STATE OF MICHIGAN

COURT OF CLAIMS

ROBERT DAVIS,

Plaintiff,

v

Case No. 26-000158-MB

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

Hon. Randy J. Wallace

Defendant.
_____ /

OPINION AND ORDER

On July 24, 2026, plaintiff Robert Davis filed this election-related lawsuit against defendant Secretary of State Jocelyn Benson (the SOS), seeking declaratory and mandamus relief. Plaintiff requests a declaration that the SOS must decertify William Burton, Jr. (Burton) as a candidate for a seat on the 36th District Court[1] on the November 3, 2026 General Election Ballot because his affidavit of identity (AOI) contained a false statement and violated the Michigan Campaign Finance Act (MCFA), MCL 169.201 *et seq*. Plaintiff also requests a writ of mandamus compelling the SOS to decertify Burton as a judicial candidate. In addition, plaintiff moved, on an emergency basis, for an evidentiary hearing and for issuance of discovery subpoenas on the SOS and nonparty Burton. Following service of process, the Court entered an expedited

[1] The 36th District Court serves as the District Court for the City of Detroit in Wayne County.

scheduling order requiring the SOS to respond to the complaint and emergency motion by 4:00 p.m. on August 10, 2026.

The SOS timely responded to the emergency motion and moved for summary disposition under MCR 2.116(C)(4), (8), and (10) as her initial response to the complaint. The SOS's motion addresses the claims on the merits and also argues for dismissal on the grounds of laches, lack of jurisdiction under the MCFA and the Administrative Procedures Act (APA), MCL 24.201 *et seq*., and lack of standing to request a declaratory ruling under the MCFA, the APA, and MCR 2.605. Plaintiff responded to the motion and requested summary disposition in his favor under MCR 2.116(I)(2).

The Court dispenses with a hearing on the motions. Because the Court finds that it lacks jurisdiction over plaintiff's declaratory judgment claim, the Court GRANTS summary disposition in favor of the SOS under MCR 2.116(C)(4), DENIES plaintiff's request for summary disposition under MCR 2.116(I)(2), DENIES plaintiff's emergency motion for an evidentiary hearing and for issuance of discovery subpoenas, and DISMISSES plaintiff's action in its entirety with prejudice.

I. BACKGROUND

Plaintiff's claims are premised on his allegation that Burton falsely stated in his April 16, 2026[2] AOI that all reports required of him or his candidate committee under the MCFA have been filed. Plaintiff contends that the statement is false because Burton fraudulently obtained a reporting waiver during the 2022 election cycle when he was a candidate for a seat on the 36th District Court. Plaintiff contends that Burton was not entitled to the reporting waiver because his

[2] Burton signed the AOI on April 16, 2026, and filed the AOI with the SOS on April 20, 2026.

campaign committee received or expended in excess of $1,000 during the 2022 election cycle. He contends, therefore, that Burton falsely attested on his April 2026 AOI that his candidate committee complied with the MCFA and so the SOS had a duty under MCL 168.558(4) to not certify Burton's name to the board of election commissioners.

Plaintiff did not submit a challenge with the SOS concerning Burton's April 2026 AOI, nor did plaintiff submit a campaign finance challenge against Burton for the 2026 election cycle.[3] Instead, on July 21, 2026, plaintiff submitted to the Department of State (the Department) a request for a declaratory ruling under MCL 24.263 of the APA and MCL 169.215(2) of the MCFA concerning Burton's violations of the MCFA. Plaintiff requested "a declaratory ruling with respect to the facts and allegations set forth in the matter of *Robert Davis v Jocelyn Benson*, COC No. 24-000145-MB, which was dismissed 'without' prejudice."[4] Plaintiff stated that, in response to a nonparty discovery subpoena issued to Comerica Bank by the Court in COC No. 24-0000145-MB for banking records associated with Burton's campaign committee, he received Comerica Bank records that "clearly show and prove" that Burton's candidate committee "received in excess of $1,000 and had more than $1,000 in the candidate committee's bank account on July 21, 2022 which is the date in which William Burton, Jr **fraudulently** obtained a reporting waiver from the Secretary of State."

[3] Plaintiff submitted to the SOS a campaign finance challenge to Burton under the MCFA for the 2024 election cycle when Burton was a candidate for a seat on the 36th District Court. The Department dismissed the complaint, finding that the violation alleged in the complaint was not substantiated by sufficient evidence.

[4] Plaintiff states in his complaint that he submitted the request for a declaratory ruling "[a]lthough not required to do so prior to filing the instant action."

The Department declined to issue a declaratory ruling, explaining its reasoning in a letter sent by e-mail to plaintiff on July 23, 2026. The Department applied the framework of the MCFA to the request because the request "addresses a campaign finance issue." The Department concluded:

> Because your request does not present a question of how the MCFA applies to an actual state of facts that would affect your future course of action, you are not an interested person. Further, your request asks the Department to relitigate a matter that has either been resolved by the courts, a previous campaign finance complaint, or is a new question that must be resolved through the MCFA complaint process, any one of which are not proper subjects for a declaratory ruling.

II. PLAINTIFF'S COMPLAINT

As noted, plaintiff filed this suit on July 24, 2026, raising two counts. Plaintiff, who is not a resident or qualified voter of the City of Detroit, seeks a declaratory ruling that the SOS has a clear legal duty under MCL 168.558(4) to decertify Burton as a candidate for 36th District Court for the 2026 general election. Plaintiff contends that (1) Burton fraudulently obtained a reporting waiver under the MCFA for the 2022 election cycle; (2) Burton's campaign committee failed to file required campaign finance reports for the 2022 election cycle; and (3) Burton therefore fraudulently attested that as of April 16, 2026, all statements, reports, and late filing fees required of him or his candidate committee under the MCFA had been filed or paid. Plaintiff also seeks a writ of mandamus compelling the SOS to decertify Burton as a candidate for the 36th District Court.

III. SOS MOTION FOR SUMMARY DISPOSITION

On August 10, 2026, the SOS timely sought summary disposition under MCR 2.116(C)(4), (8), or (10). The SOS contends that plaintiff's suit is barred by laches. The SOS argues that Burton filed his AOI in April 2026 and that plaintiff did not timely challenge the AOI as required under

Mich Admin Code, R 168.5. Instead, plaintiff waited over three months to file this suit. The SOS asserts that she was prejudiced by plaintiff's inexcusable delay in filing suit by having to respond to the suit on an expedited basis and that the timeframe for appellate consideration of this matter will be curtailed because she must issue the call of the election by September 4, 2026, and ballots must be printed before the September 19, 2026 deadline for mailing absent voter ballots to military and overseas voters.

The SOS contends that this Court does not have jurisdiction over plaintiff's claim for declaratory relief. First, the SOS argues that MCL 169.215(17) expressly provides that there is no private right of action under the MCFA and that the remedies provided in the MCFA—the administrative complaint process described within MCL 169.215(5) through (12)—are the exclusive means by which the MCFA may be enforced. Plaintiff's request for a declaration that the SOS has a duty not to certify Burton on the basis that his AOI contained a false statement would require the Court to determine that Burton was not entitled to a reporting waiver under MCL 169.233(6) of the MCFA during the 2022 election cycle and that Burton therefore owed late reports as a result—determinations that are within the exclusive province of the administrative complaint process under MCL 169.215(7). The SOS cites *Forster v Delton Sch Dist*, 176 Mich App 582, 585; 440 NW2d 421 (1989) ("The campaign financing act does not allow for enforcement by private individuals."); see also *Huron Valley Sch v Secretary of State*, 266 Mich App 638, 646; 702 NW2d 862 (2005), abrogated on other grounds in *Warren Con Sch Dist v Sch Dist of City of Hazel Park*, ___ Mich ___; ___ NW3d ___ (2026) (Docket No. 167643) (observing that the MCFA does not provide for a private cause of action).

Second, the SOS maintains that MCL 24.263 of the APA, and MCL 169.215(2), which governs declaratory rulings under the MCFA, do not provide this Court with jurisdiction. Citing

Warren Consol Sch Dist, __ Mich ___, the SOS argues that plaintiff is not an interested party who may bring a declaratory-judgment action in court. The SOS also argues that plaintiff is not seeking a declaration as to the applicability of an MCFA statute as to him in order to guide his conduct under the MCFA and has not sufficiently shown under MCR 2.605 the existence of an actual controversy between himself and the Secretary of State.

Even if this Court could declare that Burton violated the MCFA, the SOS contends that such a finding would not automatically result in Burton's disqualification under MCL 168.558(4). The SOS argues that it would be the SOS's prerogative to determine what reports or amendments to reports would be owed under the MCFA, and to then issue notices of errors or omission or to take other corrective action. All of this, she argues, would postdate Burton's filing of his April 2026 AOI. Because there had been no determination by the SOS or her staff that Burton owed any reports or fees at the time Burton filed his 2026 AOI, the AOI did not contain a false statement.

The SOS contends that because plaintiff's claim for mandamus relief is derivative of his claim for declaratory relief, the mandamus claim must fail.

Finally, in response to plaintiff's emergency motion for an evidentiary hearing and issuance of discovery subpoenas, the SOS argues that the motion should be denied as moot because plaintiff's claims fail for the reasons advanced in the motion for summary disposition.

IV. PLAINTIFF'S SUMMARY DISPOSITION RESPONSE

Plaintiff contends that he exhausted his administrative remedies under the APA and the MCFA and so this Court has jurisdiction over his claim for declaratory relief under MCL 24.263. Citing *Warren Consol Sch Dist*, ___ Mich ___, plaintiff argues that he is a "person" who has the

statutory right to request a declaratory ruling under MCR 24.263 and MCL 169.215(2) regarding the applicability of MCL 169.215(1)(e) of the MCFA.

Plaintiff contends that an actual controversy exists for purposes of MCR 2.605 because the Department denied his request for a declaratory ruling under MCL 24.263 "over plaintiff's meritorious objections." Plaintiff argues that the SOS did not rebut the evidence he presented to demonstrate Burton's fraud and failure to comply with the MCFA in 2022. Because "it is undisputed" that Burton had not filed mandatory reports in 2022, plaintiff contends there is no question that Burton made a false statement in his 2026 AOI, which required the SOS to not certify Burton's candidacy, entitling plaintiff to summary disposition in his favor under MCR 2.116(I)(2).

Plaintiff contends that if this Court grants declaratory relief, he is entitled to a writ of mandamus compelling the SOS to decertify Burton as a candidate. He argues that as a registered voter in Wayne County who was denied a declaratory ruling, and as a citizen supporting another candidate for a seat on the 36th District Court, he has a clear legal right to have the SOS decertify Burton. He argues that the SOS has a clear legal duty not to certify candidates who have submitted AOIs that do not strictly comply with the mandatory requirements of MCL 168.558 and that the duty is ministerial.

Lastly, plaintiff contends that his claims are not barred by laches. He argues that the SOS has not provided any evidence as to how she will be prejudiced considering that the deadline for the SOS to issue a list of certified candidates is September 4, 2026. He also argues that this Court's expedited scheduling order, together with court rules requiring expedited review of an appeal concerning election-related issues, ensure that a decision on the merits and prompt appellate

review will take place "well in advance of" the deadline to send the ballots to the printer, a deadline that plaintiff insists is "**NOT SET IN STONE**."

Plaintiff further argues that the SOS cannot assert laches because she has unclean hands. He argues that the SOS violated MCL 168.554 and R 168.2(4) by unlawfully certifying Burton as a candidate because he had outstanding campaign statements and reports that were not filed as of the date he signed his April 2026 AOI. He argues that the SOS also violated Rule 168.2(4) by failing to examine the campaign finance records of the SOS to determine whether Burton made a false statement in his April 2026 AOI before certifying his name to appear on the ballot.

Lastly, plaintiff argues that equitable principles such as laches do not apply when a statute controls the case.

V. LEGAL PRINCIPLES

Summary disposition is warranted under MCR 2.116(C)(4) when a plaintiff has not exhausted his administrative remedies before filing suit. *Citizens for Common Sense in Gov't v Attorney General*, 243 Mich App 43, 50; 620 NW2d 546 (2000).

"A motion under MCR 2.116(C)(8) tests the *legal sufficiency* of a claim based on the factual allegations in the complaint." *El-Khalil v Oakwood Healthcare Inc*, 504 Mich 152, 159; 934 NW2d 665 (2019). The Court "must accept all factual allegations as true, deciding the motion on the pleadings alone." *Id*. at 160. Summary disposition is warranted only "when a claim is so clearly unenforceable that no factual development could possibly 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*.

Plaintiff seeks a declaratory judgment, which is governed by MCR 2.605.

> The court rule provides, in pertinent part, that "[i]n 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). [*Van Buren Charter Twp v Visteon Corp*, 319 Mich App 538, 545; 904 NW2d 192 (2017).]

Plaintiff also seeks a writ of mandamus. "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). This "extraordinary remedy" is available only when the party seeking it shows that: (1) it has a "clear, legal right to performance of the specific duty sought," (2) the opposing party "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 of Kent Co v Kent Co Treasurer*, 308 Mich App 498, 518-519; 866 NW2d 817 (2014). A "ministerial act" is one "where 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." *Keaton v Beverly Hills*, 202 Mich App 681, 683-684; 509 NW2d 544 (1993), quoting *Delly v Bureau of State Lottery*, 183 Mich App 258, 260-261; 454 NW2d 141 (1990). And a "clear, legal right" is one either "clearly founded in, or granted by, law; [or] a right which is inferable as a matter of law from uncontroverted facts, regardless of the difficulty of the legal question to be decided." *Univ Med Affiliates, PC v Wayne Co Executive*, 142 Mich App 135, 143; 366 NW2d 277 (1985).

This case also involves questions of statutory construction and administrative rule construction. "Principles of statutory interpretation apply to the construction of administrative

rules." *Romulus v Mich Dep't of Environmental Quality*, 260 Mich App 54, 65; 678 NW2d 444 (2003).

> 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) (quotation marks and citations omitted).]

V. JURISDICTION

Plaintiff requests a declaration that the SOS has a duty to decertify Burton as a candidate for the 36th District Court because Burton's AOI is false on the basis of a violation of the MCFA. Plaintiff's requested declaration necessarily requires a determination that Burton has violated or is in violation of the MCFA. This Court cannot declare or otherwise determine that Burton has violated or is in violation of the MCFA. The MCFA expressly provides that there is no private right of action under the MCFA. MCL 169.215(17); see also *Huron Valley Sch*, 266 Mich App at 646. The administrative complaint process under MCL 169.215(5) through (12) provides the exclusive means to obtain a determination that someone has violated the MCFA. MCL 169.215(17). Plaintiff must exhaust the administrative complaint process under the MCFA before seeking judicial review. *Id*. at 645-646. Plaintiff failed to exhaust his administrative remedies under the MCFA by bringing a campaign finance challenge during the 2026 election cycle. Plaintiff has effectively conceded this point by failing to address the SOS's argument that this Court does not have jurisdiction because plaintiff failed to exhaust his administrative remedies under the MCFA.

Nonetheless, citing *Warren Consol Sch Dist*, ___ Mich ___, plaintiff contends, that MCL 24.263 of the APA and MCL 169.215(2), the coordinate statute in the MCFA, give this Court jurisdiction to issue a declaratory ruling under MCR 2.605.[5]

MCL 169.215(1)(e) of the MCFA requires the SOS to promulgate rules and issue declaratory rulings in accordance with the APA. Mich Admin Code, R 169.6(1) provides: "The secretary of state, on written request of an *interested* person, may issue a declaratory ruling as to the applicability of the act or these rules to an actual statement of facts." (Emphasis added.)

Similarly, MCL 24.263 of the APA states in pertinent part:

> On request of an *interested* person, an agency may issue a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the agency or of a rule or order of the agency. An agency shall prescribe by rule the form for such a request and procedure for its submission, consideration and disposition. [Emphasis added.]

Plaintiff argues that as an individual he meets the definition of "person" as that term is defined in MCL 169.211(2) of the MCFA and MCL 24.203 of the APA and that he therefore had a statutory right to file a request for a declaratory ruling and to file suit when the request was denied. Plaintiff's argument ignores that MCL 24.263, MCL 169.215(1)(e), and Rule 169.6(1) provide that an *interested* person may request a declaratory ruling. As plaintiff pointed out in his complaint, in *Warren Consol Sch Dist*, ___ Mich ___; slip op at 9-10, our Supreme Court concluded with respect to MCL 24.263"

> MCL 24.263 allows *regulated* parties to ask for an agency declaratory ruling [under MCR 2.605] regarding the applicability of a statute, rule or order to a set of facts" and that "this process is optional for the regulated party, who has no obligation to

[5] *Warren Consol Sch Dist* was not a MCFA case and has no impact on the application of MCL 169.215(17).

> present a question to the agency before seeking judicial review. They may proceed immediately with a declaratory judgment action in circuit court, see MCR 2.605, or seek any other legal remedy available to them." [*Id*., slip op at 13.]

Plaintiff has not alleged or argued that he is a regulated party, and his course of action would not be affected by a declaratory ruling. The Court finds that plaintiff does not satisfy the definition of "interested party" for purposes of seeking a declaratory ruling.

For these reasons, the Court GRANTS summary disposition of Count I of plaintiff's complaint under MCR 2.116(C)(4) in favor of the SOS. Because plaintiff's claim for a writ of mandamus is derivative of plaintiff's claim for a declaratory judgment, the Court GRANTS summary disposition of Count II of plaintiff's complaint in favor of the SOS. Plaintiff's request for summary disposition under MCR 2.116(I)(2) is DENIED.

VI. LACHES

Even if this Court had jurisdiction over plaintiff's claims, the claims are barred by laches. As explained in As explained in Davis v Secretary of State, 346 Mich App 445, 462; 12 NW3d 653 (2023):

> Laches is an equitable tool that may be used to remedy the inconvenience or prejudice to a party caused by an improper delay in asserting a right. *Public Health Dep't v Rivergate Manor*, 452 Mich 495, 507; 550 NW2d 515 (1996). The issue of whether relief will be withheld on the basis of laches is contingent upon the facts and circumstances of the particular case. *Henderson v Connolly's Estate,* 294 Mich 1, 19; 292 NW 543 (1940). When no acceptable explanation is proffered for a plaintiff's delay, a plaintiff's requested relief should be barred by unexcused laches. See *id*. Rather, equity will aid the vigilant, not those that "slumber on their rights." *Id*. The purpose of the rule is to promote diligence, discourage laches, and "prevent the enforcement of stale demands." *Id*. As the Court of Claims observed, legal challenges that affect elections are especially prone to causing profound harm to the public and to the integrity of the election process the closer in time those challenges are made to the election, making laches especially appropriate to apply in such matters. *Purcell v Gonzalez*, 549 US 1, 4-6; 127 S Ct 5; 166 L Ed 2d 1 (2006); *New Democratic Coalition v Secretary of State*, 41 Mich App 343, 356-357; 200 NW2d 749 (1972). "[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.* at 356. "Courts can reasonably endeavor to avoid unnecessarily precipitate changes that would result in immense administrative difficulties for election officials." *Id*. at 357.

Plaintiff acknowledges in his complaint that Burton's nominating petition was filed with the Secretary of State on April 20, 2026. Plaintiff did not file a challenge to Burton's AOI. Instead, plaintiff waited three months to file this lawsuit, which essentially raises the same challenges to Burton's AOI that plaintiff made in his 2024 MCFA complaint, and attempted to litigate in court in 2024. Even if plaintiff was an interested person who had the right to request a declaratory ruling, he acknowledges in his complaint that a denial of a declaratory ruling is not required before filing a lawsuit. Plaintiff obtained Burton's candidate committee's bank records but raised no challenge to Burton's April 2026 AOI.

Plaintiff contends that the SOS cannot rely on the doctrine of laches because she comes to the court with unclean hands. The SOS' hands are unclean, plaintiff asserts, because she violated MCL 168.558(4) and Rule 168.2(4) by certifying Burton's name to the board of election commissioners when he had outstanding campaign statements and reports that were not filed as of the date he signed his AOI. He also claims that the SOS violated Rule 168.2(3) by failing to examine Burton's campaign finance records to determine whether he made a false statement. "Laches is an equitable doctrine," and "[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). In *PowerPick*, the Court of Appeals denied the defendant the right to rely on laches or accuse the Attorney General of coming before the Court with unclean hands because "PowerPick's various gambling schemes violated the terms" of several statutes. *Id*. at 52-53. The case before this Court is distinguishable. Burton obtained a reporting waiver during the 2022 election cycle. The campaign finance challenge to Burton's reporting waiver during the

2024 election cycle was denied for insufficient evidence. There has been no determination that Burton was not entitled to a reporting waiver in 2022 or that Burton has not complied with MCFA requirements. The Court finds that the defense of unclean hands does not apply in this case.

The SOS further argues in support of her laches defense that she is prejudiced by plaintiff's delay in filing this lawsuit. She contends that shortened response times necessitate haste, raising the risk of errors in the briefing or unintentionally missing arguments, prejudicing the SOS in future appeals. She also argues that the opportunity for meaningful appellate review is severely curtailed by the delayed filing because even with the Court's expedited scheduling order, briefing will not be completed until August 21, 2026, which is just two weeks from when ballots must be printed.

Plaintiff argues in response that the Court's expedited scheduling order ensures that a decision on the merits in this case will occur before September 4, 2026. He also argues that the SOS has no meaningful role in the printing of the ballots and that the deadline is "**NOT SET IN STONE!**" Yet plaintiff moved on an emergency basis for an expedited hearing "because the ballot printing deadlines . . . are the first week of September 2026."

Overall, the Court finds that plaintiff's delay in bringing this suit warrants dismissal on the basis of laches. Burton's AOI was filed on April 20, 2026. Plaintiff had Burton's campaign committee's bank records at that time. The Secretary of State must issue the call of the election by September 4, 2026, and absent voter ballots must be mailed overseas by September 19. The SOS would be entitled to summary disposition on laches grounds.

IT IS ORDERED:

1. The Court DENIES plaintiff's motion for an evidentiary hearing and discovery subpoenas.

2. The Court GRANTS defendant's August 10, 2026 motion for summary disposition of Counts I and II and DENIES plaintiff's request for summary disposition under MCR 2.116(I)(2).

3. Plaintiff's complaint is dismissed in its entirety with prejudice.

4. This order resolves the last pending claim and closes the case.

Date: August 27, 2026

Randy J. Wallace

Hon. Randy J. Wallace
Judge, Court of Claims