

# Court of Appeals, State of Michigan

## ORDER

Ann Arbor Central Park Ballot Committee v City of Ann Arbor

Docket No. 345248

LC No. 18-000816-CZ

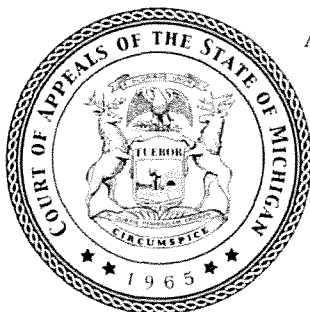
William B. Murphy  
Presiding Judge

David H. Sawyer

Douglas B. Shapiro  
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the August 22, 2018 bench ruling of the Washtenaw Circuit Court, VACATES the August 27, 2018 order effectuating that bench ruling, and REMANDS this matter to the circuit court for further proceedings. The circuit court abused its discretion when it declined to waive the timelines governing motions for summary disposition when presented with emergent circumstances beyond the control of the parties. The circuit court further erred when it denied plaintiff's motion for summary disposition. The Ann Arbor City Council exceeded the discretion conferred upon it by MCL 117.21(2) when it adopted the July 2, 2018 Resolution. MCL 117.21(2) confers discretion on the city council to add an "explanatory caption" to the language of a ballot proposal. Assigning the term "explanatory caption" its plain and ordinary meaning, the term means a title or heading employed to make the ballot question plain or understandable. *Alken-Ziegler, Inc v Hague*, 283 Mich App 99, 102; 767 NW2d 668 (2009); Merriam-Webster's Collegiate Dictionary (11th ed). The language in the July 2, 2018 Resolution does not serve this purpose. Rather, the language provides information that advocates a specific election outcome. On remand, and by the close of business on this date of August 31, 2018, the Washtenaw Circuit Court shall enter an order granting plaintiff's motion for partial summary disposition and declaring that the ballot language contained in the July 2, 2018 Resolution null and void. The Circuit Court shall also direct defendant city clerk to forward to the Washtenaw County Election Commission the ballot language approved by the June 18, 2018 city council Resolution for placement on the November 6, 2018 General Election Ballot. This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



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

AUG 31 2018

Date

  
Chief Clerk