

MICHIGAN SUPREME COURT

State v. Wayne County Clerk

466 Mich. 640 (Mich. 2002) · No. 119349 · Decided July 17, 2002

SUMMARY

The Michigan Supreme Court held that 2002 PA 432 was a local act subject to the two-thirds legislative approval requirement in Const. 1963, art. 4, § 29. Because the act did not receive the required two-thirds vote in the House of Representatives, the court reversed the circuit court's mandamus order requiring placement of the Detroit city council districting proposal on the ballot and directed dismissal of the complaint.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Corrigan, C.J.; Cavanagh; Weaver; Kelly; Taylor; Young; Markman
JURISDICTION	Michigan
DECIDED	July 17, 2002
DOCKET	119349
DISPOSITION	reversed
PROCEDURAL POSTURE	The plaintiffs sought mandamus in the Wayne Circuit Court to compel placement of a ballot proposition concerning Detroit's city council election system. After the circuit court ordered the proposition placed on the ballot, the Detroit Election Commission and intervening Detroit City Council parties sought appellate review, ultimately applying for leave to appeal to the Michigan Supreme Court before the Court of Appeals had decided the case.
PRECEDENTIAL VALUE	Published Michigan Supreme Court opinion; precedential.
PARTIES	Detroit Election Commission, City Council for the City of Detroit, incumbent Detroit City Council members v. State of Michigan, Governor John Engler, Speaker of the House of Representatives Rick Johnson, Representative Ken Daniels, Wayne County Clerk, Wayne County Election Commission

TOPICS

- election law
- ballot access
- municipal law
- statutory interpretation
- constitutional law

PRACTICE AREAS

election law

constitutional law

municipal law

statutory interpretation

remedies

QUESTIONS PRESENTED

1. Whether 2002 PA 432 was a local or special act under Const. 1963, art. 4, § 29.
2. Whether the act could direct placement of the proposition on the ballot without approval by two-thirds of the members elected to and serving in each house of the Legislature.
3. Whether the plaintiffs' constitutional challenge was ripe before enactment of the proposed law.

HOLDINGS

1. 2002 PA 432 was a local act because, as written and in light of the fixed August 6, 2002, election date, it could not apply to any municipality other than Detroit.
2. The act could not validly direct placement of the proposition on the ballot because it did not receive the constitutionally required two-thirds vote in each house of the Legislature.
3. The challenge was ripe because it concerned whether the Legislature had complied with the constitutionally required procedure for enacting a local act and placing the proposition on the ballot, rather than whether the proposed law would be unconstitutional if enacted.

KEY QUOTATIONS

“In this case, the statute plainly fails to qualify as a general act.” (at 643)

“Accordingly, we reverse the judgment of the Wayne Circuit Court, and order that the plaintiffs’ complaint for mandamus be dismissed.” (at 644)

FACTUAL BACKGROUND

2002 PA 432 directed Detroit to submit to voters a proposal changing the city council from a nine-member at-large system to a nine-member single-member district system. The Detroit Election Commission declined to certify the measure for the August 6, 2002, ballot. The statute was framed to apply to cities with a population of at least 750,000 and a nine-member at-large council, but at the relevant time only Detroit met those criteria and the election date made application to another city impossible.

PROCEDURAL HISTORY

The Wayne Circuit Court ordered that the proposition required by 2002 PA 432 be placed on the August 6, 2002, ballot. The Court of Appeals denied motions for expedited consideration, and the appellants sought leave to appeal in the Michigan Supreme Court. The Supreme Court reversed the circuit court's judgment, directed dismissal of the mandamus complaint, and ordered steps to notify voters that the proposition had been removed and that votes would not be counted.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The plaintiffs' mandamus complaint was ordered dismissed. Defendants were directed to take whatever steps they deemed appropriate to inform prospective voters that the proposition had been removed from the ballot by court order and that votes on it would not be counted.

CASES CITED

- Dearborn v. Wayne County Board of Supervisors, 275 Mich. 151, 155-157; 266 N.W. 304 (1936)
- Irishman's Lot, Inc. v. Secretary of State, 338 Mich. 662, 666-668; 62 N.W.2d 668 (1954)
- Mulloy v. Wayne County Board of Supervisors, 246 Mich. 632, 637-640; 225 N.W. 615 (1929)
- Avis Rent-A-Car System, Inc. v. City of Romulus, 400 Mich. 337, 345; 254 N.W.2d 555 (1977)
- Hamilton v. Secretary of State, 212 Mich. 31; 179 N.W. 553 (1920)
- Ferency v. Board of State Canvassers, 198 Mich. App. 271; 497 N.W.2d 233 (1993)
- Beechnau v. Secretary of State, 42 Mich. App. 328; 201 N.W.2d 699 (1972)