

STATE OF MICHIGAN
COURT OF CLAIMS

ROBERT DAVIS,

Plaintiffs,

v

JOCELYN BENSON, in her official capacity as
the duly elected Secretary of State,

Defendant.

OPINION AND ORDER

Case No. 25-00083-MZ

Hon. Brock A. Swartzle

OPINION AND ORDER GRANTING DEFENDANT’S MOTION
FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(7) AND (C)(8)

Plaintiff Robert Davis filed this lawsuit against Defendant, Jocelyn Benson, in her official capacity as Michigan’s Secretary of State, for the purpose of obtaining declaratory and mandamus relief that would, among other things, declare invalid nominating petitions filed by Detroit Mayoral Candidates Saunteel Jenkins and Frederick Durhal, Jr.

Defendant moved for summary disposition in lieu of an answer, asserting that Davis’ challenges to the nominating petitions and these candidates were barred by the collateral-bar doctrine. In response, Davis agreed with respect to Counts I, II, and IV of his complaint. A June 3, 2025 Order from the Wayne Circuit Court dismissing Davis’ parallel complaint resolved these claims, and they cannot be collaterally attacked here.

With respect to Count III, Davis challenges the Secretary’s April 2020 Election Manual and its revised version dated October 20, 2023, because the manuals purportedly support the Detroit election officials’ decision to accept these nominating petitions. The purported factual and

legal controversy surrounding the nominating petitions critically underpins Count III. Because this controversy is not properly before this Court, Davis does not have standing to pursue Court III.

I. BACKGROUND

Davis’ complaint stems from the nominating petitions filed by two candidates for the August 2025 primary election in Detroit. On one petition, Saunteel Jenkins did not strike “township” in the following sentence:

We, the undersigned, registered and qualified voters of the _____ City }
_____, in the County of _____ and State of _____ Township }
Michigan, nominate _____,
as candidate for the office of _____ to be voted for at the Primary
Election on the _____ day of _____, 20____.

On the other petition, Frederick Durhal, Jr. listed his name as “Frederick Durhal,” as opposed to “Frederick Durhal, Jr.” No other issues were identified by Davis.

Davis filed a complaint with the Detroit City Clerk on April 29, 2025, claiming that these discrepancies violated MCL 168.544c(1). The Director of Elections for the City of Detroit rejected Davis’ complaint, based in part on the April 2020 Election Manual from the Secretary of State, which stated that the omission or technical inaccuracy of a term expiration date does not invalidate an otherwise facially valid petition sheet so long as the filing official can clearly determine the office being sought. By analogy, the director reasoned, because “there is only one Mayor and the office being sought is clearly identified on the petitions,” Davis’ assertion had “no legal basis.”

Davis appealed to the Bureau of Elections (BOE) of the Secretary of State, which issued a letter denying Davis’ appeal as to each candidate on May 15, 2025. While acknowledging that the April 2020 Election Manual cited by the director was outdated and had been replaced by one dated

October 20, 2023, the BOE recognized that “the same guidance” is included in the October 2023 version. With respect to the failure to strike either the city or township identifier, the BOE letter states that “[t]he Bureau has consistently found that the city/township designation is needed only to differentiate between jurisdictions with the same name. . . . [T]here is no township of Detroit in Michigan, and therefore, no possible confusion over the jurisdiction of signatories.”

With respect to Davis’ challenge to Durhal’s name, the BOE’s letter states that while Michigan election law “prescribes requirements” for how a candidate’s name appears on the affidavits of identity and ballot, it “does not specify the way a candidate’s name must appear on *nominating petitions* circulated by the candidate.” “Requirements that are not expressly stated in a statute cannot be read into the statute.” Thus, the BOE denied Davis’ appeals.

On May 23, 2025, Davis filed a lawsuit in Wayne Circuit Court, seeking a declaration that the nominating petitions filed by these respective candidates are invalid because they “did not strictly comply with MCL 168.544c(1)” and requesting the candidates’ names be removed from the ballot. On June 3, 2025, the Wayne Circuit Court issued a final order dismissing Davis’ complaint. Davis has filed an appeal in that separate case.

II. LEGAL ANALYSIS

A. STANDARD OF REVIEW

The parties agree that Counts I, II and IV are barred by the collateral-bar doctrine, and this Court concurs. Accordingly, summary disposition to defendant on those claims is appropriate under MCR 2.116(C)(7). As to the remaining Count III, defendant has moved for dismissal under MCR 2.116(C)(8) and (10). Because the pleadings serve as an adequate basis to resolve this count, the Court will focus on MCR 2.116(C)(8).

“A motion under MCR 2.116(C)(8) tests the *legal sufficiency* of a claim.” *El-Khalil v Oakwood Healthcare Inc*, 504 Mich 152, 159-160; 934 NW2d 665 (2019). When evaluating a motion under this provision, this Court “must accept all factual allegations as true, deciding the motions on the pleadings alone” and granting summary disposition only “when a claim is so clearly unenforceable that no factual development could possibly justify recovery.” *Id.*

B. STANDING

In Count III, Davis seeks a declaration that the provisions of the election manuals providing guidance for the city/township nominating petitions are void and unenforceable because they were not promulgated as rules under the Administrative Procedures Act, MCL 24.201 *et seq.* The Secretary argues that Davis does not have standing to pursue this claim.

The standing doctrine exists “to assess whether a litigant’s interest in the issue is sufficient to ensure sincere and vigorous advocacy Thus, the standing inquiry focuses on whether a litigant is a proper party to request adjudication of a particular issue” and whether the litigant has a “legal cause of action.” *Lansing Schs Ed Ass’n v Lansing Bd of Ed*, 487 Mich 349, 354-356, 372-373; 792 NW2d 686 (2010) (cleaned up). In the absence of a legal cause of action or viable declaratory action, Davis must demonstrate a special injury or “a substantial interest” that will be “detrimentally affected in a manner different from the public at large.” *Detroit Fire Fighters Ass’n v Detroit*, 449 Mich 629, 633; 537 NW2d 436 (1995). While “the bar for standing is lower when a case concerns election law,” this does not ameliorate the need for an actual controversy between the parties. *League of Women Voters of Mich v Sec’y of State*, 506 Mich 561, 587-588; 957 NW2d 731 (2020).

There is a significant question as to whether Davis, a resident and registered voter of the city of Highland Park in Wayne County, has standing to challenge nominating petitions submitted

in support of a candidate for Detroit’s mayoral election. This question was presented to the Wayne Circuit Court, resolved by dismissal of Davis’ complaint through a June 3, 2025 Order, and is presumably one of the issues to be raised on appeal.

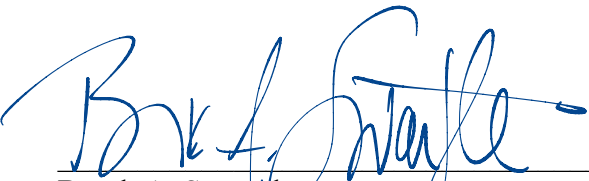
Davis’ interest in challenging the Secretary’s manuals in this case, without any factual or legal underpinning supporting a violation of the law, is even more tenuous. First, Davis has no legal cause of action. Second, given that Counts I, II and IV are not properly before this Court, he has no “actual controversy” involving the manuals, so he cannot maintain a declaratory action under MCR 2.607(A)(1) in this Court. Third and finally, for the same reason that his declaratory action fails, Davis has no special injury or substantial interest in the manuals as they relate to nominating petitions. Accordingly, Davis does not have standing to pursue Count III.

III. CONCLUSION

For the reasons explained above, defendant’s motion for summary disposition is GRANTED under MCR 2.116(C)(7) and (C)(8).

This is a final order that disposes of the last remaining claim in this case.

Date: June 16, 2025



Brock A. Swarttle
Chief Judge, Court of Claims

