a  
 8 written statement of office designation to correspond to the  
 9 judgeship sought by the candidate. The office designation provided  
 10 by the secretary of state ~~shall~~ **must** be included in the heading of  
 11 all nominating petitions. Nominating petitions containing an  
 12 improper office designation are invalid.

13           (6) The secretary of state shall issue an office designation  
 14 of incumbent position for any judgeship for which the incumbent  
 15 judge is eligible to seek reelection. If an incumbent judge does  
 16 not file an affidavit of candidacy by the deadline, the secretary  
 17 of state shall notify all candidates for that office that a  
 18 nonincumbent position exists. All nominating petitions circulated  
 19 for the nonincumbent position ~~subsequent to~~ **after** the deadline  
 20 ~~shall~~ **must** bear an office designation of nonincumbent position. All  
 21 signatures collected ~~prior to~~ **before** the affidavit of candidacy  
 22 filing deadline may be filed with the nonincumbent nominating  
 23 petitions.

24           Sec. 432. A general nonpartisan primary election ~~shall~~ **must** be  
 25 held in every county of this state on the Tuesday ~~succeeding~~ **after**  
 26 the first Monday in August ~~preceding~~ **before** every general November  
 27 election at which judges of probate are to be elected, at which  
 28 time the qualified and registered electors may vote for nonpartisan  
 29 candidates for the office of judge of probate. If upon the



1 expiration of the time for filing **nominating** petitions, **paying the**  
 2 **nonrefundable filing fee**, or **filing** incumbency affidavits of  
 3 candidacy for the primary election of ~~said-the~~ probate judges in  
 4 any county it ~~shall appear~~ **appears** that there are not to exceed  
 5 twice the number of candidates as there are ~~persons~~ **individuals** to  
 6 be elected, then the county clerk shall certify to the county board  
 7 of election commissioners the name of ~~such-the~~ candidate for  
 8 probate judge whose **nominating** petitions **or nonrefundable filing**  
 9 **fee** have been properly filed and ~~such-the~~ candidate ~~shall be~~ **is** the  
 10 nominee for the judge of probate and ~~shall must~~ be so certified. As  
 11 to ~~such-that~~ office, there ~~shall must not~~ be ~~no~~ **a** primary election  
 12 and this office ~~shall must~~ be omitted from the judicial primary  
 13 ballot.

14       Sec. 433. (1) Except as otherwise provided in this subsection  
 15 **and subject to subsection (9)**, to obtain the printing of the name  
 16 of ~~a person~~ **an individual** as a candidate for nomination for the  
 17 office of judge of probate upon the official nonpartisan primary  
 18 ballots, there must be filed with the county clerk of each county  
 19 nominating petitions containing the signatures, addresses, and  
 20 dates of signing of a number of qualified and registered electors  
 21 residing in the county as determined under section 544f or by the  
 22 filing of an affidavit **of candidacy** according to section 433a. ~~In~~  
 23 ~~the case of~~ **Subject to subsection (9)**, in a probate court district,  
 24 to obtain the printing of the name of ~~a person~~ **an individual** as a  
 25 candidate for nomination for the office of judge of probate upon  
 26 the official nonpartisan primary ballots, there must be filed with  
 27 the secretary of state nominating petitions containing the  
 28 signatures, addresses, and dates of signing of a number of  
 29 qualified and registered electors residing in the probate court



1 district as determined under section 544f or by the filing of an  
 2 affidavit **of candidacy** according to section 433a. The county clerk  
 3 or, in the case of a probate court district, the secretary of state  
 4 shall receive nominating petitions up to 4 p.m. on the fifteenth  
 5 Tuesday before the August primary. The provisions of sections 544a  
 6 and 544b apply.

7 (2) Nominating petitions filed under this section are valid  
 8 only if they clearly indicate for which of the following offices  
 9 the candidate is filing, consistent with section 435a(2):

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

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

14 (c) A new judgeship.

15 (3) ~~A person~~ **An individual** who files nominating petitions **or**  
 16 **pays the nonrefundable filing fee** for election to more than 1  
 17 probate judgeship has not more than 3 days following the close of  
 18 filing to withdraw from all but 1 filing.

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

27 (5) The secretary of state shall issue an office designation  
 28 of incumbent position for any judgeship for which the incumbent  
 29 judge is eligible to seek reelection. If an incumbent judge does





1 not file an affidavit of candidacy by the deadline, the secretary  
2 of state shall notify all candidates for that office that a  
3 nonincumbent position exists. All nominating petitions circulated  
4 for the nonincumbent position after the deadline must bear an  
5 office designation of nonincumbent position. All signatures  
6 collected before the affidavit of candidacy filing deadline may be  
7 filed with the nonincumbent nominating petitions.

8 (6) If a candidate for nomination for the office of judge of  
9 probate receives incorrect or inaccurate written information from  
10 the county clerk or, in the case of a probate court district, the  
11 secretary of state concerning the number of nominating petition  
12 signatures required under section 544f and that incorrect or  
13 inaccurate written information is published or distributed by the  
14 county clerk or, in the case of a probate court district, the  
15 secretary of state, the candidate may bring an action in a court of  
16 competent jurisdiction for equitable relief. A court may grant  
17 equitable relief to a candidate under this subsection if all of the  
18 following occur:

19 (a) The candidate brings the action for equitable relief  
20 within 6 days after the candidate is notified by the county clerk  
21 or, in the case of a probate court district, the secretary of state  
22 that the candidate's nominating petition contains insufficient  
23 signatures.

24 (b) The candidate files an affidavit certifying that he or she  
25 contacted and received from the county clerk or, in the case of a  
26 probate court district, the secretary of state incorrect or  
27 inaccurate written information concerning the number of nominating  
28 petition signatures required under section 544f.

29 (c) The county clerk or, in the case of a probate court



1 district, the secretary of state published or distributed the  
 2 incorrect or inaccurate written information concerning the number  
 3 of nominating petition signatures required under section 544f  
 4 before the filing deadline under subsection (1).

5 (d) The county clerk or, in the case of a probate court  
 6 district, the secretary of state did not inform the candidate at  
 7 least 14 days before the filing deadline under subsection (1) that  
 8 incorrect or inaccurate written information concerning the number  
 9 of nominating petition signatures required under section 544f had  
 10 been published or distributed.

11 (7) If a court grants equitable relief to a candidate under  
 12 subsection (6), the candidate must be given the opportunity to  
 13 obtain additional nominating petition signatures to meet the  
 14 requirements under section 544f. The additional nominating petition  
 15 signatures obtained by a candidate must be filed with the county  
 16 clerk or, in the case of a probate court district, the secretary of  
 17 state no later than 4 p.m. on the fifth business day after the date  
 18 that the court order granting equitable relief is filed.

19 (8) The nominating petition signatures filed under this  
 20 section are subject to challenge as provided in section 552.

21 **(9) Instead of filing nominating petitions, a candidate for**  
 22 **judge of probate may pay a nonrefundable filing fee to the county**  
 23 **clerk or, in the case of a probate court district, the secretary of**  
 24 **state in an amount as provided in this subsection. If the**  
 25 **nonrefundable filing fee is paid by the due date for filing**  
 26 **nominating petitions, the payment of the nonrefundable filing fee**  
 27 **has the same effect under this section as the filing of nominating**  
 28 **petitions. The nonrefundable filing fee must be deposited in the**  
 29 **general fund of the state treasury. The amount of the nonrefundable**



1 filing fee is as follows:

2 (a) If the number of nominating petition signatures required  
3 for the candidate under section 544f is fewer than 1,000, \$100.00.

4 (b) If the number of nominating petition signatures required  
5 for the candidate under section 544f is 1,000 or more and fewer  
6 than 2,000, \$200.00.

7 (c) If the number of nominating petition signatures required  
8 for the candidate under section 544f is 2,000 or more and fewer  
9 than 4,000, \$300.00.

10 (d) If the number of nominating petition signatures required  
11 for the candidate under section 544f is 4,000 or more, \$500.00.

12 Sec. 434. After the filing of a nominating petition, **payment**  
13 **of the nonrefundable filing fee, or filing of an** affidavit of  
14 candidacy by or in behalf of a proposed candidate for the office of  
15 judge of probate, the proposed candidate is not permitted to  
16 withdraw unless he or she serves a written notice of withdrawal on  
17 the secretary of state or his or her duly authorized agent. The  
18 notice must be served not later than 3 days after the last day for  
19 filing nominating petitions **or paying the nonrefundable filing fee**  
20 **if a nominating petition was filed or nonrefundable filing fee paid**  
21 for the proposed candidate, and not later than 3 days after the  
22 last day for filing affidavits of candidacy if an affidavit of  
23 candidacy was filed for the proposed candidate. If the third day  
24 falls on a Saturday, Sunday, or legal holiday, the notice of  
25 withdrawal may be served on the secretary of state or his or her  
26 duly authorized agent at any time on or before 4 p.m. ~~eastern~~  
27 ~~standard time,~~ on the next secular day.

28 Sec. 435. (1) The candidates for the office of judge of  
29 probate receiving the largest number of votes at any primary



1 election, to a number equal to twice the number of places to be  
 2 filled as ~~set forth~~ **provided** in the report of the board of county  
 3 canvassers, based on the returns from the various election  
 4 precincts or as determined by the board of county canvassers as the  
 5 result of a recount, ~~shall~~ **must** be declared the nominees for the  
 6 office at the next November election. The board of county  
 7 canvassers shall certify the nominations to the county election  
 8 commission.

9 (2) If, after the deadline for filing nominating petitions **or**  
 10 **paying the nonrefundable filing fee** under section 433, there are  
 11 fewer candidates for nomination or nominees for the office of judge  
 12 of probate than there are ~~persons~~ **individuals** to be elected because  
 13 of the death or disqualification of a candidate more than 65 days  
 14 before the general November election, then ~~a person,~~ **an individual,**  
 15 whether or not an incumbent, may qualify as a nominee for that  
 16 office at the general November election by filing nominating  
 17 petitions **or paying the nonrefundable filing fee** with the county  
 18 clerk or, in case of a probate district, with the secretary of  
 19 state in the manner required by section 433. However, the filing  
 20 ~~shall~~ **or payment must** be made before 4 p.m. on the twenty-first day  
 21 following the death or disqualification of the candidate or 4 p.m.  
 22 on the sixtieth day ~~preceding~~ **before** the general November election,  
 23 whichever is earlier, and the minimum number of signatures required  
 24 is 1,000 or 1/2 the minimum number required under section 433,  
 25 whichever is less.

26 (3) The county clerk or, in case of a probate district, the  
 27 secretary of state shall certify the nomination of each ~~person~~  
 28 **individual** who qualifies as a nominee under subsection (2) to the  
 29 board of election commissioners specified by section 687 for the



1 general November election.

2       Sec. 444. (1) If a vacancy occurs in the office of judge of  
3 probate, the governor shall appoint a successor to fill the  
4 vacancy. Except as otherwise provided in section 435a(2), the  
5 ~~person-individual~~ appointed by the governor ~~shall be considered is~~  
6 an incumbent for purposes of this act and shall hold office until  
7 12 noon of January 1 following the next general November election  
8 at which a successor is elected and qualified.

9       (2) Except as otherwise provided in section 435(2), if the  
10 vacancy occurs more than 7 days before the nominating petition **or**  
11 **nonrefundable** filing **fee** deadline as provided in section 433 for  
12 the general November election that is not the general November  
13 election at which a successor in office would be elected if there  
14 were no vacancy, the ~~person-individual~~ appointed shall hold office  
15 only until a successor is elected at the next general November  
16 election in the manner provided for in this chapter for the  
17 election of judges of probate. The ~~person-individual~~ elected shall  
18 hold office for the remainder of the unexpired term.

19       Sec. 467a. A general nonpartisan primary election must be held  
20 in every district and election division of this state on the  
21 Tuesday after the first Monday in August before the general  
22 election at which judges of the district court are elected, at  
23 which time the qualified and registered electors may vote for  
24 nonpartisan candidates for judge of the district court. If upon the  
25 expiration of the time for filing **nominating** petitions, **paying the**  
26 **nonrefundable filing fee, or filing affidavits** of candidacy for the  
27 primary election of the judge of the district court in any district  
28 or election division, it appears that there are not to exceed twice  
29 the number of candidates as there are ~~persons-individuals~~ to be



1 elected, the secretary of state shall certify to the county board  
 2 of election commissioners the name of those candidates for district  
 3 court judge whose **nominating** petitions, **nonrefundable filing fee**,  
 4 or affidavits of candidacy have been properly filed and those  
 5 candidates are the nominees for the judge of the district court and  
 6 must be so certified. As to that office, there must not be a  
 7 primary election and this office must be omitted from the judicial  
 8 primary ballot.

9       Sec. 467b. (1) ~~To~~ **Subject to subsection (9), to** obtain the  
 10 printing of the name of ~~a person~~ **an individual** as a candidate for  
 11 nomination for the office of judge of the district court upon the  
 12 official nonpartisan primary ballots, there must be filed with the  
 13 secretary of state nominating petitions containing the signatures,  
 14 addresses, and dates of signing of a number of qualified and  
 15 registered electors residing in the judicial district or division  
 16 as determined under section 544f. An incumbent district court judge  
 17 may also become a candidate by the filing of an affidavit **of**  
 18 **candidacy** in lieu of **nominating** petitions according to section  
 19 467c. The secretary of state shall receive nominating petitions up  
 20 to 4 p.m. on the fifteenth Tuesday before the primary. The  
 21 provisions of sections 544a and 544b apply.

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

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

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

29       (c) A new judgeship.



1           (3) ~~A person~~**An individual** who files nominating petitions **or**  
2 **pays the nonrefundable filing fee** for election to more than 1  
3 district judgeship has not more than 3 days following the close of  
4 filing to withdraw from all but 1 filing.

5           (4) In a primary and general election for 2 or more judgeships  
6 where more than 1 of the categories in subsection (2) could be  
7 selected, a candidate shall apply to the bureau of elections for a  
8 written statement of office designation to correspond to the  
9 judgeship sought by the candidate. The office designation provided  
10 by the secretary of state must be included in the heading of all  
11 nominating petitions. Nominating petitions containing an improper  
12 office designation are invalid.

13           (5) The secretary of state shall issue an office designation  
14 of incumbent position for any judgeship for which the incumbent  
15 judge is eligible to seek reelection. If an incumbent judge does  
16 not file an affidavit of candidacy by the deadline, the secretary  
17 of state shall notify all candidates for that office that a  
18 nonincumbent position exists. All nominating petitions circulated  
19 for the nonincumbent position after the deadline must bear an  
20 office designation of nonincumbent position. All signatures  
21 collected before the affidavit of candidacy filing deadline may be  
22 filed with the nonincumbent nominating petitions.

23           (6) If a candidate for nomination for the office of judge of  
24 the district court receives incorrect or inaccurate written  
25 information from the secretary of state or the bureau of elections  
26 concerning the number of nominating petition signatures required  
27 under section 544f and that incorrect or inaccurate written  
28 information is published or distributed by the secretary of state  
29 or the bureau of elections, the candidate may bring an action in a



1 court of competent jurisdiction for equitable relief. A court may  
2 grant equitable relief to a candidate under this subsection if all  
3 of the following occur:

4 (a) The candidate brings the action for equitable relief  
5 within 6 days after the candidate is notified by the secretary of  
6 state or the bureau of elections that the candidate's nominating  
7 petition contains insufficient signatures.

8 (b) The candidate files an affidavit certifying that he or she  
9 contacted and received from the secretary of state or the bureau of  
10 elections incorrect or inaccurate written information concerning  
11 the number of nominating petition signatures required under section  
12 544f.

13 (c) The secretary of state or the bureau of elections  
14 published or distributed the incorrect or inaccurate written  
15 information concerning the number of nominating petition signatures  
16 required under section 544f before the filing deadline under  
17 subsection (1).

18 (d) The secretary of state or bureau of elections did not  
19 inform the candidate at least 14 days before the filing deadline  
20 under subsection (1) that incorrect or inaccurate written  
21 information concerning the number of nominating petition signatures  
22 required under section 544f had been published or distributed.

23 (7) If a court grants equitable relief to a candidate under  
24 subsection (6), the candidate must be given the opportunity to  
25 obtain additional nominating petition signatures to meet the  
26 requirements under section 544f. The additional nominating petition  
27 signatures obtained by a candidate must be filed with the secretary  
28 of state no later than 4 p.m. on the fifth business day after the  
29 date that the court order granting equitable relief is filed.





1 (8) The nominating petition signatures filed under this  
2 section are subject to challenge as provided in section 552.

3 (9) **Instead of filing nominating petitions, a candidate for**  
4 **judge of the district court may pay a nonrefundable filing fee to**  
5 **the secretary of state in an amount as provided in this subsection.**  
6 **If the nonrefundable filing fee is paid by the due date for filing**  
7 **nominating petitions, the payment of the nonrefundable filing fee**  
8 **has the same effect under this section as the filing of nominating**  
9 **petitions. The nonrefundable filing fee must be deposited in the**  
10 **general fund of the state treasury. The amount of the nonrefundable**  
11 **filing fee is as follows:**

12 (a) **If the number of nominating petition signatures required**  
13 **for the candidate under section 544f is fewer than 1,000, \$100.00.**

14 (b) **If the number of nominating petition signatures required**  
15 **for the candidate under section 544f is 1,000 or more and fewer**  
16 **than 2,000, \$200.00.**

17 (c) **If the number of nominating petition signatures required**  
18 **for the candidate under section 544f is 2,000 or more and fewer**  
19 **than 4,000, \$300.00.**

20 (d) **If the number of nominating petition signatures required**  
21 **for the candidate under section 544f is 4,000 or more, \$500.00.**

22 **Sec. 467d. After the filing of a nominating petition, payment**  
23 **of the nonrefundable filing fee, or filing of an affidavit of**  
24 **candidacy by or in behalf of a proposed candidate for the office of**  
25 **judge of the district court, the proposed candidate is not**  
26 **permitted to withdraw unless he or she serves a written notice of**  
27 **withdrawal on the secretary of state or his or her duly authorized**  
28 **agent. The notice must be served not later than 3 days after the**  
29 **last day for filing nominating petitions or paying the**



1 **nonrefundable filing fee** if a nominating petition was filed **or**  
 2 **nonrefundable filing fee paid** for the proposed candidate, and not  
 3 later than 3 days after the last day for filing affidavits of  
 4 candidacy if an affidavit of candidacy was filed for the proposed  
 5 candidate. If the third day falls on a Saturday, Sunday, or legal  
 6 holiday, the notice of withdrawal may be served on the secretary of  
 7 state or his or her duly authorized agent at any time on or before  
 8 4 p.m. ~~, eastern standard time,~~ on the next secular day.

9       Sec. 467e. (1) The candidates for the office of judge of the  
 10 district court receiving the largest number of votes at any primary  
 11 election, to a number equal to twice the number of ~~persons~~  
 12 **individuals** to be elected as ~~set forth~~ **provided** in the report of  
 13 the board of state canvassers, based on the returns from the  
 14 various county boards of canvassers and election precincts or as  
 15 determined by the board as the result of a recount, ~~shall~~ **must** be  
 16 declared the nominees for the office at the next general November  
 17 election. The board of state canvassers shall certify the  
 18 nomination to the county election commissions.

19       (2) If, after the deadline for filing nominating petitions **or**  
 20 **paying the nonrefundable filing fee** under section 467b, there are  
 21 fewer candidates for nomination or nominees for the office of judge  
 22 of the district court than there are ~~persons~~ **individuals** to be  
 23 elected because of the death or disqualification of a candidate  
 24 more than 65 days before the general November election, then a  
 25 ~~person,~~ **an individual**, whether or not an incumbent, may qualify as  
 26 a nominee for that office at the general November election by  
 27 filing nominating petitions **or paying the nonrefundable filing fee**  
 28 as required by section 467b. However, the filing ~~shall~~ **or payment**  
 29 **must** be made before 4 p.m. on the twenty-first day following the



1 death or disqualification of the candidate or 4 p.m. on the  
 2 sixtieth day ~~preceding~~**before** the general November election,  
 3 whichever is earlier, and the minimum number of signatures required  
 4 is 1,000 or 1/2 the minimum number required under section 467b,  
 5 whichever is less.

6 (3) The secretary of state shall certify the nomination of  
 7 each ~~person~~**individual** who qualifies as a nominee under subsection  
 8 (2) to the board of election commissioners specified by section 687  
 9 for the general November election.

10 Sec. 467m. (1) If a vacancy occurs in the office of district  
 11 judge, the governor shall appoint a successor to fill the vacancy.  
 12 Except as otherwise provided in section 467c(4), the ~~person~~  
 13 **individual** appointed by the governor ~~shall be considered~~**is** an  
 14 incumbent for purposes of this act and shall hold office until 12  
 15 noon of January 1 following the next general November election at  
 16 which a successor is elected and qualified.

17 (2) Except as otherwise provided in section 467e(2), if the  
 18 vacancy occurs more than 7 days before the nominating petition **or**  
 19 **nonrefundable** filing **fee** deadline as provided in section 467b for  
 20 the general November election that is not the general November  
 21 election at which a successor in office would be elected if there  
 22 were no vacancy, the ~~person~~**individual** appointed shall hold office  
 23 only until a successor is elected at the next general November  
 24 election in the manner provided for in this chapter for the  
 25 election of district court judges. The ~~person~~**individual** elected  
 26 shall hold office for the remainder of the unexpired term.

27 Sec. 544b. (1) Except as provided in subsection (2), ~~a person~~  
 28 ~~shall~~**an individual does** not qualify as a candidate for any  
 29 judicial office of this state unless the ~~person~~**individual** files an



1 affidavit with his or her nominating petitions **or, if applicable,**  
2 **nonrefundable filing fee,** on a form prescribed by the secretary of  
3 state stating that he or she possesses the constitutional  
4 qualifications set forth in section 19 of article VI of the state  
5 constitution **of 1963.**

6 (2) ~~In cases where~~ **If** candidates for judicial office are  
7 nominated at political party conventions, the chairperson and  
8 secretary of the party shall file the affidavit with the secretary  
9 of state not more than 1 business day after the conclusion of the  
10 convention.

