Court of Appeals, State of Michigan

ORDER

LARRY LEIB V OAKLAND COUNTY CLERK

Docket No. 285768

LC No. 2008-091695-AW

Pat M. Donofrio
Presiding Judge

Mark J. Cavanagh

Kathleen Jansen
Judges

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

The motion to expedite is GRANTED.

On the Court's own motion, pursuant to MCR 7.216(A), the circuit court's June 3, 2008 order is AFFIRMED. The primary objective of judicial construction of the state constitution is to give effect to the intent of the people who adopted it. The common understanding of the constitutional text should ordinarily be derived from applying the plain meaning of its terms. *National Pride at Work v Governor*, __ Mich __; __ NW2d __ (No. 133429, 5/7/08). The plain meaning of the term "any" is to be interpreted in an expansive manner so as to encompass every and all possible categories of the things mentioned. *Id.* Const 1963, art 6, §21 states that "***Any*** ... judge of a court of record shall be ineligible to be ... elected to an elective office other than a judicial office during the period of his service and for one year thereafter." The plain meaning of the words "any ... judge of a court of record" includes both judges holding office by virtue of election or gubernatorial appointment as well as those assigned as visiting judges following their official retirement. The specific language of the enabling statute refers to retired judges being assigned to a "period of active judicial service ...." MCL 600.226(2). A retired judge serving a "period of active judicial service" in a court of record certainly falls within the description of "any" judge of a court of record. The circuit court did not err by holding that Const 1963, art 6, §21 barred the intervening defendant from running for county prosecutor.

This order shall have immediate effect. MCR 7.215(F)(2).

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 0 5 2008
Date

Sandra Schultz Mengel
Chief Clerk