

STATE OF MICHIGAN  
COURT OF APPEALS

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HAROLD H. DUNN,

Plaintiff-Appellant,

V

STATE OF MICHIGAN,

Defendant-Appellee.

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UNPUBLISHED

December 27, 2002

No. 236632

Wayne Circuit Court

LC No. 01-103516-CZ

Before: Hood, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Plaintiff brought this action in the Wayne Circuit, alleging generally that MCL 168.685, which establishes the requirements for placing and retention of new political parties on the ballot is unconstitutional. Plaintiff alleged that he is a member and officer of the Constitution party, formerly known as the U.S. Taxpayer Party. In 2000, the party secured sufficient signatures to place the party on the November 7, 2000 general election ballot. Its principal candidate, however, did not receive sufficient votes during the November 7, 2000 to maintain ballot access without the party again submitting petitions for ballot access. Consequently, none of its candidates could appear on the November 5, 2002 ballot unless petitions with the appropriate number of signatures were filed. The trial court issued an order dismissing plaintiff's complaint, and plaintiff appeals as of right. We dismiss as moot. This case is being decided without oral argument pursuant to MCR 7.214(E).

The November 5, 2002 election has already occurred. An issue is moot if an event has occurred rendering it impossible for this Court to grant relief to a party even if it should decide in favor of that party. *City of Jackson v Thompson McCully, Co, LLC*, 239 Mich App 482, 493; 608 NW2d 531 (2000). Since we cannot, even if we held that plaintiff is correct, place the party on the 2002 ballot, the issue is moot.

Dismissed.

/s/ Harold Hood

/s/ Michael R. Smolenski

/s/ Kirsten Frank Kelly