

**SUBSTITUTE FOR
HOUSE BILL NO. 5060**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281,
322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a,
414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b,
467c, 467d, 467m, 544d, 624, 644f, 667, and 795 (MCL 168.53,
168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254,
168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409,
168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a,
168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433,
168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c,
168.467d, 168.467m, 168.544d, 168.624, 168.644f, 168.667, and
168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413,
426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71,
161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

2

by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 53. To obtain the printing of the name of a person as
2 a candidate for nomination by a political party for the office of
3 governor under a particular party heading upon the official pri-
4 mary ballots, there shall be filed with the secretary of state
5 nominating petitions signed by a number of qualified and regis-
6 tered electors residing in this state ~~equal to not less than 1%~~
7 ~~or more than 2% of the number of votes cast by the party for sec-~~
8 ~~retary of state at the last general November election in which a~~
9 ~~secretary of state was elected~~ AS DETERMINED UNDER
10 SECTION 544F. Nominating petitions shall be signed by at least
11 100 registered resident electors in each of at least 1/2 of the
12 congressional districts of the state. Nominating petitions shall
13 be in the form as prescribed in section 544c. Nominating peti-
14 tions shall be received by the secretary of state for filing in
15 accordance with this act up to 4 p.m. of the twelfth Tuesday pre-
16 ceding the August primary.

17 Sec. 71. (1) A person shall not be eligible to the offices
18 of secretary of state or attorney general if the person is not a
19 REGISTERED AND qualified elector of this state BY THE DATE THE
20 PERSON IS NOMINATED FOR THE OFFICE.

04813'99 (H-2)

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

3

1 (2) A person who has been convicted of a violation of
2 section 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
3 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
4 MCL 38.412A, shall not be eligible to the offices of secretary of
5 state or attorney general for a period of 20 years after
6 conviction.

7 Sec. 161. (1) A person shall not be eligible to the office
8 of state senator or representative unless the person is a citizen
9 of the United States and a REGISTERED AND qualified elector of
10 the district he or she represents BY THE FILING DEADLINE, as pro-
11 vided in section 7 of article 4 of the state constitution of
12 1963.

13 (2) A person who has been convicted of a violation of sec-
14 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
15 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
16 MCL 38.412A, shall not be eligible to the office of state senator
17 or representative for a period of 20 years after conviction.

18 Sec. 163. (1) To obtain the printing of the name of a
19 person as a candidate for nomination by a political party for the
20 office of state senator or representative under a particular
21 party heading upon the official primary ballots in the various
22 election precincts of a district, there shall be filed nominating
23 petitions signed by a number of qualified and registered electors
24 residing in the district ~~equal to not less than 1% or more than~~
25 ~~2% of the number of votes cast by the party in the district for~~
26 ~~secretary of state at the last general November election in which~~
27 ~~a secretary of state was elected~~ AS DETERMINED UNDER

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

4

1 SECTION 544F. If the district comprises more than 1 county, the
2 nominating petitions shall be filed with the secretary of state.
3 If the district comprises 1 county or less, the nominating peti-
4 tions shall be filed with the county clerk of that county.
5 Nominating petitions shall be in the form prescribed in section
6 544c. The secretary of state and the various county clerks shall
7 receive nominating petitions for filing in accordance with this
8 act up to 4 p.m. of the twelfth Tuesday preceding the August
9 primary.

10 (2) In lieu of filing a nominating petition, a filing fee of
11 \$100.00 may be paid to the county clerk or, for a candidate in a
12 district comprising more than 1 county, to the secretary of
13 state. Payment of the fee and certification of the name of the
14 candidate paying the fee shall be governed by the same provisions
15 as in the case of nominating petitions. The fee shall be depos-
16 ited in the general fund of the county ~~or state~~ and shall be
17 refunded to candidates who are nominated and to an equal number
18 of candidates who receive the next highest number of votes in the
19 primary election. If 2 or more candidates tie in having the
20 lowest number of votes allowing a refund, the sum of \$100.00
21 shall be divided among them. A refund of a deposit shall not be
22 made to a candidate who withdraws AS A CANDIDATE.

23 Sec. 191. (1) A person shall not be eligible to the office
24 of county clerk, county treasurer, register of deeds, prosecuting
25 attorney, sheriff, drain commissioner, surveyor, or coroner if
26 the person is not a REGISTERED AND qualified elector of the
27 county in which election is sought BY THE FILING DEADLINE.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

5

1 (2) A person who has been convicted of a violation of
2 section 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
3 ~~section 38.412a of the Michigan Compiled Laws 1941 PA 370,~~
4 MCL 38.412A, shall not be eligible to any of the offices enumer-
5 ated in this section for a period of 20 years after conviction.

6 Sec. 193. (1) To obtain the printing of the name of a
7 person as a candidate for nomination by a political party for an
8 office named in section 191 under a particular party heading upon
9 the official primary ballots, there shall be filed with the
10 county clerk nominating petitions signed by a number of qualified
11 and registered electors residing within the county ~~equal to not~~
12 ~~less than 1% or more than 2% of the number of votes cast by the~~
13 ~~party in the county for secretary of state at the last general~~
14 ~~November election in which a secretary of state was elected~~ AS
15 DETERMINED UNDER SECTION 544F. Nominating petitions shall be in
16 the form prescribed in section 544c. The county clerk shall
17 receive nominating petitions up to 4 p.m. of the twelfth Tuesday
18 preceding the August primary.

19 (2) To obtain the printing of the name of a candidate of a
20 political party under the particular party's heading upon the
21 primary election ballots in the various voting precincts of the
22 county, there may be filed by the candidate, in lieu of filing
23 nomination petitions, a filing fee of \$100.00 to be paid to the
24 county clerk. Payment of the fee and certification of the
25 candidate's name paying the fee shall be governed by the same
26 provisions as in the case of nominating petitions. The fee shall
27 be deposited in the general fund of the county and shall be

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

6

1 refunded to candidates who are nominated and to an equal number
2 of candidates who receive the next highest number of votes in the
3 primary election. If 2 or more candidates tie in having the
4 lowest number of votes allowing a refund, the sum of \$100.00
5 shall be divided among them. The deposits of all other defeated
6 candidates, as well as the deposits of candidates who withdraw or
7 are disqualified, shall be forfeited ~~—~~ and the candidates shall
8 be notified of the forfeiture. Deposits forfeited under this
9 section shall be paid into and credited to the general fund of
10 the county.

11 Sec. 224. (1) To obtain the printing of the name of a
12 person as candidate for nomination by a political party for the
13 office of county auditor under a particular party heading upon
14 the official primary ballots, there shall be filed with the
15 county clerk nominating petitions signed by a number of qualified
16 and registered electors residing within the county ~~equal to not~~
17 ~~less than 1% or more than 2% of the number of votes cast by the~~
18 ~~party in the county for secretary of state at the last general~~
19 ~~November election in which a secretary of state was elected~~ AS
20 DETERMINED UNDER SECTION 544F. Nominating petitions shall be in
21 the form prescribed in section 544c. The county clerk shall
22 receive nominating petitions up to 4 p.m. of the twelfth Tuesday
23 preceding the August primary.

24 (2) To obtain the printing of the name of the candidate of a
25 political party under the particular party's heading upon the
26 primary election ballots in the various voting precincts of the
27 county, there may be filed by the candidate, in lieu of filing

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

7

1 nominating petitions, a filing fee of \$100.00 to be paid to the
2 county clerk. Payment of the fee and certification of the name
3 of the candidate paying the fee shall be governed by the same
4 provisions as in the case of nominating petitions. The fee shall
5 be deposited in the general fund of the county and shall be
6 refunded to candidates who are nominated and to an equal number
7 of candidates who received the next highest number of votes in
8 the primary election. If 2 or more candidates tie in having the
9 lowest number of votes allowing a refund, the sum of \$100.00
10 shall be divided among them. The deposits of all other defeated
11 candidates and of candidates who withdraw or are disqualified
12 shall be forfeited ~~—~~ and the candidates shall be notified of
13 the forfeitures. Deposits forfeited under this section shall be
14 paid into and credited to the general fund of the county.

15 Sec. 254. (1) To obtain the printing of the name of a
16 person as a candidate for nomination by a political party for the
17 office of county road commissioner under a particular party head-
18 ing upon the official primary ballots, there shall be filed with
19 the county clerk of the county nominating petitions signed by a
20 number of qualified and registered electors residing within the
21 county ~~equal to not less than 1% or more than 2% of the number~~
22 ~~of votes cast by the party in the county for secretary of state~~
23 ~~at the last preceding general November election in which a secre-~~
24 ~~tary of state was elected~~ AS DETERMINED UNDER SECTION 544F.
25 Nominating petitions shall be in the form prescribed in section
26 544c. The county clerk shall receive nominating petitions up to

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

8

1 4 p.m. of the twelfth Tuesday preceding the August primary in
2 which county road commissioners are to be elected.

3 (2) To obtain the printing of the name of a candidate of a
4 political party under the particular party's heading upon the
5 primary election ballots in the various voting precincts of the
6 county, there may be filed by each candidate, in lieu of filing
7 nominating petitions, a filing fee of \$100.00 to be paid to the
8 county clerk. Payment of the fee and certification of the name
9 of the candidate paying the fee shall be governed by the same
10 provisions as in the case of nominating petitions. The fee shall
11 be deposited in the general fund of the county and shall be
12 returned to all candidates who are nominated and to an equal
13 number of candidates who received the next highest number of
14 votes in the primary election. If 2 or more candidates tie in
15 having the lowest number of votes allowing a refund, the sum of
16 \$100.00 shall be divided among them. The deposits of all other
17 defeated candidates, as well as the deposits of candidates who
18 withdraw or are disqualified, shall be forfeited ~~—~~ and the can-
19 didates shall be notified of the forfeitures. Deposits forfeited
20 under this section shall be paid into and credited to the general
21 fund of the county.

22 Sec. 281. (1) A person shall not be eligible to membership
23 on the state board of education, the board of regents of the uni-
24 versity of Michigan, the board of trustees of Michigan state uni-
25 versity, or the board of governors of Wayne state university if
26 the person is not a registered and qualified elector of this
27 state ON THE DATE THE PERSON IS NOMINATED FOR THE OFFICE.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

9

1 (2) A person who has been convicted of a violation of
2 section 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
3 ~~section 38.412a of the Michigan Compiled Laws 1941 PA 370,~~
4 MCL 38.412A, shall not be eligible to membership on any of the
5 boards enumerated in this section for a period of 20 years after
6 conviction.

7 Sec. 322. To obtain the printing of the name of a candidate
8 of a political party for a city office, including a ward office,
9 under the particular party heading on the official primary elec-
10 tion ballots for use in the city, there shall be filed with the
11 city clerk of the city not later than 4 p.m. on the twelfth
12 Tuesday preceding the August primary, or not later than 4 p.m. on
13 the seventh Monday preceding the primary election provided to be
14 held on the third Monday in February, nominating petitions signed
15 by a number of qualified and registered electors of the political
16 party who reside in the city or ward ~~, equal to not less than 1%~~
17 ~~or more than 2% of the number of votes that the political party~~
18 ~~cast in the city or ward for secretary of state at the last gen-~~
19 ~~eral November election in which a secretary of state was elected~~
20 AS DETERMINED UNDER SECTION 544F. This section does not apply to
21 a city the charter of which provides for a different method of
22 nominating candidates for public office. The form of the peti-
23 tion shall be as provided in section 544c.

24 Sec. 342. (1) A person shall not be eligible to a township
25 office unless the person is a REGISTERED AND qualified elector of
26 the township in which election is sought BY THE FILING DEADLINE.
27 A person shall not be eligible for membership on the board of

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

10

1 review unless, in addition to the qualifications for eligibility
2 to a township office, the person is a landowner and taxpayer in
3 the township.

4 (2) A person who has been convicted of a violation of sec-
5 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
6 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
7 MCL 38.412A, shall not be eligible for election or appointment to
8 an elective or appointive township office for a period of 20
9 years after conviction.

10 Sec. 349. (1) To obtain the printing of the name of a
11 person as a candidate for nomination by a political party for a
12 township office under the particular party heading upon the offi-
13 cial primary ballots, there shall be filed with the township
14 clerk nominating petitions signed by a number of qualified and
15 registered electors residing within the township ~~equal to not~~
16 ~~less than 1% or more than 2% of the number of votes cast by the~~
17 ~~party in the township for secretary of state at the last general~~
18 ~~November election in which a secretary of state was elected, but~~
19 ~~in no case less than 5 signatures~~ AS DETERMINED UNDER
20 SECTION 544F. Nominating petitions shall be in the form pre-
21 scribed in section 544c. The township clerk shall receive nomi-
22 nating petitions up to 4 p.m. of the twelfth Tuesday preceding
23 the August primary.

24 (2) Within 4 days after the last day for filing nominating
25 petitions, the township clerk shall deliver to the county clerk a
26 list setting forth the name, address, and political affiliation

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

11

1 and office sought of each candidate who has qualified for a
2 position on the primary ballot.

3 Sec. 391. (1) A person shall not be eligible to the office
4 of justice of the supreme court unless the person is a REGISTERED
5 AND qualified elector of this state BY THE FILING DEADLINE OR THE
6 DATE THE PERSON FILES THE AFFIDAVIT OF CANDIDACY, is licensed to
7 practice law in this state, and at the time of election or
8 appointment is less than 70 years of age.

9 (2) A person who has been convicted of a violation of sec-
10 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
11 ~~section 38.412a of the Michigan Compiled Laws 1941 PA 370,~~
12 MCL 38.412A, shall not be eligible for election or appointment to
13 the office of justice of the supreme court for a period of 20
14 years after conviction.

15 Sec. 404. (1) ~~Whenever a vacancy shall occur in the office~~
16 ~~of justice of the supreme court, the~~ THE governor shall appoint
17 a successor to fill the vacancy IN THE OFFICE OF JUSTICE OF THE
18 SUPREME COURT. The person appointed by the governor shall be
19 considered an incumbent for purposes of this act and shall hold
20 office until 12 noon of January 1 following the next general
21 election, at which a successor is elected and qualified.

22 (2) At the next general November election held at least ~~90~~
23 105 days after ~~such~~ THE vacancy ~~shall occur~~ OCCURS, a person
24 ~~,~~ nominated under section 392 ~~,~~ shall be elected to fill
25 ~~such~~ THAT office. ~~, and the~~ THE person ~~so~~ elected shall
26 hold ~~such~~ THE office for the remainder of the unexpired term.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

12

1 (3) A candidate receiving the highest number of votes for
2 ~~said~~ THAT office ~~and~~ who has subscribed to the oath as
3 provided in section 1 of article 11 of the state constitution
4 ~~shall be deemed~~ IS CONSIDERED to be elected and qualified ~~,~~
5 even though a vacancy occurs ~~prior to~~ BEFORE the time he ~~shall~~
6 ~~have~~ OR SHE HAS entered upon the duties of his OR HER office.

7 Sec. 409. (1) A person shall not be eligible for the office
8 of judge of the court of appeals unless the person is a
9 REGISTERED AND qualified elector of the appellate court district
10 in which election is sought BY THE FILING DEADLINE OR THE DATE
11 THE PERSON FILES THE AFFIDAVIT OF CANDIDACY, is licensed to prac-
12 tice law in this state, and, at the time of election or appoint-
13 ment, is less than 70 years of age.

14 (2) A person who has been convicted of a violation of sec-
15 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
16 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
17 MCL 38.412A, shall not be eligible for election or appointment to
18 the office of judge of the court of appeals for a period of 20
19 years after conviction.

20 Sec. 409b. (1) To obtain the printing of the name of a
21 qualified person other than an incumbent judge of the court of
22 appeals as a candidate for nomination for the office of judge of
23 the court of appeals upon the official nonpartisan primary bal-
24 lots, there shall be filed with the secretary of state nominating
25 petitions containing the signatures, addresses, and dates of
26 signing of a number of qualified and registered electors residing
27 in the appellate court district ~~equal to not less than 1/2 of 1%~~

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

13

1 ~~or more than 2% of the total number of votes cast in that~~
2 ~~appellate court district for secretary of state at the last gen-~~
3 ~~eral November election in which a secretary of state was elected-~~
4 AS DETERMINED UNDER SECTION 544F. The provisions of sections
5 544a and 544b apply. The secretary of state shall receive nomi-
6 nating petitions up to 4 p.m. on the ~~twelfth~~ FOURTEENTH Tuesday
7 preceding the primary.

8 (2) Nominating petitions filed under this section are valid
9 only if they clearly indicate for which of the following offices
10 the candidate is filing, consistent with subsection ~~-(6)-~~ (8):

11 (a) An unspecified existing judgeship for which the incum-
12 bent judge is seeking election.

13 (b) An unspecified existing judgeship for which the incum-
14 bent judge is not seeking election.

15 (c) A new judgeship.

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

23 (4) IN A PRIMARY AND GENERAL ELECTION FOR 2 OR MORE JUDGE-
24 SHIPS WHERE MORE THAN 1 OF THE CATEGORIES IN SUBSECTION (2) COULD
25 BE SELECTED, A CANDIDATE SHALL APPLY TO THE BUREAU OF ELECTIONS
26 FOR A WRITTEN STATEMENT OF OFFICE DESIGNATION TO CORRESPOND TO
27 THE JUDGESHIP SOUGHT BY THE CANDIDATE. THE OFFICE DESIGNATION

HB5060, As Passed House, November 9, 1999

Sub. H.B. 5060 (H-2) as amended November 9, 1999

14

1 PROVIDED BY THE SECRETARY OF STATE SHALL BE INCLUDED IN THE
2 HEADING OF ALL NOMINATING PETITIONS. NOMINATING PETITIONS CON-
3 TAINING AN IMPROPER OFFICE DESIGNATION ARE INVALID.

4 (5) THE SECRETARY OF STATE SHALL ISSUE AN OFFICE DESIGNATION
5 OF INCUMBENT POSITION FOR ANY JUDGESHIP FOR WHICH THE INCUMBENT
6 JUDGE IS ELIGIBLE TO SEEK REELECTION. IF AN INCUMBENT JUDGE DOES
7 NOT FILE AN AFFIDAVIT OF CANDIDACY BY THE DEADLINE, THE SECRETARY
8 OF STATE SHALL NOTIFY ALL CANDIDATES FOR THAT OFFICE THAT A NON-
9 INCUMBENT POSITION EXISTS. ALL NOMINATING PETITIONS CIRCULATED
10 FOR THE NONINCUMBENT POSITION SUBSEQUENT TO THE DEADLINE SHALL
11 BEAR AN OFFICE DESIGNATION OF NONINCUMBENT POSITION. ALL SIGNA-
12 TURES COLLECTED PRIOR TO THE AFFIDAVIT OF CANDIDACY FILING DEAD-
13 LINE MAY BE FILED WITH THE NONINCUMBENT NOMINATING PETITIONS.

14 (6) ~~(4)~~ An incumbent judge of the court of appeals may
15 become a candidate in the primary election for the office of
16 which he or she is the incumbent by filing with the secretary of
17 state an affidavit of candidacy not less than ~~120~~ 134 days
18 before the date of the primary election. [HOWEVER, IF AN INCUMBENT
JUDGE OF THE COURT OF APPEALS WAS APPOINTED TO FILL A VACANCY AND
THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS
BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE FOURTEENTH
TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE
THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON
THE DUTIES OF OFFICE.] The affidavit of candi-

19 dacy shall contain statements that the affiant is an incumbent
20 judge of the court of appeals, is domiciled within the district,
21 will not attain the age of 70 by the date of election, and is a
22 candidate for election to the office of judge of the court of
23 appeals.

24 (7) ~~(5)~~ In the primary and general November election for 2
25 or more judgeships of the court of appeals in a judicial dis-
26 trict, each of the following categories of candidates shall be

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

15

1 listed separately on the ballot, consistent with subsection ~~-(6)-~~
2 (8):

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

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

7 (c) The names of candidates for a newly created judgeship or
8 judgeships.

9 (8) ~~-(6)-~~ If the death or disqualification of an incumbent
10 judge triggers the application of section 409d(2), then for the
11 purposes of subsections (2) and ~~-(5)-~~ (7), that judgeship shall
12 be regarded as a judgeship for which the incumbent judge is not
13 seeking election. The application of this subsection includes,
14 but is not limited to, circumstances in which the governor
15 appoints an individual to fill the vacancy and that individual
16 seeks to qualify as a nominee under section 409d(2).

17 Sec. 409c. After the filing of a nominating petition or
18 affidavit of candidacy ~~—~~, by or ~~on~~ IN behalf of a proposed
19 candidate for the office of judge of the court of appeals, ~~such~~
20 THE PROPOSED candidate ~~shall not be~~ IS NOT permitted to with-
21 draw unless HE OR SHE SERVES a written notice of withdrawal ~~is~~
22 ~~served~~ on the secretary of state or his OR HER duly authorized
23 agent. THE NOTICE MUST BE SERVED not later than 3 days after the
24 last day for filing ~~such petition, unless~~ NOMINATING PETITIONS
25 IF A NOMINATING PETITION WAS FILED FOR THE PROPOSED CANDIDATE,
26 AND NOT LATER THAN 3 DAYS AFTER THE LAST DAY FOR FILING
27 AFFIDAVITS OF CANDIDACY IF AN AFFIDAVIT OF CANDIDACY WAS FILED

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

16

1 FOR THE PROPOSED CANDIDATE. IF the third day falls on a
2 Saturday, Sunday, or ~~other~~ legal holiday, ~~in which case~~ the
3 notice of withdrawal may be served ~~up to~~ ON THE SECRETARY OF
4 STATE OR HIS OR HER DULY AUTHORIZED AGENT AT ANY TIME ON OR
5 BEFORE 4 p.m., eastern standard time, on the next secular day.

6 Sec. 409l. (1) If a vacancy occurs in the office of judge
7 of the court of appeals, the governor shall appoint a successor
8 to fill the vacancy. Except as otherwise provided in section
9 ~~409b(6)~~ 409B(8), the person appointed by the governor shall be
10 considered an incumbent for purposes of this act. The person
11 appointed by the governor shall hold office until 12 noon of
12 January 1 following the next general November election at which a
13 successor is elected and qualified.

14 (2) Except as otherwise provided in section 409d(2), candi-
15 dates shall be nominated at the next fall primary held at least
16 ~~91~~ 105 days after the vacancy occurs, to fill the vacancy in
17 the manner provided in this chapter for the nomination of candi-
18 dates for judge of the court of appeals. The vacancy shall be
19 filled at the general November election next following the pri-
20 mary in the manner provided FOR in this chapter for the election
21 of judges of the court of appeals. The person elected shall hold
22 office for the remainder of the unexpired term.

23 Sec. 411. (1) A person shall not be eligible to the office
24 of judge of the circuit court unless the person is a REGISTERED
25 AND qualified elector of the judicial circuit in which election
26 is sought BY THE FILING DEADLINE OR THE DATE THE PERSON FILES THE
27 AFFIDAVIT OF CANDIDACY, as provided in section 11 of article ~~6~~

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

17

1 VI of the state constitution of 1963, is licensed to practice law
2 in this state, and, at the time of election, is less than 70
3 years of age.

4 (2) A person who has been convicted of a violation of sec-
5 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
6 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
7 MCL 38.412A, shall not be eligible for election or appointment to
8 the office of judge of the circuit court for a period of 20 years
9 after conviction.

10 Sec. 413. To obtain the printing of the name of a person as
11 a candidate for nomination for the office of judge of the circuit
12 court upon the official nonpartisan primary ballots, there shall
13 be filed with the secretary of state nominating petitions con-
14 taining the signatures, addresses, and dates of signing of a
15 number of qualified and registered electors residing in the judi-
16 cial circuit ~~, equal to not less than 1% or more than 2% of the~~
17 ~~total number of votes cast in that judicial district for secre-~~
18 ~~tary of state at the last general November election in which a~~
19 ~~secretary of state was elected~~ AS DETERMINED UNDER SECTION 544F
20 or by the filing of an affidavit according to section 413a. The
21 secretary of state shall receive the nominating petitions up to 4
22 p.m. of the ~~twelfth~~ FOURTEENTH Tuesday preceding the primary.
23 The provisions of sections 544a and 544b apply.

24 Sec. 413a. Any incumbent circuit court judge may become a
25 candidate in the primary election for the office of which he OR
26 SHE is an incumbent by filing with the secretary of state an

HB5060, As Passed House, November 9, 1999

Sub. H.B. 5060 (H-2) as amended November 9, 1999 18

1 affidavit of candidacy not less than ~~120~~ 134 days prior to the
2 date of the primary election. [HOWEVER, IF AN INCUMBENT JUDGE OF THE
CIRCUIT COURT WAS APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED
UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE
PRIMARY ELECTION BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE
PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF
CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF
OFFICE.]

3 The affidavit of candidacy shall contain statements that the
4 affiant is an incumbent circuit court judge for the circuit in
5 which election is sought, that he OR SHE is domiciled within the
6 circuit, AND that he OR SHE will not attain the age of 70 by the
7 date of election, and SHALL CONTAIN a declaration that he OR SHE
8 is a candidate for election to the office of circuit court
9 judge.

10 Sec. 414. After the filing of a nominating petition or
11 affidavit OF CANDIDACY by or in behalf of a proposed candidate
12 for the office of judge of the circuit court, ~~such~~ THE PROPOSED
13 candidate ~~shall~~ IS not ~~be~~ permitted to withdraw unless HE OR
14 SHE SERVES a written notice of withdrawal ~~is served~~ on the sec-
15 retary of state or his OR HER duly authorized agent. THE NOTICE
16 MUST BE SERVED not later than 3 days after the last day for
17 filing ~~such~~ NOMINATING petitions ~~, unless~~ IF A NOMINATING
18 PETITION WAS FILED FOR THE PROPOSED CANDIDATE, AND NOT LATER THAN
19 3 DAYS AFTER THE LAST DAY FOR FILING AFFIDAVITS OF CANDIDACY IF
20 AN AFFIDAVIT OF CANDIDACY WAS FILED FOR THE PROPOSED CANDIDATE.
21 IF the third day falls on a Saturday, Sunday, or legal holiday,
22 ~~in which case~~ the notice of withdrawal may be served on the
23 ~~clerk up to~~ SECRETARY OF STATE OR HIS OR HER DULY AUTHORIZED
24 AGENT AT ANY TIME ON OR BEFORE 4 p.m., eastern standard time, on
25 the next secular day.

26 Sec. 424. (1) If a vacancy occurs in the office of circuit
27 judge, the governor shall appoint a successor to fill the

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

19

1 vacancy. Except as otherwise provided in section 424a(3), the
2 person appointed by the governor shall be considered an incumbent
3 for purposes of this act. The person appointed by the governor
4 shall hold office until 12 noon of January 1 following the next
5 general November election at which a successor is elected and
6 qualified.

7 (2) Except as otherwise provided in section 415(2), at the
8 next fall primary election held at least ~~91~~ 105 days after the
9 vacancy occurs, candidates shall be nominated to fill the vacancy
10 in the manner provided in this chapter for the nomination of can-
11 didates for circuit judge. The vacancy shall be filled at the
12 general November election next following the primary in the
13 manner provided in this chapter for the election of circuit
14 judges. The person elected shall hold office for the remainder
15 of the unexpired term.

16 Sec. 424a. (1) In the primary and general election for 2 or
17 more judgeships of the circuit court, each of the following cate-
18 gories of candidates shall be listed separately on the ballot,
19 consistent with subsection (3):

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

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

24 (c) The names of candidates for a newly created judgeship or
25 judgeships.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

20

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

4 (a) An unspecified existing judgeship for which the incum-
5 bent judge is not seeking election.

6 (b) A new judgeship.

7 (c) An unspecified existing judgeship for which the incum-
8 bent judge is seeking election.

9 (3) If the death or disqualification of an incumbent judge
10 triggers the application of section 415(2), then for the purposes
11 of subsections (1) and (2), that judgeship shall be regarded as a
12 judgeship for which the incumbent judge is not seeking election.
13 The application of this subsection includes, but is not limited
14 to, circumstances in which the governor appoints an individual to
15 fill the vacancy and that individual seeks to qualify as a nomi-
16 nee under section 415(2).

17 (4) A person who files NOMINATING PETITIONS for election to
18 more than 1 circuit judgeship shall have not more than 3 days
19 following the close of filing to withdraw from all but 1 filing.

20 (5) IN A PRIMARY AND GENERAL ELECTION FOR 2 OR MORE JUDGE-
21 SHIPS WHERE MORE THAN 1 OF THE CATEGORIES IN SUBSECTION (2) COULD
22 BE SELECTED, A CANDIDATE SHALL APPLY TO THE BUREAU OF ELECTIONS
23 FOR A WRITTEN STATEMENT OF OFFICE DESIGNATION TO CORRESPOND TO
24 THE JUDGESHIP SOUGHT BY THE CANDIDATE. THE OFFICE DESIGNATION
25 PROVIDED BY THE SECRETARY OF STATE SHALL BE INCLUDED IN THE HEAD-
26 ING OF ALL NOMINATING PETITIONS. NOMINATING PETITIONS CONTAINING
27 AN IMPROPER OFFICE DESIGNATION ARE INVALID.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

21

1 (6) 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 NON-
6 INCUMBENT POSITION EXISTS. ALL NOMINATING PETITIONS CIRCULATED
7 FOR THE NONINCUMBENT POSITION SUBSEQUENT TO THE DEADLINE SHALL
8 BEAR AN OFFICE DESIGNATION OF NONINCUMBENT POSITION. ALL SIGNA-
9 TURES COLLECTED PRIOR TO THE AFFIDAVIT OF CANDIDACY FILING DEAD-
10 LINE MAY BE FILED WITH THE NONINCUMBENT NOMINATING PETITIONS.

11 Sec. 426b. (1) A person shall not be eligible to the office
12 of judge of a municipal court of record as described in section
13 426a unless the person is a REGISTERED AND qualified elector of
14 the municipality in which election is sought BY THE FILING DEAD-
15 LINE OR THE DATE THE PERSON FILES THE AFFIDAVIT OF CANDIDACY, is
16 licensed to practice law in this state, and, at the time of elec-
17 tion, is less than 70 years of age.

18 (2) A person who has been convicted of a violation of sec-
19 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
20 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
21 MCL 38.412A, shall not be eligible for election or appointment to
22 the office of judge of a municipal court of record as described
23 in section 426a for a period of 20 years after conviction.

24 Sec. 426d. (1) To obtain the printing of the name of a
25 person on the ballot as a candidate for the office of judge of
26 the municipal court of record, there shall be filed with the city
27 clerk nominating petitions containing the signatures, addresses,

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

22

1 and dates of signing of a number of qualified and registered
2 electors residing in that city ~~equal to not less than 1/2 of 1%~~
3 ~~or more than 2% of the votes cast in that municipality for secre-~~
4 ~~tary of state at the last general November election in which a~~
5 ~~secretary of state was elected~~ AS DETERMINED UNDER

6 SECTION 544F. The city clerk shall receive nominating petitions
7 up to 4 p.m. of the ~~twelfth~~ FOURTEENTH Tuesday preceding the
8 August primary. The provisions of sections 544a and 544b apply.

9 (2) An incumbent judge of the municipal court of record may
10 become a candidate in the primary election for the office of
11 which the judge is the incumbent by filing, with the city clerk,
12 an affidavit of candidacy not less than ~~120~~ 134 days before the
13 date of the primary election. The affidavit of candidacy shall
14 contain statements that the affiant is an incumbent judge of the
15 municipal court of record, is domiciled within the city, will not
16 attain the age of 70 by the date of election, and is a candidate
17 for election to the office of judge of the municipal court of
18 record.

19 (3) Nominating petitions filed under this section are valid
20 only if they clearly indicate for which of the following offices
21 the candidate is filing, consistent with section 426k(3):

22 (a) An unspecified existing judgeship for which the incum-
23 bent judge is seeking election.

24 (b) An unspecified existing judgeship for which the incum-
25 bent judge is not seeking election.

26 (c) A new judgeship.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

23

1 (4) A person who files NOMINATING PETITIONS for election to
2 more than 1 municipal court of record judgeship shall have not
3 more than 3 days following the close of filing to withdraw from
4 all but 1 filing.

5 (5) IN A PRIMARY AND GENERAL ELECTION FOR 2 OR MORE JUDGE-
6 SHIPS WHERE MORE THAN 1 OF THE CATEGORIES IN SUBSECTION (3) COULD
7 BE SELECTED, A CANDIDATE SHALL APPLY TO THE BUREAU OF ELECTIONS
8 FOR A WRITTEN STATEMENT OF OFFICE DESIGNATION TO CORRESPOND TO
9 THE JUDGESHIP SOUGHT BY THE CANDIDATE. THE OFFICE DESIGNATION
10 PROVIDED BY THE SECRETARY OF STATE SHALL BE INCLUDED IN THE HEAD-
11 ING OF ALL NOMINATING PETITIONS. NOMINATING PETITIONS CONTAINING
12 AN 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 NON-
18 INCUMBENT POSITION EXISTS. ALL NOMINATING PETITIONS CIRCULATED
19 FOR THE NONINCUMBENT POSITION SUBSEQUENT TO THE DEADLINE SHALL
20 BEAR AN OFFICE DESIGNATION OF NONINCUMBENT POSITION. ALL SIGNA-
21 TURES COLLECTED PRIOR TO THE AFFIDAVIT OF CANDIDACY FILING DEAD-
22 LINE MAY BE FILED WITH THE NONINCUMBENT NOMINATING PETITIONS.

23 Sec. 431. (1) A person shall not be eligible to the office
24 of judge of probate unless the person is a REGISTERED AND quali-
25 fied elector of the county in which election is sought BY THE
26 FILING DEADLINE OR THE DATE THE PERSON FILES THE AFFIDAVIT OF
27 CANDIDACY, as provided in section 16 of article ~~6~~ VI of the

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

24

1 state constitution of 1963, is licensed to practice law in this
2 state except as provided in section 7 of the schedule and tempo-
3 rary provisions of the state constitution of 1963, and, at the
4 time of election, is less than 70 years of age.

5 (2) A person who has been convicted of a violation of sec-
6 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
7 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
8 MCL 38.412A, shall not be eligible for election or appointment to
9 the office of judge of probate for a period of 20 years after
10 conviction.

11 Sec. 433. (1) To obtain the printing of the name of a
12 person as a candidate for nomination for the office of judge of
13 probate upon the official nonpartisan primary ballots, there
14 shall be filed with the county clerk of each county nominating
15 petitions containing the signatures, addresses, and dates of
16 signing of a number of qualified and registered electors residing
17 in the county ~~, equal to not less than 1% or more than 2% of the~~
18 ~~total number of votes cast in that county for secretary of state~~
19 ~~at the last general November election in which a secretary of~~
20 ~~state was elected~~ AS DETERMINED UNDER SECTION 544F or by the
21 filing of an affidavit according to section 433a. The county
22 clerk shall receive nominating petitions up to 4 p.m. on the
23 ~~twelfth~~ FOURTEENTH Tuesday preceding the August primary. The
24 provisions of sections 544a and 544b apply.

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

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

25

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

3 (b) An unspecified existing judgeship for which the incum-
4 bent judge is not seeking election.

5 (c) A new judgeship.

6 (3) A person who files NOMINATING PETITIONS for election to
7 more than 1 probate judgeship shall have not more than 3 days
8 following the close of filing to withdraw from all but 1 filing.

9 (4) IN A PRIMARY AND GENERAL ELECTION FOR 2 OR MORE JUDGE-
10 SHIPS WHERE MORE THAN 1 OF THE CATEGORIES IN SUBSECTION (2) COULD
11 BE SELECTED, A CANDIDATE SHALL APPLY TO THE BUREAU OF ELECTIONS
12 FOR A WRITTEN STATEMENT OF OFFICE DESIGNATION TO CORRESPOND TO
13 THE JUDGESHIP SOUGHT BY THE CANDIDATE. THE OFFICE DESIGNATION
14 PROVIDED BY THE SECRETARY OF STATE SHALL BE INCLUDED IN THE HEAD-
15 ING OF ALL NOMINATING PETITIONS. NOMINATING PETITIONS CONTAINING
16 AN IMPROPER OFFICE DESIGNATION ARE INVALID.

17 (5) THE SECRETARY OF STATE SHALL ISSUE AN OFFICE DESIGNATION
18 OF INCUMBENT POSITION FOR ANY JUDGESHIP FOR WHICH THE INCUMBENT
19 JUDGE IS ELIGIBLE TO SEEK REELECTION. IF AN INCUMBENT JUDGE DOES
20 NOT FILE AN AFFIDAVIT OF CANDIDACY BY THE DEADLINE, THE SECRETARY
21 OF STATE SHALL NOTIFY ALL CANDIDATES FOR THAT OFFICE THAT A NON-
22 INCUMBENT POSITION EXISTS. ALL NOMINATING PETITIONS CIRCULATED
23 FOR THE NONINCUMBENT POSITION SUBSEQUENT TO THE DEADLINE SHALL
24 BEAR AN OFFICE DESIGNATION OF NONINCUMBENT POSITION. ALL SIGNA-
25 TURES COLLECTED PRIOR TO THE AFFIDAVIT OF CANDIDACY FILING DEAD-
26 LINE MAY BE FILED WITH THE NONINCUMBENT NOMINATING PETITIONS.

HB5060, As Passed House, November 9, 1999

Sub. H.B. 5060 (H-2) as amended November 9, 1999 26

1 Sec. 433a. Any incumbent probate court judge may become a
2 candidate in the primary election for the office of which he OR
3 SHE is an incumbent by filing with the county clerk, or in case
4 of a probate district with the secretary of state, an affidavit
5 of candidacy not less than ~~120~~ 134 days prior to the date of
6 the primary election. [HOWEVER, IF AN INCUMBENT JUDGE OF PROBATE WAS
APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED UPON THE DUTIES OF
OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION
BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE PRIMARY ELECTION,
THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF CANDIDACY NOT MORE
THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF OFFICE.]

7 The affidavit of candidacy shall contain statements that the
8 affiant is an incumbent probate court judge of the county or dis-
9 trict of which election is sought, that he OR SHE is domiciled
10 within the county or district, AND that he OR SHE will not attain
11 the age of 70 years by the date of election, and SHALL CONTAIN a
12 declaration that he OR SHE is a candidate for election to the
13 office of probate court judge.

14 Sec. 434. After the filing of a nominating petition or
15 affidavit OF CANDIDACY by or in behalf of a proposed candidate
16 for the office of judge of probate, ~~such~~ THE PROPOSED candidate
17 ~~shall not be~~ IS NOT permitted to withdraw unless HE OR SHE
18 SERVES a written notice of withdrawal ~~is served~~ on the ~~county~~
19 ~~clerk or his~~ SECRETARY OF STATE OR HIS OR HER duly authorized
20 agent. THE NOTICE MUST BE SERVED not later than 3 days after the
21 last day for filing ~~such petition~~ NOMINATING PETITIONS IF A
22 NOMINATING PETITION WAS FILED FOR THE PROPOSED CANDIDATE, AND NOT
23 LATER THAN 3 DAYS AFTER THE LAST DAY FOR FILING AFFIDAVITS OF
24 CANDIDACY IF AN AFFIDAVIT OF CANDIDACY WAS FILED FOR THE PROPOSED
25 CANDIDATE. IF THE THIRD DAY FALLS ON A SATURDAY, SUNDAY, OR
26 LEGAL HOLIDAY, THE NOTICE OF WITHDRAWAL MAY BE SERVED ON THE
27 SECRETARY OF STATE OR HIS OR HER DULY AUTHORIZED AGENT AT ANY

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

27

1 TIME ON OR BEFORE 4 P.M., EASTERN STANDARD TIME, ON THE NEXT
2 SECULAR DAY.

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

10 (2) Except as otherwise provided in section 435(2), at the
11 next primary election held at least ~~91~~ 105 days after the
12 vacancy occurs, candidates shall be nominated to fill the vacancy
13 in the manner provided FOR in this chapter for the nomination of
14 candidates for judge of probate. The vacancies shall be filled
15 at the general November election next following the primary in
16 the manner provided FOR in this chapter for the election of
17 judges of probate. The person elected shall hold office for the
18 remainder of the unexpired term.

19 Sec. 467. (1) A person shall not be eligible for the office
20 of judge of the district court unless the person is a REGISTERED
21 AND qualified elector of the judicial district and election divi-
22 sion in which election is sought BY THE FILING DEADLINE OR THE
23 DATE THE PERSON FILES THE AFFIDAVIT OF CANDIDACY, is licensed to
24 practice law in this state, and, at the time of election or
25 appointment, is less than 70 years of age.

26 (2) A person who has been convicted of a violation of
27 section 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

28

1 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
2 MCL 38.412A, shall not be eligible for election or appointment to
3 the office of judge of the district court for a period of 20
4 years after conviction.

5 Sec. 467b. (1) To obtain the printing of the name of a
6 person as a candidate for nomination for the office of judge of
7 the district court upon the official nonpartisan primary ballots,
8 there shall be filed with the secretary of state nominating peti-
9 tions containing the signatures, addresses, and dates of signing
10 of a number of qualified and registered electors residing in the
11 judicial district or division ~~, equal to not less than 1/2 of 1%~~
12 ~~or more than 2% of the total number of votes cast in that judi-~~
13 ~~cial district or division for secretary of state at the last gen-~~
14 ~~eral November election in which a secretary of state was elected~~
15 AS DETERMINED UNDER SECTION 544F. An incumbent district court
16 judge may also become a candidate by the filing of an affidavit
17 in lieu of petitions according to section 467c. The secretary of
18 state shall receive nominating petitions up to 4 p.m. on the
19 ~~twelfth~~ FOURTEENTH Tuesday preceding the primary. The provi-
20 sions of sections 544a and 544b apply.

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

24 (a) An unspecified existing judgeship for which the incum-
25 bent judge is seeking election.

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

HB5060, As Passed House, November 9, 1999

Sub. H.B. 5060 (H-2) as amended November 9, 1999

29

1 (c) A new judgeship.

2 (3) A person who files NOMINATING PETITIONS for election to
3 more than 1 district judgeship shall have not more than 3 days
4 following the close of filing to withdraw from all but 1 filing.

5 (4) IN A PRIMARY AND GENERAL ELECTION FOR 2 OR MORE JUDGE-
6 SHIPS WHERE MORE THAN 1 OF THE CATEGORIES IN SUBSECTION (2) COULD
7 BE SELECTED, A CANDIDATE SHALL APPLY TO THE BUREAU OF ELECTIONS
8 FOR A WRITTEN STATEMENT OF OFFICE DESIGNATION TO CORRESPOND TO
9 THE JUDGESHIP SOUGHT BY THE CANDIDATE. THE OFFICE DESIGNATION
10 PROVIDED BY THE SECRETARY OF STATE SHALL BE INCLUDED IN THE HEAD-
11 ING OF ALL NOMINATING PETITIONS. NOMINATING PETITIONS CONTAINING
12 AN IMPROPER 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 NON-
18 INCUMBENT POSITION EXISTS. ALL NOMINATING PETITIONS CIRCULATED
19 FOR THE NONINCUMBENT POSITION SUBSEQUENT TO THE DEADLINE SHALL
20 BEAR AN OFFICE DESIGNATION OF NONINCUMBENT POSITION. ALL SIGNA-
21 TURES COLLECTED PRIOR TO THE AFFIDAVIT OF CANDIDACY FILING DEAD-
22 LINE MAY BE FILED WITH THE NONINCUMBENT NOMINATING PETITIONS.

23 Sec. 467c. (1) An incumbent district court judge may become
24 a candidate in the primary election for the office of which he or
25 she is an incumbent by filing with the secretary of state an
26 affidavit of candidacy in lieu of nominating petitions not less

27 than ~~120~~ 134 days prior to the date of the primary election.
[HOWEVER, IF AN INCUMBENT DISTRICT COURT JUDGE WAS APPOINTED TO FILL
A VACANCY AND THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN
137 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE
FOURTEENTH TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT
JUDGE MAY FILE THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER
ENTERING UPON THE DUTIES OF OFFICE.]

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

30

1 The affidavit of candidacy shall contain statements that the
2 affiant is an incumbent district court judge for the district or
3 election division in which election is sought, that he or she is
4 domiciled within the district or election division, and that he
5 or she will not attain the age of 70 by the date of election, and
6 a declaration that the affiant is a candidate for election to the
7 office of district court judge.

8 (2) There shall be printed upon the ballot under the name of
9 each incumbent district judge who is a candidate for nomination
10 or election to the same office the designation of that office.

11 (3) In the primary and general election for 2 or more judge-
12 ships of the district court, each of the following categories of
13 candidates shall be listed separately on the ballot, consistent
14 with subsection (4):

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

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

19 (c) The names of candidates for a newly created judgeship or
20 judgeships.

21 (4) If the death or disqualification of an incumbent judge
22 triggers the application of section 467e(2), then for the pur-
23 poses of subsection (3) and section 467b(2), that judgeship shall
24 be regarded as a judgeship for which the incumbent judge is not
25 seeking election. The application of this subsection includes,
26 but is not limited to, circumstances in which the governor

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

31

1 appoints an individual to fill the vacancy and that individual
2 seeks to qualify as a nominee under section 467e(2).

3 Sec. 467d. After the ~~filing of an affidavit of candidacy~~
4 ~~by or after the~~ filing of a nominating petition OR AFFIDAVIT OF
5 CANDIDACY by or ~~on~~ IN behalf of a proposed candidate for the
6 office of judge of the district court, the PROPOSED candidate
7 ~~shall not be~~ IS NOT permitted to withdraw unless HE OR SHE
8 SERVES a written notice of withdrawal ~~is served~~ on the secre-
9 tary of state or his OR HER duly authorized agent. THE NOTICE
10 MUST BE SERVED not later than ~~4 p.m. on the third day~~ 3 DAYS
11 after the last day for filing NOMINATING petitions ~~, unless~~ IF
12 A NOMINATING PETITION WAS FILED FOR THE PROPOSED CANDIDATE, AND
13 NOT LATER THAN 3 DAYS AFTER THE LAST DAY FOR FILING AFFIDAVITS OF
14 CANDIDACY IF AN AFFIDAVIT OF CANDIDACY WAS FILED FOR THE PROPOSED
15 CANDIDATE. IF the third day falls on a Saturday, Sunday, or
16 legal holiday, ~~in which case~~ the notice of withdrawal may be
17 served ~~up to~~ ON THE SECRETARY OF STATE OR HIS OR HER DULY
18 AUTHORIZED AGENT AT ANY TIME ON OR BEFORE 4 p.m., eastern stan-
19 dard time, on the next secular day.

20 Sec. 467m. (1) If a vacancy occurs in the office of dis-
21 trict judge, the governor shall appoint a successor to fill the
22 vacancy. Except as otherwise provided in section 467c(4), the
23 person appointed by the governor shall be considered an incumbent
24 for purposes of this act and shall hold office until 12 noon of
25 January 1 following the next general November election at which a
26 successor is elected and qualified.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

32

1 (2) Except as otherwise provided in section 467e(2),
2 candidates shall be nominated at the next fall primary held at
3 least ~~91~~ 105 days after the vacancy occurs, to fill the vacancy
4 in the manner provided FOR in this chapter for the nomination of
5 candidates for district court judge. The vacancy shall be filled
6 at the general November election next following the primary in
7 the manner provided FOR in this chapter for the election of dis-
8 trict court judges. The person elected shall hold office for the
9 remainder of the unexpired term.

10 Sec. 544d. Nominating petitions for the offices ~~of gover-~~
11 ~~nor, state representative, state senator, United States senator,~~
12 ~~United States representative, or judge of the court of appeals,~~
13 UNDER THIS ACT and petitions for a constitutional amendment, ini-
14 tiation of legislation, or referendum of legislation OR A LOCAL
15 PROPOSAL may be circulated ON A countywide FORM. Petitions cir-
16 culated countywide shall be on a form prescribed by the secretary
17 of state, which form shall be substantially as provided in sec-
18 tions 482, 544a, or 544c, whichever is applicable. The secretary
19 of state may provide for a petition form larger than 8-1/2 inches
20 by 13 inches and shall provide for identification of the city or
21 township in which the person signing the petition is registered.
22 The certificate of the circulator may be on the reverse side of
23 the petition. This section does not prohibit the circulation of
24 petitions on another form prescribed by this act.

25 SEC. 544F. THE NUMBER OF SIGNATURES OF QUALIFIED AND REGIS-
26 TERED ELECTORS NECESSARY FOR NOMINATING PETITIONS UNDER THIS ACT,

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

33

1 BASED UPON THE POPULATION OF THE DISTRICT INVOLVED ACCORDING TO
 2 THE MOST RECENT FEDERAL CENSUS, IS AS FOLLOWS:

3 4 5 6 7 8 9 10 11 12 13 14 15 16	QUALIFYING PETITION POPULATION	PARTISAN PETITION		NON PARTISAN PETITION			
		MIN	MAX	MIN	MAX	MIN	MAX
0 - 9,999		3	10	6	20	9	30
10,000 - 24,999		20	50	40	100	60	150
25,000 - 49,999		50	100	100	200	150	300
50,000 - 74,999		100	200	200	400	300	600
75,000 - 99,999 1,200		200	400	400	800	600	
100,000 - 199,999 1,500		300	500	600	1,000	900	
200,000 - 499,999 3,000		500	1,000	1,000	2,000	1,500	
500,000 - 999,999 6,000		1,000	2,000	2,000	4,000	3,000	
1,000,000 - 1,999,999 12,000		2,000	4,000	4,000	8,000	6,000	
2,000,000 - 4,999,999 24,000		4,000	8,000	6,200	12,000	12,000	
OVER 5 MILLION (STATEWIDE) 60,000		15,000	30,000	30,000	60,000	30,000	

17 Sec. 624. (1) A person holding a public office in this
 18 state or a municipal subdivision of this state may become a can-
 19 didate for delegate to the county or district conventions.

20 (2) A candidate for delegate to the county or district con-
 21 ventions of a political party shall be a qualified and registered
 22 elector residing within, as well as having his or her actual bona
 23 fide residence within, the election precinct for which he or she
 24 desires to become a candidate ON THE FILING DEADLINE. A candi-
 25 date shall file an affidavit of identity as prescribed in section
 26 558(1) with the county clerk of the county or the clerk of the
 27 city or township in which the candidate resides. A clerk shall
 28 receive affidavits of identity under this section up to 4 p.m. on

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

34

1 the ~~twelfth~~ SIXTEENTH Tuesday preceding the time designated for
2 holding a primary election in the county. Within 4 days after
3 the last day for filing affidavits of identity under this sec-
4 tion, the city or township clerk shall forward to the county
5 clerk the affidavit of identity of each candidate who has quali-
6 fied for a position on the primary ballot. All duly elected and
7 certified delegates shall be seated at the county or district
8 county conventions. A person violating this section is guilty of
9 a misdemeanor.

10 (3) If a written complaint is made to the county clerk with
11 respect to the registration or bona fide residence, or both, of a
12 candidate, the county clerk shall check with the township or city
13 clerk of the township or city in which the candidate is regis-
14 tered or residing, or both. The township or city clerk shall
15 report back to the county clerk within 48 hours as to the regis-
16 tration or bona fide residence, or both, of the candidate. If
17 the township or city clerk's report shows that the candidate is
18 not a registered elector or a bona fide resident of the election
19 precinct of the township or city for which the petition shows the
20 candidate is a resident, the county clerk shall remove the name
21 of the candidate from the ballot. A complaint received by the
22 county clerk after the ballots have been released for printing
23 and before the primary election shall not be acted upon.

24 Sec. 644f. (1) Except as provided in section 644e, nominat-
25 ing petitions for offices to be filled at the odd year general
26 election shall be filed by 4 p.m. on the twelfth Tuesday prior to
27 the odd year primary election. The place of filing and the

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

35

1 number of signatures shall be the same as is now required by law
2 for such offices.

3 (2) If ~~no~~ A nonpartisan petition requirement is NOT con-
4 tained in law or charter, the minimum number of signatures shall
5 be ~~1/2 of 1% of the vote for secretary of state in the election~~
6 ~~district at the last election at which a secretary of state was~~
7 ~~elected, but in no case less than 10 signatures~~ THE AMOUNT AS
8 PROVIDED FOR IN SECTION 544F.

9 (3) If, upon the expiration of the time for filing nonparti-
10 san petitions, not more than twice the number of candidates as
11 there are persons to be elected to that office have filed, the
12 primary for that office shall not be held and those persons
13 filing valid petitions shall be declared the nominees for the
14 offices, unless a city charter provides otherwise for city
15 offices.

16 Sec. 667. (1) At any federal, state, district, or county
17 primary or election, the various boards of county election com-
18 missioners shall furnish, at the expense of their respective
19 counties, ALL OF the following:

20 (a) The several boards of election commissioners shall fur-
21 nish suitable forms for use by the precinct inspectors of elec-
22 tion in making returns of any such primary or election to the
23 boards of county canvassers. The names of all qualified candi-
24 dates shall be printed ~~thereon~~ ON THOSE FORMS in their proper
25 office divisions and after each name ~~there~~ shall be provided
26 spaces in which to write the number of votes received by that
27 particular candidate in any given precinct in words and figures.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

37

1 the (city, ward, township, or village) of, State of
 2 Michigan, on the day of, in the year ~~19~~
 3 20...., have been securely tied in packages or rolls and sealed
 4 in such manner as to render it impossible to open such packages
 5 or rolls or remove any of the contents thereof without breaking
 6 the said seals; that there was endorsed on each of said packages
 7 or rolls a statement showing the number and kind of ballots
 8 included in each such package or roll; that all of said packages
 9 or rolls, so endorsed, together with ~~one~~ 1 tally sheet, were
 10 placed in the proper ballot box or boxes; that the slots in the
 11 ballot boxes were closed, that the ballot boxes were securely
 12 sealed with the official metal seals furnished for that purpose;
 13 that such seals were affixed in such manner as to render it
 14 impossible to open such ballot boxes without breaking such
 15 seals.

16 IN WITNESS WHEREOF, We have hereunto set our hands this
 17 day of, A.D., ~~19~~ 20.... .

18
 19
 20

21 Members of the Board of Election Inspectors

22 (b) The several county boards of election commissioners
 23 shall, at the expense of their respective counties, furnish suit-
 24 able tally sheets or combined tally and return sheets to be used
 25 by the inspectors of election in counting the votes for all can-
 26 didates and for amendments or propositions submitted on ballots
 27 prepared by ~~said~~ THE commissioners and shall deliver ~~the same~~

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

38

1 THEM to the inspectors of election, as provided in this act in
2 the case of ballots. ~~—~~

3 (c) The various boards of county election commissioners
4 shall furnish self-addressed substantial paper envelopes with
5 gummed flaps to be used by the various boards of precinct elec-
6 tion inspectors for sealing the statements of returns, the tally
7 books or combined tally and return sheets, poll lists, and a cer-
8 tificate of election inspectors. ~~—~~

9 (d) The several boards of county election commissioners
10 shall furnish a sufficient number of substantial paper wrappers
11 for use in wrapping the packages or rolls of each kind of ballots
12 cast at any state or county primary or election. ~~Such~~ THE
13 wrappers shall have printed ~~thereon~~ ON THEM a form for record-
14 ing the date of the election, the city, ward or township, and
15 precinct, the number and kind of ballots contained in such pack-
16 age or roll, and a statement to be signed by the ~~chairman~~
17 CHAIRPERSON certifying that ~~such~~ THE ballots have been wrapped,
18 tied, and sealed in the required manner. The board of election
19 commissioners of any city or township may supply a bag type con-
20 tainer to be used in lieu of the paper wrappers. The minimum
21 specifications of ~~such~~ THE bag type containers shall be estab-
22 lished by the secretary of state. If ~~such~~ THE bag type con-
23 tainers are to be used in any city or township, the clerk
24 ~~thereof~~ OF THE TOWNSHIP shall notify the county clerk and,
25 ~~thereafter~~ AFTER NOTIFICATION, paper wrappers shall not be fur-
26 nished to ~~such~~ THAT city or township. Each specific type of
27 bag type container shall be approved by the secretary of state

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

39

1 before being used. ~~Such~~ THE bag shall have securely attached
2 ~~thereto~~ TO IT a tag ~~on~~ UPON which can be written the same
3 information as is required to be placed on the paper wrappers and
4 ~~such~~ THE bag shall contain a device ~~whereby~~ ENABLING it ~~can~~
5 TO be sealed with a metal seal. ~~Hereafter any~~ ANY references
6 in law to the wrapping and sealing of paper ballots by precinct
7 inspectors ~~shall be deemed~~ ARE CONSIDERED to include placing of
8 ballots in bag type containers and sealing of ~~such~~ THE bags in
9 precincts using bag type containers in lieu of paper wrappers. ~~+~~
10 and

11 (e) The board of election commissioners of each county shall
12 provide, at the expense of the county, for each state, district,
13 or county election in ~~said~~ THAT county, as many black or blue
14 lead pencils as may be necessary to supply each election precinct
15 with at least 3 of ~~such~~ THOSE pencils for each booth erected in
16 ~~such~~ THAT precinct. The pencils provided for each precinct
17 shall be enclosed with the official ballots when delivered to the
18 city or township clerk as by law provided. The inspectors of
19 election shall attach ~~such~~ THE pencils with strings, or in
20 other suitable manner, to the shelf of the booth. The board of
21 election commissioners of each county shall issue a warrant in
22 payment for ~~said~~ THOSE pencils ~~, and said warrant shall be~~
23 ~~paid~~ FOR PAYMENT by the county treasurer out of the general fund
24 of the county.

25 (2) THE SECRETARY OF STATE SHALL DIRECT THE COUNTY, CITY,
26 AND TOWNSHIP CLERKS WITHIN EACH COUNTY TO SELECT A SINGLE
27 PREFERRED VOTING SYSTEM FOR EACH COUNTY. THE COUNTY CLERKS SHALL

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

41

1 (a) Provide for voting in secrecy, except in the case of
2 voters who receive assistance as provided by this act.

3 (b) Permit each elector to vote at an election for all per-
4 sons and offices for whom and for which the elector is lawfully
5 entitled to vote; to vote for as many persons for an office as
6 the elector is entitled to vote for; and to vote for or against
7 any question upon which the elector is entitled to vote. Except
8 as otherwise provided in this subdivision, the electronic tabu-
9 lating equipment shall reject all choices recorded on the
10 elector's ballot for an office or a question if the number of
11 choices exceeds the number that the elector is entitled to vote
12 for on that office or question. Electronic tabulating equipment
13 that can detect and inform an elector voting in person that the
14 choices recorded on the elector's ballot for an office or a ques-
15 tion exceeds the number that the elector is entitled to vote for
16 on that office or question shall offer the elector an opportunity
17 to correct the error before rejecting the choices recorded on the
18 elector's ballot.

19 (c) Permit an elector, at a presidential election, by a
20 single selection to vote for the candidates of a party for presi-
21 dent, vice-president, and presidential electors.

22 (d) Permit an elector at other than a primary election to
23 vote for all of the candidates of a political party by a single
24 selection or to vote a split or mixed ticket.

25 (e) Permit an elector in a primary election to vote for the
26 candidates in the party primary of the elector's choice. Except
27 as otherwise provided in this subdivision, the electronic

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

42

1 tabulating equipment shall reject each ballot on which votes are
2 cast for candidates of more than 1 political party. Electronic
3 tabulating equipment that can detect and inform an elector voting
4 in person that the elector has voted for candidates of more than
5 1 political party shall offer the elector an opportunity to cor-
6 rect the error before rejecting the elector's ballot.

7 (f) Prevent an elector from voting for the same person more
8 than once for the same office.

9 (g) Be suitably designed for the purpose used; be durably
10 constructed; and be designed to provide for safety, accuracy, and
11 efficiency.

12 (h) Beginning June 18, 1990, be designed to accommodate the
13 needs of an elderly voter or a person with 1 or more
14 disabilities.

15 (i) Record correctly and count accurately each vote properly
16 cast.

17 (j) Provide an audit trail.

18 (k) Provide an acceptable method for an elector to vote for
19 a person whose name does not appear on the ballot.

20 (l) ALLOW FOR ACCUMULATION OF VOTE TOTALS FROM THE PRECINCTS
21 IN THE JURISDICTION. THE ACCUMULATION SOFTWARE MUST MEET SPECI-
22 FICATIONS PRESCRIBED BY THE SECRETARY OF STATE AND MUST BE CERTI-
23 FIED BY THE SECRETARY OF STATE AS MEETING THESE SPECIFICATIONS.

24 (2) Electronic tabulating equipment that counts votes at the
25 precinct before the close of the polls shall provide a method for
26 rendering the equipment inoperable if vote totals are revealed
27 before the close of the polls.

HB5060, As Passed House, November 9, 1999

House Bill No. 5060

43

1 Enacting section 1. Section 222 of the Michigan election
2 law, 1954 PA 116, MCL 168.222, is repealed.