

Act No. 7  
Public Acts of 1990  
Approved by the Governor  
February 9, 1990  
Filed with the Secretary of State  
February 12, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Bender, Emmons, Van Regenmorter, Bartnik, Randall, Allen, Johnson, Miller, Ciaramitaro, Weeks, Crandall and Sparks

# **ENROLLED HOUSE BILL No. 4974**

AN ACT to amend sections 53, 93, 133, 163, 164, 168, 169, 193, 209, 224, 239, 254, 269, 284, 322, 325, 349, 358, 370a, 409b, 409l, 413, 424, 426d, 433, 444, 467b, 467m, 551, 552, 624, 624g, 644f, 646a, 713, and 714 of Act No. 116 of the Public Acts of 1954, entitled "An act to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," section 358 as amended by Act No. 433 of the Public Acts of 1988, sections 409b, 426d, 433, and 467b as amended by Act No. 149 of the Public Acts of 1982, section 624 as amended by Act No. 116 of the Public Acts of 1988, section 624g as added by Act No. 275 of the Public Acts of 1988, and section 714 as amended by Act No. 140 of the Public Acts of 1981, being sections 168.53, 168.93, 168.133, 168.163, 168.164, 168.168, 168.169, 168.193, 168.209, 168.224, 168.239, 168.254, 168.269, 168.284, 168.322, 168.325, 168.349, 168.358, 168.370a, 168.409b, 168.409l, 168.413, 168.424, 168.426d, 168.433, 168.444, 168.467b, 168.467m, 168.551, 168.552, 168.624, 168.624g, 168.644f, 168.646a, 168.713, and 168.714 of the Michigan Compiled Laws; and to repeal certain parts of the act.

*The People of the State of Michigan enact:*

Section 1. Sections 53, 93, 133, 163, 164, 168, 169, 193, 209, 224, 239, 254, 269, 284, 322, 325, 349, 358, 370a, 409b, 409l, 413, 424, 426d, 433, 444, 467b, 467m, 551, 552, 624, 624g, 644f, 646a, 713, and 714 of Act No. 116 of

the Public Acts of 1954, section 358 as amended by Act No. 433 of the Public Acts of 1988, sections 409b, 426d, 433, and 467b as amended by Act No. 149 of the Public Acts of 1982, section 624 as amended by Act No. 116 of the Public Acts of 1988, section 624g as added by Act No. 275 of the Public Acts of 1988, and section 714 as amended by Act No. 140 of the Public Acts of 1981, being sections 168.53, 168.93, 168.133, 168.163, 168.164, 168.168, 168.169, 168.193, 168.209, 168.224, 168.239, 168.254, 168.269, 168.284, 168.322, 168.325, 168.349, 168.358, 168.370a, 168.409b, 168.409l, 168.413, 168.424, 168.426d, 168.433, 168.444, 168.467b, 168.467m, 168.551, 168.552, 168.624, 168.624g, 168.644f, 168.646a, 168.713, and 168.714 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 53. To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of governor under a particular party heading upon the official primary ballots, there shall be filed with the secretary of state nominating petitions signed by a number of qualified and registered electors residing in this state equal to not less than 1% or more than 4% of the number of votes cast by the party for secretary of state at the last general November election in which a secretary of state was elected. Nominating petitions shall be signed by at least 100 registered resident electors in each of at least 20 counties of the state, and not more than 25% of the minimum required number of signatures shall be by qualified and registered electors of any 1 county. Nominating petitions shall be in the form as prescribed in section 544c. Nominating petitions shall be received by the secretary of state for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

Sec. 93. To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of United States senator under a particular party heading upon the official primary ballots, there shall be filed with the secretary of state nominating petitions signed by a number of qualified and registered electors residing within this state equal to not less than 1% or more than 4% of the number of votes cast by the party for secretary of state at the last general November election in which a secretary of state was elected. The petitions shall be signed by at least 100 qualified and registered electors in each of at least 20 counties of the state, and not more than 25% of the minimum required number of signatures shall be by qualified and registered electors of any 1 county. Nominating petitions shall be in the form as prescribed in section 544c. The petitions shall be received by the secretary of state for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

Sec. 133. To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of representative in congress under a particular party heading upon the official primary ballots in the various election precincts of a congressional district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district equal to not less than 1% or more than 4% of the number of votes cast by the party in the district for secretary of state at the last general November election in which a secretary of state was elected. If the congressional district comprises more than 1 county, the nominating petitions shall be filed with the secretary of state. If the congressional district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form as prescribed in section 544c. The secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

Sec. 163. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of state senator or representative under a particular party heading upon the official primary ballots in the various election precincts of a district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district equal to not less than 1% or more than 4% of the number of votes cast by the party in the district for secretary of state at the last general November election in which a secretary of state was elected. If the district comprises more than 1 county, The nominating petitions shall be filed with the secretary of state. If the district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form prescribed in section 544c. The secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) In lieu of filing a nominating petition, a filing fee of \$100.00 may be paid to the county clerk or, for a candidate in a district comprising more than 1 county, to the secretary of state. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county or state and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. A refund of a deposit shall not be made to a candidate who withdraws.

Sec. 164. After the filing of a nominating petition or filing fee by or in behalf of a proposed candidate for the office of state senator or representative, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom his or her nominating petitions or filing fee were filed, or his or her duly authorized agent, not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petition.

Sec. 168. When a candidate of any political party has filed a nominating petition or filing fee for state senator or representative and has been nominated for the office by a party, he or she shall not be permitted to withdraw unless he or she shall be certified as a nominee at the subsequent state convention of the same party for a statewide office, or has removed from the district, or has become physically unfit, or become disqualified for any reason. If certified by a state convention for a statewide office, the candidate shall be deemed to have withdrawn from the previous nomination. No such vacancy shall be filled by the county executive committee or committees except for the causes and as herein specified. This prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition or filing fee and whose name has been written or placed on the ballot of any political party.

Sec. 169. When the candidate of a political party, after having been nominated to the office of state senator or representative, shall die, be certified by a state convention for a statewide office, withdraw from the district, become physically unfit, or become disqualified for any reason, the members residing within said senatorial or representative district of the county executive committees of such candidate's political party for the counties comprising said senatorial or representative district shall meet at a time and place designated by the chairperson of the state central committee of such political party and notice of such meeting shall be sent to all such members of the county executive committees. The meeting shall be conducted by the secretary of the state central committee or his or her duly authorized agent, but said secretary or agent shall not be privileged to vote at such meeting. A candidate to fill the vacancy shall be selected by a majority vote of the committee members present and voting: Provided, That if such vacancy occurs in a senatorial or representative district wholly within 1 county, a candidate to fill the vacancy shall be selected by the county executive committee of the county by a majority vote thereof. The name of the candidate so selected shall be certified immediately by the chairperson and the secretary of said committee to the secretary of state in those districts comprising 2 or more counties and to the county clerk in those districts contained within 1 county. The certification shall be sent in any case to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said board shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected and certified to fill such vacancy.

Sec. 193. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for an office named in section 191 under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county equal to not less than 1% or more than 4% of the number of votes cast by the party in the county for secretary of state at the last general November election in which a secretary of state was elected. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nomination petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the candidate's name paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited, and the candidates shall be notified of the forfeiture. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 209. If a vacancy occurs in an elective or appointive county office, it shall be filled in the following manner:

(1) If the vacancy is in the office of county clerk or prosecuting attorney, it shall be filled by appointment by the judge or judges of that judicial circuit.

(2) If the vacancy is in any other county office, the presiding or senior judge of probate, the county clerk, and the prosecuting attorney shall appoint a suitable person to fill the vacancy.

(3) A person appointed shall take and subscribe to the oath as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

Sec. 224. (1) To obtain the printing of the name of a person as candidate for nomination by a political party for the office of county auditor under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county equal to not less than 1% or more than 4% of the number of votes cast by the party in the county for secretary of state at the last general November election in which a secretary of state was elected. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) To obtain the printing of the name of the candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates and of candidates who withdraw or are disqualified shall be forfeited, and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 239. If a vacancy occurs in the office of county auditor, a qualified person shall be appointed to fill the vacancy by a committee consisting of the presiding or senior judge of probate, the county clerk, and the prosecuting attorney of the county, 2 of whom shall constitute a quorum. The person appointed shall take the oath of office, as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

Sec. 254. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of county road commissioner under a particular party heading upon the official primary ballots, there shall be filed with the county clerk of the county nominating petitions signed by a number of qualified and registered electors residing within the county equal to not less than 1% or more than 4% of the number of votes cast by the party in the county for secretary of state at the last preceding general November election in which a secretary of state was elected. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary in which county road commissioners are to be elected.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by each candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be returned to all candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited, and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 269. If a vacancy occurs in the office of county road commissioner, a qualified person shall be appointed to fill the vacancy by the county board of commissioners. The person so appointed shall take the oath of office, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a

successor is elected and qualified. However, in a county in which county road commissioners are elected, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

Sec. 284. A person who is certified by the state central committee of a party as nominated for membership on the state board of education, the board of regents of the university of Michigan, the board of trustees of Michigan state university, or the board of governors of Wayne state university may withdraw by filing a written notice of withdrawal with the secretary of state or his or her duly authorized agent and a copy with the chairperson and the secretary of the state central committee of the party not later than 4 p.m., eastern standard time, of the third day following the convention at which the person was nominated.

Sec. 322. To obtain the printing of the name of a candidate of a political party for a city office, including a ward office, under the particular party heading on the official primary election ballots for use in the city, there shall be filed with the city clerk of the city not later than 4 p.m. on the twelfth Tuesday preceding the August primary, or not later than 4 p.m. on the seventh Monday preceding the primary election provided to be held on the third Monday in February, nominating petitions signed by a number of qualified and registered electors of the political party who reside in the city or ward, equal to not less than 1% or more than 4% of the number of votes that the political party cast in the city or ward for secretary of state at the last general November election in which a secretary of state was elected. This section does not apply to a city the charter of which provides for a different method of nominating candidates for public office. The form of the petition shall be as provided in section 544c.

Sec. 325. If a vacancy occurs in the office of a judge of a municipal court of record, the governor shall appoint a qualified person to fill the vacancy and the person so appointed shall hold the office until 12 noon of January 1 next succeeding the general election at which a successor is elected and qualified. At the next fall primary or municipal primary election held at least 91 days after the vacancy occurs, candidates shall be nominated to fill the vacancy in the same manner as candidates are nominated for the office. The vacancy shall be filled at the election next following the primary in the manner provided for the election of judges of the municipal court of record. The person elected shall hold the office for the remainder of the unexpired term.

Sec. 349. To obtain the printing of the name of a person as a candidate for nomination by a political party for a township office under the particular party heading upon the official primary ballots, there shall be filed with the township clerk nominating petitions signed by a number of qualified and registered electors residing within the township equal to not less than 1% or more than 4% of the number of votes cast by the party in the township for secretary of state at the last general November election in which a secretary of state was elected, but in no case less than 5 signatures. Nominating petitions shall be in the form prescribed in section 544c. The township clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

Within 4 days after the last day for filing nominating petitions, the township clerk shall deliver to the county clerk a list setting forth the name, address, and political affiliation and office sought of each candidate who has qualified for a position on the primary ballot.

Sec. 358. (1) In every township there shall be a general November election in each even-numbered year for the election of officers and the submission of propositions, as provided by law. At the 1980 general November election there shall be elected by ballot a supervisor; a clerk; a treasurer; 2 trustees; not more than 4 constables; and, if authorized by law and after a township takes the actions provided in section 11 of Act No. 164 of the Public Acts of 1877, as amended, being section 397.211 of the Michigan Compiled Laws, 6 free public library directors; and, after a township takes the actions provided in section 1 of Act No. 271 of the Public Acts of 1931, as amended, being section 41.441 of the Michigan Compiled Laws, 6 park commission members. Except as otherwise provided in this subsection, the order of offices on the township portion of the ballots shall be the same as the order in which the officers are listed in this subsection. Free public library directors shall be listed on the nonpartisan portion of the ballot.

(2) Subject to the limitation in subsection (1), the number of constables to be elected at the 1992 general November election and each general November election at which township offices are regularly to be elected after 1992 shall be determined by the township board by resolution not less than 6 months before the township primary election preceding the general election. The resolution that specifies the number of constables to be elected applies in that township until a subsequent resolution is adopted altering that number. If a determination as to the number of constables to be elected is not made by the township board by the deadline under this subsection for the 1992 general election, the number of constables to be elected shall be the same

number that was elected in that township in the 1988 general November election until a resolution is adopted to provide for the election of a different number of constables.

(3) In a township having a population of 5,000 or more, or having 3,000 or more qualified and registered electors as shown by the registration records at the close of registration for the last preceding general November election, there may be elected 4 trustees. In other townships there shall be 2 trustees. A township shall not elect 4 trustees unless the election of additional trustees is approved by the voters at a general election or by a majority of the voters attending at an annual meeting. The township board of a township having a population of 5,000 or more, or having 3,000 or more qualified and registered electors, shall cause the question of electing additional trustees to be voted on at the first general November election or annual meeting following the township's qualifying for additional trustees. If a majority of the electors voting on the question vote in favor of electing 4 trustees, the township shall thereafter elect 4 trustees. If a majority of the electors voting on the question do not vote in favor of electing 4 trustees, the township board may resubmit the question at a subsequent general November election or annual meeting or the question shall be submitted at the first general November election or annual meeting held not less than 84 days following the submission of a petition containing the signatures of not less than 10% of the registered and qualified electors of the township, as shown by the registration records at the close of registration for the last general November election, asking that the question be submitted.

(4) At the first general November election in a township held not less than 4 months after the provisions of this section relative to additional trustees are adopted by a township, there shall be elected the number of trustees necessary to make a total of 4 trustees. If the additional trustees are elected at a general November election that is not a regular township election, the additional trustees shall hold office only until a successor is elected at the next regular township election and qualifies for office.

(5) This section does not prohibit townships electing 4 trustees as of September 13, 1958 from continuing to do so.

Sec. 370a. Notwithstanding the provisions of section 370, if a vacancy occurs in an elective or appointive township office, which vacancy is filled by appointment by the township board and the next general November election is to be held more than 182 days after the vacancy occurs, which election is not the general November election at which a successor in office would be elected if no vacancy, then the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

Sec. 409b. (1) To obtain the printing of the name of a qualified person other than an incumbent judge of the court of appeals as a candidate for nomination for the office of judge of the court of appeals upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the appellate court district equal to not less than 1/2 of 1% or more than 2% of the total number of votes cast in that appellate court district for secretary of state at the last general November election in which a secretary of state was elected. The provisions of sections 544a and 544b apply. The secretary of state shall receive nominating petitions up to 4 p.m. on the twelfth Tuesday preceding the primary.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing:

- (a) An unspecified existing judgeship for which the incumbent judge is seeking election.
- (b) An unspecified existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

(3) Nominating petitions specifying a new or existing court of appeals judgeship may not be used to qualify a candidate for another judicial office of the same court in the same judicial district. A person who files for election to more than 1 court of appeals judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

(4) An incumbent judge of the court of appeals may become a candidate in the primary election for the office of which he or she is the incumbent by filing with the secretary of state an affidavit of candidacy not less than 120 days before the date of the primary election. The affidavit of candidacy shall contain statements that the affiant is an incumbent judge of the court of appeals, is domiciled within the district, will not attain the age of 70 by the date of election, and is a candidate for election to the office of judge of the court of appeals.

(5) In the primary and general November election for 2 or more judgeships of the court of appeals in a judicial district, each of the following categories of candidates shall be listed separately on the ballot:

- (a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.
- (b) The names of candidates for the judgeship or judgeships for which the incumbent is not seeking election.
- (c) The names of candidates for a newly created judgeship or judgeships.

Sec. 409l. If a vacancy occurs in the office of judge of the court of appeals, the governor shall appoint a successor to fill the vacancy. The person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified. Candidates shall be nominated at the next fall primary held at least 91 days after the vacancy occurs, to fill the vacancy in the manner provided in this chapter for the nomination of candidates for judge of the court of appeals. The vacancy shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of judges of the court of appeals. The person elected shall hold such office for the remainder of the unexpired term.

Sec. 413. To obtain the printing of the name of a person as a candidate for nomination for the office of judge of the circuit court upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the judicial circuit, equal to not less than 1% or more than 4% of the total number of votes cast in that judicial district for secretary of state at the last general November election in which a secretary of state was elected or by the filing of an affidavit according to section 413a. In a county having 1,000,000 inhabitants or more, the petitions shall contain not less than 5,000 and not more than 20,000 signatures. The secretary of state shall receive the nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the primary. The provisions of sections 544a and 544b apply.

Sec. 424. If a vacancy occurs in the office of circuit judge, the governor shall appoint a successor to fill the vacancy. The person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified. At the next fall primary election held at least 91 days after the vacancy occurs, candidates shall be nominated to fill the vacancy in the manner provided in this chapter for the nomination of candidates for circuit judge. The vacancy shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of circuit judges. The person elected shall hold office for the remainder of the unexpired term.

Sec. 426d. (1) To obtain the printing of the name of a person on the ballot as a candidate for the office of judge of the municipal court of record, there shall be filed with the city clerk nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in that city equal to not less than 1/2 of 1% or more than 2% of the votes cast in that municipality for secretary of state at the last general November election in which a secretary of state was elected. The city clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary. The provisions of sections 544a and 544b apply.

(2) An incumbent judge of the municipal court of record may become a candidate in the primary election for the office of which the judge is the incumbent by filing, with the city clerk, an affidavit of candidacy not less than 120 days before the date of the primary election. The affidavit of candidacy shall contain statements that the affiant is an incumbent judge of the municipal court of record, is domiciled within the city, will not attain the age of 70 by the date of election, and is a candidate for election to the office of judge of the municipal court of record.

(3) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing:

- (a) An unspecified existing judgeship for which the incumbent judge is seeking election.
- (b) An unspecified existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

(4) A person who files for election to more than 1 municipal court of record judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

Sec. 433. (1) To obtain the printing of the name of a person as a candidate for nomination for the office of judge of probate upon the official nonpartisan primary ballots, there shall be filed with the county clerk of each county nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the county, equal to not less than 1% or more than 4% of the total number of votes cast in that county for secretary of state at the last general November election in which a secretary of state was elected or by the filing of an affidavit according to section 433a. In counties having a population of 1,500,000 or more, the petition shall contain not less than 5,000 and not more than 20,000 signatures. The county clerk shall receive nominating petitions up to 4 p.m. on the twelfth Tuesday preceding the August primary. The provisions of sections 544a and 544b apply.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing:

- (a) An unspecified existing judgeship for which the incumbent judge is seeking election.
- (b) An unspecified existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

(3) A person who files for election to more than 1 probate judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

Sec. 444. If a vacancy occurs in the office of judge of probate, the governor shall appoint a successor to fill the vacancy. The person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified. At the next primary election held at least 91 days after the vacancy occurs, candidates shall be nominated to fill the vacancy in the manner provided in this chapter for the nomination of candidates for judge of probate. The vacancies shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of judges of probate. The person elected shall hold office for the remainder of the unexpired term.

Sec. 467b. (1) To obtain the printing of the name of a person as a candidate for nomination for the office of judge of the district court upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the judicial district or division, equal to not less than 1/2 of 1% or more than 2% of the total number of votes cast in that judicial district or division for secretary of state at the last preceding general November election in which a secretary of state was elected. An incumbent district court judge may also become a candidate by the filing of an affidavit in lieu of petitions according to section 467c. The secretary of state shall receive nominating petitions up to 4 p.m. on the twelfth Tuesday preceding the primary. The provisions of sections 544a and 544b apply.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing:

- (a) An unspecified existing judgeship for which the incumbent judge is seeking election.
- (b) An unspecified existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

(3) A person who files for election to more than 1 district judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

Sec. 467m. If a vacancy occurs in the office of district judge, the governor shall appoint a successor to fill the vacancy. The person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified. Candidates shall be nominated at the next fall primary held at least 91 days after such vacancy occurs, to fill the vacancy in the manner provided in this chapter for the nomination of candidates for district court judge. The vacancy shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of district court judges.

Sec. 551. The secretary of state and the various county, township, and city clerks shall receive nominating petitions or filing fees filed in accordance with the provisions of this act up to 4 p.m., eastern standard time, of the twelfth Tuesday preceding the August primary. The provisions of this section do not apply to a city that does not nominate its officers under the provisions of this act.

Sec. 552. (1) The county or city clerk, after the last day named in this act for receiving and filing nominating petitions, shall immediately certify to the proper board or boards of election commissioners in the city, county, district, or state the name and post office address of each party candidate whose petitions meet the requirements of this act, together with the name of the political party and the office for which he or she is a candidate.

(2) If the county clerk receives a sworn complaint, in writing, questioning the validity of the registration or genuineness of the signature of the circulator or of a person signing a petition filed with the county clerk for an office, the county clerk shall commence an investigation and shall cause the petition that he or she considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine. If the request has been made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. The investigation shall include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful



signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. A complaint respecting the validity and genuineness of signatures on a petition shall not be acted upon unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the statutory date for the filing of the nominating petitions.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on his or her own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or persons signing or purporting to sign the petitions, the county clerk shall commence an investigation and shall cause the petitions in question to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records, or in some other proper manner to determine whether the signatures appearing on the petitions are valid and genuine.

(4) The clerk of a political subdivision shall cooperate fully with the county clerk in a request made to the clerk by the county clerk in determining the validity of doubtful signatures by checking the signatures against registration records in an expeditious and proper manner.

(5) Upon the completion of the investigation or examination, the county clerk shall immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on his or her own initiative. A person feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the secretary of state, if written request is filed with the secretary of state within 3 days after the official declaration of the county clerk, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case appeal may be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday, or may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person having filed a nominating petition, feeling aggrieved by the determination of the secretary of state, may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

(6) A city clerk with whom nominating petitions are filed may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions by checking the signatures against registration records. The city clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon the completion of the examination or investigation, and shall make an official declaration of the findings. A party feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

(7) Upon the filing of nomination petitions with the secretary of state, the secretary of state shall notify the board of state canvassers within 5 days after the last day for the filing of the petitions. The notification shall be by first class mail. Upon the receipt of the nomination petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors and, for the purpose of determining the validity of the signatures, may cause a doubtful signature to be checked against the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers receives a sworn complaint, in writing, questioning the validity of the registration or genuineness of the signature of the circulator or of a person signing a nominating petition filed with the secretary of state, the board of state canvassers shall commence an investigation and shall cause the petition to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, or in some other manner determine whether the signatures appearing on the petition are valid and genuine. A complaint respecting the validity and genuineness of signatures on a petition shall not be acted upon unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the statutory date for the filing of the nominating petitions. The clerk of a political subdivision shall cooperate fully with the board of state canvassers in a request made to the clerk by the board of state canvassers in determining the validity of doubtful signatures by rechecking the signatures against registration records in an expeditious and proper manner.

(8) The board of state canvassers may hold a hearing upon a complaint filed or for a purpose considered necessary by the board of state canvassers to conduct an investigation of the petitions. In conducting a hearing, the board of state canvassers may issue subpoenas and administer oaths. The board of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass not less than 9 weeks before the primary election at which candidates are to be nominated.

(9) An official declaration of the sufficiency or insufficiency of a nomination petition shall be made by the board of state canvassers not less than 9 weeks before the primary election at which candidates are to be nominated. At the time of filing a nomination petition with the secretary of state, the person filing the petition may request a notice of the approval or rejection of the petition. If such a request is made at the time of filing of the petition, the secretary of state, immediately upon the determination of approval or rejection, shall transmit by registered mail to the person making the request an official notice of the sufficiency or insufficiency of the petitions.

(10) A person, having filed a nomination petition with the secretary of state, feeling aggrieved by a determination made by the board of state canvassers, may have the determination reviewed by mandamus, certiorari, or other appropriate remedy in the supreme court.

(11) Not less than 9 weeks before the primary election at which candidates are to be nominated, the secretary of state shall certify to the proper boards of election commissioners in the various counties in the state, the name and post office address of each partisan or nonpartisan candidate whose petitions have been filed with the secretary of state and meet the requirements of this act, together with the name of the political party, if any, and the office for which he or she is a candidate.

Sec. 624. (1) A person holding a public office in this state or a municipal subdivision of this state may become a candidate for delegate to the county or district conventions.

(2) A candidate for delegate to the county or district conventions of a political party shall be a qualified, registered elector residing within, as well as having his or her actual bona fide residence within, the election precinct for which he or she desires to become a candidate. A candidate shall file a petition with the county clerk of the county not later than 4 p.m. on the ninety-first day preceding the time designated for holding a primary election in the county, bearing the signatures of not less than 3 and not more than 20 registered electors residing within the precinct for which the petitioner desires to become a candidate. The petition shall be in the form required by the general laws of the state governing the filing of nominating petitions by candidates for other county offices at primary elections, and in addition shall state the candidate's place of residence and bear a signed certificate of the candidate authorizing its filing. All duly elected and certified delegates shall be seated at the county or district county conventions. A person violating this section is guilty of a misdemeanor.

(3) If the county clerk receives a sworn complaint, in writing, questioning the validity of the registration or genuineness of the signature of the circulator or of a person signing the petition, the county clerk shall forward the petition or petitions to the proper city clerk or township clerk. The city clerk or township clerk shall compare the signatures appearing on the petition with the signatures appearing on the registration record or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine. If a request is made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. Complaints respecting the validity or genuineness of signatures on the petitions shall not be acted upon unless received by the county clerk by the eighty-fourth day preceding the primary election.

(4) If a written complaint is made to the county clerk with respect to the registration or bona fide residence, or both, of a candidate, the county clerk shall check with the township or city clerk of the township or city in which the candidate is registered or residing, or both. The township or city clerk shall report back to the county clerk within 48 hours as to the registration or bona fide residence, or both, of the candidate. If the township or city clerk's report shows that the candidate is not a registered elector or a bona fide resident of the election precinct of the township or city for which the petition shows the candidate is a resident, the county clerk shall remove the name of the candidate from the ballot. A complaint received by the county clerk after the ballots have been released for printing and before the primary election shall not be acted upon.

Sec. 624g. (1) The state shall reimburse each county, city, and township for the cost of conducting a presidential primary election. The reimbursement shall not exceed the verified account of actual costs of the election.

(2) Payment shall be made upon presentation and approval of a verified account of actual costs to the department of treasury, local government audit division, after the department of treasury and the secretary of state agree as to what constitutes valid costs of conducting an election. Reimbursable costs do not include salaries of permanent local officials; the cost of reusable supplies and equipment; or costs attributable to local special elections held in conjunction with the presidential primary. The state shall disapprove costs not in compliance with this section.

(3) The state shall also compensate each city and township for the processing of voter identification cards required for the sole purpose of changing or adding an elector's designation of a political party preference or no political party preference. Compensation shall not be paid to a city or township for the processing of voter identification cards required for original voter registration applications or voter registration applications

changing an elector's address. The secretary of state shall equitably distribute funds appropriated to implement this subsection upon receipt of an annual verified account of actual costs from each city and township stating the number of voter identification cards processed as specified by this subsection.

(4) The legislature shall appropriate from the general fund of the state an amount necessary to implement this section.

(5) To qualify for reimbursement, a county, city, or township shall submit its verified account of actual costs no later than 90 days after the date of the presidential primary.

(6) Not later than 90 days after the state receives a verified account of actual costs, the state shall pay or disapprove the verified account.

Sec. 644f. (1) Except as provided in section 644e, nominating petitions for offices to be filled at the odd year general election shall be filed by 4 p.m. on the twelfth Tuesday prior to the odd year primary election. The place of filing and the number of signatures shall be the same as is now required by law for such offices.

(2) If no nonpartisan petition requirement is contained in law or charter, the minimum number of signatures shall be  $\frac{1}{2}$  of 1% of the vote for secretary of state in the election district at the last election at which a secretary of state was elected, but in no case less than 10 signatures.

(3) If, upon the expiration of the time for filing nonpartisan petitions, not more than twice the number of candidates as there are persons to be elected to that office have filed, the primary for that office shall not be held and those persons filing valid petitions shall be declared the nominees for the offices, unless a city charter provides otherwise for city offices.

Sec. 646a. (1) If a local officer is to be elected at a general November election or on the first Monday of April in an odd numbered year, candidates for the local office shall be nominated in the manner provided by law or charter. If the candidates are to be nominated at a fall primary election, the primary shall be held on the same day as is provided by law for holding the county or state primary election prior to such election, except as provided in section 646b. If the candidates are to be elected in April, the primary shall be held on the third Monday in February. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date prior to the date set for the above mentioned primary election or on the Saturday preceding the day of the primary election as determined by the local legislative body at least 20 days preceding the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter but not later than the date of the primary. If a local primary election is to be held on the same day as any state or county primary election, the last day for local candidates to file nominating petitions shall be the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to such clerk within 5 days after the date on which the primary or caucus was held.

(2) If any local or county questions are to be voted on at any primary, special or general election at which state officers are to be voted for, the ballot wording of the question shall be certified to the local or county clerk at least 70 days prior to such election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days prior to the election. Petitions to place any county or local questions on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in any law or charter, in which case the earlier filing date is controlling.

Sec. 713. The county board of election commissioners shall cause the ballots required for any regular or special election or official primary election in the county, wrapped and tied as required by this act, to be delivered to the county clerk at the earliest possible time after the approval of the proof of the ballots, and absent voter ballots shall be delivered to the county clerk at least 47 days before the general November election and the preceding August primary and at least 22 days before any other election or primary election. All other ballots and election supplies shall be delivered to the county clerk at least 12 days before any election or primary election.

Sec. 714. (1) The county clerk of each county, at the earliest possible time and at least 45 days before the general November election and the preceding August primary, and at least 20 days before any other election or primary election in the county, shall cause to be delivered to the clerk of each township and city in the county the absent voter ballots for each precinct.

(2) The county clerk of each county shall cause to be delivered ballots, other than absent voter ballots, and election supplies to the clerk of each township and city in the county at least 10 days before any election or primary election.

(3) The county clerk shall take receipt from each township and city clerk for all ballots and supplies delivered to that clerk.

Section 2. Sections 604 and 646c of Act No. 116 of the Public Acts of 1954, being sections 168.604 and 168.646c of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.