

HOUSE BILL No. 5167

October 11, 1989, Introduced by Reps. Bandstra, Krause, DeLange, Mathieu and Sikkema and referred to the Committee on Elections.

A bill to amend sections 409b, 409d, 409l, 415, 424, 424a, 426d, 426f, 426k, 433, 435, 435a, 444, 467b, 467c, 467e, and 467m of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

sections 409b, 424a, 426d, 426k, 433, 467b, and 467c as amended and section 435a as added by Act No. 149 of the Public Acts of 1982, being sections 168.409b, 168.409d, 168.409l, 168.415, 168.424, 168.424a, 168.426d, 168.426f, 168.426k, 168.433, 168.435, 168.435a, 168.444, 168.467b, 168.467c, 168.467e, and 168.467m of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 409b, 409d, 409l, 415, 424, 424a, 426d,
 2 426f, 426k, 433, 435, 435a, 444, 467b, 467c, 467e, and 467m of
 3 Act No. 116 of the Public Acts of 1954, sections 409b, 424a,
 4 426d, 426k, 433, 467b, and 467c as amended and section 435a as

1 added by Act No. 149 of the Public Acts of 1982, being
2 sections 168.409b, 168.409d, 168.409~~l~~, 168.415, 168.424,
3 168.424a, 168.426d, 168.426f, 168.426k, 168.433, 168.435,
4 168.435a, 168.444, 168.467b, 168.467c, 168.467e, and 168.467m of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 409b. (1) To obtain the printing of the name of a
7 qualified person other than an incumbent ~~elected~~ judge of the
8 court of appeals as a candidate for nomination for the office of
9 judge of the court of appeals upon the official nonpartisan pri-
10 mary ballots, there shall be filed with the secretary of state
11 nominating petitions containing the signatures, addresses, and
12 dates of signing of a number of qualified and registered electors
13 residing in the appellate court district, equal to not less than
14 1/2 of 1% nor more than 2% of the total number of votes cast in
15 that appellate court district for secretary of state at the last
16 preceding general November election in which a secretary of state
17 was elected. All the provisions of sections 544a and 544b ~~shall~~
18 ~~be applicable~~ APPLY. The secretary of state shall receive nomi-
19 nating petitions up to 4 p.m. on the ninth Tuesday preceding the
20 primary.

21 (2) Nominating petitions filed under this section ~~shall be~~
22 ARE valid only if they clearly indicate for which of the follow-
23 ing offices the candidate is filing, CONSISTENT WITH
24 SUBSECTION (6):

25 (a) An unspecified existing judgeship for which the incum-
26 bent judge is seeking election.

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

3 (c) A new judgeship.

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

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

20 (5) In the primary and general election for 2 or more judge-
21 ships of the court of appeals in a judicial district, each of the
22 following categories of candidates shall be listed separately on
23 the ballot, CONSISTENT WITH SUBSECTION (6):

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

26 (b) The names of candidates for the judgeship or judgeships
27 for which the incumbent is not seeking election.

1 (c) The names of candidates for a newly created judgeship or
2 judgeships.

3 (6) IF THE DEATH OR DISQUALIFICATION OF AN INCUMBENT JUDGE
4 TRIGGERS THE APPLICATION OF SECTION 409D(2), THEN FOR THE PUR-
5 POSES OF SUBSECTIONS (2) AND (5), THAT JUDGESHIP SHALL BE
6 REGARDED AS A JUDGESHIP FOR WHICH THE INCUMBENT JUDGE IS NOT
7 SEEKING ELECTION. THE APPLICATION OF THIS SUBSECTION INCLUDES,
8 BUT IS NOT LIMITED TO, CIRCUMSTANCES IN WHICH THE GOVERNOR
9 APPOINTS AN INDIVIDUAL TO FILL THE VACANCY AND THAT INDIVIDUAL
10 SEEKS TO QUALIFY AS A NOMINEE UNDER SECTION 409D(2).

11 Sec. 409d. (1) In each appellate court district the candi-
12 dates for office of judge of the court of appeals receiving the
13 largest number of votes at any primary election, to a number
14 equal to twice the number of persons to be elected as set forth
15 in the report of the board of state canvassers, based on the
16 returns from the various boards of county canvassers and election
17 precincts, or as determined by ~~said~~ THE board OF STATE
18 CANVASSERS as the result of a recount, shall be declared the nom-
19 inees for ~~said~~ THE office at the next ~~ensuing~~ general
20 November election. The board of state canvassers shall certify
21 ~~such~~ THE nomination to the county election ~~commission~~
22 COMMISSIONS.

23 (2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS
24 UNDER SECTION 409B, THERE ARE FEWER CANDIDATES FOR NOMINATION OR
25 NOMINEES FOR THE OFFICE OF JUDGE OF THE COURT OF APPEALS THAN
26 THERE ARE PERSONS TO BE ELECTED AT THE GENERAL NOVEMBER ELECTION
27 BECAUSE OF THE DEATH OR DISQUALIFICATION OF A CANDIDATE MORE THAN

1 64 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A PERSON MAY
2 QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE GENERAL NOVEMBER
3 ELECTION BY FILING NOMINATING PETITIONS OR AN AFFIDAVIT OF CANDI-
4 DACY AS REQUIRED BY SECTION 409B, EXCEPT THAT THE FILING SHALL BE
5 MADE BEFORE 4 P.M. ON THE SIXTIETH DAY PRECEDING THE GENERAL
6 NOVEMBER ELECTION.

7 (3) THE SECRETARY OF STATE SHALL CERTIFY THE NOMINATION OF
8 EACH PERSON WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO
9 THE BOARD OF ELECTION COMMISSIONERS OF EACH COUNTY IN THE APPEL-
10 LATE COURT DISTRICT FOR THE GENERAL NOVEMBER ELECTION.

11 Sec. 409l. (1) ~~When~~ IF a vacancy occurs in the office of
12 judge of the court of appeals, the governor shall appoint a suc-
13 cessor to fill the vacancy. ~~The~~ EXCEPT AS OTHERWISE PROVIDED
14 IN SECTION 409B(6), THE person appointed by the governor shall be
15 considered an incumbent for purposes of this act. ~~and~~ THE
16 PERSON APPOINTED BY THE GOVERNOR shall hold office until 12 noon
17 of January 1 following the next general election at which a suc-
18 cessor is elected and qualified. ~~Candidates~~

19 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 409D(2),
20 CANDIDATES shall be nominated at the next fall primary held at
21 least 70 days after ~~such~~ THE vacancy occurs, to fill the
22 vacancy in the manner provided in this chapter for the nomination
23 of candidates for judge of the court of appeals. The vacancy
24 shall be filled at the general election next following the pri-
25 mary in the manner provided in this chapter for the election of
26 judges of the court of appeals. The person elected shall hold
27 ~~such~~ office for the remainder of the unexpired term.

1 Sec. 415. (1) The candidates for the office of judge of the
2 circuit court receiving the largest number of votes at any pri-
3 mary election, to a number equal to twice the number of persons
4 to be elected as set forth in the report of the board of state
5 canvassers, based on the returns from the various county boards
6 of canvassers and election precincts or as determined by ~~said~~
7 THE board OF STATE CANVASSERS as the result of a recount, shall
8 be declared the nominees for ~~said~~ THE office at the next
9 ~~ensuing~~ general election. The board of state canvassers shall
10 certify ~~such~~ THE nomination to the county election
11 commissions.

12 (2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS
13 UNDER SECTION 413, THERE ARE FEWER CANDIDATES FOR NOMINATION OR
14 NOMINEES FOR THE OFFICE OF JUDGE OF THE CIRCUIT COURT THAN THERE
15 ARE PERSONS TO BE ELECTED AT THE GENERAL NOVEMBER ELECTION
16 BECAUSE OF THE DEATH OR DISQUALIFICATION OF A CANDIDATE MORE THAN
17 64 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A PERSON MAY
18 QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE GENERAL NOVEMBER
19 ELECTION BY FILING NOMINATING PETITIONS OR AN AFFIDAVIT OF CANDI-
20 DACY AS REQUIRED BY SECTION 413 OR 413A, EXCEPT THAT THE FILING
21 SHALL BE MADE BEFORE 4 P.M. ON THE SIXTIETH DAY PRECEDING THE
22 GENERAL NOVEMBER ELECTION.

23 (3) THE SECRETARY OF STATE SHALL CERTIFY THE NOMINATION OF
24 EACH PERSON WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO
25 THE BOARD OF ELECTION COMMISSIONERS SPECIFIED BY SECTION 687 FOR
26 THE GENERAL NOVEMBER ELECTION.

1 Sec. 424. (1) ~~Whenever~~ IF a vacancy ~~shall occur~~ OCCURS
2 in the office of circuit judge, the governor shall appoint a
3 successor to fill the vacancy. ~~The~~ EXCEPT AS OTHERWISE PRO-
4 VIDED IN SECTION 424A(3), THE person appointed by the governor
5 shall be considered an incumbent for purposes of this act. ~~and~~
6 THE PERSON APPOINTED BY THE GOVERNOR shall hold office until 12
7 noon of January 1 following the next general election at which a
8 successor is elected and qualified. ~~At~~

9 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 415(2), AT the
10 next fall primary election held at least 70 days after ~~such~~ THE
11 vacancy ~~shall occur~~ OCCURS, candidates shall be nominated to
12 fill the vacancy in the manner provided in this chapter for the
13 nomination of candidates for circuit judge. The vacancy shall be
14 filled at the election next following the primary in the manner
15 provided in this chapter for the election of circuit judges. The
16 person elected shall hold ~~such~~ office for the remainder of the
17 unexpired term.

18 Sec. 424a. (1) In the primary and general election for 2
19 or more judgeships of the circuit court, each of the following
20 categories of candidates shall be listed separately on the
21 ballot, CONSISTENT WITH SUBSECTION (3):

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

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

26 (c) The names of candidates for a newly created judgeship or
27 judgeships.

1 (2) Nominating petitions filed under section 413 ~~shall be~~
2 ARE valid only if they clearly indicate for which of the follow-
3 ing offices the candidate is filing, CONSISTENT WITH

4 SUBSECTION (3):

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

7 (b) A new judgeship.

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

10 (3) IF THE DEATH OR DISQUALIFICATION OF AN INCUMBENT JUDGE
11 TRIGGERS THE APPLICATION OF SECTION 415(2), THEN FOR THE PURPOSES
12 OF SUBSECTIONS (1) AND (2), THAT JUDGESHIP SHALL BE REGARDED AS A
13 JUDGESHIP FOR WHICH THE INCUMBENT JUDGE IS NOT SEEKING ELECTION.
14 THE APPLICATION OF THIS SUBSECTION INCLUDES, BUT IS NOT LIMITED
15 TO, CIRCUMSTANCES IN WHICH THE GOVERNOR APPOINTS AN INDIVIDUAL TO
16 FILL THE VACANCY AND THAT INDIVIDUAL SEEKS TO QUALIFY AS A NOMI-
17 NEE UNDER SECTION 415(2).

18 (4) ~~(3)~~ A person who files for election to more than 1
19 circuit judgeship shall have not more than 3 days following the
20 close of filing to withdraw from all but 1 filing.

21 Sec. 426d. (1) To obtain the printing of the name of a
22 person on the ballot as a candidate for the office of judge of
23 the municipal court of record, there shall be filed with the city
24 clerk nominating petitions containing the signatures, addresses,
25 and dates of signing of a number of qualified and registered
26 electors residing in that city equal to not less than 1/2 of 1%
27 nor more than 2% of the votes cast in that municipality for

1 secretary of state at the last preceding November election in
2 which a secretary of state was elected. The city clerk shall
3 receive nominating petitions up to 4 p.m. of the ninth Tuesday
4 preceding the August primary. All the provisions of sections
5 544a and 544b ~~shall be applicable~~ APPLY.

6 (2) An incumbent judge of the municipal court of record may
7 become a candidate in the primary election for the office of
8 which the judge is the incumbent by filing, with the city clerk,
9 an affidavit of candidacy not less than 120 days before the date
10 of the primary election. The affidavit of candidacy shall con-
11 tain statements that the affiant is an incumbent judge of the
12 municipal court of record, that the affiant is domiciled within
13 the city, and that the affiant will not attain the age of 70 by
14 the date of election, and a declaration that the affiant is a
15 candidate for election to the office of judge of the municipal
16 court of record.

17 (3) Nominating petitions filed under this section ~~shall be~~
18 ARE valid only if they clearly indicate for which of the follow-
19 ing offices the candidate is filing, CONSISTENT WITH
20 SECTION 426K(3):

21 (a) An unspecified existing judgeship for which the incum-
22 bent judge is seeking election.

23 (b) An unspecified existing judgeship for which the incum-
24 bent judge is not seeking election.

25 (c) A new judgeship.

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

4 Sec. 426f. (1) The candidates for the office of judge of
5 the municipal court of record receiving the largest number of
6 votes at any primary election, to a number equal to twice the
7 number of persons to be elected, as set forth in the report of
8 the city canvassers, based on returns from the various local
9 boards of canvassers and election precincts, shall be declared
10 the nominees for the office at the next ~~ensuing~~ general
11 election.

12 (2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS
13 UNDER SECTION 426D, THERE ARE FEWER CANDIDATES FOR NOMINATION OR
14 NOMINEES FOR THE OFFICE OF JUDGE OF A MUNICIPAL COURT OF RECORD
15 THAN THERE ARE PERSONS TO BE ELECTED AT THE GENERAL NOVEMBER
16 ELECTION BECAUSE OF THE DEATH OR DISQUALIFICATION OF A CANDIDATE
17 MORE THAN 64 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A
18 PERSON MAY QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE GENERAL
19 NOVEMBER ELECTION BY FILING NOMINATING PETITIONS OR AN AFFIDAVIT
20 OF CANDIDACY AS REQUIRED BY SECTION 426D, EXCEPT THAT THE FILING
21 SHALL BE MADE BEFORE 4 P.M. ON THE SIXTIETH DAY PRECEDING THE
22 GENERAL NOVEMBER ELECTION.

23 (3) THE CITY CLERK SHALL CERTIFY THE NOMINATION OF EACH
24 PERSON WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO THE
25 BOARD OF ELECTION COMMISSIONERS OF THE CITY FOR THE GENERAL
26 NOVEMBER ELECTION.

1 Sec. 426k. (1) In the primary and general election for a
2 judge of the municipal court of record, ~~any~~ AN incumbent judge
3 who is a candidate shall have printed upon the ballot under the
4 name of the candidate the designation of that office.

5 (2) In the primary and general election for 2 or more judge-
6 ships of the municipal court of record, each of the following
7 categories of candidates shall be listed separately on the
8 ballot; CONSISTENT WITH SUBSECTION (3):

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

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

13 (c) The names of candidates for a newly created judgeship or
14 judgeships.

15 (3) IF THE DEATH OR DISQUALIFICATION OF AN INCUMBENT JUDGE
16 TRIGGERS THE APPLICATION OF SECTION 426F(2), THEN FOR THE PUR-
17 POSES OF SUBSECTION (2) AND SECTION 426D(3), THAT JUDGESHIP SHALL
18 BE REGARDED AS A JUDGESHIP FOR WHICH THE INCUMBENT JUDGE IS NOT
19 SEEKING ELECTION. THE APPLICATION OF THIS SUBSECTION INCLUDES,
20 BUT IS NOT LIMITED TO, CIRCUMSTANCES IN WHICH THE GOVERNOR
21 APPOINTS AN INDIVIDUAL TO FILL THE VACANCY AND THAT INDIVIDUAL
22 SEEKS TO QUALIFY AS A NOMINEE UNDER SECTION 426F(2).

23 Sec. 433. (1) To obtain the printing of the name of a
24 person as a candidate for nomination for the office of judge of
25 probate upon the official nonpartisan primary ballots, there
26 shall be filed with the county clerk of each county, nominating
27 petitions containing the signatures, addresses, and dates of

1 signing of a number of qualified and registered electors residing
2 in the county, equal to not less than 1% nor more than 4% of the
3 total number of votes cast in that county for secretary of state
4 at the last preceding general November election in which a secre-
5 tary of state was elected or by the filing of an affidavit
6 according to section 433a. In counties having a population of
7 1,500,000 or more, the petition shall contain not less than 5,000
8 and not more than 20,000 signatures. The county clerk shall
9 receive nominating petitions up to 4 p.m. on the ninth Tuesday
10 preceding the August primary. All the provisions of sections
11 544a and 544b ~~shall be applicable~~ APPLY.

12 (2) Nominating petitions filed under this section ~~shall be~~
13 ARE valid only if they clearly indicate for which of the follow-
14 ing offices the candidate is filing, CONSISTENT WITH
15 SECTION 435A(2):

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

18 (b) An unspecified existing judgeship for which the incum-
19 bent judge is not seeking election.

20 (c) A new judgeship.

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

24 Sec. 435. (1) The candidates for the office of judge of
25 probate receiving the largest number of votes at any primary
26 election, to a number equal to twice the number of places to be
27 filled as set forth in the report of the board of county

1 canvassers, based on the returns from the various election
2 precincts or as determined by ~~said~~ THE board OF COUNTY
3 CANVASSERS as the result of a recount, shall be declared the nom-
4 inees for ~~said~~ THE office at the next ~~ensuing~~ November
5 election. The board of county canvassers shall certify ~~such~~
6 THE nominations to the county election commission.

7 (2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS
8 UNDER SECTION 433, THERE ARE FEWER CANDIDATES FOR NOMINATION OR
9 NOMINEES FOR THE OFFICE OF JUDGE OF PROBATE THAN THERE ARE PER-
10 SONS TO BE ELECTED BECAUSE OF THE DEATH OR DISQUALIFICATION OF A
11 CANDIDATE MORE THAN 64 DAYS BEFORE THE GENERAL NOVEMBER ELECTION,
12 THEN A PERSON MAY QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE
13 GENERAL NOVEMBER ELECTION BY FILING NOMINATING PETITIONS OR AN
14 AFFIDAVIT OF CANDIDACY WITH THE COUNTY CLERK OR, IN CASE OF A
15 PROBATE DISTRICT, WITH THE SECRETARY OF STATE IN THE MANNER
16 REQUIRED BY SECTION 433 OR 433A, EXCEPT THAT THE FILING SHALL BE
17 MADE BEFORE 4 P.M. ON THE SIXTIETH DAY PRECEDING THE GENERAL
18 NOVEMBER ELECTION.

19 (3) THE COUNTY CLERK OR, IN CASE OF A PROBATE DISTRICT, THE
20 SECRETARY OF STATE SHALL CERTIFY THE NOMINATION OF EACH PERSON
21 WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO THE BOARD OF
22 ELECTION COMMISSIONERS SPECIFIED BY SECTION 687 FOR THE GENERAL
23 NOVEMBER ELECTION.

24 Sec. 435a. (1) In the primary and general election for 2 or
25 more probate judgeships, each of the following categories of can-
26 didates shall be listed separately on the ballot, CONSISTENT WITH
27 SUBSECTION (2):

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

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

5 (c) The names of candidates for a newly created judgeship or
6 judgeships.

7 (2) IF THE DEATH OR DISQUALIFICATION OF AN INCUMBENT JUDGE
8 TRIGGERS THE APPLICATION OF SECTION 435(2), THEN FOR THE PURPOSES
9 OF SUBSECTION (1) AND SECTION 433(2), THAT JUDGESHIP SHALL BE
10 REGARDED AS A JUDGESHIP FOR WHICH THE INCUMBENT JUDGE IS NOT
11 SEEKING ELECTION. THE APPLICATION OF THIS SUBSECTION INCLUDES,
12 BUT IS NOT LIMITED TO, CIRCUMSTANCES IN WHICH THE GOVERNOR
13 APPOINTS AN INDIVIDUAL TO FILL THE VACANCY AND THAT INDIVIDUAL
14 SEEKS TO QUALIFY AS A NOMINEE UNDER SECTION 435(2).

15 (3) ~~(2)~~ In the primary or general election for a judge of
16 probate, any incumbent judge who is a candidate shall have
17 printed upon the ballot under the name of the candidate the des-
18 ignation of that office.

19 Sec. 444. (1) ~~Whenever~~ IF a vacancy ~~shall occur~~ OCCURS
20 in the office of judge of probate, the governor shall appoint a
21 successor to fill the vacancy. ~~The~~ EXCEPT AS OTHERWISE PRO-
22 VIDED IN SECTION 435A(2), THE person appointed by the governor
23 shall be considered an incumbent for purposes of this act and
24 shall hold office until 12 noon of January 1 following the next
25 general election at which a successor is elected and qualified.
26 ~~At~~

1 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 435(2), AT the
2 next general primary election held at least 70 days after ~~such~~
3 THE vacancy ~~shall occur~~ OCCURS, candidates shall be nominated
4 to fill the vacancy in the manner provided in this chapter for
5 the nomination of candidates for judge of probate. The vacancies
6 shall be filled at the general election next following the pri-
7 mary in the manner provided in this chapter for the election of
8 judges of probate. The person elected shall hold ~~such~~ office
9 for the remainder of the unexpired term.

10 Sec. 467b. (1) To obtain the printing of the name of a
11 person as a candidate for nomination for the office of judge of
12 the district court upon the official nonpartisan primary ballots,
13 there shall be filed with the secretary of state nominating peti-
14 tions containing the signatures, addresses, and dates of signing
15 of a number of qualified and registered electors residing in the
16 judicial district or division, equal to not less than 1/2% nor
17 more than 2% of the total number of votes cast in that judicial
18 district or division for secretary of state at the last preceding
19 general November election in which a secretary of state was
20 elected. ~~Elected~~ AN incumbent district court ~~judges~~ JUDGE
21 may also become ~~candidates~~ A CANDIDATE by the filing of an
22 affidavit in lieu of petitions according to section 467c. The
23 secretary of state shall receive nominating petitions up to 4
24 p.m. on the ninth Tuesday preceding the primary. All the provi-
25 sions of sections 544a and 544b ~~shall be applicable~~ APPLY.

26 (2). Nominating petitions filed under this section ~~shall be~~
27 ARE valid only if they clearly indicate for which of the

1 following offices the candidate is filing, CONSISTENT WITH
2 SECTION 467C(4):

3 (a) An unspecified existing judgeship for which the incum-
4 bent judge is seeking election.

5 (b) An unspecified existing judgeship for which the incum-
6 bent judge is not seeking election.

7 (c) A new judgeship.

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

11 Sec. 467c. (1) ~~Any~~ AN incumbent district court judge may
12 become a candidate in the primary election for the office of
13 which he or she is an incumbent by filing with the secretary of
14 state an affidavit of candidacy in lieu of nominating petitions
15 not less than 120 days prior to the date of the primary
16 election. The affidavit of candidacy shall contain statements
17 that the affiant is an incumbent district court judge for the
18 district or election division in which election is sought, that
19 he or she is domiciled within the district or election division,
20 and that he or she will not attain the age of 70 by the date of
21 election, and a declaration that the affiant is a candidate for
22 election to the office of district court judge.

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

26 (3) In the primary and general election for 2 or more
27 judgeships of the district court, each of the following

1 categories of candidates shall be listed separately on the
2 ballot, CONSISTENT 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 PUR-
11 POSES OF SUBSECTION (3) AND SECTION 467B(2), THAT JUDGESHIP SHALL
12 BE REGARDED AS A JUDGESHIP FOR WHICH THE INCUMBENT JUDGE IS NOT
13 SEEKING ELECTION. THE APPLICATION OF THIS SUBSECTION INCLUDES,
14 BUT IS NOT LIMITED TO, CIRCUMSTANCES IN WHICH THE GOVERNOR
15 APPOINTS AN INDIVIDUAL TO FILL THE VACANCY AND THAT INDIVIDUAL
16 SEEKS TO QUALIFY AS A NOMINEE UNDER SECTION 467E(2).

17 Sec. 467e. (1) The candidates for the office of judge of
18 the district court receiving the largest number of votes at any
19 primary election, to a number equal to twice the number of per-
20 sons to be elected as set forth in the report of the board of
21 state canvassers, based on the returns from the various county
22 boards of canvassers and election precincts or as determined by
23 the board as the result of a recount, shall be declared the nomi-
24 nees for the office at the next ~~ensuing~~ general November
25 election. The board of state canvassers shall certify the nomi-
26 nation to the county election commissions.

1 (2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS
2 UNDER SECTION 467B, THERE ARE FEWER CANDIDATES FOR NOMINATION OR
3 NOMINEES FOR THE OFFICE OF JUDGE OF THE DISTRICT COURT THAN THERE
4 ARE PERSONS TO BE ELECTED BECAUSE OF THE DEATH OR DISQUALIFICA-
5 TION OF A CANDIDATE MORE THAN 64 DAYS BEFORE THE GENERAL NOVEMBER
6 ELECTION, THEN A PERSON MAY QUALIFY AS A NOMINEE FOR THAT OFFICE
7 AT THE GENERAL NOVEMBER ELECTION BY FILING NOMINATING PETITIONS
8 OR AN AFFIDAVIT OF CANDIDACY AS REQUIRED BY SECTION 467B OR 467C,
9 EXCEPT THAT THE FILING SHALL BE MADE BEFORE 4 P.M. ON THE SIX-
10 TIETH DAY PRECEDING THE GENERAL NOVEMBER ELECTION.

11 (3) THE SECRETARY OF STATE SHALL CERTIFY THE NOMINATION OF
12 EACH PERSON WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO
13 THE BOARD OF NOVEMBER ELECTION COMMISSIONERS SPECIFIED BY
14 SECTION 687 FOR THE GENERAL NOVEMBER ELECTION.

15 Sec. 467m. (1) ~~Whenever~~ IF a vacancy ~~shall occur~~ OCCURS
16 in the office of district judge, the governor shall appoint a
17 successor to fill the vacancy. ~~The~~ EXCEPT AS OTHERWISE PRO-
18 VIDED IN SECTION 467C(4), THE person appointed by the governor
19 shall be considered an incumbent for purposes of this act and
20 shall hold office until 12 noon of January 1 following the next
21 general election at which a successor is elected and qualified.
22 ~~Candidates~~

23 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 467E(2),
24 CANDIDATES shall be nominated at the next fall primary held at
25 least 70 days after ~~such~~ THE vacancy occurs, to fill the
26 vacancy in the manner provided in this chapter for the nomination
27 of candidates for district court judge. The vacancy shall be

1 filled at the general election next following the primary in the
2 manner provided in this chapter for the election of district
3 court judges. THE PERSON ELECTED SHALL HOLD OFFICE FOR THE
4 REMAINDER OF THE UNEXPIRED TERM.