

STATE OF MICHIGAN
COURT OF APPEALS

JOBS FOR OAKLAND,

Plaintiff-Appellant,

v

GWENDOLYN TURNER,

Defendant-Appellee,

and

LISA BROWN,

Intervening Defendant-Appellee.

UNPUBLISHED

March 18, 2021

No. 355065

Oakland Circuit Court

LC No. 2020-183002-AW

Before: O’BRIEN, P.J., and SERVITTO and GLEICHER, JJ.

PER CURIAM.

The circuit court denied Jobs for Oakland’s (JFO) request for a writ of mandamus compelling Royal Oak Charter Township Clerk Gwendolyn Turner to certify a ballot initiative for the November 2020 election because the application deadline had already passed when JFO filed its complaint. JFO’s appellate challenge is moot as the election has passed, and no exception warrants our review of this moot issue. We affirm.

I. FACTUAL BACKGROUND

JFO authored a ballot initiative to pass ordinances in various municipalities that would allow for the operation of certain retail marijuana facilities. After collecting signatures, JFO timely submitted its ballot initiative petitions to the clerks in those municipalities. In Royal Oak Charter Township, Turner disqualified several signatures, leaving the petition lacking the requisite number under MCL 333.27956(1). Turner therefore rejected JFO’s ballot initiative on August 4. On August 13, the deadline for certifying the ballot language under MCL 168.646a(2) expired.

JFO did not file its complaint against Turner in the circuit court seeking a writ of mandamus to compel her to certify the ballot initiative until August 20, one week after the statutory deadline.

Oakland County Clerk Lisa Brown intervened in the action as a necessary party. Brown argued that certifying the ballot initiative after the August 13 deadline would violate Michigan election law. The circuit court agreed and denied JFO's complaint. JFO appealed to this Court.

II. ANALYSIS

JFO's appellate challenge is moot. It is the duty of this Court "to consider and decide actual cases and controversies." *Barrow v Detroit Election Comm*, 305 Mich App 649, 659; 854 NW2d 489 (2014) (quotation marks and citation omitted). As such, "[w]e generally do not address moot questions or declare legal principles that have no practical effect in a case." *Id.* "An issue is moot if an event has occurred that renders it impossible for the court to grant relief. An issue is also moot when a judgment, if entered, cannot for any reason have a practical legal effect on the existing controversy." *Id.* (quotation marks and citation omitted).

There is nothing this Court can do to place JFO's initiative on the November 2020 ballot. The election has come and gone. Accordingly, JFO's appeal is plainly moot.

"However, a moot issue will be reviewed if it is publicly significant, likely to recur, and yet likely to evade judicial review." *Id.* at 660 (quotation marks and citation omitted). We assume for the sake of argument that this ballot initiative is publicly significant and that the challenges raised by JFO are likely to recur. Even so, our review would be inappropriate because the issue is not likely to evade judicial review. Our Court already reviewed identical appellate challenges before the November 2020 election in *Jobs for Oakland v Neeb*, unpublished order of the Court of Appeals, entered September 10, 2020 (Docket No. 354755), and *Jobs for Farmington v Mullison*, unpublished order of the Court of Appeals, entered September 9, 2020 (Docket No. 354743). The issues have been reviewed and no exception to the mootness doctrine exists.

We affirm.

/s/ Colleen A. O'Brien
/s/ Deborah A. Servitto
/s/ Elizabeth L. Gleicher