

Order

Michigan Supreme Court
Lansing, Michigan

October 30, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2022-08

Brian K. Zahra

David F. Viviano

Proposed Amendment of
Rule 7.206 of the Michigan
Court Rules

Richard H. Bernstein

Megan K. Cavanagh

Elizabeth M. Welch

Kyra H. Bolden,

Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 7.206 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 7.206 Extraordinary Writs, Original Actions, and Enforcement Actions

(A)-(F) [Unchanged.]

(G) Petition for Review or Extension of Time for County Apportionment Plan.

(1) Petition. To obtain review of an apportionment plan as provided in MCL 45.505(5) or 46.406, or to obtain an extension of time to submit an apportionment plan under MCL 45.505(5) or 46.407, the petitioner must file with the clerk within the time limit provided by law:

(a) a petition concisely stating the basis for relief and the relief sought;

(b) a copy of the apportionment plan;

(c) as may be applicable, a sworn statement from a qualified expert attesting to the expert's opinion as to the factual basis for the petitioner's claim that the challenged apportionment plan violates the law;

- (d) a supporting brief conforming to MCR 7.212(B) and (C) to the extent possible;
 - (e) proof that a copy of each of the filed documents was served on the respondent, the county commission, and any other interested party; and
 - (f) the entry fee.
- (2) Answer. A respondent or any other interested party must file with the clerk within 21 days of service of the petition:
- (a) an answer to the petition;
 - (b) a supporting brief conforming to MCR 7.212(B) and (D) to the extent possible; and
 - (c) proof that a copy of each of the filed documents was served on the petitioner, the county commission, and any other interested party.
- (3) Preliminary Hearing. There is no oral argument on preliminary hearing of a petition. The court may deny relief, grant preemptory relief, or allow the parties to proceed to full hearing on the merits in the same manner as an appeal of right. However, if the preliminary hearing on the complaint shows that either party's pleadings or briefs demonstrate that a genuine issue of material fact exists that must be determined before a resolution can be reached as to whether the reapportionment violates the law, or that there is a need for discovery and the development of a factual record, the court must proceed to full hearing on the merits in the same manner as an appeal of right. If the court must proceed to full hearing under this subrule, the panel must first refer the suit to a judicial circuit to hold pretrial proceedings, conduct a hearing to receive evidence and arguments of law, and issue a written report for the panel setting forth proposed findings of fact and conclusions of law. The proceedings before the circuit court must proceed as expeditiously as due consideration of the circuit court's docket, facts, and issues of law requires. Following receipt of the circuit court's report, the court of appeals clerk must certify the order allowing the case to proceed and notify the parties of the schedule for filing briefs in response to the circuit court's report and of the date for oral argument, which must be on an expedited basis.
- (4) Full Hearing. If the case is ordered to proceed to full hearing,

- (a) the time for filing a brief by the petitioner begins to run from the date the clerk certifies the order allowing the case to proceed;
- (b) the petitioner’s brief must conform to MCR 7.212(B) and (C); and
- (c) an opposing brief must conform to MCR 7.212(B) and (D).

Staff Comment (ADM File No. 2022-08): The proposed amendment of MCR 7.206 would require the Court of Appeals to engage in certain procedures if it receives a county reapportionment challenge.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by February 1, 2025 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2022-08. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

October 30, 2024

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk