

STATE OF MICHIGAN
IN THE SUPREME COURT

PROTECT MI FREE SPEECH, a Michigan
ballot question committee, and JAMES
HOLCOMB, an individual,

Plaintiffs,

v.

BOARD OF STATE CANVASSERS,
JOCELYN BENSON, in her official capacity
as Secretary of State, and JONATHAN
BRATER, in his official capacity as Director
of Elections,

Defendants.

Supreme Court Case No. _____

**THIS MATTER INVOLVES A
RULING THAT A PROVISION OF
THE CONSTITUTION, A STATUTE,
RULE OR REGULATION, OR
OTHER STATE GOVERNMENTAL
ACTION IS INVALID.**

ORAL ARGUMENT REQUESTED

**THIS IS AN ELECTION MATTER,
ACTION IS REQUESTED BY
AUGUST 20, 2026.**

Gary P. Gordon (P26290)
W. Alan Wilk (P54059)
Kyle M. Asher (P80359)
Olivia R.C.A. Flower (P84518)
DYKEMA GOSSETT PLLC
Capitol View, 201 Townsend Street, Suite 900
Lansing, Michigan 48933
Telephone: (517) 374-9100
GGordon@dykema.com
WAWilk@dykema.com
KAsher@dykema.com
OFlower@dykema.com

*Attorneys for Plaintiffs Protect MI Free
Speech and James Holcomb*

**COMPLAINT FOR IMMEDIATE MANDAMUS AND INJUNCTIVE RELIEF
AND EX PARTE MOTION FOR ORDER TO SHOW CAUSE**

***** EXPEDITED DECISION BY AUGUST 20, 2026 REQUESTED *****

Plaintiffs Protect MI Free Speech and James Holcomb, through their attorneys and for their Complaint, state the following:

INTRODUCTION

The fundamental question before this Court is whether the Michiganders for Money Out of Politics (“MMOP”) petition contains 356,958 valid signatures: the number needed to invoke the Michigan Constitution of 1963’s initiative process. Const 1963, art 2, § 9. The record demonstrates that the Board of State Canvassers (the “Board”) does not know the answer. And the facts and law compel a conclusion the petition falls short.

MMOP submitted petition signatures with one of the lowest validity rates in recent history—marked with an extraordinary number of duplicate signatures, unregistered voters, and invalid signatures. To certify the petition, the Board disregarded its own standards—which require a 90% confidence level that the constitutionally-required amount of valid signatures were actually submitted. And it counted 12 signatures that were accompanied by wholly fabricated addresses, despite the Michigan Election Law’s requirement that a petition signer provide “his or her” street address. Each of these errors were independently outcome-determinative. Had the Board correctly applied its own signature sampling standards, it would have determined that the number of valid signatures the Board calculated as submitted (645) falls within the margin of error that prevents certification. And had the Board rejected the 12 signatures that included non-existent addresses, the Board would have determined that the total number of valid signatures in the sample (633) falls short of the Board’s stated threshold for certification (636).

In short, Article 2, Section 9 includes a definitive requirement for the number of valid signatures that must be submitted to invoke the initiative process. Because the Board violated its clear legal duty when accepting invalid signatures and applying an incorrect process, this Court

should issue a writ of mandamus or injunctive relief that compels the Board to de-certify the petition, and prevent the petition from enactment or appearing on the November general election ballot.

PARTIES

1. Plaintiff Protect MI Free Speech (“PMFS”) is a ballot question committee organized under the Michigan Campaign Finance Act (the “MCFA”), formed to oppose the petition to initiate legislation submitted to the Board by MMOP pursuant to Article 2, § 9 of Michigan’s 1963 Constitution. The registered address of Protect MI Free Speech is 600 S. Walnut Street, Lansing, MI 48933.

2. MMOP is a ballot question committee that was formed to support an initiated law that would amend the MCFA to prohibit certain persons and businesses from making political campaign contributions.

3. Plaintiff James Holcomb is a Michigan voter who opposes the MMOP petition. Mr. Holcomb would be impacted by the proposed law if, pursuant to Article 2, § 9 of Michigan’s 1963 Constitution, it were either adopted by the Legislature or to appear on the ballot.

4. Defendant Michigan Board of State Canvassers is a public body created by Article 2, § 7, of Michigan’s 1963 Constitution. The Board must, upon receiving timely filed petitions seeking to initiate legislation, “canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors.” MCL 168.476(1).

5. Defendant Jocelyn Benson, named in this action in her official capacity, is Michigan’s Secretary of State (the “Secretary”), the elected head of Michigan’s Department of State. Const 1963, art 5, §§ 3, 21. The Secretary is responsible, among other things, for performing duties relating to elections, including promulgating rules establishing uniform standards for ballot

question petition signatures, and supervising the Director of Elections. MCL 168.31; MCL 168.32. The Secretary is also responsible for certifying the statement of the purpose of a ballot question initiating legislation for inclusion on statewide ballots and transmitting two copies of the text the amendment to Michigan's county clerks. MCL 168.480.

6. Defendant Jonathan Brater, named in this action in his official capacity, is the Director of Elections (the "Director"). Director Brater's duties include the supervision and administration of Michigan's election laws, under the supervision of the Secretary, and he serves as a nonmember secretary of the Board. MCL 168.32(1). Director Brater is also responsible for proposing a statement of 100 words or less describing the purpose of any proposed question submitted to voters for approval. MCL 168.32(2).

7. Director Brater's Staff is the Bureau of Elections (the "Bureau"), which performs many of the administrative tasks involved in the canvass of petitions.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this Complaint under MCL 168.479, which provides that "any person who feels aggrieved by any determination made by the board of state canvassers may have the determination reviewed by mandamus or other appropriate remedy in the supreme court," and that a person aggrieved "by any determination made by the board of state canvassers regarding the sufficiency or insufficiency of an initiative petition, the person must file a legal challenge to the board's determination in the supreme court within 7 business days after the date of the official declaration of the sufficiency or insufficiency of the initiative petition . . ." MCL 168.479(1), (2).

9. Plaintiffs have filed this Complaint within seven business days of the Board's determination that MMOP's petition is sufficient to appear on the November general election ballot.

10. Plaintiffs have standing to raise this challenge under MCL 168.479, as they oppose the petition and are aggrieved by the Board's determination. PMFS and Mr. Holcomb are not mere ordinary citizens in this matter. They filed a sworn challenge to the MMOP petition pursuant to MCL 168.476 and appeared before the Board on July 24, 2026. They have been considerably involved in the Board's processes and procedures, and are, thereby, aggrieved by their determination.

11. "[T]he bar for standing is lower when a case concerns election law . . . because without the process of elections, citizens lack their ordinary recourse." *League of Women Voters of Mich v Secretary of State*, 506 Mich 561, 587; 957 NW2d 731 (2020); see also *Deleeuw v Bd of State Canvassers*, 263 Mich App 497, 506; 688 NW2d 847 (2004) ("[W]e have found that ordinary citizens have standing to enforce the law in election cases.").

12. Plaintiffs seek a writ of mandamus and injunctive relief. This Court has the authority to "issue, hear and determine writs of . . . mandamus." MCL 600.217; see also Const 1963, art 6, § 4 (giving the Court "power to issue, hear and determine prerogative and remedial writs," such as mandamus and certiorari); see also MCL 168.479(1) (allowing aggrieved parties to "have the determination reviewed by mandamus or other appropriate remedy in the supreme court").

GENERAL ALLEGATIONS

13. "To invoke the initiative," valid signatures of "not less than eight percent" of the "number of registered electors" who cast votes "for all candidates for governor at the preceding

general election at which a governor was elected” must be submitted along with the petition. Const 1963, art 2, § 9. That number is 356,958 signatures for this election.

14. MMOP submitted its petitions on May 27, 2026—the last possible day of filing.¹ See MCL 168.471.

15. The Bureau, which acts as Staff for the Board, determined that MMOP filed an estimated 108,891 initiative petition sheets containing an estimated 561,282 signatures. MMOP Staff Report, p 1 (July 17, 2026) (App’x B, p 5); Board of State Canvassers, *Challenge Deadline Established for Initiative Sponsored by Michiganders for Money Out of Politics*, p 1 (June 25, 2026) (App’x C, p 28).

16. Due to MMOP’s last-minute filing, the Board was left with fewer than 60 days to process more than 560,000 signatures.

17. For initiative petitions, the Board’s practice is to utilize sampling to canvass the petitions. The Board conducted a random sample of 1,000 signatures—representing approximately 0.2% of the total signatures submitted.

18. Recognizing that a small sample may not be representative of the total universe of signatures, the Board’s processes require a certain threshold, confidence interval, and margin of error to determine that a petition contains the number of signatures required under Const 1963, art 2, § 9.

¹ See Jackson, *Petition Drive to Get “Money Out of Politics” Submits Signatures for Ballot Campaign*, Michigan Public (May 27, 2026), available at <<https://www.michiganpublic.org/politics-government/2026-05-28/petition-drive-to-get-money-out-of-politics-submits-signatures-for-ballot-campaign>>.

19. The Board's standard requires at least a "90% confidence" level that the petition actually contains the correct number of valid signatures.²

20. The Board relies on the Bureau's sampling process but requires a high level of confidence to account for the fact that statistical sampling is subject to error. See Michigan Department of State, *Random Sample Signature Canvassing in Michigan* (1990), p 6 ("The question of precision is very important in this context because there is always a chance, however slight, that a petition which has sufficient valid signatures to be certified will have a sample drawn from it which indicates that there are insufficient valid signatures. There is also a chance that a petition having insufficient valid signatures will have a sample drawn from it indicating that there are sufficient valid signatures. The key to sampling lies in the selection of allowable limits of error which minimize the frequency of this kind of occurrence.") (App'x G, p 58); Rehmann Recommendations, p 2 ("Today, auditors would refer to a 90% confidence level as a 'high degree' of confidence.") (App'x E, p 36).

21. This higher level of confidence is appropriate because the signature threshold is constitutionally mandated—the Board has a duty to ensure that a petitioner has cleared the valid signature threshold. See Const 1963, art 2, § 9; MCL 168.476(1) (the Board must "ascertain if the petitions have been signed by the requisite number of qualified and registered electors"). This confidence level is required by the Board-approved sampling process and has been used since the 1980s.

² See Memorandum from Rehmann Robson LLC to Bureau of Elections and Board of State Canvassers re Recommendations for Random Sampling When Canvassing Signatures (March 20, 2023) (the "Rehmann Recommendations"), p 2 (App'x E, p 36). The Rehmann Recommendations were recommended for approval by Director Brater in a March 14, 2023 Memorandum. See Memorandum from Jonathan Brater to Board of State Canvassers, p 6 (App'x F, p 47).

22. The Bureau of Elections Staff issued a Staff Report on July 17, 2026, finding that, based on the 561,282 signatures submitted, and the 356,958 valid signatures needed, the “sponsor needed to attain a signature validity rate of at least 63.6% for staff to recommend certification of the petition (i.e., 636/1,000).”³ MMOP Staff Report, p 1 (App’x B, p 5).

23. Staff claimed that, if 636 or more signatures of the 1,000 signature sample were those of valid registered voters, the Bureau would recommend certification of the petition as sufficient. If the sampling process produced 635 or fewer valid signatures of registered voters, then the Bureau would recommend denial of certification due to insufficient signatures. *Id.* at 1, 13 (App’x B, pp 5, 17).

24. This 636 signature threshold is inconsistent with the Rehmann Recommendations’ methodology, which the Bureau had adopted and purported to apply. And it fails to take into account the 90% confidence and 2.5% margin of error.

25. The Board ultimately determined that 645 of the 1,000 sampled signatures were valid, and 355 of the 1,000 sampled signatures were not.

26. Applying the Board’s stated 90% confidence interval, with the Board’s stated 2.5% margin of error, the Board should have required 661 valid signatures to be submitted to achieve the requisite confidence level in the universe of signatures. See Sworn Statement of Michael Petron, ¶ 13 (App’x H, p 92). Mr. Petron states that this is derived “by taking the current Board cutoff of 63.6% and adding 2.5% to account for the margin of error” while using the “Board’s 90% confidence interval that it has adopted and used since the introduction of its sampling process in the 1980s.” *Id.* (App’x H, p 92). Mr. Petron’s accompanying Sworn Statement explains this math in detail.

³ 561,282 multiplied by 63.6% provides the number that exceeds the 356,958 signature threshold.

27. Had the Board applied the correct signature threshold, it would have determined that the 645 signatures it deemed valid fell short of the constitutionally-required amount.

28. Even using the Staff's flawed signature threshold of 636, however, the number of valid signatures should still have fallen short if the Board correctly applied Michigan Election Law when assessing the validity of signatures because the results of the Board's canvass remained within the margin of error.

29. Specifically, when determining that 645 valid signatures were submitted, the Board rejected Plaintiffs' challenges to 12 signatures that were accompanied by non-existent addresses.

30. Accepting these signatures was inconsistent with Michigan Election Law, which requires that a petition signer provide "his or her street address or rural route"—not an imaginary address. It was also inconsistent with the Board's own procedures, which make clear that, when the Bureau is assessing the validity of sampled signatures, it must determine whether "*sampled signatures are accompanied by **valid addresses***." Michigan Bureau of Elections, *Sampling Procedure for Canvassing Petitions* (November 2023), p 3 (App'x D, p 32); see also Michigan Department of State, Bureau of Elections, *Petition Manual: Statewide Initiative, Referendum, and Constitutional Amendment Petitions* (July 31, 2025), pp 29-30 (App'x V, pp 1785-1786).

31. Had these 12 signatures been properly rejected, only 633 valid signatures would have counted—three below the Board's stated threshold of 636.

32. These errors were the result of a rushed process that occurred over Plaintiffs' objections.

33. On July 9, 2026, Plaintiffs filed a challenge to the MMOP petition, alleging that the MMOP petition contained sweeping irregularities, including apparent potential forgeries, extensive signature errors, a high number of duplicate signatures, signatures from individuals not

registered to vote, circulator errors, numerous address and jurisdictional issues, and signatures from dead people. Plaintiffs' Sworn Challenge (July 9, 2026) (App'x I).

34. On July 17, 2026, the Director issued the Bureau's Staff Report (the "Staff Report"), which initially found 799 signatures in the 1,000 signature sample to be valid. MMOP, Staff Report (July 17, 2026), p 2 (App'x B, p 6).

35. Subsequently, the Bureau agreed with 142 of Plaintiffs' challenges, thereby finding 657 signatures in the 1,000 signature sample to be valid—only 21 signatures above the Bureau's required number to achieve certification (but below the 661 signatures that would be required to give the Board the confidence that the MMOP petition contained the requisite number of valid signatures). *Id.* at 3 (App'x B, p 7).

36. On July 21, 2026, Plaintiffs responded to the Staff Report, alleging that the Bureau had erroneously validated at least 41 additional signatures, which would reduce the valid number of signatures to below Staff's 636 signature threshold required for certification. The response to the Staff Report also raised concerns that the validity result fell within the margin of error. Plaintiffs' Staff Report Response (July 21, 2026), p 3 (App'x L, p 1014).

37. On July 24, 2026, the Board met and received the Director's recommendation.

38. Because the certification margin was so close, the Board went challenge-by-challenge and signature-by-signature, resulting in the Board accepting twelve additional challenges advanced by Plaintiffs. Board of State Canvassers Transcript (July 24, 2026), pp 152-153, 213, 235, 245, 258 (App'x N, pp 1414-1415, 1475, 1497, 1507, 1520).

39. The Board rejected Plaintiffs' challenges to 12 signatures that were accompanied by non-existent addresses.

40. By the end of the nearly seven-hour meeting, MMOP was left with 645 valid signatures—just *nine* above Staff’s threshold required to certify.⁴ *Id.* at 274-275 (App’x N, pp 1536-1537).

41. Due to the volume of issues and the statutory deadline, the Board was pressured into hasty decision making. For instance, Chair Houskamp repeatedly mentioned the need to expedite the review process, noting “[w]e really truly are running out of time. . . . So instead of letting you folks explain what wrong with it, we’re going to go through.” *Id.* at 193, 264 (App’x N, pp 1455, 1526). This also resulted in unresolved determinations on at least two signatures.⁵

42. The Board ultimately voted three-to-one, finding that the MMOP petition contained a sufficient number of valid signatures to invoke the initiative process. Board Members Houskamp, Gurewitz, and Cummings voted to qualify the petition, and Board Member Cordes voted against qualification, noting that the early “40% in validity [sic] rate does not” provide “confidence in this ballot initiative” or that the “actual number of . . . signatures that are required were actually met in this case.”⁶ *Id.* at 284-285 (App’x N, pp 1546-1547).

43. Thus, absent action by the Legislature or this Court, the proposal will appear on the November 3, 2026 general election ballot.

⁴ Included in these nine signatures were one in which the Board Members deadlocked and one in which the Board Members did not vote on because they determined that it would not affect certification.

⁵ In one instance, the Board deadlocked when considering a challenge to a circulator’s date of signing. Board of State Canvassers Transcript (July 24, 2026), pp 130-134 (App’x N, pp 1392-1396). In another case, the Board entirely avoided voting on a duplicate challenge to a double-scanned petition sheet. *Id.* at 54-55 (App’x N, pp 1316-1317).

⁶ Notably, Chair Houskamp expressed that he shared “a lot of the same concerns” as Board Member Cordes. Board of State Canvassers Transcript (July 24, 2026), p 285 (App’x N, p 1547).

COUNT I – MANDAMUS

44. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

45. The Michigan Election Law provides that “any person who feels aggrieved by any determination made by the board of state canvassers may have the determination reviewed by mandamus or other appropriate remedy in the supreme court.” MCL 168.479(1).

46. The purpose of a writ of mandamus is “to enforce duties required by law.” *Stand Up For Democracy v Secretary of State*, 492 Mich 588, 618; 822 NW2d 159 (2012).

47. In a claim for mandamus, “the plaintiff must show that: (1) the plaintiff has a clear legal right to the performance of the duty sought to be compelled, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial in nature, and (4) the plaintiff has no other adequate legal or equitable remedy.” *Citizens for Protection of Marriage v Bd of State Canvassers*, 263 Mich App 487, 492; 688 NW2d 538 (2004) (citation omitted).

The Board Failed in Its Clear Legal Duty When It Certified the MMOP Petition

48. The Board has a clear legal duty to “ascertain if the petitions have been signed by the requisite number of qualified and registered electors.” MCL 168.476(1).⁷

49. The Board has a clear legal duty to comply with applicable constitutional and statutory requirements, as well as its guidelines and standards, when ascertaining whether the petitions have been signed by the requisite number of qualified and registered electors. Cf. *Adams*

⁷ To enforce this constitutional mandate, the Michigan Election Law tasks the Board with determining “whether there are *sufficient signatures* to warrant certification of the proposal.” *Citizens Protecting Mich’s Constitution v Secretary of State*, 280 Mich App 273, 285; 761 NW2d 210 (2008), *aff’d in part* 482 Mich 960; 755 NW2d 157 (2008) (citation omitted) (emphasis added). The Board examines the signatures on the petitions and makes a determination regarding their genuineness and sufficiency. MCL 168.476.

v Parole Bd, 340 Mich App 251, 262-263; 985 NW2d 881 (2022) (granting writ of mandamus to force parole board “to comply with its statutory requirements and guidelines in exercising its discretion and issuing its parole decision”).

50. The Board has a clear legal duty to refuse to certify a petition to appear on the ballot if it fails to include the constitutionally-required amount of valid signatures. See Const 1963, art 2, § 9 (a petition “signed by a number of registered electors, not less than eight percent for initiative” petitions “of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected ***shall be required***”) (emphasis added).

51. The Board has adopted and consistently followed sampling procedures that are binding on the Board and designed to ensure that the constitutionally-required amount of valid signatures are actually submitted.

52. The Board failed to comply with its own sampling procedures, resulting in the improper certification of the MMOP petition as sufficient, and a violation of the Board’s clear legal duties to comply with applicable requirements and standards when ascertaining whether the petitions have been signed by the requisite number of qualified and registered electors, and to refuse to certify a petition with a constitutionally-deficient number of valid signatures.

53. Specifically, the Bureau determined that 636 valid signatures of the 1,000 signatures sampled, or 63.6%, were required to certify the MMOP petition. MMOP Staff Report, p 1 n 1 (App’x B, p 5).

54. Upon review, Staff initially found that 657 valid signatures were submitted, for a validity rate of 65.7%, estimating that the petition contained a total of 368,762 valid signatures. *Id.* at 13, 13 n 18 (App’x B, p 17).

55. The Staff Report claims to adopt a 90% confidence level with a margin of error within plus or minus 2.5%. *Id.* at 13 (App'x B, p 17). Moreover, the Staff Report contends that a 65.7% validity rate “is within the $\pm 2.5\%$ margin of error for the sample size.” *Id.* at 13 n 18 (App'x B, p 17).

56. But as set forth in the accompanying Sworn Statement of Michael Petron, and as previously argued by Plaintiffs, the 657 signatures Staff initially deemed valid (later reduced to 645 by the Board) fall within the 2.5% margin of error. This means that there is a real possibility that there is an insufficient number of valid signatures submitted.

57. Indeed, the Rehmann Recommendations adopted in the Board-approved statistical sampling process note that submissions within the margin of error can “make the results of the initial sample inconclusive.” Rehmann Recommendations, pp 4-5 (App'x E, pp 38-39); Petron Sworn Statement, ¶¶ 9-10.

58. The Board, however, failed to take into account the margin of error and thus certified the petition even though, under the standards it should have applied, 661 signatures would have been needed to achieve the requisite confidence level. The margin of error also should have been applied to the Staff cutoff number of 636 signatures.

59. Essentially, the Board's failure to follow its own procedures resulted in the Board's certification of a petition that the Board cannot ensure contains the requisite number of valid signatures. By their own admission and calculations, the Board and the Bureau are not certain that the MMOP petition collected a sufficient number of signatures.

60. This violates the Board's clear legal duty to comply with applicable constitutional and statutory requirements, as well as its guidelines and standards, when ascertaining whether the petitions have been signed by the requisite number of qualified and registered electors.

61. It also violates the Board's clear legal duty to refuse to certify a petition to appear on the ballot if it fails to include the constitutionally-required amount of valid signatures. See Const 1963, art 2, § 9. Where the petition's validity remains within the margin of error, the Board cannot fulfill its statutory and constitutional duty by relying on assumptions or unresolved uncertainty.

62. Plaintiffs also have a clear legal right to performance of the Board's duty. See MCL 168.479 ("[A]ny person who feels aggrieved by any determination made by the board of state canvassers may have the determination reviewed by mandamus or other appropriate remedy in the supreme court.")

The Board Failed in Its Clear Legal Duty When It Determined that the MMOP Petition Properly Invoked the Initiative Process, Despite the MMOP Petition Failing to Submit a Sufficient Number of Signatures

63. Even setting aside the Board's procedures, the Board still erred as a matter of law in determining that a sufficient amount of signatures were submitted.

64. Under the Board's rationale, 636 signatures valid signatures were required for certification. The Board ultimately determined that 645 valid signatures were submitted.

65. The Board erroneously included signatures as valid that, if properly rejected, the number of signatures would have fallen below the Board's stated threshold.

66. Specifically, the Board failed to invalidate twelve signatures in which the signer provided a non-existent address for his or her street address.

67. If the Board had determined that these signatures were invalid—as it should have—the MMOP petition would have been left with 633 valid signatures, placing it below the threshold required for certification.

68. The Board violated its clear legal duty of only certifying petitions that contain a valid number of signatures. See Const 1963, art 2, § 9.

69. Twelve petition signers were identified as appearing to have wholly fabricated their street address. These individuals did not misspell their address, provide sloppy handwriting, transpose two numbers, or provide their former address or the address of another individual. Rather, they made up an address that *does not exist*. See Non-Existent Addresses Exhibit, (App’x Q). These signatures should have been rejected.

70. The plain language of the Michigan Election Law requires that a petition signer provide “his or her street address or rural route”—not an imaginary address. The Michigan Election Law provides that “*if an elector does not include his or her signature, his or her street address or rural route, or the date of signing on the petition as required under subsection (1), the elector’s signature is invalid and must not be counted by a filing official.*” MCL 168.544c(2) (emphasis added).

71. An elector who fabricates an address has not “include[d] *his or her* street address or rural route.” See *id.* (emphasis added). They have included places that do not exist. See, e.g., MCL 257.50a (defining “residence address” as “the **place** that is the settled home or domicile at which a person legally resides as defined in section 11 of the Michigan election law, 1954 PA 116, MCL 168.11”) (emphasis added).

72. Likewise, the plain language of the Bureau’s November 2023 “Sampling Procedure for Canvassing Petitions” document makes clear that, when the Bureau is assessing the validity of sampled signatures, it must determine whether “*sampled signatures are accompanied by **valid addresses.***” Michigan Bureau of Elections, *Sampling Procedure for Canvassing Petitions* (November 2023), p 3 (emphasis added) (App’x D, p 32).

73. Consistent with this, in the past, the Bureau has invalidated signatures that were accompanied by non-existent street addresses. Specifically, Director Brater wrote:

Additionally, a number of the petition sheets you submitted indicated in the header that your address was “3045 Longcrest, Southfield.” **3045 Longcrest is not a street address in Southfield. Because 3045 Longcrest is not an address in Southfield, all signatures affixed to petition sheets bearing that address are also invalid.** [Letter from Jonathan Brater to R. Vance Patrick (June 1, 2022), p 2 (App’x S, p 1676) (emphasis added).]⁸

74. That notwithstanding, here, the Board rejected Plaintiffs’ challenges to the signatures accompanied by these non-existent addresses.

75. Had the Board determined that these 12 signatures were invalid (as the Bureau has done in the past), the petition would have fallen short of the 636 signatures the Board determined were needed.

76. By accepting signatures that do not comply with Michigan Election Law or the Board’s own procedures, the Board violated its clear legal duty to comply with applicable constitutional and statutory requirements, as well as its guidelines and standards, when ascertaining whether the petitions have been signed by the requisite number of qualified and registered electors.

77. In addition, because these 12 signatures result in an insufficient amount of valid signatures even under the Board’s threshold, the Board violated its clear legal duty to refuse to certify a petition to appear on the ballot if it fails to include the constitutionally-required amount of valid signatures. See Const 1963, art 2, § 9.

⁸ The R. Vance Patrick staff report considered a nominating petition heading pursuant to MCL 168.544c(1), while the issue before this Court contemplates signature lines pursuant to MCL 168.544c(2). However, both statutory provisions require the inclusion of a “street address.” The use of the same term indicates that the Legislature intended the same meaning. *Robinson v Lansing*, 486 Mich 1, 17; 782 NW2d 171 (2010) (“[U]nless the Legislature indicates otherwise, when it repeatedly uses the same phrase in a statute, that phrase should be given the same meaning throughout the statute.”).

78. Plaintiffs also have a clear legal right to performance of the Board's duty. See MCL 168.479 ("[A]ny person who feels aggrieved by any determination made by the board of state canvassers may have the determination reviewed by mandamus or other appropriate remedy in the supreme court.").

***Because the MMOP Petition Fails to Meet the Signature Requirements,
a Determination Regarding Qualification for the Ballot Is Ministerial***

79. "An act is ministerial if it is prescribed and defined by law with such precision and certainty as to leave nothing to the exercise of discretion or judgment." *Citizens Protecting Mich's Const*, 280 Mich App at 286 (quotation marks and citation omitted).

80. The act of accepting or rejecting a petition that complies with the Michigan Election Law with respect to gathering the required number of signatures is ministerial. *Attorney General v Van Cleve*, 1 Mich 362, 366 (1850) ("The duties of these boards are simply ministerial[.]"); *Auto Club of Mich Comm for Lower Rates Now v Secretary of State*, 195 Mich App 613, 624; 491 NW2d 269 (1992) (holding that "the Board of State Canvassers possesses the authority to consider" only "questions of form" and "whether there are sufficient valid signatures").

81. The MMOP petition fails to meet the minimum signature threshold mandated by Article 2, Section 9 of Michigan's 1963 Constitution. See MCL 168.482(6) (cross-referencing MCL 168.544c(2)); MCL 168.544c(2) (providing certain circumstances under which a circulator or elector's signature is invalid and cannot be counted).⁹

82. The Bureau used an incorrectly calculated validity threshold and improperly counted at least twelve signatures that were invalid as a matter of law, and conflicted with the

⁹ This Court has established that strict compliance is required to comply with the petition requirements found in MCL 168.482 and MCL 168.544c. *Stand Up For Democracy*, 492 Mich at 601-602.

statutory requirement for an elector to include “his or her street address or rural route.”

83. The Board lacks any discretion to certify a petition that fails to include the required number of signatures, Const 1963, art 2, § 9, or to deviate from statutory requirements when assessing the validity of signatures, see *Adams*, 340 Mich App at 262 (crediting plaintiff’s argument “that defendant had a ‘clear ministerial duty to obey the Michigan and US Constitutions”).

***With the Upcoming General Election and Important Questions of Public Policy at Stake,
No Other Legal Remedy Exists that Would Achieve the Same Result***

84. “[N]o other legal or equitable remedy exists that might achieve the same result.” *Southfield Ed Ass’n v Bd of Ed*, 320 Mich App 353, 378; 909 NW2d 1 (2017), citing *Barrow v Detroit Election Comm*, 305 Mich App 649, 661-662; 854 NW2d 489 (2014) (citation omitted).

85. Only this Court has the authority to compel the Board to perform its legally required duty. MCL 168.479. Michigan law recognizes the urgency of these types of actions by providing original jurisdiction in this Court, which must be filed within seven business days of the Board’s action. *Comm to Ban Fracking in Mich v Bd of State Canvassers*, 335 Mich App 384, 397; 966 NW2d 742 (2021) (“The stated purpose of MCL 168.479 is to have our Supreme Court decide any legal challenge to the sufficiency or insufficiency of an initiative petition as promptly as possible.”).

86. If this Court fails to grant relief, the Legislature may adopt a law that does not meet the constitutional requirements establishing citizen support. In the alternative, absent legislative action, an initiative petition will appear on the November 3, 2026 general election ballot that did not collect a sufficient number of valid signatures, in contravention of Michigan’s 1963 Constitution.

COUNT II – INJUNCTIVE RELIEF

87. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

88. Alternatively, Plaintiffs have pled and in their Brief demonstrate the existence of requirements for a grant of injunctive relief: (1) the likelihood that the party seeking the injunction will prevail on the merits; (2) the danger that the party seeking the injunction would suffer irreparable injury if the injunction is not issued; (3) the risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting of the relief; and (4) the harm to the public interest if the injunction is issued. *Freuhauf Trailer Corp v Hagelthorn*, 208 Mich App 447, 449; 528 NW2d 778 (1995).

89. Plaintiffs are likely to prevail on the merits. “[T]he primary purpose of a writ of mandamus is to enforce duties required by law.” *Stand Up For Democracy*, 492 Mich at 618. The Board has a clear legal duty not to qualify the MMOP petition for the ballot—it has failed at that duty, and Plaintiffs have a right to compel performance. Certifying a petition that falls short of the required number of signatures violates Article 2, Section 9 of the Constitution.

90. The Board had a clear legal duty not to certify the MMOP petition because it does not have a sufficient number of valid signatures to pass constitutional muster under Article 2, Section 9 of Michigan’s 1963 Constitution. Plaintiffs are likely to succeed on the merits with respect to their request for injunctive relief.

91. Plaintiffs will be irreparably injured if this Court does not issue an injunction. “Irreparable injury” must be noncompensable or impossible to calculate. *Thermatool Corp v Borzym*, 227 Mich App 366, 377; 575 NW2d 334 (1998). Certifying the MMOP proposal for the November 3, 2026 general election ballot would result in certification of a petition that falls short

of the constitutionally-required number of signatures. This violation of a constitutional provision is presumptively irreparable. See *Obama for America v Husted*, 697 F3d 423, 436 (CA 6, 2012).

92. Plaintiffs have opposed the petition and are aggrieved by the Board's determination. They filed a sworn challenge to the MMOP petition pursuant to MCL 168.476 and appeared before the Board on July 24, 2026. They have been considerably involved in the Board's processes and procedures. Absent judicial intervention, the petition will appear on the ballot despite its failure to meet applicable requirements, harming Plaintiffs and their opposition efforts.

93. If the MMOP petition remains on the ballot, Plaintiffs face the significant expense of running an opposition campaign to oppose a petition that should not have been certified to the ballot in the first instance.

94. The weight of the respective harms favors Plaintiffs.

95. The Board stands to lose nothing if a petition that has not collected a sufficient number of valid signatures does not go to the voters.

96. The Board has an interest in encouraging and maintaining clean petition circulating and signature gathering efforts, in addition to precise standards surrounding the random sampling process.

97. The public interest favors correctly applying the law and enforcing constitutional requirements.

**MOTION FOR ORDER TO SHOW CAUSE
AND FOR IMMEDIATE CONSIDERATION**

98. Rule 3.305(C) of the Michigan Court Rules provides that "[o]n ex parte motion and a showing of the necessity for immediate action, the court may issue an order to show cause." This "motion may be made in the complaint." *Id.*

99. This is a highly time-sensitive matter. Michiganders for Money Out of Politics (“MMOP”) seeks placement on the November 3, 2026 general election ballot. The timelines by which the Board of State Canvassers (the “Board”) must comply, pursuant to the Michigan Election Law, always require herculean efforts by the Bureau.

100. There is still time for this Court to hear this matter and give meaning to Plaintiffs’ statutory right to appeal. The deadline for the Board to certify ballot wording to the Secretary of State (the “Secretary”) for a proposed initiated law is September 4, 2026. See MCL 168.480. Based on statements made at the Board’s July 24, 2026 meeting, it appears that the Board intends to discuss and certify MMOP’s ballot wording at its next meeting to be held on August 14, 2026. Furthermore, county clerks must deliver absent voter ballots for the November 3, 2026 general election to local clerks by September 19, 2026. See MCL 168.714(1). Therefore, based upon knowledge and belief, counties will begin the ballot printing process on or around September 4, 2026. Moreover, there is still time to hear this appeal.

101. This Court has recognized the importance of considering election-related cases on an expedited basis. *Scott v Mich Dir of Elections*, 490 Mich 888, 889; 804 NW2d 119 (2011); *Gracey v Grosse Pointe Farms Clerk*, 182 Mich App 193, 197-198; 452 NW2d 471 (1989).

102. The statute that authorizes this action also provides that “[a]ny legal challenge to the official declaration of the sufficiency or insufficiency of an initiative petition has the highest priority and shall be advanced on the supreme court docket so as to provide for the earliest possible disposition.” MCL 168.479(2). Additionally, MCR 7.213(C)(4) requires election-related cases to be expedited and given priority on the Court of Appeals calendar. As a higher appellate court, the Court should also do so here. Important election deadlines are fast approaching—immediate consideration of this matter is necessary in order to meet those deadlines.

103. Thus, pursuant to MCR 3.305(C), Plaintiffs respectfully request that this Court order Defendants to show cause why Plaintiffs' requested relief should not be granted, that responding briefs be filed within four days or fewer, and order any hearing to be held within seven days or fewer.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs Protect MI Free Speech and James Holcomb respectfully request that this Court:

- A. Grant Plaintiffs' Motion for an Order to Show Cause and for Immediate Consideration;
- B. Issue a writ of mandamus directing Defendants to take all actions necessary to reverse certification of the Michiganders for Money Out of Politics petition, and compelling the Board of State Canvassers to refuse to certify the petition for the November general election ballot;
- C. Issue injunctive relief prohibiting Defendants from moving forward with the initiative process or from allowing the petition to be certified for or appear on the November general election ballot;
- D. Remand this matter to the Board of State Canvassers with an order to:
 - 1. Officially declare that the Michiganders for Money Out of Politics' petition submitted an insufficient number of signatures to invoke the initiative process; and
 - 2. Immediately reverse certification of the Michiganders for Money Out of Politics petition as insufficient and ineligible to invoke the initiative process; and
- E. Grant all other relief that is equitable and just.

Respectfully Submitted,

DYKEMA GOSSETT PLLC

Dated: August 4, 2026

By: /s/ Gary P. Gordon

Gary P. Gordon (P26290)

W. Alan Wilk (P54059)

Kyle M. Asher (P80359)

Olivia R.C.A. Flower (P84518)

DYKEMA GOSSETT PLLC

Capitol View, 201 Townsend Street, Suite 900

Lansing, Michigan 48933

Telephone: (517) 374-9100

GGordon@dykema.com

WAWilk@dykema.com

KAsher@dykema.com

OFlower@dykema.com

*Attorneys for Plaintiffs Protect MI Free Speech
and James Holcomb*

127814.000001 4900-3713-3762.5