

SENATE BILL No. 23

January 27, 2009, Introduced by Senator STAMAS and referred to the Committee on Judiciary.

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 obtain the printing of the name of a person
2 as a candidate for nomination for the office of judge of probate
3 upon the official nonpartisan primary ballots, there shall be filed
4 with the county clerk of each county nominating petitions
5 containing the signatures, addresses, and dates of signing of a
6 number of qualified and registered electors residing in the county
7 as determined under section 544f or by the filing of an affidavit
8 according to section 433a. The county clerk shall receive
9 nominating petitions up to 4 p.m. on the fourteenth Tuesday

1 ~~proceeding~~ **BEFORE** the August primary. The provisions of sections
2 544a and 544b apply.

3 (2) Nominating petitions filed under this section are valid
4 only if they clearly indicate for which of the following offices
5 the candidate is filing, consistent with section 435a(2):

6 (a) An unspecified existing judgeship for which the incumbent
7 judge is seeking election.

8 (b) An unspecified existing judgeship for which the incumbent
9 judge is not seeking election.

10 (c) A new judgeship.

11 (3) A person who files nominating petitions for election to
12 more than 1 probate judgeship shall have not more than 3 days
13 following the close of filing to withdraw from all but 1 filing.

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

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

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

6 (6) IF A CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUDGE OF
7 PROBATE RECEIVES INCORRECT OR INACCURATE INFORMATION FROM THE
8 SECRETARY OF STATE, THE BUREAU OF ELECTIONS, OR A LOCAL ELECTION
9 OFFICIAL CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
10 REQUIRED UNDER SECTION 544F, THE CANDIDATE MAY BRING AN ACTION IN A
11 COURT OF COMPETENT JURISDICTION FOR EQUITABLE RELIEF. A COURT MAY
12 GRANT EQUITABLE RELIEF TO A CANDIDATE UNDER THIS SUBSECTION IF ALL
13 OF THE FOLLOWING OCCUR:

14 (A) THE NUMBER OF VALID NOMINATING PETITION SIGNATURES
15 SUBMITTED BY THE CANDIDATE BEFORE THE FILING DEADLINE UNDER
16 SUBSECTION (1) IS WITHIN 20% OF THE MINIMUM NUMBER OF NOMINATING
17 PETITION SIGNATURES ACTUALLY REQUIRED UNDER SECTION 544F.

18 (B) THE CANDIDATE FILES AN AFFIDAVIT CERTIFYING THAT HE OR SHE
19 CONTACTED AND RECEIVED FROM THE SECRETARY OF STATE, THE BUREAU OF
20 ELECTIONS, OR A LOCAL ELECTION OFFICIAL INCORRECT OR INACCURATE
21 INFORMATION CONCERNING THE NUMBER OF NOMINATING PETITION SIGNATURES
22 REQUIRED UNDER SECTION 544F.

23 (7) IF A COURT GRANTS EQUITABLE RELIEF TO A CANDIDATE UNDER
24 SUBSECTION (6), THE CANDIDATE SHALL BE GIVEN THE OPPORTUNITY TO
25 OBTAIN ADDITIONAL NOMINATING PETITION SIGNATURES TO MEET THE
26 REQUIREMENTS UNDER SECTION 544F. THE ADDITIONAL NOMINATING PETITION
27 SIGNATURES OBTAINED BY A CANDIDATE SHALL BE FILED WITH THE COUNTY

1 CLERK NO LATER THAN 4 P.M. ON THE FIFTH BUSINESS DAY AFTER THE DATE
2 OF THE COURT ORDER GRANTING EQUITABLE RELIEF.