



Michigan Supreme Court

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

Milton L. Mack, Jr.
State Court Administrator

MEMORANDUM

DATE: October 6, 2016

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

FROM: Milt Mack, Jr. 

RE: Election Matter Lawsuits

We are sending this memo as a reminder to the courts in advance of the upcoming state general election on November 8, 2016. The procedures outlined in this memo apply to any lawsuit pertaining to an election matter regardless of whether it is filed before, on, or after November 8, 2016.

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 matter, the following persons must be notified of the lawsuit as soon as practicable:

- (1) Supreme Court Clerk Larry Royster at 517-373-0120 or MSC_Clerk@courts.mi.gov.
- (2) State Director of Elections Christopher Thomas at 517-373-2540 or christophert@michigan.gov.
- (3) Assistant Attorney General Denise Barton at 517-373-6434 from 7:00 a.m. to 9:00 p.m. *if the complaint is against the state, its officials, its employees, or one of its subdivisions.* The Attorney General's Civil Litigation, Elections and Employment Division will oversee legal representation for the state on election matters.

Further, 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 the 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.

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 above.

On or before November 8, 2016, the Court of Appeals will publish on the home page of its website (<http://courts.mi.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 let me know if you have any questions.