

Order

Michigan Supreme Court
Lansing, Michigan

December 30, 2019

Bridget M. McCormack,
Chief Justice

160719 & (17)

David F. Viviano,
Chief Justice Pro Tem

SONDRA HARDY,
Plaintiff-Appellant,
and

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

STACI HAAG,
Plaintiff,

v

SC: 160719
COA: 351694

SECRETARY OF STATE and DIRECTOR
OF ELECTIONS,
Defendants-Appellees.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the December 20, 2019 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the order of the Court of Appeals and REMAND this case to the Court of Appeals for entry of an order of mandamus. As acknowledged by the Board of State Canvassers in its brief filed in the related appeal in *Inman v Board of State Canvassers*, Court of Appeals No. 350173, the reasons given for the recall are the officeholder's filing of a notice of diminished capacity in his federal criminal case and the allegedly missed votes in the House of Representatives. See Defendant's Court of Appeals Brief at pp 5-6 ("While the inclusion of a description of the counts of the indictment was certainly not flattering or helpful to Representative Inman, the language of the petition does not make the indictment a reason for the recall."). The recall petition is proper because the reasons given for recall in the circulated petitions were not different than the reasons that were approved by the Board of Canvassers. This Court is not presented with, and is not passing on, the merits of the officeholder's claim of appeal that is currently pending in the Court of Appeals. Court of Appeals Docket No. 350173. The Court of Appeals shall continue to treat this matter as a priority. MCR 7.213(C)(4).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 30, 2019

Clerk