

# SENATE BILL No. 612

July 11, 2001, Introduced by Senator BULLARD and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 424a (MCL 168.424a), as amended by 1999  
PA 218.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 424a. (1) In the primary and general election for 2 or  
2 more judgeships of the circuit court, each of the following cate-  
3 gories of candidates shall be listed separately on the ballot,  
4 consistent with subsection ~~-(3)-~~ (4):

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

7           (b) The names of candidates for an existing judgeship or  
8 judgeships for which the incumbent is not seeking election.

9           (c) The names of candidates for a newly created judgeship or  
10 judgeships.

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1           (2) IN A COUNTY THAT HAS DIRECT ELECTION OF 1 OR MORE JUDGES  
2 OF THE FAMILY DIVISION OF CIRCUIT COURT, THE CATEGORY OF FAMILY  
3 DIVISION OF CIRCUIT COURT JUDGES SHALL BE LISTED SEPARATELY ON  
4 THE BALLOT. WITHIN THE CATEGORY OF FAMILY DIVISION OF CIRCUIT  
5 COURT JUDGES, THE CANDIDATES SHALL BE LISTED SEPARATELY ON THE  
6 BALLOT AS DETERMINED UNDER SUBSECTION (1). A CANDIDATE FOR A  
7 JUDGESHIP IN THE FAMILY DIVISION OF CIRCUIT COURT SHALL FILE A  
8 NOMINATING PETITION UNDER SECTION 413 THAT SPECIFIES THE FAMILY  
9 DIVISION OF CIRCUIT COURT AND THAT COMPLIES WITH SUBSECTION (3).

10           (3) ~~(2)~~ Nominating petitions filed under section 413 are  
11 valid only if they clearly indicate for which of the following  
12 offices the candidate is filing, consistent with subsection ~~(3)~~  
13 (4):

14           (a) An unspecified existing judgeship for which the incum-  
15 bent judge is not seeking election.

16           (b) A new judgeship.

17           (c) An unspecified existing judgeship for which the incum-  
18 bent judge is seeking election.

19           (4) ~~(3)~~ If the death or disqualification of an incumbent  
20 judge triggers the application of section 415(2), then for the  
21 purposes of subsections (1), ~~and~~ (2), AND (3), that judgeship  
22 shall be regarded as a judgeship for which the incumbent judge is  
23 not seeking election. The application of this subsection  
24 includes, but is not limited to, circumstances in which the gov-  
25 ernor appoints an individual to fill the vacancy and that indi-  
26 vidual seeks to qualify as a nominee under section 415(2).

1           (5) ~~(4)~~ A person who files nominating petitions for  
2 election to more than 1 circuit judgeship shall have not more  
3 than 3 days following the close of filing to withdraw from all  
4 but 1 filing.

5           (6) ~~(5)~~ In a primary and general election for 2 or more  
6 judgeships where more than 1 of the categories in subsection  
7 ~~(2)~~ (3) could be selected, a candidate shall apply to the  
8 bureau of elections for a written statement of office designation  
9 to correspond to the judgeship sought by the candidate. The  
10 office designation provided by the secretary of state shall be  
11 included in the heading of all nominating petitions. Nominating  
12 petitions containing an improper office designation are invalid.

13           (7) ~~(6)~~ The secretary of state shall issue an office des-  
14 ignation of incumbent position for ~~any~~ A judgeship for which  
15 the incumbent judge is eligible to seek reelection. If an incum-  
16 bent judge does not file an affidavit of candidacy by the dead-  
17 line, the secretary of state shall notify all candidates for that  
18 office that a nonincumbent position exists. All nominating peti-  
19 tions circulated for the nonincumbent position subsequent to the  
20 deadline shall bear an office designation of nonincumbent  
21 position. All signatures collected prior to the affidavit of  
22 candidacy filing deadline may be filed with the nonincumbent non-  
23 inating petitions.

24           Enacting section 1. This amendatory act does not take  
25 effect unless Senate Bill No. 76 of the 91st Legislature is  
26 enacted into law.