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STATE OF MICHIGAN
COURT OF APPEALS

OAKLAND CARES COALITION,

Plaintiff-Appellant,

v

GWENDOLYN TURNER,

Defendant-Appellee.

UNPUBLISHED
September 1, 2021

No. 358304
Oakland Circuit Court
LC No. 2021-189358-AW

Before: MURRAY, C.J., and SERVITTO and O’BRIEN, JJ.

MURRAY, C.J. (*concurring*).

I concur in the majority’s decision to reverse the order denying a writ of mandamus. As outlined by the majority opinion, MCL 168.646a(2) does not permit the township clerk to make a pre-election legal determination regarding the validity of the proposed ordinance. Instead, it is only delegated the task of certifying to the county clerk “the wording of the ballot question,” and nothing more. Whether the proposed ordinance violates a provision of the Michigan Constitution does not come into play when certifying the wording of the question to be placed on the ballot. The statute is clear in that regard, and the case law disputed by defendant is not needed to come to this conclusion. It may buttress the conclusion, but the statute’s plain terms provide the answer in the first instance.

/s/ Christopher M. Murray