



# HOUSE BILL No. 5018

September 12, 1995, Introduced by Rep. Law and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 426b, 426c, 426d, and 426e of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," section 426b as amended by Act No. 505 of the Public Acts of 1982 and section 426d as amended by Act No. 32 of the Public Acts of 1990, being sections 168.426b, 168.426c, 168.426d, and 168.426e of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 426b, 426c, 426d, and 426e of Act  
2 No. 116 of the Public Acts of 1954, section 426b as amended by  
3 Act No. 505 of the Public Acts of 1982 and section 426d as  
4 amended by Act No. 32 of the Public Acts of 1990, being  
5 sections 168.426b, 168.426c, 168.426d, and 168.426e of the  
6 Michigan Compiled Laws, are amended to read as follows:

1       Sec. 426b. A person ~~shall~~ IS not ~~be~~ eligible FOR  
2 ELECTION to the office of judge of a municipal court of record as  
3 described in section 426a unless the person is a qualified elec-  
4 tor of the COUNTY CONTAINING THE municipality in which election  
5 is sought, is licensed to practice law in this state, and, at the  
6 time of election, is less than 70 years of age. A person who has  
7 been convicted of a violation of section 12a(1) of Act No. 370 of  
8 the Public Acts of 1941, being section 38.412a of the Michigan  
9 Compiled Laws, ~~shall~~ IS not ~~be~~ eligible for election or  
10 appointment to the office of judge of a municipal court of record  
11 as described in section 426a for a period of 20 years after  
12 conviction.

13       Sec. 426c. (1) A general nonpartisan primary election shall  
14 be held in every COUNTY CONTAINING A municipality described in  
15 section 426a, on the Tuesday succeeding the first Monday in  
16 August preceding any general November election, at which judges  
17 of ~~the~~ THOSE municipal courts of record ~~therein are to~~ SHALL  
18 be elected. ~~, at which time the~~ THE qualified and registered  
19 voters OF THAT COUNTY may vote AT THAT ELECTION for nonpartisan  
20 candidates for the office of judge of such municipal court of  
21 record.

22       (2) If, upon the expiration of the time for filing petitions  
23 ~~—~~ for the primary election of the municipal judge or judges in  
24 any municipality, there are not ~~to exceed~~ MORE THAN twice the  
25 number of candidates than persons to be elected, ~~then~~ the city  
26 clerk shall certify through the city board of canvassers the  
27 names of the candidates for judge of the municipal court of

1 record whose petitions have been properly filed, ~~who~~ AND THOSE  
2 CANDIDATES shall be CERTIFIED AS the nominees for judges of the  
3 municipal court of record. ~~and shall be so certified,~~ IF THE  
4 CITY CLERK MAKES THE CERTIFICATION DESCRIBED IN THIS SUBSECTION,  
5 there shall be no primary election ~~,~~ for ~~this~~ THAT office,  
6 and ~~it~~ THE PRIMARY ELECTION FOR THAT OFFICE shall be omitted  
7 from the official primary ballot.

8       Sec. 426d. (1) To obtain the printing of the name of a  
9 person on the ballot as a candidate for the office of judge of  
10 the municipal court of record AS DESCRIBED IN SECTION 426A, there  
11 shall be filed with the city clerk nominating petitions contain-  
12 ing the signatures, addresses, and dates of signing of a number  
13 of qualified and registered electors residing in that city equal  
14 to not less than 1/2 of 1% or more than 2% of the votes cast in  
15 THE COUNTY CONTAINING that municipality for secretary of state at  
16 the last general November election in which a secretary of state  
17 was elected. The city clerk shall receive nominating petitions  
18 up to 4 p.m. of the twelfth Tuesday preceding the August  
19 primary. The provisions of sections 544a and 544b apply.

20       (2) An incumbent judge of the municipal court of record may  
21 become a candidate in the primary election for the office of  
22 which the judge is the incumbent by filing, with the city clerk,  
23 an affidavit of candidacy not less than 120 days before the date  
24 of the primary election. The affidavit of candidacy shall con-  
25 tain statements that the affiant is an incumbent judge of the  
26 municipal court of record, is domiciled within the COUNTY  
27 CONTAINING THAT city, will not attain the age of 70 by the date

1 of election, and is a candidate for election to the office of  
2 judge of the municipal court of record.

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

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

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

10 (c) A new judgeship.

11 (4) A person who files for election to more than 1 municipal  
12 court of record judgeship shall have not more than 3 days follow-  
13 ing the close of filing to withdraw from all but 1 filing.

14 Sec. 426e. Any candidate for judge of a municipal court of  
15 record AS DESCRIBED IN SECTION 426A shall file an affidavit which  
16 contains statements that the affiant is domiciled within the  
17 COUNTY CONTAINING THE municipality; and that he OR SHE will not  
18 attain the age of 70 years by the date of election, and that he  
19 OR SHE is a candidate for the office of municipal judge.