

COURT HOLIDAY COURT RULE

ISSUE:

Should the Representative Assembly request that the Michigan Supreme Court amend court rule MCR 8.110(D) to include Election Day to be observed by all state courts without an adopted modifying administrative order?

RESOLVED, that the State Bar of Michigan supports amendment of the Michigan Court Rules to include Election Day as an observed holiday for all courts without an adopted modifying administrative order.

FURTHER RESOLVED, that the State Bar of Michigan proposes the amendment to Chapter 8 of the Michigan Court Rules by amending MCR 8.110(D), as follows:

(D) Court Hours; Court Holidays; Judicial Absences.

(2) Court Holidays; Local Modification.

(a) The following holidays are to be observed by all state courts, except those courts which have adopted modifying administrative orders pursuant to MCR 8.112(B):

New Year's Day, January 1;

Martin Luther King, Jr., Day, the third Monday in January in conjunction with the federal holiday;

Presidents' Day, the third Monday in February;

Memorial Day, the last Monday in May;

Independence Day, July 4;

Labor Day, the first Monday in September;

Election Day, the Tuesday after the first Monday in the month of November;

Veterans' Day, November 11;

Thanksgiving Day, the fourth Thursday in November; Friday after Thanksgiving;

Christmas Eve, December 24;

Christmas Day, December 25;

New Year's Eve, December 31;

(emphasis added).

SYNOPSIS

The proposed addition to the Michigan Court Rules allows court employees, attorneys, jurors, parties, witnesses, and the general public to exercise voting rights on Election day. Currently, Michigan courts are open on election day and may create an obstacle to persons exercising their right to vote.

BACKGROUND

The proposed rule amendment is based upon the current recognized court holidays that may hinder eligible persons from exercising their right to vote.

OPPOSITION

None known.

PRIOR ACTION BY REPRESENTATIVE ASSEMBLY

None known.

FISCAL AND STAFFING IMPACT ON STATE BAR OF MICHIGAN

None known.

STATE BAR OF MICHIGAN POSITION

By vote of the Representative Assembly on September 18, 2021

Should the Representative Assembly request that the Michigan Supreme Court amend court rule MCR 8.110(D) to add Election Day to be observed by all state courts without an adopted modifying administrative order?

(a) Yes

or

(b) No