

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5060

(As passed the House, November 9, 1999)

A bill to amend 1954 PA 116, entitled

"An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," 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, 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, 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

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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.

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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

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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.

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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

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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

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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

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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.

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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

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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

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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.

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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%~~

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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

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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  
19 JUDGE OF THE COURT OF APPEALS WAS APPOINTED TO FILL A VACANCY AND  
20 THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS  
21 BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE FOURTEENTH  
22 TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE  
23 THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON  
24 THE DUTIES OF OFFICE. The affidavit of candi-  
25 dacy shall contain statements that the affiant is an incumbent  
26 judge of the court of appeals, is domiciled within the district,  
will not attain the age of 70 by the date of election, and is a  
candidate for election to the office of judge of the court of  
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

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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

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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~~

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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

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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  
3 CIRCUIT COURT WAS APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED  
4 UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE  
5 PRIMARY ELECTION BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE  
6 PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF  
7 CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF  
8 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

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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.

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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.

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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,

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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.

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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

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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):

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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.

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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

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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~~

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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.

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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.

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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

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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.

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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,

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

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

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

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1 the twelfth 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

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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, — 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 — 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.~~

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1 ~~Said~~ ~~prescribed forms shall also have printed thereon~~  
2 ~~the title or caption or other designation identifying any~~  
3 ~~amendment or question to be voted on, together with spaces simi-~~  
4 ~~lar to those provided after the names of candidates for recording~~  
5 ~~the affirmative and negative votes cast for each such amendment~~  
6 ~~or question.~~ ~~Said~~ ~~statement of returns form shall also~~  
7 ~~contain a certificate to be subscribed by each member of the pre-~~  
8 ~~cinct election board in the following form:~~

9

10                   STATE OF MICHIGAN \_\_\_\_\_ )  
11 \_\_\_\_\_ ) ss  
12 \_\_\_\_\_ County of..... )  
  
13 \_\_\_\_\_ Ward (or township) ..... Precinct  
  
14 \_\_\_\_\_

15 \_\_\_\_\_  
16 \_\_\_\_\_

17                   ~~That the foregoing is a correct state-~~  
18 ~~ment of returns of the votes cast in the precinct indicated~~  
19 ~~above, at the (primary or election) held on ....., the~~  
20 ~~..... day of ....., 19 20...., for the several~~  
21 ~~candidates and for the (amendments or propositions) herein~~  
22 ~~shown.~~

23                   ~~That all ballots cast at the~~  
24 ~~(primary or election) held in the above designated precinct of~~

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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 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 ~~..... 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 commissioners and shall deliver the same~~

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1 ~~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 —~~  
13 ~~wrappers shall have printed thereon — 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 ~~certifying that such — 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 — bag type containers shall be estab-~~  
22 ~~lished by the secretary of state. If such — bag type con-~~  
23 ~~tainers are to be used in any city or township, the clerk~~  
24 ~~thereof — shall notify the county clerk and,~~  
25 ~~thereafter — paper wrappers shall not be fur-~~  
26 ~~nished to such — city or township. Each specific type of~~  
27 ~~bag type container shall be approved by the secretary of state~~

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1 ~~before being used. Such bag shall have securely attached~~  
2 ~~thereto a tag on which can be written the same~~  
3 ~~information as is required to be placed on the paper wrappers and~~  
4 ~~such bag shall contain a device whereby it can~~  
5 ~~be sealed with a metal seal. Hereafter any references~~  
6 ~~in law to the wrapping and sealing of paper ballots by precinct~~  
7 ~~inspectors shall be deemed to include placing of~~  
8 ~~ballots in bag type containers and sealing of such 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 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 pencils for each booth erected in~~  
16 ~~such 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 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 pencils, and said warrant shall be~~  
23 ~~paid by the county treasurer out of the general fund~~  
24 ~~of the county.~~

25 ~~\_\_\_\_\_~~  
26 ~~\_\_\_\_\_~~  
27 ~~\_\_\_\_\_~~

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24       Sec. 795. (1) An electronic voting system acquired or used  
25 pursuant to sections 794 to 799a shall meet all of the following  
26 requirements:

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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

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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.

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