



STATE OF MICHIGAN
 JOCELYN BENSON, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

May 26, 2020

REVIEW OF NOMINATING PETITION

Daniel Finley
 Candidate for Judge of the 22nd Circuit Court
 ____ Position

NUMBER OF VALID SIGNATURES REQUIRED: 500 signatures.¹

TOTAL FILING: 677 signatures.

RESULT OF FACE REVIEW: 0 valid signatures, 677 invalid signatures.

Total number of signatures filed	677
Improper heading (“New Judgeship, 22 nd Circuit Court”)	<i>Less:</i> 677
TOTAL	0

IMPROPER HEADING: In 2020, two positions will be elected to the 22nd Circuit Court as follows:² one Regular Term, Incumbent Position and one Regular Term, Non-Incumbent Position. When a combination of different categories of positions is available, candidates must indicate in the heading of each petition sheet the exact position being sought. MCL 168.424a provides,

(2) Nominating petitions filed under section 413 are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with subsection (3):³

(a) An unspecified existing judgeship for which the incumbent judge is not seeking election.

(b) A new judgeship.

¹ Pursuant to MCL 168.544f, candidates seeking this office must submit a minimum of 1,000 valid signatures to qualify for placement on the ballot. Mr. Finley qualifies for a 50% reduction in the number of required signatures pursuant to the May 20, 2020 order of the federal District Court for the Eastern District of Michigan in *Esshaki v Whitmer*, https://www.michigan.gov/documents/sos/64_order_grnt_PI_mtn_intervene_691388_7.pdf.

² *Filing Requirements for Non-Incumbent Judicial Candidates*, https://www.michigan.gov/documents/sos/Web_Memo_January_31_2020_680045_7.pdf

³ Subsection (3) is inapplicable here, as it pertains to the death or disqualification of an incumbent judge. MCL 168.424a(3).

(c) An unspecified existing judgeship for which the incumbent judge is seeking election.

* * *

(5) 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.**

The heading “New Judgeship, 22nd Circuit Court” is improper in that it fails to apprise voters which of the two categories of positions to be elected to the 22nd Circuit Court the candidate is seeking. There is no “new judgeship” to be elected this year in this judicial circuit and it is impossible to discern whether Mr. Finley is running for the regular term incumbent position or regular term non-incumbent position.⁴

DANIEL FINLEY
(Name of Candidate)
NEW JUDGESHIP 22ND CIRCUIT COURT
(Title of Office/Term Expiration Date)
4TH day of AUGUST, 2020.

The heading of every petition sheet includes an improper office designation, resulting in a loss of 677 signatures.

CHALLENGE: None.

STAFF RECOMMENDATION: Determine petition insufficient.

⁴ Mr. Finley also indicated on the Affidavit of Identity that he sought a “new judgeship.”