

Court of Appeals, State of Michigan

ORDER

D Etta Wilcoxon v Board of State Canvassers

Docket No. 317946

LC No. 13-000944-NZ

Donald S. Owens
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive the transcript and order requirements of MCR 7.209 is GRANTED.

Pursuant to MCR 7.205(D)(2), the circuit court's August 29, 2013 decision is REVERSED, and the amended temporary restraining order is VACATED. The Board of State Canvassers has completed its counting of the ballots at issue, rendering moot plaintiff's challenge to the Board's handling of the ballots. See *Kieta v Thomas M Cooley Law Sch*, 290 Mich App 144, 147; 799 NW2d 579 (2010) ("An issue becomes moot when a subsequent event renders it impossible for the appellate court to fashion a remedy."). The Board must be permitted to fulfill its statutory duty to certify the election results within the ten-day period prescribed in MCL 168.822(2). Such action will not prejudice plaintiff's efforts to obtain a recount if desired. Before a recount can occur, the election results must be certified. The Board of State Canvassers may proceed as necessary to certify the election results.

The motion for stay is DENIED as moot.

We do not retain jurisdiction.

This order has immediate effect pursuant to MCR 7.215(F)(2).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 30 2013

Date


Chief Clerk