STATE OF MICHIGAN

COURT OF CLAIMS

REPUBLICAN NATIONAL COMMITTEE, MICHIGAN REPUBLICAN PARTY, and CINDY BERRY,

Plaintiffs,

v

Case No. 24-000148-MZ

JOCELYN BENSON, in her official capacity as Secretary of State, and JONATHAN BRATER, in his official capacity as Director of Elections,

Hon. Brock A. Swartzle

Defendants.
_____/

AMENDED ORDER[1]

On December 17, 2025, the parties submitted supplemental briefing in response to the Court's order to address the issue of remedy for an absent-voter ballot that cannot be tabulated because it was returned with a mismatched or missing stub. After consideration of the parties' submissions, the Court orders as follows:

1. Plaintiffs are ordered to submit a proposed order of judgment adopting plaintiffs' proposed remedy as a final injunction and declaratory judgment. Specifically, the remedy shall be the steps outlined in the plaintiffs' supplemental brief filed on December 17, 2025, beginning on page 4 and ending on page 15. Defendants are encouraged but not required to adopt the

[1] The order is amended only to reflect that that plaintiffs shall file their proposed order of judgment by noon on **Tuesday**, December 23, 2025.

amendments to the instructions suggested by plaintiffs and those suggested amendments will not be part of this Court's judgment. The proposed order of judgment shall provide specific procedures to be followed, but the order shall not include the rationale or argument advanced in plaintiffs' supplemental brief.

2. The proposed order of judgment shall provide that the Court's injunctive remedy remains in place unless and until defendants promulgate a rule that provides an alternative remedy covering both (a) mismatched ballot stub/envelope and (b) missing ballot stubs.

3. The proposed order of judgment shall provide that if defendants promulgate a rule that provides an alternative remedy, then that promulgated rule will govern and the Court's injunction will end, with the limited exception that if defendants promulgate such a rule within thirty (30) days of an election, then this Court's injunction shall remain in place just for that election. If a party seeks to challenge defendant's promulgated rule, then it may do so by filing a separate lawsuit.

4. The proposed order of judgment shall indicate that it is a final order and closes the case.

5. Plaintiffs' proposed order of judgment shall be filed with the clerk of this Court no later than noon on Tuesday, December 23, 2025.

IT IS SO ORDERED. This is a not a final order and does not close the case.

Date: December 19, 2025

Hon. Brock A. Swartzle
Chief Judge, Court of Claims