



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 24, 2010

**FILING REQUIREMENTS FOR NON-INCUMBENT
JUDICIAL CANDIDATES**

*Appeals Court Judge
Circuit Court Judge
District Court Judge*

*Probate Court Judge
Probate District Court Judge*

IMPORTANT NOTE

This document will be revised as changes occur.
Updates will be posted on the Bureau of Elections'
Web site www.Michigan.gov/sos.

ELECTION DATES: The primary election will be held on Tuesday, August 3, 2010. The general election will be held on Tuesday, November 2, 2010.

FILING DEADLINE: Non-incumbent judicial candidates are required to file a nonpartisan nominating petition containing the requisite number of valid signatures, an Affidavit of Identity (two copies) and an Affidavit of Constitutional Qualification (one copy) no later than **4:00 p.m. on Tuesday, April 27, 2010**.

FILING LOCATION: Candidates for Court of Appeals Judge, Circuit Court Judge, District Court Judge and Probate District Court Judge file with the Michigan Department of State, Bureau of Elections, P.O. Box 20126, Lansing, MI 48901-0726. Office location: Richard H. Austin Building (formerly known as Treasury Building), 430 West Allegan Street – 1st Floor, Lansing, MI 48918-1700. Candidates for Probate Court Judge file with the local county clerk's office.

PETITION FORM: All non-incumbent judicial candidates are required to use the *nonpartisan nominating petition form* prescribed by the Secretary of State when collecting signatures. There are two versions of the form: 1) A "city/township" version and 2) a "countywide" version. The "city/township" version of the form is designed for circulation within a single city or township; the "countywide" version of the form can be signed by anyone registered to vote in a city or township that falls within the boundaries of the listed county. All judicial candidates may use the "city/township" nonpartisan nominating petition form or the "countywide" nonpartisan nominating petition form as convenient.

REQUIRED AFFIDAVITS: Non-incumbent candidates who file for the office of Appeals Court Judge, Circuit Court Judge, District Court Judge, Probate Court Judge or Probate District Court Judge are required to file an Affidavit of Identity (two copies) and an Affidavit of Constitutional Qualification (one copy). The required affidavits can be obtained from the Michigan Department of State’s Bureau of Elections in Lansing or on the Bureau’s Web site www.Michigan.gov/sos. A candidate who fails to file the required documents by the filing deadline is ineligible to appear on the ballot.

Michigan election law requires any candidate filing an Affidavit of Identity to state on the form that at the date the affidavit was executed, “all statements, reports, late filing fees and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.” All judicial candidates are subject to the Campaign Finance Compliance Statement requirement. This remains true even if the candidate maintains a “Reporting Waiver.”

AFFIXING OFFICE DESIGNATION ON PETITION: Petitions for a judicial office must bear the appropriate designation listed below to indicate the office sought by the candidate. Note that “incumbent” position means a position held by a judicial officer who is seeking reelection to his or her seat; “non-incumbent” position means a position held by a judicial officer who is not seeking reelection to his or her seat.

- Regular Term – Incumbent Position
- Regular Term – Non-Incumbent Position
- Partial Term – Incumbent Position*
- Partial Term – Non-Incumbent Position*
- New Judgeship

* Add expiration date of term if more than one partial term will be filled in judicial district. The terms “vacancy,” “partial term” and “unexpired term” are interchangeably used to reference a judicial position which will be filled at an election for less than the full term.

OBTAINING INFORMATION ON APPROPRIATE OFFICE DESIGNATION: Michigan election law stipulates that in instances where a candidate for Appeals Court Judge, Circuit Court Judge, District Court Judge, Probate Court Judge or Probate District Court Judge seeks election in a district where there are a combination of “new” positions, “incumbent” positions and/or “non-incumbent” positions to fill, the candidate must “apply to the Bureau of Elections for a written statement of office designation to correspond to the judgeship sought by the candidate.” The designations listed in the following charts are provided to fulfill this information requirement. (See *Petition Signature Requirements and Office Designations* below.)

Michigan election law directs the Bureau of Elections to designate a judicial position as an “incumbent” position in any instance where 1) there is an incumbent judge eligible to seek reelection to the position and 2) the deadline for filing the Affidavit of Candidacy has not yet elapsed. If the incumbent judge does not file for reelection by the deadline for submitting an Affidavit of Candidacy, Michigan election law directs the Bureau of Elections to 1) redesignate the position as a “non-incumbent” position and 2) notify all candidates seeking election in the judicial district that a “non-incumbent” position exists. Michigan election law further stipulates that in such instances, 1) nominating petition sheets circulated for the “non-incumbent” position

subsequent to the Affidavit of Candidacy filing deadline “shall bear an office designation of non-incumbent position” and 2) signatures collected prior to the Affidavit of Candidacy filing deadline “may be filed with the non-incumbent nominating petitions.” The Affidavit of Candidacy filing deadline established for the August 3, 2010 primary elapses at **5:00 p.m. on March 22, 2010.**

WITHDRAWAL DEADLINE: Judicial candidates who file for the August 3, 2010 primary ballot with a petition who wish to withdraw from the election must submit a written notice of withdrawal to the filing official no later than **4:00 p.m. on Friday, April 30, 2010.**

SIGNATURE REQUIREMENTS: The petition signature requirements imposed on candidates who seek the office of Appeals Court Judge, Circuit Court Judge, District Court Judge, Probate Court Judge and Probate District Court Judge are listed below (MCL 168.544f).

- - Petition Signature Requirements and Office Designations - -

JUDGE OF THE COURT OF APPEALS

| District | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|----------|--------------------|--------------------|--------------------------|-------------|---------------------------|
| | | | Term | Designation | |
| 1 | 6,200 | 12,000 | 2 Regular Terms | Incumbent | 2017 |
| 2 | 6,200 | 12,000 | 1 Regular Term | Incumbent | 2017 |
| 3 | 6,200 | 12,000 | 2 Regular Terms | Incumbent | 2017 |
| 3 | 6,200 | 12,000 | 1 Partial Term | Incumbent | 2013 |
| 4 | 6,200 | 12,000 | 2 Regular Terms | Incumbent | 2017 |

JUDGE OF THE CIRCUIT COURT

| Circuit | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|---------|--------------------|--------------------|--------------------------|----------------------------|---------------------------|
| | | | Term | Designation | |
| 2 | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 3 | 6,200 | 12,000 | 19 Regular Terms | Incumbent | 2017 |
| 3 | 6,200 | 12,000 | 1 Partial Term | Incumbent | 2013 |
| 3 | 6,200 | 12,000 | 1 Regular Term | Non-Incumbent ⁹ | 2017 |
| 4 | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 6 | 4,000 | 8,000 | 5 Regular Terms | Incumbent ¹ | 2017 |
| 7 | 1,000 | 2,000 | 3 Regular Terms | Incumbent | 2017 |
| 8 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |

| Circuit | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|---------|--------------------|--------------------|--------------------------|----------------------------|---------------------------|
| | | | Term | Designation | |
| 9 | 1,000 | 2,000 | 2 Regular Terms | Incumbent | 2017 |
| 10 | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| 10 | 1,000 | 2,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 10 | 1,000 | 2,000 | 1 Partial Term | Incumbent | 2013 |
| 13 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 14 | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 16 | 2,000 | 4,000 | 2 Regular Terms | Incumbent | 2017 |
| 16 | 2,000 | 4,000 | 1 Regular Term | Non-Incumbent ³ | 2017 |
| 17 | 2,000 | 4,000 | 3 Regular Terms | Incumbent | 2017 |
| 18 | 600 | 1,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 20 | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| 20 | 1,000 | 2,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 21 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 22 | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| 25 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 29 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 30 | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| 30 | 1,000 | 2,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 31 | 600 | 1,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 34 | 100 | 200 | 1 Regular Term | Incumbent | 2017 |
| 37 | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 38 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 40 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 41 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 43 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 44 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 44 | 600 | 1,000 | 1 Partial Term | Incumbent | 2013 |
| 46 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 47 | 100 | 200 | 1 Regular Term | Incumbent | 2017 |
| 48 | 600 | 1,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 53 | 100 | 200 | 1 Regular Term | Incumbent | 2017 |

JUDGE OF THE DISTRICT COURT

| District | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|----------|--------------------|--------------------|--------------------------|----------------------------|---------------------------|
| | | | Term | Designation | |
| 1 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 2A | 400 | 800 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 5 | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 5 | 600 | 1,000 | 1 Partial Term | Incumbent | 2013 |
| 7 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 8 | 1,000 | 2,000 | 3 Regular Terms | Incumbent ⁴ | 2017 |
| 10 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 12 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 14A | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 15 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 17 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 19 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 24 | 100 | 200 | 1 Regular Term | Incumbent | 2017 |
| 25 | 100 | 200 | 1 Regular Term | Incumbent | 2017 |
| 30 | 40 | 100 | 1 Regular Term | Incumbent | 2017 |
| 33 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 34 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 35 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 36 | 2,000 | 4,000 | 10 Regular Terms | Incumbent | 2017 |
| 36 | 2,000 | 4,000 | 1 Partial Term | Incumbent | 2015 |
| 37 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 37 | 600 | 1,000 | 1 Partial Term | Incumbent | 2013 |
| 39 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 41A | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| 41-B | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 42-2 | 200 | 400 | 1 Partial Term | Incumbent | 2013 |
| 43 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 46 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 47 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 48 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 50 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |
| 52-1 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 52-2 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |

| District | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|----------|--------------------|--------------------|--------------------------|-----------------------------|---------------------------|
| | | | Term | Designation | |
| 52-3 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 52-4 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 53 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 54-A | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 54B | 100 | 200 | 1 Regular Term | Incumbent | 2017 |
| 55 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 56A | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 57 | 600 | 1000 | 1 Partial Term | Incumbent | 2013 |
| 58 | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| 59 | 100 | 200 | 1 Regular Term | Incumbent | 2017 |
| 60 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 61 | 600 | 1,000 | 2 Regular Terms | Incumbent | 2017 |
| 67-2 | 200 | 400 | 1 Regular Term | Non-Incumbent ² | 2017 |
| 68 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 70-1 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 70-2 | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| 72 | 600 | 1,000 | 1 Regular Term | Non-Incumbent ¹⁰ | 2017 |
| 74 | 600 | 1,000 | 1 Regular Term | Non-Incumbent ¹¹ | 2017 |
| 74 | 600 | 1,000 | 1 Partial Term | Incumbent ⁷ | 2015 |
| 75 | 400 | 800 | 1 Regular Term | Incumbent | 2017 |
| 86 | 600 | 1,000 | 1 Regular Term | Non-Incumbent ¹² | 2017 |
| 96 | 200 | 400 | 1 Regular Term | Incumbent | 2017 |

JUDGE OF THE PROBATE COURT

| District | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|----------|--------------------|--------------------|--------------------------|-----------------------------|---------------------------|
| | | | Term | Designation | |
| Arenac | 40 | 100 | 1 Partial Term | Incumbent | 2013 |
| Calhoun | 600 | 1,000 | 1 Regular Term | Non-Incumbent ¹³ | 2017 |
| Eaton | 600 | 1,000 | 1 Partial Term | Non-Incumbent ⁸ | 2013 |
| Genesee | 1,000 | 2,000 | 1 Partial Term | Incumbent | 2013 |
| Houghton | 100 | 200 | 1 Partial Term | Incumbent | 2013 |

| District | Min. Sig. Required | Max. Sig. Required | <u>No. To Be Elected</u> | | Term Ending January 1, of |
|-----------|--------------------|--------------------|--------------------------|----------------------------|---------------------------|
| | | | Term | Designation | |
| Kalamazoo | 1,000 | 2,000 | 1 Regular Term | Incumbent | 2017 |
| Kent | 2,000 | 4,000 | 1 Regular Term | Incumbent | 2017 |
| Leelanau | 40 | 100 | 1 Partial Term | Non-Incumbent ⁵ | 2013 |
| Lenawee | 400 | 800 | 1 Partial Term | Incumbent | 2013 |
| Muskegon | 600 | 1,000 | 1 Regular Term | Incumbent | 2017 |
| Oakland | 4,000 | 8,000 | 1 Regular Terms | Incumbent | 2017 |
| Oakland | 4,000 | 8,000 | 1 Regular Term | Non-Incumbent ² | 2017 |
| Ontonagon | 6 | 20 | 1 Partial Term | Incumbent | 2013 |
| Wayne | 6,200 | 12,000 | 2 Regular Terms | Incumbent | 2017 |

JUDGE OF THE PROBATE DISTRICT COURT

| District | Min. Sig. Required | Max. Sig. Required | <u>Number To Be Elected</u> | | Term Ending January 1, of |
|----------|--------------------|--------------------|-----------------------------|------------------------|---------------------------|
| | | | Term | Designation | |
| 5 | 40 | 100 | 1 Partial Term | Incumbent | 2013 |
| 18 | 200 | 400 | 1 Partial Term | Incumbent ⁶ | 2013 |

¹PA 228 of 2009, signed into law with immediate effect on January 5, 2010, permits the Oakland County Board of Commissioners to temporarily suspend the election of the judicial position currently held by Judge John McDonald until 2014. (The judge is scheduled to retire on January 1, 2011 due to age.) The Oakland County Board of Commissioners adopted a resolution to support the temporary reduction in the number of judgeships in the 6th Circuit Court on September 2, 2009. As a consequence, a “non-incumbent” position is not listed for the 6th Circuit Court.

²Judge is scheduled to retire at the end of the term due to age.

³PA 228 of 2009, signed into law with immediate effect on January 5, 2010, permits the Macomb County Board of Commissioners to temporarily suspend the election of the judicial position currently held by Judge James Biernat or Judge Antonio Viviano until 2016. (Both of the incumbent judges are scheduled to retire on January 1, 2011 due to age.) The Macomb County Board of Commissioners adopted a resolution to support the temporary reduction in the number of judgeships in the 16th Circuit Court on March 2, 2010. As a consequence, a single “non-incumbent” position is listed for the 16th Circuit Court.

⁴The term of the candidate who receives the highest number of votes shall be 8 years, and the terms of the candidates receiving the second and third highest number of votes shall be 6 years.

⁵Position is vacant at this date.

⁶Governor made an appointment effective 2/2/10. Designation switched to “Incumbent”.

⁷Governor made an appointment effective 2/8/10. Designation switched to “Incumbent”.

⁸Judgeship became vacant effective 2/21/10.

⁹Judge Isidore Torres did not file Affidavit of Candidacy by March 22, 2010 deadline. Position is designated as “Non-Incumbent” effective March 23, 2010.

¹⁰Judge Richard Cooley, Jr. did not file Affidavit of Candidacy by March 22, 2010 deadline. Position is designated as “Non-Incumbent” effective March 23, 2010.

¹¹Judge Scott Newcombe did not file Affidavit of Candidacy by March 22, 2010 deadline. Position is designated as “Non-Incumbent” effective March 23, 2010.

¹²Judge John Foresman did not file Affidavit of Candidacy by March 22, 2010 deadline. Position is designated as “Non-Incumbent” effective March 23, 2010.

¹³Judge Philip Harter did not file Affidavit of Candidacy by March 22, 2010 deadline. Position is designated as “Non-Incumbent” effective March 23, 2010.