

HOUSE BILL NO. 5565

March 13, 2024, Introduced by Reps. Phil Green, Bezotte, Wozniak and Bierlein and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 409b, 409l, 424, 424a, 433, 444, 467b, 467c, 467m, 561, and 696 (MCL 168.409b, 168.409l, 168.424, 168.424a, 168.433, 168.444, 168.467b, 168.467c, 168.467m, 168.561, and 168.696), sections 409b, 433, 467b, and 467c as amended by 2018 PA 120, sections 409l, 424, 444, and 467m as amended by 2014 PA 94, section 424a as amended by 1999 PA 218, section 561 as amended by 2002 PA 163, and section 696 as amended by 2017 PA 113; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 409b. (1) To obtain the printing of the name of a
 2 qualified ~~person~~**individual** other than an incumbent judge of the
 3 court of appeals as a candidate for nomination for the office of
 4 judge of the court of appeals ~~upon~~**on** the official nonpartisan
 5 primary ballots, there must be filed with the secretary of state
 6 nominating petitions containing the signatures, addresses, and
 7 dates of signing of a number of qualified and registered electors
 8 residing in the appellate court district as determined under
 9 section 544f. The provisions of sections 544a and 544b apply. The
 10 secretary of state shall receive nominating petitions up to 4 p.m.
 11 on the fifteenth Tuesday before the primary.

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

15 ~~(a) An unspecified existing judgeship for which the incumbent~~
 16 ~~judge is seeking election.~~

17 ~~(b) An unspecified existing judgeship for which the incumbent~~
 18 ~~judge is not seeking election.~~

19 ~~(c) A new judgeship.~~

20 **(2)** ~~(3) Nominating petitions specifying a new or existing~~
 21 ~~court of appeals judgeship may not be used to qualify a candidate~~
 22 ~~for another judicial office of the same court in the same judicial~~
 23 ~~district. A person~~**An individual** who files nominating petitions for
 24 election to more than 1 court of appeals judgeship has not more
 25 than 3 days following the close of filing to withdraw from all but
 26 1 filing.

27 ~~(4) In a primary and general election for 2 or more judgeships~~
 28 ~~where more than 1 of the categories in subsection (2) could be~~

1 ~~selected, a candidate shall apply to the bureau of elections for a~~
 2 ~~written statement of office designation to correspond to the~~
 3 ~~judgeship sought by the candidate. The office designation provided~~
 4 ~~by the secretary of state must be included in the heading of all~~
 5 ~~nominating petitions. Nominating petitions containing an improper~~
 6 ~~office designation are invalid.~~

7 ~~(5) The secretary of state shall issue an office designation~~
 8 ~~of incumbent position for any judgeship for which the incumbent~~
 9 ~~judge is eligible to seek reelection. If an incumbent judge does~~
 10 ~~not file an affidavit of candidacy by the deadline, the secretary~~
 11 ~~of state shall notify all candidates for that office that a~~
 12 ~~nonincumbent position exists. All nominating petitions circulated~~
 13 ~~for the nonincumbent position subsequent to the deadline must bear~~
 14 ~~an office designation of nonincumbent position. All signatures~~
 15 ~~collected before the affidavit of candidacy filing deadline may be~~
 16 ~~filed with the nonincumbent nominating petitions.~~

17 ~~(3) (6)~~ An incumbent judge of the court of appeals may become
 18 a candidate in the primary election for the office of which ~~he or~~
 19 ~~she~~ **the judge** is the incumbent by filing with the secretary of
 20 state an affidavit of candidacy not less than 134 days before the
 21 date of the primary election. However, if an incumbent judge of the
 22 court of appeals was appointed to fill a vacancy and the judge
 23 entered upon the duties of the office less than 137 days before the
 24 date of the primary election but before the fifteenth Tuesday
 25 before the primary election, the incumbent judge may file the
 26 affidavit of candidacy not more than 3 days after entering upon the
 27 duties of office. The affidavit of candidacy must contain
 28 statements that the affiant is an incumbent judge of the court of
 29 appeals, is domiciled within the district, will not attain the age

1 of 70 by the date of election, and is a candidate for election to
2 the office of judge of the court of appeals.

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

7 ~~(a) The names of candidates for the judgeship or judgeships~~
8 ~~for which the incumbent is seeking election.~~

9 ~~(b) The names of candidates for the judgeship or judgeships~~
10 ~~for which the incumbent is not seeking election.~~

11 ~~(c) The names of candidates for a newly created judgeship or~~
12 ~~judgeships.~~

13 ~~(8) If the death or disqualification of an incumbent judge~~
14 ~~triggers the application of section 409d(2), then for the purposes~~
15 ~~of subsections (2) and (7), that judgeship must be regarded as a~~
16 ~~judgeship for which the incumbent judge is not seeking election.~~
17 ~~The application of this subsection includes, but is not limited to,~~
18 ~~circumstances in which the governor appoints an individual to fill~~
19 ~~the vacancy and that individual seeks to qualify as a nominee under~~
20 ~~section 409d(2).~~

21 Sec. 409/. (1) If a vacancy occurs in the office of judge of
22 the court of appeals, the governor shall appoint a successor to
23 fill the vacancy. ~~Except as otherwise provided in section 409b(8),~~
24 ~~the person~~ **The individual** appointed by the governor shall be
25 ~~considered is~~ **is** an incumbent for purposes of this act. The ~~person~~
26 **individual** appointed by the governor shall hold office until 12
27 noon of January 1 following the next general November election at
28 which a successor is elected and qualified.

29 (2) Except as otherwise provided in section 409d(2), if the

1 vacancy occurs more than 7 days before the nominating petition
 2 filing deadline as provided in section 409b for the general
 3 November election that is not the general November election at
 4 which a successor in office would be elected if there were no
 5 vacancy, the ~~person~~**individual** appointed shall hold office only
 6 until a successor is elected at the next general November election
 7 in the manner provided for in this chapter for the election of
 8 judges of the court of appeals. The ~~person~~**individual** elected shall
 9 hold office for the remainder of the unexpired term.

10 Sec. 424. (1) If a vacancy occurs in the office of circuit
 11 judge, the governor shall appoint a successor to fill the vacancy.
 12 ~~Except as otherwise provided in section 424a(3), the person~~**The**
 13 **individual** appointed by the governor ~~shall be considered~~**is** an
 14 incumbent for purposes of this act. The ~~person~~**individual** appointed
 15 by the governor shall hold office until 12 noon of January 1
 16 following the next general November election at which a successor
 17 is elected and qualified.

18 (2) Except as otherwise provided in section 415(2), if the
 19 vacancy occurs more than 7 days before the nominating petition
 20 filing deadline as provided in section 413 for the general November
 21 election that is not the general November election at which a
 22 successor in office would be elected if there were no vacancy, the
 23 ~~person~~**individual** appointed shall hold office only until a
 24 successor is elected at the next general November election in the
 25 manner provided in this chapter for the election of circuit judges.
 26 The ~~person~~**individual** elected shall hold office for the remainder
 27 of the unexpired term.

28 Sec. 424a. ~~(1) In the primary and general election for 2 or~~
 29 ~~more judgeships of the circuit court, each of the following~~

1 ~~categories of candidates shall be listed separately on the ballot,~~
2 ~~consistent with subsection (3):~~

3 ~~(a) The names of candidates for the judgeship or judgeships~~
4 ~~for which the incumbent is seeking election.~~

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

7 ~~(c) The names of candidates for a newly created judgeship or~~
8 ~~judgeships.~~

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

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

14 ~~(b) A new judgeship.~~

15 ~~(c) An unspecified existing judgeship for which the incumbent~~
16 ~~judge is seeking election.~~

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

25 ~~(4) A person~~ **An individual** ~~who files nominating petitions for~~
26 ~~election to more than 1 circuit judgeship shall have~~ **has** ~~not more~~
27 ~~than 3 days following the close of filing to withdraw from all but~~
28 ~~1 filing.~~

29 ~~(5) In a primary and general election for 2 or more judgeships~~

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

8 ~~(6) The secretary of state shall issue an office designation~~
9 ~~of incumbent position for any judgeship for which the incumbent~~
10 ~~judge is eligible to seek reelection. If an incumbent judge does~~
11 ~~not file an affidavit of candidacy by the deadline, the secretary~~
12 ~~of state shall notify all candidates for that office that a~~
13 ~~nonincumbent position exists. All nominating petitions circulated~~
14 ~~for the nonincumbent position subsequent to the deadline shall bear~~
15 ~~an office designation of nonincumbent position. All signatures~~
16 ~~collected prior to the affidavit of candidacy filing deadline may~~
17 ~~be filed with the nonincumbent nominating petitions.~~

18 Sec. 433. (1) Except as otherwise provided in this subsection,
19 to obtain the printing of the name of ~~a person~~ **an individual** as a
20 candidate for nomination for the office of judge of probate ~~upon~~ **on**
21 the official nonpartisan primary ballots, there must be filed with
22 the county clerk of each county nominating petitions containing the
23 signatures, addresses, and dates of signing of a number of
24 qualified and registered electors residing in the county as
25 determined under section 544f or by the filing of an affidavit
26 according to section 433a. In the case of a probate court district,
27 to obtain the printing of the name of ~~a person~~ **an individual** as a
28 candidate for nomination for the office of judge of probate ~~upon~~ **on**
29 the official nonpartisan primary ballots, there must be filed with

1 the secretary of state nominating petitions containing the
2 signatures, addresses, and dates of signing of a number of
3 qualified and registered electors residing in the probate court
4 district as determined under section 544f or by the filing of an
5 affidavit according to section 433a. The county clerk or, in the
6 case of a probate court district, the secretary of state shall
7 receive nominating petitions up to 4 p.m. on the fifteenth Tuesday
8 before the August primary. The provisions of sections 544a and 544b
9 apply.

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

13 ~~(a) An unspecified existing judgeship for which the incumbent~~
14 ~~judge is seeking election.~~

15 ~~(b) An unspecified existing judgeship for which the incumbent~~
16 ~~judge is not seeking election.~~

17 ~~(c) A new judgeship.~~

18 **(2)** ~~(3) A person~~ **An individual** who files nominating petitions
19 for election to more than 1 probate judgeship has 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 must be included in the heading of all~~
28 ~~nominating petitions. Nominating petitions containing an improper~~
29 ~~office designation are invalid.~~

1 ~~(5) The secretary of state shall issue an office designation~~
2 ~~of incumbent position for any judgeship for which the incumbent~~
3 ~~judge is eligible to seek reelection. If an incumbent judge does~~
4 ~~not file an affidavit of candidacy by the deadline, the secretary~~
5 ~~of state shall notify all candidates for that office that a~~
6 ~~nonincumbent position exists. All nominating petitions circulated~~
7 ~~for the nonincumbent position after the deadline must bear an~~
8 ~~office designation of nonincumbent position. All signatures~~
9 ~~collected before the affidavit of candidacy filing deadline may be~~
10 ~~filed with the nonincumbent nominating petitions.~~

11 (3) ~~(6)~~ If a candidate for nomination for the office of judge
12 of probate receives incorrect or inaccurate written information
13 from the county clerk or, in the case of a probate court district,
14 the secretary of state concerning the number of nominating petition
15 signatures required under section 544f and that incorrect or
16 inaccurate written information is published or distributed by the
17 county clerk or, in the case of a probate court district, the
18 secretary of state, the candidate may bring an action in a court of
19 competent jurisdiction for equitable relief. A court may grant
20 equitable relief to a candidate under this subsection if all of the
21 following occur:

22 (a) The candidate brings the action for equitable relief
23 within 6 days after the candidate is notified by the county clerk
24 or, in the case of a probate court district, the secretary of state
25 that the candidate's nominating petition contains insufficient
26 signatures.

27 (b) The candidate files an affidavit certifying that ~~he or she~~
28 **the candidate** contacted and received from the county clerk or, in
29 the case of a probate court district, the secretary of state

1 incorrect or inaccurate written information concerning the number
2 of nominating petition signatures required under section 544f.

3 (c) The county clerk or, in the case of a probate court
4 district, the secretary of state published or distributed the
5 incorrect or inaccurate written information concerning the number
6 of nominating petition signatures required under section 544f
7 before the filing deadline under subsection (1).

8 (d) The county clerk or, in the case of a probate court
9 district, the secretary of state did not inform the candidate at
10 least 14 days before the filing deadline under subsection (1) that
11 incorrect or inaccurate written information concerning the number
12 of nominating petition signatures required under section 544f had
13 been published or distributed.

14 (4) ~~(7)~~—If a court grants equitable relief to a candidate
15 under subsection ~~(6)~~, ~~(3)~~, the candidate must be given the
16 opportunity to obtain additional nominating petition signatures to
17 meet the requirements under section 544f. The additional nominating
18 petition signatures obtained by a candidate must be filed with the
19 county clerk or, in the case of a probate court district, the
20 secretary of state no later than 4 p.m. on the fifth business day
21 after the date that the court order granting equitable relief is
22 filed.

23 (5) ~~(8)~~—The nominating petition signatures filed under this
24 section are subject to challenge as provided in section 552.

25 Sec. 444. (1) If a vacancy occurs in the office of judge of
26 probate, the governor shall appoint a successor to fill the
27 vacancy. ~~Except as otherwise provided in section 435a(2), the~~
28 ~~person~~ **The individual** appointed by the governor ~~shall be considered~~
29 **is** an incumbent for purposes of this act and shall hold office

1 until 12 noon of January 1 following the next general November
2 election at which a successor is elected and qualified.

3 (2) Except as otherwise provided in section 435(2), if the
4 vacancy occurs more than 7 days before the nominating petition
5 filing deadline as provided in section 433 for the general November
6 election that is not the general November election at which a
7 successor in office would be elected if there were no vacancy, the
8 ~~person~~**individual** appointed shall hold office only until a
9 successor is elected at the next general November election in the
10 manner provided for in this chapter for the election of judges of
11 probate. The ~~person~~**individual** elected shall hold office for the
12 remainder of the unexpired term.

13 Sec. 467b. (1) To obtain the printing of the name of a ~~person~~
14 **an individual** as a candidate for nomination for the office of judge
15 of the district court ~~upon~~**on** the official nonpartisan primary
16 ballots, there must be filed with the secretary of state nominating
17 petitions containing the signatures, addresses, and dates of
18 signing of a number of qualified and registered electors residing
19 in the judicial district or division as determined under section
20 544f. An incumbent district court judge may also become a candidate
21 by the filing of an affidavit in lieu of petitions according to
22 section 467c. The secretary of state shall receive nominating
23 petitions up to 4 p.m. on the fifteenth Tuesday before the primary.
24 The provisions of sections 544a and 544b apply.

25 ~~(2) Nominating petitions filed under this section are valid~~
26 ~~only if they clearly indicate for which of the following offices~~
27 ~~the candidate is filing, consistent with section 467e(4):~~

28 ~~(a) An unspecified existing judgeship for which the incumbent~~
29 ~~judge is seeking election.~~

1 ~~(b) An unspecified existing judgeship for which the incumbent~~
 2 ~~judge is not seeking election.~~

3 ~~(c) A new judgeship.~~

4 **(2)** ~~(3) A person~~ **An individual** who files nominating petitions
 5 for election to more than 1 district judgeship has not more than 3
 6 days following the close of filing to withdraw from all but 1
 7 filing.

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

16 ~~(5) The secretary of state shall issue an office designation~~
 17 ~~of incumbent position for any judgeship for which the incumbent~~
 18 ~~judge is eligible to seek reelection. If an incumbent judge does~~
 19 ~~not file an affidavit of candidacy by the deadline, the secretary~~
 20 ~~of state shall notify all candidates for that office that a~~
 21 ~~nonincumbent position exists. All nominating petitions circulated~~
 22 ~~for the nonincumbent position after the deadline must bear an~~
 23 ~~office designation of nonincumbent position. All signatures~~
 24 ~~collected before the affidavit of candidacy filing deadline may be~~
 25 ~~filed with the nonincumbent nominating petitions.~~

26 **(3)** ~~(6)~~ If a candidate for nomination for the office of judge
 27 of the district court receives incorrect or inaccurate written
 28 information from the secretary of state or the bureau of elections
 29 concerning the number of nominating petition signatures required

1 under section 544f and that incorrect or inaccurate written
2 information is published or distributed by the secretary of state
3 or the bureau of elections, the candidate may bring an action in a
4 court of competent jurisdiction for equitable relief. A court may
5 grant equitable relief to a candidate under this subsection if all
6 of the following occur:

7 (a) The candidate brings the action for equitable relief
8 within 6 days after the candidate is notified by the secretary of
9 state or the bureau of elections that the candidate's nominating
10 petition contains insufficient signatures.

11 (b) The candidate files an affidavit certifying that ~~he or she~~
12 **the candidate** contacted and received from the secretary of state or
13 the bureau of elections incorrect or inaccurate written information
14 concerning the number of nominating petition signatures required
15 under section 544f.

16 (c) The secretary of state or the bureau of elections
17 published or distributed the incorrect or inaccurate written
18 information concerning the number of nominating petition signatures
19 required under section 544f before the filing deadline under
20 subsection (1).

21 (d) The secretary of state or bureau of elections did not
22 inform the candidate at least 14 days before the filing deadline
23 under subsection (1) that incorrect or inaccurate written
24 information concerning the number of nominating petition signatures
25 required under section 544f had been published or distributed.

26 **(4)** ~~(7)~~—If a court grants equitable relief to a candidate
27 under subsection ~~(6)~~, **(3)**, the candidate must be given the
28 opportunity to obtain additional nominating petition signatures to
29 meet the requirements under section 544f. The additional nominating

1 petition signatures obtained by a candidate must be filed with the
 2 secretary of state no later than 4 p.m. on the fifth business day
 3 after the date that the court order granting equitable relief is
 4 filed.

5 (5) ~~(8)~~—The nominating petition signatures filed under this
 6 section are subject to challenge as provided in section 552.

7 Sec. 467c. ~~(1)~~—An incumbent district court judge may become a
 8 candidate in the primary election for the office of which ~~he or she~~
 9 **the judge** is an incumbent by filing with the secretary of state an
 10 affidavit of candidacy in lieu of nominating petitions not less
 11 than 134 days before the date of the primary election. However, if
 12 an incumbent district court judge was appointed to fill a vacancy
 13 and the judge entered upon the duties of the office less than 137
 14 days before the date of the primary election but before the
 15 fifteenth Tuesday before the primary election, the incumbent judge
 16 may file the affidavit of candidacy not more than 3 days after
 17 entering upon the duties of office. The affidavit of candidacy must
 18 contain statements that the affiant is an incumbent district court
 19 judge for the district or election division in which election is
 20 sought, that ~~he or she~~ **the affiant** is domiciled within the district
 21 or election division, and that ~~he or she~~ **the affiant** will not
 22 attain the age of 70 by the date of election, and a declaration
 23 that the affiant is a candidate for election to the office of
 24 district court judge.

25 ~~(2) There must be printed upon the ballot under the name of~~
 26 ~~each incumbent district judge who is a candidate for nomination or~~
 27 ~~election to the same office the designation of that office.~~

28 ~~(3) In the primary and general election for 2 or more~~
 29 ~~judgeships of the district court, each of the following categories~~

1 ~~of candidates must be listed separately on the ballot, consistent~~
 2 ~~with subsection (4):~~

3 ~~(a) The names of candidates for the judgeship or judgeships~~
 4 ~~for which the incumbent is seeking election.~~

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

7 ~~(c) The names of candidates for a newly created judgeship or~~
 8 ~~judgeships.~~

9 ~~(4) If the death or disqualification of an incumbent judge~~
 10 ~~triggers the application of section 467e(2), then for the purposes~~
 11 ~~of subsection (3) and section 467b(2), that judgeship must be~~
 12 ~~regarded as a judgeship for which the incumbent judge is not~~
 13 ~~seeking election. The application of this subsection includes, but~~
 14 ~~is not limited to, circumstances in which the governor appoints an~~
 15 ~~individual to fill the vacancy and that individual seeks to qualify~~
 16 ~~as a nominee under section 467e(2).~~

17 Sec. 467m. (1) If a vacancy occurs in the office of district
 18 judge, the governor shall appoint a successor to fill the vacancy.
 19 ~~Except as otherwise provided in section 467c(4), the person~~ **The**
 20 **individual** appointed by the governor ~~shall be considered~~ **is** an
 21 incumbent for purposes of this act and shall hold office until 12
 22 noon of January 1 following the next general November election at
 23 which a successor is elected and qualified.

24 (2) Except as otherwise provided in section 467e(2), if the
 25 vacancy occurs more than 7 days before the nominating petition
 26 filing deadline as provided in section 467b for the general
 27 November election that is not the general November election at
 28 which a successor in office would be elected if there were no
 29 vacancy, the ~~person~~ **individual** appointed shall hold office only

1 until a successor is elected at the next general November election
 2 in the manner provided for in this chapter for the election of
 3 district court judges. The ~~person~~**individual** elected shall hold
 4 office for the remainder of the unexpired term.

5 Sec. 561. (1) The ballots prepared by the board of election
 6 commissioners in each county for use by the electors of a political
 7 party at a primary election ~~shall~~**must** include the name of each
 8 candidate of the political party for the office of governor, United
 9 States ~~senator,~~**Senator**, and district offices; for the county, the
 10 name of each candidate of the political party for county offices;
 11 and for each township, the name of each candidate of the political
 12 party for township offices.

13 (2) If, in a district that is a county or entirely within 1
 14 county, 2 or more candidates, including candidates for nonpartisan
 15 offices, for the same office have the same or similar surnames, a
 16 candidate may file a written request with the board of county
 17 election commissioners for a clarifying designation. The request
 18 ~~shall~~**must** be filed not later than 3 days after the last date for
 19 filing nominating petitions. Not later than 3 days after the filing
 20 of the request, the board of county election commissioners shall
 21 determine whether a similarity exists and whether a clarifying
 22 designation should be granted. In a district located in more than 1
 23 county, the board of state canvassers shall make a determination
 24 whether to grant a clarifying designation ~~upon~~**on** the written
 25 request of a candidate who files nominating petitions with the
 26 secretary of state. The request ~~shall~~**must** be filed with the ~~state~~
 27 board of **state** canvassers not later than 5 days after the last date
 28 for filing nominating petitions. The board of state canvassers
 29 shall make ~~its~~**a** determination at the same time ~~it~~**the board** makes

1 a declaration of the sufficiency or insufficiency of nominating
2 petitions in compliance with section 552.

3 (3) In each instance, the determining board shall immediately
4 notify each candidate for the same office as the requester that a
5 request for a clarifying designation has been made and of the date,
6 time, and place of the hearing. The requester and each candidate
7 for the same office ~~shall~~**must** be notified of the board's
8 determination by first-class mail sent within 24 hours after the
9 final date for the determination. A candidate who is dissatisfied
10 with the determination of the board of county election
11 commissioners may file an appeal in the circuit court of the county
12 where the board is located. A candidate who is dissatisfied with
13 the determination of the board of state canvassers may file an
14 appeal in the Ingham ~~county~~**County** circuit court. The appeal ~~shall~~
15 **must** be filed within 14 days after the final date for determination
16 by the board. The court shall hear the matter de novo. Except as
17 provided in subsection (4), **and subject to section 24 of article IV**
18 **of the state constitution of 1963**, in the case of the same surname
19 or of a final determination by the board or by the court before the
20 latest date that the board can arrange the ballot printing of the
21 existence of similarity, the board shall print the occupation, date
22 of birth, or residence of each of the candidates on the ballot or
23 ballot labels under ~~their~~**the** respective names. ~~The term~~**name of**
24 **each candidate. As used in this subsection**, "occupation" includes a
25 currently held political office, even though it is not the
26 candidate's principal occupation, but does not include reference to
27 a previous position or occupation.

28 (4) ~~If there are 2 candidates with the same or similar~~
29 ~~surnames and 1 of the candidates is entitled to an incumbency~~

~~1 designation by section 24 of article VI of the state constitution~~
~~2 of 1963, no other designation shall be provided for the other~~
~~3 candidate with the same or similar surname. If there are more than~~
~~4 2 candidates with the same or similar surname and 1 of the~~
~~5 candidates is entitled to an incumbency designation by section 24~~
~~6 of article VI of the state constitution of 1963, a clarifying~~
~~7 designation may be given to the other candidates with the same or~~
~~8 similar surname. Except for an incumbency designation under section~~
~~9 24 of article VI of the state constitution of 1963, if **If** 2 or more~~
10 candidates with the same or similar surnames are related, the board
11 shall only print the residence or date of birth of each of the
12 candidates as a clarifying designation. As used in this subsection,
13 "related" means that the candidates with the same or similar
14 surnames are related within the third degree of consanguinity.

15 (5) The board of state canvassers shall issue guidelines to
16 ensure fairness and uniformity in the granting of designations and
17 may issue guidelines relating to what constitutes the same or
18 similar surnames. The board of state canvassers and the boards of
19 county election commissioners shall follow the guidelines.

20 Sec. 696. (1) The board of election commissioners in each
21 county shall have the name of each candidate for federal, state,
22 district, county, and township offices at an election printed on 1
23 ballot, separate from any other ballot. The name of each candidate
24 of each political party must be placed under the name of the office
25 for which the candidate was certified to have been nominated along
26 with the political party name under the candidate's name.

27 (2) If, in a district that is a county or entirely within 1
28 county, 2 or more candidates nominated by the same political party
29 or by different political parties for the same office, or

1 nonpartisan candidates for the same office, have the same or
2 similar surnames, a candidate may file a written request with the
3 board of county election commissioners for a clarifying
4 designation. The request must be filed not later than 3 days after
5 the certification of the relevant candidates. Not later than 3 days
6 after the filing of the request, the board of county election
7 commissioners shall determine whether a similarity exists and
8 whether a clarifying designation should be granted. In a district
9 located in more than 1 county, the board of state canvassers shall
10 make a determination whether to grant a clarifying designation ~~upon~~
11 **on** the written request of a candidate who is certified by the
12 secretary of state. The request must be filed with the board of
13 state canvassers not later than 3 days after the board of state
14 canvassers completes the canvass of the primary election in
15 compliance with section 581 and the certification of nominees in
16 compliance with section 687. The board of state canvassers shall
17 make ~~its~~ **the board's** determination not later than 3 days after the
18 request is filed.

19 (3) In each instance, the determining board shall immediately
20 notify each candidate for the same office as the requester that a
21 request for a clarifying designation has been made and of the date,
22 time, and place of the hearing. The requester and each candidate
23 for the same office must be notified of the board's determination
24 by first-class mail sent within 24 hours after the final date for
25 the determination. A candidate who is dissatisfied with the
26 determination of the board of county election commissioners may
27 file an appeal in the circuit court of the county where the board
28 is located. A candidate who is dissatisfied with the determination
29 of the board of state canvassers may file an appeal in the Ingham

1 County circuit court. The appeal must be filed within 14 days after
 2 the final date for determination by the board. The court shall hear
 3 the matter de novo. Except as provided in subsection (4), **and**
 4 **subject to section 24 of article IV of the state constitution of**
 5 **1963**, in the case of the same surname or of a final determination
 6 by the board or by the court before the latest date that the board
 7 can arrange for the ballot printing of the existence of similarity,
 8 the board shall print the occupation, date of birth, or residence
 9 of each of the candidates having the same or similar surnames on
 10 the ballot or ballot labels or slips to be placed on the voting
 11 machine, when used, under ~~their~~**the** respective ~~names.~~**name of each**
 12 **candidate**. The request may not be made by a candidate of a
 13 political party whose candidate for secretary of state received
 14 less than 10% of the total vote cast in the state for all
 15 candidates for secretary of state in the most recent November
 16 election in which a secretary of state was elected. As used in this
 17 subsection, "occupation" includes a currently held political
 18 office, even though it is not the candidate's principal occupation,
 19 but does not include reference to a previous position or
 20 occupation.

21 (4) ~~If there are 2 candidates with the same or similar~~
 22 ~~surnames and 1 of the candidates is entitled to an incumbency~~
 23 ~~designation by section 24 of article VI of the state constitution~~
 24 ~~of 1963, no other designation shall be provided for the other~~
 25 ~~candidate with the same or similar surname. If there are more than~~
 26 ~~2 candidates with the same or similar surname and 1 of the~~
 27 ~~candidates is entitled to an incumbency designation by section 24~~
 28 ~~of article VI of the state constitution of 1963, a clarifying~~
 29 ~~designation may be given to the other candidates with the same or~~

1 ~~similar surname. Except for an incumbency designation under section~~
2 ~~24 of article VI of the state constitution of 1963, if~~ **If** 2 or more
3 candidates with the same or similar surnames are related, the board
4 shall only print the residence or date of birth of each of the
5 candidates as a clarifying designation. As used in this subsection,
6 "related" means that the candidates with the same or similar
7 surnames are related within the third degree of consanguinity.

8 (5) The board of state canvassers shall issue guidelines to
9 ensure fairness and uniformity in the granting of designations and
10 may issue guidelines relating to what constitutes the same or
11 similar surnames. The board of state canvassers and the boards of
12 county election commissioners shall follow the guidelines.

13 Enacting section 1. Section 435a of the Michigan election law,
14 1954 PA 116, MCL 168.435a, is repealed.

15 Enacting section 2. This amendatory act does not take effect
16 unless Senate Joint Resolution ____ or House Joint Resolution 0
17 (request no. 04469'23) of the 102nd Legislature becomes a part of
18 the state constitution of 1963 as provided in section 1 of article
19 XII of the state constitution of 1963.