Court of Appeals, State of Michigan

ORDER

RALPH REBANDT V BOARD OF STATE CANVASSERS

Docket No. 380992

Michael F. Gadola
Presiding Judge

Adrienne N. Young

Randy J. Wallace
Judges

The motion to expedite consideration of the complaint is GRANTED.

The motion for immediate consideration is GRANTED.

The motion to file a reply brief is GRANTED and the brief filed on June 3, 2026 is ACCEPTED.

The complaint for mandamus is DENIED. The language of the statutory scheme determines whether the Legislature's grant of authority included by implication the power to use sampling to determine the sufficiency of the petitions. See *Mich Muni Liability and Property Pool v Muskegon Co Bd of Co Rd Comm'rs*, 235 Mich App 183, 191 (1999). When read together, MCL 168.552(8) and MCL 168.552(13) authorized the Board to "canvass the petitions" at issue "to ascertain" whether there were sufficient valid signatures by reference to the qualified voter list using methods other than a signature-by-signature review. Consequently, the Board did not act ultra vires by using statistical sampling to invalidate signatures without specifically examining each signature and comparing it to the qualified voter file. Plaintiff failed to establish that he has a clear, legal right to performance of the specific duty that he has sought. See *Johnson v Bd of State Canvassers*, 341 Mich App 671, 685 (2022).

To the extent that plaintiff has also requested declaratory relief incident to his complaint for mandamus, the requests are DENIED.

The complaint for superintending control is DENIED for lack of jurisdiction. See MCR 7.203(C)(1).

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 4, 2026
Date

Chief Clerk