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STATE OF MICHIGAN

COURT OF APPEALS

SHALANDA C. LEGGS and ROBERT DAVIS, Plaintiffs-Appellants, v SECRETARY OF STATE, Defendant-Appellee.	UNPUBLISHED August 25, 2026 1:11 PM No. 382065 Court of Claims LC No. 26-000148-MB

Before: KOROBKIN, P.J., and FEENEY and BAZZI, JJ.

PER CURIAM.

In this expedited[1] election matter, plaintiffs, Shalanda C. Leggs and Robert Davis, appeal by right the Court of Claims' August 17, 2026 order granting disposition to defendant, the Secretary of State (the SOS), and denying plaintiffs' emergency motion for an evidentiary hearing and to conduct limited discovery. For the reasons set forth in this opinion, we affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

As aptly summarized by the Court of Claims:

> Leggs sought certification as a nonincumbent judicial candidate for the Wayne Probate Court for the 2026 general election. Davis is a Wayne County registered voter who supports Leggs's candidacy. On April 21, 2026, Leggs filed a combined Affidavit of Identity (AOI) and Affidavit of Constitutional Qualifications with [the Wayne County Clerk (the Clerk)]. Leggs also submitted nominating petitions containing at least 4,993 total signatures.[2] Leggs needed

[1] *Leggs v Secretary of State*, unpublished order of the Court of Appeals, entered August 20, 2026 (Docket No. 382065).

[2] In a footnote, the Court of Claims clarified: "Plaintiffs assert in the complaint that Leggs submitted 4,993 total signatures. According to a May 28, 2026 Staff Report, the total number of signatures submitted was 5,011."

4,000 signatures from qualified registered voters to become a certified candidate. On April 28, 2026, a man named Matthew Wilk challenged the validity of 2,390 signatures on Leggs's nominating petitions for various reasons. [Clerk] staff investigated the challenge. On May 28, 2026, a Staff Report was issued, finding that of the 5,011 signatures submitted, 4,889 signatures were reviewable after incomplete signatures were omitted and disqualified signatures were removed. The [Clerk's] staff further found that of the 4,889 reviewable signatures, 544 signatures were of individuals not registered to vote or not registered in the district, 264 were duplicates, and 118 had other errors or miscellaneous identifying issues. Therefore, the total number of valid signatures was 3,973, which was 27 signatures short of the 4,000-signature requirement. Plaintiffs allege that Leggs contacted the [Clerk] that same day regarding errors she perceived in the Staff Report.

On June 3, 2026, [the Clerk] adopted the Staff Report in a written letter (the Final Decision). In the Final Decision, [the Clerk] explained the findings in the Staff Report and noted, "Additionally, the regular validation review outside of the challenge, found in total **3,661** valid signatures." In other words, Leggs's nominating petitions were 339 valid signatures short of the 4,000-signature threshold. Therefore, [the Clerk] concluded, "I hereby determine the nominating petitions are ***insufficient*** in number to allow candidate [Leggs's] name to appear on the ballot for the August 4, 2026, Primary Election for the office of Judge of Probate Court, Wayne County – Regular Term, Non-Incumbent." Plaintiffs allege that, within the next few days, Davis then became involved in the matter and sent an e-mail to Wayne County Director of Elections Gregory Maher on Leggs's behalf. It is unclear from the record whether further communications occurred between Leggs and the [Clerk's] Office.

In an appeal to the SOS dated June 8, 2026, Leggs asked the SOS to (1) vacate and reverse the May 28, 2026 Staff Report, (2) vacate and reverse the June 3, 2026 Final Decision, and (3) determine and declare that Leggs's nominating petitions contained a sufficient number of valid signatures for her to be certified as a candidate. Leggs argued that her nominating petitions contained a sufficient number of valid signatures. To support her request for review, Leggs claimed that 26 signatures that were invalidated due to signature or address issues were later resolved. She claimed that 90 signatures were invalidated as associated with "nonregistered voters" who were later found to be registered in the jurisdiction. She claimed that 46 signatures identified as having miscellaneous issues were later resolved. Thus, Leggs claimed these 162 signatures should have been rehabilitated. Leggs argued the findings in the Final Decision were inconsistent with the findings in the Staff Report and must be vacated. She further argued that the Final Decision failed to list and code every reviewable signature and that the Final Decision failed to account for all signatures. However, plaintiffs have not presented evidence that Leggs provided the SOS with the Petition Signed Report that she alleges accompanied the Final Decision to support her claim that the Final Decision did not incorporate all the signatures.

On June 24, 2026, Jonathan Brater, the Director of the Bureau of Elections (BOE), provided Leggs with a letter outlining the SOS's decision. Director Brater explained:

> In your appeal you request review of 162 specific signatures identified in a worksheet attached as Exhibit D. After review of your petitions, Wayne County determined that you had 3,661 valid signatures. Even if you successfully rehabilitated all 162 of the signatures identified in your appeal you would still have only 3,823 valid signatures. In order to be certified as a candidate for Wayne County Probate Court Judge, 4,000 valid signatures must be submitted. MCL 168.544f. Accordingly, it was not necessary for the Department to process your appeal because you did not appeal a sufficient number of signatures to reverse Wayne County's determination of insufficiency.

Director Brater further explained that although Leggs claimed she was only 27 signatures short of the required 4,000 threshold, Leggs was relying on the Staff Report, which addressed a specific challenge to her nominating petitions, rather than the [Clerk's] Final Decision, which was based on a regular validation review independent of the challenge.

Plaintiffs filed this lawsuit on July 13, 2026. Plaintiff Davis [wa]s proceeding pro se, and Leggs [wa]s represented by counsel. On the same day that they filed this lawsuit, plaintiffs moved for an evidentiary hearing and to conduct limited discovery on the issue of "how the [Clerk] came to the number of signatures in her 'Final Determination,' which differed from the [Clerk's] 'Staff Report.' " Plaintiffs ask[ed] [the Court of Claims] to conduct an evidentiary hearing on the authenticity of the [Clerk's] Staff Report and Final Decision. Plaintiffs also s[ought] to issue subpoenas to [Clerk] staff for their testimony on the discrepancy between the number of valid signatures indicated in the Staff Report and in the Final Decision.

[The Court of Claims] granted expedited consideration of this matter. On July 28, 2026, the SOS moved for summary disposition. Plaintiffs amended their complaint as a matter of right under MCR 2.118(A)(1), adding new factual allegations and new legal claims. Plaintiffs responded to the motion for summary disposition on the same day, arguing that the filing of the amended complaint mooted the pending motion for summary disposition.

As a result, [the Court of Claims] issued an amended scheduling order. Plaintiffs' amended complaint include[d]: (1) a claim for declaratory relief premised on the theory that the SOS did not provide Leggs with a meaningful appellate review and that Leggs submitted at least the minimum number of valid signatures to be certified as a judicial candidate (Count I); (2) a claim for declaratory relief based on the theory that the Judicial Elective Office Manual (upon which the [Clerk] allegedly relied) is void because it was not promulgated as a Rule

(Count II); (3) a claim for violation of procedural due process on the basis that the SOS failed to conduct a meaningful appellate review of Leggs's appeal (Count III); (4) a mandamus claim to require the SOS to perform a full review of Leggs's appeal (Count IV); and (5) a mandamus claim to compel the SOS to "advise and direct" the [Clerk] to certify Leggs's candidacy (Count V).

The SOS moved for summary disposition of the amended complaint under MCR 2.116(C)(8) and (10) on August 7, 2026. The SOS first raise[d] the doctrine of laches, arguing that plaintiffs' amended complaint [wa]s subject to dismissal in its entirety. The SOS argue[d] that plaintiffs filed an amended complaint with the intent of mooting the SOS's pending motion for summary disposition and of "intentionally derail[ing]" [the Court of Claims'] ability to decide the lawsuit on an emergency basis. The SOS argue[d] she was prejudiced by having a shortened response time in this Court and a shortened appeal period in advance of the September 4, 2026 printing deadline for general election ballots.

On the merits, the SOS argue[d] that plaintiffs [had] failed to state a claim on which relief may be granted for purposes of Count I of the amended complaint because Leggs challenged the determination regarding only 162 signatures, which would not be enough to overturn the [Clerk's] decision. The SOS argue[d] that plaintiffs ha[d] not shown a clear legal right to additional review by the SOS or that the SOS ha[d] a legal obligation to "advise and direct" the [Clerk] to perform her duties. The SOS argue[d] that plaintiffs' new claims also lack[ed] merit to the extent they [we]re not barred by laches. The SOS attached to her motion for summary disposition an affidavit signed by Brater. In response to plaintiffs' emergency motion for an evidentiary hearing and limited discovery, the SOS argued, in relevant part, that the motion should be denied as moot because plaintiffs' legal claims fail[ed] as a matter of law for the reasons advanced in the motion for summary disposition.

Plaintiffs responded to the motion for summary disposition, arguing, in relevant part, that laches d[id] not apply in this case because plaintiffs' original and amended complaints were both filed well in advance of the September 19, 2026 overseas mailing deadline for the general election ballots, and the SOS ha[d] not demonstrated prejudice. Plaintiffs further argue[d] that laches d[id] not apply because this matter involve[d] the interpretation of a statute, and the SOS ha[d] unclean hands due to her alleged violation of her statutory duties. On the merits, plaintiffs argue[d], in relevant part, that the SOS violated her statutory duties under MCL 168.552(6) by failing to provide Leggs with a meaningful review of her appeal of the WCC's Staff Report and Final Decision, entitling plaintiffs to a declaratory judgment and a writ of mandamus compelling the SOS to conduct a "full review" of Leggs's appeal and direct the [Clerk] to certify Leggs as a judicial candidate.

Plaintiffs' overarching argument [wa]s that the [Clerk] erroneously concluded that there were 3,661 valid signatures. Plaintiffs contend[ed] that the additional signatures invalidated by the WCC account[ed] for a total of 163

> signatures, and when added to the 3,661 figure, the total is 3,824 signatures, which is not consistent with the 3,973 figure in the Staff Report. Although plaintiffs' argument [wa]s difficult to decipher, they appear[ed] to argue that when the signatures [we]re reconciled appropriately, the total number of valid signatures Leggs presented to the SOS with her appeal exceeded the 4,000-signature threshold. Plaintiffs also challenge[d] whether the SOS c[ould] rely on MCR 2.116(C)(8) to support summary disposition given [her] reliance on Director Brater's affidavit and argue[d] that summary disposition would be premature under MCR 2.116(C)(10) because discovery ha[d] not been conducted. Plaintiffs support[ed] their response with Leggs's affidavit. The SOS[ ]replied. [Footnotes omitted; some alterations in original.]

After dispensing with oral argument, the Court of Claims granted defendant summary disposition under MCR 2.116(C)(8) and denied plaintiffs' motion for an evidentiary hearing and/or limited discovery. This appeal followed.

II. STANDARDS OF REVIEW

On appeal, plaintiffs raise several claims of error, which implicate differing standards of review. A trial court's ruling regarding a motion for summary disposition is reviewed de novo. *Heaton v Benton Constr Co*, 286 Mich App 528, 531; 780 NW2d 618 (2009). As our Supreme Court explained in *Maiden v Rozwood*, 461 Mich 109, 119-120; 597 NW2d 817 (1999):

> A motion under MCR 2.116(C)(8) tests the legal sufficiency of the complaint. All well-pleaded factual allegations are accepted as true and construed in a light most favorable to the nonmovant. A motion under MCR 2.116(C)(8) may be granted only where the claims alleged are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery. When deciding a motion brought under this section, a court considers only the pleadings. [Quotation marks and citations omitted.]

However, for these purposes, any written instruments duly attached to the pleadings, or referred to in them, are properly considered as part of the pleadings. See MCR 2.113(C); *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 163; 934 NW2d 665 (2019).[3]

With regard to mandamus, as this Court explained in *Berry v Garrett*, 316 Mich App 37, 41; 890 NW2d 882 (2016):

> We review de novo, as questions of law, whether defendants have a clear legal duty to perform and whether plaintiff has a clear legal right to performance of

[3] When a trial court considers "material outside the pleadings, this Court will construe the motion as having been granted pursuant to MCR 2.116(C)(10)." *Hughes v Region VII Area Agency on Aging*, 277 Mich App 268, 273; 744 NW2d 10 (2007). In this instance, however, the Court of Claims expressly held that it was *not* considering Brater's affidavit as part of its analysis. Hence, we conclude that review is appropriate under MCR 2.116(C)(8).

> any such duty. Related issues of statutory interpretation are also reviewed de novo. Contrastingly, because mandamus is a discretionary writ, we review for an abuse of discretion a trial court's decision regarding whether to grant mandamus relief. [Quotation marks and citations omitted.]

"A trial court abuses its discretion when it chooses an outcome falling outside the range of reasonable and principled outcomes, or when it makes an error of law." *Forton v St Clair Co Pub Guardian*, 339 Mich App 73, 82; 981 NW2d 103 (2021) (quotation marks and citation omitted).

"[W]e review de novo a trial court's decision regarding whether to apply an equitable doctrine, such as laches." *City of Fraser v Almeda Univ*, 314 Mich App 79, 100; 886 NW2d 730 (2016). Any related factual findings are reviewed for clear error. *Tenneco Inc v Amerisure Mut Ins Co*, 281 Mich App 429, 444; 761 NW2d 846 (2008). "A decision is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake was made." *Id*.

III. ANALYSIS

A. LACHES

Plaintiffs first contend that the Court of Claims erred by holding that Counts II and III in the amended complaint were barred by laches. We disagree.

As our Supreme Court explained in *Pub Health Dep't v Rivergate Manor*, 452 Mich 495, 507; 550 NW2d 515 (1996):

> The doctrine of laches is a tool of equity that may remedy the general inconvenience resulting from delay in the assertion of a legal right which it is practicable to assert. It is applicable in cases in which there is an unexcused or unexplained delay in commencing an action and a corresponding change of material condition that results in prejudice to a party. [Quotations marks and citations omitted.]

As an equitable doctrine, its propriety in a given case is necessarily a fact-specific inquiry. *Henderson v Connolly's Estate*, 294 Mich 1, 19; 292 NW 543 (1940). From the common law, it has been recognized that "[n]othing can call forth th[e] court into activity, but conscience, good faith, and reasonable diligence; where these are wanting, the court is passive, and does nothing." *Id*. (quotation marks and citation omitted). Likewise, "[t]he rule that 'equity aids the vigilant, and not those who slumber on their rights,' is designed to promote diligence on the part of suitors; to discourage laches, by making it a bar to relief; and to prevent the enforcement of stale demands of all kinds, wholly independent of the statutory periods of limitation." *Id*. (quotation marks and citation omitted).

Plaintiffs argue that the Court of Claims' application of laches in this case "not only defies logic and common sense," but is also "contrary to the 'relation-back' doctrine set forth under MCR 2.118(D)." As plaintiffs acknowledge in their brief, however, the relation-back doctrine is used to determine whether an action is time-barred under the applicable *statutory* limitations period. See,

e.g., *Ulrich v Farm Bureau Ins*, 288 Mich App 310, 322; 792 NW2d 408 (2010) ("The relation-back doctrine applies to amended pleadings and may affect the analysis of the timeliness of an action for purposes of compliance with statutes of limitations."). Although there is "a relationship between laches and the statute of limitations," they are nevertheless distinct legal concepts and are capable of establish differing temporal limits on a given claim. See *Tenneco*, 281 Mich App at 456-457. Put simply, because the Court of Claims did not rule that plaintiffs' claims were time-barred under the applicable limitations period, the "relation back" doctrine is irrelevant here. Assuming that the claims at issue were not time-barred under the applicable limitations period, it does not follow that they were also timely asserted for purposes of the equitable doctrine of laches. See *id*. ("If laches applies, a claim may be barred even though the period of limitations has not run. The application of laches can shorten, but never lengthen, the analogous period of limitations."). See also *Luna Pier Truck Depot, LLC v Prime Fin, Inc*, unpublished per curiam opinion of the Court of Appeals, issued June 24, 2021 (Docket No. 353859) (*Luna Pier*); slip op at 6 (collecting authorities for the proposition that "our Supreme Court has—on several occasions—applied laches as a bar against unseasonable motions or other requests for relief made *after* the commencement of a case").[4]

Plaintiffs also argue that it is improper to apply an equitable doctrine, such as laches, when "statutory provisions . . . control[.]" In support of this argument, they cite various authorities for the proposition that a court's equitable powers should not be used to circumvent statutory language or effectively override the Legislature's policymaking prerogative. See, e.g., *Senters v Ottawa Sav Bank, FSB*, 443 Mich 45, 55-56; 503 NW2d 639 (1993) ("Courts of equity, . . . as well as law, must apply legislative enactments in accordance with the plain intent and language used by the legislature. Where, as in the present case, a statute is applicable to the circumstances and dictates the requirements for relief by one party, equity will not interfere.") (quotation marks and citation omitted). What plaintiffs fail to recognize, however, is that in this case, the Court of Claims did not employ laches in order to reach a different substantive result than that dictated by statute; rather, the Court of Claims simply held that the two new counts in the amended complaint were *barred* by laches as a result of undue delay in their assertion—a determination that had nothing to do with the substantive merits of the claims. Again, it is well-settled that laches may bar a claim "even though the period of limitations has not run," *Tenneco*, 281 Mich App at 456, and "courts may apply the doctrine of laches to bar actions at law," not just equitable claims, *City of Fraser*, 314 Mich App at 102. In any event, "mandamus and declaratory relief are themselves equitable in nature[.]" *Davis v Secretary of State*, 346 Mich App 445, 465; 12 NW3d 653 (2023). Moreover, our Legislature has expressly recognized that laches *is* applicable in the context of election-related matters like this one. See MCL 691.1031 ("In a civil action brought in any court of this state affecting elections, dates of elections, candidates, qualifications of candidates, ballots or questions on ballots, . . . there is a rebuttable presumption of laches if the action is commenced less than 45

[4] Although *Luna Pier* is, as an unpublished decision, not binding here, see *In re CADP*, 341 Mich App 370, 386; 990 NW2d 386 (2022), we do not cite it as binding authority in its own right but rather as a reference to several decisions of our Supreme Court that *are* binding on this Court under the doctrine of vertical stare decisis, see generally *In re AGD*, 327 Mich App 332, 339-340; 933 NW2d 751 (2019) (discussing vertical stare decisis).

days before the date of the election affected.").[5] Consequently, the fact that plaintiffs' disputed claims had *foundations* in positive, statutory law did not preclude the Court of Claims from applying laches as a bar to those claims.

Plaintiffs further argue that the Court of Claims erred in ruling that defendant had carried her burden of showing sufficient prejudice to warrant the application of laches. It is true that, "[t]o successfully assert laches as an affirmative defense, a defendant must demonstrate prejudice occasioned by the delay." *Nykoriak v Napoleon*, 334 Mich App 370, 382; 964 NW2d 895 (2020) (quotation marks and citation omitted). It is also true that "[t]he defendant bears the burden of proving this resultant prejudice." *Penrose v McCullough*, 308 Mich App 145, 154; 862 NW2d 674 (2014) (quotation marks and citation omitted). In cases affecting public interests, however, prejudice to such interests is also a germane consideration. See, e.g., *Kipp v Van Wagoner*, 286 Mich 202, 210; 281 NW 592 (1938) ("Laches is a good equitable defense . . . ; and delay for an unreasonable length of time, when coupled with *either* the fact that defendant has incurred great expense relying upon such acquiescence *or* with the fact that the interests of the public have become involved, will ordinarily be held to constitute laches and a good defense.") (emphasis added).

In this case, we perceive no error in the Court of Claims' conclusion that defendant carried her burden of demonstrating the requisite prejudice. "[L]egal challenges that affect elections are especially prone to causing profound harm to the public and to the integrity of the election process the closer in time those challenges are made to the election, making laches especially appropriate to apply in such matters." *Davis*, 346 Mich App at 462. "Election-law cases have very concrete deadlines that are necessary to facilitate the printing and distribution of ballots," and "[t]he current process provides very little time" for courts to review the often "substantial and complex questions of law, which generally require extensive briefing and cannot properly be resolved in a matter of days." *Johnson v Bd of State Canvassers*, 509 Mich 1015, 1016 (2022) (ZAHRA, J., concurring in the denial of leave). Because election officials require "a reasonable amount of time . . . to comply with the mechanics and complexities of our election laws," "[c]ourts can reasonably endeavor to avoid unnecessarily precipitat[ing] changes that would result in immense administrative difficulties for election officials." *Davis*, 346 Mich App at 462 (quotation marks and citation omitted).

In recognition of the emergent nature of this election dispute, on the same day that plaintiffs initiated this action in the Court of Claims—July 13, 2026—they also filed their "emergency" motion for an evidentiary hearing and limited discovery, in which they argued, in pertinent part: "This election-related matter **MUST** be scheduled for a hearing on an expedited basis because the ballot printing deadlines **for the November 3, 2026 general election are the first week of September 2026**." Nevertheless, plaintiffs then waited 17 days before filing their amended

[5] Here, this rebuttable presumption is inapplicable, given that the disputed election is in November 2026 and that plaintiffs commenced this action on July 13, 2026. But "this does not mean that laches does not apply as a matter of law. Although there is no rebuttable presumption of laches in this case, the doctrine may still apply." *Nykoriak v Napoleon*, 334 Mich App 370, 383; 964 NW2d 895 (2020).

complaint, which stated two new claims. In *most* civil actions, such a delay would likely be trivial, causing the defense and the public little or no prejudice. Indeed, in many civil actions, the defendant(s) may not have been served with process—let alone have appeared and answered the complaint—within 17 days of the filing of the initial complaint. See, e.g., MCR 2.102(D) (providing that a "summons expires 91 days after the date the summons is issued"). But in an election case like this one, where the parties are fully aware at the outset that time is of the essence, a delay of 17 days in asserting new claims can result in extreme prejudice, both to the opposing party and to public interests. During the 17-day delay in the case at bar, defendant prepared and filed a motion for summary disposition, which, of course, addressed only the claims and allegations in the initial complaint. Only afterward did plaintiffs file their *amended* complaint, accompanied by a response to defendant's motion for summary disposition in which plaintiffs asserted that that motion had been rendered moot by the amended complaint. In that respect, plaintiffs were entirely correct; their decision to delay 17 days had, in fact, mooted defendant's motion for summary disposition, nullifying much of the work performed by defendant's counsel at public expense. More importantly, the delay also necessarily resulted in defendant having 17 fewer days to respond to the new claims on the merits, in the Court of Claims having considerably less time to issue its decision on the merits in advance of the rapidly approaching election deadlines, and in this Court and our Supreme Court having less time and opportunity to engage in appellate review of any ensuing appeals—all in the midst of an election cycle during which, to our knowledge, all of those entities are attempting to process an extremely high volume of emergency election challenges and appeals. As the litigants who initiated this action and requested "emergency" expedited consideration from both the Court of Claims and this Court, plaintiffs' complaint that the Court of Claims erred by refusing to allow them to needlessly *delay* those proceedings—despite the attendant prejudice to defendant and the interests of the public—rings hollow. As such, we perceive no error in the Court of Claims' application of laches.

Finally, plaintiffs argue that the Court of Claims erred by failing to recognize that defendant had "unclean hands," which rendered defendant undeserving of any equitable relief, including the protection of laches. This is a rehashed version of a circular argument that has been previously raised in this Court without success—i.e., that election officials who have *allegedly* failed to comply with their statutory duties necessarily come to court with soiled hands because it is unlawful to fail to comply with legal duties. See *Davis*, 346 Mich App at 463-465. For the same basic reasons that this Court previously rejected that argument, we do so again here. "Equity does not require complete blamelessness but rather that a party has not acted in bad faith regarding the matter in which relief is sought[.]" *Id*. at 463. Even if proven, an election official's failure to comply with a positive statutory duty may result from a reasonable misunderstanding or misinterpretation of the governing statutes, and "[t]he duty to interpret and apply the law belongs to the courts." *Id*. Moreover, as will be discussed below, we conclude that plaintiffs have failed to carry their burden of demonstrating that defendant had a clear legal duty to perform her disputed review in the manner plaintiffs have specified. Hence, we agree with the Court of Claims that

plaintiffs failed to show that defendant engaged in the sort of misconduct that might warrant a finding of unclean hands. See *id*. at 463-464 & n 12.[6]

B. SUMMARY DISPOSITION UNDER MCR 2.116(C)(8)

Plaintiffs next contend that the Court of Claims erred by granting defendant summary disposition to defendant on plaintiffs' other counts—i.e., those that it did not dismiss as barred under laches—pursuant to MCR 2.116(C)(8). We disagree.

1. COUNT I – DECLARATORY JUDGMENT

In Count I of the amended complaint, plaintiffs requested a declaratory judgment (1) that defendant had "deprived Plaintiff Shalanda Leggs of a meaningful appellate review of the . . . Clerk's 'final determination' of [Leggs's] nominating petitions"; (2) that defendant "did not comply with nor fulfil [her] statutory duties under MCL 168.552(6) and (13) of Michigan Election Law with respect to [Leggs's] timely appeal"; and (3) that Leggs's "nominating petitions contain[ed] the minimum number of 4,000 valid signatures for . . . Leggs to be certified by the . . . Clerk to appear on the . . . ballot as a candidate for Judge of the Wayne County Probate Court." On the face of the pleadings, we agree with the Court of Claims that defendant was entitled to summary disposition on this count.

Plaintiffs have cited no statute imposing a clear legal duty for defendant to engage in any *specific* form of review in response to a challenge under MCL 168.552(6). This is presumably because, as this Court recently recognized, the statutory scheme fails to specify the details of this review process, leaving those details to the discretion of the involved officials. *Drissman v Mich Dep't of State*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 380984); slip op at 3-4. As such, plaintiffs were not entitled to a declaratory judgment that defendant had failed to comply with her statutory duties or deprived Leggs of "meaningful review" under MCL 168.552(6). See *Davis v Wayne Co Election Comm*, 349 Mich App 355, 374-375; 28 NW3d 354 (2023) ("to the extent Davis sought a declaration that would impose duties that cannot be found in the plain language of MCL 168.689, he was not entitled to any such declaration").

Moreover, to the extent that plaintiffs requested a declaratory judgment concerning Leggs's eligibility to be placed on the ballot, that request was merely duplicative of their request for a writ of mandamus "compelling [defendant] to advise and direct the . . . Clerk and Wayne County Election Commission that [Leggs's] nominating petitions ha[d] a sufficient number of valid signatures for . . . Leggs to be certified to appear on the . . . ballot." As our Supreme Court recently reaffirmed: "Claims for declaratory relief necessarily derive from claims for substantive relief because declaratory relief lies only in cases of 'actual controversy,' and not merely for abstract declarations of rights divorced from a factual context." *Attorney Gen v Eli Lilly & Co*, ___ Mich ___, ___; ___ NW3d ___ (2026) (Docket No. 165961) (quotation marks and citation omitted).

[6] Having concluded that the Court of Claims did not err by holding that Counts II and III in the amended complaint were barred by laches, we decline to analyze plaintiffs' arguments concerning the substantive merits of those two claims.

Divorced from the underlying claim for a writ of mandamus, the requested declaratory judgment about the number of valid signatures would have been nothing but an abstract declaration of rights lacking any practical effect. See *Attorney Gen v Bd of State Canvassers*, 318 Mich App 242, 248; 896 NW2d 485 (2016) ("Mandamus is the appropriate remedy for a party seeking to compel *action* by election officials.") (quotation marks and citation omitted; emphasis added). Accordingly, the Court of Claims did not err by granting summary disposition to defendant under MCR 2.116(C)(8) as to Count I.

2. COUNTS IV AND V – MANDAMUS

In Count IV of the amended complaint, plaintiffs requested

> a writ of mandamus compelling [defendant] to conduct a full review of the . . . Clerk's "final determination" with respect to [Leggs's] nomination [sic, nominating] petitions in accordance with MCL 168.552(6) and (13) of Michigan Election Law, which shall include determining the total number of valid signatures . . . by utilizing the qualified voter file (QVF) to determine the genuineness of the signatures.

On the other hand, in Count V of the amended complaint, plaintiff sought a writ of mandamus "compelling" defendant "to advise and direct the . . . Clerk and Wayne County Election Commission that [Leggs's] nominating petitions ha[d] a sufficient number of valid signatures for" Leggs to be certified for inclusion on the disputed ballot.

Contrary to plaintiffs' arguments on appeal, we perceive no error in the Court of Claims' dismissal of both requests for mandamus under MCR 2.116(C)(8). "Mandamus is a discretionary writ and an extraordinary remedy." *Comm to Ban Fracking in Mich v Bd of State Canvassers*, 335 Mich App 384, 394; 966 NW2d 742 (2021).

> The writ is one of grace, and equitable principles apply. When deciding whether to issue a writ of mandamus, a court should consider the germane conditions existing at the time of hearing and determination rather than at the time of institution of the proceeding. The primary purpose of the writ of mandamus is to enforce duties created by law, where the law has established no specific remedy and where, in justice and good government, there should be one. [*Holliday v Bd of State Canvassers*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 372267); slip op at 7 (quotation marks, citations, and brackets omitted).]

To obtain relief in the form of mandamus, the plaintiff "must show that: (1) the plaintiff has a clear, legal right to performance of the specific duty sought, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial, and (4) no other adequate legal or equitable remedy exists that might achieve the same result." *Rental Props Owners Ass'n of Kent Co v Kent Co Treasurer*, 308 Mich App 498, 518; 866 NW2d 817 (2014). In this context, "a clear, legal right is one clearly founded in, or granted by, law; a right which is inferable as a matter of law from uncontroverted facts regardless of the difficulty of the legal question to be decided." *Id*. at 519 (quotation marks and citation omitted). A "ministerial" act is, on the other hand, "one in which the law prescribes and defines the duty to be performed with such precision and certainty as to

leave *nothing* to the exercise of discretion or judgment." *Hillsdale Co Senior Servs, Inc v Hillsdale Co*, 494 Mich 46, 58; 832 NW2d 728 (2013) (emphasis added).

Again, plaintiffs have cited no statutory authority[7] imposing a clear legal duty on defendant to engage in a *specific* form of review in response to a challenge under MCL 168.552(6). Standing alone, that failure is fatal to plaintiffs' request for mandamus relief. See *Kennedy v Secretary of State*, 515 Mich 893, 893-894 (2024) ("[P]laintiff has neither pointed to any source of law that prescribes and defines a duty . . . nor demonstrated his clear legal right to performance of this specific duty, let alone identified a source of law written with such precision and certainty as to leave nothing to the exercise of discretion or judgment. Thus, the plaintiff has not shown an entitlement to this extraordinary relief [i.e., mandamus] . . . .") (quotation marks and citation omitted). Consequently, we conclude that the Court of Claims correctly granted defendant summary disposition of both mandamus counts as a matter of law on the face of the pleadings.

C. MOTION FOR AN EVIDENTIARY HEARING AND/OR LIMITED DISCOVERY

Finally, given that the Court of Claims properly granted summary disposition of all claims under MCR 2.116(C)(8), we reject plaintiffs' argument that the Court of Claims erred by denying their motion for an evidentiary hearing and/or limited discovery. See *El-Khalil*, 504 Mich at 160 (holding that summary disposition is appropriate under MCR 2.116(C)(8) "when a claim is so clearly unenforceable that *no factual development could possibly justify recovery*") (emphasis added); *Veritas Auto Machinery, LLC v FCA Int'l Operations, LLC*, 335 Mich App 602, 608; 968

[7] As the Court of Claims recognized, plaintiffs' reliance on *Wilcoxon v City of Detroit Election Comm*, 301 Mich App 619; 838 NW2d 183 (2013), is also misplaced because *Wilcoxon* is materially distinguishable from the instant case. Indeed, we agree with the Court of Claims' analysis entirely and, in lieu of attempting to reinvent that particular analytical wheel, simply adopt it:

> To support that the SOS had a duty to conduct a further investigation into the number of valid signatures, plaintiffs rely on [*Wilcoxon*]. However, the central issue in that case was that the defendants (the Detroit Election Commission and the Detroit City Clerk), failed to give the plaintiff an official declaration of the findings regarding the invalidation of the signatures in question. Thus, while the [Bureau of Elections] later deemed the plaintiff's appeal untimely, the Michigan Court of Appeals concluded that the notice was not adequate to rise to the level of an official declaration on the candidate's petition signatures. *Id*. at 635. That issue is not present in this case. There is no dispute that the [Clerk] provided a Final Decision on June 3, 2026, and the SOS provided Leggs with a reasoned decision on review that was not based purely on [] procedural constraints, such as timeliness. The SOS's decision on review in this matter was based on the lack of sufficient evidence supporting Leggs's request for review. This case is distinguishable from *Wilcoxon*.

NW2d 1 (2021) ("[B]ecause a motion under MCR 2.116(C)(8) is based on the pleadings, discovery is not a consideration when a court determines whether to grant the motion.").

IV. CONCLUSION

Because we perceive no error in the Court of Claims' disputed rulings, we affirm. As the prevailing party, defendant may tax costs pursuant to MCR 7.219.

/s/ Daniel S. Korobkin
/s/ Kathleen A. Feeney
/s/ Mariam S. Bazzi