



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
Phone 517-373-0128

Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: April 26, 2021

TO: All Michigan Judges
cc: Court Administrators, Probate Registers, and Clerks of Court

FROM: Thomas P. Boyd

RE: Election Related Litigation

Pursuant to Administrative Order 2020-20, attached, this memorandum is being circulated as a reminder to the courts in advance of the upcoming election on May 4, 2021. The procedures outlined in this memo apply to any lawsuit pertaining to an election related matter regardless of whether it is filed before, on, or after May 4, 2021.

Court proceedings regarding an election matter lawsuit may not be instituted and orders may not be issued except upon a written complaint filed pursuant to the pertinent MCR provision. A full and complete record of the proceedings must be kept.

Upon the filing of a complaint regarding an election related matter, the following individuals must be notified of the lawsuit as soon as practicable:

1. Supreme Court Clerk Larry Royster at 517-373-2553 or MSC_Clerk@courts.mi.gov.
2. State Director of Elections Jonathan Brater at 517-599-5723 or BraterJ@michigan.gov.
3. Civil Litigation, Employment and Elections Division, 517-335-7659, Heather S. Meingast, meingasth@michigan.gov, from 7:00 a.m. to 5:00 p.m., and 517-335-0741 from 5:00 p.m. to 9:00 p.m. (hours for May 4, 2021), *if the complaint is against the state or one of its subdivisions*. The Attorney General's Civil Litigation, Employment and Elections Division will oversee legal representation for the state on election matters.

Further, AO 2020-20 provides that the chief judge or chief judge's designee of the court in which the election matter lawsuit is filed must provide the following information to the Supreme Court Clerk:

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- a. Case number and names of parties;
- b. Name of assigned judge and the telephone number where he or she can be reached;
- c. Brief statement of the issues;
- d. Brief statement of the case status; and,
- e. An electronic copy of the final order or judgment, or an order granting a stay or injunctive relief at the email address provided in the memo referenced above.

On or before May 4, 2021, the Court of Appeals will publish on the home page of its website (<https://courts.michigan.gov/courts/coa/pages/default.aspx>) information for contacting that court's clerk's office after business hours and the steps required of a party who might wish to seek emergency appellate relief.

Please do not hesitate to contact me if you have any questions.

Attachment

Order

**Michigan Supreme Court
Lansing, Michigan**

September 23, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-03

David F. Viviano,
Chief Justice Pro Tem

Administrative Order No. 2020-20

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

Administrative Order
Regarding Election-Related
Litigation

Administrative Order No. 2020-20 – Election-Related Litigation Procedures

In an effort to promote the efficient and timely disposition of election-related litigation, the Court adopts the following requirements and procedural rules, effective immediately.

1. Court proceedings regarding an election matter lawsuit may not be instituted and orders may not be issued except upon a written complaint filed pursuant to the pertinent MCR provision. A full and complete record of the proceedings must be kept.
2. Upon the filing of a complaint regarding an election matter, the following persons must be notified of the lawsuit as soon as practicable:
 - (a) Supreme Court Clerk
 - (b) State Director of Elections
 - (c) Attorney General Civil Litigation, Employment, & Elections Division (if the complaint is against the state or one of its subdivisions).

The State Court Administrator will circulate a memo before each election that identifies the names and contact information for the individuals and offices listed above.

3. The chief judge or chief judge's designee of the court in which the election matter lawsuit is filed must provide the following information to the Supreme Court Clerk:

- (a) Case number and names of parties;
 - (b) Name of assigned judge and the telephone number where he or she can be reached;
 - (c) Brief statement of the issues;
 - (d) Brief statement of the case status; and
 - (e) An electronic copy of the final order or judgment, or an order granting a stay or injunctive relief at the email address provided in the memo referenced above.
4. On or before the date of an election, the Court of Appeals will publish on the home page of its website information for contacting that court's clerk's office after business hours and the steps required of a party who might wish to seek emergency appellate relief.

Staff Comment: This administrative order requires various notifications and information to be made regarding election-related litigation.

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.



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 23, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk