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BILL ANALYSIS



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Senate Bills 21 through 24 (as introduced 1-27-09)
Sponsor: Senator Tony Stamas
Committee: Judiciary

Date Completed: 2-13-09

CONTENT

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

Senate Bill 21 would apply to circuit court judge candidates, Senate Bill 22 would apply to candidates for district court judge, Senate Bill 23 would apply to probate judge candidates, and Senate Bill 24 would apply to candidates for judge of the municipal court of record.

Specifically, if a candidate for nomination for the office of judge of the circuit court, district court, probate court, or municipal court received incorrect or inaccurate information from the Secretary of State, the Bureau of Elections, or a local election official concerning the number of nominating petition signatures required under Section 544f of the Law, the candidate could bring an action in a court of competent jurisdiction for equitable relief. A court could grant equitable relief to a candidate if both of the following applied:

- The number of valid nominating petition signatures the candidate submitted before the filing deadline was within 20% of the minimum number actually required.
- The candidate filed an affidavit certifying that he or she contacted the Secretary of State, the Bureau of Elections, or a local election official and received incorrect or inaccurate information concerning the number of required nominating petition signatures.

If a court granted equitable relief to a candidate under the bill, the candidate would have to be given the opportunity to obtain additional nominating petition signatures to meet the requirements of Section 544f. The candidate would have to file the additional nominating petition signatures with the Secretary of State by 4 p.m. on the fifth business day after the date of the court order granting equitable relief.

Section 544f specifies the number of signatures of qualified and registered electors necessary for nominating petitions based upon the population of the district involved, according to the most recent Federal census. The numbers of signatures required for a petition for a nonpartisan election are shown in Table 1.

Table 1

| Population | Minimum No. of Signatures | Maximum No. of Signatures |
|----------------------------|---------------------------|---------------------------|
| Up to 9,999 | 6 | 20 |
| 10,000 – 24,999 | 40 | 100 |
| 25,000 – 49,999 | 100 | 200 |
| 50,000 – 74,999 | 200 | 400 |
| 75,000 – 99,999 | 400 | 800 |
| 100,000 – 199,999 | 600 | 1,000 |
| 200,000 – 499,999 | 1,000 | 2,000 |
| 500,000 – 999,999 | 2,000 | 4,000 |
| 1,000,000 – 1,999,999 | 4,000 | 8,000 |
| 2,000,000 – 4,999,999 | 6,200 | 12,000 |
| Over 5,000,000 (statewide) | 30,000 | 60,000 |

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.

Fiscal Analyst: Joe Carrasco
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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.