



STATE OF MICHIGAN
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DEPARTMENT OF STATE
LANSING

TE: March 27, 2018
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 26, 2018 – the filing deadline imposed on judicial incumbents who wish to gain access to the August 7 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 three judicial positions which are eliminated by attrition.

Background – Redesignated Positions

Michigan election law stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge, Probate Court Judge and Probate Court District Judge seeks election in a district where there are a combination of “new” positions, “incumbent” positions and/or “nonincumbent” 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 7, 2018 primary elapsed at 5:00 p.m. on Monday, March 26, 2018.

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 after the March 26, 2018 filing deadline “shall bear an office designation of non-incumbent position” and (2) signatures collected prior to the March 26, 2018 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 27, 2018. **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 26, 2018 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 Effective 3/27/2018
3rd Circuit Court 17 Regular Terms - Incumbent Positions 2 Regular Terms - Non-Incumbent Positions 1 Partial Term - Incumbent Position 1 Partial Term - Non-Incumbent Position	3rd Circuit Court 16 Regular Terms - Incumbent Positions 3 Regular Terms - Non-Incumbent Positions 1 Partial Term - Incumbent Position 1 Partial Term - Non-Incumbent Position
1st District Court 1 Regular Term - Incumbent Position	1st District Court 1 Regular Term - Non-Incumbent Position
Cheboygan County Probate Court 1 Regular Term - Incumbent Position	Cheboygan County Probate Court 1 Regular Term - Non-Incumbent Position
Gogebic County Probate Court 1 Regular Term - Incumbent Position	Gogebic County Probate Court 1 Regular Term - Non-Incumbent Position
Oscoda County Probate Court 1 Regular Term - Incumbent Position	Oscoda County Probate Court 1 Regular Term - Non-Incumbent Position
Presque Isle County Probate Court 1 Regular Term - Incumbent Position	Presque Isle County Probate Court 1 Regular Term - Non-Incumbent Position
Wayne County Probate Court 3 Regular Terms – Incumbent Positions	Wayne County Probate Court 2 Regular Terms – Incumbent Positions 1 Regular Term – Non-Incumbent Position

***Eliminated Judicial Positions – Court of Appeals Districts 3 and 4**

Section 303 of the Revised Judicature Act, 1961 PA 236, MCL 600.526, provides:

600.303a Transition to six judges in each district.

(c) Except as otherwise provided in this subdivision, if there are more than 6 court of appeals judgeships in a district on March 25, 2012 and there are no judgeships to be eliminated under subdivision (b), 1 judgeship shall be eliminated from the district at the beginning of the term for which an incumbent judge of the court of appeals does not seek election or reelection to that office until there are 6 incumbent judges in that district. Thereafter, the number of judgeships in the district shall remain at 6. However, a judgeship held by an incumbent judge who is serving by appointment of the governor shall not be eliminated under this subdivision unless the judge does not seek election at the first general election held after the vacancy to which he or she was appointed occurred, as provided in section 23 of article VI of the state constitution of 1963 or does not seek reelection at the end of a subsequent term.

The two incumbent judges did not file for reelection to the 3rd and 4th Court of Appeals Districts due to not being eligible to run. Thus, the two positions will be eliminated upon the expiration of the incumbent judges' current terms. The positions will not appear on the ballot in 2018.

****Eliminated Judicial Position – 53rd Judicial District**

Section 8124 of the Revised Judicature Act, 1961 PA 236, MCL 600.8134, provides:

600.8124 Fifty-third district; Livingston County

The fifty-third district consists of the county of Livingston, is a district of the first class, and has the following number of judges:

(a) Until 12 noon, January 1, 2019, 3 judges.

(b) Beginning 12 noon, January 1, 2019, 2 judges. The 1 judgeship eliminated from this district at 12 noon, January 1, 2019 shall be the judgeship of a judge who is not eligible to run for reelection in 2018 due to constitutional limitation on the effective date of the amendatory act that added this subdivision.

The incumbent judge did not file for reelection to the 53rd Judicial District due to not being eligible to run for reelection. Thus, this position will be eliminated upon the expiration of the incumbent judge's current term. The position will not appear on the ballot in 2018.