

HOUSE BILL NO. 4696

June 11, 2019, Introduced by Reps. Brann, Vaupel, Bellino, Crawford, Allor and Cherry and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 391, 392a, 409, 411, 431, 433a, and 467 (MCL
168.391, 168.392a, 168.409, 168.411, 168.431, 168.433a, and
168.467), sections 391, 409, 411, 431, 433a, and 467 as amended by
2018 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 391. ~~A person~~**An individual** is not eligible to the office
2 of justice of the supreme court unless the ~~person~~**individual** is a
3 registered and qualified elector of this state by the filing



STM



02584'19 a

1 deadline or the date the person files the affidavit of candidacy,
 2 **and the individual** is licensed to practice law in this state. ~~and~~
 3 ~~at the time of election or appointment is less than 70 years of~~
 4 ~~age.~~

5 Sec. 392a. (1) ~~Any~~ **An** incumbent justice of the supreme court
 6 may become a candidate for ~~re-election~~ **reelection** as a justice of
 7 the supreme court by filing with the secretary of state an
 8 affidavit of candidacy not less than 180 days ~~prior to~~ **before** the
 9 expiration of his **or her** term of office.

10 (2) The affidavit of candidacy ~~shall~~ **must** contain statements
 11 that the affiant is an incumbent supreme court justice ~~and~~ that
 12 he **or she** is domiciled within the state, ~~that he will not have~~
 13 ~~attained the age of 70 years prior to the date of election and~~ **must**
 14 **contain** a declaration that he **or she** is a candidate for election to
 15 the office of supreme court justice.

16 Sec. 409. ~~A person~~ **An individual** is not eligible for the
 17 office of judge of the court of appeals unless the ~~person~~
 18 **individual** is a registered and qualified elector of the appellate
 19 court district in which election is sought by the filing deadline
 20 or the date the ~~person~~ **individual** files the affidavit of candidacy,
 21 **and the individual** is licensed to practice law in this state. ~~and,~~
 22 ~~at the time of election or appointment, is less than 70 years~~
 23 ~~of age.~~

24 Sec. 411. ~~A person~~ **An individual** is not eligible to the office
 25 of judge of the circuit court unless the ~~person~~ **individual** is a
 26 registered and qualified elector of the judicial circuit in which
 27 election is sought by the filing deadline or the date the ~~person~~
 28 **individual** files the affidavit of candidacy, as provided in section
 29 11 of article VI of the state constitution of 1963, **and the**



1 **individual** is licensed to practice law in this state. ~~, and, at the~~
 2 ~~time of election, is less than 70 years of age.~~

3 Sec. 431. ~~A person~~ **An individual** is not eligible to the office
 4 of judge of probate unless the ~~person~~ **individual** is a registered
 5 and qualified elector of the county in which election is sought by
 6 the filing deadline or the date the ~~person~~ **individual** files the
 7 affidavit of candidacy, as provided in section 16 of article VI of
 8 the state constitution of 1963, **and the individual** is licensed to
 9 practice law in this state except as provided in section 7 of the
 10 schedule and temporary provisions of the state constitution of
 11 1963. ~~, and, at the time of election, is less than 70 years of age.~~

12 Sec. 433a. (1) ~~Any~~ **An** incumbent probate court judge may become
 13 a candidate in the primary election for the office of which he or
 14 she is an incumbent by filing with the county clerk, or in case of
 15 a probate district with the secretary of state, an affidavit of
 16 candidacy not less than 134 days before the date of the primary
 17 election. However, if an incumbent judge of probate was appointed
 18 to fill a vacancy and the judge entered upon the duties of office
 19 less than 137 days before the date of the primary election but
 20 before the fifteenth Tuesday before the primary election, the
 21 incumbent judge may file the affidavit of candidacy not more than 3
 22 days after entering upon the duties of office.

23 (2) The affidavit of candidacy must contain statements that
 24 the affiant is an incumbent probate court judge of the county or
 25 district of which election is sought ~~, and~~ **and** that he or she is
 26 domiciled within the county or district, ~~and that he or she will~~
 27 ~~not attain the age of 70 years by the date of election, and must~~
 28 contain a declaration that he or she is a candidate for election to
 29 the office of probate court judge.



1 Sec. 467. ~~A person~~ **An individual** is not eligible for the
2 office of judge of the district court unless the ~~person~~ **individual**
3 is a registered and qualified elector of the judicial district and
4 election division in which election is sought by the filing
5 deadline or the date the ~~person~~ **individual** files the affidavit of
6 candidacy, **and the individual** is licensed to practice law in this
7 state. ~~, and, at the time of election or appointment, is less than~~
8 ~~70 years of age.~~

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Joint Resolution ____ or House Joint Resolution ____
11 (request no. 02584'19) of the 100th Legislature becomes a part of
12 the state constitution of 1963 as provided in section 1 of article
13 XII of the state constitution of 1963.

