



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: March 22, 2016
TO: Judicial Candidates
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **The Redesignation and Elimination of Certain Judicial Positions**

***** IMPORTANT NOTICE *****

This memo provides notice of those “incumbent” judicial positions which have been redesignated as “non-incumbent” positions due to the incumbent’s failure to file for reelection by 5:00 p.m., Monday, March 21, 2016 – the filing deadline imposed on judicial incumbents who wish to gain access to the August 2 primary ballot through the submission of an Affidavit of Candidacy. This notice is provided in compliance with Michigan election law.

In addition, this memo identifies two judicial positions which are eliminated by operation of law upon the incumbents’ failure to file for reelection by the March 21, 2016 filing deadline.

Background – Redesignated Positions

Michigan election law stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge or Probate 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.”

Michigan election law further directs the Bureau of Elections to designate a judicial position as an “incumbent” position in any instance where there is an incumbent judge eligible to seek reelection to the position, and the deadline for filing the Affidavit of Candidacy has not yet elapsed. The Affidavit of Candidacy filing deadline established for the August 2, 2016 primary elapsed at 5:00 p.m. on Monday, March 21, 2016.

If the incumbent judge does not file for reelection by the filing deadline, Michigan election law directs the Bureau of Elections to redesignate the position as a “non-incumbent” position and 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 March 21, 2016 filing deadline “shall bear an office designation of non-incumbent position” and (2) signatures collected prior to the March 21, 2016 filing deadline “may be filed with the non-incumbent nominating petitions.”

In accordance with these provisions, the Bureau of Elections issues this notice of redesignated positions. The redesignations listed below are effective March 22, 2016. **As of this date, candidates are required to place into circulation nominating petitions that include the redesignated position in the heading of the petition.** Signatures collected prior to the March 21, 2016 filing deadline on nominating petitions bearing the initial designation may be filed along with nominating petitions that include the redesignated position.

Listing of Redesignated Judicial Positions

The “incumbent” judicial positions which have been redesignated as “non-incumbent” positions are shown below. In each case, *all* positions available are listed to avoid any confusion over the position or positions which have been redesignated.

| Initial Designation | Redesignation Eff. 3/22/2016 |
|--|--|
| 6th Circuit Court 5 Regular Terms – Incumbent Positions 1 Partial Term – Incumbent Position | 6th Circuit Court 4 Regular Terms – Incumbent Positions 1 Regular Term – Non-Incumbent Position 1 Partial Term – Incumbent Position |
| 16th Circuit Court 3 Regular Terms – Incumbent Positions 1 Regular Term – Non-Incumbent Position 1 Partial Term – Incumbent Position 1 New Judgeship | 16th Circuit Court 2 Regular Terms – Incumbent Positions 2 Regular Terms – Non-Incumbent Positions 1 Partial Term – Incumbent Position 1 New Judgeship |
| 20th Circuit Court 2 Regular Terms – Incumbent Positions | 20th Circuit Court 1 Regular Term – Incumbent Position 1 Regular Term – Non-Incumbent Position |
| 23rd Circuit Court 1 Regular Term – Incumbent Position | 23rd Circuit Court 1 Regular Term – Non-Incumbent Position |
| 25th Circuit Court 1 Regular Term – Incumbent Position | 25th Circuit Court ELIMINATED* |
| 46th Circuit Court 1 Regular Term – Incumbent Position | 46th Circuit Court 1 Regular Term – Non-Incumbent Position |
| 47th Circuit Court 1 Regular Term – Incumbent Position | 47th Circuit Court 1 Regular Term – Non-Incumbent Position |
| 7th District Court 1 Regular Term – Incumbent Position | 7th District Court 1 Regular Term – Non-Incumbent Position |
| 36th District Court 10 Regular Terms – Incumbent Positions 1 Partial Term – Incumbent Position | 36th District Court 8 Regular Terms – Incumbent Positions 2 Regular Terms – Non-Incumbent Positions 1 Partial Term – Incumbent Position |
| 56A District Court 1 Regular Term – Incumbent Position | 56A District Court 1 Regular Term – Non-Incumbent Position |
| 67-5 District Court 1 Regular Term – Incumbent Position | 67-5 District Court ELIMINATED** |

***Eliminated Judicial Position – 25th Circuit**

Section 526 of the Revised Judicature Act, 1961 PA 236, MCL 600.526, provides:

600.526 Twenty-fifth judicial circuit; Marquette.

(2) Beginning on the earlier of the following dates, the twenty-fifth judicial circuit has 1 judge:

(a) The date on which a vacancy occurs in the office of circuit judge in the twenty-fifth judicial circuit.

(b) The beginning date of the term for which an incumbent circuit judge in the twenty-fifth judicial circuit no longer seeks election or reelection to that office.

The incumbent judge did not file for reelection to the 25th Circuit Court by the March 21, 2016 filing deadline. Thus, by operation of law, the “Regular Term - Incumbent Position” that was formerly scheduled to appear on the 2016 ballot for the 25th Circuit Court will be eliminated upon the expiration of the incumbent judge’s current term, due to his decision to refrain from seeking reelection.

Consequently, and **effective immediately, the Secretary of State will not accept filings for the 25th Circuit Court**, and the position will not appear on the ballot in 2016.

****Eliminated Judicial Position – 67-5 Judicial District**

Section 8134 of the Revised Judicature Act, 1961 PA 236, MCL 600.8134, provides:

600.8134 Sixty-seventh and sixty-eight districts.

(A) If there are 5 judges in the sixty-eighth district at the time the sixty-seventh and sixty-eighth districts are consolidated, this division has 5 judges. This division has 4 judges beginning on the date on which a vacancy occurs in the office of district judge in this division unless the vacancy occurs after the vacating judge has been defeated in a primary or general election, or the beginning date of the term for which an incumbent district judge in this division no longer seeks election or reelection to that office, whichever is earlier.

The incumbent judge did not file for reelection to the 67-5 District Court by the March 21, 2016 filing deadline. Thus, by operation of law, the “Regular Term - Incumbent Position” that was formerly scheduled to appear on the 2016 ballot for the 67-5 District Court will be eliminated upon the expiration of the incumbent judge’s current term, due to his decision to refrain from seeking reelection.

Consequently, and **effective immediately, the Secretary of State will not accept filings for the 67-5 District Court**, and the position will not appear on the ballot in 2016.