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. Michael F. Gadola

Defendants.
_____/

ORDER MODIFYING 12/29/25 FINAL ORDER AND JUDGMENT

Before the Court is plaintiffs' motion to modify this Court's December 29, 2025 final order and judgment ("final judgment"). In part, the final judgment awarded injunctive relief. The final judgment required defendants to adopt and implement the cure procedure set out in the final judgment pending the promulgation of a rule creating an alternative cure procedure remedy for an absent voter ballot that cannot be tabulated because it was returned with a mismatched or missing stub. By agreement of the parties, the Court ordered that the injunction would not apply to the special primary election to be held on February 3, 2026.

Plaintiffs now move under MCR 2.614(C) to modify the final judgment to expressly state that the injunction will not apply to the May 5, 2026 regular and special elections in order to allow time for the parties to exhaust their appellate remedies in an expedited fashion such that there is sufficient time to implement the ultimate decision in advance of the August 4, 2026 statewide

primary election. Plaintiffs state that they sought concurrence in the motion and that defendants do not oppose modifying the final judgment to state that the injunction will not apply to the May 5, 2026 regular and special elections.

Accordingly, the Court GRANTS plaintiffs' motion. The last paragraph on page 9 of the final judgment is modified to read as follows:

> **IT IS FURTHER ORDERED** that, by agreement of the parties, the Court's injunction will not apply to the special primary election that will be held on February 3, 2026, nor will the Court's injunction apply to the regular and special elections that will be held on May 5, 2026.
>
> In all other respects the December 29, 2025 final judgment remains unchanged.

IT IS SO ORDERED.

Date: February 13, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims