

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

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House Bill 5167 (Substitute H-2 as reported without amendment)

Sponsor: Representative Richard Bandstra

House Committee: Elections

Senate Committee: Government Operations

Date Completed: 2-5-90

**RATIONALE**

A recent judicial election in Grand Rapids reportedly was the subject of great confusion because of the death of the incumbent after the deadline for candidates to file. Since no other candidates had been in the race for the office, the result was a write-in election with many contestants. Some people feel that a method ought to be available to deal with such rare situations, in order to preserve the right of the people to elect qualified judges in an orderly manner.

**CONTENT**

The bill would amend the Michigan Election Law to allow a person to qualify as a candidate for a judgeship after the normal filing deadline (the ninth Tuesday preceding the primary election), if the death or disqualification of a candidate more than 65 days before the general election resulted in there being fewer candidates for nomination or nominees for the office than offices to be filled. Currently, under the Act, if an unopposed candidate dies or is disqualified the day after the filing deadline, or the day of the general election or any day in between, the office is filled by write-in votes. Under the bill, a candidate would have to file nominating petitions either by 4 p.m. on the 21st day following the death or disqualification of the candidate, or by 4 p.m. on the 60th day preceding the general election, whichever was earlier.

Nominating petitions would have to contain the lesser of either 1,000 signatures, or one-half the minimum normally required under the Act. If a candidate who died or was disqualified were an incumbent judge, the judgeship would be regarded as one for which an incumbent was not seeking re-election; that is, even if someone were appointed to fill the office and sought the office at the next election, he or she would have to file nominating petitions in the same manner as other candidates.

The bill specifies that if a death or disqualification occurred less than 66 days before the general election, and resulted in a situation in which there was no nominee for the judgeship, the office would be removed from the ballot. (The Governor would then appoint a successor who would serve until the next election.)

The bill would apply to candidates for the court of appeals, circuit court, municipal court, probate court, and district court.

MCL 168.325 et al.

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

H.B. 5167 (2-5-90)

## **ARGUMENTS**

### **Supporting Argument**

The bill would provide an orderly method of electing a judge in cases in which a candidate for a judgeship died, or was otherwise disqualified, and there were not enough candidates to fill the available offices.

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Fiscal Analyst: F. Sanchez

**H8990/S5167A**

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.