

Order

Michigan Supreme Court
Lansing, Michigan

May 29, 2024

Elizabeth T. Clement,
Chief Justice

166424-5

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

PHILIP M. O'HALLORAN, M.D., BRADEN
GIACOBAZZI, ROBERT CUSHMAN, PENNY
CRIDER, and KENNETH CRIDER,
Plaintiffs-Appellees,

v

SC: 166424
COA: 363503
Ct of Claims: 22-000162-MZ

SECRETARY OF STATE and DIRECTOR OF
THE BUREAU OF ELECTIONS,
Defendants-Appellants.

RICHARD DEVISSER, MICHIGAN
REPUBLICAN PARTY, and REPUBLICAN
NATIONAL COMMITTEE,
Plaintiffs-Appellees,

v

SC: 166425
COA: 363505
Ct of Claims: 22-000164-MZ

SECRETARY OF STATE and DIRECTOR OF
THE BUREAU OF ELECTIONS,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the October 19, 2023 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application for June 18, 2024 at 9:00 a.m. MCR 7.305(H)(1). The parties may file supplemental briefs by 5:00 p.m. on June 10, 2024, addressing whether: (1) the challenged provisions of the election procedure manual issued by the Secretary of State are consistent with Michigan Election Law, MCL 168.1 *et seq.*; and (2) even if authorized by statute, the Secretary of State was required to promulgate the challenged provisions as formal rules under the Administrative Procedures Act, MCL 24.201 *et seq.*

The total time allowed for oral argument shall be 30 minutes: 15 minutes for the plaintiffs, and 15 minutes for the defendants, to be divided at their discretion. MCR 7.314(B)(2).

Amici who appeared at the application stage are invited to file supplemental briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae. Amicus curiae briefs shall be filed by 5:00 p.m. on June 10, 2024.



s0529

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.

May 29, 2024

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

Clerk