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

May 30, 2018

REVIEW OF NOMINATING PETITION

Maria Zagorski
Candidate for District Court Judge, 1st District, Regular Term/Non-Incumbent Position

NUMBER OF VALID SIGNATURES REQUIRED: 600 signatures.

TOTAL FILING: 735 signatures.

RESULT OF FACE REVIEW: 639 valid signatures; 96 invalid signatures.

Total number of signatures filed:		735
Circulator errors (date omitted, etc.):	-	48
Signer date errors (date omitted, dated after circulator, or date of birth provided):	-	34
Signer address or jurisdiction errors (incomplete or incorrect address or jurisdiction):	-	9
Miscellaneous errors:	-	5
Face valid signatures:	=	639

TOTAL NUMBER OF SIGNATURES QUESTIONED UNDER CHALLENGE: The challenger, William Nichols, challenges a total of 372 signatures for (1) the candidate's failure to include the correct designation of incumbency in the heading of several sheets of nominating petitions, and (2) various defects in signers' entries.

ANALYSIS OF CHALLENGE: With respect to the first allegation, the Michigan Election Law requires non-incumbents who are seeking election to the office of District Court Judge to include the designation, "Incumbent Position" or "Non-Incumbent Position," in the heading of their nominating petitions in certain circumstances. Under the Michigan Election Law,

> (2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 467c(4):
>
> (a) An *unspecified* existing judgeship for which the incumbent judge is seeking election.
> (b) An *unspecified* existing judgeship for which the incumbent judge is not seeking election.
> (c) A new judgeship.

* * *

> (4) *In a primary and general election for 2 or more judgeships* ***where more than 1 of the categories in subsection (2) could be selected***, a candidate shall apply to the bureau of elections for a written statement of office designation to correspond to the judgeship sought by the candidate. The office designation provided by the secretary of state shall be included in the heading of all nominating petitions. Nominating petitions containing an improper office designation are invalid.
>
> (5) The secretary of state shall issue an office designation of incumbent position for any judgeship for which the incumbent judge is eligible to seek reelection. If an incumbent judge does not file an affidavit of candidacy by the deadline, the secretary of state shall notify all candidates for that office that a nonincumbent position exists. All nominating petitions circulated for the nonincumbent position after the deadline shall bear an office designation of nonincumbent position. All signatures collected before the affidavit of candidacy filing deadline may be filed with the nonincumbent nominating petitions.

MCL 168.467b (emphasis added). With respect to the 1st District Court, there is only one position to be elected in 2018. Until March 26, 2018, the position was designated as an "Incumbent" position because the current officeholder was eligible to seek re-election. When that incumbent did not file for re-election by the deadline on March 26, the position was re-designated as a "Non-Incumbent" position in accordance with MCL 168.467b. All of the candidate's nominating petitions, including those circulated after March 26, include the "Incumbent" designation. But because only one position is available to be elected for this particular office in 2018, staff recommends the rejection of this aspect of the challenge.

As to the challenges to 116 individual entries, challenges against 67 signatures overlapped face review; 22 additional signatures were determined to be invalid; 27 challenged signatures were determined to be valid.

Total number of signatures filed:		735
Signatures discounted under face review:	-	96
Signatures discounted under challenge (signer not registered to vote in the district; signer wrote incorrect jurisdiction of registration):	-	22
Valid signatures after challenge:	=	617

<u>FINAL RESULT</u>: 617 valid signatures.

<u>STAFF RECOMMENDATION:</u> Determine petition sufficient.