STATE OF MICHIGAN

COURT OF CLAIMS

SHALANDA C. LEGGS and ROBERT DAVIS,

Plaintiffs,

v

Case No. 26-000148-MB

JOCELYN BENSON, in her official capacity as the duly elected Secretary of State,

Hon. Sima G. Patel

Defendant.
_____ /

OPINION AND ORDER GRANTING DEFENDANT'S 8/7/26 MOTION FOR SUMMARY DISPOSITION AND DENYING PLAINTIFFS' 7/13/26 EMERGENCY MOTION FOR AN EVIDENTIARY HEARING AND LIMITED DISCOVERY

Plaintiffs, Shalanda C. Leggs and Robert Davis, challenge a review by defendant, Jocelyn Benson, in her official capacity as the Secretary of State (the SOS), of a June 3, 2026 Final Decision of the Wayne County Clerk (WCC) that Leggs's nominating petitions supporting her candidacy for Wayne Probate Court Judge contained an insufficient number of valid signatures for Leggs to be certified as a candidate on the ballot for the 2026 general election. Plaintiffs seek a declaratory judgment that (1) the SOS failed to comply with her statutory duty under MCL 168.552(6) to provide Leggs with a "meaningful" review of the WCC's Final Decision and that Leggs submitted the minimum number of valid signatures to be certified to appear on the November 3, 2026 general election ballot; (2) the SOS's Judicial Elective Office Manual is void because it was not promulgated as a Rule under the Administrative Procedures Act (APA), MCL 24.201 *et seq*.; and (3) the SOS violated plaintiffs' procedural due-process rights by failing to

conduct a meaningful review of Leggs's appeal. Plaintiffs also seek a writ of mandamus compelling the SOS to conduct a "full review" of Leggs's appeal and to "advise and direct" the WCC to certify Leggs as a judicial candidate. Plaintiffs also moved, on an emergency basis, for an evidentiary hearing and for limited discovery at the outset of the case relating to the WCC's decision.

The SOS moved for summary disposition as her initial response to the complaint and has responded to the emergency motion. This Court issued an expedited scheduling order and indicated that oral argument would be scheduled if the Court deemed it necessary. On the day plaintiffs' response brief was due, plaintiff filed an amended complaint, raising a number of new factual claims and two additional legal claims. Plaintiffs argued in their response to the motion for summary disposition that the amended complaint mooted the motion for summary disposition. This Court issued an amended expedited scheduling order. The SOS timely moved for summary disposition under MCR 2.116(C)(8) and (10) as her initial response to the amended complaint, addressing the claims on the merits and also arguing for dismissal on laches grounds. Plaintiffs have responded, and the SOS has replied.

The Court dispenses with a hearing on the motions. The Court concludes that plaintiffs' claims in Counts II and III of the amended complaint, which were not raised in the original complaint, are barred by laches. Plaintiffs' remaining claims are subject to dismissal for failure to state a claim under MCR 2.116(C)(8). Therefore, the Court GRANTS the SOS's motion for summary disposition, DENIES plaintiffs' emergency motion for an evidentiary hearing and to conduct limited discovery, and DISMISSES plaintiffs' action in its entirety with prejudice.

I. BACKGROUND

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.[1] On April 21, 2026, Leggs filed a combined Affidavit of Identity (AOI) and Affidavit of Constitutional Qualifications with the WCC. Leggs also submitted nominating petitions containing at least 4,993 total signatures.[2] Leggs needed 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. WCC 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 WCC 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 WCC that same day regarding errors she perceived in the Staff Report.

On June 3, 2026, WCC Cathy Garrett adopted the Staff Report in a written letter (the Final Decision). In the Final Decision, Garrett explained the findings in the Staff Report and noted, "Additionally, the regular validation review outside of the challenge, found in total **3,661** valid

[1] The Court notes that, for purposes of the instant motions, there is no challenge to Davis's standing to sue.

[2] 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.

signatures." In other words, Leggs's nominating petitions were 339 valid signatures short of the 4,000-signature threshold. Therefore, Garrett concluded, "I hereby determine the nominating petitions are ***insufficient*** in number to allow candidate Shalanda C. 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 WCC'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 WCC'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 is proceeding pro se, and Leggs is 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 [WCC] came to the number of signatures in her 'Final Determination,' which differed from the [WCC's] 'Staff Report.' " Plaintiffs ask this Court to conduct an evidentiary hearing on the authenticity of the WCC's Staff Report and Final Decision. Plaintiffs also seek to issue subpoenas to WCC staff for their testimony on the discrepancy between the number of valid signatures indicated in the Staff Report and in the Final Decision.

This Court 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, this Court issued an amended scheduling order. Plaintiffs' amended complaint includes: (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 WCC 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 WCC 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 raises the doctrine of laches, arguing that plaintiffs' amended complaint is subject to dismissal in its entirety. The SOS argues that plaintiffs filed an amended complaint with the intent of mooting the SOS's pending motion for summary disposition and of "intentionally derail[ing]" this Court's ability to decide the lawsuit on an emergency basis. The SOS argues 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 argues that plaintiffs 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 WCC's decision. The SOS argues that plaintiffs have not shown a clear legal right to additional review by the SOS or that the SOS has a legal obligation to "advise and direct" the WCC to perform her duties. The SOS argues that plaintiffs' new claims also lack merit to the extent they are 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 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 does 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 has not demonstrated prejudice. Plaintiffs further argue that laches does not apply because this matter involves the interpretation of a statute, and the SOS has unclean hands due to her alleged violation of her statutory duties. On the merits, plaintiffs argue, 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 WCC to certify Leggs as a judicial candidate.

Plaintiffs' overarching argument is that the WCC erroneously concluded that there were 3,661 valid signatures. Plaintiffs contend that the additional signatures invalidated by the WCC account 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 is difficult to decipher, they appear to argue that when the signatures are 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 whether the SOS can rely on MCR 2.116(C)(8) to support summary disposition given its reliance on Director Brater's affidavit and argue that summary disposition would be premature under MCR 2.116(C)(10) because discovery has not been conducted. Plaintiffs support their response with Leggs's affidavit. The SOSs has replied.

II. ANALYSIS

A. STANDARD OF REVIEW

The SOS moves for summary disposition under MCR 2.116(C)(8) and (C)(10). A motion for summary disposition under MCR 2.116(C)(8) examines the legal sufficiency of the plaintiff's 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). The 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 will be granted if the claim is so clearly unenforceable as a matter of law that no factual development would justify recovery. *Id.* "A motion under MCR 2.116(C)(10), on the other hand, tests the *factual sufficiency* of a claim." *Id.* The Court must review the evidence submitted by the parties in the light most favorable to the nonmoving party and dismiss the action if there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. *Id.* The Court concludes that the motion for summary disposition is properly considered at the outset of the case under MCR 2.116(C)(8).

Plaintiffs have attached several exhibits to their pleading, which the Court may consider as part of the pleadings when deciding a motion under MCR 2.116(C)(8). *Id.* at 163. However, to the extent there is a dispute about the accuracy of the documents, the Court may not consider the

content of the documents as substantive evidence to dismiss the claims under MCR 2.116(C)(8). See *id*.

To the extent the Court is required to interpret the relevant statute, MCL 168.552(6), the Court recognizes the following principles of statutory interpretation:

> When interpreting a statute, [the] foremost rule of construction is to discern and give effect to the Legislature's intent. Because the language chosen is the most reliable indicator of that intent, [a court will] enforce clear and unambiguous statutory language as written, giving effect to every word, phrase, and clause. If the statutory provision at issue is clear and unambiguous, it must be enforced as written, and no judicial construction is permitted or required. [*Lockport Twp v Three Rivers*, 319 Mich App 516, 520; 902 NW2d 430 (2017) (cleaned up).]

B. LACHES

The Court first concludes that the new claims raised in Counts II and III of the amended complaint are barred by laches. "Laches is an equitable tool used to provide a remedy for the inconvenience resulting from the plaintiff's delay in asserting a legal right that was practicable to assert." *Knight v Northpointe Bank*, 300 Mich App 109, 115; 832 NW2d 439 (2013). As the Michigan Court of Appeals has explained:

> Estoppel by laches is the failure to do something which should be done under the circumstances or the failure to claim or enforce a right at a proper time. To successfully assert laches as an affirmative defense, a defendant must demonstrate prejudice occasioned by the delay. Typically, [l]aches is an equitable tool used to provide a remedy for the inconvenience resulting from the plaintiff's delay in asserting a legal right that was practicable to assert. A party guilty of laches is estopped from asserting a right it could have and should have asserted earlier. [*Nykoriak v Napoleon*, 334 Mich App 370, 382; 964 NW2d 895 (2020) (cleaned up).]

The doctrine of laches is particularly applicable in election matters, where legal challenges are more prone to causing harm to the public and the integrity of the election process the closer the challenge is to the date of the election. *Davis v Secretary of State,* 346 Mich App 445, 462; 12

NW3d 653 (2023). As the Court of Appeals has explained, "[E]lections require the existence of a reasonable amount of time for election officials to comply with the mechanics and complexities of our election laws." *Id*. (cleaned up). Thus, "[c]ourts can reasonably endeavor to avoid unnecessarily precipitate changes that would result in immense administrative difficulties for election officials." *Id*. (cleaned up).

Plaintiffs filed this lawsuit on July 13, 2026. Plaintiffs moved for emergency relief because, as they argued in their motion, "ballot printing deadlines for the November 3, 2026 general election are the first week of September 2026." (Bolded emphasis omitted.) Accordingly, this Court issued an expedited scheduling order, which provided that the SOS's response to the complaint was due on July 28, 2026, and plaintiffs' response to a motion for summary disposition (should one be filed) was due on July 30, 2026. The SOS timely responded by motion for summary disposition on July 28, 2026.

On July 30, 2026, plaintiffs filed an amended complaint as a matter of right under MCR 2.118(A)(1). They also responded to the motion for summary disposition, arguing, in relevant part, that the amended complaint mooted the motion for summary disposition.

Plaintiffs' amended complaint raises new facts and two new legal claims that could have been raised in the original complaint. Plaintiffs' new legal challenges involve a due-process argument and an argument about the validity of the Judicial Elective Office Manual, which provides guidance to county clerks on the elections process and was most recently updated in August 2025. These two legal challenges could have been raised in the original complaint. Plaintiffs did not revise the allegations to address any arguments or deficiencies raised in the motion for summary disposition. Rather, plaintiffs raised entirely new claims for relief. In fact,

the only deficiency that was corrected was that plaintiff Davis verified the amended complaint (the original complaint was only verified by Leggs). The Court agrees with the SOS that by waiting to file an amended complaint until the response to the motion for summary disposition was due, and by raising claims that could have been raised in the original complaint, plaintiffs unjustifiably delayed in asserting new legal rights that were feasible to assert upon the filing of the lawsuit.

As for prejudice, the Court is mindful that election officials require a reasonable amount of time to comply with a ruling of this Court considering the mechanics and complexities of the election laws. In this instance, the SOS had notice of the claims in Counts I, IV, and V of the amended complaint when plaintiffs filed their original complaint on July 13, 2026. The amended complaint did not prejudice the SOS's ability to defend these claims.

However, the Court agrees that the SOS has been prejudiced by the delay as it relates to the new claims in Counts II and III of the amended complaint. For these claims, an amended expedited scheduling order was entered to permit as much time for potential appeal as possible in advance of the September 4 ballot-printing deadline and the September 19 overseas mailing deadline. Plaintiffs knew or should have known of their legal challenges in Counts II and III before they filed the original complaint and, instead, waited until the SOS responded before adding those claims and declaring the motion for summary disposition moot. As a result, the SOS was required to develop defenses to these completely new, complex claims within a week of the filing of the amended complaint. The Court concludes that the SOS suffered prejudice as a result of the delay in asserting the new claims in Counts II and III of the amended complaint.

Plaintiffs further contend that the SOS cannot rely on the doctrine of laches because she comes to the Court with unclean hands. They argue that the SOS violated the rules relating to

challenges to a candidate's AOI, as well as various election laws, including MCL 168.558(4). "[I]t is well settled that one who seeks equitable relief must do so with clean hands." *Attorney General v PowerPick Players' Club of Mich, LLC*, 287 Mich App 13, 52; 783 NW2d 515 (2010). The defendant in *PowerPick Players' Club* engaged in various gambling schemes in violation of Michigan law. *Id.* at 52. Even assuming that the SOS did not interpret or apply the statutes properly, there is no suggestion that the SOS engaged in a criminal scheme. The Court finds that the defense of unclean hands does not apply in this case.

Finally, plaintiffs contend that equitable principles such as laches do not apply when a statute controls the case. They rely on *Gleason v Kincaid*, 323 Mich App 308, 318; 917 NW2d 685 (2018), in which the Court of Appeals explained that "[e]quity does not apply when a statute controls." However, the Court's statement related to whether an equitable *remedy* is appropriate when a remedy is provided by statute. See *id.* The Court did not apply this principle in the context of laches or any other equitable *defense*. See *id.* Accordingly, summary disposition of Counts II and III of the amended complaint is GRANTED.

C. COUNT I: DECLARATORY RELIEF

Turning to plaintiffs' remaining claims (Counts I, IV, and V), which are each predicated on MCL 168.552(6), the Court first concludes that plaintiffs have not stated a valid claim for declaratory relief in Count I.

MCR 2.605 governs declaratory actions in civil cases and provides, in relevant part, "In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted." MCR 2.605(A)(1). MCR 2.605 encompasses the doctrines

of standing, ripeness, and mootness. *Int'l Union, United Auto, Aerospace & Agricultural Implement Workers of America v Central Mich Univ Trustees*, 295 Mich App 486, 495; 815 NW2d 132 (2012). An "actual controversy" exists for purposes of MCR 2.605 when the plaintiff pleads and demonstrates "an adverse interest necessitating the sharpening of the issues raised." *Id.* (cleaned up).

Count I of the amended complaint requests a declaratory judgment that the SOS failed to comply with her statutory duties under MCL 168.552(6) by failing to provide Leggs with "meaningful appellate review" and failing to declare that Leggs submitted the minimum number of valid signatures to be certified as a judicial candidate. MCL 168.552(6) provides:

> Upon the completion of the investigation or examination, the county clerk shall immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on his or her own initiative. A person feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the [SOS] by filing a written request with the [SOS] within 3 days after the official declaration of the county clerk . . . . Alternatively, the aggrieved person may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person who filed a nominating petition and feels aggrieved by the determination of the [SOS] may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

The Court agrees that the pleadings establish that the SOS's office performed the necessary review of the WCC's determination. As the Michigan Court of Appeals has recently explained in an election-related mandamus matter filed by an aggrieved candidate for county probate court regarding the number of valid signatures on his nominating petitions:

> MCL 168.552(6) requires the [SOS] to review the county clerk's determination, but that statute does not authorize a carte blanche investigation of signatures as a candidate sees fit. As this Court noted in [*Neilson v Bd of State Canvassers*, 351 Mich App 638, 648; 36 NW3d 129 (2024)], [the] Michigan Election Law does not

> afford a candidate unlimited opportunities to rehabilitate doubtful signatures . . . . This is so, because how to conduct a review of petition signatures is a matter of discretion . . . . [*Drissman v Mich Dep't of State*, ___ Mich App at ___, ___ NW3d ___ (2026) (Docket No. 380984); slip op at 3-4.]

Plaintiffs' challenge to the SOS's review relates to their broader claim that the WCC improperly invalidated certain signatures. However, as the Court of Appeals has held, MCL 168.552(6) does not mandate a carte blanche investigation of the signatures in whatever manner the candidate sees fit. The WCC's Final Decision was that Leggs's nominating petitions contained a total of only 3,661 valid signatures. Plaintiffs acknowledge in their amended complaint that Leggs received her nominating petitions on June 1, 2026, which were already coded as of the May 28, 2026 issuance of the Staff Report. Thus, Leggs had the coded petition sheets approximately one week before she made her June 8, 2026 review request. She knew that the WCC's final decision was that Leggs had only 3,661 valid signatures. Yet Leggs did not present evidence to the SOS to demonstrate that she could overcome the 339-signature deficit.

In this lawsuit, plaintiffs rely on a Petition Signed Report to support that the WCC's calculations were incorrect. 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 WCC miscalculated the total number of valid signatures. More importantly, even assuming plaintiffs are correct that the total number of valid signatures reflected in the WCC's Final Decision should have been 3,824 instead of 3,661 based on the additional signatures that the WCC invalidated after the issuance of the Staff Report, for the reasons stated in defendant's reply brief, the total number of valid signatures still would have fallen short of the required 4,000-signature threshold. Specifically, the difference between the 3,973 number in the Staff Report and the 3,824 figure that plaintiffs claim the WCC should have adopted is 149 signatures. Adding the 149 signatures back to the 3,661 number in the final determination would

result in a total of 3,810 valid signatures. This number would have fallen 190 signatures short of the 4,000-signature threshold. Leggs presented the SOS with 162 signatures rather than 190 signatures. Thus, even using plaintiffs' math, the 162 signatures Leggs provided to the SOS would not have been sufficient to reach the 4,000-signature threshold.

In sum, the SOS was not required to conduct a carte blanche investigation on each signature, and there was nothing inherently flawed in the SOS's decision not to further process the appeal once it determined that Leggs did not present a sufficient number of signatures to be rehabilitated. The SOS satisfied her statutory duty to "review" the determination by reviewing the appeal and supporting documentation, making a reasoned decision that no relief could be afforded under the circumstances, and communicating that decision to Leggs.[3]

To support that the SOS had a duty to conduct a further investigation into the number of valid signatures, plaintiffs rely on *Wilcoxon v Detroit Election Comm*, 301 Mich App 619, 634-635; 838 NW2d 183 (2013). 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 BOE 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 WCC provided a Final Decision on June 3, 2026, and the SOS provided Leggs with a reasoned

[3] Plaintiffs argue that the SOS improperly relies on the affidavit of Director Brater to support summary disposition under MCR 2.116(C)(8). However, because the Court has determined that summary disposition is appropriate under MCR 2.116(C)(8), Brater's affidavit is not necessary to decide the issues and has not been considered.

decision on review that was not based purely on a 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*. For these reasons, plaintiffs are not entitled to declaratory relief, and the SOS is entitled to summary disposition on Count I.

D. MANDAMUS RELIEF (COUNTS IV AND V)

In Counts IV and V, plaintiffs request a writ of mandamus, which is an extraordinary remedy falling within the Court's discretion. *Berry v Garrett*, 316 Mich App 37, 41; 890 NW2d 882 (2016).

> 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. 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*. (cleaned up).]

Regarding whether an act is ministerial in nature, "[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." *Id*. at 42 (cleaned up).

Count IV requests a writ of mandamus to compel the SOS to perform a "full review" of Leggs's appeal using the Qualified Voter File to determine the validity of the challenged signatures. For the reasons discussed earlier, plaintiffs do not have a clear legal right to performance of the specific duty sought—which is essentially a de novo review of the number of valid signatures on Leggs's nominating petitions to plaintiffs' satisfaction.

Additionally, the SOS satisfied the clear legal duty under MCL 168.552(6) to "review" Leggs's challenge to the WCC's Final Decision for the reasons discussed earlier. The SOS did not have a clear legal duty to perform what plaintiffs characterize as a "full" review. Again, the SOS reviewed Leggs's matter, and it was determined that the evidence she provided would not get her to the required signature threshold, even if those signatures were rehabilitated in Leggs's favor. Furthermore, the requested act of a "full review" is not ministerial in nature. Again, "how to conduct a review of petition signatures is a matter of discretion." *Drissman*, ___ Mich App at ___; slip op at 3. The SOS is entitled to discretion and judgment in terms of the result of the review. It is only the act of "reviewing" itself that may be considered ministerial in nature. The review was performed in this instance.

Finally, there were other adequate legal or equitable remedies that might have achieved the results plaintiffs are seeking. Specifically, MCL 168.552(6) states, "Alternatively, the aggrieved person may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court." Leggs could have sought relief in the circuit court as an alternative to seeking a review from the SOS's office. The fact that an alternative method was available also weighs against a writ of mandamus. For these reasons, plaintiffs are not entitled to a writ of mandamus in relation to Count IV of the complaint.

For Count V, plaintiffs seek a writ of mandamus compelling the SOS to "advise and direct" the WCC that Leggs's nominating petitions were supported by a sufficient number of valid signatures for Leggs to be certified to appear on the November 3, 2026 general election ballot. This claim is premised on plaintiffs' ability to establish a right to declaratory relief in Count I. Because Count I is subject to dismissal, plaintiffs cannot support a mandamus claim in Count V. Therefore, plaintiffs are not entitled to mandamus relief on Count V of the amended complaint.

Because the Court concludes that the SOS is entitled to summary disposition of the amended complaint, plaintiffs' motion for an evidentiary hearing and to conduct limited discovery is DENIED.

III. CONCLUSION

IT IS ORDERED:

1. Defendant's motion for summary disposition is GRANTED.
2. Plaintiffs' emergency motion for an evidentiary hearing and to conduct limited discovery is DENIED.
3. Plaintiffs' complaint is DISMISSED with prejudice.
4. This is a final order resolving all issues in this matter.

Date: August 17, 2026

Sima G. Patel
Judge, Court of Claims