

Order

Michigan Supreme Court
Lansing, Michigan

October 22, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2024-30
ADM File No. 2024-39

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

Proposed Amendment of
Rule 7.306 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 7.306 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 7.306 Original Proceedings

(A)-(B) [Unchanged.]

(C) The following actions must be initiated only in the Supreme Court as an original proceeding and in accordance with this rule:

(1)-(2) [Unchanged.]

(3) An action under MCL 168.479 that challenges a determination by the Board of State Canvassers under MCL 168.882 or MCL 168.883a regarding a recount or proposed recount of ballots cast for President or Vice President of the United States following the most recent general election.

For any filing deadlines expressed in terms of hours, MCR 1.109(G)(5)(b) does not apply.

(D) What to File. Service provided under this subrule must be verified by the clerk. To

initiate an original proceeding, a plaintiff must file with the clerk all of the following:

(1)-(2) [Unchanged.]

(3) Proof that the complaint and brief were served on the defendant, and

(a)-(b) [Unchanged.]

(c) for purposes of a complaint filed under MCL 168.46, it must also include a date and time stamped copy of the board of state canvasser's certification of the completed recount, and service of a copy of the complaint and brief shall be made on the defendant(s) and all of the following persons if not named as a defendant:

(i)-(iv) [Unchanged.]

A complaint filed under MCL 168.46 must be filed with the Court within 24 hours after the board of state canvassers's~~governor's~~ certification of the completed recount or by~~but no later than~~ 8:00 a.m. on the day before the electors of President and Vice President are required to convene pursuant to MCL 168.47, whichever is earlier.

(d) for purposes of a complaint filed under MCL 168.845a, it must also include a date and time stamped copy of the certification or determination of the presidential election results, and service of a copy of the complaint and brief shall be made on the defendant(s) and all of the following persons if not named as a defendant:

(i)-(iv) [Unchanged.]

A complaint filed under MCL 168.845a must be filed with the Court within 48 hours after the certification or determination of the results of a presidential election and must name the board of state canvassers as a defendant.

(e) for purposes of a complaint filed under MCL 168.479 to challenge a determination under MCL 168.882 or MCL 168.883a, service of a copy of the complaint and brief shall be made on any of the following persons if not named as a defendant:

(i) all presidential and vice presidential candidates who appeared on the ballot,

- (ii) the governor,
- (iii) the attorney general,
- (iv) the secretary of state, and
- (v) any chairperson of a board of county canvassers that may be subject to or participated in the recount.

A complaint filed under MCL 168.479 to challenge a determination under MCL 168.882 or MCL 168.883a must be filed within 24 hours after the Board of State Canvassers issues its determination.

(4) [Unchanged.]

Copies of relevant documents, record evidence, or supporting affidavits may be attached as exhibits to the complaint.

(E) Answer.

(1)-(3) [Unchanged.]

(4) A defendant in an action filed under MCL 168.479 to challenge a determination under MCL 168.882 or MCL 168.883a must file the following with the clerk within 24 hours of the complaint being filed, unless the Court directs otherwise:

- (a) 1 signed copy of an answer in conformity with MCR 2.111(C);
- (b) 1 signed copy of a supporting brief in conformity with MCR 7.212(B) and (D); and
- (c) Proof that a copy of the answer and supporting brief was served on the plaintiff.

(4) [Renumbered (5) but otherwise unchanged.]

(F) [Unchanged.]

(G) Reply Brief. 1 signed copy of a reply brief may be filed as provided in MCR 7.305(E). In an action filed under Const 1963, art 4, § 6(19), a reply brief may be filed within 3 days after service of the answer and supporting brief, unless the Court directs otherwise. In an action filed under MCL 168.845a, a reply brief may be filed

within 24 hours~~1 day~~ after service of the answer and supporting brief, unless the Court directs otherwise. A plaintiff may not file a reply brief in an action for judicial review under MCL 168.46 or in an action under MCL 168.479 that challenges the Board of State Canvassers' determination(s) under MCL 168.882 or MCL 168.883a.

(H)-(L) [Unchanged.]

Staff Comment (ADM File Nos. 2024-30 and 2024-39): The proposed amendment of MCR 7.306 would clarify some previously-adopted amendments and would allow new original actions relating to recounts or proposed recounts of the ballots cast in a presidential election to be filed in this Court as a means of reducing any judicial-related barriers that may interfere with the outcome of such a recount or proposed recount.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by February 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-30/2024-39. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, 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.

October 22, 2025

Elizabeth Kingston-Miller
Clerk