

HOUSE BILL No. 4246

February 18, 2003, Introduced by Reps. Howell and Gaffney and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 412, 413a, 415, 416, 417, 424, 424a, 432, 433, 433a, 435, 435a, 436, 437, 444, 467a, 467b, 467c, 467e, 467f, 467g, 467m, and 544b) (MCL 168.2, 168.412, 168.413a, 168.415, 168.416, 168.417, 168.424, 168.424a, 168.432, 168.433, 168.433a, 168.435, 168.435a, 168.436, 168.437, 168.444, 168.467a, 168.467b, 168.467c, 168.467e, 168.467f, 168.467g, 168.467m, and 168.544b), section 2 as amended by 2002 PA 163, sections 413a, 424, 424a, 433, 433a, 444, 467b, 467c, and 467m as amended by 1999 PA 218, sections 415, 416, 435, 435a, 436, 467e, and 467f as amended by 1990 PA 32, section 467a as amended by 1981 PA 4, and section 544b as amended by 1999 PA 216, and by adding section 38; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Business day" or "secular day" means a day that is not a
3 Saturday, Sunday, or legal holiday.

4 (b) "Election" means an election or primary election at which
5 the electors of this state or of a subdivision of this state
6 choose or nominate by ballot an individual for public office or
7 decide a ballot question lawfully submitted to them.

8 (c) "Judgeship number" means the number the secretary of
9 state assigns under section 38 to a particular judicial office.

10 (d) ~~-(e)-~~ "Name that was formally changed" means a name
11 changed by a proceeding under chapter XI of the probate code of
12 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314 —
13 or through a similar, statutorily sanctioned procedure under the
14 law of another state or country.

15 Sec. 38. (1) Before September 1, 2003, and in accordance
16 with this section, the secretary of state shall assign a
17 judgeship number to each circuit, probate, and district court
18 judgeship in a circuit, county, district, or division of the
19 circuit, probate, or district court that is a separate election
20 jurisdiction. In each judicial circuit, county, district, or
21 division that is a separate election jurisdiction, the secretary
22 of state shall begin with the number 1 and continue in sequence
23 through the number of judgeships in the circuit, county,
24 district, or division that is a separate election jurisdiction.

25 (2) Promptly after the effective date of this section and
26 with the cooperation of the state court administrative office,
27 the secretary of state shall compile the following information

1 regarding the judgeships in this state:

2 (a) The number of judgeships in each circuit, county,
3 district, or division that is a separate election jurisdiction.

4 (b) The next year in which the regular term of each judgeship
5 will expire.

6 (c) The length of continuous service and the name of the
7 serving judge in each judgeship at the time the information is
8 compiled.

9 (3) Regardless of whether a serving judge remains in office
10 at the time judgeship numbers are assigned, the secretary of
11 state shall use the information compiled under subsection (2) to
12 assign judgeship numbers in each circuit, district, county, or
13 division that is a separate election jurisdiction as follows:

14 (a) Each judgeship shall be assigned a number beginning with
15 the judgeship whose regular term is the first to expire after
16 December 31, 2003.

17 (b) If, when applying subdivision (a), the regular term of
18 more than 1 judgeship will expire at the same time, each of those
19 judgeships shall be assigned a number based on the length of
20 continuous service of each serving judge, beginning with the
21 longest.

22 (c) If, when applying subdivision (b), more than 1 serving
23 judge has the same length of continuous service, the judgeships
24 of those judges shall be assigned numbers in the alphabetical
25 order of the serving judges' surnames, beginning with the surname
26 nearest to the beginning of the alphabet.

27 (4) After a judgeship number is assigned under this section,

1 that judgeship number does not change regardless of a change in
2 the individual serving in that judgeship.

3 (5) A judgeship number assigned under this section is only
4 for the purposes of nominating and electing an individual to the
5 office of circuit, probate, or district court judge under this
6 act. Except for an affidavit of candidacy or an affidavit
7 required by section 544b, a judgeship number shall not appear on
8 a nominating petition, election ballot, statement of returns,
9 certificate of election, or other printed matter on which this
10 act requires the appearance of the name of an individual who is a
11 candidate for or who is elected to judicial office.

12 Sec. 412. (1) ~~—A— Except as provided in subsection (2), a~~
13 general nonpartisan primary election shall be held in every
14 county of this state on the Tuesday succeeding the first Monday
15 in August prior to the general election at which ~~judges of the~~
16 circuit court **judges** are elected, at which time the qualified and
17 registered electors may vote for nonpartisan candidates for the
18 office of ~~judge of the~~ circuit court **judge**. ~~—If, upon the~~
19 ~~expiration of the time for filing petitions or incumbency~~
20 ~~affidavits of candidacy for the primary election of said judge of~~
21 ~~the circuit court in any judicial circuit, it shall appear that~~
22 ~~there are not to exceed twice the number of candidates as there~~
23 ~~are persons to be elected, then the secretary of state shall~~
24 ~~certify to the county board of election commissioners the name of~~
25 ~~such candidate for circuit court judge whose petitions or~~
26 ~~affidavits have been properly filed, and such candidate shall be~~
27 ~~the nominee for the judge of the circuit court and shall be so~~

1 ~~certified. As to such office, there shall be no primary election~~
2 ~~and this office shall be omitted from the judicial primary~~
3 ~~ballot.~~

4 (2) If, after the deadlines for filing affidavits of
5 candidacy or nominating petitions for the primary election for
6 the office of circuit court judge, there are not at least 3
7 candidates for a judgeship number within that circuit, the
8 secretary of state shall certify to the county board of election
9 commissioners the name of each candidate for that judgeship
10 number for whom an affidavit or petition has been properly
11 filed. Those candidates shall be certified as the nominees for
12 the office of circuit court judge assigned that judgeship
13 number. A primary election shall not be held for that judgeship,
14 which shall be omitted from the judicial primary ballot.

15 Sec. 413a. (1) ~~Any~~ **An** incumbent circuit court judge may
16 become a candidate in the primary election for the office of
17 which he or she is an incumbent by filing with the secretary of
18 state an affidavit of candidacy not less than 134 days prior to
19 the date of the primary election. However, if an incumbent
20 ~~judge of the~~ circuit court **judge** was appointed to fill a
21 vacancy and the judge entered upon the duties of office less than
22 137 days before the date of the primary election, but before the
23 fourteenth Tuesday preceding the primary election, the incumbent
24 judge may file the affidavit of candidacy not more than 3 days
25 after entering upon the duties of office.

26 (2) ~~The~~ **An** affidavit of candidacy shall contain statements
27 that the affiant is an incumbent circuit court judge for the

1 circuit in which election is sought, that he or she is domiciled
2 within the circuit, and that he or she will not attain the age of
3 70 by the date of election. ~~—, and~~ **An affidavit of candidacy**
4 **also** shall contain a declaration that ~~he or she~~ **the incumbent**
5 is a candidate for election to the office of circuit court judge
6 **and shall state the judgeship number of the judgeship for which**
7 **the incumbent is a candidate.**

8 Sec. 415. (1) ~~The candidates for the office of judge of~~
9 ~~the circuit court receiving the largest number of votes at any~~
10 ~~primary election, to a number equal to twice the number of~~
11 ~~persons to be elected as set forth in the report of the board of~~
12 ~~state canvassers, based~~ **Based** on the returns from the various
13 county boards of canvassers and election precincts or as
14 determined by the board of state canvassers as the result of a
15 recount, **the 2 candidates for the office of circuit court judge**
16 **who receive the highest number of votes at a primary election for**
17 **a particular judgeship number** shall be declared the nominees for
18 the office at the next general election. The board of state
19 canvassers shall certify the nomination to the county election
20 commissions.

21 (2) If, after the deadline for filing nominating petitions
22 under section 413, there are ~~fewer candidates for nomination or~~
23 ~~nominees for the office of judge of the circuit court than there~~
24 ~~are persons to be elected at the general November election~~ **no**
25 **candidates for the office of circuit court judge for a particular**
26 **judgeship number** because of the death or disqualification of a
27 candidate more than 65 days before the general November election,

1 then ~~a person~~ **an individual**, whether or not an incumbent, may
2 qualify as a nominee for ~~that office~~ **the office with that**
3 **judgeship number** at the general November election by filing
4 nominating petitions as required by section 413. However, the
5 filing shall be made before 4 p.m. on the twenty-first day
6 following the death or disqualification of the candidate or 4
7 p.m. on the sixtieth day preceding the general November election,
8 whichever is earlier, and the minimum number of signatures
9 required is 1,000 or 1/2 the minimum number required under
10 section 413, whichever is less.

11 (3) The secretary of state shall certify the nomination of
12 each ~~person~~ **individual** who qualifies as a nominee under
13 subsection (2) to the board of election commissioners specified
14 by section 687 for the general November election.

15 Sec. 416. (1) Except as ~~otherwise provided in this~~
16 ~~section, a judge or judges of the circuit court shall be elected~~
17 ~~in each~~ **provided in subsection (2), an individual shall be**
18 **elected to the office of circuit court judge with a particular**
19 **judgeship number in a** judicial circuit at the general election in
20 which ~~judges of the circuit court are~~ **that judgeship is** to be
21 elected as provided by law.

22 (2) If there are ~~fewer~~ **no** nominees for the office of ~~judge~~
23 ~~of the circuit court than there are persons~~ **circuit court judge**
24 **with a particular judgeship number in a judicial circuit** to be
25 elected at the general November election because of the death or
26 disqualification of a nominee less than 66 days before the
27 general November election, then ~~a person~~ **an individual** shall

1 not be elected at that general November election to ~~any office~~
 2 ~~of judge of the circuit court for which there is no nominee~~ **the**
 3 **office of circuit court judge with that judgeship number.**

4 Sec. 417. The board of state canvassers shall determine
 5 which candidate ~~or candidates for the office of judge of the~~
 6 ~~circuit court~~ **for the office of circuit court judge for a**
 7 **particular judgeship number** received the greatest number of votes
 8 and shall declare ~~such candidate or candidates duly~~ **that**
 9 **candidate** elected. The ~~said board shall forthwith~~ **board of**
 10 **state canvassers shall immediately** make and subscribe on its
 11 statement of returns a certificate of ~~such~~ **the** determination
 12 and deliver the ~~same~~ **statement of returns** to the secretary of
 13 state.

14 Sec. 424. (1) If a vacancy occurs in the office of circuit
 15 **court** judge, the governor shall appoint a successor to fill the
 16 vacancy. ~~Except as otherwise provided in section 424a(3), the~~
 17 ~~person~~ **The individual** appointed by the governor shall be
 18 considered an incumbent for purposes of ~~this act~~ **section 413a.**
 19 The ~~person~~ **individual** appointed by the governor ~~shall hold~~
 20 **holds** office until 12 noon of January 1 following the next
 21 general November election at which a successor is elected and
 22 qualified.

23 (2) Except as otherwise provided in section 415(2), at the
 24 next fall primary election held at least 105 days after the
 25 vacancy occurs, candidates shall be nominated to fill the vacancy
 26 in the manner provided in this chapter for the nomination of
 27 candidates for circuit **court** judge. The vacancy shall be filled

1 at the general November election next following the primary in
 2 the manner provided in this chapter for the election of circuit
 3 **court** judges. The ~~person~~ **individual** elected shall hold office
 4 for the remainder of the unexpired term.

5 Sec. 424a. ~~—(1) In the primary and general election for 2~~
 6 ~~or more judgeships of the circuit court, each of the following~~
 7 ~~categories of candidates shall be listed separately on the~~
 8 ~~ballot, consistent with subsection (3):~~

9 ~~—— (a) The names of candidates for the judgeship or judgeships~~
 10 ~~for which the incumbent is seeking election.~~

11 ~~—— (b) The names of candidates for an existing judgeship or~~
 12 ~~judgeships for which the incumbent is not seeking election.~~

13 ~~—— (c) The names of candidates for a newly created judgeship or~~
 14 ~~judgeships.~~

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

18 ~~—— (a) An unspecified existing judgeship for which the incumbent~~
 19 ~~judge is not seeking election.~~

20 ~~—— (b) A new judgeship.~~

21 ~~—— (c) An unspecified existing judgeship for which the incumbent~~
 22 ~~judge is seeking election.~~

23 ~~—— (3) If the death or disqualification of an incumbent judge~~
 24 ~~triggers the application of section 415(2), then for the purposes~~
 25 ~~of subsections (1) and (2), that judgeship shall be regarded as a~~
 26 ~~judgeship for which the incumbent judge is not seeking election.~~

27 ~~The application of this subsection includes, but is not limited~~

1 ~~to, circumstances in which the governor appoints an individual to~~
2 ~~fill the vacancy and that individual seeks to qualify as a~~
3 ~~nominee under section 415(2).~~

4 ~~—— (4) A person who files nominating petitions for election to~~
5 ~~more than 1 circuit judgeship shall have~~ **An individual who files**
6 **the proper documentation for the office of circuit court judge**
7 **for more than 1 judgeship number has** not more than 3 days
8 following the close of filing to withdraw from all but 1 filing.
9 **If an individual fails to withdraw from all but 1 filing, that**
10 **individual is disqualified as a candidate for each judgeship for**
11 **which the individual filed, and the individual's name shall not**
12 **be printed on the ballot for those judgeships. A vote cast for**
13 **that individual at the ensuing primary or general election is**
14 **void and shall not be counted.**

15 ~~(5) In a primary and general election for 2 or more~~
16 ~~judgeships where more than 1 of the categories in subsection (2)~~
17 ~~could be selected, a candidate shall apply to the bureau of~~
18 ~~elections for a written statement of office designation to~~
19 ~~correspond to the judgeship sought by the candidate. The office~~
20 ~~designation provided by the secretary of state shall be included~~
21 ~~in the heading of all nominating petitions. Nominating petitions~~
22 ~~containing an improper office designation are invalid.~~

23 ~~—— (6) The secretary of state shall issue an office designation~~
24 ~~of incumbent position for any judgeship for which the incumbent~~
25 ~~judge is eligible to seek reelection. If an incumbent judge does~~
26 ~~not file an affidavit of candidacy by the deadline, the secretary~~
27 ~~of state shall notify all candidates for that office that a~~

1 ~~nonincumbent position exists. All nominating petitions~~
2 ~~circulated for the nonincumbent position subsequent to the~~
3 ~~deadline shall bear an office designation of nonincumbent~~
4 ~~position. All signatures collected prior to the affidavit of~~
5 ~~candidacy filing deadline may be filed with the nonincumbent~~
6 ~~nominating petitions.~~

7 Sec. 432. (1) ~~A~~ **Except as provided in subsection (2), a**
8 general nonpartisan primary election shall be held in every
9 county of this state on the Tuesday succeeding the first Monday
10 in August preceding every general November election at which
11 ~~judges of~~ probate **judges** are to be elected, at which time the
12 qualified and registered electors may vote for nonpartisan
13 candidates for the office of ~~judge of~~ probate **judge**. ~~If upon~~
14 ~~the expiration of the time for filing petitions or incumbency~~
15 ~~affidavits of candidacy for the primary election of said probate~~
16 ~~judges in any county it shall appear that there are not to exceed~~
17 ~~twice the number of candidates as there are persons to be~~
18 ~~elected, then the county clerk shall certify to the county board~~
19 ~~of election commissioners the name of such candidate for probate~~
20 ~~judge whose petitions have been properly filed and such candidate~~
21 ~~shall be the nominee for the judge of probate and shall be so~~
22 ~~certified. As to such office, there shall be no primary election~~
23 ~~and this office shall be omitted from the judicial primary~~
24 ~~ballot.~~

25 (2) **If, after the deadlines for filing affidavits of**
26 **candidacy or nominating petitions for the primary election for**
27 **the office of probate judge, there are not at least 3 candidates**

1 for a judgeship number within that county, the secretary of state
 2 shall certify to the county board of election commissioners the
 3 name of each candidate for that judgeship number for whom an
 4 affidavit or petition has been properly filed. Those candidates
 5 shall be certified as the nominees for the office of probate
 6 judge assigned that judgeship number. A primary election shall
 7 not be held for that judgeship, which shall be omitted from the
 8 judicial primary ballot.

9 Sec. 433. (1) To obtain the printing of the name of ~~a~~
 10 ~~person~~ **an individual** as a candidate for nomination for the
 11 office of ~~judge of~~ probate **judge** upon the official nonpartisan
 12 primary ballots, there shall be filed with the county clerk of
 13 each county nominating petitions containing the signatures,
 14 addresses, and dates of signing of a number of qualified and
 15 registered electors residing in the county as determined under
 16 section 544f or by the filing of an affidavit according to
 17 section 433a. The county clerk shall receive nominating
 18 petitions up to 4 p.m. on the fourteenth Tuesday preceding the
 19 August primary. The provisions of sections 544a and 544b apply.

20 ~~(2) 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 435a(2):~~

23 ~~—— (a) An unspecified existing judgeship for which the incumbent~~
 24 ~~judge is seeking election.~~

25 ~~—— (b) An unspecified existing judgeship for which the incumbent~~
 26 ~~judge is not seeking election.~~

27 ~~—— (c) A new judgeship.~~

1 (2) ~~—(3) A person who files nominating petitions for election~~
2 ~~to more than 1 probate judgeship shall have~~ An individual who
3 files the proper documentation for the office of probate judge
4 for more than 1 judgeship number has not more than 3 days
5 following the close of filing to withdraw from all but 1 filing.
6 If an individual fails to withdraw from all but 1 filing, that
7 individual is disqualified as a candidate for each judgeship for
8 which the individual filed, and the individual's name shall not
9 be printed on the ballot for those judgeships. A vote cast for
10 that individual at the ensuing primary or general election is
11 void and shall not be counted.

12 ~~(4) In a primary and general election for 2 or more~~
13 ~~judgeships where more than 1 of the categories in subsection (2)~~
14 ~~could be selected, a candidate shall apply to the bureau of~~
15 ~~elections for a written statement of office designation to~~
16 ~~correspond to the judgeship sought by the candidate. The office~~
17 ~~designation provided by the secretary of state shall be included~~
18 ~~in the heading of all nominating petitions. Nominating petitions~~
19 ~~containing an improper office designation are invalid.~~

20 ~~—(5) The secretary of state shall issue an office designation~~
21 ~~of incumbent position for any judgeship for which the incumbent~~
22 ~~judge is eligible to seek reelection. If an incumbent judge does~~
23 ~~not file an affidavit of candidacy by the deadline, the secretary~~
24 ~~of state shall notify all candidates for that office that a~~
25 ~~nonincumbent position exists. All nominating petitions~~
26 ~~circulated for the nonincumbent position subsequent to the~~
27 ~~deadline shall bear an office designation of nonincumbent~~

1 ~~position. All signatures collected prior to the affidavit of~~
 2 ~~candidacy filing deadline may be filed with the nonincumbent~~
 3 ~~nominating petitions.~~

4 Sec. 433a. (1) ~~Any~~ **An** incumbent probate court judge may
 5 become a candidate in the primary election for the office of
 6 which he or she is an incumbent by filing with the county clerk,
 7 or in case of a probate district with the secretary of state, an
 8 affidavit of candidacy not less than 134 days prior to the date
 9 of the primary election. However, if an incumbent ~~judge of~~
 10 probate **court judge** was appointed to fill a vacancy and the judge
 11 entered upon the duties of office less than 137 days before the
 12 date of the primary election, but before the fourteenth Tuesday
 13 preceding the primary election, the incumbent judge may file the
 14 affidavit of candidacy not more than 3 days after entering upon
 15 the duties of office.

16 (2) ~~The~~ **An** affidavit of candidacy shall contain statements
 17 that the affiant is an incumbent probate court judge of the
 18 county or district ~~of~~ **in** which election is sought, that he or
 19 she is domiciled within the county or district, and that he or
 20 she will not attain the age of 70 years by the date of election.
 21 ~~, and~~ **An affidavit of candidacy also** shall contain a
 22 declaration that ~~he or she~~ **the incumbent** is a candidate for
 23 election to the office of probate court judge **and shall state the**
 24 **judgeship number of the judgeship for which the incumbent is a**
 25 **candidate.**

26 Sec. 435. (1) ~~The candidates for the office of judge of~~
 27 ~~probate receiving the largest number of votes at any primary~~

1 ~~election, to a number equal to twice the number of places to be~~
2 ~~filled as set forth in the report of the board of county~~
3 ~~canvassers, based~~ **Based** on the returns from the various election
4 precincts or as determined by the board of county canvassers as
5 the result of a recount, **the 2 candidates for the office of**
6 **probate judge who receive the highest number of votes at a**
7 **primary election for a particular judgeship number** shall be
8 declared the nominees for the office at the next November
9 election. The board of county canvassers shall certify the
10 nominations to the county election commission.

11 (2) If, after the deadline for filing nominating petitions
12 under section 433, there are ~~fewer candidates for nomination or~~
13 ~~nominees for the office of judge of probate than there are~~
14 ~~persons to be elected~~ **no candidates for the office of probate**
15 **judge for a particular judgeship number** because of the death or
16 disqualification of a candidate more than 65 days before the
17 general November election, then ~~a person~~ **an individual**, whether
18 or not an incumbent, may qualify as a nominee for ~~that office~~
19 **the office with that judgeship number** at the general November
20 election by filing nominating petitions with the county clerk or,
21 in case of a probate district, with the secretary of state in the
22 manner required by section 433. However, the filing shall be
23 made before 4 p.m. on the twenty-first day following the death or
24 disqualification of the candidate or 4 p.m. on the sixtieth day
25 preceding the general November election, whichever is earlier,
26 and the minimum number of signatures required is 1,000 or 1/2 the
27 minimum number required under section 433, whichever is less.

1 (3) The county clerk or, in case of a probate district, the
 2 secretary of state shall certify the nomination of each ~~person~~
 3 **individual** who qualifies as a nominee under subsection (2) to the
 4 board of election commissioners specified by section 687 for the
 5 general November election.

6 Sec. 435a. ~~—(1) In the primary and general election for 2~~
 7 ~~or more probate judgeships, each of the following categories of~~
 8 ~~candidates shall be listed separately on the ballot, consistent~~
 9 ~~with subsection (2):~~

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

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

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

16 ~~—— (2) If the death or disqualification of an incumbent judge~~
 17 ~~triggers the application of section 435(2), then for the purposes~~
 18 ~~of subsection (1) and section 433(2), that judgeship shall be~~
 19 ~~regarded as a judgeship for which the incumbent judge is not~~
 20 ~~seeking election. The application of this subsection includes,~~
 21 ~~but is not limited to, circumstances in which the governor~~
 22 ~~appoints an individual to fill the vacancy and that individual~~
 23 ~~seeks to qualify as a nominee under section 435(2).~~

24 ~~—— (3) In the primary or general election for a judge of~~
 25 ~~probate, any~~ **probate judge, an** incumbent judge who is a
 26 candidate shall have printed upon the ballot under the name of
 27 the candidate the designation of that office.

1 Sec. 436. (1) Except as ~~otherwise provided in this~~
2 ~~section, a judge or judges of probate shall be elected in each~~
3 **provided in subsection (2), an individual shall be elected to the**
4 **office of probate judge with a particular judgeship number in a**
5 probate court district created pursuant to law ~~and each~~ **or a**
6 county at the general November election in which ~~judges of~~
7 ~~probate are~~ **that judgeship is** to be elected as provided by law.
8 Each probate court district created pursuant to law and each
9 county shall have that number of judges of probate as provided by
10 law.

11 (2) If there are ~~fewer~~ **no** nominees for the office of ~~judge~~
12 ~~of probate than there are persons to be elected~~ **probate judge**
13 **with a particular judgeship number in a probate district or**
14 **county** because of the death or disqualification of a nominee less
15 than 66 days before the general November election, then ~~a~~
16 ~~person~~ **an individual** shall not be elected at that general
17 November election to ~~any office of judge of probate for which~~
18 ~~there is no nominee~~ **the office of probate judge with that**
19 **judgeship number.**

20 Sec. 437. The board of county canvassers shall determine
21 which candidate ~~or candidates for the office of judge of~~
22 ~~probate~~ **for the office of probate judge for a particular**
23 **judgeship number** received the greatest number of votes and shall
24 declare ~~such candidate or candidates duly~~ **that candidate**
25 elected. The ~~said board shall forthwith~~ **board of county**
26 **canvassers shall immediately** make and subscribe on its statement
27 of returns a certificate of ~~such~~ **the** determination and deliver

1 the ~~same~~ **statement of returns** to the county clerk.

2 Sec. 444. (1) If a vacancy occurs in the office ~~of judge~~
3 of probate **judge**, the governor shall appoint a successor to fill
4 the vacancy. ~~Except as otherwise provided in section 435a(2),~~
5 ~~the person~~ **The individual** appointed by the governor shall be
6 considered an incumbent for purposes of ~~this act~~ **section 433a**
7 and ~~shall hold~~ **holds** office until 12 noon of January 1
8 following the next general November election at which a successor
9 is elected and qualified.

10 (2) Except as otherwise provided in section 435(2), at the
11 next primary election held at least 105 days after the vacancy
12 occurs, candidates shall be nominated to fill the vacancy in the
13 manner provided for in this chapter for the nomination of
14 candidates for ~~judge of~~ probate **judge**. The vacancies shall be
15 filled at the general November election next following the
16 primary in the manner provided for in this chapter for the
17 election of ~~judges of~~ probate **judge**. The ~~person~~ **individual**
18 elected shall hold office for the remainder of the unexpired
19 term.

20 Sec. 467a. (1) Except as provided in ~~section 467n~~
21 **subsection (2)**, a general nonpartisan primary election shall be
22 held in every district and election division of this state on the
23 Tuesday succeeding the first Monday in August prior to the
24 general election at which ~~judges of the~~ district court **judges**
25 are elected, at which time the qualified and registered electors
26 may vote for nonpartisan candidates for ~~judge of the~~ district
27 court **judge**. ~~If upon the expiration of the time for filing~~

1 ~~petitions of candidacy for the primary election of the judge of~~
2 ~~the district court in any district or election division, it~~
3 ~~appears that there are not to exceed twice the number of~~
4 ~~candidates as there are persons to be elected, the secretary of~~
5 ~~state shall certify to the county board of election commissioners~~
6 ~~the name of those candidates for district court judge whose~~
7 ~~petitions or affidavits of candidacy have been properly filed and~~
8 ~~those candidates shall be the nominees for the judge of the~~
9 ~~district court and shall be so certified. As to that office,~~
10 ~~there shall not be a primary election and this office shall be~~
11 ~~omitted from the judicial primary ballot.~~

12 (2) If, after the deadlines for filing affidavits of
13 candidacy or nominating petitions for the primary election for
14 the office of district court judge, there are not at least 3
15 candidates for a judgeship number within that district or
16 election division, the secretary of state shall certify to the
17 county board of election commissioners the name of each candidate
18 for that judgeship number for whom an affidavit or petition has
19 been properly filed. Those candidates shall be certified as the
20 nominees for the office of district court judge assigned that
21 judgeship number. A primary election shall not be held for that
22 judgeship, which shall be omitted from the judicial primary
23 ballot.

24 Sec. 467b. (1) To obtain the printing of the name of ~~a~~
25 ~~person~~ **an individual** as a candidate for nomination for the
26 office of ~~judge of the~~ district court **judge** upon the official
27 nonpartisan primary ballots, there shall be filed with the

1 secretary of state nominating petitions containing the
 2 signatures, addresses, and dates of signing of a number of
 3 qualified and registered electors residing in the judicial
 4 district or division as determined under section 544f. An
 5 incumbent district court judge may also become a candidate by the
 6 filing of an affidavit in lieu of petitions according to section
 7 467c. The secretary of state shall receive nominating petitions
 8 up to 4 p.m. on the fourteenth Tuesday preceding the primary.
 9 The 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 467c(4):~~

13 ~~—— (a) An unspecified existing judgeship for which the incumbent~~
 14 ~~judge is seeking election.~~

15 ~~—— (b) An unspecified existing judgeship for which the incumbent~~
 16 ~~judge is not seeking election.~~

17 ~~—— (c) A new judgeship.~~

18 ~~(2) —(3) A person who files nominating petitions for election~~
 19 ~~to more than 1 district judgeship shall have~~ **An individual who**
 20 **files the proper documentation for the office of district court**
 21 **judge for more than 1 judgeship number has** not more than 3 days
 22 following the close of filing to withdraw from all but 1 filing.
 23 **If an individual fails to withdraw from all but 1 filing, that**
 24 **individual is disqualified as a candidate for each judgeship for**
 25 **which the individual filed, and the individual's name shall not**
 26 **be printed on the ballot for those judgeships. A vote cast for**
 27 **that individual at the ensuing primary or general election is**

1 void and shall not be counted.

2 ~~(4) In a primary and general election for 2 or more~~
3 ~~judgeships where more than 1 of the categories in subsection (2)~~
4 ~~could be selected, a candidate shall apply to the bureau of~~
5 ~~elections for a written statement of office designation to~~
6 ~~correspond to the judgeship sought by the candidate. The office~~
7 ~~designation provided by the secretary of state shall be included~~
8 ~~in the heading of all nominating petitions. Nominating petitions~~
9 ~~containing an improper office designation are invalid.~~

10 ~~—— (5) The secretary of state shall issue an office designation~~
11 ~~of incumbent position for any judgeship for which the incumbent~~
12 ~~judge is eligible to seek reelection. If an incumbent judge does~~
13 ~~not file an affidavit of candidacy by the deadline, the secretary~~
14 ~~of state shall notify all candidates for that office that a~~
15 ~~nonincumbent position exists. All nominating petitions~~
16 ~~circulated for the nonincumbent position subsequent to the~~
17 ~~deadline shall bear an office designation of nonincumbent~~
18 ~~position. All signatures collected prior to the affidavit of~~
19 ~~candidacy filing deadline may be filed with the nonincumbent~~
20 ~~nominating petitions.~~

21 Sec. 467c. (1) An incumbent district court judge may become
22 a candidate in the primary election for the office of which he or
23 she is an incumbent by filing with the secretary of state an
24 affidavit of candidacy in lieu of nominating petitions not less
25 than 134 days prior to the date of the primary election.
26 However, if an incumbent district court judge was appointed to
27 fill a vacancy and the judge entered upon the duties of office

1 less than 137 days before the date of the primary election, but
 2 before the fourteenth Tuesday preceding the primary election, the
 3 incumbent judge may file the affidavit of candidacy not more than
 4 3 days after entering upon the duties of office. ~~The~~

5 **(2) An** affidavit of candidacy shall contain statements that
 6 the affiant is an incumbent district court judge for the district
 7 or election division in which election is sought, that he or she
 8 is domiciled within the district or election division, and that
 9 he or she will not attain the age of 70 by the date of election.

10 ~~—, and~~ **An affidavit of candidacy also shall contain a**
 11 declaration that the affiant is a candidate for election to the
 12 office of district court judge **and shall state the judgeship**
 13 **number of the judgeship for which the incumbent is a candidate.**

14 **(3) —(2)—** There shall be printed upon the ballot under the
 15 name of each incumbent district judge who is a candidate for
 16 nomination or election to the same office the designation of that
 17 office.

18 ~~(3) In the primary and general election for 2 or more~~
 19 ~~judgeships of the district court, each of the following~~
 20 ~~categories of candidates shall be listed separately on the~~
 21 ~~ballot, consistent with subsection (4):~~

22 ~~—— (a) The names of candidates for the judgeship or judgeships~~
 23 ~~for which the incumbent is seeking election.~~

24 ~~—— (b) The names of candidates for an existing judgeship or~~
 25 ~~judgeships for which the incumbent is not seeking election.~~

26 ~~—— (c) The names of candidates for a newly created judgeship or~~
 27 ~~judgeships.~~

1 ~~—— (4) If the death or disqualification of an incumbent judge~~
 2 ~~triggers the application of section 467e(2), then for the~~
 3 ~~purposes of subsection (3) and section 467b(2), that judgeship~~
 4 ~~shall be regarded as a judgeship for which the incumbent judge is~~
 5 ~~not seeking election. The application of this subsection~~
 6 ~~includes, but is not limited to, circumstances in which the~~
 7 ~~governor appoints an individual to fill the vacancy and that~~
 8 ~~individual seeks to qualify as a nominee under section 467e(2).~~

9 Sec. 467e. (1) ~~The candidates for the office of judge of~~
 10 ~~the district court receiving the largest number of votes at any~~
 11 ~~primary election, to a number equal to twice the number of~~
 12 ~~persons to be elected as set forth in the report of the board of~~
 13 ~~state canvassers, based~~ **Based** on the returns from the various
 14 county boards of canvassers and election precincts or as
 15 determined by the board **of state canvassers** as the result of a
 16 recount, **the 2 candidates for the office of district court judge**
 17 **who receive the highest number of votes at a primary election for**
 18 **a particular judgeship number** shall be declared the nominees for
 19 the office at the next general November election. The board of
 20 state canvassers shall certify the nomination to the county
 21 election commissions.

22 (2) If, after the deadline for filing nominating petitions
 23 under section 467b, there are ~~fewer candidates for nomination or~~
 24 ~~nominees for the office of judge of the district court than there~~
 25 ~~are persons to be elected~~ **no candidates for the office of**
 26 **district court judge for a particular judgeship number** because of
 27 the death or disqualification of a candidate more than 65 days

1 before the general November election, then ~~a person~~ **an**
2 **individual**, whether or not an incumbent, may qualify as a nominee
3 for ~~that office~~ **the office with that judgeship number** at the
4 general November election by filing nominating petitions as
5 required by section 467b. However, the filing shall be made
6 before 4 p.m. on the twenty-first day following the death or
7 disqualification of the candidate or 4 p.m. on the sixtieth day
8 preceding the general November election, whichever is earlier,
9 and the minimum number of signatures required is 1,000 or 1/2 the
10 minimum number required under section 467b, whichever is less.

11 (3) The secretary of state shall certify the nomination of
12 each ~~person~~ **individual** who qualifies as a nominee under
13 subsection (2) to the board of election commissioners specified
14 by section 687 for the general November election.

15 Sec. 467f. (1) Except as ~~otherwise provided in this~~
16 ~~section, judges of the district court shall be elected in each~~
17 **provided in subsection (2), an individual shall be elected to the**
18 **office of district court judge with a particular judgeship number**
19 **in a** judicial district ~~and~~ **or** election division of a judicial
20 district at the general election to fill vacancies in office as
21 of the following January 1.

22 (2) If there are ~~fewer~~ **no** nominees for the office of ~~judge~~
23 ~~of the district court than there are persons to be elected~~
24 **district court judge with a particular judgeship number in a**
25 **judicial district or division** because of the death or
26 disqualification of a nominee less than 66 days before the
27 general November election, then ~~a person~~ **an individual** shall

1 not be elected at that general November election to ~~any office~~
 2 ~~of judge of the district court for which there is no nominee~~ **the**
 3 **office of district court judge with that judgeship number.**

4 Sec. 467g. The board of state canvassers shall determine
 5 which candidate ~~or candidates for the office of judge of the~~
 6 ~~district court~~ **for the office of district court judge for a**
 7 **particular judgeship number** received the greatest number of votes
 8 and shall declare ~~such candidate or candidates duly~~ **that**
 9 **candidate** elected. The board ~~shall forthwith~~ **of state**
 10 **canvassers shall immediately** make and subscribe on its statement
 11 of returns a certificate of ~~such~~ **the** determination and deliver
 12 it to the secretary of state.

13 Sec. 467m. (1) If a vacancy occurs in the office of
 14 district **court** judge, the governor shall appoint a successor to
 15 fill the vacancy. ~~Except as otherwise provided in section~~
 16 ~~467e(4), the person~~ **The individual** appointed by the governor
 17 shall be considered an incumbent for purposes of ~~this act~~
 18 **section 467c** and ~~shall hold~~ **holds** office until 12 noon of
 19 January 1 following the next general November election at which a
 20 successor is elected and qualified.

21 (2) Except as otherwise provided in section 467e(2),
 22 candidates shall be nominated at the next fall primary held at
 23 least 105 days after the vacancy occurs, to fill the vacancy in
 24 the manner provided for in this chapter for the nomination of
 25 candidates for district court judge. The vacancy shall be filled
 26 at the general November election next following the primary in
 27 the manner provided for in this chapter for the election of

1 district court judges. The ~~person~~ **individual** elected shall
2 hold office for the remainder of the unexpired term.

3 Sec. 544b. (1) Except as provided in subsection (2), ~~a~~
4 ~~person shall~~ **an individual does** not qualify as a candidate for
5 ~~any~~ a judicial office of this state unless the ~~person~~
6 **individual** files an affidavit with his or her nominating
7 petitions on a form prescribed by the secretary of state stating
8 that he or she possesses the constitutional qualifications set
9 forth in section 19 of article VI of the state constitution of
10 1963. **The affidavit required by this subsection must also state**
11 **the judgeship number of the circuit, probate, or district court**
12 **judgeship in the circuit, county, district, or division of the**
13 **circuit, probate, or district court for which the individual is**
14 **filing the nominating petition and affidavit.**

15 (2) ~~In cases where~~ **For** candidates for judicial office **who**
16 are nominated at political party conventions, the chairperson and
17 secretary of the party shall file the affidavit with the
18 secretary of state not more than 1 business day after the
19 conclusion of the convention.

20 Enacting section 1. Sections 325, 416a to 416d, 426a to
21 426n, 467n, and 467p of the Michigan election law, 1954 PA 116,
22 MCL 168.325, 168.416a to 168.416d, 168.426a to 168.426n,
23 168.467n, and 168.467p, are repealed.