



MICHIGAN COURTS NEWS RELEASE

John Nevin, Communications Director

Ph: 517-373-0129 Twitter: @MISupremeCourt FB: facebook.com/misupremecourt

FOR IMMEDIATE RELEASE

Michigan Supreme Court Announces March 11, 2020 Oral Arguments Schedule

LANSING, MI, February 25, 2020 —The Michigan Supreme Court announced that oral arguments in the case of #160907-8, *League of Women Voters of Michigan v Secretary of State* will be heard on Wednesday, March 11, 2020. The Court will convene at 9:30 a.m. in the Supreme Court courtroom, located on the sixth floor of the Hall of Justice.

The Court broadcasts its oral arguments and other hearings [live](#) on the Internet. Watch the stream only while the Court is in session and on the bench. Streaming will begin shortly before the hearing starts; audio will be muted until justices take the bench. Follow the Court on [Twitter](#) to receive regular updates as cases are heard. Please contact the Office of Public Information at 517-373-0129 or SeaksL@courts.mi.gov for permission to film or photograph during the hearing. See the link to [Request and Notice for Film and Electronic Media Coverage of Court Proceedings](#). The request must be submitted three days in advance of the hearing.

This brief account may not reflect the way that some or all of the Court's seven justices view the case. The attorneys may also disagree about the facts, issues, procedural history, and significance of this case. For further details, please contact the attorneys.

**Wednesday, March 11, 2020
9:30 a.m.**

MOAA 160907-8

LEAGUE OF WOMEN VOTERS OF
MICHIGAN, MICHIGANDERS FOR FAIR
AND TRANSPARENT ELECTIONS,
HENRY MAYERS, VALERIYA
EPSHTEYN, and BARRY RUBIN,
Plaintiffs-Appellees,

Mark Brewer

and (Appeal from Ct of Appeals)
(Ct of Claims – Stephens, C.)

SENATE and HOUSE OF REPRESENTATIVES,
Intervenors-Appellants,

John Bursch

v

SECRETARY OF STATE,
Defendant-Appellee.

Heather Meingast

SENATE and HOUSE OF REPRESENTATIVES,
Plaintiffs-Appellants,

John Bursch

v

SECRETARY OF STATE,
Defendant-Appellee.

Heather Meingast

In 2018, the Legislature changed Michigan’s initiative and referendum processes by imposing certain requirements on the gathering of petition signatures for ballot proposals. 2018 PA 608. Plaintiffs are a group of persons and organizations who brought an action for declaratory relief in the Court of Claims challenging the constitutionality of several aspects of PA 608. In a separate consolidated case, the Michigan House of Representatives and the Michigan Senate sought a declaratory judgment that PA 608 is constitutional in its entirety and must be enforced. The Court of Claims determined that the House and Senate lacked standing, and dismissed the case. It struck down as unconstitutional a provision allowing no more than 15% of petition signatures for a statewide ballot proposal to be obtained in any one congressional district. It also determined that PA 608’s requirement that petitions include a box that must be checked if the petition circulator is a paid circulator rather than a volunteer is unconstitutional. It upheld a requirement that paid petition circulators file an affidavit with the Secretary of State indicating that the person has been paid to circulate a petition and gather signatures. Under PA 608, signatures collected in violation of any of these requirements are invalid and may not be counted. Appeals in both cases were filed in the Court of Appeals. Plaintiffs also filed a bypass application in the Supreme Court, which was denied, but the Court ordered an expedited decision by the Court of Appeals. In a split published opinion, the Court of Appeals held that the House and Senate lacked standing to sue, and that all three challenged provisions of PA 608 are unconstitutional. One judge concurred in part and dissented in part, stating that he would have exercised discretion to entertain the Legislature’s arguments, and that the “check box” requirement is constitutional. The Supreme Court has directed oral argument on the application for leave to appeal and motion to intervene filed by the House and Senate to address: (1) whether this Court should grant the motion to intervene; (2) whether the Michigan Senate and Michigan House of Representatives have standing to seek declaratory relief in the Court of Claims; (3) whether the 15% cap on ballot proposal signatures per congressional district in 2018 PA 608 is constitutional; and (4) whether 2018 PA 608’s requirements that paid petition circulators file a pre-circulation affidavit and check a disclosure box on the face of circulated petitions are constitutional.