



HOUSE BILL No. 5060

October 26, 1999, Introduced by Rep. Green and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409l, 411, 413, 424, 424a, 426b, 426d, 431, 433, 444, 467, 467b, 467m, 544c, 544d, 624, 644f, 667, 685, 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, 168.409l, 168.411, 168.413, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.444, 168.467, 168.467b, 168.467m, 168.544c, 168.544d, 168.624, 168.644f, 168.667, 168.685, 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 by 1982 PA 505, sections 409l, 424, 424a, 444, and 467m as amended by 1990 PA 32,

section 544c as amended by 1993 PA 137, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, section 685 as amended by 1990 PA 329, 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 ON THE DATE THE
20 PERSON IS NOMINATED FOR THE OFFICE.

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

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~~
12 ~~a 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.

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 nomination by a political party for 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

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

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

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. double

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

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

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 INCUMBENCY, 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.

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 INCUMBENCY, is licensed to
12 practice law in this state, and, at the time of election or
13 appointment, 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%~~

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):

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 for election to more than 1 court
20 of appeals judgeship shall have not more than 3 days following
21 the close of filing to withdraw from all but 1 filing.

22 (4) An incumbent judge of the court of appeals may become a
23 candidate in the primary election for the office of which he or
24 she is the incumbent by filing with the secretary of state an
25 affidavit of candidacy not less than ~~120~~ 134 days before the
26 date of the primary election. The affidavit of candidacy shall
27 contain statements that the affiant is an incumbent judge of the

1 court of appeals, is domiciled within the district, 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 court of appeals.

4 (5) CANDIDATES MUST PICK UP PETITIONS FROM THE SECRETARY OF
5 STATE WITH HEADINGS ALREADY FILLED OUT BY THE SECRETARY OF STATE.

6 (6) ~~(5)~~ In the primary and general November election for 2
7 or more judgeships of the court of appeals in a judicial dis-
8 trict, each of the following categories of candidates shall be
9 listed separately on the ballot, consistent with subsection ~~(6)~~
10 (7):

11 (a) The names of candidates for the judgeship or judgeships
12 for which the incumbent is seeking election.

13 (b) The names of candidates for the judgeship or judgeships
14 for which the incumbent is not seeking election.

15 (c) The names of candidates for a newly created judgeship or
16 judgeships.

17 (7) ~~(6)~~ If the death or disqualification of an incumbent
18 judge triggers the application of section 409d(2), then for the
19 purposes of subsections (2) and ~~(5)~~ (6), that judgeship shall
20 be regarded as a judgeship for which the incumbent judge is not
21 seeking election. The application of this subsection includes,
22 but is not limited to, circumstances in which the governor
23 appoints an individual to fill the vacancy and that individual
24 seeks to qualify as a nominee under section 409d(2).

25 Sec. 409l. (1) If a vacancy occurs in the office of judge
26 of the court of appeals, the governor shall appoint a successor
27 to fill the vacancy. Except as otherwise provided in section

1 409b(6), the person appointed by the governor shall be considered
2 an incumbent for purposes of this act. The person appointed by
3 the governor shall hold office until 12 noon of January 1 follow-
4 ing the next general November election at which a successor is
5 elected and qualified.

6 (2) Except as otherwise provided in section 409d(2), candi-
7 dates shall be nominated at the next fall primary held at least
8 ~~91~~ 105 days after the vacancy occurs, to fill the vacancy in
9 the manner provided in this chapter for the nomination of candi-
10 dates for judge of the court of appeals. The vacancy shall be
11 filled at the general November election next following the pri-
12 mary in the manner provided FOR in this chapter for the election
13 of judges of the court of appeals. The person elected shall hold
14 office for the remainder of the unexpired term.

15 Sec. 411. (1) A person shall not be eligible to the office
16 of judge of the circuit court unless the person is a REGISTERED
17 AND qualified elector of the judicial circuit in which election
18 is sought BY THE FILING DEADLINE OR THE DATE THE PERSON FILES THE
19 AFFIDAVIT OF INCUMBENCY, as provided in section 11 of article ~~6~~
20 VI of the state constitution of 1963, is licensed to practice law
21 in this state, and, at the time of election, is less than 70
22 years of age.

23 (2) A person who has been convicted of a violation of sec-
24 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
25 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
26 MCL 38.412A, shall not be eligible for election or appointment to

1 the office of judge of the circuit court for a period of 20 years
2 after conviction.

3 Sec. 413. To obtain the printing of the name of a person as
4 a candidate for nomination for the office of judge of the circuit
5 court upon the official nonpartisan primary ballots, there shall
6 be filed with the secretary of state nominating petitions con-
7 taining the signatures, addresses, and dates of signing of a
8 number of qualified and registered electors residing in the judi-
9 cial circuit ~~, equal to not less than 1% or more than 2% of the~~
10 ~~total number of votes cast in that judicial district for secre-~~
11 ~~tary of state at the last general November election in which a~~
12 ~~secretary of state was elected~~ AS DETERMINED UNDER SECTION 544F
13 or by the filing of an affidavit according to section 413a. The
14 secretary of state shall receive the nominating petitions up to 4
15 p.m. of the ~~twelfth~~ FOURTEENTH Tuesday preceding the primary.
16 The provisions of sections 544a and 544b apply.

17 Sec. 424. (1) If a vacancy occurs in the office of circuit
18 judge, the governor shall appoint a successor to fill the
19 vacancy. Except as otherwise provided in section 424a(3), the
20 person appointed by the governor shall be considered an incumbent
21 for purposes of this act. The person appointed by the governor
22 shall hold office until 12 noon of January 1 following the next
23 general November election at which a successor is elected and
24 qualified.

25 (2) Except as otherwise provided in section 415(2), at the
26 next fall primary election held at least ~~91~~ 105 days after the
27 vacancy occurs, candidates shall be nominated to fill the vacancy

1 in the manner provided in this chapter for the nomination of
2 candidates for circuit judge. The vacancy shall be filled at the
3 general November election next following the primary in the
4 manner provided in this chapter for the election of circuit
5 judges. The person elected shall hold office for the remainder
6 of the unexpired term.

7 Sec. 424a. (1) In the primary and general election for 2 or
8 more judgeships of the circuit court, each of the following cate-
9 gories of candidates shall be listed separately on the ballot,
10 consistent with subsection (3):

11 (a) The names of candidates for the judgeship or judgeships
12 for which the incumbent is seeking election.

13 (b) The names of candidates for an existing judgeship or
14 judgeships for which the incumbent is not seeking election.

15 (c) The names of candidates for a newly created judgeship or
16 judgeships.

17 (2) Nominating petitions filed under section 413 are valid
18 only if they clearly indicate for which of the following offices
19 the candidate is filing, consistent with subsection (3):

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

22 (b) A new judgeship.

23 (c) An unspecified existing judgeship for which the incum-
24 bent judge is seeking election.

25 (3) CANDIDATES MUST PICK UP PETITIONS FROM THE SECRETARY OF
26 STATE WITH HEADINGS ALREADY FILLED OUT BY THE SECRETARY OF STATE.

1 (4) ~~-(3)-~~ If the death or disqualification of an incumbent
2 judge triggers the application of section 415(2), then for the
3 purposes of subsections (1) and (2), that judgeship shall be
4 regarded as a judgeship for which the incumbent judge is not
5 seeking election. The application of this subsection includes,
6 but is not limited to, circumstances in which the governor
7 appoints an individual to fill the vacancy and that individual
8 seeks to qualify as a nominee under section 415(2).

9 (5) ~~-(4)-~~ A person who files for election to more than 1
10 circuit judgeship shall have not more than 3 days following the
11 close of filing to withdraw from all but 1 filing.

12 Sec. 426b. (1) A person shall not be eligible to the office
13 of judge of a municipal court of record as described in section
14 426a unless the person is a REGISTERED AND qualified elector of
15 the municipality in which election is sought BY THE FILING DEAD-
16 LINE OR THE DATE THE PERSON FILES THE AFFIDAVIT OF INCUMBENCY, is
17 licensed to practice law in this state, and, at the time of elec-
18 tion, is less than 70 years of age.

19 (2) A person who has been convicted of a violation of sec-
20 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
21 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
22 MCL 38.412A, shall not be eligible for election or appointment to
23 the office of judge of a municipal court of record as described
24 in section 426a for a period of 20 years after conviction.

25 Sec. 426d. (1) To obtain the printing of the name of a
26 person on the ballot as a candidate for the office of judge of
27 the municipal court of record, there shall be filed with the city

1 clerk nominating petitions containing the signatures, addresses,
2 and dates of signing of a number of qualified and registered
3 electors residing in that city ~~equal to not less than 1/2 of 1%~~
4 ~~or more than 2% of the votes cast in that municipality for secre-~~
5 ~~tary of state at the last general November election in which a~~
6 ~~secretary of state was elected~~ AS DETERMINED UNDER

7 SECTION 544F. The city clerk shall receive nominating petitions
8 up to 4 p.m. of the ~~twelfth~~ FOURTEENTH Tuesday preceding the
9 August primary. The provisions of sections 544a and 544b apply.

10 (2) An incumbent judge of the municipal court of record may
11 become a candidate in the primary election for the office of
12 which the judge is the incumbent by filing, with the city clerk,
13 an affidavit of candidacy not less than ~~120~~ 134 days before the
14 date of the primary election. The affidavit of candidacy shall
15 contain statements that the affiant is an incumbent judge of the
16 municipal court of record, is domiciled within the city, will not
17 attain the age of 70 by the date of election, and is a candidate
18 for election to the office of judge of the municipal court of
19 record.

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

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

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

1 (c) A new judgeship.

2 (4) CANDIDATES MUST PICK UP PETITIONS FROM THE SECRETARY OF
3 STATE WITH HEADINGS ALREADY FILLED OUT BY THE SECRETARY OF STATE.

4 (5) ~~(4)~~ A person who files for election to more than 1
5 municipal court of record judgeship shall have not more than 3
6 days following the close of filing to withdraw from all but 1
7 filing.

8 Sec. 431. (1) A person shall not be eligible to the office
9 of judge of probate unless the person is a REGISTERED AND quali-
10 fied elector of the county in which election is sought BY THE
11 FILING DEADLINE OR THE DATE THE PERSON FILES THE AFFIDAVIT OF
12 INCUMBENCY, as provided in section 16 of article ~~6~~ VI of the
13 state constitution of 1963, is licensed to practice law in this
14 state except as provided in section 7 of the schedule and tempo-
15 rary provisions of the state constitution of 1963, and, at the
16 time of election, is less than 70 years of age.

17 (2) A person who has been convicted of a violation of sec-
18 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
19 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
20 MCL 38.412A, shall not be eligible for election or appointment to
21 the office of judge of probate for a period of 20 years after
22 conviction.

23 Sec. 433. (1) To obtain the printing of the name of a
24 person as a candidate for nomination for the office of judge of
25 probate upon the official nonpartisan primary ballots, there
26 shall be filed with the county clerk of each county nominating
27 petitions containing the signatures, addresses, and dates of

1 signing of a number of qualified and registered electors residing
 2 in the county ~~, equal to not less than 1% or more than 2% of the~~
 3 ~~total number of votes cast in that county for secretary of state~~
 4 ~~at the last general November election in which a secretary of~~
 5 ~~state was elected~~ AS DETERMINED UNDER SECTION 544F or by the
 6 filing of an affidavit according to section 433a. The county
 7 clerk shall receive nominating petitions up to 4 p.m. on the
 8 ~~twelfth~~ FOURTEENTH Tuesday preceding the August primary. The
 9 provisions of sections 544a and 544b apply.

10 (2) 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 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) CANDIDATES MUST PICK UP PETITIONS FROM THE SECRETARY OF
 19 STATE WITH HEADINGS ALREADY FILLED OUT BY THE SECRETARY OF STATE.

20 (4) ~~-(3)-~~ A person who files for election to more than 1
 21 probate judgeship shall have not more than 3 days following the
 22 close of filing to withdraw from all but 1 filing.

23 Sec. 444. (1) If a vacancy occurs in the office of judge of
 24 probate, the governor shall appoint a successor to fill the
 25 vacancy. Except as otherwise provided in section 435a(2), the
 26 person appointed by the governor shall be considered an incumbent
 27 for purposes of this act and shall hold office until 12 noon of

1 January 1 following the next general November election at which a
2 successor is elected and qualified.

3 (2) Except as otherwise provided in section 435(2), at the
4 next primary election held at least ~~91~~ 105 days after the
5 vacancy occurs, candidates shall be nominated to fill the vacancy
6 in the manner provided FOR in this chapter for the nomination of
7 candidates for judge of probate. The vacancies shall be filled
8 at the general November election next following the primary in
9 the manner provided FOR in this chapter for the election of
10 judges of probate. The person elected shall hold office for the
11 remainder of the unexpired term.

12 Sec. 467. (1) A person shall not be eligible for the office
13 of judge of the district court unless the person is a REGISTERED
14 AND qualified elector of the judicial district and election divi-
15 sion in which election is sought BY THE FILING DEADLINE OR THE
16 DATE THE PERSON FILES THE AFFIDAVIT OF INCUMBENCY, is licensed to
17 practice law in this state, and, at the time of election or
18 appointment, is less than 70 years of age.

19 (2) A person who has been convicted of a violation of sec-
20 tion 12a(1) of ~~Act No. 370 of the Public Acts of 1941, being~~
21 ~~section 38.412a of the Michigan Compiled Laws~~ 1941 PA 370,
22 MCL 38.412A, shall not be eligible for election or appointment to
23 the office of judge of the district court for a period of 20
24 years after conviction.

25 Sec. 467b. (1) To obtain the printing of the name of a
26 person as a candidate for nomination for the office of judge of
27 the district court upon the official nonpartisan primary ballots,

1 there shall be filed with the secretary of state nominating
 2 petitions containing the signatures, addresses, and dates of
 3 signing of a number of qualified and registered electors residing
 4 in the judicial district or division ~~, equal to not less than~~
 5 ~~1/2 of 1% or more than 2% of the total number of votes cast in~~
 6 ~~that judicial district or division for secretary of state at the~~
 7 ~~last general November election in which a secretary of state was~~
 8 ~~elected~~ AS DETERMINED UNDER SECTION 544F. An incumbent district
 9 court judge may also become a candidate by the filing of an affi-
 10 davit in lieu of petitions according to section 467c. The secre-
 11 tary of state shall receive nominating petitions up to 4 p.m. on
 12 the ~~twelfth~~ FOURTEENTH Tuesday preceding the primary. The pro-
 13 visions of sections 544a and 544b apply.

14 (2) Nominating petitions filed under this section are valid
 15 only if they clearly indicate for which of the following offices
 16 the candidate is filing, consistent with section 467c(4):

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

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

21 (c) A new judgeship.

22 (3) CANDIDATES MUST PICK UP PETITIONS FROM THE SECRETARY OF
 23 STATE WITH HEADINGS ALREADY FILLED OUT BY THE SECRETARY OF STATE.

24 (4) ~~(3)~~ A person who files for election to more than 1
 25 district judgeship shall have not more than 3 days following the
 26 close of filing to withdraw from all but 1 filing.

1 Sec. 467m. (1) If a vacancy occurs in the office of
2 district judge, the governor shall appoint a successor to fill
3 the vacancy. Except as otherwise provided in section 467c(4),
4 the person appointed by the governor shall be considered an
5 incumbent for purposes of this act and shall hold office until 12
6 noon of January 1 following the next general November election at
7 which a successor is elected and qualified.

8 (2) Except as otherwise provided in section 467e(2), candi-
9 dates shall be nominated at the next fall primary held at least
10 ~~91~~ 105 days after the vacancy occurs, to fill the vacancy in
11 the manner provided FOR in this chapter for the nomination of
12 candidates for district court judge. The vacancy shall be filled
13 at the general November election next following the primary in
14 the manner provided FOR in this chapter for the election of dis-
15 trict court judges. The person elected shall hold office for the
16 remainder of the unexpired term.

17 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
18 by 14 inches in size. On a nominating petition, the words
19 "nominating petition" shall be printed in 24-point boldface
20 type. "We, the undersigned," et cetera shall be printed in
21 8-point type. "Warning" and language in the warning shall be
22 printed in 12-point boldface type. The balance of the petition
23 shall be printed in 8-point type. The name, address, and party
24 affiliation of the candidate and the office for which petitions
25 are signed shall be printed in type not larger than 24-point.
26 The petition shall be in the following form:

NOMINATING PETITION

(PARTISAN)

We, the undersigned, registered and qualified voters of the city or township of , in the county of (strike 1)

..... and state of Michigan, nominate,

..... ,

(Name of Candidate)

..... ,

(Street Address or Rural Route) (Post Office)

as a candidate of the party for the office of

..... ,

(District, if any)

to be voted for at the primary election to be held on the day of , 19... .

WARNING

A person who knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his or her own is violating the provisions of the Michigan election law.

1 _____
—

2	Printed	Street Address		
3	Name and	or	Post Office	Date of Signing
4	Signature	Rural Route		Mo. Day
	Year			

5 _____
—

6 1.

7 2.

8 3.

9 4.

10 numbered lines as above

11 CERTIFICATE OF CIRCULATOR

12 The undersigned circulator of the above petition asserts
13 that he or she is qualified to circulate this petition and that
14 each signature on the petition was signed in his or her presence;
15 and that, to his or her best knowledge and belief, each signature
16 is the genuine signature of the person purporting to sign the
17 petition, the person signing the petition was at the time of
18 signing a qualified registered elector of the city or township
19 listed in the heading of the petition, and the elector was quali-
20 fied to sign the petition.

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1 Circulator--Do not sign or date certificate until after
2 circulating petition.

3 _____
4 (Printed Name and Signature of Circulator) (Date)

5 _____
6 (City or Township Where Registered)

7 _____
8 Complete Address (Street and Number or Rural Route)

9 _____
10 (Post Office)

11 Warning-A circulator knowingly making a false statement in
12 the above certificate, a person not a circulator who signs as a
13 circulator, or a person who signs a name other than his or her
14 own as circulator is guilty of a misdemeanor.

15 (2) The petition shall be in a form providing a space for
16 the circulator and each elector who signs the petition to print
17 his or her name. The secretary of state shall prescribe the
18 location of the space for the printed name. The failure of the
19 circulator or an elector who signs the petition to print his or
20 her name or to print his or her name in the location prescribed
21 by the secretary of state does not affect the validity of the
22 signature of the circulator or the elector who signs the
23 petition. A printed name located in the space prescribed for

1 printed names does not constitute the signature of the circulator
2 or elector.

3 (3) At the time of circulation, the circulator of a petition
4 shall be a registered elector of this state. At the time of exe-
5 cuting the certificate of circulator, the circulator shall be
6 registered in the city or township indicated in the certificate
7 of circulator on the petition.

8 (4) The circulator of a petition shall sign and date the
9 certificate of circulator before the petition is filed. A circu-
10 lator shall not obtain electors' signatures after the circulator
11 has signed and dated the certificate of circulator. A filing
12 official shall not count electors' signatures that were obtained
13 after the date the circulator signed the certificate or that are
14 contained in a petition that the circulator did not sign and
15 date.

16 (5) Except as provided in section 544d, a petition sheet
17 shall not be circulated in more than 1 ~~city or township~~ COUNTY
18 and each signer of a petition sheet shall be a registered elector
19 of the ~~city or township~~ COUNTY indicated in the heading of the
20 petition sheet. The invalidity of 1 or more signatures on a
21 petition does not affect the validity of the remainder of the
22 signatures on the petition.

23 (6) A person shall not sign more nominating petitions for
24 the same office than there are persons to be elected to the
25 office.

26 (7) A person who signs a petition with a name other than his
27 or her own is guilty of a misdemeanor.

1 (8) A person who knowingly makes a false statement in a
2 certificate on a petition, a person not a circulator who signs as
3 a circulator, or a person who signs a name as circulator other
4 than his or her own is guilty of a misdemeanor.

5 (9) A person who aids or abets another in an act that is
6 prohibited by this section is guilty of a misdemeanor.

7 (10) The provisions of this section except as otherwise
8 expressly provided apply to all petitions circulated under
9 authority of the election law.

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 countywide. Petitions circulated
16 countywide shall be on a form prescribed by the secretary of
17 state, which form shall be substantially as provided in sections
18 482, 544a, or 544c, whichever is applicable. The secretary of
19 state may provide for a petition form larger than 8-1/2 inches by
20 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,

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

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	QUALIFYING PETITION POPULATION	PARTISAN		NON PARTISAN		(IND).	
		MIN	MAX	MIN	MAX	MIN	MAX
	0 - 9,999	3	10	6	20	9	30
	10,000 - 24,999	20	50	40	100	60	150
	25,000 - 49,999	50	100	100	200	150	300
	50,000 - 74,999	100	200	200	400	300	600
	75,000 - 99,999 1,200	200	400	400	800	600	
	100,000 - 199,999 1,500	300	500	600	1,000	900	
	200,000 - 499,999 3,000	500	1,000	1,000	2,000	1,500	
	500,000 - 999,999 6,000	1,000	2,000	2,000	4,000	3,000	
	1,000,000 - 1,999,999 12,000	2,000	4,000	4,000	8,000	6,000	
	2,000,000 - 4,999,999 24,000	4,000	8,000	6,200	12,000	12,000	
	OVER 5 MILLION (STATEWIDE) 90,000	15,000	30,000	30,000	60,000	45,000	

18 Sec. 624. (1) A person holding a public office in this
 19 state or a municipal subdivision of this state may become a can-
 20 didate for delegate to the county or district conventions.

21 (2) A candidate for delegate to the county or district con-
 22 ventions of a political party shall be a qualified and registered
 23 elector residing within, as well as having his or her actual bona
 24 fide residence within, the election precinct for which he or she
 25 desires to become a candidate ON THE DATE OF FILING THE AFFIDAVIT
 26 OF IDENTITY. A candidate shall file an affidavit of identity as

27 prescribed in section 558(1) with the county clerk of the county
28 or the clerk of the city or township in which the candidate
29 resides. A clerk shall receive affidavits of identity under this

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1 section up to 4 p.m. on the ~~twelfth~~ SIXTEENTH Tuesday preceding
2 the time designated for holding a primary election in the
3 county. Within 4 days after the last day for filing affidavits
4 of identity under this section, the city or township clerk shall
5 forward to the county clerk the affidavit of identity of each
6 candidate who has qualified for a position on the primary
7 ballot. All duly elected and certified delegates shall be seated
8 at the county or district county conventions. A person violating
9 this section is guilty of 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

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, ALL OF 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~~ ON THOSE FORMS 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.

1 ~~Said~~ THE prescribed forms shall also have printed ~~thereon~~ ON
2 THEM 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~~ THE 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 CERTIFICATE OF BOARD OF PRECINCT ELECTION INSPECTORS FOR

16 RETURNS AND FOR SEALING BALLOTS AND BOXES

17 WE DO HEREBY CERTIFY 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...., for the several candi-

21 dates and for the (amendments or propositions) herein shown.

22 WE DO HEREBY FURTHER CERTIFY That all ballots cast at the

23 (primary or election) held in the above designated precinct of

24 the (city, ward, township, or village) of, State of

1 Michigan, on the day of, in the year
 2 19...., have been securely tied in packages or rolls and sealed
 3 in such manner as to render it impossible to open such packages
 4 or rolls or remove any of the contents thereof without breaking
 5 the said seals; that there was endorsed on each of said packages
 6 or rolls a statement showing the number and kind of ballots
 7 included in each such package or roll; that all of said packages
 8 or rolls, so endorsed, together with ~~one~~ 1 tally sheet, were
 9 placed in the proper ballot box or boxes; that the slots in the
 10 ballot boxes were closed, that the ballot boxes were securely
 11 sealed with the official metal seals furnished for that purpose;
 12 that such seals were affixed in such manner as to render it
 13 impossible to open such ballot boxes without breaking such
 14 seals.

15 IN WITNESS WHEREOF, We have hereunto set our hands this
 16 day of, A.D., 19.... .

17
 18
 19

20 Members of the Board of Election Inspectors

21 (b) The several county boards of election commissioners
 22 shall, at the expense of their respective counties, furnish suit-
 23 able tally sheets or combined tally and return sheets to be used
 24 by the inspectors of election in counting the votes for all can-
 25 didates and for amendments or propositions submitted on ballots
 26 prepared by ~~said~~ THE commissioners and shall deliver ~~the same~~

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

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

25 (2) THE SECRETARY OF STATE SHALL DIRECT THE COUNTY, CITY,
26 AND TOWNSHIP CLERKS WITHIN EACH COUNTY TO SELECT A SINGLE
27 PREFERRED VOTING SYSTEM FOR EACH COUNTY. THE COUNTY CLERKS SHALL

1 REPORT TO THE SECRETARY OF STATE THE NAME AND MODEL OF THE
2 PREFERRED VOTING SYSTEM FOR THE COUNTY NO LATER THAN MARCH 1,
3 2001.

4 (3) EACH COUNTY CLERK SHALL CONVENE THE CITY AND TOWNSHIP
5 CLERKS WITHIN THEIR COUNTY TO DETERMINE THE PREFERRED VOTING
6 SYSTEM FOR THAT COUNTY. THE SELECTION SHALL BE MADE BY MAJORITY
7 VOTE OF THE COUNTY, CITY, AND TOWNSHIP CLERKS. THE CLERKS SHALL
8 CONSULT WITH THE LEGISLATIVE BODY OF THE RESPECTIVE COMMUNITY
9 BEFORE PARTICIPATING IN THE SELECTION PROCESS. FOR THE PURPOSE
10 OF THE SELECTION, A PREFERRED SYSTEM MUST BE EITHER A MECHANICAL
11 LEVER VOTING MACHINE, PAPER BALLOT, OR AN ELECTRONIC VOTING
12 SYSTEM APPROVED BY THE BOARD OF STATE CANVASSERS.

13 (4) JURISDICTIONS ARE NOT REQUIRED TO PURCHASE A NEW VOTING
14 SYSTEM UNDER THIS SECTION. AFTER A PREFERRED VOTING SYSTEM IS
15 SELECTED AND REPORTED TO THE SECRETARY OF STATE, THE COUNTY BOARD
16 OF ELECTION COMMISSIONERS IS NOT RESPONSIBLE FOR INCURRING THE
17 EXPENSE FOR BALLOTS OR OTHER UNIQUE SUPPLIES FOR A VOTING SYSTEM
18 THAT IS PURCHASED AFTER THE REPORT TO THE SECRETARY OF STATE AND
19 IS NOT THE PREFERRED VOTING SYSTEM. THE COUNTY BOARD OF ELECTION
20 COMMISSIONERS SHALL CONTINUE TO INCUR THE EXPENSE FOR BALLOTS AND
21 UNIQUE SUPPLIES FOR VOTING SYSTEMS THAT ARE NOT THE PREFERRED
22 VOTING SYSTEM BUT WERE PURCHASED BEFORE THE REPORT OF A PREFERRED
23 VOTING SYSTEM TO THE SECRETARY OF STATE.

24 Sec. 685. (1) The name of a candidate of a new political
25 party shall not be printed upon the official ballots of an elec-
26 tion unless the chairperson and secretary of the state central
27 committee of the party files with the secretary of state, not

1 later than 4 p.m. of the one hundred-tenth day before the general
2 November election, a certificate signed by the chairperson and
3 secretary of the state central committee bearing the name of the
4 party, together with petitions bearing the signatures of regis-
5 tered and qualified electors equal to not less than 1% of the
6 total number of votes cast for all candidates for governor at the
7 last election in which a governor was elected. The petitions
8 shall be signed by at least 100 registered electors in each of at
9 least 1/2 of the congressional districts of the state. All sig-
10 natures on the petitions shall be obtained not more than 180 days
11 immediately preceding the date of filing.

12 (2) After the date on which a petition is filed, the secre-
13 tary of state shall not accept additional petition sheets for
14 that petition. The validity and authenticity of the signatures
15 may be determined in the same manner as provided for initiatory
16 and referendary petitions in section 9 of article II of the state
17 constitution of 1963. An official declaration of the sufficiency
18 or insufficiency of a petition filed under this section shall be
19 made by the board of state canvassers not later than 60 days
20 before the general November election.

21 (3) The petitions shall be in substantially the following
22 form:

23 PETITION TO FORM NEW POLITICAL PARTY

24 We, the undersigned, duly registered electors of the
25 ~~city, township of~~ county of
26

27 ~~(strike one)~~

1 state of Michigan, residing at the places set opposite our names,
2 respectfully request the secretary of state, in accordance with
3 section 685 of the Michigan election law, ~~Act No. 116 of the~~
4 ~~Public Acts of 1954, as amended, being section 168.685 of the~~
5 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.685, to receive the
6 certificate and vignette tendered with this petition, and place
7 the names of the candidates of the party on the
8 ballot at the election.

9 Warning: A person who knowingly signs petitions to organize
10 more than 1 new state political party, signs a petition to orga-
11 nize a new state political party more than once, or signs a name
12 other than his or her own is violating the provisions of the
13 Michigan election law.

14
15
16

17 (4) The balance of the petition form shall be substantially
18 as set forth in section 544c. The size of all organizing peti-
19 tions shall be 8-1/2 inches by 13 inches and shall be printed in
20 the following type sizes: The words "petition to form new polit-
21 ical party" and the name of the proposed political party shall be
22 in 24-point boldface type; the word "warning" and the language
23 contained in the warning shall be in 12-point boldface type.

24 (5) Petitions circulated under this section may be circu-
25 lated on a countywide basis. A petition that is circulated coun-
26 tywide shall be on a form prescribed by the secretary of state.

1 (6) If the principal candidate of a political party receives
2 a vote equal to less than 1% of the total number of votes cast
3 for the successful candidate for the office of secretary of state
4 at the last preceding general November election in which a secre-
5 tary of state was elected, that political party shall not have
6 the name of any candidate printed on the ballots at the next
7 ensuing general November election, and a column shall not be pro-
8 vided on the ballots for that party. A disqualified party may
9 again qualify and have the names of its candidates printed in a
10 separate party column on each election ballot in the manner set
11 forth in subsection (1) for the qualification of new parties.
12 The term "principal candidate" of any party means the candidate
13 whose name appears nearest the top of the party column.

14 (7) A political party that complied with this section is
15 subject to section 686a in order to have the name of that party,
16 its vignette, and its candidates appear on the general election
17 ballot.

18 (8) A person shall not knowingly sign a petition to organize
19 more than 1 new state political party, sign a petition to orga-
20 nize a new state political party more than once, or sign a name
21 other than his or her own on the petition.

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

25 (a) Provide for voting in secrecy, except in the case of
26 voters who receive assistance as provided by this act.

1 (b) Permit each elector to vote at an election for all
2 persons and offices for whom and for which the elector is
3 lawfully entitled to vote; to vote for as many persons for an
4 office as the elector is entitled to vote for; and to vote for or
5 against any question upon which the elector is entitled to vote.
6 Except as otherwise provided in this subdivision, the electronic
7 tabulating equipment shall reject all choices recorded on the
8 elector's ballot for an office or a question if the number of
9 choices exceeds the number that the elector is entitled to vote
10 for on that office or question. Electronic tabulating equipment
11 that can detect and inform an elector voting in person that the
12 choices recorded on the elector's ballot for an office or a ques-
13 tion exceeds the number that the elector is entitled to vote for
14 on that office or question shall offer the elector an opportunity
15 to correct the error before rejecting the choices recorded on the
16 elector's ballot.

17 (c) Permit an elector, at a presidential election, by a
18 single selection to vote for the candidates of a party for presi-
19 dent, vice-president, and presidential electors.

20 (d) Permit an elector at other than a primary election to
21 vote for all of the candidates of a political party by a single
22 selection or to vote a split or mixed ticket.

23 (e) Permit an elector in a primary election to vote for the
24 candidates in the party primary of the elector's choice. Except
25 as otherwise provided in this subdivision, the electronic tabu-
26 lating equipment shall reject each ballot on which votes are cast
27 for candidates of more than 1 political party. Electronic

1 tabulating equipment that can detect and inform an elector voting
2 in person that the elector has voted for candidates of more than
3 1 political party shall offer the elector an opportunity to cor-
4 rect the error before rejecting the elector's ballot.

5 (f) Prevent an elector from voting for the same person more
6 than once for the same office.

7 (g) Be suitably designed for the purpose used; be durably
8 constructed; and be designed to provide for safety, accuracy, and
9 efficiency.

10 (h) Beginning June 18, 1990, be designed to accommodate the
11 needs of an elderly voter or a person with 1 or more
12 disabilities.

13 (i) Record correctly and count accurately each vote properly
14 cast.

15 (j) Provide an audit trail.

16 (k) Provide an acceptable method for an elector to vote for
17 a person whose name does not appear on the ballot.

18 (l) ALLOW FOR ACCUMULATION OF VOTE TOTALS FROM THE PRECINCTS
19 IN THE JURISDICTION. THE ACCUMULATION SOFTWARE MUST MEET SPECI-
20 FICATIONS PRESCRIBED BY THE SECRETARY OF STATE AND MUST BE CERTI-
21 FIED BY THE SECRETARY OF STATE AS MEETING THESE SPECIFICATIONS.

22 (2) Electronic tabulating equipment that counts votes at the
23 precinct before the close of the polls shall provide a method for
24 rendering the equipment inoperable if vote totals are revealed
25 before the close of the polls.

1 (3) THE SECRETARY OF STATE SHALL CERTIFY NOT MORE THAN 10
2 VOTING SYSTEMS DESCRIBED IN SECTION 667(2) AS COMPATIBLE WITH ITS
3 SYSTEM.

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