

Order

Michigan Supreme Court
Lansing, Michigan

December 6, 2023

Elizabeth T. Clement,
Chief Justice

166373 & (7)(17)(18)

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

ROBERT LaBRANT, ANDREW BRADWAY,
NORAH MURPHY, and WILLIAM NOWLING,
Plaintiffs-Appellants,

SC: 166373
COA: 368628
Court of Claims: 23-000137-MZ

v

SECRETARY OF STATE,
Defendant-Appellee,

and

DONALD J. TRUMP,
Intervening Appellee.

On order of the Court, the motions for immediate consideration are GRANTED. The application for leave to appeal prior to decision by the Court of Appeals is considered, and it is DENIED, because the Court is not persuaded that the questions presented should be reviewed by this Court before consideration by the Court of Appeals. The motion to intervene is DENIED as moot.

WELCH, J. (*dissenting*).

Whether a potential presidential candidate is constitutionally ineligible to appear on the ballot pursuant to the Insurrection Clause of the Fourteenth Amendment, US Const, Am XIV, § 3, and whether the judiciary can decide that question before an election are questions of monumental importance for our system of democratic governance. Courts across the country are grappling with these very issues for the first time in our nation's history. The deadline for printing ballots for Michigan's 2024 primary election is fast approaching, and there is reasonable uncertainty about the ripeness, justiciability, and merits of the plaintiffs' claims. Under these circumstances, I would grant the bypass application for leave to appeal before a decision by the Court of Appeals, MCR 7.305(C)(1), and, while retaining jurisdiction, remand this case to the Court of Claims to promptly conduct an evidentiary hearing and develop the factual record that could be necessary to resolve the legal arguments presented by the plaintiffs.



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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.

December 6, 2023

Clerk