

HOUSE BILL No. 6058

April 22, 2010, Introduced by Rep. Ball and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 198, 229, 259, 409d, 409e, 415, 416, 435, 436, 467e, and 467f (MCL 168.198, 168.229, 168.259, 168.409d, 168.409e, 168.415, 168.416, 168.435, 168.436, 168.467e, and 168.467f), sections 409d, 409e, 415, 416, 435, 436, 467e, and 467f as amended by 1990 PA 32, and by adding sections 357a and 357b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 198. (1) When a candidate of a political party has filed
 2 a nominating petition or filing fee for an office and has been
 3 nominated for the office by a political party, the candidate shall
 4 not be permitted to withdraw unless he **OR SHE IS CERTIFIED AS A**
 5 **NOMINEE AT THE SUBSEQUENT STATE CONVENTION OF THE SAME PARTY FOR A**

1 STATEWIDE OFFICE, has removed from the county, or has become
2 physically unfit. **IF CERTIFIED BY A STATE CONVENTION FOR A**
3 **STATEWIDE OFFICE, THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN FROM**
4 **THE PREVIOUS NOMINATION.**

5 (2) When a candidate of a political party has filed a
6 nominating petition or filing fee for ~~township office or the office~~
7 of county commissioner and has been nominated for that office by a
8 political party, the candidate shall not be permitted to withdraw
9 unless he **OR SHE IS CERTIFIED AS A NOMINEE AT THE SUBSEQUENT STATE**
10 **CONVENTION OF THE SAME PARTY FOR A STATEWIDE OFFICE,** has moved from
11 the county or from the district from which he was nominated, or has
12 become physically unfit. **IF CERTIFIED BY A STATE CONVENTION FOR A**
13 **STATEWIDE OFFICE, THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN FROM**
14 **THE PREVIOUS NOMINATION.**

15 (3) If the person who has been nominated as the candidate of a
16 political party for township office or the office of county
17 commissioner dies before the date of the election for that office,
18 the county political committee, or in the case of a township
19 office, the township political committee, of the party whose
20 candidate has died shall select, by majority vote, a replacement
21 for that person. The name of the replacement so selected shall be
22 transmitted to the election officials responsible for the
23 preparation and distribution of ballots, and the name of the
24 replacement shall be affixed to each ballot or voting device in
25 place of the name of the original candidate.

26 (4) A vacancy shall not be filled by the county committees
27 except for the above causes and as herein specified.

1 (5) This prohibition shall not be construed to prohibit the
2 withdrawal of a candidate who was nominated without having filed a
3 nominating petition or filing fee and whose name has been written
4 or placed on the ballot of a political party.

5 Sec. 229. When a candidate of any political party has filed
6 nominating petitions or filing fee for ~~such~~**THE** office **OF COUNTY**
7 **AUDITOR** and has been nominated for ~~said~~**THE** office by ~~said~~**THE**
8 party, he **OR SHE** shall not be permitted to withdraw unless he **OR**
9 **SHE IS CERTIFIED AS A NOMINEE AT THE SUBSEQUENT STATE CONVENTION OF**
10 **THE SAME PARTY FOR A STATEWIDE OFFICE**, has removed from the county,
11 or has become physically unfit. ~~No~~**IF CERTIFIED BY A STATE**
12 **CONVENTION FOR A STATEWIDE OFFICE, THE CANDIDATE IS DEEMED TO HAVE**
13 **WITHDRAWN FROM THE PREVIOUS NOMINATION. A** vacancy shall **NOT** be
14 filled by the county committee except for the above causes and as
15 herein specified. ~~Provided, That this~~**THIS** prohibition shall not
16 be construed to prohibit the withdrawal of any candidate who has
17 been nominated without having nominating petitions or filing fee
18 and whose name has been written or placed on the ballot of any
19 political party.

20 Sec. 259. When a candidate of any political party has filed
21 nominating petitions or filing fee for ~~such~~**THE** office **OF COUNTY**
22 **ROAD COMMISSIONER** and has been nominated for ~~said~~**THE** office by
23 ~~said~~**THE** party, he **OR SHE** shall not be permitted to withdraw unless
24 he **OR SHE IS CERTIFIED AS A NOMINEE AT THE SUBSEQUENT STATE**
25 **CONVENTION OF THE SAME PARTY FOR A STATEWIDE OFFICE**, has removed
26 from the county, or has become physically unfit. ~~No~~**IF CERTIFIED BY**
27 **A STATE CONVENTION FOR A STATEWIDE OFFICE, THE CANDIDATE IS DEEMED**

1 TO HAVE WITHDRAWN FROM THE PREVIOUS NOMINATION. A vacancy shall NOT
2 be filled by the county committee except for the causes and as
3 herein specified. ~~Provided, That this~~ THIS prohibition shall not
4 be construed to prohibit the withdrawal of any candidate who has
5 been nominated without having filed a nominating petition or filing
6 fee, and whose name has been written or placed on the ballot of
7 any political party.

8 SEC. 357A. WHEN A CANDIDATE OF A POLITICAL PARTY HAS FILED A
9 NOMINATING PETITION OR FILING FEE FOR TOWNSHIP OFFICE AND HAS BEEN
10 NOMINATED FOR THE OFFICE BY A POLITICAL PARTY, THE CANDIDATE SHALL
11 NOT BE PERMITTED TO WITHDRAW UNLESS HE OR SHE IS CERTIFIED AS A
12 NOMINEE AT THE SUBSEQUENT STATE CONVENTION OF THE SAME PARTY FOR A
13 STATEWIDE OFFICE, HAS MOVED FROM THE DISTRICT FROM WHICH HE OR SHE
14 WAS NOMINATED, OR HAS BECOME PHYSICALLY UNFIT. IF CERTIFIED BY A
15 STATE CONVENTION FOR A STATEWIDE OFFICE, THE CANDIDATE IS DEEMED TO
16 HAVE WITHDRAWN FROM THE PREVIOUS NOMINATION. A VACANCY SHALL NOT BE
17 FILLED BY THE TOWNSHIP POLITICAL COMMITTEE EXCEPT FOR THE ABOVE
18 CAUSES AND AS HEREIN SPECIFIED. THIS PROHIBITION SHALL NOT BE
19 CONSTRUED TO PROHIBIT THE WITHDRAWAL OF A CANDIDATE WHO WAS
20 NOMINATED WITHOUT HAVING FILED A NOMINATING PETITION OR FILING FEE
21 AND WHOSE NAME HAS BEEN WRITTEN OR PLACED ON THE BALLOT OF A
22 POLITICAL PARTY.

23 SEC. 357B. WHEN THE CANDIDATE OF A POLITICAL PARTY, AFTER
24 HAVING BEEN NOMINATED TO TOWNSHIP OFFICE, WITHDRAWS AS PROVIDED IN
25 SECTION 357A, THE TOWNSHIP POLITICAL COMMITTEE OF THE PARTY WHOSE
26 CANDIDATE WITHDREW SHALL SELECT, BY MAJORITY VOTE, A REPLACEMENT
27 FOR THAT PERSON. THE NAME OF THE REPLACEMENT SELECTED SHALL BE

1 TRANSMITTED TO THE ELECTION OFFICIALS RESPONSIBLE FOR THE
2 PREPARATION AND DISTRIBUTION OF BALLOTS, AND THE NAME OF THE
3 REPLACEMENT SHALL BE AFFIXED TO EACH BALLOT OR VOTING DEVICE IN
4 PLACE OF THE NAME OF THE ORIGINAL CANDIDATE.

5 Sec. 409d. (1) In each appellate court district the candidates
6 for office of judge of the court of appeals receiving the largest
7 number of votes at any primary election, to a number equal to twice
8 the number of persons to be elected as set forth in the report of
9 the board of state canvassers, based on the returns from the
10 various boards of county canvassers and election precincts, or as
11 determined by the board of state canvassers as the result of a
12 recount, shall be declared the nominees for the office at the next
13 general November election. The board of state canvassers shall
14 certify the nomination to the county election commissions. **SUBJECT**
15 **TO SECTION 21 OF ARTICLE VI OF THE STATE CONSTITUTION OF 1963, A**
16 **NOMINEE FOR THE OFFICE OF JUDGE OF THE COURT OF APPEALS SHALL NOT**
17 **BE PERMITTED TO WITHDRAW UNLESS HE OR SHE IS CERTIFIED AS A NOMINEE**
18 **AT A SUBSEQUENT STATE CONVENTION OF A POLITICAL PARTY FOR STATEWIDE**
19 **OFFICE. IF CERTIFIED BY A STATE CONVENTION FOR STATEWIDE OFFICE,**
20 **THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN FROM THE PREVIOUS**
21 **NOMINATION.**

22 (2) If, after the deadline for filing nominating petitions
23 under section 409b, there are fewer candidates for nomination or
24 nominees for the office of judge of the court of appeals than there
25 are persons to be elected at the general November election because
26 of the death, **WITHDRAWAL**, or disqualification of a candidate more
27 than 65 days before the general November election, then a person,

1 whether or not an incumbent, may qualify as a nominee for that
2 office at the general November election by filing nominating
3 petitions as required by section 409b. However, the filing shall be
4 made before 4 p.m. on the twenty-first day following the death,
5 **WITHDRAWAL**, or disqualification of the candidate or 4 p.m. on the
6 sixtieth day preceding the general November election, whichever is
7 earlier, and the minimum number of signatures required is 1,000 or
8 1/2 the minimum number required under section 409b, whichever is
9 less.

10 (3) The secretary of state shall certify the nomination of
11 each person who qualifies as a nominee under subsection (2) to the
12 board of election commissioners of each county in the appellate
13 court district for the general November election.

14 Sec. 409e. (1) Except as otherwise provided in this section, a
15 judge or judges of the court of appeals shall be elected in each
16 appellate court district at the general November election in which
17 judges of the court of appeals are to be elected as provided by
18 law.

19 (2) If there are fewer nominees for the office of judge of the
20 court of appeals than there are persons to be elected at the
21 general November election because of the death, **WITHDRAWAL**, or
22 disqualification of a nominee less than 66 days before the general
23 November election, then a person shall not be elected at that
24 general November election to any office of judge of the court of
25 appeals for which there is no nominee.

26 (3) The term of office for judge of the court of appeals shall
27 be 6 years, commencing at 12 noon on January 1 next following his

1 or her election and shall continue until a successor is elected and
2 qualified.

3 Sec. 415. (1) The candidates for the office of judge of the
4 circuit court receiving the largest number of votes at any primary
5 election, to a number equal to twice the number of persons to be
6 elected as set forth in the report of the board of state
7 canvassers, based on the returns from the various county boards of
8 canvassers and election precincts or as determined by the board of
9 state canvassers as the result of a recount, shall be declared the
10 nominees for the office at the next general election. The board of
11 state canvassers shall certify the nomination to the county
12 election commissions. **SUBJECT TO SECTION 21 OF ARTICLE VI OF THE**
13 **STATE CONSTITUTION OF 1963, A NOMINEE FOR THE OFFICE OF JUDGE OF**
14 **THE CIRCUIT COURT SHALL NOT BE PERMITTED TO WITHDRAW UNLESS HE OR**
15 **SHE IS CERTIFIED AS A NOMINEE AT A SUBSEQUENT STATE CONVENTION OF A**
16 **POLITICAL PARTY FOR STATEWIDE OFFICE. IF CERTIFIED BY A STATE**
17 **CONVENTION FOR STATEWIDE OFFICE, THE CANDIDATE IS DEEMED TO HAVE**
18 **WITHDRAWN FROM THE PREVIOUS NOMINATION.**

19 (2) If, after the deadline for filing nominating petitions
20 under section 413, there are fewer candidates for nomination or
21 nominees for the office of judge of the circuit court than there
22 are persons to be elected at the general November election because
23 of the death, **WITHDRAWAL**, or disqualification of a candidate more
24 than 65 days before the general November election, then a person,
25 whether or not an incumbent, may qualify as a nominee for that
26 office at the general November election by filing nominating
27 petitions as required by section 413. However, the filing shall be

1 made before 4 p.m. on the twenty-first day following the death,
2 **WITHDRAWAL**, or disqualification of the candidate or 4 p.m. on the
3 sixtieth day preceding the general November election, whichever is
4 earlier, and the minimum number of signatures required is 1,000 or
5 1/2 the minimum number required under section 413, whichever is
6 less.

7 (3) The secretary of state shall certify the nomination of
8 each person who qualifies as a nominee under subsection (2) to the
9 board of election commissioners specified by section 687 for the
10 general November election.

11 Sec. 416. (1) Except as otherwise provided in this section, a
12 judge or judges of the circuit court shall be elected in each
13 judicial circuit at the general election in which judges of the
14 circuit court are to be elected as provided by law.

15 (2) If there are fewer nominees for the office of judge of the
16 circuit court than there are persons to be elected at the general
17 November election because of the death, **WITHDRAWAL**, or
18 disqualification of a nominee less than 66 days before the general
19 November election, then a person shall not be elected at that
20 general November election to any office of judge of the circuit
21 court for which there is no nominee.

22 Sec. 435. (1) The candidates for the office of judge of
23 probate receiving the largest number of votes at any primary
24 election, to a number equal to twice the number of places to be
25 filled as set forth in the report of the board of county
26 canvassers, based on the returns from the various election
27 precincts or as determined by the board of county canvassers as the

1 result of a recount, shall be declared the nominees for the office
2 at the next November election. The board of county canvassers shall
3 certify the nominations to the county election commission. **SUBJECT**
4 **TO SECTION 21 OF ARTICLE VI OF THE STATE CONSTITUTION OF 1963, A**
5 **NOMINEE FOR THE OFFICE OF JUDGE OF PROBATE SHALL NOT BE PERMITTED**
6 **TO WITHDRAW UNLESS HE OR SHE IS CERTIFIED AS A NOMINEE AT A**
7 **SUBSEQUENT STATE CONVENTION OF A POLITICAL PARTY FOR STATEWIDE**
8 **OFFICE. IF CERTIFIED BY A STATE CONVENTION FOR STATEWIDE OFFICE,**
9 **THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN FROM THE PREVIOUS**
10 **NOMINATION.**

11 (2) If, after the deadline for filing nominating petitions
12 under section 433, there are fewer candidates for nomination or
13 nominees for the office of judge of probate than there are persons
14 to be elected because of the death, **WITHDRAWAL**, or disqualification
15 of a candidate more than 65 days before the general November
16 election, then a person, whether or not an incumbent, may qualify
17 as a nominee for that office at the general November election by
18 filing nominating petitions with the county clerk or, in case of a
19 probate district, with the secretary of state in the manner
20 required by section 433. However, the filing shall be made before 4
21 p.m. on the twenty-first day following the death, **WITHDRAWAL**, or
22 disqualification of the candidate or 4 p.m. on the sixtieth day
23 preceding the general November election, whichever is earlier, and
24 the minimum number of signatures required is 1,000 or 1/2 the
25 minimum number required under section 433, whichever is less.

26 (3) The county clerk or, in case of a probate district, the
27 secretary of state shall certify the nomination of each person who

1 qualifies as a nominee under subsection (2) to the board of
2 election commissioners specified by section 687 for the general
3 November election.

4 Sec. 436. (1) Except as otherwise provided in this section, a
5 judge or judges of probate shall be elected in each probate court
6 district created pursuant to law and each county at the general
7 November election in which judges of probate are to be elected as
8 provided by law. Each probate court district created pursuant to
9 law and each county shall have that number of judges of probate as
10 provided by law.

11 (2) If there are fewer nominees for the office of judge of
12 probate than there are persons to be elected because of the death,
13 **WITHDRAWAL**, or disqualification of a nominee less than 66 days
14 before the general November election, then a person shall not be
15 elected at that general November election to any office of judge of
16 probate for which there is no nominee.

17 Sec. 467e. (1) The candidates for the office of judge of the
18 district court receiving the largest number of votes at any primary
19 election, to a number equal to twice the number of persons to be
20 elected as set forth in the report of the board of state
21 canvassers, based on the returns from the various county boards of
22 canvassers and election precincts or as determined by the board as
23 the result of a recount, shall be declared the nominees for the
24 office at the next general November election. The board of state
25 canvassers shall certify the nomination to the county election
26 commissions. **SUBJECT TO SECTION 21 OF ARTICLE VI OF THE STATE**
27 **CONSTITUTION OF 1963, A NOMINEE FOR THE OFFICE OF JUDGE OF THE**

1 DISTRICT COURT SHALL NOT BE PERMITTED TO WITHDRAW UNLESS HE OR SHE
2 IS CERTIFIED AS A NOMINEE AT A SUBSEQUENT STATE CONVENTION OF A
3 POLITICAL PARTY FOR STATEWIDE OFFICE. IF CERTIFIED BY A STATE
4 CONVENTION FOR STATEWIDE OFFICE, THE CANDIDATE IS DEEMED TO HAVE
5 WITHDRAWN FROM THE PREVIOUS NOMINATION.

6 (2) If, after the deadline for filing nominating petitions
7 under section 467b, there are fewer candidates for nomination or
8 nominees for the office of judge of the district court than there
9 are persons to be elected because of the death, **WITHDRAWAL**, or
10 disqualification of a candidate more than 65 days before the
11 general November election, then a person, whether or not an
12 incumbent, may qualify as a nominee for that office at the general
13 November election by filing nominating petitions as required by
14 section 467b. However, the filing shall be made before 4 p.m. on
15 the twenty-first day following the death, **WITHDRAWAL**, or
16 disqualification of the candidate or 4 p.m. on the sixtieth day
17 preceding the general November election, whichever is earlier, and
18 the minimum number of signatures required is 1,000 or 1/2 the
19 minimum number required under section 467b, whichever is less.

20 (3) The secretary of state shall certify the nomination of
21 each person who qualifies as a nominee under subsection (2) to the
22 board of election commissioners specified by section 687 for the
23 general November election.

24 Sec. 467f. (1) Except as otherwise provided in this section,
25 judges of the district court shall be elected in each judicial
26 district and election division of a judicial district at the
27 general election to fill vacancies in office as of the following

1 January 1.

2 (2) If there are fewer nominees for the office of judge of the
3 district court than there are persons to be elected because of the
4 death, **WITHDRAWAL**, or disqualification of a nominee less than 66
5 days before the general November election, then a person shall not
6 be elected at that general November election to any office of judge
7 of the district court for which there is no nominee.