STATE OF MICHIGAN

COURT OF CLAIMS

THE MICHIGAN DEMOCRATIC PARTY and KATHLEEN ROGERS,

Plaintiffs,

v

Case No. 26-000182-MZ

SECRETARY OF STATE, DIRECTOR OF ELECTIONS, and the MICHIGAN BUREAU OF ELECTIONS,

Hon. Randy J. Wallace

Defendants.
_____ /

OPINION AND ORDER

At 9:39 p.m. on August 26, 2026, plaintiffs filed this election-related lawsuit against defendants Secretary of State (SOS), Director of Elections, and the Michigan Bureau of Elections (collectively defendants), requesting declaratory and mandamus relief. Plaintiffs request a declaration that the SOS "shall not certify Shane Dedrick's name for placement on the ballot for the November 3, 2026 general election." Plaintiffs also request a writ of mandamus compelling defendants to "refrain from certifying or otherwise allowing Shane Dedrick's name for placement on the ballot for the November 3, 2026 general election and, if the name has already been certified, to disqualify and rescind the certification and to notify the affected county clerks that the name must be omitted." At the same time, plaintiffs filed a motion for preliminary injunction enjoining the SOS from certifying Dedrick's candidacy, as well as a motion for summary disposition under MCR 2.116(C)(10).

Plaintiffs' complaint and motion for a preliminary injunction requested a hearing and expedited consideration by September 4, 2026, the certification deadline associated with the November 3, 2026 general election. Plaintiffs did not, however, file a motion for expedited consideration. On August 28, 2026, following service of process, the Court nevertheless entered an emergency scheduling order requiring defendants to respond to the complaint and motion by noon on September 1, 2026.

Defendants timely responded to plaintiffs' motions and moved for summary disposition under MCR 2.116(C)(8) or (10) as their initial response to the complaint. Defendants' motion addresses the claims on the merits and also argues for dismissal on the basis of laches. Plaintiffs responded to the motion and requested that the Court grant their motion for summary disposition under MCR 2.116(C)(10), deny defendants' motion for summary disposition, and grant summary disposition of defendants' motion in favor of plaintiffs under MCR 2.116(I)(2).

The Court dispenses with a hearing on the motions. Because the Court finds that plaintiffs' claims are barred by laches, the Court DENIES plaintiffs' motion for summary disposition under MCR 2.116(C)(10), GRANTS defendants' motion for summary disposition under (C)(10), DENIES plaintiffs' request for summary disposition under MCR 2.116(I)(2), DENIES plaintiffs' motion for a preliminary injunction, and DISMISSES plaintiffs' action in its entirety with prejudice.

I. BACKGROUND

The Green Party of Michigan (the Green Party) nominated Dedrick as its party candidate for Michigan's Seventh Congressional District in the United States Congress at its April 25, 2026 nominating convention. The Green Party's Certificate of Nomination for its respective candidates

was stamped as received by the SOS on April 27, 2026. On April 27, 2026, Dedrick filed a certificate of acceptance of the nomination, and two copies of his Affidavit of Identity (AOI) with the SOS as required by MCL 168.558(1).

An AOI must contain the information provided in MCL 168.558(2).[1] An AOI must also include a signed and notarized[2] statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan Campaign Finance Act have been filed or paid and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to $1,000.00 or imprisonment for up to 5 years, or both. MCL 168.558(4). MCL 168.558(4) also provides that "[a]n officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a

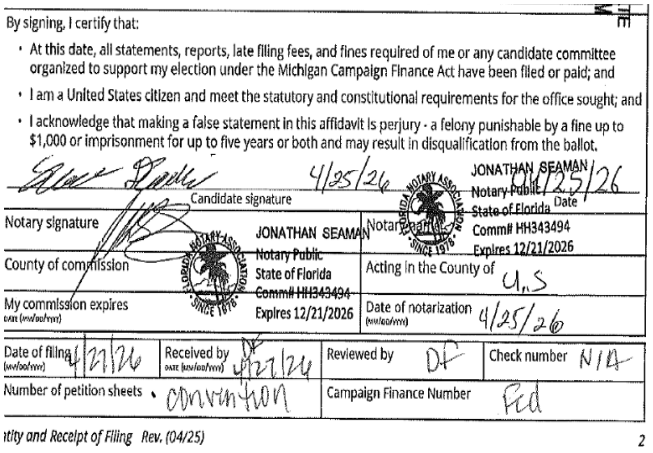
[1] MCL 168.558(2) provides:

> An affidavit of identity must contain the candidate's name and residential address; a statement that the candidate is a citizen of the United States; the title of the office sought including the jurisdiction, district, circuit, or ward; the candidate's political party or a statement indicating no party affiliation if the candidate is running without political party affiliation; the term of office; the date of the election in which the candidate wishes to appear on the ballot; a statement that the candidate meets the constitutional and statutory qualifications for the office sought; other information that may be required to satisfy the officer as to the identity of the candidate; and the manner in which the candidate wishes to have his or her name appear on the ballot. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name. If the affidavit of identity is for a candidate for precinct delegate, the candidate shall include his or her precinct number on the affidavit of identity. If the affidavit of identity is for a judicial candidate, the candidate shall include on the affidavit of identity whether the office sought is an incumbent position, a nonincumbent position, or a new judgeship.

[2] Mich Admin Code, R 168.4(2) provides that an AOI "must be notarized in accordance with the Michigan law on notarial acts . . . MCL 55.261 to 55.315."

candidate who executes a false statement with regard to any information or statement required under this section."

Dedrick's AOI was signed and notarized on April 25, 2026, and filed on April 27, 2026, as shown below.



By signing, I certify that:

- At this date, all statements, reports, late filing fees, and fines required of me or any candidate committee organized to support my election under the Michigan Campaign Finance Act have been filed or paid; and
- I am a United States citizen and meet the statutory and constitutional requirements for the office sought; and
- I acknowledge that making a false statement in this affidavit is perjury - a felony punishable by a fine up to $1,000 or imprisonment for up to five years or both and may result in disqualification from the ballot.

4/25/26 — JONATHAN SEAMAN Notary Public State of Florida — 04/25/26

Candidate signature — Date

Notary signature — JONATHAN SEAMAN Notary Public State of Florida Comm# HH343494 Expires 12/21/2026

County of commission — Acting in the County of U.S

My commission expires (mm/dd/yyyy) — Expires 12/21/2026 — Date of notarization (mm/dd/yyyy) 4/25/26

Date of filing (mm/dd/yyyy) 4/27/26	Received by (mm/dd/yyyy) 4/27/26	Reviewed by DF	Check number N/A
Number of petition sheets 1 conviction		Campaign Finance Number Fed	

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Plaintiffs' claim for declaratory judgment asserts that an actual dispute and controversy exists between plaintiffs and defendants regarding Dedrick's AOI and eligibility to appear on the general election ballot. Plaintiffs' complaint and their motion for summary disposition assert that Dedrick's AOI was not properly notarized because the notarial certificate does not identify a county of commission or venue for notarization. Plaintiffs argue that Michigan law requires strict compliance with the Michigan Election Law for AOIs and that candidates who omit required information cannot be certified to the ballot. They argue that this information is required under MCL 55.287(2)(b) of the Michigan law on notarial acts, MCL 55.261 *et seq*., as well as under Florida law, Fla Stat 117.05(4)(a) and (c), for the notarization to be valid. Because the information is not included in the jurat, plaintiffs contend that Dedrick's AOI does not strictly comply with

MCL 168.558(4) and MCL 55.287(2)(b) and, therefore, the Court must declare that the SOS has a statutory duty not to certify Dedrick as a candidate. Plaintiffs' mandamus claim and their motion for summary disposition assert that they have a clear legal right to performance of that duty, that the SOS has a clear legal duty under MCL 168.558(4) to perform the act requested, that the act is ministerial, and that no other remedy exists that might achieve the same result.

Defendants argue that plaintiffs' suit is barred by laches. They assert that plaintiffs failed to submit any challenge to Dedrick's AOI and instead filed this lawsuit four months after the AOI was filed.[3] The unreasonable delay in raising the challenge has prejudiced defendants. Defendants assert that the SOS must certify to counties the slate of candidates to appear on the ballot by September 4, 2026, and that ballots must be ready to be sent to military and overseas votes by September 19, 2026. Defendants also argue that the case involves substantial and complex questions of law, and that the opportunity for meaningful appellate review has been severely curtailed by plaintiffs' dilatory filing. Even with the Court's expedited scheduling order, briefing will not be completed until September 1, 2026, leaving little time, if any, for the nonprevailing party to pursue appeals.

Defendants also argue that plaintiffs' request for declaratory judgment under MCR 2.605 does not seek a declaration of their "rights or legal relations" and instead seeks to compel the SOS to perform some duty—a request that sounds in mandamus. They contend, therefore, that Count I does not state a claim for declaratory relief and should be dismissed under MCR 2.116(C)(8).

[3] Although defendants note in their motion that plaintiffs did not challenge Dedrick's AOI within seven days of the affidavit filing deadline, see Mich Admin Code, R 168.5, defendants have not argued that the lack of a challenge precludes this lawsuit.

Defendants alternatively argue that if plaintiffs' claims are construed to seek a declaration that Dedrick's AOI is invalid, plaintiffs are not entitled to the declaratory and mandamus relief they seek because Michigan caselaw has held that the failure of a notary to include the county in the jurat does not invalidate the validity of the notarization or the validity the document. Defendants cite *Sullivan v Hall*, 86 Mich 7, 12-13; 4 NW 646 (1891); *Wise v Yunker*, 223 Mich App 203, 206; 193 NW 890 (1923); and *Keyes v Hare*, 360 Mich 610, 619-619; 104 NW2d 781 (1960). They note that MCL 55.285a(1)(a)(i) states that a notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, as long as it is performed by a notary public who is authorized to perform notarial acts in the state in which the act is performed. The only alleged deficiency is that the Florida notary wrote "U.S." in the field for "acting in the county of" and left blank the field for "county of commission." Such errors or omissions are not fatal to the validity of the affidavit. They argue that plaintiffs have not demonstrated that Dedrick's AOI is invalid and that plaintiffs' claims must therefore be dismissed under MCR 2.116(C)(10).

In response, with respect to laches, plaintiffs argue that they had no reason to examine Dedrick's AOI until "stories surfaced in mid-August raising questions about the legitimacy of his candidacy." Plaintiffs maintain that they submitted a Freedom of Information Act (FOIA) request for Dedrick's AOI on August 12, 2026, and received the AOI on August 19, 2026. Plaintiffs contend that they "notified Defendants of the defect on August 21," but learned on August 25 that defendants had not yet considered the matter and so they filed this suit on August 26. Plaintiffs argue that laches should not be used as a shield to disregard the SOS's statutory obligation to enforce strict compliance with the requirements for an AOI. They also argue that defendants have failed to show "concrete prejudice" from the timing of this suit. Plaintiffs contend that this case

does not involve substantial and complex questions of law that require extensive briefing. They contend that time remains to provide relief before ballots are finalized and before ballots can be printed.

Plaintiffs argue that they stated a claim for declaratory judgment. They contend that the nature of their claim is a request to declare that Dedrick's AOI does not comply with MCL 168.558(4) and that the SOS is therefore barred from certifying his candidacy. They contend that the SOS's refusal to comply with a statutory duty presents an actual case and controversy.

Lastly, plaintiffs argue that defendants' reliance on caselaw holding that the failure of a notary to include the county does not invalidate a notarization because a notary can act anywhere in the state is misplaced because the caselaw predates the Supreme Court's holding in *Stand Up for Democracy v Secretary of State*, 492 Mich 588, 601; 822 NW2d 159 (2012), that, where the Legislature uses words like "must" and "shall" in the Michigan Election Law, strict-compliance is the standard, unless the Legislature expressly calls for "substantial compliance." They also argue that the caselaw predated the 2021 amendment of MCL 168.558(4), 2021 PA 158, which added the requirement that AOIs be signed and notarized. Plaintiffs contend that

(1) MCL 168.558(4) states that an AOI must include a signed and notarized statement,

(2) Rule 168.4(2) provides that an AOI must be notarized in accordance with the Michigan law on notarial acts,

(3) MCL 55.287(2)(b) provides that a notary public performing a notarial act shall include the statement: "Notary public, State of Michigan, County of _____,"

(4) Strict compliance with both MCL 168.558(4) and MCL 55.287(2) is therefore required and, because Dedrick's AOI does not strictly comply, the SOS "shall not certify" the candidate.

II. ANALYSIS

A. STANDARDS OF REVIEW

Defendants moved for summary disposition under MCR 2.116(C)(8) or, alternatively, MCR 2.116(C)(10). Plaintiffs moved for summary disposition under MCR 2.116(C)(8). 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 accepts 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 reviews the evidence submitted by the parties in the light most favorable to the nonmoving party and dismisses 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*.

Plaintiffs request a declaratory judgment. MCR 2.605(A)(1) provides, "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." Plaintiffs also seek a writ of mandamus. A writ of mandamus is an extraordinary remedy falling within the Court's discretion to grant or deny. *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*. (quotation marks and citation omitted).]

To the extent that this case also involves questions of statutory interpretation, the Court recognizes the following principles:

> 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; first alteration in original).]

B. 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 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.

The Courts finds that plaintiffs' claims are barred by laches. There is no dispute that Dedrick filed his AOI on April 27, 2026. Regardless of the reasons plaintiffs waited until August 12, 2026 to make a FOIA request for Dedrick's AOI, nothing prevented plaintiffs from requesting a copy of Dedrick's AOI before August 12. Plaintiffs received Dedrick's AOI on August 19 but did not file this suit until after the Court's close of business on August 26, 2026, labeling it as an "emergency" election matter and requesting expedited consideration by September 4. On the same day, plaintiffs filed a motion for summary disposition, again requesting expedited consideration, oral argument, and a decision by September 4. Plaintiffs' September 2 response to defendants' motion for summary disposition requests expedited consideration by September 4. Clearly plaintiffs recognized the need for a decision in this matter by September 4. The general election ballots must be certified to the county clerks by September 4 and absent voter ballots must be mailed overseas by September 19.

Plaintiffs had seven days after receiving Dedrick's AOI to prepare their lawsuit and motions, but because of the emergency nature of this suit and the Court's entering of an emergency scheduling order on August 28, defendants had less than four days—two of which were nonbusiness weekend days—to respond to plaintiffs' complaint, motion for preliminary injunction, and motion for summary disposition during an extremely busy election season. Plaintiffs' request for oral argument on their motion for summary disposition suggests that the issues in this case and the law are not as straightforward as plaintiffs contend. Even with this Court's expedited scheduling order, briefing was not complete until September 2, resulting in an

Opinion and Order from this Court on September 3, just one day after briefing was complete and one day before the deadline for the SOS to certify candidates for the general election. This leaves little, if any, opportunity to pursue appellate review.

Overall, the Court finds that plaintiffs' unreasonable delay in bringing this suit prejudiced defendants and warrants dismissal on the basis of laches.

III. CONCLUSION

For the reasons discussed above, IT IS ORDERED:

1. The Court DENIES plaintiffs' motion for a preliminary injunction.

2. The Court DENIES plaintiffs' motion for summary disposition, GRANTS defendants' motion for summary disposition under MCR 2.116(C)(10), and DENIES plaintiffs' request for summary disposition under MCR 2.116(I)(2).

3. Plaintiffs' complaint is dismissed in its entirety with prejudice.

IT IS SO ORDERED. This is a final order that resolves all claims and closes the case.

Date: September 3, 2026

Randy J. Wallace

Hon. Randy J. Wallace
Judge, Court of Claims