

# HOUSE BILL No. 4579

April 10, 1989, Introduced by Reps. Terrell, DeMars, Hunter, Stallworth, Honigman, Bennane, Harrison, Leland, Joe Young, Sr., Kilpatrick, Power, Sikkema, Martin, Bandstra and Clack and referred to the Committee on Judiciary.

A bill to amend section 643 of Act No. 116 of the Public Acts of 1954, entitled  
"Michigan election law,"  
being section 168.643 of the Michigan Compiled Laws; and to add chapter XIXB.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 643 of Act No. 116 of the Public Acts of  
2 1954, being section 168.643 of the Michigan Compiled Laws, is  
3 amended and chapter XIXB is added to read as follows:

### 4                               CHAPTER XIXB.

#### 5                       JUDGES OF THE DOMESTIC RELATIONS COURT

6       SEC. 429. A PERSON SHALL NOT BE ELIGIBLE FOR THE OFFICE OF  
7 JUDGE OF THE DOMESTIC RELATIONS COURT UNLESS THE PERSON IS A  
8 QUALIFIED ELECTOR OF THE JUDICIAL CIRCUIT IN WHICH ELECTION IS  
9 SOUGHT, AS PROVIDED IN SECTION 11 OF ARTICLE VI OF THE STATE

1 CONSTITUTION OF 1963, IS LICENSED TO PRACTICE LAW IN THIS STATE,  
2 AND AT THE TIME OF ELECTION IS LESS THAN 70 YEARS OF AGE. A  
3 PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SECTION 12A(1) OF  
4 ACT NO. 370 OF THE PUBLIC ACTS OF 1941, BEING SECTION 38.412A OF  
5 THE MICHIGAN COMPILED LAWS, SHALL NOT BE ELIGIBLE FOR ELECTION OR  
6 APPOINTMENT TO THE OFFICE OF JUDGE OF THE DOMESTIC RELATIONS  
7 COURT FOR A PERIOD OF 20 YEARS AFTER BEING CONVICTED.

8 SEC. 429A. A GENERAL NONPARTISAN PRIMARY ELECTION SHALL BE  
9 HELD IN EACH COUNTY OF THIS STATE ON THE TUESDAY SUCCEEDING THE  
10 FIRST MONDAY IN AUGUST BEFORE THE GENERAL ELECTION AT WHICH  
11 JUDGES OF THE DOMESTIC RELATIONS COURT ARE ELECTED, AT WHICH TIME  
12 THE QUALIFIED AND REGISTERED ELECTORS MAY VOTE FOR NONPARTISAN  
13 CANDIDATES FOR THE OFFICE OF JUDGE OF THE DOMESTIC RELATIONS  
14 COURT. UPON THE EXPIRATION OF THE TIME FOR FILING PETITIONS OR  
15 INCUMBENCY AFFIDAVITS OF CANDIDACY FOR THE PRIMARY ELECTION OF A  
16 JUDGE OF THE DOMESTIC RELATIONS COURT IN A COUNTY, IF IT APPEARS  
17 THAT THERE ARE NOT MORE THAN TWICE THE NUMBER OF CANDIDATES AS  
18 THERE ARE PERSONS TO BE ELECTED, THE SECRETARY OF STATE SHALL  
19 CERTIFY TO THE COUNTY BOARD OF ELECTION COMMISSIONERS THE NAMES  
20 OF THE CANDIDATES FOR DOMESTIC RELATIONS COURT JUDGE WHOSE PETI-  
21 TIONS OR AFFIDAVITS HAVE BEEN PROPERLY FILED. THE CANDIDATES  
22 SHALL BE THE NOMINEES FOR THE JUDGE OF THE DOMESTIC RELATIONS  
23 COURT AND SHALL BE CERTIFIED. AS TO THAT OFFICE, THERE SHALL NOT  
24 BE A PRIMARY ELECTION, AND THAT OFFICE SHALL BE OMITTED FROM THE  
25 JUDICIAL PRIMARY BALLOT.

26 SEC. 429B. (1) TO OBTAIN THE PRINTING OF THE NAME OF A  
27 PERSON AS A CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUDGE OF

1 THE DOMESTIC RELATIONS COURT UPON THE OFFICIAL NONPARTISAN  
2 PRIMARY BALLOTS, NOMINATING PETITIONS SHALL BE FILED WITH THE  
3 SECRETARY OF STATE CONTAINING THE SIGNATURES, ADDRESSES, AND  
4 DATES OF SIGNING OF A NUMBER OF QUALIFIED AND REGISTERED ELECTORS  
5 RESIDING IN THE COUNTY, EQUAL TO NOT LESS THAN 1% NOR MORE THAN  
6 4% OF THE TOTAL NUMBER OF VOTES CAST IN THAT COUNTY FOR SECRETARY  
7 OF STATE AT THE LAST PRECEDING GENERAL NOVEMBER ELECTION IN WHICH  
8 A SECRETARY OF STATE WAS ELECTED OR BY THE FILING OF AN AFFIDAVIT  
9 ACCORDING TO SECTION 429C. IN A COUNTY HAVING A POPULATION OF  
10 1,000,000 OR MORE, THE PETITIONS SHALL CONTAIN NOT LESS THAN  
11 5,000, AND NOT MORE THAN 20,000, SIGNATURES. THE SECRETARY OF  
12 STATE SHALL RECEIVE THE NOMINATING PETITIONS UP TO 4 P.M. ON THE  
13 NINTH TUESDAY PRECEDING THE PRIMARY. THE PROVISIONS OF SECTION  
14 544A SHALL BE APPLICABLE.

15 SEC. 429C. (1) AN INCUMBENT JUDGE OF THE DOMESTIC RELATIONS  
16 COURT MAY BECOME A CANDIDATE IN THE PRIMARY ELECTION FOR THE  
17 OFFICE OF WHICH THE JUDGE IS AN INCUMBENT BY FILING WITH THE SEC-  
18 RETARY OF STATE AN AFFIDAVIT OF CANDIDACY NOT LESS THAN 120 DAYS  
19 BEFORE THE DATE OF THE PRIMARY ELECTION.

20 (2) THE AFFIDAVIT OF CANDIDACY SHALL CONTAIN STATEMENTS THAT  
21 THE AFFIANT IS AN INCUMBENT JUDGE OF THE DOMESTIC RELATIONS COURT  
22 FOR THE COUNTY IN WHICH ELECTION IS SOUGHT, THAT THE JUDGE IS  
23 DOMICILED WITHIN THE COUNTY, THAT THE JUDGE WILL NOT BECOME 70  
24 YEARS OF AGE BY THE DATE OF ELECTION, AND A DECLARATION THAT THE  
25 JUDGE IS A CANDIDATE FOR ELECTION TO THE OFFICE OF JUDGE OF THE  
26 DOMESTIC RELATIONS COURT.

1        SEC. 429D. AFTER THE FILING OF A NOMINATING PETITION OR  
2 AFFIDAVIT BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE  
3 OF JUDGE OF THE DOMESTIC RELATIONS COURT, THE CANDIDATE SHALL NOT  
4 BE PERMITTED TO WITHDRAW UNLESS A WRITTEN NOTICE OF WITHDRAWAL IS  
5 SERVED ON THE SECRETARY OF STATE OR THE SECRETARY OF STATE'S  
6 AUTHORIZED AGENT NOT LATER THAN 3 DAYS AFTER THE LAST DAY FOR  
7 FILING THE PETITIONS, UNLESS THE THIRD DAY FALLS ON A SATURDAY,  
8 SUNDAY, OR LEGAL HOLIDAY, IN WHICH CASE THE NOTICE OF WITHDRAWAL  
9 MAY BE SERVED ON THE CLERK UNTIL 4 P.M. OF THE NEXT SECULAR DAY.

10       SEC. 429E. THE CANDIDATES FOR THE OFFICE OF JUDGE OF THE  
11 DOMESTIC RELATIONS COURT RECEIVING THE LARGEST NUMBER OF VOTES AT  
12 A PRIMARY ELECTION, UP TO A NUMBER OF CANDIDATES EQUAL TO TWICE  
13 THE NUMBER OF PERSONS TO BE ELECTED AS SET FORTH IN THE REPORT OF  
14 THE BOARD OF STATE CANVASSERS, SHALL BE DECLARED THE NOMINEES FOR  
15 THE OFFICE AT THE NEXT ENSUING GENERAL ELECTION. THE DECLARATION  
16 SHALL BE BASED ON THE RETURNS FROM THE VARIOUS COUNTY BOARDS OF  
17 CANVASSERS AND ELECTIONS PRECINCTS OR AS DETERMINED BY THE BOARD  
18 OF STATE CANVASSERS AS THE RESULT OF A RECOUNT. THE BOARD OF  
19 STATE CANVASSERS SHALL CERTIFY THE NOMINATION TO THE COUNTY ELEC-  
20 TION COMMISSIONS.

21       SEC. 429F. A JUDGE OR JUDGES OF THE DOMESTIC RELATIONS  
22 COURT SHALL BE ELECTED IN EACH COUNTY AT THE GENERAL ELECTION IN  
23 WHICH THOSE JUDGES ARE TO BE ELECTED AS PROVIDED BY LAW.

24       SEC. 429G. (1) THE FIRST GENERAL ELECTION OF JUDGES OF THE  
25 DOMESTIC RELATIONS COURT SHALL BE HELD IN 1990. IN THAT ELECTION  
26 ONLY, THE TERMS OF OFFICE OF THE JUDGES OF THE DOMESTIC RELATIONS

1 COURT SHALL BE AS SET FORTH BELOW, AND CANDIDATES SHALL RUN FOR A  
 2 SPECIFIC TERM WHICH SHALL BE IDENTIFIED ON THE BALLOT.

3	NO. OF JUDGES	LENGTH OF TERM OF JUDGES
4	IN A COUNTY	
5	1	6 YEARS
6	2	1 JUDGE 6 YEARS; 1 JUDGE 8 YEARS
7	3	1 JUDGE 6 YEARS; 1 JUDGE 8 YEARS; 1 JUDGE 10 YEARS
8	4	2 JUDGES 6 YEARS; 1 JUDGE 8 YEARS; 1 JUDGE 10 YEARS
9	5	2 JUDGES 6 YEARS; 2 JUDGES 8 YEARS; 1 JUDGE 10 YEARS
10	6	2 JUDGES 6 YEARS; 2 JUDGES 8 YEARS; 2 JUDGES 10 YEARS
11	7	3 JUDGES 6 YEARS; 2 JUDGES 8 YEARS; 2 JUDGES 10 YEARS
12	8	3 JUDGES 6 YEARS; 3 JUDGES 8 YEARS; 2 JUDGES 10 YEARS
13	9	3 JUDGES 6 YEARS; 3 JUDGES 8 YEARS; 3 JUDGES 10 YEARS
14	10	4 JUDGES 6 YEARS; 3 JUDGES 8 YEARS; 3 JUDGES 10 YEARS

15 (2) A CANDIDATE MAY FILE NOMINATING PETITIONS OR AN AFFIDA-  
 16 VIT OF CANDIDACY FOR ONLY 1 OFFICE. THE OFFICE SHALL BE DESIG-  
 17 NATED ON THE NOMINATING PETITIONS OR AFFIDAVIT OF CANDIDACY.

18 (3) SUBSEQUENT ELECTIONS FOR JUDGES OF THE DOMESTIC RELA-  
 19 TIONS COURT SHALL BE HELD IN THE NOVEMBER IMMEDIATELY BEFORE THE  
 20 EXPIRATION OF THE TERMS OF OFFICE OF THE JUDGES.

21 SEC. 429H. (1) THE BOARD OF STATE CANVASSERS SHALL DETER-  
 22 MINE WHICH CANDIDATE OR CANDIDATES FOR THE OFFICE OF JUDGE OF THE  
 23 DOMESTIC RELATIONS COURT RECEIVED THE GREATEST NUMBER OF VOTES  
 24 AND SHALL DECLARE THAT CANDIDATE OR CANDIDATES ELECTED. THE  
 25 BOARD SHALL MAKE AND SUBSCRIBE ON ITS STATEMENT OF RETURNS A CER-  
 26 TIFICATE OF THE DETERMINATION AND SHALL DELIVER THE STATEMENT TO  
 27 THE SECRETARY OF STATE.

1       (2) THE SECRETARY OF STATE SHALL FILE AND PRESERVE THE  
2 ORIGINAL STATEMENT AND DETERMINATION OF THE BOARD OF STATE CAN-  
3 VASSERS OF THE RESULT OF THE ELECTION AND SHALL EXECUTE AND CAUSE  
4 TO BE DELIVERED TO THE PERSON OR PERSONS DECLARED TO BE ELECTED  
5 TO THE OFFICE OF JUDGE OF THE DOMESTIC RELATIONS COURT A CERTIFI-  
6 CATE OF ELECTION CERTIFIED BY THE SECRETARY OF STATE AND UNDER  
7 THE GREAT SEAL OF THE STATE.

8       SEC. 429J. WITH THE EXCEPTION OF THE TERMS OF CERTAIN  
9 JUDGES ELECTED IN 1990, THE TERM OF OFFICE FOR JUDGE OF THE  
10 DOMESTIC RELATIONS COURT SHALL BE 6 YEARS, COMMENCING AT 12 NOON  
11 ON JANUARY 1 FOLLOWING ELECTION AND SHALL CONTINUE UNTIL A SUC-  
12 CESSOR IS ELECTED AND QUALIFIED.

13       SEC. 429K. (1) A PERSON ELECTED TO THE OFFICE OF JUDGE OF  
14 THE DOMESTIC RELATIONS COURT WHO DESIRES TO RESIGN SHALL FILE A  
15 WRITTEN NOTICE CONTAINING THE EFFECTIVE DATE OF THE RESIGNATION  
16 WITH THE COURT ADMINISTRATOR AND A COPY WITH THE GOVERNOR AND  
17 SECRETARY OF STATE.

18       (2) THE OFFICE OF JUDGE OF THE DOMESTIC RELATIONS COURT  
19 SHALL BECOME VACANT UPON THE HAPPENING OF ANY OF THE FOLLOWING  
20 EVENTS BEFORE THE EXPIRATION OF THE TERM OF OFFICE:

21       (A) THE DEATH OF THE INCUMBENT.

22       (B) THE INCUMBENT'S RESIGNATION.

23       (C) THE INCUMBENT'S REMOVAL FROM OFFICE FOR CAUSE.

24       (D) THE INCUMBENT'S CEASING TO BE AN INHABITANT OF THE  
25 COUNTY FOR WHICH HE OR SHE WAS ELECTED OR APPOINTED OR WITHIN  
26 WHICH THE DUTIES OF THE OFFICE ARE REQUIRED TO BE DISCHARGED.

1 (E) THE INCUMBENT'S CONVICTION OF AN INFAMOUS CRIME OR AN  
2 OFFENSE INVOLVING A VIOLATION OF THE OATH OF OFFICE.

3 (F) THE DECISION OF A COMPETENT TRIBUNAL DECLARING THE  
4 INCUMBENT'S ELECTION OR APPOINTMENT VOID.

5 (G) THE INCUMBENT'S NEGLIGENCE OR REFUSAL TO TAKE AND SUBSCRIBE  
6 TO THE CONSTITUTIONAL OATH OF OFFICE AND DEPOSIT IT IN THE MANNER  
7 AND WITHIN THE TIME PRESCRIBED BY LAW.

8 SEC. 429I. A PERSON HOLDING THE OFFICE OF JUDGE OF THE  
9 DOMESTIC RELATIONS COURT MAY BE REMOVED FROM OFFICE UPON CONVIC-  
10 TION IN IMPEACHMENT PROCEEDINGS FOR THE REASONS AND IN THE MANNER  
11 SET FORTH IN SECTION 7 OF ARTICLE XI OF THE STATE CONSTITUTION OF  
12 1963. THE GOVERNOR SHALL REMOVE A JUDGE OF THE DOMESTIC RELA-  
13 TIONS COURT UPON A CONCURRENT RESOLUTION OF 2/3 OF THE MEMBERS  
14 ELECTED TO AND SERVING IN EACH HOUSE OF THE STATE LEGISLATURE,  
15 AND THE CAUSE FOR REMOVAL SHALL BE STATED AT LENGTH IN THE RESO-  
16 LUTION, AS PROVIDED IN SECTION 25 OF ARTICLE VI OF THE STATE CON-  
17 STITUTION OF 1963. THE PERSON SHALL BE SERVED WITH A WRITTEN  
18 NOTICE OF THE CHARGES AGAINST HIM OR HER AND SHALL BE AFFORDED AN  
19 OPPORTUNITY FOR A HEARING. WHEN A VACANCY OCCURS, A NOTICE OF  
20 THE VACANCY AND THE REASON WHY THE VACANCY EXISTS, WITHIN 10 DAYS  
21 AFTER THE VACANCY OCCURS, SHALL BE GIVEN IN WRITING BY THE SECRE-  
22 TARY OF STATE TO THE SUPREME COURT, WITH A COPY TO THE GOVERNOR.

23 SEC. 429M. WHEN A VACANCY OCCURS IN THE OFFICE OF JUDGE OF  
24 THE DOMESTIC RELATIONS COURT, THE GOVERNOR SHALL APPOINT A SUC-  
25 CESSOR TO FILL THE VACANCY. THE PERSON APPOINTED BY THE GOVERNOR  
26 SHALL BE CONSIDERED AN INCUMBENT FOR PURPOSES OF THIS ACT AND  
27 SHALL HOLD OFFICE UNTIL NOON OF JANUARY 1 FOLLOWING THE NEXT

1 GENERAL ELECTION AT WHICH A SUCCESSOR IS ELECTED AND QUALIFIED.  
2 AT THE NEXT FALL PRIMARY ELECTION HELD NOT LESS THAN 70 DAYS  
3 AFTER THE VACANCY OCCURS, CANDIDATES SHALL BE NOMINATED TO FILL  
4 THE VACANCY IN THE MANNER PROVIDED IN THIS CHAPTER FOR THE NOMI-  
5 NATION OF CANDIDATES FOR JUDGE OF THE DOMESTIC RELATIONS COURT.  
6 THE VACANCY SHALL BE FILLED AT THE NEXT ELECTION FOLLOWING THE  
7 PRIMARY IN THE MANNER PROVIDED IN THIS CHAPTER FOR THE ELECTION  
8 OF JUDGES OF THE DOMESTIC RELATIONS COURT. THE PERSON ELECTED  
9 SHALL HOLD OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM.

10 SEC. 429N. (1) IN THE PRIMARY AND GENERAL ELECTION FOR 2 OR  
11 MORE JUDGESHIPS OF THE DOMESTIC RELATIONS COURT, EACH OF THE FOL-  
12 LOWING CATEGORIES OF CANDIDATES SHALL BE LISTED SEPARATELY ON THE  
13 BALLOT:

14 (A) THE NAMES OF CANDIDATES FOR THE JUDGESHIP OR JUDGESHIPS  
15 FOR WHICH THE INCUMBENT IS SEEKING ELECTION.

16 (B) THE NAMES OF CANDIDATES FOR AN EXISTING JUDGESHIP OR  
17 JUDGESHIPS FOR WHICH THE INCUMBENT IS NOT SEEKING ELECTION.

18 (C) THE NAMES OF CANDIDATES FOR A NEWLY CREATED JUDGESHIP OR  
19 JUDGESHIPS.

20 (2) NOMINATING PETITIONS FILED UNDER THIS ACT SHALL BE VALID  
21 ONLY IF THEY CLEARLY INDICATE FOR WHICH OF THE FOLLOWING OFFICES  
22 THE CANDIDATE IS FILING:

23 (A) AN UNSPECIFIED EXISTING JUDGESHIP FOR WHICH THE INCUM-  
24 BENT JUDGE IS NOT SEEKING ELECTION.

25 (B) A NEW JUDGESHIP.

26 (C) AN UNSPECIFIED EXISTING JUDGESHIP FOR WHICH THE  
27 INCUMBENT JUDGE IS SEEKING ELECTION.



1 (3) A PERSON WHO FILES FOR ELECTION TO MORE THAN 1 DOMESTIC  
2 RELATIONS JUDGESHIP SHALL HAVE NOT MORE THAN 3 DAYS FOLLOWING THE  
3 CLOSE OF FILING TO WITHDRAW FROM ALL BUT 1 FILING.

4 SEC. 429P. THE VOTES CAST FOR A CANDIDATE FOR JUDGE OF THE  
5 DOMESTIC RELATIONS COURT AT A PRIMARY OR ELECTION SHALL BE  
6 SUBJECT TO RECOUNT AS PROVIDED IN CHAPTER XXXIII.

7 Sec. 643. At the general November elections, there shall be  
8 elected when required by law the following officers:

9 (A) ~~1.~~ Presidential electors. ~~1.~~

10 (B) ~~2.~~ In the state at large, a governor and a lieutenant  
11 governor, a secretary of state, and an attorney general. ~~2.~~

12 (C) ~~3.~~ A United States senator. ~~3.~~

13 (D) ~~4.~~ In each congressional district, a representative in  
14 congress. ~~4.~~

15 (E) ~~5.~~ In each state senatorial district, a state  
16 senator. ~~5.~~

17 (F) ~~6.~~ In each state representative district, a represen-  
18 tative in the state legislature. ~~6.~~

19 (G) ~~7.~~ Justices of the supreme court. ~~7.~~

20 (H) ~~8.~~ Two members of the state board of education; except  
21 as provided in section 282a. ~~8.~~

22 (I) ~~9.~~ Two regents of the University of Michigan. ~~9.~~

23 (J) ~~10.~~ Two trustees of Michigan State University. ~~10.~~

24 (K) ~~11.~~ Two governors of Wayne State University. ~~11.~~

25 (L) ~~12.~~ In each county or district, judges of the court of  
26 appeals, a judge or judges of the circuit court, A JUDGE OR  
27 JUDGES OF THE DOMESTIC RELATIONS COURT, a judge or judges of

1 probate, ~~a circuit court commissioner or circuit court~~  
2 ~~commissioners,~~ a prosecuting attorney, a sheriff, a clerk, a  
3 treasurer, a register of deeds, an auditor, a mine inspector, a  
4 county road commissioner, a drain commissioner, ~~2 coroners~~ and  
5 a surveyor. The COUNTY board of ~~supervisors in any~~  
6 COMMISSIONERS IN A county may unite the offices of county clerk  
7 and register of deeds in 1 office or separate ~~the same at~~  
8 ~~pleasure,~~ THOSE OFFICES.

9 (M) ~~+3.~~ Township officers. ~~+~~

10 (N) ~~+4. Such other~~ OTHER officers ~~as~~ REQUIRED by this  
11 act or otherwise by law ~~are now or hereafter may be required~~ to  
12 be elected at ~~such~~ THE GENERAL NOVEMBER election.

13 Section 2. This amendatory act shall take effect January 1,  
14 1990.

15 Section 3. This amendatory act shall not take effect unless  
16 Senate Bill No. \_\_\_\_\_ or House Bill No. 4567 (request  
17 no. 01659'89) of the 85th Legislature is enacted into law.