

SENATE BILL No. 864

October 28, 1999, Introduced by Senators HAMMERSTROM, BULLARD, GOSCHKA,
MC MANUS and NORTH and referred to the Committee on Government Operations.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 864

1 Sec. 322. (1) ~~To obtain the printing of~~ IN ORDER FOR the
2 name of a candidate of a political party for a city office,
3 including a ward office, TO APPEAR under the particular party
4 heading on the official primary election ~~ballots~~ BALLOT for use
5 in the city, ~~there~~ A NOMINATING PETITION shall be filed with
6 the city clerk. ~~of the city not later than 4 p.m. on the~~
7 ~~twelfth Tuesday preceding the August primary, or not later than 4~~
8 ~~p.m. on the seventh Monday preceding the primary election~~
9 ~~provided to be held on the third Monday in February,~~ THE

1 nominating ~~petitions~~ PETITION SHALL HAVE BEEN signed by a
2 number of qualified and registered electors of the political
3 party who reside in the city or ward, equal to not less than 1%
4 or more than 2% of the number of votes that the political party
5 cast in the city or ward for secretary of state at the last gen-
6 eral November election in which a secretary of state was
7 elected. THE NOMINATING PETITION SHALL BE FILED NOT LATER THAN 4
8 P.M. ON THE TWELFTH TUESDAY BEFORE THE AUGUST PRIMARY OR NOT
9 LATER THAN 4 P.M. ON THE SEVENTH MONDAY BEFORE THE PRIMARY ELEC-
10 TION SCHEDULED TO BE HELD ON THE THIRD MONDAY IN FEBRUARY. This
11 section does not apply to a city IF the CITY'S charter ~~of which~~
12 provides for a different method of nominating ~~candidates~~ A
13 CANDIDATE for public office. The ~~form of the~~ NOMINATING peti-
14 tion shall be ~~as~~ IN THE FORM provided in section 544c.

15 (2) INSTEAD OF FILING A NOMINATING PETITION, THE CANDIDATE
16 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE CITY CLERK.
17 PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE CANDIDATE
18 PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS AS FOR A NOMI-
19 NATING PETITION. THE FEE SHALL BE DEPOSITED IN THE GENERAL FUND
20 OF THE CITY.

21 Sec. 349. (1) ~~To obtain the printing of~~ IN ORDER FOR the
22 name of a person as a candidate for nomination by a political
23 party for a township office TO APPEAR under the particular party
24 heading upon the official primary ~~ballots~~ BALLOT, ~~there~~ A
25 NOMINATING PETITION shall be filed with the township clerk. THE
26 nominating ~~petitions~~ PETITION SHALL HAVE BEEN signed by a
27 number of qualified and registered electors residing within the

1 township equal to not less than 1% or more than 2% of the number
2 of votes cast by the party in the township for secretary of state
3 at the last general November election in which a secretary of
4 state was elected, but ~~in no case~~ NOT less than 5 signatures.
5 ~~Nominating petitions shall be in the form prescribed in section~~
6 ~~544c.~~ The ~~township clerk shall receive~~ nominating ~~petitions~~
7 ~~up to~~ PETITION SHALL BE FILED WITH THE TOWNSHIP CLERK NOT LATER
8 THAN 4 p.m. of the twelfth Tuesday ~~preceding~~ BEFORE the August
9 primary. THE NOMINATING PETITION SHALL BE IN THE FORM PROVIDED
10 IN SECTION 544C.

11 (2) INSTEAD OF FILING A NOMINATING PETITION, THE CANDIDATE
12 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE TOWNSHIP
13 CLERK. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
14 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS AS
15 FOR A NOMINATING PETITION. THE FEE SHALL BE DEPOSITED IN THE
16 GENERAL FUND OF THE TOWNSHIP.

17 (3) ~~(2)~~ Within 4 days after the last day for filing nomi-
18 nating petitions, the township clerk shall deliver to the county
19 clerk a list ~~setting forth~~ WITH the name, address, and politi-
20 cal affiliation and office sought of each candidate who has qual-
21 ified for a position on the primary ballot.

22 Sec. 413. (1) ~~To obtain the printing of~~ IN ORDER FOR the
23 name of a person as a candidate for nomination for ~~the office~~
24 ~~of~~ CIRCUIT COURT judge ~~of the circuit court upon~~ TO APPEAR ON
25 the official nonpartisan primary ~~ballots~~ BALLOT, ~~there~~ A NOM-
26 INATING PETITION shall be filed with the secretary of state. THE
27 nominating ~~petitions containing~~ PETITION SHALL CONTAIN the

1 signatures, addresses, and dates of signing of a number of
 2 qualified and registered electors residing in the judicial cir-
 3 cuit, equal to not less than 1% or more than 2% of the total
 4 number of votes cast in that judicial district for secretary of
 5 state at the last general November election in which a secretary
 6 of state was elected. ~~or by the filing of an affidavit according~~
 7 ~~to section 413a.~~ The ~~secretary of state shall receive the~~ nom-
 8 inating ~~petitions up to~~ PETITION SHALL BE FILED WITH THE SECRE-
 9 TARY OF STATE NO LATER THAN 4 p.m. of the twelfth Tuesday
 10 ~~preceding~~ BEFORE the primary. The provisions of sections 544a
 11 and 544b apply.

12 (2) INSTEAD OF FILING A NOMINATING PETITION, THE CANDIDATE
 13 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE SECRETARY OF
 14 STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
 15 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS AS
 16 FOR A NOMINATING PETITION. THE FEE SHALL BE DEPOSITED IN THE
 17 GENERAL FUND OF THIS STATE.

18 (3) AN INCUMBENT CIRCUIT COURT JUDGE MAY BECOME A CANDIDATE
 19 BY FILING AN AFFIDAVIT INSTEAD OF A NOMINATING PETITION AS PRO-
 20 VIDED BY SECTION 413A.

21 Sec. 433. (1) ~~To obtain the printing of~~ IN ORDER FOR the
 22 name of a person as a candidate for nomination for ~~the office~~
 23 ~~of~~ PROBATE COURT judge ~~of probate upon~~ TO APPEAR ON the offi-
 24 cial nonpartisan primary ~~ballots~~ BALLOT, ~~there~~ A NOMINATING
 25 PETITION shall be filed with the county clerk. ~~of each county~~
 26 THE nominating ~~petitions containing~~ PETITION SHALL CONTAIN the
 27 signatures, addresses, and dates of signing of a number of

1 qualified and registered electors residing in the county, equal
2 to not less than 1% or more than 2% of the total number of votes
3 cast in that county for secretary of state at the last general
4 November election in which a secretary of state was elected. ~~or~~
5 ~~by the filing of an affidavit according to section 433a.~~ The
6 ~~county clerk shall receive nominating petitions up to~~
7 PETITION SHALL BE FILED WITH THE COUNTY CLERK NOT LATER THAN 4
8 p.m. on the twelfth Tuesday ~~preceding~~ BEFORE the August
9 primary. The provisions of sections 544a and 544b apply.

10 (2) Nominating petitions OR FEES filed under this section
11 are valid only if they clearly indicate for which of the follow-
12 ing offices the candidate is filing, consistent with section
13 435a(2):

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

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

18 (c) A new judgeship.

19 (3) INSTEAD OF FILING A NOMINATING PETITION, THE CANDIDATE
20 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE COUNTY
21 CLERK. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
22 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS AS
23 FOR A NOMINATING PETITION. THE FEE SHALL BE DEPOSITED IN THE
24 GENERAL FUND OF THE COUNTY.

25 (4) AN INCUMBENT PROBATE COURT JUDGE MAY BECOME A CANDIDATE
26 BY FILING AN AFFIDAVIT INSTEAD OF A NOMINATING PETITION AS
27 PROVIDED BY SECTION 433A.

1 (5) ~~(3)~~ A person who files for election to more than 1
 2 probate judgeship shall have not more than 3 days following the
 3 close of filing to withdraw from all but 1 filing.

4 Sec. 467b. (1) ~~To obtain the printing of~~ IN ORDER FOR the
 5 name of a person as a candidate for nomination for ~~the office~~
 6 ~~of~~ DISTRICT COURT judge ~~of the district court upon~~ TO APPEAR
 7 ON the official nonpartisan primary ~~ballots~~ BALLOT, ~~there~~ A
 8 NOMINATING PETITION shall be filed with the secretary of state.
 9 THE nominating ~~petitions containing~~ PETITION SHALL CONTAIN the
 10 signatures, addresses, and dates of signing of a number of quali-
 11 fied and registered electors residing in the judicial district or
 12 division, equal to not less than 1/2 of 1% or more than 2% of the
 13 total number of votes cast in that judicial district or division
 14 for secretary of state at the last general November election in
 15 which a secretary of state was elected. ~~An incumbent district~~
 16 ~~court judge may also become a candidate by the filing of an affi-~~
 17 ~~davit in lieu of petitions according to section 467c.~~ The
 18 ~~secretary of state shall receive~~ nominating ~~petitions up to~~
 19 PETITION SHALL BE FILED WITH THE SECRETARY OF STATE NOT LATER
 20 THAN 4 p.m. on the twelfth Tuesday ~~preceding~~ BEFORE the
 21 primary. The provisions of sections 544a and 544b apply.

22 (2) Nominating petitions OR FEES filed under this section
 23 are valid only if they clearly indicate for which of the follow-
 24 ing offices the candidate is filing, consistent with section
 25 467c(4):

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

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

3 (c) A new judgeship.

4 (3) INSTEAD OF FILING A NOMINATING PETITION, THE CANDIDATE
5 MAY PAY A NONREFUNDABLE FILING FEE OF \$100.00 TO THE SECRETARY OF
6 STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE NAME OF THE
7 CANDIDATE PAYING THE FEE ARE GOVERNED BY THE SAME PROVISIONS AS
8 FOR A NOMINATING PETITION. THE FEE SHALL BE DEPOSITED IN THE
9 GENERAL FUND OF THIS STATE.

10 (4) AN INCUMBENT DISTRICT COURT JUDGE MAY BECOME A CANDIDATE
11 BY FILING AN AFFIDAVIT INSTEAD OF A NOMINATING PETITION AS PRO-
12 VIDED BY SECTION 467C.

13 (5) ~~(3)~~ A person who files for election to more than 1
14 district judgeship shall have not more than 3 days following the
15 close of filing to withdraw from all but 1 filing.

16 Enacting section 1. Sections 426a to 426n of the Michigan
17 election law, 1954 PA 116, MCL 168.426a to 168.426n, are
18 repealed.