

SENATE BILL No. 24

January 27, 2009, Introduced by Senator STAMAS and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 426d (MCL 168.426d), as amended by 1999 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 426d. (1) To obtain the printing of the name of a person
2 on the ballot as a candidate for the office of judge of the
3 municipal court of record, there shall be filed with the city clerk
4 nominating petitions containing the signatures, addresses, and
5 dates of signing of a number of qualified and registered electors
6 residing in that city as determined under section 544f. The city
7 clerk shall receive nominating petitions up to 4 p.m. of the
8 fourteenth Tuesday ~~preceding~~ **BEFORE** the August primary. The
9 provisions of sections 544a and 544b apply.

1 (2) An incumbent judge of the municipal court of record may
2 become a candidate in the primary election for the office of which
3 the judge is the incumbent by filing, with the city clerk, an
4 affidavit of candidacy not less than 134 days before the date of
5 the primary election. The affidavit of candidacy shall contain
6 statements that the affiant is an incumbent judge of the municipal
7 court of record, is domiciled within the city, will not attain the
8 age of 70 by the date of election, and is a candidate for election
9 to the office of judge of the municipal court of record.

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

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

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

17 (c) A new judgeship.

18 (4) A person who files nominating petitions for election to
19 more than 1 municipal court of record judgeship shall have not more
20 than 3 days following the close of filing to withdraw from all but
21 1 filing.

22 (5) In a primary and general election for 2 or more judgeships
23 where more than 1 of the categories in subsection (3) could be
24 selected, a candidate shall apply to the bureau of elections for a
25 written statement of office designation to correspond to the
26 judgeship sought by the candidate. The office designation provided
27 by the secretary of state shall be included in the heading of all

1 nominating petitions. Nominating petitions containing an improper
2 office designation are invalid.

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

14 (7) IF A CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUDGE OF
15 THE MUNICIPAL COURT OF RECORD RECEIVES INCORRECT OR INACCURATE
16 INFORMATION FROM THE SECRETARY OF STATE, THE BUREAU OF ELECTIONS,
17 OR A LOCAL ELECTION OFFICIAL CONCERNING THE NUMBER OF NOMINATING
18 PETITION SIGNATURES REQUIRED UNDER SECTION 544F, THE CANDIDATE MAY
19 BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR EQUITABLE
20 RELIEF. A COURT MAY GRANT EQUITABLE RELIEF TO A CANDIDATE UNDER
21 THIS SUBSECTION IF ALL OF THE FOLLOWING OCCUR:

22 (A) THE NUMBER OF VALID NOMINATING PETITION SIGNATURES
23 SUBMITTED BY THE CANDIDATE BEFORE THE FILING DEADLINE UNDER
24 SUBSECTION (1) IS WITHIN 20% OF THE MINIMUM NUMBER OF NOMINATING
25 PETITION SIGNATURES ACTUALLY REQUIRED UNDER SECTION 544F.

26 (B) THE CANDIDATE FILES AN AFFIDAVIT CERTIFYING THAT HE OR SHE
27 CONTACTED AND RECEIVED FROM THE SECRETARY OF STATE, THE BUREAU OF

1 ELECTIONS, OR A LOCAL ELECTION OFFICIAL INCORRECT OR INACCURATE
2 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
3 REQUIRED UNDER SECTION 544F.

4 (8) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER
5 SUBSECTION (7), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO
6 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE
7 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION
8 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE CITY
9 CLERK NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY AFTER THE DATE
10 OF THE COURT ORDER GRANTING EQUITABLE RELIEF.