

SENATE BILL No. 1299

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

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 395 (MCL 168.395).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 395. ~~Whenever a candidate of a political party, after~~
2 ~~having been nominated to the office of justice of the supreme court~~
3 ~~or having filed an affidavit according to section 392a, shall die,~~
4 ~~withdraw, remove from the state, or become disqualified for any~~
5 ~~reason, the state central committee of any party which is thereby~~
6 ~~left without a candidate nominated or indorsed by that party shall~~
7 ~~meet forthwith and, by a majority vote of the members thereof,~~
8 ~~shall select a candidate to fill the vacancy thereby caused. The~~
9 ~~name of the candidate so selected shall be immediately certified by~~

~~the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots, and said board shall cause to be printed or placed upon said ballots, in the proper place, the name of the candidate so selected to fill the vacancy.~~

(1) THE CANDIDATES FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT RECEIVING THE LARGEST NUMBER OF VOTES AT ANY PRIMARY ELECTION, TO A NUMBER EQUAL TO TWICE THE NUMBER OF PERSONS TO BE ELECTED AS SET FORTH IN THE REPORT OF THE BOARD OF STATE CANVASSERS, BASED ON THE RETURNS FROM THE VARIOUS COUNTY BOARDS OF CANVASSERS AND ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF STATE CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE DECLARED THE NOMINEES FOR THE OFFICE AT THE NEXT GENERAL ELECTION. THE BOARD OF STATE CANVASSERS SHALL CERTIFY THE NOMINATION TO THE COUNTY ELECTION COMMISSIONS.

(2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS UNDER SECTION 392, THERE ARE FEWER CANDIDATES FOR NOMINATION OR NOMINEES FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT THAN THERE ARE PERSONS TO BE ELECTED AT THE GENERAL NOVEMBER ELECTION BECAUSE OF THE DEATH OR DISQUALIFICATION OF A CANDIDATE MORE THAN 65 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A PERSON, WHETHER OR NOT AN INCUMBENT, MAY QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE GENERAL NOVEMBER ELECTION BY FILING NOMINATING PETITIONS AS REQUIRED BY SECTION 392. HOWEVER, THE FILING SHALL BE MADE BEFORE 4 P.M. ON THE TWENTY-FIRST DAY FOLLOWING THE DEATH OR DISQUALIFICATION OF THE CANDIDATE OR 4 P.M. ON THE SIXTIETH DAY

1 PRECEDING THE GENERAL NOVEMBER ELECTION, WHICHEVER IS EARLIER, AND
2 THE MINIMUM NUMBER OF SIGNATURES REQUIRED IS 1/2 THE MINIMUM NUMBER
3 REQUIRED UNDER SECTION 392.

4 (3) THE SECRETARY OF STATE SHALL CERTIFY THE NOMINATION OF
5 EACH PERSON WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO THE
6 BOARD OF ELECTION COMMISSIONERS SPECIFIED BY SECTION 687 FOR THE
7 GENERAL NOVEMBER ELECTION.

8 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), A JUSTICE
9 OR JUSTICES OF THE SUPREME COURT SHALL BE ELECTED AT THE GENERAL
10 ELECTION IN WHICH JUSTICES OF THE SUPREME COURT ARE TO BE ELECTED
11 AS PROVIDED BY LAW.

12 (5) IF THERE ARE FEWER NOMINEES FOR THE OFFICE OF JUSTICE OF
13 THE SUPREME COURT THAN THERE ARE PERSONS TO BE ELECTED AT THE
14 GENERAL NOVEMBER ELECTION BECAUSE OF THE DEATH OR DISQUALIFICATION
15 OF A NOMINEE LESS THAN 66 DAYS BEFORE THE GENERAL NOVEMBER
16 ELECTION, THEN A PERSON SHALL NOT BE ELECTED AT THAT GENERAL
17 NOVEMBER ELECTION TO ANY OFFICE OF JUSTICE OF THE SUPREME COURT FOR
18 WHICH THERE IS NO NOMINEE.

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

22 (a) Senate Bill No. 1296.

23
24 (b) Senate Bill No. 1297.

25
26 (c) Senate Bill No. 1298.

1 (d) Senate Bill No. 1300.

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