STATE OF MICHIGAN

COURT OF CLAIMS

DONNA BRANDENBURG,

Plaintiff,

v

Case No. 25-000081-MZ

JOCELYN BENSON, in her official capacity as Secretary of State of Michigan,

Hon. James Robert Redford

Defendant.
_____/

OPINION AND ORDER GRANTING 6/30/25 MOTION FOR SUMMARY DISPOSITION

Plaintiff filed suit on May 20, 2025, contending that defendant, Secretary of State (SOS) Jocelyn Benson, violated Michigan's election laws by developing an "application programming interface" (API) that civic groups can use during voter registration drives. Defendant moves for summary disposition under MCR 2.116(C)(7), (8), and (10). The Court GRANTS defendant's motion under MCR 2.116(C)(8) and (10), and DISMISSES plaintiff's complaint in its entirety and with prejudice.

I. BACKGROUND

In June 2020, the Michigan SOS announced a new tool, the API, "that would allow approved third-party organizations to submit voter registration information to the [SOS] for review and registration if they satisfied all voter registration requirements." Rock the Vote is the only third-party organization that has been approved to use the API. Plaintiff contends the API violates

MCL 168.509v and MCL 168.509ii by delegating voter registration duties to nongovernmental entities, increases the risk of registering ineligible voters, and dilutes legal certified votes. Her complaint seeks to compel defendant to terminate the API and purge API-registered voters from the qualified voter file (QVF), whether eligible to vote or not, along with monetary penalties.

Defendant seeks summary disposition on grounds of standing and sovereign immunity, as well as under MCR 2.116(C)(8) and (10). Defendant presents the affidavit of Deputy Director of Elections Adam Fracassi, describing the functionality of the API among other issues. Fracassi attests that the API is merely a method of applying to register to vote. The review of the application and actual registration of the voter occurs after the application is received by the SOS. Only 11% of the applications collected in this manner are approved, meaning that the SOS rejects 89% of the applications as incomplete, inaccurate, or ineligible. Plaintiff has presented no evidence, even an affidavit, to counter this evidence.

II. SUMMARY DISPOSITION STANDARDS

A motion filed under MCR 2.116(C)(8) examines the legal sufficiency of the claims on the basis of the factual allegations raised in the complaint. *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159; 934 NW2d 665 (2019). This Court must accept the factual allegations in the complaint as true and will decide the motion on the pleadings alone. *Id.* at 160. The motion is granted if the claim is so clearly unenforceable as a matter of law that no factual development would justify recovery. *Id.*

Summary disposition under (C)(10) tests the factual sufficiency of the plaintiff's claims. *Id.* The Court must view the evidence presented in the light most favorable to the nonmoving party and may grant summary disposition only when there is no genuine issue of material fact to

be resolved by the factfinder. *Id.* In response to a (C)(10) motion, "an adverse party may not rest upon the mere allegations or denials of his or her pleading," and "must, by affidavits or as otherwise provided in this rule, set forth specific facts showing that there is a genuine issue for trial." MCR 2.116(G)(4).

III. ANALYSIS

Although not titled as such, the gravamen of plaintiff's complaint demonstrates she is seeking a writ of mandamus to compel defendant, or at the least to enjoin defendant, to cease and desist using the API and to purge registrations processed through the API.

"Mandamus is not a matter of right, but rather one of grace. . . and of discretion." *Toan v McGinn*, 271 Mich 28, 33; 260 NW 108 (1935).

> To obtain the extraordinary remedy of a writ 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 v Kent Co Treasurer*, 308 Mich App 498, 518; 866 NW2d 817 (2014).]

Plaintiff failed to establish a clear legal right to have defendant stop using the API or to have any electors purged from the QVF, or a clear legal duty on defendant's part to do either. Plaintiff also has not demonstrated the existence of a ministerial duty.

Plaintiff essentially contends that defendant has given Rock the Vote the status of a "designated voter registration agency" under MCL 168.509v(1)(c), by allowing Rock the Vote to include the API on its website to invite individuals to register. The entirety of the operative statute states:

(1) A person who is not registered to vote at the address where he or she resides may apply to register to vote by submitting an application at any of the following locations:

(a) The office of the clerk of a county or the office of the clerk of the city or township in which the applicant resides, during regular office hours of that clerk.

(b) A department of state office.

(c) A designated voter registration agency when submitting an application, recertification, renewal, or change of address at the voter registration agency.

(2) A person who is not registered to vote at the address where he or she resides may apply for registration by submitting a completed mail registration application. A person may request a mail registration application from and submit the application to any of the following:

(a) The [SOS].

(b) The clerk of the county, city, or township in which the applicant resides.

(c) A designated voter registration agency.

(3) A person who is not registered to vote at the address where he or she resides may apply to register to vote by submitting an electronic voter registration application as provided in section 509ii.

Defendant contends that MCL 168.509v(3) and MCL 168.509ii *require* her to develop an online voter registration system and an API. MCL 168.509ii provides, in relevant part:

(1) The [SOS] shall develop and maintain an electronic voter registration interface to allow an applicant to submit a voter registration application electronically through the [SOS's] website. The electronic voter registration interface must do all of the following:

(a) Transmit the application to the [QVF].

(b) Require the applicant's assent to submit the voter registration application electronically.

(c) Issue a receipt to the applicant in the manner prescribed by the [SOS].

(d) Utilize security features determined appropriate by the [SOS] or the department of technology, management, and budget to prevent unauthorized access to data or information and to ensure that a person attempting to use the electronic voter registration interface is an individual.

The statute proceeds to require defendant to authenticate the identity of the applicant before registering the applicant to vote and transferring their information into the QVF and provides methods for doing so.

The Court agrees with defendant that the API does not transform Rock the Vote, or any other third-party organization, into a designated voter registration agency. Fracassi's undisputed affidavit states that the API merely allows Rock the Vote "to control the look and feel of the online voter registration platform." The voter information is collected by the SOS interface and registration does not happen until the SOS reviews and authenticates that information. The SOS is the only voter registration agency in this scenario.

The Court also agrees with defendant that it was required by the plain and clear language of subsections 509v(3) and 509ii(1) to develop and implement an online voter registration interface. Fracassi attested that the API meets the requirements of the statute by utilizing security features to prevent any third-party organization, including Rock the Vote, from accessing the voter information. Rock the Vote "receive[s] aggregated data" regarding the voter registrations, but Rock the Vote has no access to specific applicant information, personal identification information, or the QVF. Plaintiff has presented no evidence to dispute this.

Moreover, there is no evidence, beyond plaintiff's conjecture, that use of the API has allowed ineligible individuals to register to vote. Defendant, on the other hand, presented evidence through Fracassi's undisputed affidavit that the SOS had received and independently reviewed 73,933 voter applications through Rock the Vote utilizing the API as of June 16, 2025. After independent review, only 11% of those applications led to successful voter registrations. That only 11% of the applications are actually approved vitiates plaintiff's claim that Rock the Vote

was the entity registering the voters. If Rock the Vote was the registration agency, then nearly all applications would be approved. Rather, the registration is managed by the SOS, which independently reviews the information in the application and determines if the applicant is eligible to register. Therefore, again, the applicant registers with the SOS.

Plaintiff also has no clear legal right and defendant has no clear legal duty to purge voters from the QVF simply because they applied for registration through an API found using the Rock the Vote website. First, as already noted, the development of the API does not violate the election laws. Further, it would be illegal for defendant to purge eligible voters from the QVF. The election laws contain many provisions precluding the placement of ineligible voters in the QVF and requiring the removal or purging of ineligible voters. No statute, rule, or regulation permits the removal or purging of eligible voters from the QVF.

Defendant further argues that she had discretion in determining how to fulfill her duties under MCL 168.509v(3) and MCL 168.509ii, meaning there was no ministerial act to compel. "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 v Hillsdale Co*, 494 Mich 46 n 11; 832 NW2d 728 (2013) (quotation marks and citation omitted). The statutes require defendant to develop and implement an online voter registration interface that meets certain requirements. Beyond those requirements, the development of this program was in the discretion of the SOS. Accordingly, a writ of mandamus cannot be used to compel the dismantling of the API.

IV. CONCLUSION

Plaintiff has not adequately alleged or created a question of fact that defendant violated an election law as plead or failed to fulfill any duty, let alone a clear legal duty. The Court therefore has no ground to compel or enjoin any action by defendant.

1. The Court GRANTS defendant's motion for summary disposition under MCR 2.116(C)(8) and (10).
2. The Court DISMISSES plaintiff's complaint in full with prejudice.
3. No costs or fees may be taxed as this case involved an important matter of public policy.
4. This is a final order resolving all issues in this case.

Date: April 10th, 2026

James Robert Redford
Judge, Court of Claims