

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.9923 Municipal judges in third class districts.

Sec. 9923. (1) After December 31, 1968, any elected incumbent associate municipal judge who is prohibited from practicing law pursuant to state statute or city charter or ordinance and any elected incumbent municipal judge who serves in a city which is in and of itself a district of the third class or an election division thereof or who serves in a city which contains more than 85% of the population of a district of the third class, and whose term of office does not expire until after December 31, 1968, shall become a judge of the district court, unless he files with the city clerk within 10 days after the effective date of this section, an affidavit of intent not to be made a district judge, and shall serve through December 31 of the year in which his term as municipal or associate municipal judge would normally expire, except that when such term would normally expire in an odd numbered year he shall serve as district judge through December 31 of the next even numbered year. Commencing with the 1968 general elections, the number of district judges to be elected in a district of the third class or an election division thereof shall be reduced by the number of municipal and associate municipal judges made district judges under this subsection. As the term of each such municipal and associate municipal judge becoming a judge of the district court expires, the number of district judges to be elected within such district or election division thereof shall be increased by 1. This subsection shall not apply to any city having more such elected incumbent municipal and associate municipal judges than the number of district judges authorized such city pursuant to the provisions of this act.

(2) In seeking election after the 1968 general election to the district court, such judges or associate judges becoming judges of the district court may file affidavits of candidacy in like manner as elected incumbent district court judges and shall be entitled to designation on the ballot as a judge of the district court.

(3) In the primary and general election of judges of the district court to be held in 1968 any elected incumbent municipal or associate municipal judge who is a candidate for district judge shall be entitled to the designation on the ballot that he holds the judicial office of which he is then incumbent.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

Constitutionality: This section was held to constitute an abuse of elective franchise, since only municipal judges were granted right of incumbency designation on the ballot, thereby giving candidate an unfair advantage. Wells v Kent County Board of Election Commissioners, 382 Mich 112; 168 NW2d 222 (1969).