

# Order

Michigan Supreme Court  
Lansing, Michigan

September 9, 2024

Elizabeth T. Clement,  
Chief Justice

167517 & (18)

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

ROSA HOLLIDAY,  
Plaintiff-Appellant,

v

SC: 167517  
COA: 372267

BOARD OF STATE CANVASSERS,  
Defendant-Appellee,

and

CORNEL WEST FOR PRESIDENT 2024,  
CORNEL WEST, and MELINA ABDULLAH,  
Intervening Defendants.

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On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 30, 2024 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

CLEMENT, C.J. (*concurring*).

I write separately to note that plaintiff Rosa Holliday raises a potentially meritorious argument that the Board of State Canvassers failed to fulfill a clear legal duty under MCL 168.552(10) to investigate and resolve all challenges to nominating petitions before deciding to certify a candidate. However, plaintiff failed to raise this argument below in her complaint for a writ of mandamus, and this Court does not typically address arguments that were not raised and decided below. See *Walters v Nadell*, 481 Mich 377, 388 (2008). For this reason, the question whether MCL 168.552(10) establishes a clear legal duty to investigate and resolve all challenges to nominating petitions before deciding to certify a candidate is best left for another day when it is properly presented to this Court, and I concur in this Court's order denying leave to appeal in this case.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 9, 2024

Clerk