

SUBSTITUTE FOR
SENATE BILL NO. 24

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 426d (MCL 168.426d), as amended by 1999 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 426d. (1) To obtain the printing of the name of a person
2 on the ballot as a candidate for the office of judge of the
3 municipal court of record, there shall be filed with the city clerk
4 nominating petitions containing the signatures, addresses, and
5 dates of signing of a number of qualified and registered electors
6 residing in that city as determined under section 544f. The city
7 clerk shall receive nominating petitions up to 4 p.m. of the
8 fourteenth Tuesday ~~preceding~~**BEFORE** the August primary. The
9 provisions of sections 544a and 544b apply.

1 (2) An incumbent judge of the municipal court of record may
2 become a candidate in the primary election for the office of which
3 the judge is the incumbent by filing, with the city clerk, an
4 affidavit of candidacy not less than 134 days before the date of
5 the primary election. The affidavit of candidacy shall contain
6 statements that the affiant is an incumbent judge of the municipal
7 court of record, is domiciled within the city, will not attain the
8 age of 70 by the date of election, and is a candidate for election
9 to the office of judge of the municipal court of record.

10 (3) 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 426k(3):

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 (4) A person who files nominating petitions for election to
19 more than 1 municipal court of record judgeship shall have not more
20 than 3 days following the close of filing to withdraw from all but
21 1 filing.

22 (5) In a primary and general election for 2 or more judgeships
23 where more than 1 of the categories in subsection (3) could be
24 selected, a candidate shall apply to the bureau of elections for a
25 written statement of office designation to correspond to the
26 judgeship sought by the candidate. The office designation provided
27 by the secretary of state shall be included in the heading of all

1 nominating petitions. Nominating petitions containing an improper
2 office designation are invalid.

3 (6) The secretary of state shall issue an office designation
4 of incumbent position for any judgeship for which the incumbent
5 judge is eligible to seek reelection. If an incumbent judge does
6 not file an affidavit of candidacy by the deadline, the secretary
7 of state shall notify all candidates for that office that a
8 nonincumbent position exists. All nominating petitions circulated
9 for the nonincumbent position ~~subsequent to~~ **AFTER** the deadline
10 shall bear an office designation of nonincumbent position. All
11 signatures collected ~~prior to~~ **BEFORE** the affidavit of candidacy
12 filing deadline may be filed with the nonincumbent nominating
13 petitions.

14 (7) IF A CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUDGE OF
15 THE MUNICIPAL COURT OF RECORD RECEIVES INCORRECT OR INACCURATE
16 WRITTEN INFORMATION FROM THE CITY CLERK CONCERNING THE NUMBER OF
17 NOMINATING PETITION SIGNATURES REQUIRED UNDER SECTION 544F AND THAT
18 INCORRECT OR INACCURATE WRITTEN INFORMATION IS PUBLISHED OR
19 DISTRIBUTED BY THE CITY CLERK, THE CANDIDATE MAY BRING AN ACTION IN
20 A COURT OF COMPETENT JURISDICTION FOR EQUITABLE RELIEF. A COURT MAY
21 GRANT EQUITABLE RELIEF TO A CANDIDATE UNDER THIS SUBSECTION IF ALL
22 OF THE FOLLOWING OCCUR:

23 (A) THE CANDIDATE BRINGS THE ACTION FOR EQUITABLE RELIEF
24 WITHIN 6 DAYS AFTER THE CANDIDATE IS NOTIFIED BY THE CITY CLERK
25 THAT THE CANDIDATE'S NOMINATING PETITION CONTAINS INSUFFICIENT
26 SIGNATURES.

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

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1 CONTACTED AND RECEIVED FROM THE CITY CLERK INCORRECT OR INACCURATE
2 WRITTEN INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION
3 SIGNATURES REQUIRED UNDER SECTION 544F.

4 (C) THE CITY CLERK PUBLISHED OR DISTRIBUTED THE INCORRECT OR
5 INACCURATE WRITTEN INFORMATION CONCERNING THE NUMBER OF NOMINATING
6 PETITION SIGNATURES REQUIRED UNDER SECTION 544F BEFORE THE FILING
7 DEADLINE UNDER SUBSECTION (1).

8 (D) THE CITY CLERK DID NOT INFORM THE CANDIDATE AT LEAST 14
9 DAYS BEFORE THE FILING DEADLINE UNDER SUBSECTION (1) THAT INCORRECT
10 OR INACCURATE WRITTEN INFORMATION CONCERNING THE NUMBER OF
11 NOMINATING PETITION SIGNATURES REQUIRED UNDER SECTION 544F HAD BEEN
12 PUBLISHED OR DISTRIBUTED.

13 (8) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER
14 SUBSECTION (7), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO
15 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE
16 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION
17 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE CITY
18 CLERK NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY AFTER THE DATE
19 THAT THE COURT ORDER GRANTING EQUITABLE RELIEF IS FILED. <<

20 (9) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS
21 SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.>>