STATE OF MICHIGAN

COURT OF APPEALS

ROBERT DAVIS, Plaintiff-Appellant, v SECRETARY OF STATE, Defendant-Appellee.	UNPUBLISHED August 28, 2026 9:18 AM No. 382090 Court of Claims LC No. 26-000145-MB

Before: KOROBKIN, P.J., and FEENEY and MARIANI, JJ.

PER CURIAM.

In this expedited[1] election matter, plaintiff, Robert Davis, appeals by right the Court of Claims' August 13, 2026 order granting summary disposition to defendant, the Secretary of State. For the reasons set forth in this opinion, we affirm.

I. BACKGROUND

Plaintiff disputes the accuracy of an Affidavit of Identity (AOI) filed by Vanessa Moss, a nonincumbent candidate for Probate Court Judge in Wayne County. Moss filed her AOI on April 21, 2026, and in doing so, she certified that, as of that date, all statements and late filing fees required of her under the Michigan Campaign Finance Act (MCFA), MCL 169.201 *et seq*., had been filed or paid. Whether Moss had unfiled campaign statements or unpaid late fees relates to her previous candidacy for 36th District Court Judge in 2024. Undisputedly, Moss's district-court campaign committee failed to *timely* file statements due in July 2025, October 2025, and January 2026. However, on March 19, 2026, before Moss signed her AOI, Moss's committee filed a dissolution statement covering the period between December 7, 2024 and December 10, 2025, and she filed a statement for January 2026. As to late fees, Moss was assessed a $500 late fee on May 22, 2026, after she filed her AOI. While plaintiff challenges the accuracy of Moss's AOI, defendant concluded that the AOI was truthful when it was signed on April 21, 2026 because the

[1] *Davis v Secretary of State*, unpublished order of the Court of Appeals, entered August 21, 2026 (Docket No. 382090).

campaign-statement issue had been resolved and the late fees were not assessed until after Moss signed her AOI.

On July 8, 2026, plaintiff filed a two-count complaint in the Court of Claims, seeking a writ of mandamus and declaratory relief. Based on his belief that Moss's AOI contained false statements regarding campaign statements and late fees, plaintiff asserted that, under MCL 168.558(4), Moss could not be certified to appear on the November 2026 ballot. Plaintiff also filed an "emergency" motion for declaratory judgment and a writ of mandamus, which he later withdrew, and on July 10, 2026, he filed an "emergency" motion for an evidentiary hearing and the issuance of discovery subpoenas.

The Court of Claims entered an expedited scheduling order, and in lieu answering the complaint, defendant moved for summary disposition under MCR 2.116(C)(4), (C)(8), and (C)(10). The Court of Claims' scheduling order required plaintiff to answer the summary disposition motion on July 15, 2026. On July 15, 2026, plaintiff filed multiple documents. First, he filed a notice that, on July 15, 2026, he submitted a request to defendant for an "expedited" declaratory ruling regarding the validity of Mich Admin Code R 169.28 and Mich Admin Code R 168.314.[2] Specifically, he asked for a declaratory ruling from defendant by 2:00 p.m. on July 15, 2026. Second, plaintiff filed an amended complaint, adding two claims challenging the validity of Mich Admin Code R 169.28 and Mich Admin Code R 168.314. Lastly, he filed a response to defendant's summary disposition motion, asserting that his amended complaint rendered the motion moot.

The Court of Claims accepted plaintiff's amended complaint and concluded that the new complaint mooted defendant's prior motion for summary disposition. The Court of Claims also entered a new scheduling order. In lieu of answering the amended complaint, defendant again moved for summary disposition.

In an opinion entered on August 13, 2026, the Court of Claims granted summary disposition to defendant and denied plaintiff's requests for an evidentiary hearing and discovery subpoenas. As to Counts III and IV, which challenged the validity of Mich Admin Code R 169.28 and Mich Admin Code R 168.314, the Court of Claims concluded that plaintiff failed to exhaust administrative remedies and that laches barred these new claims. As to Counts I and II, which related to Moss's eligibility to appear on the ballot, the Court of Claims considered the merits of plaintiff's arguments and concluded that Moss's AOI did not contain any false statements regarding late filing fees or campaign statements. Plaintiff moved for reconsideration, which the Court of Claims denied. This appeal followed.

II. STANDARDS OF REVIEW

Plaintiff raises numerous claims of error, implicating different standards of review. We review de novo a trial court's decision on a motion for summary disposition. *Davis v Secretary of State*, 346 Mich App 445, 459; 12 NW3d 653 (2023). This Court also reviews de novo a trial

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[2] Those administrative rules, which were referenced in defendant's brief in support of its motion for summary disposition, regulate the dissolution process for campaign committees.

court's decision to apply an equitable doctrine, such as laches. *Knight v Northpointe Bank*, 300 Mich App 109, 113; 832 NW2d 439 (2013). With regard to mandamus, as explained by this Court:

> We review de novo, as questions of law, whether defendants have a clear legal duty to perform and whether [a] plaintiff has a clear legal right to performance of any such duty. Related issues of statutory interpretation are also reviewed de novo. Contrastingly, because mandamus is a discretionary writ, we review for an abuse of discretion a trial court's decision regarding whether to grant mandamus relief. [*Berry v Garrett*, 316 Mich App 37, 41; 890 NW2d 882 (2016) (quotation marks and citations omitted).]

Declaratory relief is also within the discretion of a trial court. *Davis*, 346 Mich App at 461. Finally, jurisdictional questions involving exhaustion of administrative remedies are reviewed de novo. *Papas v Michigan Gaming Control Bd*, 257 Mich App 647, 656; 669 NW2d 326 (2003).

III. ANALYSIS

A. COUNTS III & IV

As to Counts III and IV, plaintiff argues that the Court of Claims erred by concluding that he failed to exhaust administrative remedies. Plaintiff also argues that the Court of Claims erred by concluding that laches barred Counts III and IV. We disagree with both arguments.

1. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In Counts III and IV, plaintiff seeks to challenge the validity of administrative rules. The Court of Claims granted summary disposition on these claims under MCR 2.116(C)(4) because plaintiff failed to exhaust his administrative remedies as required by the Administrative Procedures Act (APA), MCL 24.201 *et seq*. MCL 24.264 states:

> Unless an exclusive procedure or remedy is provided by a statute governing the agency, *the validity or applicability of a rule*, including the failure of an agency to accurately assess the impact of the rule on businesses, including small businesses, in its regulatory impact statement, may be determined in an action for declaratory judgment if the court finds that the rule or its threatened application interferes with or impairs, or imminently threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The action shall be filed in the circuit court[3] of the county where the plaintiff resides or has his or her principal place of business in this state or in the circuit court for Ingham county. The agency shall be made a party to the action. *An action for declaratory judgment may not be commenced under this section unless the plaintiff has first requested the agency for a declaratory ruling and the agency has denied the request or failed to act upon it*

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[3] While MCL 24.264 refers to the circuit court, MCL 600.6419(1)(a) operates to transfer subject-matter jurisdiction to the Court of Claims. See *Mich Farm Bureau v Dep't of Environment, Great Lakes, & Energy*, 515 Mich 481, 514 n 24; 28 NW3d 629 (2024).

> *expeditiously*. This section shall not be construed to prohibit the determination of the validity or applicability of the rule in any other action or proceeding in which its invalidity or inapplicability is asserted. [Emphasis added.]

As written, MCL 24.264 expressly requires exhaustion of the APA declaratory-ruling requirements for actions challenging the validity or applicability of a rule. *Warren Consol Sch Dist v Sch Dist of Hazel Park*, ___ Mich ___, ___; ___ NW3d ___ (2026) (Docket No. 167643); slip op at 13. MCL 24.264 specifies that an action "may not be commenced" unless the plaintiff "first" requested a ruling from the agency and the agency denied the request or failed to act upon it expeditiously. "If the agency denies the request, or constructively denies it by failing to act expeditiously, then the party may commence a declaratory judgment action." *Warren*, ___ Mich at ___; slip op at 11.

On appeal, plaintiff does not dispute that the administrative-exhaustion requirement in MCL 24.264 applies to Counts III or IV or that this requirement is jurisdictional.[4] Instead, plaintiff asserts that he exhausted his administrative remedies by requesting an "expedited" declaratory ruling from defendant on July 15, 2026, after he commenced his lawsuit in the Court of Claims. In his "expedited" request, filed at approximately 8:45 a.m. on July 15, 2026, plaintiff demanded a declaratory ruling from defendant by 2:00 p.m. that same day, and he accuses defendant of failing to act expeditiously. According to plaintiff, this last-minute request and demand for action within mere hours satisfied MCL 24.264, leaving plaintiff free to file an amended complaint challenging the validity of Mich Admin Code R 169.28 and Mich Admin Code R 168.314. We disagree.

MCL 24.264 allows a party to file suit if an agency fails to act "expeditiously" in response to a request for a declaratory ruling. The statute does not, however, specify a time limit in which a ruling must be provided. See *Ludington Serv Corp v Acting Comm'r of Ins*, 444 Mich 481, 487 n 7; 511 NW2d 661 (1994), amended on denial of reh 444 Mich 1240 (1994). Nor does it allow someone requesting a declaratory ruling to dictate a due date for the agency's decision. To be sure, an expeditious decision must be made promptly. But plaintiff has not shown how defendant failed to act with such promptness here, given the facts and circumstances presented. In this case, plaintiff challenges multiple rules, including a rule promulgated in 1979, and he maintains that the rules are invalid because the procedures for promulgating a rule under the APA were not followed. The APA requires "an elaborate procedure for rule promulgation," and a rule may be deemed invalid if the rule was not processed in compliance or in substantial compliance with the provisions of the APA. See *Mich Farm Bureau v Dep't of Environment, Great Lakes, & Energy*, 515 Mich 481, 508 n 18; 28 NW3d 629 (2024) (quotation marks and citation omitted). Analyzing this question will require review of the processes followed, including in this case, events that happened in 1979. Given the issues raised, plaintiff could not plausibly expect that his request for a

[4] We acknowledge that there is some uncertainty as to whether an agency *can* issue a declaratory ruling on the validity of a rule and whether the exhaustion requirement even applies to challenges regarding the validity of a rule. See *Warren*, ___ Mich at ___ n 6; slip op at 12 n 6. However, because plaintiff does not dispute on appeal that the exhaustion requirement applies, we assume without deciding that it does and proceed to address plaintiff's argument that he complied with the requirement by requesting a declaratory ruling from defendant.

declaratory ruling would be resolved in a few hours, and his claim that defendant failed to act "expeditiously" lacks merit.

Because defendant did not deny plaintiff's request for declaratory relief—either with an actual denial or a constructive denial—plaintiff was precluded from commencing a declaratory action in the Court of Claims to challenge the validity of Mich Admin Code R 169.28 and Mich Admin Code R 168.314. See MCL 24.262; *Warren*, ___ Mich at ___; slip op at 11. Consequently, the Court of Claims did not err by dismissing Counts III and IV on this basis.[5]

2. LACHES

Laches, likewise, supports the Court of Claims' dismissal of Counts III and IV. This Court has explained the doctrine of laches, particularly in the context of elections, as follows:

> 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. The issue of whether relief will be withheld on the basis of laches is contingent upon the facts and circumstances of the particular case. When no acceptable explanation is proffered for a plaintiff's delay, a plaintiff's requested relief should be barred by unexcused laches. Rather, equity will aid the vigilant, not those that slumber on their rights. The purpose of the rule is to promote diligence, discourage laches, and prevent the enforcement of stale demands. 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. Elections require the existence of a reasonable amount of time for election officials to comply with the mechanics and complexities of our election laws. Courts can reasonably endeavor to avoid unnecessarily precipitate changes that would result in immense administrative difficulties for election officials. [*Davis*, 346 Mich App at 462 (quotation marks, citations, and brackets omitted).]

A defendant asserting laches must demonstrate prejudice occasioned by the delay. *Nykoriak v Napoleon*, 334 Mich App 370, 382; 964 NW2d 895 (2020).

In the present case, in Counts III and IV of his amended complaint, plaintiff asked the Court of Claims to invalidate Mich Admin Code R 169.28 and Mich Admin Code R 168.314. As to Mich Admin Code R 169.28, which has been in existence since 1979, plaintiff could have challenged this rule in May 2026, when he learned that his challenge to Moss's AOI had been rejected based on her filing of a dissolution statement. Plaintiff waited, however, until July 8, 2026 to file his complaint. Even then, plaintiff failed to challenge the validity of Mich Admin Code R 169.28 or Mich Admin Code R 168.314. When he filed his complaint on July 8, 2026, plaintiff

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[5] In the Court of Claims, plaintiff raised a futility argument, asserting that administrative exhaustion would be futile. He does not address futility on appeal, and the issue is, therefore, abandoned. See *State Treasurer v Sprague*, 284 Mich App 235, 243; 772 NW2d 452 (2009) ("Failure to brief a question on appeal is tantamount to abandoning it.").

recognized the emergency nature of these election proceedings. In his "emergency" motion for declaratory judgment and mandamus, plaintiff asserted: "This election-related matter **MUST** be scheduled for a hearing on an expedited basis because the ballot printing deadlines for the November 3, 2026 [general election] are the **first week of September 2026**." The Court of Claims accommodated plaintiff's requests for urgency and entered an expedited scheduling order. Nonetheless, plaintiff then waited a week—until after defendant moved for summary disposition—to file an amended complaint to add two new claims. Plaintiff offers no explanation for his delay or his failure to bring all claims in his original complaint.

In most cases, the delay related to the amendment of plaintiff's complaint would perhaps be trivial. But in an election case, in which time is of the essence, the delay in asserting new claims can cause severe prejudice, both to the opposing party and the public interest. See *Leggs v Secretary of State*, unpublished per curiam opinion of the Court of Appeals, issued August 25, 2026 (Docket No. 382065). As this Court recently explained in *Leggs*, unpub op at 9, when considering a 17-day delay in filing an amended complaint in an election matter:

> During the 17-day delay in the case at bar, defendant prepared and filed a motion for summary disposition, which, of course, addressed only the claims and allegations in the initial complaint. Only afterward did plaintiffs file their amended complaint, accompanied by a response to defendant's motion for summary disposition in which plaintiffs asserted that that motion had been rendered moot by the amended complaint. In that respect, plaintiffs were entirely correct; their decision to delay 17 days had, in fact, mooted defendant's motion for summary disposition, nullifying much of the work performed by defendant's counsel at public expense. More importantly, the delay also necessarily resulted in defendant having 17 fewer days to respond to the new claims on the merits, in the Court of Claims having considerably less time to issue its decision on the merits in advance of the rapidly approaching election deadlines, and in this Court and our Supreme Court having less time and opportunity to engage in appellate review of any ensuing appeals—all in the midst of an election cycle during which, to our knowledge, all of those entities are attempting to process an extremely high volume of emergency election challenges and appeals. As the litigants who initiated this action and requested "emergency" expedited consideration from both the Court of Claims and this Court, plaintiffs' complaint that the Court of Claims erred by refusing to allow them to needlessly delay those proceedings—despite the attendant prejudice to defendant and the interests of the public—rings hollow.

Although nonbinding, *Leggs*'s reasoning is sound, and while the delay in this case is slightly shorter, the same reasoning applies here. In the face of rapidly approaching election deadlines, plaintiff unreasonably delayed in bringing his challenges to the validity of Mich Admin Code R 169.28 and Mich Admin Code R 168.314, nullifying work already performed at public expense and leaving the courts with little time for review. As already discussed, plaintiff also delayed in seeking administrative review, filing his amended complaint on the same day that he asked defendant for a declaratory ruling and leaving defendant with virtually no time to address the administrative request before having to respond to plaintiff's new court filings. Further, it warrants mention that, in Counts III and IV, plaintiff does not merely seek to preclude Moss from appearing on the ballot. Plaintiff more broadly asks for a ruling that Mich Admin Code R 169.28

and Mich Admin Code R 168.314 are invalid, which would result in a change to the law with potential implications beyond the dispute involving Moss. Laches is particularly appropriate to avoid such precipitate legal changes in the short timeframe before an election. See *Davis*, 346 Mich App at 462. See also *Johnson v Bd of State Canvassers*, 509 Mich 1015 (2022) (ZAHRA, J., concurring) ("These cases can present substantial and complex questions of law, which generally require extensive briefing and cannot properly be resolved in a matter of days."). On these facts, the Court of Claims did not err by applying laches to dismiss Counts III and IV.

Resisting this conclusion, plaintiff raises two additional arguments. First, he asserts that laches cannot apply when the dispute is governed by a statute, and he maintains that the APA controls resolution of Counts III and IV. This Court recently rejected a similar argument in *Leggs*, aptly explaining:

> Plaintiffs also argue that it is improper to apply an equitable doctrine, such as laches, when "statutory provisions . . . control[.]" In support of this argument, they cite various authorities for the proposition that a court's equitable powers should not be used to circumvent statutory language or effectively override the Legislature's policymaking prerogative. . . . What plaintiffs fail to recognize, however, is that in this case, the Court of Claims did not employ laches in order to reach a different substantive result than that dictated by statute; rather, the Court of Claims simply held that the two new counts in the amended complaint were barred by laches as a result of undue delay in their assertion—a determination that had nothing to do with the substantive merits of the claims. Again, it is well-settled that laches may bar a claim "even though the period of limitations has not run," [*Tenneco Inc v Amerisure Mut Ins Co*, 281 Mich App 429, 456; 761 NW2d 846 (2008)], and "courts may apply the doctrine of laches to bar actions at law," not just equitable claims, [*City of Fraser v Almeda Univ*, 314 Mich App 79, 102; 886 NW2d 730 (2016)]. In any event, "mandamus and declaratory relief are themselves equitable in nature[.]" *Davis v Secretary of State*, 346 Mich App 445, 465; 12 NW3d 653 (2023). Moreover, our Legislature has expressly recognized that laches is applicable in the context of election-related matters like this one. See MCL 691.1031 ("In a civil action brought in any court of this state affecting elections, dates of elections, candidates, qualifications of candidates, ballots or questions on ballots, . . . there is a rebuttable presumption of laches if the action is commenced less than 45 days before the date of the election affected.").[6] Consequently, the fact that plaintiffs' disputed claims had foundations in positive, statutory law did not preclude the Court of Claims from applying laches as a bar to those claims. [*Leggs*, unpub op at 7-8.]

Second, plaintiff asserts that defendant cannot invoke the doctrine of laches because defendant has "unclean hands." Specifically, plaintiff argues that defendant failed to comply with

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[6] As in the current case, this rebuttable presumption was inapplicable in *Leggs* given that the action was filed more than 45 days before the November 2026 election. However, even if the rebuttable presumption is inapplicable, laches may still apply. *Nykoriak*, 334 Mich App at 383.

the APA procedures for promulgating rules, and plaintiff asserts that this failure to follow the law precludes defendant from relying on laches. We disagree.

Under the unclean-hands doctrine, a defendant who "acted inequitably or in bad faith may not avail itself of the equitable doctrine of laches." *Davis*, 346 Mich App at 463. Equity does not, however, "require complete blamelessness but rather that a party has not acted in bad faith regarding the matter in which relief is sought; furthermore, it should take into account possible injury to the public." *Id*. While plaintiff alleges that defendant failed to comply with the APA, there has been no showing that defendant acted in bad faith or inequitably. See *id*. at 463-464. Even if plaintiff could prove his claims that defendant failed to comply with the APA, such error could be a result of negligence or a reasonable misunderstanding or misinterpretation of the law, which is not the kind of misconduct that would amount to unclean hands. See *id*. See also *Attorney Gen v Ankersen*, 148 Mich App 524, 545; 385 NW2d 658 (1986) (concluding that negligent actions by an agency did not demonstrate bad faith or fraud). Further, plaintiff failed to show that defendant's alleged "conduct stymied plaintiff's ability to commence this action sooner." *Davis*, 346 Mich App at 464. The Court of Claims did not err by rejecting plaintiff's unclean-hands argument and applying laches.

B. COUNTS I & II

Regarding Counts I and II, plaintiff argues that the Court of Claims erred by granting summary disposition when the evidence shows that Moss made false statements in her AOI. According to plaintiff, he is entitled to both a writ of mandamus and declaratory relief regarding Moss's ineligibility to appear on the ballot. We disagree.

Mandamus is an extraordinary remedy, which may be appropriate to compel action by an election official. *Attorney Gen v Bd of State Canvassers*, 318 Mich App 242, 249; 896 NW2d 485 (2016). The party seeking mandamus must demonstrate: "(1) the party seeking the writ has a clear legal right to performance of the specific duty sought, (2) the defendant has the clear legal duty to perform the act requested, (3) the act is ministerial, and (4) no other remedy exists that might achieve the same result." *Id*. at 248. In this context, "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." *Berry*, 316 Mich App at 41 (quotation marks and citation omitted). "A ministerial act is one in which the law prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment." *Id*. at 41 (quotation marks and citation omitted). Declaratory relief is equitable in nature and "a remedy best left to the discretion of the court." *Davis*, 346 Mich App at 461.

In this case, plaintiff seeks a ruling that Moss may not appear on the November 2026 ballot because her AOI contained false statements regarding her campaign statements and payment of her late fees. Plaintiff's claim is premised on MCL 168.558(4), which in relevant part states:

> An affidavit of identity must include a signed and notarized 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, 1976 PA 388, MCL

> 169.201 to 169.282, 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. . . . An 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 candidate who executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section.

As applied in this case, the basic questions are whether, as of the date of Moss's AOI, she filed all campaign statements and paid all late fees required by the MCFA. We consider each question in turn.

1. CAMPAIGN STATEMENTS

Under MCL 169.233(1)(c), Moss's campaign committee related to her previous campaign for district court judge was required to file statements as follows:

> (1) A committee, other than an independent committee, an independent expenditure committee, or a political committee required to file with the secretary of state, supporting or opposing a candidate shall file complete campaign statements as required by this act and the rules promulgated under this act according to the following schedule:
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> * * *
>
> (c) For candidate committees only, in a year in which there is no election for the candidate the candidate committee is supporting or opposing:
>
> (*i*) Not later than July 25 with a closing date of July 20 of that year.
>
> (*ii*) Not later than October 25 with a closing date of October 20 of that year.

Moss's campaign committee was also required to file annual statements under MCL 169.235(1), which states:

> In addition to any other requirements of this act for filing a campaign statement, a committee shall also file a campaign statement not later than January 31 of each year. The campaign statement has a closing date of December 31 of the previous year. The period covered by the campaign statement filed under this subsection begins the day after the closing date of the previous campaign statement. A campaign statement filed under this subsection is waived if a postelection campaign statement has been filed that has a filing deadline within 30 days of the closing date of the campaign statement required by this subsection.

As set forth in MCL 169.215(18), the obligation to file campaign statements may be waived in certain circumstances as follows:

> The secretary of state may waive the filing of a campaign statement required under section 33, 34, or 35 if the closing date of the particular campaign statement falls on the same or a later date as the closing date of the next campaign statement filed by the same person, or if the period that would be otherwise covered by the next campaign statement filed by the same person is 10 days or less.

Otherwise, this obligation to file campaign statements continues until dissolution of the committee. Relevant to the dissolution process, MCL 169.224(7) requires the committee to file a statement of dissolution as follows:

> Upon the dissolution of a committee, the committee shall file a statement indicating dissolution with the filing officials with whom the committee's statement of organization was filed. Dissolution of a committee must be accomplished pursuant to rules promulgated by the secretary of state under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Former Mich Admin Code R 169.28(2), which was in effect until June 14, 2026,[7] required a campaign committee to file a final statement that covers the period from the closing date of the last report filed to the date of dissolution. More fully, Mich Admin Code R 169.28 stated:

> (1) A committee which determines it will no longer receive contributions or make expenditures may dissolve by filing a form prescribed by the secretary of state.
>
> (2) A dissolution shall consist of a campaign statement that covers the period from the closing date of the last report filed to the date of dissolution and shall include a statement as to the disposition of residual funds.
>
> (3) A committee may not dissolve if it has assets, outstanding debts, or unpaid late filing fees.

In this case, Moss failed to file timely campaign statements in July 2025, October 2025, and January 2026. However, on March 19, 2026, Moss filed a dissolution request, including a statement covering the period between December 7, 2024 and December 10, 2025. On March 19, 2026, Moss also provided a campaign statement for January 2026.

Plaintiff now argues that Moss failed to file her July 2025 and October 2025 statements and that defendant improperly waived these requirements when none of the circumstances in MCL 169.215(18) apply. The record shows, however, that defendant did not waive any reporting

[7] Mich Admin Code R 169.28 was rescinded June 14, 2026, and replaced with Mich Admin Code R 168.314, effective June 15, 2026. Like the former rule, as to the filing of a final campaign statement, Mich Admin Code R 168.314(2) states: "A dissolution must consist of a campaign statement that covers the period from the closing date of the last report filed to the date of dissolution and must include a statement as to the disposition of any residual assets and a statement disclosing the payment or forgiveness of any debts."

requirements. Instead, in March 2026, defendant accepted Moss's filings—which addressed the closing dates for July and October 2025—as *fulfilling* Moss's reporting requirements. While Moss failed to *timely* file reports covering these dates, the fact remains that she filed a report covering those dates in March 2026, *before* she signed her AOI in April 2026. The MCFA imposes late fees when reports are not filed on time, see, e.g., MCL 169.233(7); MCL 169.235(3), but the MCFA does not preclude the filing of late reports. See also Mich Admin Code R 169.4(1) ("If a report or statement is filed after the filing date and is not accompanied by a late filing fee, the report or statement shall be received and considered filed as of that date."). Consequently, as of the date Moss signed her AOI in April 2026, Moss's committee was current on its campaign statements, and the Court of Claims did not err by concluding that Moss was truthful in her AOI with regard to fulfilling her campaign-statement obligations under the MCFA. Plaintiff is not entitled to mandamus or declaratory relief on this basis, and the Court of Claims did not err by granting summary disposition.

2. LATE FEES

The MCFA imposes late fees if a committee fails to file campaign statements in the time required. See, e.g., MCL 169.233(7); MCL 169.235(3). As to the statements due in July and October, the applicable fee schedule is set forth in MCL 169.233(7) as follows:

> (7) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who fails to file a statement as required by this section *shall pay a late filing fee*. If the committee has raised $10,000.00 or less during the previous 2 years, the late filing fee is $25.00 for each business day the statement remains unfiled, but not to exceed $500.00. If the committee has raised more than $10,000.00 during the previous 2 years, the late filing fee must not exceed $1,000.00, determined as follows:
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> (a) Twenty-five dollars for each business day the report remains unfiled.
>
> (b) An additional $25.00 for each business day after the first 3 business days the report remains unfiled.
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> (c) An additional $50.00 for each business day after the first 10 business days the report remains unfiled. [MCL 169.233(7) (emphasis added).]

Late filing fees are also assessed for failure to file annual statements under MCL 169.235(3). Late filing fees are payable to "the filing official with whom the statement or report was required to be filed." MCL 169.217(1). Indeed, the MCFA contemplates that late filing fees will be "assessed" by, for example, the Secretary of State,[8] and "[a] late filing fee assessed by the secretary of state that remains unpaid for more than 180 days must be referred to the department of treasury for collection." MCL 169.217(2). Consistent with this statutory scheme, under the administrative rules, a late statement may be filed and accepted without payment of a late filing

[8] A county clerk may also assess late fees. See MCL 169.217(2).

fee. See Mich Admin Code R 169.4(1). If the report is filed without the fee, the filer will be given written notice of the fee. *Id*. The applicable administrative rule states:

> (1) If a report or statement is filed after the filing date and is not accompanied by a late filing fee, the report or statement shall be received and considered filed as of that date. The filer shall be given a written notice of the amount of the late filing fee due and unpaid.
>
> (2) If payment of the late filing fee assessed by the secretary of state is not made within 30 days of the date of the written notice, the filing official shall notify immediately the Michigan department of treasury of the failure to pay so the latter may collect the late filing fee.
>
> (3) A late filing fee assessed by the secretary of state shall be forwarded to the state treasurer for deposit to the credit of the general fund of the state. [Mich Admin Code R 169.4.]

In this case, undisputedly, Moss failed to timely file her campaign statements. As a result, her committee received three notices from the Bureau of Elections. The notices—dated July 30, 2025, October 30, 2025, and February 4, 2026—warned Moss that she was subject to late filing fees for each day that the statements remained unfiled. The notices also specified, however, that the committee would receive a notice regarding the amount due after the campaign statement was filed or the maximum fee allowed by statute accrued, whichever occurred first. The notices stated:

> The MCFA further mandates that late filing fees be assessed for each business day a statement remains unfiled. Although already late, prompt filing of the required statement will stop further accrual of the fees. A Notice of Late Filing Fee Due detailing the amount due will be sent once the campaign statement has been filed or once the maximum amount is accrued, whichever occurs first.

On May 22, 2026, after Moss filed her AOI, defendant notified Moss of a $500 late filing fee, which Moss paid.

While Moss was eventually assessed a $500 late filing fee, the question, as it relates to the veracity of her AOI, is whether she was "required" to pay any late filing fees "as of the date" of her AOI. MCL 168.558(4). We acknowledge that this is a close question. At the time Moss filed her AOI, the infractions that triggered the late filing fees under the MCFA had already occurred. And, by statute, those fees were mandatory. MCL 169.233(7). However, because the fees had not yet been assessed, we agree with defendant that Moss's statement on her AOI was accurate.

Again, under MCL 168.558(4), an affiant must confirm that "as of the date of the affidavit" all late filing fees "*required* of the candidate or any candidate committee organized to support the candidate's election" under the MCFA have been paid. (Emphasis added.) As relevant here, the term "required" is commonly understood to mean "to claim or ask for by right and authority" or "to impose a compulsion or command on : compel." *Merriam-Webster's Collegiate Dictionary* (11th ed). When she filed her AOI, Moss had not yet been assessed a late filing fee, meaning that she had not been commanded or compelled to pay a late fee. The Bureau of Elections warned her that she was subject to such a fee, but the Bureau of Elections also advised her that she would receive a "Notice of Late Filing Fee Due" when she filed her campaign statement or the maximum amount accrued, whichever occurred first. Ultimately, it was not until May 22, 2026 that the late fee was assessed, and only then was Moss *required* to pay the fee.

Although unpublished and therefore not binding upon us, this Court's order in *Rocha v Secretary of State*, unpublished order of the Court of Appeals, entered June 2, 2022 (Docket No. 361578), supports the conclusion that a filer is "required" to pay a late fee when the fee is assessed. In *Rocha*, the candidate was assessed a $250 late fee on February 16, 2022, but the fee was not "due" until March 18, 2022. He signed his AOI on February 18, 2022, without paying the fee, and on appeal argued that the fee was not required of him before the payment came "due." This Court rejected that argument, reasoning that the fee was required at the time it was assessed. We stated:

> Plaintiff was assessed a late fee on February 16, 2022. When he executed his affidavit of identity (AOI) on February 18, 2022, that fee had not been paid. While plaintiff claims to have lacked actual knowledge of the late fee at the time he executed his AOI, MCL 168.558(4) does not require actual knowledge by the candidate. We also conclude that this fee was "required of the candidate," MCL 168.558(4), when it was assessed on February 16, 2022. While the due date for payment was March 18, 2022, the fee was still required of plaintiff as soon as it was assessed. . . . That February 18, 2022 AOI contained a false statement regarding the payment of fees. As such, the plain language of MCL 168.558(4) prohibits defendants from certifying plaintiff for the August 2, 2022 primary election. [*Id.*]

In the present case, unlike in *Rocha*, Moss was not assessed any late fees until after she signed her AOI, meaning that no fees were "required" of her "as of the date" of her AOI. Consequently, the Court of Claims did not err by concluding that Moss was truthful in her AOI with regard to her fees under the MCFA. It follows that plaintiff is not entitled to mandamus or declaratory relief, and the Court of Claims did not err by granting summary disposition.

Affirmed. Defendant, as the prevailing party, may tax costs. MCR 7.219.

/s/ Daniel S. Korobkin
/s/ Kathleen A. Feeney
/s/ Philip P. Mariani