

**STATE OF MICHIGAN  
IN THE MICHIGAN SUPREME COURT**

MICHIGAN REPUBLICAN PARTY, and  
REPUBLICAN NATIONAL COMMITTEE,

Plaintiffs-Appellants,

v.

DAVINA DONAHUE, Interim City Clerk,  
in the capacity as member of Flint Board of  
Election Commissioners, WILLIAM “BILL” KIM,  
City Attorney, in the capacity as member of Flint  
Board of Election Commissioners, and STACEY  
KAAKE, City Assessor, in the capacity as member of  
Flint Board of Election Commissioners,

Defendants-Appellees.

Supreme Court No. 166973

Court of Appeals No. 364048

Genesee County Circuit Court  
Case No. 22-118123-AW

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**DEFENDANTS-APPELLEES’ SUPPLEMENTAL BRIEF IN OPPOSITION TO  
PLAINTIFF-APPELLANTS MICHIGAN REPUBLICAN PARTY AND REPUBLICAN  
NATIONAL COMMITTEE’S APPLICATION FOR LEAVE TO APPEAL**

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**STATEMENT OF QUESTIONS PRESENTED**

- I. Does the statutory scheme governing the appointment of election inspectors clearly imply that the Legislature intended to confer standing on the major political parties to enforce the partisan-parity mandate of MCL 168.674?

**The trial court would answer: No.**  
**The Court of Appeals would answer: No.**  
**Defendants-Appellees answer: No.**

- II. Does either Appellant have standing to seek a writ of mandamus based on a special injury, right, or substantial interest that was and will continue to be detrimentally affected in a manner different from the citizenry at large?

**The trial court would answer: No.**  
**The Court of Appeals would answer: No.**  
**Defendants-Appellees answer: No.**

- III. Does either Appellant have standing to seek a declaratory judgment because it meets the requirements under MCR 2.605?

**The trial court would answer: No.**  
**The Court of Appeals would answer: No.**  
**Defendants-Appellees answer: No.**

## I. INTRODUCTION

The Court of Appeals correctly held that Appellants Michigan Republican Party (“MIGOP”) and Republican National Committee (“RNC”) (collectively, “Appellants”) do not have standing to pursue their claims for declaratory or mandamus relief under the Michigan Election Law. First, the plain text of the applicable statutes demonstrate that the Legislature intentionally omitted a right for major political party state and national organizations to challenge the partisan composition of a last of election-inspector appointees. The unambiguous language and overall statutory scheme that has been in place and respected for over 70 years demonstrates that the Legislature delegated certain exclusive authority to local party officials based on their local knowledge, which is essential for appointing qualified election inspectors in one of Michigan’s 4,751 precincts.<sup>1</sup> If the MIGOP or RNC take issue with the appointment of election inspectors the Michigan Election Law provides them the remedy of contacting the County Chair, who is elected pursuant to each of the major parties adopted rules, and ask that he or she file an administrative action or lawsuit.<sup>2</sup> Appellants are essentially asking the courts to create a new remedial process in the Michigan Election Law to resolve what amounts to an intraparty dispute between the National and State GOP party leaders and their local County Chair who has express authority under law to address any legal issue with the appointment of election inspectors. Second, whether the Court adopts the analysis in *Detroit Fire Fighter* or distinguishes this case from the underlying rule in *Lansing Sch Ed Ass’n*, the result is the same - Appellants do not have a special injury, right, or

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<sup>1</sup> Michigan Secretary of State Biennial Precinct Report, available at: [https://www.michigan.gov/-/media/Project/Websites/sos/02mcalpine/Biennial\\_Precinct\\_Report\\_for\\_2020.pdf?rev=b8d4c0e2769848c9bdd5841fa6ac10b9](https://www.michigan.gov/-/media/Project/Websites/sos/02mcalpine/Biennial_Precinct_Report_for_2020.pdf?rev=b8d4c0e2769848c9bdd5841fa6ac10b9) [Last viewed January 31, 2025].

<sup>2</sup> The Court should note that the MIGOP and RNC just did this in September 2024, when they joined the Wayne County GOP Chair and other Wayne County electors is filing a lawsuit, Case No. Case No. 24-012212-AW, against the City of Detroit Election Commission asserting the many of same claims the RNC and MIGOP raise in this lawsuit.

substantial interest that was and will continue to be detrimentally affected in a manner different from the citizenry at large. Third, Appellants do not have standing under MCR 2.605 because an administrative action is available, and they are not interested parties.

In addition to the arguments articulated in Defendants-Appellees Brief in Opposition to Plaintiff-Appellants Michigan Republican Party and Republican National Committee's Application for Leave to Appeal, Defendants-Appellees further address Appellant's lack of standing below, as requested by the Court's December 2, 2024 Order.

**II. THE STATUTORY SCHEME GOVERNING THE APPOINTMENT OF ELECTION INSPECTORS DOES NOT IMPLY THAT THE LEGISLATURE INTENDED TO CONFER STANDING ON THE MAJOR POLITICAL PARTIES TO ENFORCE THE PARTISAN-PARITY MANDATE OF MCL 168.674(2).**

The primary goal in construing a statute is to effectuate the Legislature's intent, and the first step in the process of interpreting a statute and divining legislative intent is to examine the language of the statute. *City of Mt Pleasant v State Tax Com'n*, 477 Mich 50, 53; 729 NW2d 833 (2007). The words contained in a statute provide us with the most reliable evidence of the Legislature's intent. *Shinholster v Annapolis Hosp*, 471 Mich 540, 549; 685 NW2d 275 (2004). In ascertaining legislative intent, this Court gives effect to every word, phrase, and clause in the statute. *Id.*

"If the statutory language is unambiguous, the Legislature is presumed to have intended the meaning expressed in the statute and judicial construction is not permissible." *Mt. Pleasant, supra* at 53, 729 NW2d 833. An unambiguous statute must be enforced as written. *Shinholster, supra* at 549, 685 NW2d 275. "A necessary corollary of these principles is that a court may read nothing into an unambiguous statute that is not within the manifest intent of the Legislature as derived from the words of the statute itself." *Roberts v Mecosta Co Gen Hosp*, 466 Mich 57, 63; 642 NW2d 663 (2002). Such is the case here. The language is clear and unambiguous. There is

no room to read anything into the statute not expressly stated – it is the County Chairs who can enforce the parity of election inspectors.

Appellants allege violations of MCL 168.674 and MCL 168.765a in the appointing of election inspectors by the Flint Election Commission. MCL 168.674 provides, in pertinent part, the following:

(3) The county chair of a major political party may challenge the appointment of an election inspector based upon the qualifications of the election inspector, the legitimacy of the election inspector's political party affiliation, or whether there is a properly completed declaration of political party affiliation in the application for that election inspector on file in the clerk's office. The challenge must be in writing, specifically identify the reason for the challenge, and include any available documentation supporting the challenge. The county chair of the political party shall file a challenge under this subsection with the board of election commissioners not later than 4 business days following receipt of the board of election commissioners' notice of appointed election inspectors under subsection (2).

(4) Upon receipt of a challenge under subsection (3), the board of election commissioners shall determine whether the appointee has the necessary qualifications by reviewing the application or any other official records, such as voter registration records, or whether the applicant has a properly completed certification of political party affiliation in the application. If the challenge alleges that the appointee is a known active advocate of a political party other than the one on the appointee's application, the board of election commissioners immediately shall provide the appointee with a copy of the challenge by certified mail, personal service, or electronic transmission capable of determining date of receipt. The appointee may respond to the challenge within 2 business days after receiving a copy of the challenge. A response must be by affidavit addressing the specific reasons for the challenge. Failure to respond results in revocation of the appointment. Within 2 business days after receiving the challenge or a response from the appointee, whichever is later, the board of election commissioners shall make a final determination and notify the appointee and the county chair of the political party of the determination.

Under MCL 168.764d, a city clerk may enter into an agreement with other cities to create an absent voter counting board that counts all the absentee votes from each participating city. The

same rules regarding the process for appointing partisan election inspectors for in-person voting at precincts apply to the appointment of election inspectors to an absent voter counting board. MCL 168.765a(2) and (4). There must always be at least one election inspector from each major political party present at an absent voter counting board. MCL 168.765a(8).

MCL 168.764 and MCL 168.765a unambiguously and plainly provide an administrative appeal process to challenge the election inspector appointment process. The right to initiate such a challenge lies with the county chair of a major political party. MCL 168.764(3). This text is plain, unambiguous, and confers that the Legislature’s intent was to provide the county chairs with an administrative remedy to challenge the appointment process. When enforced as written, as the long-established black letter cannons of statutory interpretation demand, the text confirms: (1) no one other than a county chair can challenge the appointment process; and (2) the challenge should be brought as an administrative appeal<sup>3</sup> with the board of election commissioners – not a lawsuit.

Appellants cannot “cherry-pick” words and phrases from unrelated provisions of the Michigan Election Law and read them in isolation from the rest of the text, to avoid the fact that nothing in the plain language of MCL 168.764 and MCL 168.765a signals the Legislature’s intent to confer standing on the major political parties. *TruGreen Ltd Partnership v Dep’t of Treasury*, 338 Mich App 248, 256; 979 NW2d 739 (2021), *cert. denied*, 989 NW2d 234 (2023). “This focus on the big picture echoes a primary canon of construction: the individual, discrete words of a statute must be read holistically ‘within a view to their place in the overall statutory scheme.’” *Id* at 257, quoting *Davis v Mich Dep’t of Treasury*, 489 US 803, 809, 109 S Ct 1500 (1989). As this Court has explained:

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<sup>3</sup> As set forth in Section III(a), Appellants have no “actual controversy” because an administrative remedy is available.

The statutory language must be read and understood in its grammatical context, unless it is clear that something different was intended. Moreover, when considering the correct interpretation, the statute must be read as a whole. Individual words and phrases, while important, should be read in the context of the entire legislative scheme. While defining particular words in statutes, we must consider both the plain meaning of the critical word or phrase and its placement and purpose in the statutory scheme. A statute must be read in conjunction with other relevant statutes to ensure that the legislative intent is correctly ascertained. The statute must be interpreted in a manner that ensures that it works in harmony with the entire statutory scheme.

*Bush v Shabahang*, 484 Mich. 156, 167, 772 N.W.2d 272 (2009).

The “legislative scheme” set out in MCL 168.673a, which allows county chairs the right to submit names on behalf of their political parties to the city election officials for use as election inspectors – are the same county chairs that are entitled to enforce the political party designations under MCL 168.674(3). As correctly recognized by the Court of Appeals, when read in conjunction with other provisions in the Michigan Election Law, “it is correctly ascertained that the Legislature intended to omit a right for major political party state and national organizations to challenge the partisan composition of a list of election-inspector appointees.” COA Op at 7. And this makes sense because the basis on which a challenge may be made against the appointment of election inspectors is based on local knowledge (i.e., challenging someone who is “a known active advocate of another political party”). MCL 168.674(2).

Detrimental to their position, Appellants “cherry-pick” *irrelevant* sections of the Michigan Election Law related to sealing ballots, MCL 168.806a; transporting and delivering sealed ballots, MCL 168.679a(2); tabulating absent voter ballots, MCL 168.765a; and “poll books,” MCL 168.765a(15) – all of which have no bearing on the appointment of election inspectors, do not echo the primary canons of statutory construction, and do not capture the Legislature’s intent. Further, the Legislature knows how to grant rights to political parties, *see e.g.* MCL 168.22a, but it did not

do so in the context of appointing election inspectors. Again, it is a fundamental tenant of statutory interpretation that when the Legislature includes language in one part of a statute that it omits in another, this Court assumes that the omission was intentional. *Four Zero One Assoc LLC v Dep't of Treasury*, 320 Mich App 587, 596; 907 NW2d 892 (2017). Appellants offer no compelling rationale to abandon this long-standing pillar of jurisprudence for the sake of their ability to resolve differences or interfere with local County Party Chairs.

Lastly, the Michigan Election Law has always afforded local government chairs – not majority political parties – the right to play a role in the election inspector appointment process.<sup>4</sup> When the Michigan Election Law was enacted in 1954, the appointment of election inspectors lied at the township level. (Exhibit A, MCL 168.673 and MCL 168.674). In subsequent amendments, the right to appoint election inspectors remained with the local government chairs – only replacing township with county. *See* MCL 168.673a. At no point did the Legislature give the major political parties the right to play any role in the election inspector appointment process. This intentional omission is significant. *McCahan v Brennan*, 291 Mich App 430, 433; 804 NW2d 906, 907 (2011) (“The Legislature is presumed to have written the statute to mean what the Legislature intended it to mean.”).

From a practical standpoint, this makes sense. The county chairs are in the best position to challenge the appointment of an election inspector – they have local knowledge, understanding of the environment and its challenges, and access to local resources. Whereas leaders of a major political party – whether in Washington D.C. or Lansing – do not have such locally tailored

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<sup>4</sup> Defendants-Appellees do not contend that the applicable provisions of the Michigan Election Law are ambiguous. But to the extent the Court finds ambiguities, it may look to the legislative history of the Act, as well as to the history of the time during which the Act was passed, to ascertain the reason for the Act and the meaning of its provisions. *Twentieth Century Fox Home Entertainment, Inc v Dep't of Treasury*, 270 Mich App 539, 546; 716 NW2d 598 (2006).

knowledge needed to challenge the appointment process. They are too far removed. “Courts should not abandon common sense when construing a statute.” *Hmeidan v State Farm Mut Auto Ins Co*, 326 Mich App 467, 478; 928 NW2d 258 (2018). The overall statutory scheme, consistent with practical, common sense, makes it clear that the Legislature did not intend to confer any right, including standing, on the major political parties as it relates to the election inspector appointment process. Appellants, therefore, do not have standing under the applicable provisions of the Michigan Election Law.

**III. APPELLANTS DO NOT HAVE STANDING BASED ON A SPECIAL INJURY, RIGHT, OR SUBSTANTIAL INTEREST THAT WAS AND WILL CONTINUE TO BE DETRIMENTALLY AFFECTED IN A MANNER DIFFERENT FROM THE CITIZENRY AT LARGE.**

Appellants’ attempt to mischaracterize the holding in *Detroit Fire Fighters Ass’n v Detroit*, 449 Mich 629; 537 NW2d 436 (1995) as the “wrong opinion” does not undercut the Court of Appeals’ correct application of the ruling, which was also articulated in *Lansing Sch Educ Ass’n v Lansing Bd of Educ*, 487 Mich 349, 355; 792 NW2d 686 (2010), when determining that Appellants do not have standing based on a special injury, right, or substantial interest that was and will continue to be detrimentally affected in a manner different from the public at large.

The Court of Appeals relied on Justice Weaver’s holding in *Detroit Fire Fighters* to support this conclusion because the facts are analogous. COA Op at 10-11. Despite Appellants’ assertions otherwise, this portion of the opinion is binding precedent because it satisfies the requirements of the Mich. Const. 1963 art 6, §6, which requires decisions of the Michigan Supreme Court to be “in writing and ... contain a concise statement of the facts and reasons for each decision.” Thus, an order is binding precedent “if it constitutes a final disposition of an application and contains a concise statement of the applicable facts and reasons for the decision.” *Id.*

At worst, *Detroit Fire Fighters* is a plurality opinion, and while not an authoritative interpretation under the doctrine of stare decisis, it is highly persuasive. *Rowland v. Washtenaw Cty. Rd. Comm'n*, 477 Mich. 197, 206 n7, 731 N.W.2d 41 (2007) (citing *Negri v. Slotkin*, 397 Mich. 105, 109, 244 N.W.2d 98 (1976)). The lead opinion, signed by Justice Weaver, has three separate concurrences: Justice Riley concurred that Appellants lacked standing, albeit for different reasons, to which Justice Brickley concurred; Justice Mallet concurred with the result of the opinion, but not on the issue of standing, and was joined by Justice Levin; and Justice Cavanagh concurred with Justice Mallett with respect to the standing issue, and was joined by Justice Boyle.

Regardless, *Detroit Fire Fighters* should not be ignored. In fact, courts have repeatedly held that it would be a waste of judicial resources to disregard a lead opinion entirely when the principles remain sound, as is the case here. *People v. Scarborough*, 189 Mich. App. 341, 344, 471 N.W.2d 567, 568 (1991) (“Technically, the *Schultz* holding is not binding on this Court. It is a plurality opinion in which a majority of the justices failed to concur on the exact reasoning for the holding.... Nonetheless, we apply the holding in *Schultz* to the instant case...It would be wasteful of judicial resources to disregard *Schultz*.”); *Young v. Nandi*, 276 Mich. App. 67, 71-72, 740 N.W.2d 508, 513 (2007) judgment vacated in part, appeal denied in part, 482 Mich. 1007, 759 N.W.2d 351 (2008) (“... it would be a waste of judicial resources to disregard the *Shinholster* lead opinion entirely and thus we turn to it for persuasive guidance”); *Frankenmuth Mut. Ins. Co. v. Masters*, 460 Mich. 105, 115; 595 N.W.2d 832 (1999) (noting and adopting “the persuasive analyses contained in Justice Griffin's plurality opinion”).

Not only is the analysis in *Detroit Fire Fighters* highly persuasive, but it is consistent with the underlying holding in *Lansing Sch Ed Ass'n*. In *Lansing Sch Ed Ass'n*, the statute at issue was designed to protect school employees from physical harm and to help teachers better educate

students. *Lansing Sch Ed Ass'n*, 487 Mich at 374. In other words, the benefit conferred by the statute was directly upon the school employees. Distinguishable here, the applicable statutes of the Michigan Election Law were designed to protect the integrity of elections and not directly upon the major political parties. There is nothing in the Michigan Election Law that suggests the parity requirement for election inspectors is intended to benefit either of the major political parties. The desired balance is to help instill trust in the process and to discourage mischief in the precincts when votes are being cast. This is consistent with the Michigan Constitution's requirement that the Legislature preserve the "purity" of elections. *See* 1963 Const, art. II, § 4. Therefore, whether the Court adopts the lead opinion in *Detroit Fire Fighters*, or distinguishes this case from *Lansing Sch Ed Ass'n*, the result remains the same – the benefit of election integrity is shared by each member of the public, rather than benefiting major political parties more than the public. Therefore, Appellants do not have a special injury, right, or a substantial interest in the enforcement of MCL 168.674(2) and MCL 168.765a(2) that is different from the public. Appellants do not have standing to enforce the applicable Michigan Election Law statutes on this basis.

Beyond this, Appellants provide nothing to further support their position.<sup>5</sup> A party must demonstrate more than just a commitment to vigorous advocacy to have standing; it must also show that it has a special injury, right, or substantial interest in the outcome of the litigation that will be detrimentally affected in a manner different from the citizenry at large. *Township of Grayling v Berry*, 329 Mich App 133; 942 NW2d 63 (2019). This they cannot and do not do. Therefore, Court should adopt the lead opinion in *Detroit Fire Fighters* or distinguish this case from *Lansing Sch Ed Ass'n* to find that Appellants do not have a special injury, right, or substantial

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<sup>5</sup> Defendants-Appellees have briefed this issue in detail in their Brief in Opposition to Plaintiff-Appellants Michigan Republican Party and Republican National Committee's Application for Leave to Appeal and incorporate its arguments here by reference.

interest that was and will continue to be detrimentally affected in a manner different from the citizenry at large.

**IV. APPELLANTS DO NOT HAVE STANDING TO SEEK A DECLARATORY JUDGMENT BECAUSE THEY FAIL TO MEET THE REQUIREMENTS UNDER MCR 2.605.**

“Standing is the legal term used to denote the existence of a party’s interest in the outcome of the litigation; an interest that will assure sincere and vigorous advocacy.” *Allstate Ins Co v Hayes*, 442 Mich 56, 68; 499 NW2d 743 (1993) (cleaned up). The Supreme Court re-established Michigan’s long-held principles of prudential standing in *Lansing Sch Ed Ass’n*:

We hold that Michigan standing jurisprudence should be restored to a limited, prudential doctrine that is consistent with Michigan’s long-standing historical approach to standing. Under this approach, a litigant has standing whenever there is a legal cause of action. Further, whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment. Where a cause of action is not provided at law, then a court should, in its discretion, determine whether a litigant has standing. A litigant may have standing in this context if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant. [487 Mich. 349, 372; 792 N.W.2d 686 (2010).]

Stated differently, if a litigant does not plead or have a legal cause of action – as Appellants have here – the litigant must meet the requirements of MCR 2.605. This Appellants cannot do.

Under MCR 2.605, the plaintiff (1) must allege a “case of actual controversy” within the jurisdiction of the court, and (2) the plaintiff must be an “interested party” seeking a declaratory judgment. MCR 2.605(A). Appellants cannot satisfy either element.

**a. There is No “Actual Controversy” Because an Administrative Action is Available.**

In the context of MCR 2.605, an actual controversy exists only if a declaratory judgment is necessary to guide a party’s future conduct to preserve the party’s legal rights. *City of Detroit v*

*State*, 262 Mich App 542; 686 NW2d 514 (2004) (“An actual controversy may exist where declaratory relief is needed to guide a plaintiff's future conduct, and the “court is not precluded from reaching issues before actual injuries or losses have occurred.”) Under this test, the Court must examine the facts of each case and determine as to whether a real, immediate, and substantial controversy exists between persons with adverse legal interests. To aid the Court in this determination, a complaint for declaratory relief must plead factual allegations necessary to disclose the existence of an actual controversy between the parties with respect to their relative rights and liabilities. *Durant v State Dept of Educ*, 238 Mich App 185; 605 NW2d 66 (1999)(“What is essential to an actual controversy is that plaintiff plead and prove facts which indicate an adverse interest necessitating a sharpening of the issues raised.”). Simply announcing that “the parties’ [have] conflicting positions”, as Appellants do here, does not create a case of actual controversy.

Moreover, to their detriment, Appellants ignore that Michigan law provides that there is no actual controversy if an administrative action is available that “provides plaintiffs with the ability to preserve their legal rights.” *Genesis Center, PLC v Financial and Ins Services Com’r*, 246 Mich App 531; 633 NW2d 834 (2001); *Huron Valley Schools v Sec’y of State*, 266 Mich App 638, 646; 702 NW2d 862 (2005)(a declaratory judgment should not be issued where a party fails to use the administrative process provided by statute). Requiring the exhaustion of administrative remedies fulfills several purposes of the doctrine: (1) an untimely resort to the courts that may result in delay and disruption of an administrative scheme; (2) any type of appellate review that is best made after the agency has developed a full record; (3) resolution of the issues that may require the technical competence of the agency, and (4) the administrative agency's settlement of the dispute that may render a judicial resolution unnecessary. *Citizens for Common Sense in Gov’t v Attorney General*,

243 Mich App 43, 53; 620 NW2d 546 (2000)(quoting *Int'l Business Machines Corp v Dep't of Treasury*, 75 Mich App 604, 610; 255 NW2d 702 (1977)).

Here, MCL 168.674(3) and (4) provide the county chairs with the ability to file administrative appeals to challenge certain inspector appointments:

(3) The county chair of a major political party may challenge the appointment of an election inspector based on the qualifications of the election inspector, the legitimacy of the election inspector's political party affiliation, or whether there is a properly completed declaration of political party affiliation in the application for that election inspector on file in the clerk's office. The challenge must be in writing, specifically identify the reason for the challenge, and include any available documentation supporting the challenge. The county chair of the political party shall file a challenge under this subsection with the board of election commissioners not later than 4 business days following receipt of the board of election commissioners' notice of appointed election inspectors under subsection (2).

(4) Upon receipt of a challenge under subsection (3), the board of election commissioners shall determine whether the appointee has the necessary qualifications by reviewing the application or any other official records, such as voter registration records, or whether the applicant has a properly completed certification of political party affiliation in the application. If the challenge alleges that the appointee is a known active advocate of a political party other than the one on the appointee's application, the board of election commissioners immediately shall provide the appointee with a copy of the challenge by certified mail, personal service, or electronic transmission capable of determining date of receipt. The appointee may respond to the challenge within 2 business days after receiving a copy of the challenge. A response must be by affidavit addressing the specific reasons for the challenge. Failure to respond results in revocation of the appointment. Within 2 business days after receiving the challenge or a response from the appointee, whichever is later, the board of election commissioners shall make a final determination and notify the appointee and the county chair of the political party of the determination.

This remedy, if exhausted, would have addressed the exact concerns Appellants now complain of. Appellants do not plead or demonstrate why their interests could not be protected by

having their concerns addressed by the duly elected GOP County Chairs through the administrative process provided by the Michigan Election Law quoted above. But rather than exhaust this remedy, Appellants – who are not interested parties as set forth below – resorted to the courts. If the local County Chair would not assert the challenges, the remedy does not lie in court under the longstanding view that courts are not to intervene in inter-party squabbles. *American Independent Party of Michigan (Morse-Smith Faction) v. Secretary of State*, 397 Mich 689; 247 NW2d 17 (1976). By ignoring the administrative action process, that is precisely what Appellants are asking the Court to do.

**b. Appellants are not Interested Parties for Purposes of Standing.**

Appellants do not have standing in this matter as they are not the real party in interest with the ability to enforce the applicable provisions of the Michigan Election Law – their argument to the contrary goes against longstanding principles of standing.

“The real party in interest is a party who is vested with a right of action in a given claim, although the beneficial interest may be with another.” *Pontiac Police & Fire Retiree Prefunded Grp Health & Ins Tr Bd of Trustees*, 309 Mich App 611, 620-21; 873 NW2d 783 (2015). In the context of standing, a party’s interest is sufficient if the party has “a legally protected interest that is in jeopardy of being adversely affected,” *Barclae v Zarb*, 300 Mich App 455, 483, 834 N.W.2d 100 (2013) (quotation marks and citation omitted), and a “special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large,” *Lansing Sch Ed Ass’n*, 487 Mich at 372. “Both the doctrine of standing and the included real-party-in-interest rule are prudential limitations on a litigant’s ability to raise the legal rights of another.” *Pontiac Police & Fire Retiree Prefunded Grp Health & Ins Tr Bd of Trustees*, 309 Mich App at 621-22; citing *Lansing Sch Ed Ass’n*, 487 Mich at 355-356.

Appellants must assert their own legal rights and cannot rest their claims to relief on the rights or interests of third parties, i.e., in this case the county chairs. *Pontiac Police & Fire Retiree Prefunded Grp Health & Ins Tr Bd of Trustees*, 309 Mich App at 622; *In re Beatrice Rottenberg Living Trust*, 300 Mich App 339, 355; 833 NW2d 384 (2013)(this rule requires that a particular claim be prosecuted by the party who, under the substantive law, owns the claim). But that is exactly what Appellants are trying to do in this case – assert the rights of the county chairs to challenge the political party composition of election inspectors. The Michigan Election Law plainly set forth that the statutory right to assert a claim to challenge the appointment of election inspectors is held solely by the County Chairs. Appellants in this case seek to enforce the rights held by the County Chairs by statute. This Court should not permit the Appellants to do so, as “[t]he real party in interest is one who is vested with the right of action as to a particular claim, or, stated otherwise, is the party who under the substantive law in question owns the claim asserted.” *Id* at 622.<sup>6</sup> Appellants are not vested with this right because they play no role in the election-inspector appointment process. This Court should, therefore, affirm the Court of Appeals because the Appellants are not interested parties.

## **V. CONCLUSION AND RELIEF REQUESTED**

For these reasons, Appellees respectfully request that this Court deny Appellants’ application for leave to appeal from the Court of Appeals’ March 7, 2024 opinion affirming the trial court’s dismissal of Appellants’ lawsuit.

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<sup>6</sup> MCR 2.201(B) also requires action be prosecuted in name of real party in interest. *City of Kalamazoo v Richland*, 221 Mich App 531, 534; 562 NW2d 237 (1997).

Respectfully submitted,

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Date: February 3, 2025

**CERTIFICATE OF COMPLIANCE**

I certify that this brief complies with the work limitation of MCR 7.212 (B)(1). The brief contains 4,571 words, excluding the parts of the brief exempted by MCR 7.212(B)(12).