

SENATE BILL No. 452

September 9, 2015, Introduced by Senator JONES and referred to the Committee on Elections and Government Reform.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 409b, 409d, and 409e (MCL 168.409b, 168.409d,
and 168.409e), section 409b as amended by 2012 PA 276 and sections
409d and 409e as amended by 1990 PA 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 409b. (1) To obtain the printing of the name of a
2 qualified person other than an incumbent judge of the court of
3 appeals as a candidate for nomination for the office of judge of
4 the court of appeals upon the official nonpartisan primary ballots,
5 there shall be filed with the secretary of state nominating
6 petitions containing the signatures, addresses, and dates of
7 signing of a number of qualified and registered electors residing
8 in the appellate court district as determined under section 544f.

1 The provisions of sections 544a and 544b apply. ~~Until December 31,~~
2 ~~2013, the secretary of state shall receive nominating petitions up~~
3 ~~to 4 p.m. on the fourteenth Tuesday before the primary. Beginning~~
4 ~~January 1, 2014, the~~ **THE** secretary of state shall receive
5 nominating petitions up to 4 p.m. on the fifteenth Tuesday before
6 the primary.

7 (2) Nominating petitions filed under this section are valid
8 only if they clearly indicate for which of the following offices
9 the candidate is filing, consistent with subsection (8):

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

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

14 (c) A new judgeship.

15 (3) Nominating petitions specifying a new or existing court of
16 appeals judgeship may not be used to qualify a candidate for
17 another judicial office of the same court in the same judicial
18 district. A person who files nominating petitions for election to
19 more than 1 court of appeals judgeship shall have not more than 3
20 days following the close of filing to withdraw from all but 1
21 filing.

22 (4) In a primary and general election for 2 or more judgeships
23 where more than 1 of the categories in subsection (2) 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 (5) 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 the deadline shall bear
10 an office designation of nonincumbent position. All signatures
11 collected before the affidavit of candidacy filing deadline may be
12 filed with the nonincumbent nominating petitions.

13 (6) An incumbent judge of the court of appeals may become a
14 candidate in the primary election for the office of which he or she
15 is the incumbent by filing with the secretary of state an affidavit
16 of candidacy not less than 134 days before the date of the primary
17 election. However, ~~before December 31, 2013, if an incumbent judge~~
18 ~~of the court of appeals was appointed to fill a vacancy and the~~
19 ~~judge entered upon the duties of office less than 137 days before~~
20 ~~the date of the primary election but before the fourteenth Tuesday~~
21 ~~before the primary election, the incumbent judge may file the~~
22 ~~affidavit of candidacy not more than 3 days after entering upon the~~
23 ~~duties of office. Beginning January 1, 2014, if an incumbent judge~~
24 of the court of appeals was appointed to fill a vacancy and the
25 judge entered upon the duties of the office less than 137 days
26 before the date of the primary election but before the fifteenth
27 Tuesday before the primary election, the incumbent judge may file

1 the affidavit of candidacy not more than 3 days after entering upon
2 the duties of office. The affidavit of candidacy shall contain
3 statements that the affiant is an incumbent judge of the court of
4 appeals, is domiciled within the district, will not attain the age
5 of 70 by the date of election, and is a candidate for election to
6 the office of judge of the court of appeals.

7 (7) In the primary and general November election for 2 or more
8 judgeships of the court of appeals in a judicial district, each of
9 the following categories of candidates shall be listed separately
10 on the ballot, consistent with subsection (8):

11 (a) The names of candidates for the judgeship or judgeships
12 for which the incumbent is seeking election.

13 (b) The names of candidates for the judgeship or judgeships
14 for which the incumbent is not seeking election.

15 (c) The names of candidates for a newly created judgeship or
16 judgeships.

17 (8) If the death, ~~or~~ disqualification, **OR APPOINTMENT TO**
18 **ANOTHER JUDGESHIP** of an incumbent judge triggers the application of
19 section 409d(2), then for the purposes of subsections (2) and (7),
20 that judgeship shall be regarded as a judgeship for which the
21 incumbent judge is not seeking election. The application of this
22 subsection includes, but is not limited to, circumstances in which
23 the governor appoints an individual to fill the vacancy and that
24 individual seeks to qualify as a nominee under section 409d(2).

25 Sec. 409d. (1) In each appellate court district the candidates
26 for office of judge of the court of appeals receiving the largest
27 number of votes at any primary election, to a number equal to twice

1 the number of persons to be elected as set forth in the report of
2 the board of state canvassers, based on the returns from the
3 various boards of county canvassers and election precincts, or as
4 determined by the board of state canvassers as the result of a
5 recount, shall be declared the nominees for the office at the next
6 general November election. The board of state canvassers shall
7 certify the nomination to the county election commissions.

8 (2) If, after the deadline for filing nominating petitions
9 under section 409b, there are fewer candidates for nomination or
10 nominees for the office of judge of the court of appeals than there
11 are persons to be elected at the general November election because
12 of the death, ~~or~~ disqualification, **OR APPOINTMENT TO ANOTHER**
13 **JUDGESHIP** of a candidate more than 65 days before the general
14 November election, then a person, whether or not an incumbent, may
15 qualify as a nominee for that office at the general November
16 election by filing nominating petitions as required by section
17 409b. However, the filing shall be made before 4 p.m. on the
18 twenty-first day following the death, ~~or~~ disqualification, **OR**
19 **APPOINTMENT TO ANOTHER JUDGESHIP** of the candidate or 4 p.m. on the
20 sixtieth day ~~preceding~~ **BEFORE** the general November election,
21 whichever is earlier, and the minimum number of signatures required
22 is 1,000 or 1/2 the minimum number required under section 409b,
23 whichever is less.

24 (3) The secretary of state shall certify the nomination of
25 each person who qualifies as a nominee under subsection (2) to the
26 board of election commissioners of each county in the appellate
27 court district for the general November election.

1 Sec. 409e. (1) Except as otherwise provided in this section, a
 2 judge or judges of the court of appeals shall be elected in each
 3 appellate court district at the general November election in which
 4 judges of the court of appeals are to be elected as provided by
 5 law.

6 (2) If there are fewer nominees for the office of judge of the
 7 court of appeals than there are persons to be elected at the
 8 general November election because of the death, ~~or~~
 9 disqualification, **OR APPOINTMENT TO ANOTHER JUDGESHIP** of a nominee
 10 less than 66 days before the general November election, then a
 11 person shall not be elected at that general November election to
 12 any office of judge of the court of appeals for which there is no
 13 nominee.

14 (3) The term of office for judge of the court of appeals shall
 15 be 6 years, commencing at 12 noon on January 1 next following his
 16 or her election and shall continue until a successor is elected and
 17 qualified.

18 Enacting section 1. This amendatory act takes effect 90 days
 19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect
 21 unless all of the following bills of the 98th Legislature are
 22 enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____ (request no.
 24 02278'15).

25 (b) Senate Bill No. _____ or House Bill No. _____ (request no.
 26 02279'15).

27 (c) Senate Bill No. _____ or House Bill No. _____ (request no.

1 02286'15).

2 (d) Senate Bill No. _____ or House Bill No. _____ (request no.

3 02607'15).