

Order

Michigan Supreme Court
Lansing, Michigan

March 19, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-03

David F. Viviano,
Chief Justice Pro Tem

Proposed Administrative Order
Regarding Election-Related
Litigation

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

On order of the Court, this is to advise that the Court is considering the adoption of an Administrative Order regarding election-related litigation. 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 also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules 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.

Administrative Order No. 2020-XX – 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.

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, and
 - (d) Brief statement of the case status.
4. Upon receiving notice of the lawsuit, the Supreme Court Clerk will notify the Chief Justice of the Supreme Court so the Court can decide whether the trial court should certify the controlling question(s) in conformity with the procedures set forth in MCR 7.308(A). The trial court may take preliminary action to move the case forward, such as establishing a briefing schedule or conducting a hearing on the matter. But an order or judgment granting or denying the relief requested may not enter until the Supreme Court Clerk notifies the trial court of the Court's decision regarding certification. An electronic copy of the final order or judgment, or an order granting a stay or injunctive relief, must be transmitted to the Supreme Court Clerk at the email address provided in the memo referenced above.
5. 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 would provide requirements and procedural rules to promote the efficient and timely disposition of 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.

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 sent to the Supreme Court Clerk in writing or electronically by July 1, 2020, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2020-03. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



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.

March 19, 2020

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

Clerk