SUBSTITUTE FOR

SENATE BILL NO. 23

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 433 (MCL 168.433), as amended by 1999 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 433. (1) ~~To~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**

2 **SUBSECTION, TO** obtain the printing of the name of a person as a

3 candidate for nomination for the office of judge of probate upon

4 the official nonpartisan primary ballots, there shall be filed with

5 the county clerk of each county nominating petitions containing the

6 signatures, addresses, and dates of signing of a number of

7 qualified and registered electors residing in the county as

8 determined under section 544f or by the filing of an affidavit

9 according to section 433a. **IN THE CASE OF A PROBATE COURT DISTRICT,**

1 **TO OBTAIN THE PRINTING OF THE NAME OF A PERSON AS A CANDIDATE FOR**

2 **NOMINATION FOR THE OFFICE OF JUDGE OF PROBATE UPON THE OFFICIAL**

3 **NONPARTISAN PRIMARY BALLOTS, THERE SHALL BE FILED WITH THE**

4 **SECRETARY OF STATE NOMINATING PETITIONS CONTAINING THE SIGNATURES,**

5 **ADDRESSES, AND DATES OF SIGNING OF A NUMBER OF QUALIFIED AND**

6 **REGISTERED ELECTORS RESIDING IN THE PROBATE COURT DISTRICT AS**

7 **DETERMINED UNDER SECTION 544F OR BY THE FILING OF AN AFFIDAVIT**

8 **ACCORDING TO SECTION 433A.** The county clerk **OR, IN THE CASE OF A**

9 **PROBATE COURT DISTRICT, THE SECRETARY OF STATE** shall receive

10 nominating petitions up to 4 p.m. on the fourteenth Tuesday

11 ~~preceding~~ **BEFORE** the August primary. The provisions of sections

12 544a and 544b apply.

13 (2) Nominating petitions filed under this section are valid

14 only if they clearly indicate for which of the following offices

15 the candidate is filing, consistent with section 435a(2):

16 (a) An unspecified existing judgeship for which the incumbent

17 judge is seeking election.

18 (b) An unspecified existing judgeship for which the incumbent

19 judge is not seeking election.

20 (c) A new judgeship.

21 (3) A person who files nominating petitions for election to

22 more than 1 probate judgeship shall have not more than 3 days

23 following the close of filing to withdraw from all but 1 filing.

24 (4) In a primary and general election for 2 or more judgeships

25 where more than 1 of the categories in subsection (2) could be

26 selected, a candidate shall apply to the bureau of elections for a

27 written statement of office designation to correspond to the

1 judgeship sought by the candidate. The office designation provided

2 by the secretary of state shall be included in the heading of all

3 nominating petitions. Nominating petitions containing an improper

4 office designation are invalid.

5   (5) The secretary of state shall issue an office designation

6 of incumbent position for any judgeship for which the incumbent

7 judge is eligible to seek reelection. If an incumbent judge does

8 not file an affidavit of candidacy by the deadline, the secretary

9 of state shall notify all candidates for that office that a

10 nonincumbent position exists. All nominating petitions circulated

11 for the nonincumbent position ~~subsequent to~~ **AFTER** the deadline

12 shall bear an office designation of nonincumbent position. All

13 signatures collected ~~prior to~~ **BEFORE** the affidavit of candidacy

14 filing deadline may be filed with the nonincumbent nominating

15 petitions.

16   **(6) IF A CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUDGE OF**

17 **PROBATE RECEIVES INCORRECT OR INACCURATE WRITTEN INFORMATION FROM**

18 **THE COUNTY CLERK OR, IN THE CASE OF A PROBATE COURT DISTRICT, THE**

19 **SECRETARY OF STATE CONCERNING THE NUMBER OF NOMINATING PETITION**

20 **SIGNATURES REQUIRED UNDER SECTION 544F AND THAT INCORRECT OR**

21 **INACCURATE WRITTEN INFORMATION IS PUBLISHED OR DISTRIBUTED BY THE**

22 **COUNTY CLERK OR, IN THE CASE OF A PROBATE COURT DISTRICT, THE**

23 **SECRETARY OF STATE, THE CANDIDATE MAY BRING AN ACTION IN A COURT OF**

24 **COMPETENT JURISDICTION FOR EQUITABLE RELIEF. A COURT MAY GRANT**

25 **EQUITABLE RELIEF TO A CANDIDATE UNDER THIS SUBSECTION IF ALL OF THE**

26 **FOLLOWING OCCUR:**

27   **(A) THE CANDIDATE BRINGS THE ACTION FOR EQUITABLE RELIEF**

1 WITHIN 6 DAYS AFTER THE CANDIDATE IS NOTIFIED BY THE COUNTY CLERK

2 OR, IN THE CASE OF A PROBATE COURT DISTRICT, THE SECRETARY OF STATE

3 THAT THE CANDIDATE'S NOMINATING PETITION CONTAINS INSUFFICIENT

4 SIGNATURES.

5 (B) THE CANDIDATE FILES AN AFFIDAVIT CERTIFYING THAT HE OR SHE

6 CONTACTED AND RECEIVED FROM THE COUNTY CLERK OR, IN THE CASE OF A

7 PROBATE COURT DISTRICT, THE SECRETARY OF STATE INCORRECT OR

8 INACCURATE WRITTEN INFORMATION CONCERNING THE NUMBER OF NOMINATING

9 PETITION SIGNATURES REQUIRED UNDER SECTION 544F.

10 (C) THE COUNTY CLERK OR, IN THE CASE OF A PROBATE COURT

11 DISTRICT, THE SECRETARY OF STATE PUBLISHED OR DISTRIBUTED THE

12 INCORRECT OR INACCURATE WRITTEN INFORMATION CONCERNING THE NUMBER

13 OF NOMINATING PETITION SIGNATURES REQUIRED UNDER SECTION 544F

14 BEFORE THE FILING DEADLINE UNDER SUBSECTION (1).

15 (D) THE COUNTY CLERK OR, IN THE CASE OF A PROBATE COURT

16 DISTRICT, THE SECRETARY OF STATE DID NOT INFORM THE CANDIDATE AT

17 LEAST 14 DAYS BEFORE THE FILING DEADLINE UNDER SUBSECTION (1) THAT

18 INCORRECT OR INACCURATE WRITTEN INFORMATION CONCERNING THE NUMBER

19 OF NOMINATING PETITION SIGNATURES REQUIRED UNDER SECTION 544F HAD

20 BEEN PUBLISHED OR DISTRIBUTED.

21 (7) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER

22 SUBSECTION (6), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO

23 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE

24 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION

25 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE COUNTY

26 CLERK OR, IN THE CASE OF A PROBATE COURT DISTRICT, THE SECRETARY OF

27 STATE NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY AFTER THE DATE

1   THAT THE COURT ORDER GRANTING EQUITABLE RELIEF IS FILED.

2   (8) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS

3   SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.