



Michigan Supreme Court

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

Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: October 18, 2022

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

FROM: Thomas P. Boyd

RE: Election Related Litigation

Pursuant to Administrative Order 2020-20, attached, this memorandum is being circulated as a reminder to the courts in advance of the upcoming election on November 8, 2022. The procedures outlined in this memo apply to any lawsuit pertaining to an election related matter regardless of whether it is filed before, on, or after November 8, 2022.

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

1. Supreme Court Clerk, Larry Royster, at 517-373-2553 or MSC_Clerk@courts.mi.gov.
2. State Director of Elections, Jonathan Brater, at 517-599-5723 or BraterJ@michigan.gov.
3. Civil Rights and Elections Division, Heather S. Meingast, at 517-335-7659 or meingast@michigan.gov, from 7:00 a.m. to 5:00 p.m., and 517-335-0741 from 5:00 p.m. to 9:00 p.m. (hours for November 8, 2022), *if the complaint is against the state or one of its subdivisions*. The Attorney General's Civil Rights and Elections Division will oversee legal representation for the state on election matters.
4. Governor's Chief Legal Counsel, Nicholas Bagley, at 517-242-9473 or BagleyN1@michigan.gov, and copy Deputy Legal Counsel, Jessica Weare, at 517-281-7026 or WeareJ@michigan.gov.

October 18, 2022

Page 2

Further, AO 2020-20 provides that 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:

- a. Case number and names of parties;
- b. Name of assigned judge and the telephone number where he or she can be reached;
- c. Brief statement of the issues;
- d. Brief statement of the case status; and,
- e. An electronic copy of the final order or judgment, or an order granting a stay or injunctive relief at the email address provided in the memo referenced above.

On or before November 8, 2022, the Court of Appeals will publish on the home page of its website (<https://courts.michigan.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 do not hesitate to contact me if you have any questions.

Attachment

AO No. 2020-20 — Administrative Order Regarding Election-Related Litigation

[Entered September 23, 2020; amended by order entered March 25, 2021.]

In an effort to promote the efficient and timely disposition of election-related litigation, the Court adopts the following requirements and procedural rules, effective immediately.

1. 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.

2. Upon the filing of a complaint regarding an election matter, the following persons must be notified of the lawsuit as soon as practicable:

(a) Supreme Court Clerk

(b) State Director of Elections

(c) Attorney General Civil Litigation, Employment, & Elections Division (if the complaint is against the state or one of its subdivisions).

(d) The Governor's Chief Legal Counsel (on behalf of the Governor)

The State Court Administrator will circulate a memo before each election that identifies the names and contact information for the individuals and offices listed above.

3. 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:

(a) Case number and names of parties;

(b) Name of assigned judge and the telephone number where he or she can be reached;

(c) Brief statement of the issues;

(d) Brief statement of the case status; and

(e) An electronic copy of the final order or judgment, or an order granting a stay or injunctive relief at the email address provided in the memo referenced above.

4. On or before the date of an election, the Court of Appeals will publish on the home page of its website 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.