

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.550 Additional circuit judgeship; creation; approval by county; resolution; filing; valid approval of judgeship; notice to elections division; effect of approval; state's obligation; election; first term; temporary reduction in number of circuit judgeships; notice.

Sec. 550.

(1) An additional circuit judgeship permitted by this chapter shall not be authorized to be filled by election unless each county in the circuit, by resolution adopted by the county board of commissioners, approves the creation of that judgeship and unless the clerk of each county adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the August primary for the election to fill the additional circuit judgeship. The state court administrator shall immediately notify the elections division of the department of state with respect to each new circuit judgeship authorized pursuant to this subsection. If a circuit judgeship is permitted by law to be authorized without a resolution being adopted by the county board of commissioners, the state court administrator shall immediately notify the elections division of the department of state with respect to each new circuit judgeship authorized.

(2) A resolution required under subsection (1) that is filed before the effective date of the amendatory act that authorized that judgeship is a valid approval of the judgeship for purposes of this section only if the filing occurs within the 2-year state legislative session during which the amendatory act was enacted. A resolution required under subsection (1) that is filed after the effective date of the amendatory act that added that judgeship is a valid approval of the judgeship for purposes of this section only if the filing occurs not later than 4 p.m. of the sixteenth Tuesday preceding the August primary for the election immediately preceding the effective date of the additional judgeship.

(3) By permitting an additional judgeship, or by restoring a judgeship after a temporary reduction in judgeships as described in subsection (5), the legislature is not creating that judgeship. If a county, acting through its board of commissioners, approves the creation of an additional circuit judgeship, that approval constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered in the county beyond that required by existing law, as the elements of that option are defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by the county of all expenses and capital improvements which may result from the creation of the judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of the additional judge's salary which is paid by the state to the other judges of the same circuit, or to appropriate and disburse funds to the county for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(4) Each additional circuit judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The first term of each additional circuit judgeship shall be 6 years, unless the law permitting the additional judgeship provides for a term of a different length.

(5) If, by law, the number of judgeships in a judicial circuit is temporarily reduced for a period of not more than 6 years and then restored to the number of judgeships that existed before the temporary reduction, the restored judgeship or judgeships are not considered additional circuit judgeships for purposes of this section, and a resolution of approval under subsection (1) is not required.

(6) A temporary reduction in the number of circuit judgeships in a judicial circuit shall not take effect unless both of the following occur:

(a) Each county in the circuit, by resolution adopted by the county board of commissioners, supports the temporary reduction in the number of judgeships.

(b) The clerk of each county adopting the resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the date on which the August primary would have been held for the judgeship that is being eliminated. A resolution required under subdivision (a) that is filed before the effective date of the amendatory act that added this subsection is valid if the filing occurs within the 2-year state legislative session during which the amendatory act was enacted.

(7) The state court administrator shall immediately notify the elections division of the department of state with respect to either of the following:

(a) A temporary reduction in the number of judgeships in a judicial circuit.

(b) The restoration of the number of judgeships in a judicial circuit, after a temporary reduction in that number.

History: Add. 1980, Act 129, Imd. Eff. May 22, 1980 ;-- Am. 1984, Act 95, Imd. Eff. Apr. 23, 1984 ;-- Am. 1988, Act 134, Imd. Eff. May 27, 1988 ;-- Am. 1990, Act 54, Imd. Eff. Apr. 11, 1990 ;-- Am. 2009, Act 228, Imd. Eff. Jan. 5, 2010

Compiler's Notes: Sections 2 to 5 of Act 129 of 1980 provide: "New circuit and district judgeships; appearance on ballot; duty of candidate; petitions; filing fee." Section 2. The new circuit and district judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective circuits and district court districts. If

another judicial office of the same court is to be filled by election in the same circuit, county, or district, a candidate for a new judgeship authorized in that circuit, county, or district by this amendatory act shall indicate, at the time of filing nominating petitions, whether the candidate is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in 1980. Petitions for a new judgeship created pursuant to this amendatory act shall bear signatures affixed to the petition after the date by which all counties in the circuit, all district control units in the district, or, in the case of a probate judgeship, the county, have adopted the resolutions required by law to create that office. Notwithstanding any other provision of law, a nonreturnable filing fee of \$250.00 may be paid up to 4 p.m. on June 3, 1980 in lieu of petitions for new judgeships authorized by this 1980 amendatory act which are to be filled by election in 1980. "Additional circuit judgeship for third judicial circuit; terms." Section 3. If the additional circuit judgeship permitted by this amendatory act for the third judicial circuit is created pursuant to law, the candidate receiving the highest number of votes in the 1980 general election shall be elected for a term of 8 years, and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. "Additional circuit judgeship for sixteenth judicial circuit; term." Section 4. If the additional circuit judgeship permitted by this amendatory act for the sixteenth judicial circuit is created pursuant to law, the first term of that judgeship shall be 8 years. "Change in composition of affected judicial circuits; effective date." Section 5. If a new judicial circuit of the circuit court is created pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1981. If the fifty-fourth judicial circuit is created pursuant to this act, the incumbent circuit judge of the fortieth judicial circuit who resides in Tuscola county shall become the judge of the fifty-fourth judicial circuit on January 1, 1981, and shall serve until the term for which he was elected in the fortieth judicial circuit expires." Section 2 of Act 134 of 1988 provides: "Any additional circuit judgeship to be added by election in 1988 shall not be authorized to be filled by election unless each county in the circuit, by resolution adopted by the county board of commissioners, approves the creation of the judgeship and unless the clerk of each county adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the tenth Tuesday preceding the August primary for the election to fill the additional circuit judgeship." Section 2 of Act 54 of 1990 provides: "If a new judicial circuit of the circuit court is created under this amendatory act pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1991. If the fifty-sixth judicial circuit is created pursuant to this amendatory act, the incumbent judge of the fifth judicial circuit who resides in Eaton county shall become the judge of the fifty-sixth judicial circuit on January 1, 1991, and shall serve until the term for which he or she was elected in the fifth judicial circuit expires."