Order

Michigan Supreme Court
Lansing, Michigan

July 14, 2025

166973

MICHIGAN REPUBLICAN PARTY and
REPUBLICAN NATIONAL COMMITTEE,
Plaintiffs-Appellants,

v

SC: 166973
COA: 364048
Genesee CC: 22-118123-AV

DAVINA DONAHUE, WILLIAM KIM, and
STACEY KAAKE,
Defendants-Appellees.

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On March 13, 2025, the Court heard oral argument on the application for leave to appeal the March 7, 2024 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(I)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and its holding as to whether plaintiffs have standing, and we REMAND this case to the Genesee Circuit Court for further proceedings consistent with this order.

The central issue on appeal to this Court is whether plaintiffs have standing to pursue claims for declaratory relief and writ of mandamus under MCL 168.674(2)[1] for alleged failures by election officials to ensure partisan parity among the election inspectors in Flint during the 2022 election. The trial court granted defendants summary disposition under MCR 2.116(I)(1), holding that plaintiffs lacked standing, and the Court of Appeals affirmed that decision. Plaintiffs sought leave to appeal in this Court, and we ordered oral argument on the application for the parties to address, generally, "whether the lower courts erred by holding that neither plaintiff has standing to pursue their claims . . . ." *Mich Republican Party v Donahue*, ___ Mich ___; 13 NW3d 631 (2024).

Whether a party has standing is a question of law that we review de novo. *Saugatuck Dunes Coastal Alliance v Saugatuck Twp*, 509 Mich 561, 577 (2022). We also review a trial court's decision to grant summary disposition de novo. *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159 (2019).

Michigan's standing jurisprudence reflects a "limited, prudential doctrine."

[1] After plaintiffs filed their complaint, the Legislature amended portions of the Michigan Election Law, MCL 168.1 *et seq*. See 2023 PA 81; 2023 PA 259. The portions that are applicable to this appeal, however, remained unchanged.

Lansing Sch Ed Ass'n v Lansing Bd of Ed, 487 Mich 349, 372 (2010). "The purpose of the standing doctrine is to assess whether a litigant's interest in the issue is sufficient to ensure sincere and vigorous advocacy." *Id*. at 355 (quotation marks and citation omitted). The proper focus of the standing inquiry, therefore, is "whether a litigant is a proper party to request adjudication of a particular issue and not whether the issue itself is justiciable." *Id*. (quotation marks and citation omitted). This Court has explained:

> [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. [*Id*. at 372.]

Relevant, then, is whether the statute in question provides standing to plaintiffs. MCL 168.674 provides in relevant part:

> (1) . . . The board of election commissioners may appoint as election inspector an individual on the list submitted by a major political party under [MCL 168.673a] who is qualified to serve under [MCL 168.677]. . . .
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> (2) . . . The board of election commissioners shall appoint at least 1 election inspector from each major political party and shall appoint an equal number, as nearly as possible, of election inspectors in each election precinct from each major political party.

There is ample support for the conclusion that plaintiffs have standing to pursue their claim through their "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. As background, in MCL 168.673a, the Legislature gave the county chair of each major political party the authority to submit a list of individuals interested in serving as election inspectors, and in MCL 168.674(1), the Legislature gave each city or township board of election commissioners the authority to make election inspector appointments from the "list submitted by a major political party under [MCL 168.673a]." MCL 168.674(1) at a minimum implies that the list is the list of a major political party. Neither MCL 168.674 nor MCL 168.765a provides an explicit right to any individual or entity to challenge the election inspector parity requirement.[2] But as Judge JANSEN observed in her

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[2] The county chair of a major political party is provided express authority to challenge the appointment of individual election inspectors, but a challenge must be based on "the

dissenting opinion below, if the Court of Appeals majority's reasoning is taken to its logical conclusion, then it is possible that no one, including the county chairs of major political parties, would have authority to challenge the parity requirement under MCL 168.674 or MCL 168.765a.

More importantly, given the role of major political parties, such as plaintiff, in the electoral process through their affiliated inspectors and under Michigan's election laws, these parties have a unique interest in ensuring the fair and equal treatment of party-affiliated candidates during voting and the counting of ballots, which is fulfilled through party-affiliated election inspectors. As mentioned, the role of major political parties in the electoral process, for example, includes the right to submit, through the county chair, the names of individuals whom the board of election commissioners may appoint to serve as election inspectors. MCL 168.673a; MCL 168.674(1) and (2). Through these provisions, the Legislature has ensured that the major political parties have a role in suggesting who may be appointed to serve as election inspectors—a special right and substantial interest in ensuring that the electoral process meets the partisan parity mandate articulated in MCL 168.674(2). The significant role played by the major political parties in this area of election law supports the conclusion that they have a unique interest, distinct from the general public, in asserting a challenge if a board of election commissioners did not "*appoint* an equal number, as nearly as possible, of election inspectors . . . from each major political party," MCL 168.674(2) (emphasis added), since plaintiffs, through their county chair, can submit a list of individuals for *appointment*. See *Lansing Sch Ed Ass'n*, 487 Mich at 372. There can be no doubt that the major political parties themselves have a sufficient interest in ensuring parity among appointed election inspectors to "ensure sincere and vigorous advocacy" of the issue. *Id*. at 355 (quotation marks and citation omitted). Therefore, we reverse both the decision of the Genesee Circuit Court and the decision of the Court of Appeals to the contrary.[3]

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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." MCL 168.674(3). The board of election commissioners is required to appoint election inspectors to serve on absent voter counting boards under MCL 168.765a.

[3] Although *White v Highland Park Election Comm*, 312 Mich App 571, 573 (2015), held that "the Legislature has created a form of public enforcement through an administrative appeal process, and has made that process available only to county chairs of the major political parties," *White* is distinguishable because the panel in that case was not required to contemplate that a major political party could be deprived of standing to raise a challenge such as this. We consider *White*'s holding to be limited to its reading of MCL 168.674(2) in the context in which it was decided—whether a citizen who did not even allege she was a resident where electors would be working could bring a lawsuit to challenge this statute.

Because we conclude that plaintiffs have standing to challenge the partisan parity of election inspectors under MCL 168.674(2), plaintiffs are entitled to proceed with their claims in the trial court. We remand this case to the trial court for further proceedings not inconsistent with this order.

We do not retain jurisdiction.

CAVANAGH, C.J., would deny leave to appeal.

HOOD, J., did not participate because the Court considered this case before he assumed office.