

# Court of Appeals, State of Michigan

## ORDER

Jobs for Michigan Communities v Melissa J Bliss

Docket No. 354770

LC No. 20-000523-AW

Douglas B. Shapiro  
Presiding Judge

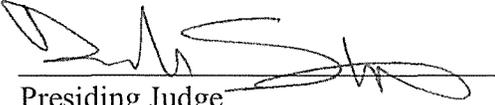
David H. Sawyer

Mark T. Boonstra  
Judges

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The motion for immediate consideration is GRANTED.

The motion to expedite is DENIED.

  
Presiding Judge

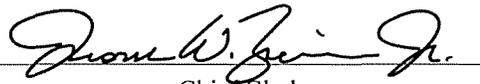
Shapiro, P.J., would grant the motion to expedite, vacate the trial court's order of September 8, 2020 and remand to the trial court for it to enter an order granting the sought mandamus relief. A writ of mandamus is an extraordinary remedy that will be issued only when: "(1) the party seeking the writ has a clear legal right to performance of the specific duty sought, (2) the defendant has the clear legal duty to perform the act requested, (3) the act is ministerial, and (4) no other remedy exists that might achieve the same result." *Citizens Protecting Michigan's Constitution v Secretary of State*, 280 Mich App 273, 284; 761 NW2d 210 (2008), aff'd in part 482 Mich 960 (2008). Plaintiff filed a petition containing the requisite number of signatures set forth in MCL 333.27956(1) and defendant has failed to provide authority showing that the petition's form was rendered deficient because the text of the proposal was on a fold-over extension. Thus, the clerk had a clear legal and ministerial duty to place the proposal on the ballot and there is no other remedy that might achieve the same result. In addition, defendants' substantive challenges to the proposal are premature and may be asserted only if and when the proposal is enacted. See *Coalition for a Safer Detroit v Detroit City Clerk*, 295 Mich App 362, 371-372; 820 NW2d 208 (2012).



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

SEP 11 2020

Date

  
Chief Clerk