



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 21 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 22 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 23 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 24 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Tony Stamas
Committee: Judiciary

CONTENT

The bills would amend the Michigan Election Law to allow a candidate for judicial office to bring an action for equitable relief if he or she received incorrect or inaccurate written information from an election official concerning the required number of nominating petition signatures; and allow the candidate to obtain additional signatures if the court granted relief.

Senate Bills 21 (S-1), 22 (S-1), 23 (S-1), and 24 (S-1) would apply to candidates for circuit court judge, district court judge, probate judge, and municipal court judge, respectively. Under the bills, if a candidate received incorrect or inaccurate information from the Secretary of State or the Bureau of Elections (for a circuit or district court race), the county clerk (for a probate court race), or the city clerk (for a municipal court race), concerning the number of nominating petition signatures required under Section 544f of the Law and that official published or distributed the incorrect or inaccurate information, the candidate could bring an action in a court of competent jurisdiction for equitable relief. A court could grant relief if all of the following applied:

- The candidate brought the action within six days after being notified by the official that the nominating petition contained insufficient signatures.
- The candidate filed an affidavit certifying that he or she contacted the official and received incorrect or inaccurate written information concerning the number of required nominating petition signatures.
- The official had published or distributed the incorrect or inaccurate written information before the filing deadline.
- The official did not inform the candidate at least 14 days before the filing deadline that incorrect or inaccurate written information had been published or distributed.

If a court granted equitable relief, the candidate would have to be given the opportunity to obtain additional nominating petition signatures to meet the requirements of Section 544f (which specifies the number of signatures necessary based on the population of the district involved). The candidate would have to file the additional signatures with the Secretary of State, county clerk, or city clerk, as applicable, by 4 p.m. on the fifth business day after the date that the court order was filed. The additional signatures would be subject to challenge as provided under the Law.

MCL 168.413 (S.B. 21)
168.467b (S.B. 22)
168.433 (S.B. 23)
168.426d (S.B. 24)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 3-3-09

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.