

Order

Michigan Supreme Court
Lansing, Michigan

June 7, 2022

Bridget M. McCormack,
Chief Justice

164486 & (13)

CHASE C. TURNER and VOTE CHASE
TURNER COMMITTEE,

Plaintiffs-Appellants,

v

SECRETARY OF STATE, BUREAU OF
ELECTIONS, and BOARD OF STATE
CANVASSERS,

Defendants-Appellees.

SC: 164486
COA: 361577

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

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the June 2, 2022 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. The motion for stay is DENIED.

VIVIANO, J. (*concurring*).

I agree with the Court's denial of leave in this case. Under MCL 168.558(4), a candidate must file an affidavit of identity that states "that as of the date of the affidavit, all statements, reports, late filing fees, and fines *required of the candidate* or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid. . . ." (Emphasis added.) In *Rocha v Bd of State Canvassers*, ___ Mich ___ (2022) (Docket No. 164483) (VIVIANO, J., dissenting), I stated my belief that this language does not apply to late filing fees that have been assessed but are not yet due. In that case, because the candidate was not required to have paid any late filing fees as of the date on which he filed his affidavit—the fee was due later—I would have found that his affidavit of identity was not false when it asserted there were no unpaid fees due from the candidate. In the present case, however, plaintiff was assessed a \$1,000 fee that was due on September 23, 2021. That fee was unpaid when plaintiff filed his affidavit of identity on February 11, 2022. Consequently, contrary to his affidavit, there was a fee that was "required of" plaintiff at the time he filed his affidavit. His affidavit was therefore false, and the Court of Appeals reached the right outcome. I therefore concur in the denial order.

BERNSTEIN, J., joins the statement of VIVIANO, J.



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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.

June 7, 2022


Clerk