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October 19, 2025

The Honorable Jocelyn Benson
Secretary, Department of State
Richard F. Austin Building
430 W. Allegan St.
Lansing, Mich. 48918

Also sent via email to secretary@michigan.gov and BraterJ@michigan.gov

Dear Madam Secretary:

I hereby submit this correspondence as a formal and duly executed request for a declaratory ruling by the Department of State concerning the interpretation, applicability, and enforceability of constitutional and statutory provisions governing the nomination of candidates for certain elected offices, including attorney general and secretary of State. If this request is denied, deemed procedurally deficient, or otherwise not acted upon, it is my intent and request that this correspondence be alternatively treated as a request for an interpretive statement.

The Michigan Republican Party has announced its intention to convene what it describes as an “endorsement convention” for the purpose of effectively determining and designating its nominees for certain elected offices, including, but not limited to, the constitutionally established offices of attorney general and secretary of State. The holding of such an endorsement convention would constitute an unlawful circumvention of, and is in direct contravention to, the mandatory nomination procedure set forth in Mich. Const. art. V, § 21 and MCL 168.72, which unequivocally require that nominations for these offices be made only at the duly convened post-primary state conventions of the respective major political parties.

Under a rule adopted by the Michigan Republican Party, only a person who has been “endorsed” at the party’s endorsement convention scheduled for March 28, 2026, may receive the party’s nomination at its post-primary state convention—absent suspension or amendment of party rules by a two-thirds vote of the state convention delegates.¹

The plain language of both Mich. Const. art. V, § 21 and MCL 168.72 leaves no room for interpretation: the method of nomination is fixed, not discretionary. The framers deliberately chose to require nomination by a convention—subject only to statutory procedure—not by any

¹ Rule 16, *Michigan Republican Party Rules for the Selection of Delegates and Alternates to the March 28, 2026 Republican County & State Endorsement Convention*.

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alternative process devised by a political party, such as so-called “endorsement conventions.” To construe otherwise would impermissibly read into the Constitution an authority it does not confer. Neither a political party nor any internal party rule or bylaw may supplant or circumvent the nomination procedure expressly established by the Constitution and implementing statutes.

Accordingly, the constitutional text, when read in conjunction with the convention record and official commentary, establishes that the nomination of attorney general and secretary of State must occur at the post-primary state conventions of the major political parties and conducted pursuant to state law. Any alternative mechanism, including an “endorsement convention” purporting to bind or limit the lawful actions of delegates to the post-primary state convention, is inconsistent with both the text and intent of Mich. Const. art. V, § 21.

It is a well-settled principle of Michigan jurisprudence that where the Constitution prescribes a particular mode for the performance of a public function, that mode is exclusive and must be strictly observed. No rule, bylaw, resolution, or internal procedure of a political party may lawfully supplant, modify, or condition the method of nomination mandated by the Constitution. Any attempt to make endorsement conventions determinative of the party’s nomination substitutes an extralegal process for the constitutionally and statutorily mandated state convention. The state conventions, and only the state conventions, constitute the legitimate means by which a candidate for attorney general or secretary of State may be nominated.

Conversely, if an endorsement convention is construed as a private function of a private association conducted pursuant to that association’s First Amendment rights—akin to informal straw polls or advisory votes—it remains unclear whether a political party may, through its internal rules or bylaws, lawfully restrict the eligibility of otherwise qualified individuals from seeking that party’s nomination at the post-primary state convention. While a political party may regulate the time, place, and manner of its conventions for purposes of organization and procedure, conditioning nomination eligibility upon prior “endorsement” at a separate convention, held months before the primary election, appears inconsistent with the aforesaid requirement under the Michigan Constitution and state law that nominations for certain statewide offices occur at the post-primary state convention.

It is presently unclear whether the conduct of either major political party’s endorsement convention constitutes an “election” within the meaning of, and therefore subject to, the provisions of the Michigan Campaign Finance Act.

It is likewise unclear whether individuals seeking endorsement at such endorsement conventions qualify as “candidates” as defined under the Michigan Campaign Finance Act, thereby triggering the act’s requirements concerning the reporting and disclosure of expenditures and contributions. If such individuals are not deemed candidates under the act, they would be able to solicit, receive, and expend funds without limitation, reporting, or disclosure, potentially including contributions from prohibited sources or in excess of statutory limits.

Accordingly, I respectfully request that a declaratory ruling, or in the alternative, an interpretive statement, answer the following questions:

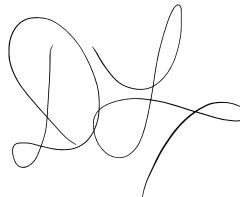
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- 1) Does an endorsement convention constitute an “election” within the meaning of the Michigan Campaign Finance Act, thereby subjecting candidates for endorsement to the act’s reporting, disclosure, and contribution requirements?**
- 2) Are delegates to an endorsement convention required to file any disclosure or reporting statements with the Department of State if they receive contributions or expend funds in furtherance of their candidacy to be a delegate or in the performance of their duties and responsibilities as a delegate?**
- 3) May a political party restrict the eligibility of a person who has not been “endorsed” at an endorsement convention from seeking nomination at the post-primary state convention mandated under Mich. Const. art. V, § 21 and MCL 168.72?**

Given that numerous individuals have publicly declared their intent to seek nomination for offices filled through the post-primary state convention process, and that the endorsement conventions of the respective major political parties are imminent, I respectfully request expedited consideration of this matter and prompt issuance of a declaratory ruling or interpretive statement to provide clarity and legal certainty to all affected parties.

Thank you for your prompt attention to this request. Should any clarification or supplemental information be required, please do not hesitate to contact me.

Very respectfully yours,

A handwritten signature in black ink, appearing to read 'DL', with a stylized flourish extending to the right.

Dennis Lennox