

25A1369

IN THE SUPREME COURT OF THE UNITED STATES

GENEVIEVE PETERS SCOTT,
Applicant, Pro Se

v.

JOCELYN BENSON, in her official capacity as Michigan Secretary of State, et al.,
Respondents.

APPLICATION FOR INJUNCTION PENDING APPEAL AND OTHER EMERGENCY RELIEF

SUPREME COURT RULES 22 AND 23

TO THE HONORABLE JUSTICE KAVANAUGH, CIRCUIT JUSTICE FOR THE SIXTH CIRCUIT:

Applicant Genevieve Peters Scott respectfully applies for an injunction pending appeal and other emergency relief preserving her eligibility for the August 2026 Michigan Republican primary ballot pending completion of appellate review.

INTRODUCTION

This Application presents an emergency requiring immediate intervention before Michigan's June 5, 2026 ballot-certification deadline.

Unless relief is granted before that deadline, Applicant will be permanently excluded from the ballot and her constitutional claims will become effectively unreviewable before appellate proceedings can be completed. The resulting injury cannot be remedied after certification occurs or after the election cycle progresses. Exclusion from the ballot constitutes irreparable injury to Applicant's First Amendment rights, the associational rights of her supporters, and the rights of Michigan voters who seek a meaningful electoral choice.

This case concerns the practical operation of Michigan's ballot-access regime.

Michigan formally requires statewide candidates to submit 15,000 valid signatures. MCL 168.93; MCL 168.544f. The constitutional burden, however, is not the number appearing in the statute but how that requirement operates in practice.

The record demonstrates that reasonably diligent grassroots candidates cannot realistically obtain 15,000 valid signatures through ordinary campaign activity alone under actual election conditions. Once volunteer efforts, public events, voter outreach, and grassroots organizing are

exhausted, candidates who remain short of the statutory minimum face only two options: abandon their candidacies or enter the professional petition-circulation market.

At that point ballot access ceases to depend principally upon voter support and instead depends upon access to substantial financial resources, professional circulators, and political infrastructure.

The scheme assumes institutional support that many candidates do not have.

That principle lies at the center of this case.

Applicant organized more than 230 volunteers, attended more than 260 campaign and political events, traveled more than 18,000 miles throughout Michigan, devoted approximately 1,400 hours to petitioning and campaign activity, conducted statewide outreach in all 83 Michigan counties, and nevertheless obtained only approximately 9,000 signatures through grassroots efforts.

The record further demonstrates that Applicant was ultimately forced into the commercial petition-circulation market merely to attempt compliance with Michigan's requirements. The evidence shows projected circulation costs approaching \$150,000, operational instability among professional circulators, fraudulent-signature concerns, staffing shortages, reduced production, and uncertainty regarding signature validity.

Meanwhile, Michigan's own records demonstrate that successful statewide candidates routinely submit approximately 28,000 to 30,000 signatures to survive invalidation, random-sampling review, and potential challenges. Although the statutory threshold is 15,000 signatures, the practical burden imposed by the system is dramatically higher.

The lower courts did not meaningfully evaluate these practical realities.

Instead, they largely treated the nominal 15,000-signature requirement as dispositive.

That approach conflicts with *Anderson v. Celebrezze*, 460 U.S. 780 (1983), *Storer v. Brown*, 415 U.S. 724 (1974), *Burdick v. Takushi*, 504 U.S. 428 (1992), and the Sixth Circuit's decision in *Graveline v. Benson*, 992 F.3d 524 (6th Cir. 2021), all of which require courts to examine ballot-access burdens as they operate in reality rather than in theory.

This Court's intervention is necessary to preserve meaningful appellate review before the June 5 certification deadline extinguishes Applicant's rights.

JURISDICTION

This application is submitted pursuant to 28 U.S.C. § 1651(a), Supreme Court Rules 22 and 23, and this Court's equitable authority.

BACKGROUND

Plaintiff filed this action in the United States District Court for the Eastern District of Michigan challenging Michigan's ballot-access requirements for major-party U.S. Senate candidates.

Plaintiff moved for emergency preliminary injunctive relief seeking ballot access or alternative relief.

The district court denied the motion for preliminary injunction.

Plaintiff appealed and sought an injunction pending appeal in the Sixth Circuit.

On May 29, 2026, the Sixth Circuit denied emergency injunctive relief.

Plaintiff sought panel rehearing, which was denied.

Michigan's candidate-certification deadline is June 5, 2026.

This Emergency Application is therefore necessary to preserve meaningful appellate review before the certification deadline renders the requested relief effectively unavailable.

EMERGENCY NATURE OF THE APPLICATION

This Application requires immediate consideration.

Michigan's ballot-certification deadline is June 5, 2026.

Absent relief before that date, Applicant's exclusion from the ballot will become effectively irreversible.

The harm is not speculative.

The impending certification deadline will eliminate Applicant's opportunity to appear on the ballot before the Sixth Circuit can complete appellate review.

The constitutional injuries associated with ballot exclusion cannot be repaired after the election cycle has passed.

This Court has repeatedly recognized that the loss of First Amendment freedoms, even for minimal periods of time, constitutes irreparable injury.

The urgency is heightened because Applicant does not seek final adjudication of the constitutional questions presented. Applicant seeks only temporary relief sufficient to preserve meaningful appellate review before the election process becomes irreversible.

Without intervention now, the case risks becoming effectively moot before the merits can be resolved.

REASONS FOR GRANTING EMERGENCY RELIEF

I. APPLICANT IS LIKELY TO SUCCEED ON THE MERITS.

Applicant need not prove ultimate success at this stage. Applicant must demonstrate a fair prospect that this Court will conclude that the lower courts misapplied controlling ballot-access precedent.

Applicant satisfies that standard.

The lower courts evaluated Michigan's ballot-access regime primarily through the lens of the nominal 15,000-signature requirement.

The constitutional inquiry, however, is not whether 15,000 signatures appears reasonable in the abstract.

The inquiry is whether a reasonably diligent candidate can realistically satisfy the requirement under actual election conditions.

That principle is firmly established in *Anderson*, *Storer*, and *Graveline*.

In *Graveline*, the Sixth Circuit emphasized that courts must evaluate the combined real-world effect of ballot-access requirements rather than isolate statutory thresholds from the conditions under which candidates must operate.

The relevant question is whether a reasonably diligent candidate can realistically satisfy the requirements in practice.

Applicant's evidence directly addresses that question.

The record demonstrates extraordinary statewide effort:

- more than 230 volunteers;
- more than 260 campaign and political events;
- more than 18,000 miles traveled;

- approximately 1,400 hours devoted to petitioning;
- statewide outreach across all 83 counties; and
- approximately 9,000 signatures obtained through grassroots efforts.

This evidence is not offered to excuse noncompliance.

It is evidence of the burden itself.

Applicant's inability to reach the statutory threshold despite extraordinary efforts demonstrates how the system operates in practice.

The record further demonstrates that compliance increasingly depends upon access to political infrastructure, professional circulators, and substantial financial resources.

The scheme assumes institutional support that many candidates do not have.

Although Graveline involved an independent candidate, the practical realities identified by the Sixth Circuit do not disappear merely because a candidate formally appears within a major party. A candidate lacking party infrastructure, established donor networks, professional consultants, and political-machine support encounters many of the same barriers identified in Graveline.

The constitutional inquiry therefore turns on practical burden rather than formal partisan designation.

Michigan's own records further confirm Applicant's position.

Although the statutory requirement is 15,000 signatures, successful statewide candidates routinely submit approximately twice that number.

The practical burden is therefore substantially greater than the nominal burden appearing in the statute.

The lower courts never meaningfully confronted this evidence.

That failure provides at least a fair prospect of success on the merits.

II. APPLICANT WILL SUFFER IRREPARABLE HARM.

The loss of constitutional rights, even for minimal periods of time, constitutes irreparable injury.

Once ballot deadlines pass, the injury cannot be remedied after final judgment.

Absent immediate relief, Applicant will be excluded from the August 2026 Michigan Republican primary ballot before appellate review can be completed.

The resulting loss of ballot access, political speech, associational rights, and voter choice cannot be restored after the election cycle has progressed.

III. THE BALANCE OF EQUITIES FAVORS RELIEF.

Granting relief preserves constitutional rights and voter choice while imposing minimal administrative burden on the State.

The State's interest in orderly election administration is not materially impaired by temporary relief preserving the status quo pending completion of appellate review.

By contrast, denial of relief permanently extinguishes Applicant's opportunity to participate in the election and eliminates meaningful appellate review.

The equities therefore weigh strongly in Applicant's favor.

IV. THE PUBLIC INTEREST FAVORS RELIEF.

The public has a strong interest in fair elections, political participation, and the protection of First and Fourteenth Amendment rights.

Michigan voters possess a substantial interest in having access to meaningful electoral choices and in ensuring that ballot-access laws operate consistently with constitutional requirements.

Preserving ballot access pending appellate review advances, rather than undermines, the public interest.

CONCLUSION

Applicant respectfully requests that the Court enter an injunction preventing enforcement of the challenged ballot-access requirements, direct that Applicant's eligibility for placement on the August 2026 Michigan Republican primary ballot be preserved pending completion of appellate review, and grant such other relief as may be just and proper.

Respectfully submitted,

Genevieve Peters Scott

Applicant, Pro Se

Dated: June 4, 2026

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2026, I transmitted the foregoing Plaintiff-Appellant's Emergency Motion for Injunction Pending Appeal by electronic mail to the Clerk of the United States Court of Appeals for the Sixth Circuit and served a true and correct copy upon counsel for Defendants-Appellees by electronic mail and by depositing copies in the United States Mail, postage prepaid.

Respectfully submitted,

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**Additional material
from this filing is
available in the
Clerk's Office.**