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STATE OF MICHIGAN

COURT OF APPEALS

ANN ARBOR RESPONSIBLE ENERGY COALITION,

Plaintiff-Appellant,

v

CITY OF ANN ARBOR CLERK and CITY OF ANN ARBOR,

Defendants-Appellees.

UNPUBLISHED
September 02, 2026
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No. 382186
Washtenaw Circuit Court
LC No. 26-001618-CZ

Before: ACKERMAN, P.J., and SWARTZLE and LETICA, JJ.

PER CURIAM.

Plaintiff, Ann Arbor Responsible Energy Coalition (AAREC), appeals by right an August 25, 2026 order of the Washtenaw Circuit Court that denied its request for a writ of mandamus and granted summary disposition to defendants, the City of Ann Arbor Clerk (the Clerk) and the City of Ann Arbor. We affirm.

I. SUMMARY OF PROCEEDINGS

Ann Arbor for Public Power (A2P2) is a ballot committee formed to support passage of an amendment to the city charter, by way of initiatory petition, that would create a public power utility governance board to govern a city-owned electric utility. AAREC is a ballot committee formed to oppose the initiatory petition.

On June 22, 2026, A2P2 filed its initiatory petition with the Clerk. On August 4, 2026, the Clerk certified the initiatory petition for placement on the November 2026 ballot. Specifically, the Clerk certified the following:

> On June 22, 2026, an initiatory petition for amendment of the Ann Arbor City Charter, to add a new Section 15.11 to create a municipal electric utility governed by the Ann Arbor Municipal Electric Board, was filed with the office of the City Clerk by Mr. Brian Geiringer of the Ann Arbor for Public Power Ballot Committee;

> The filing included 614 petition sheets and approximately 5130 signatures, by estimate of City staff. On June 22, the count of registered voters in the City of Ann Arbor was 99,125 voters, requiring 4,957 signatures (5% of registered voters);
>
> Two supplemental filings were received from the petitioner on July 21 (115 sheets) and July 27, 2026 (123 sheets) with an estimated number of additional signatures to be 886 on July 21 and 801 on July 27;
>
> Pursuant to the Home Rule City Act, MCL 117.25 and Michigan Election law, the petition signatures were canvassed, and 5,383 signatures were determined to be valid and qualified on August 3, 2026;
>
> The petition included the following ballot language:
>
> > Shall Chapter 15 of the Charter be amended to require the City to establish a municipal electric utility and governance structure therefore?
>
> The petition is hereby certified for placement on the November 3, 2026 General Election ballot, having contained a sufficient number of signatures of qualified and registered electors of the City of Ann Arbor, in accordance with the provisions of PA 279 of 1909, as amended.

AAREC sued defendants. It sought a writ of mandamus ordering the Clerk to disregard the supplemental signatures that were filed on July 21, 2026, and July 27, 2026, and to canvass and certify the sufficiency or insufficiency of the initiatory petition solely on the signatures that were filed on June 22, 2026. It also sought a declaratory judgment that, even if there were sufficient signatures for the initiatory petition, the proposed amendment did not qualify for placement on the ballot for two independent reasons: it was not confined to one subject and it was a revision of the city charter.

Following briefing, the trial court granted summary disposition to defendants. The trial court concluded that the Clerk had no clear legal duty to reject the supplemental signatures. It chose not to grant preelection review to AAREC's arguments that the proposed amendment was not confined to one subject and was a revision of the city charter.

II. ANALYSIS

AAREC argues that the Clerk had a clear legal duty to reject the supplemental petitions. We disagree.

As 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 any such duty. *Rental Props Owners Ass'n of Kent Co v Kent Co Treasurer*, 308 Mich App 498, 518; 866 NW2d 817 (2014). Related issues of statutory interpretation are also reviewed de novo. *Beach v Lima Twp*, 489 Mich 99, 105-

106; 802 NW2d 1 (2011). Contrastingly, because mandamus is a "discretionary writ," *Owen v Detroit*, 259 Mich 176, 177; 242 NW 878 (1932), we review for an abuse of discretion a trial court's decision regarding whether to grant mandamus relief, *Rental Props*, 308 Mich App at 518.

Mandamus is an extraordinary remedy. *Univ Med Affiliates, PC v Wayne Co Executive*, 142 Mich App 135, 142; 369 NW2d 277 (1985). Thus, the issuance of a writ of mandamus is only proper where (1) the party seeking the writ has a clear legal right to performance of the specific duty sought, (2) the defendant has the clear legal duty to perform the act requested, (3) the act is ministerial, and (4) no other remedy exists, legal or equitable, that might achieve the same result. *Rental Props*, 308 Mich App at 518. "In relation to a request for mandamus, 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 518-519 (quotation marks and citation omitted). "A ministerial act is 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 n 11; 832 NW2d 728 (2013) (quotation marks and citation omitted). "The burden of showing entitlement to the extraordinary remedy of a writ of mandamus is on the plaintiff." *White-Bey v Dep't of Corrections*, 239 Mich App 221, 223; 608 NW2d 833 (1999).

Under the Home Rule City Act, MCL 117.1 *et seq.*, a city charter may be amended by an initiatory petition. MCL 117.21(1). MCL 117.25 provides, in pertinent part:

> (1) An initiatory petition authorized by this act shall be addressed to and filed with the city clerk. The petition shall state what body, organization, or person is primarily interested in and responsible for the circulation of the petition and the securing of the amendment. Each sheet of the petition shall be verified by the affidavit of the person who obtained the signatures to the petition. The petition shall be signed by at least 5% of the qualified and registered electors of the municipality. Each signer of the petition shall also write, immediately after his or her signature, the date of signing and his or her street address. A signature obtained more than 1 year before the filing of the petition with the city clerk shall not be counted. The petition is subject to the requirements of [MCL 117.25a.]
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> * * *
>
> (3) Upon receipt of the petition, the city clerk shall canvass it to ascertain if it is signed by the requisite number of registered electors. For the purpose of determining the validity of the petition, the city clerk may check any doubtful signatures against the registration records of the city. Within 45 days from the date of the filing of the petition, the city clerk shall certify the sufficiency or insufficiency of the petition. If the petition contains the requisite number of signatures of registered electors, the clerk shall submit the proposed amendment to the electors of the city at the next regular municipal or general state election held in the city which shall occur not less than 90 days following the filing of the petition.

Section 25 foresees the filing of one petition. Under § 25(3), upon receipt of "the petition"—and the petition is the signature sheets, MCL 117.25(1)—the clerk "shall canvass it to ascertain if it is signed by the requisite number of" signatures. MCL 117.25(3). The clerk, within 45 days from the date of the filing of "the petition," shall certify the sufficiency or insufficiency of "the petition." *Id.* If "the petition" contains the required number of signatures, the clerk shall submit the proposed amendment to the registered electors. *Id*. Section 25 does not contemplate the filing of supplemental signatures, nor does it expressly give the body, organization, or person responsible for the circulation of the petition the right to file supplemental signatures.

At the same time, § 25 does not expressly direct a clerk to reject for filing and canvassing any supplemental signatures. The Legislature knows how to prohibit the filing of supplemental signatures for petitions and like documents. See MCL 168.475(2); MCL 168.961(1).

Section 25 is silent on whether a clerk may accept for filing and canvassing, or must reject, any supplemental signatures that are submitted. Although § 25 does not contemplate or expressly allow the filing and canvassing of supplemental signatures, § 25 also does not expressly prohibit a clerk from accepting and canvassing supplemental signatures. Under these circumstances, AAREC has not pointed to any source of law that prescribes and defines the duty to reject supplemental signatures nor demonstrated its clear legal right to performance of this specific duty. *Kennedy v Secretary of State*, 515 Mich 893, 893-894 (2024); see also *Burton Abstract & Title Co v Martin*, 38 Mich App 178, 180-181; 196 NW2d 23 (1972) (stating that the register of deeds had no clear legal duty to collect fees when the "statute does not say that a fee cannot be charged nor does it make the charging of one mandatory"). The trial court did not abuse its discretion in denying the requested writ of mandamus.

Next, AAREC argues that the initiatory petition, even if there were sufficient signatures, was ineligible for placement on the November 2026 ballot because the proposed amendment concerns more than one subject and constitutes a revision of the city charter. AAREC also argues that the trial court erred by not addressing these arguments before the election.

Because these arguments concerned whether the initiatory petition met statutory requirements for placement on the ballot, the arguments were ripe for judicial review, *Farmington v Farmington Survey Committee*, ___ Mich App ___, ___ n 2; ___ NW3d ___ (2024) (Docket No. 372022); slip op at 3 n 2, and the trial court erred by not addressing AAREC's argument that the proposed amendment concerned more than one subject. The trial court did not err by declining to address the argument that the proposed amendment constituted a revision of the city charter. The argument in AAREC's brief filed with the trial court was barely one page long and included one citation to caselaw. AAREC quoted the statement from *Midland v Arbury*, 38 Mich App 771, 774; 197 NW2d 134 (1972), that "[a] change in the form of government of a home rule city may be made only by revision of the city charter, not by amendment," but it made no attempt to explain what the difference was between a revision and an amendment. AAREC could not expect the trial court to unravel and elaborate its argument. "Trial courts are not the research assistants of the litigants; the parties have a duty to fully present their legal arguments to the court for its resolution of their dispute." *Walters v Nadell*, 481 Mich 377, 388; 751 NW2d 431 (2008).

AAREC's argument that the proposed amendment includes more than one related proposition is without merit. MCL 117.21(3) provides:

> A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition . . . .

Proposed amendments that relate to the same subject and are aimed at the same purpose must be treated as one amendment and voted on as such. *Henry v Pontiac*, 363 Mich 302, 305; 109 NW2d 835 (1961).

The proposed amendment would add §§ 15.11(a) and 15.11(b) to the city charter. Proposed § 15.11(a) states that the city council "shall provide by ordinance for the establishment of a municipal electric utility to be governed by the Ann Arbor Municipal Electric Utility Board described in Section 15.11(b)." Proposed § 15.11(b)(1) provides that the board "shall have jurisdiction, control, and management of any municipal electric utility established by the City and all of its operations and facilities." According to AAREC, other subsections in proposed § 15.11(b), such as whether operational decisions of the board can only be amended or voided by the city council with eight affirmative votes or whether one of the board's four appointed seats should be reserved for a representative of organized labor, are "related propositions." Those subsections, however, are fundamentally related to the board, such as the board's composition, the board's oversight by the city council, and the board's management of the municipal electric utility. The amendment is confined to one subject—the establishment and administration or governance of a municipal electric utility.

Affirmed.

/s/ Brock A. Swartzle
/s/ Anica Letica