

# HOUSE BILL No. 5488

January 22, 1998, Introduced by Reps. Hammerstrom, Raczkowski, Bobier, Crissman, Brackenridge, London and Perricone and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 322, 349, 413, 426d, 433, and 467b (MCL  
168.322, 168.349, 168.413, 168.426d, 168.433, and 168.467b), as  
amended by 1996 PA 583.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 322. (1) To obtain the printing of the name of a can-  
2 didate of a political party for a city office, including a ward  
3 office, under the particular party heading on the official pri-  
4 mary election ballots for use in the city, there shall be filed  
5 with the city clerk of the city not later than 4 p.m. on the  
6 twelfth Tuesday preceding the August primary, or not later than 4  
7 p.m. on the seventh Monday preceding the primary election  
8 provided to be held on the third Monday in February, nominating  
9 petitions signed by a number of qualified and registered electors

1 of the political party who reside in the city or ward, equal to  
2 not less than 1% or more than 2% of the number of votes that the  
3 political party cast in the city or ward for secretary of state  
4 at the last general November election in which a secretary of  
5 state was elected. This section does not apply to a city the  
6 charter of which provides for a different method of nominating  
7 candidates for public office. The form of the petition shall be  
8 as provided in section 544c.

9 (2) IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE  
10 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE CITY CLERK.  
11 PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE  
12 PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN THE CASE OF  
13 NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN THE GENERAL  
14 FUND OF THE CITY.

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

1           (2) IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE  
2 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE TOWNSHIP  
3 CLERK. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE  
4 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN  
5 THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN  
6 THE GENERAL FUND OF THE TOWNSHIP.

7           (3) ~~-(2)-~~ Within 4 days after the last day for filing nomi-  
8 nating petitions, the township clerk shall deliver to the county  
9 clerk a list setting forth the name, address, and political  
10 affiliation and office sought of each candidate who has qualified  
11 for a position on the primary ballot.

12           Sec. 413. (1) To obtain the printing of the name of a  
13 person as a candidate for nomination for the office of judge of  
14 the circuit court upon the official nonpartisan primary ballots,  
15 there shall be filed with the secretary of state nominating peti-  
16 tions containing the signatures, addresses, and dates of signing  
17 of a number of qualified and registered electors residing in the  
18 judicial circuit, equal to not less than 1% or more than 2% of  
19 the total number of votes cast in that judicial district for sec-  
20 retary of state at the last general November election in which a  
21 secretary of state was elected or by the filing of an affidavit  
22 according to section 413a. The secretary of state shall receive  
23 the nominating petitions up to 4 p.m. of the twelfth Tuesday pre-  
24 ceding the primary. The provisions of sections 544a and 544b  
25 apply.

26           (2) IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE  
27 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE SECRETARY OF

1 STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE  
2 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN  
3 THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN  
4 THE GENERAL FUND OF THIS STATE.

5 Sec. 426d. (1) To obtain the printing of the name of a  
6 person on the ballot as a candidate for the office of judge of  
7 the municipal court of record, there shall be filed with the city  
8 clerk nominating petitions containing the signatures, addresses,  
9 and dates of signing of a number of qualified and registered  
10 electors residing in that city equal to not less than 1/2 of 1%  
11 or more than 2% of the votes cast in that municipality for secre-  
12 tary of state at the last general November election in which a  
13 secretary of state was elected. The city clerk shall receive  
14 nominating petitions up to 4 p.m. of the twelfth Tuesday preced-  
15 ing the August primary. The provisions of sections 544a and 544b  
16 apply. IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE  
17 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE CITY CLERK.  
18 PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE  
19 PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN THE CASE OF  
20 NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN THE GENERAL  
21 FUND OF THE CITY.

22 (2) An incumbent judge of the municipal court of record may  
23 become a candidate in the primary election for the office of  
24 which the judge is the incumbent by filing, with the city clerk,  
25 an affidavit of candidacy not less than 120 days before the date  
26 of the primary election. The affidavit of candidacy shall  
27 contain statements that the affiant is an incumbent judge of the

1 municipal court of record, is domiciled within the city, will not  
2 attain the age of 70 by the date of election, and is a candidate  
3 for election to the office of judge of the municipal court of  
4 record.

5 (3) Nominating petitions OR FEES filed under this section  
6 are valid only if they clearly indicate for which of the follow-  
7 ing offices the candidate is filing, consistent with section  
8 426k(3):

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

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

13 (c) A new judgeship.

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

17 Sec. 433. (1) To obtain the printing of the name of a  
18 person as a candidate for nomination for the office of judge of  
19 probate upon the official nonpartisan primary ballots, there  
20 shall be filed with the county clerk of each county nominating  
21 petitions containing the signatures, addresses, and dates of  
22 signing of a number of qualified and registered electors residing  
23 in the county, equal to not less than 1% or more than 2% of the  
24 total number of votes cast in that county for secretary of state  
25 at the last general November election in which a secretary of  
26 state was elected or by the filing of an affidavit according to  
27 section 433a. The county clerk shall receive nominating

1 petitions up to 4 p.m. on the twelfth Tuesday preceding the  
2 August primary. The provisions of sections 544a and 544b apply.  
3 IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE MAY PAY A  
4 NONREFUNDABLE FILING FEE OF \$100.00 TO THE COUNTY CLERK. PAYMENT  
5 OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE PAYING  
6 THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN THE CASE OF NOMI-  
7 NATING PETITIONS. THE FEE SHALL BE DEPOSITED IN THE GENERAL FUND  
8 OF THE COUNTY.

9 (2) Nominating petitions OR FEES filed under this section  
10 are valid only if they clearly indicate for which of the follow-  
11 ing offices the candidate is filing, consistent with section  
12 435a(2):

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

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

17 (c) A new judgeship.

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

21 Sec. 467b. (1) To obtain the printing of the name of a  
22 person as a candidate for nomination for the office of judge of  
23 the district court upon the official nonpartisan primary ballots,  
24 there shall be filed with the secretary of state nominating peti-  
25 tions containing the signatures, addresses, and dates of signing  
26 of a number of qualified and registered electors residing in the  
27 judicial district or division, equal to not less than 1/2 of 1%

1 or more than 2% of the total number of votes cast in that  
2 judicial district or division for secretary of state at the last  
3 general November election in which a secretary of state was  
4 elected. An incumbent district court judge may also become a  
5 candidate by the filing of an affidavit in lieu of petitions  
6 according to section 467c. The secretary of state shall receive  
7 nominating petitions up to 4 p.m. on the twelfth Tuesday preced-  
8 ing the primary. The provisions of sections 544a and 544b  
9 apply. IN LIEU OF FILING A NOMINATING PETITION, THE CANDIDATE  
10 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE SECRETARY OF  
11 STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE  
12 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS IN  
13 THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN  
14 THE GENERAL FUND OF THIS STATE.

15 (2) Nominating petitions OR FEES filed under this section  
16 are valid only if they clearly indicate for which of the follow-  
17 ing offices the candidate is filing, consistent with section  
18 467c(4):

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

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

23 (c) A new judgeship.

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