

Court of Appeals, State of Michigan

ORDER

Kathy Vogt v Paul Wojno

Docket No. 304442

LC No. 2011-002175-AW

E. Thomas Fitzgerald
Presiding Judge

Mark J. Cavanagh

Henry William Saad
Judges

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

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is DENIED for failure to persuade the Court of the existence of manifestly reversible error warranting peremptory relief without argument or formal submission. Plaintiffs failed to establish that the circuit court clearly erred in denying their complaint for mandamus. Courts must enforce the provisions of the Michigan Election Law as written. *Martin v Secretary of State*, 482 Mich 956; 755 NW2d 153 (2008). MCL 168.558(2) does not require that a candidate's date of birth be included in an affidavit of identity. While the statute provides for other information that may be required to satisfy the officer as to the identity of the candidate, there is no showing that the city clerk made the determination that date of birth was necessary information. The fact that a standard form used throughout the state has a space for date of birth does not establish that the information was required by the city clerk pursuant to MCL 168.558(2).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN 09 2011

Date


Chief Clerk