

Clerk of the Michigan Supreme Court Demonstrates 2-Tier Justice System in his single-handed Rejection of CCLMV Lawsuit Filing

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FOR IMMEDIATE RELEASE

On Tuesday, July 2, 2024, the Clerk of the Michigan Supreme Court, Larry Royster, not the Court or any Justice on the court, issued the following statement regarding the lawsuit filed by the Coalition of Concerned Legal Michigan Voters:

“This is Larry Royster, the Clerk of the Michigan Supreme Court. We met when you dropped off the pleading of the Coalition of Concerned Legal Michigan Voters this past Friday. I have reviewed the pleading and I’m afraid that we cannot accept it for filing because it’s not one that can be initiated in the Supreme Court. The pleading asserts that the Court has original jurisdiction in the case, just as the Court had original jurisdiction in No. 164755, Promote the Vote v Board of State Canvassers. However, that’s not the case. The Promote the Vote case was initiated in the Supreme Court pursuant to MCL 168.479, which specifically allows a person who is aggrieved by a decision of the Board of State Canvassers regarding the sufficiency/insufficiency of an initiative petition to file the action in the MSC in the first instance. Your pleading does not challenge a decision of the Board of State Canvassers; rather, you challenge amendments to the state constitution and several statutes. An action of that type must be initiated in a circuit court. “

Please note that the Michigan Board of State Canvassers was specifically cited as a defendant in the proposed CCLMV lawsuit. The focus of the proposed lawsuit was the unlawful decision to place Proposal 2022-2 on the ballot by the State Board of Canvassers albeit under an order issued by the Michigan Supreme Court. In our proposed lawsuit, CCLMV contends that Proposal 2022-2 was not a single amendment to the Michigan Constitution but in fact nine separate amendments. Voters were thereby not given the opportunity to understand the true impact of all amendments in the brief abstract presented to voters on their ballots. Clearly, the lawsuit challenges a decision made by the State Board of Canvassers. The argument that the lawsuit “does not challenge a decision of the Board of State Canvassers” is factually incorrect.

For reference purposes, MCL 168.479 reads as follows:

“168.479 Review of determination; mandamus, certiorari or other remedy; legal challenge to supreme court.

(1) Notwithstanding any other law to the contrary and subject to subsection (2), any person who feels aggrieved by any determination made by the board of state canvassers may have the determination reviewed by mandamus or other appropriate remedy in the supreme court.

(2) If a person feels aggrieved by any determination made by the board of state canvassers regarding the sufficiency or insufficiency of an initiative petition, the person must file a legal challenge to the board's determination in the supreme court within 7 business days after the date of the official declaration of the sufficiency or insufficiency of the initiative petition

or not later than 60 days before the election at which the proposal is to be submitted, whichever occurs first. Any legal challenge to the official declaration of the sufficiency or insufficiency of an initiative petition has the highest priority and shall be advanced on the supreme court docket so as to provide for the earliest possible disposition.”

The Clerk of the Michigan Supreme Court would perhaps have been justified in challenging the timing of the lawsuit under the provisions of MCL 168.479, but notably that was not even addressed in the letter that denied the filing. However, the details of Proposal 22-2 were not made available to voters more than 60 days prior to the ballot initiative, or even within 5 days following the 2022 elections. This seems to indicate that the rejection of the filing was based more on a capricious disregard for the content of the filing under the color of law. Such a basis for the decision gives yet more evidence in support of the observation of a growing number of citizens that we now live under a two-tier justice system. Promote the Vote had their day in court. CCLMV has been denied their day in court as of this notice from the Court Clerk.

Further, the Michigan State Constitution states, § 1 Political power. Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Supreme Court Clerk Larry Royster states, “The pleading asserts that the Court has original jurisdiction in the case, just as the Court had original jurisdiction in No. 164755, Promote the Vote v Board of State Canvassers. However, that’s not the case.” Yet, the case filing does name the Canvassers as Respondents, therefore, the case is challenging the actions of the Canvassers in placing Proposal 22-2 on the ballot. The Proposal would not have appeared on the ballot had the Michigan Supreme Court not ordered the Canvassers to place it on the ballot, despite the stalemate in the State Board of Canvassers at that time.

The order of the Michigan State Court in No. 164755 to place Proposal 22-2 on the ballot is the only reason the Proposal appeared on the 2022 ballot. This order was issued under the original jurisdiction of the Court. Had it not been for the Supreme Courts action in this case, the Proposed Revisions to our Constitution and subsequent revisions to our election laws would not have occurred at all.

In his message, Supreme Court Clerk Royster concludes, “An action of that type must be initiated in a circuit court.” However, the Michigan Supreme Court has appellate authority over the circuit court, and this amounts to asking a lower court to issue an opinion on the actions of the Supreme Court. Aside from the fact that there is very little time to remedy this constitutional crisis ahead of the 2024 elections, since when does a lower court have appellate jurisdiction over the Supreme Court of the State?

The First Amendment of the United States Constitution and Article I Section 3 of the Michigan Constitution guarantee the right of all citizens to petition the government for redress of grievances. In his rejection of the filing by over 130 legal voters in Michigan, the unelected clerk of the Michigan Supreme Court has denied this fundamental right.

The denial of these fundamental rights is not a surprise when one considers who was behind the push to pass Ballot Proposal 2022-2 in the first place. The principal donors to Promote the Vote 2022 organization behind the ballot proposal were the entirely partisan [1630 Fund and Open](#)

[Society Foundation](#). The 1630 fund alone contributed a reported \$11,261,370 which is more than the total expenditures of those opposed to the ballot proposal. Both the 1630 Fund and Open Society organizations feature significant contributions from foreign donors who have previously demonstrated interest in influencing the electoral process in the United States.

The original petitioners behind the CCLMV filing simply want lawful elections. To date, the actions taken by MI Secretary of State have made that impossible in our state thereby depriving us of the representative government guaranteed by our U.S. Constitution. We cannot allow this state of lawlessness to persist. The 2024 election is upon us.

The Michigan Supreme Court has discretion to consider our lawsuit that goes well beyond the provisions of MCL 168.479. We ask the Michigan Supreme Court to reconsider the denial letter issued by Clerk Royster and provide Michigan citizens the right to be heard. This right to be heard by the Michigan Supreme Court had previously been granted to the foreign investors pushing the passage of Proposal 2022-2. We believe that the voters of Michigan should have more standing than the foreign investors behind Promote the Vote 2022. Failure to do so before the 2024 general election will amplify the rampant uncertainty in the integrity of our elections and will likely result in a deluge of lawsuits in the wake of yet another lawless election.

We call upon ALL Concerned Legal Michigan Voters to join this mission immediately by visiting CCLMV.com

The time to act is now.