

**STATE OF MICHIGAN**  
**COURT OF CLAIMS**

KAHLILIA YVETTE DAVIS,

Plaintiff,

v

Case No. 26-000091-MB

JOCELYN BENSON, in her official duty as the  
duly elected Secretary of State,

Hon. James Robert Redford

Defendant.

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OPINION AND ORDER DENYING DEFENDANT’S 5/15/26 MOTION FOR SUMMARY  
DISPOSITION AND GRANTING PLAINTIFF’S CLAIM FOR MANDAMUS

On June 23, 2023, the Michigan Supreme Court (MSC) “impose[d] a six-year conditional suspension without pay on” plaintiff Kahlilia Yvette Davis (K. Davis) and directed that “[s]hould [K. Davis] be elected or appointed to judicial office during that time, she [would] nevertheless be debarred from exercising the power and prerogatives of the office until at least the expiration of the suspension.” *In re Davis*, 511 Mich 1003, 1004; 991 NW2d 212 (2023).

K. Davis sought to run for the 36th District Court in 2022 but was deemed unqualified to run because she had not complied with all candidate reporting requirements nor paid all financial penalties.

K. Davis sought to run again in 2024 for the 36th District Court. On June 3, 2024, in an action to which K. Davis was not a party, Court of Claims Judge CHRISTOPHER P. YATES concluded that the MSC’s 2023 disciplinary ruling created a clear legal duty for the Secretary of State (SOS)

to not certify K. Davis to appear on the 2024 ballot for 36th District Court Judge. *Robert Davis v Benson*, opinion and order of the Court of Claims, issued June 3, 2024 (Docket No. 24-000069-MM) (*Davis*, 24-69).

In 2026, K. Davis again sought to be a candidate for the 36th District Court. The SOS declined to certify K. Davis based on the 2024 ruling of the Court of Claims in the case in which she was not a party. This time, K. Davis has filed suit against the SOS challenging its decision not to certify her candidacy.

This Court concludes the MSC did not rule that K. Davis was barred from running for election. And K. Davis is not bound by this Court's opinion regarding the 2024 election because she was not a party to that action. Accordingly, the electorate's constitutional right to support and vote for K. Davis, if they so choose, must be respected.

The Court:

1. DENIES the SOS's motion for summary disposition and
2. GRANTS IN PART K. Davis's request for relief. The SOS is directed to review K. Davis's 2026 candidacy filing without considering the 2024 Court of Claims ruling, and determine if she is otherwise eligible and qualified to run for office.

## I. LEGAL PRINCIPLES

The Michigan Constitution provides that “[a]ll political power is inherent in the people,” and that “[g]overnment is instituted for their equal benefit, security and protection.” Const 1963, art 1, § 1. The most basic and fundamental right allowing the people to exercise their political

power is the right to vote. “[T]he right to vote is an implicit fundamental political right that is preservative of all rights.” *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich 1, 16; 740 NW2d 444 (2007) (quotation marks and citation omitted). “[T]he rights of voters and the rights of candidates do not lend themselves to neat separation; laws that affect candidates always have at least some theoretical, correlative effect on voters. The voters’ rights are thus burdened by the exclusion of candidates from office.” *People v Smith*, 502 Mich 624, 637; 918 NW2d 718 (2018) (quotation marks and citations omitted).

The Michigan Constitution also sets forth the qualifications for judges, and thereby judicial candidates, in our State. Const 1963, art 6, § 19 states:

(1) The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state.

(2) To be qualified to serve as a judge of a trial court, a judge of the court of appeals, or a justice of the supreme court, a person shall have been admitted to the practice of law for at least 5 years. This subsection shall not apply to any judge or justice appointed or elected to judicial office prior to the date on which this subsection becomes part of the constitution.

(3) No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

To become a candidate for a judgeship, an individual must file with the proper filing official, various petitions, affidavits, and fees under MCL 168.558(1)-(2). As a nonincumbent candidate for judicial office, K. Davis was required to collect “signatures of qualified and registered electors” on nominating petitions, the number of which was “based upon the population of the district involved” (here, the city of Detroit) “according to the most recent federal census.” See MCL 168.544f. If, as here, the number of candidates is less than twice the number of positions available, the filing official “shall certify to the proper board of election commissioners the names

of such candidates whose petitions have been properly filed,” and those candidates “shall be” listed on the general election ballot. MCL 168.540.

## II. PRIOR ELECTION CYCLES

### A. Election of 2016, Subsequent Judicial Tenure Commission (JTC) Actions and Supreme Court Actions, and Election Cycle of 2022

K. Davis was elected to serve as a judge on the 36th District Court in 2016. Her six-year term expired at the close of 2022. K. Davis filed to run as an incumbent judge of the 36th District Court in the 2022 election. K. Davis misrepresented in her Affidavit of Identity (AOI) that her candidate committee had paid all fees and fines due under the Campaign Finance Act. As a result, the SOS did not certify K. Davis as a candidate for the 2022 election. K. Davis filed an original action for a writ of mandamus in the Court of Appeals, seeking to compel her placement on the 2022 general election ballot. The Court of Appeals denied K. Davis’s request for relief because she conceded that she included a false statement in her AOI, rendering her ineligible. *Davis v Secretary of State*, unpublished order of the Court of Appeals, entered August 22, 2022 (Docket No. 362455).

During K. Davis’s 2016-2022 term, the JTC investigated misconduct allegations levied against her and made recommendations to the MSC regarding her discipline. By the time the MSC issued its decision in June 2023, K. Davis’s term had expired and she was no longer a sitting judge. The MSC found that K. Davis had engaged in serious misconduct both within and outside her courtroom, and made material misrepresentations during the JTC investigation. *In re Davis*, 511 Mich at 1004-1006. The MSC “conclude[d] that [K. Davis] engaged in repeated, deliberate misconduct that besmirched the judiciary’s reputation and prejudiced the administration of justice.

The nature and pervasiveness of [K. Davis’s] misconduct require[d] the highest condemnation and harshest sanction.” *Id.* at 1008.

Because K. Davis was not then a sitting judge, however, the MSC could not remove her from the bench. The MSC held “that a six-year conditional suspension without pay [was] an appropriate sanction, with the suspension barring [K. Davis] from serving in a judicial office during that period.” *In re Davis*, 511 Mich at 1008. The MSC also stated:

We impose a six-year conditional suspension without pay on [K. Davis] effective on the date of this decision. Should [K. Davis] be elected or appointed to judicial office during that time, she “will nevertheless be debarred from exercising the power and prerogatives of the office until at least the expiration of the suspension.” *In re Probert*, 411 Mich 210, 237; 308 NW2d 773 (1981). See also *In re Konschuh*, 507 Mich 984; 959 NW2d 708 (2021). [*In re Davis*, 511 Mich at 1004.]

#### B. Election Cycle of 2024

Two years later, K. Davis filed to appear on the 2024 ballot as a candidate for judge of the 36th District Court. The SOS initially certified K. Davis’s candidacy because K. Davis had not made any misrepresentations in her AOI and otherwise met all statutory and constitutional requirements to run for office. In the 2024 election cycle, a primary was held for the 36th District Court Judge positions, requiring any challenge be resolved by June 7, 2024.

On May 17, 2024, Robert Davis (no relation) filed suit in Court of Claims Docket No. 24-000069-MM, seeking a declaratory judgment that the SOS was duty bound not to certify K. Davis’s candidacy and a writ of mandamus compelling the SOS to not certify, or to decertify, K. Davis as a candidate. Robert Davis contended that K. Davis misrepresented in her AOI that “all statements, reports, late filing fees and fines required of her and her candidate committee had been filed or paid.” Robert Davis filed a sworn complaint with the SOS challenging K. Davis’s candidacy on the same grounds, but the SOS had not responded before he filed suit. In ¶¶ 41 and

42 of his complaint, Robert Davis discussed the 2023 MSC disciplinary ruling. However, Robert Davis did not seek to disqualify K. Davis from appearing on the ballot because of that ruling.

The SOS responded that it was duty bound to certify K. Davis's candidacy because K. Davis had not made any misrepresentations in her AOI and otherwise met all statutory and constitutional requirements to run for office. The SOS made no mention of the 2023 MSC disciplinary action.

Judge YATES permitted K. Davis to file an amicus curiae brief on May 29, 2024. *Robert Davis*, 24-69, p 4 n 2. K. Davis did not seek to intervene in the action as a named party and did not file a separate action for declaratory relief to protect her rights.

Judge YATES addressed the idea that the 2023 MSC disciplinary ruling barred K. Davis's candidacy at a hearing on May 30, 2024, noting that Robert Davis mentioned the ruling "in passing." Judge YATES commented, "I guess I'm a little perplexed that [Robert Davis hasn't] made that [his] first argument and I'm also perplexed that the [SOS] hasn't already removed her from the ballot on that basis alone." The attorneys for the SOS responded that the plain language of the MSC's opinion did not prevent K. Davis from running for office during her suspension, and specifically contemplated that if she won an election or was appointed by the Governor to serve as a judge, she would be unable to exercise judicial authority. The SOS further stated that nothing in the statutes permitted it to keep a candidate off the ballot because of a disciplinary ruling.

On June 3, 2024, Judge YATES issued an opinion and order compelling the SOS to remove K. Davis from the August 2024 primary ballot. He ruled, "[O]ur [MSC] made clear that [K.] Davis cannot serve as a judge until 2029, even if she wins a judicial election or is appointed to a judgeship by the Governor." *Robert Davis*, 24-69, p 2. Judge YATES stated that K. Davis was able to secure

sufficient signatures to run and the SOS preliminarily approved her candidacy. *Id.* Judge YATES recounted the SOS’s position that certifying K. Davis’s candidacy was justified because she met the statutory prerequisites to file. *Id.* at 5. But, Judge YATES reasoned, the SOS’s position did “not take into account our [MSC’s] order that bars [K.] Davis from serving as a judge until 2029.” *Id.* Judge YATES disagreed that the MSC left open the door for K. Davis to run for judicial office. *Id.*

The [MSC] order reflects a concern that a run for judicial office by [K.] Davis, . . . might somehow take place. So . . . our [MSC] made absolutely certain that she could not serve as a judge until 2029. That edict, however, is not self-executing. It depends on the cooperation of the coordinate branches of government in Michigan’s tripartite system. By refusing to abide by a directive handed down by our [MSC], the SOS has rendered nugatory the power granted by [Const 1963, art 6, § 30] to our [MSC] to “censure, suspend with or without salary, retire or remove a judge” for “misconduct in office[.]” . . . In our constitutional system, this abdication of responsibility is untenable. It may well be that no statute forbids [K.] Davis to run for a judgeship in 2024 given her compliance with the statutory filing requirements, but the Michigan Constitution is higher law that cannot simply be ignored. [*Id.*]

Accordingly, Judge YATES determined that Robert Davis was entitled to a declaratory judgment that K. Davis was ineligible to be certified as a judicial candidate and that the SOS had a clear legal duty to exclude her name from the ballot, requiring a writ of mandamus. *Id.* at 6.

K. Davis attempted to appeal to the Court of Appeals. That Court dismissed her claim of appeal for lack of jurisdiction. Although K. Davis was an amicus in *Robert Davis*, 24-69, and was certainly directly affected by the Court of Claims’ ruling, she was not an aggrieved *party* over which the Court of Appeals could assert jurisdiction. *Robert Davis v Secretary of State*, unpublished order of the Court of Appeals, entered July 16, 2024 (Docket No. 371412). K. Davis did not file an application for leave to appeal in the MSC.

### III. CURRENT ELECTION CYCLE

K. Davis has again sought to be a candidate for election to be a judge in the 36th District Court in 2026. The SOS concedes that K. Davis's petitions, at least on their face, contain an adequate number of signatures to be placed on the ballot and that no one filed a sworn complaint challenging her petitions or AOI.<sup>1</sup> The SOS disqualified K. Davis based on the writ of mandamus issued in *Robert Davis*, 24-69, and the MSC's decision in *In re Davis*, 511 Mich 1004.

K. Davis filed the current action seeking a temporary restraining order, preliminary injunction, and writ of mandamus, declaring that the SOS was legally bound by statute and the Michigan Constitution to certify her candidacy and compelling the SOS to place her name on the ballot. The SOS seeks summary disposition under MCR 2.116(C)(8), asserting that she is bound by the MSC disciplinary ruling and this Court's judgment in *Robert Davis*, 24-69, to not certify K. Davis's candidacy.

### IV. STANDARDS OF REVIEW

K. Davis seeks a writ of mandamus compelling the SOS to certify her candidacy. "A writ of mandamus is issued by a court of superior jurisdiction to compel a public officer to perform a clear legal duty," and "is the appropriate remedy for a party seeking to compel action by election

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<sup>1</sup> The SOS acknowledges that Tambir Ahmed filed an action against the SOS in Court of Claims Docket No. 26-000086-MB, seeking a declaratory judgment that K. Davis cannot be certified as a candidate and a writ of mandamus compelling the SOS not to certify K. Davis's candidacy. The action was dismissed with prejudice on stipulation of the parties on June 9, 2026.

officials.” *Barrow v Wayne Co Bd of Canvassers*, 341 Mich App 473, 484; 991 NW2d 610 (2022) (quotation marks and citation omitted).<sup>2</sup>

To be entitled to a writ of mandamus, a plaintiff must show that (1) the plaintiff has a clear, legal right to performance of the specific duty sought, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial, and (4) no other adequate legal or equitable remedy exists that might achieve the same result. [*Id.* at 484-485 (quotation marks and citation omitted).]

A plaintiff’s clear legal right to the performance of a specific duty is “one clearly founded in, or granted by, law; a right which is inferable as a matter of law from uncontroverted facts regardless of the difficulty of the legal question to be decided.” *Id.* at 485 (quotation marks and citation omitted). A defendant’s clear legal duty arises from “a statute that plainly instructs that agency to perform a certain action.” *Id.* “A ministerial act is one in which the law prescribes and defines the performance with such precision and certainty as to leave nothing to the exercise of discretion or judgment.” *Id.* at 486.

The SOS seeks summary disposition under MCR 2.116(C)(8).

A motion under MCR 2.116(C)(8) tests the *legal sufficiency* of a claim based on the factual allegations in the complaint. When considering such a motion, a trial court must accept all factual allegations as true, deciding the motion on the pleadings alone. A motion under MCR 2.116(C)(8) may only be granted when a claim is so clearly unenforceable that no factual development could possibly justify recovery. [*El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159-160; 934 NW2d 556 (2019) (citations omitted).]

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<sup>2</sup> Because a writ of mandamus is the appropriate remedy in this type of action, the Court will not consider K. Davis’s request for a temporary restraining order or preliminary injunction.

## V. ANALYSIS

K. Davis contends that because she met the constitutional and statutory qualifications for judicial office and filed the candidacy materials required by statute, she has a clear legal right, and the SOS has a clear legal duty, to certify her candidacy and place her name on the ballot. Indeed, *Barrow*, 301 Mich App at 412, held that “[t]he inclusion or exclusion of a name on a ballot is ministerial in nature.” The SOS counters that it has a clear legal duty to not certify K. Davis’s candidacy based on Judge YATES’s decision in *Robert Davis*, 24-69, which relied on the MSC’s disciplinary ruling.

The Court concludes that K. Davis cannot be prevented by res judicata or collateral estoppel from challenging the conclusion that the 2024 opinion and order in *Robert Davis*, 24-69, and the 2023 MSC order of discipline bars her from standing for election if she is otherwise qualified to appear on the ballot. Although permitted to appear as amicus, K. Davis was not a party to the prior action. Indeed, had K. Davis moved to intervene, Judge YATES would have likely been required to deny the motion. Because K. Davis’s candidacy was being challenged, her legal position would have been in direct opposition to the plaintiff, and her intervention thus would have been in the role of a defendant. This Court, however, lacks subject-matter jurisdiction to consider claims against a non-state actor. *Council of Orgs & Others for Ed about Parochiaid v State*, 321 Mich App 456, 465-466; 909 NW2d 449 (2017). The Court of Appeals dismissed K. Davis’s appeal from Judge YATES’s opinion and order precisely because she was not a party.

Ultimately, this is the first time K. Davis has been a party and could avail herself of the substantive and procedural rights and obligations of a litigant. Accordingly, the doctrines of res judicata and collateral estoppel cannot prevent K. Davis from seeking relief in this action. See

*Mecosta Co Med Ctr v Metro Group Prop & Cas Ins Co*, 509 Mich 276, 282-283; 983 NW2d 401 (2022).

The Court further concludes that the plain language of the MSC’s decision in *In re Davis*, 511 Mich 1003, does not prevent K. Davis from running for judicial office. The MSC did not rule that K. Davis was barred from running for election. Rather, the MSC held, “Should [K. Davis] be elected or appointed to judicial office during [her suspension], she will nevertheless be debarred from exercising the power and prerogatives of the office until at least the expiration of the suspension.” *In re Davis*, 511 Mich at 1004. This language specifically contemplates that K. Davis might run for office and be elected, or apply and be appointed to fill a vacancy, and dictates what will occur in that event: she will be debarred from exercising the power and prerogatives of the judicial office until the expiration of her suspension.

The MSC has used nearly identical language in numerous prior disciplinary actions, demonstrating that the MSC intentionally did not prevent K. Davis from running for office. The MSC indicated that a judge who was no longer serving on the bench would be debarred from exercising judicial powers if elected or appointed in *In re Slaven*, \_\_\_ Mich \_\_\_; \_\_\_ NW3d \_\_\_ (2026) (Docket No. 168569), and *In re Konschuh*, 507 Mich at 984. In *In re Brennan*, 504 Mich 80, 82; 929 NW2d 290 (2019), the MSC removed a sitting judge from office, imposed a six-year conditional suspension, and indicated that if she was elected or appointed to the bench during that suspension, she would be debarred from exercising judicial powers. In *In re Davis*, 511 Mich at 1004, the MSC relied on the language in its earlier disciplinary ruling in *In re Probert*, 411 Mich 210. *In re Probert*, in turn, relied on *In re Mikesell*, 396 Mich 517, 549; 243 NW2d 86 (1976); *In re Del Rio*, 400 Mich 665, 672; 265 NW2d 727 (1977); and *In re Bennett*, 403 Mich 178, 200; 267 NW2d 914 (1978), which held that orders removing judges from office and suspending them from

service would continue to apply even in the event of the party’s election to a judicial office. After extensive review and research, the Court could find no case where the MSC barred a judge or former judge from running for office or from ever serving in a judicial office in the future.<sup>3</sup>

A closer review of *In re Probert* explains why the MSC has not imposed such a penalty. Probert voluntarily abandoned his judicial office during a JTC investigation into his misconduct and argued this nullified the MSC’s authority to impose discipline. *In re Probert*, 411 Mich at 221-222. The JTC recommended that Probert be removed from office and be permanently enjoined from serving as a judge in the future. *Id.* at 222. The MSC held “that because [Probert] is presently not a judge and because we are not expressly empowered to enter an injunction of the nature sought here, we cannot implement the specific recommendations of the [JTC].” *Id.* But, the MSC held, Probert did not put himself beyond that Court’s disciplinary reach by leaving office. The MSC determined to censure and conditionally suspend Probert “regardless of any possible intervening election or appointment to judicial office.” *Id.* In doing so, the MSC cited the three

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<sup>3</sup> In reaching this conclusion, the Court reviewed: *In re Slaven*, \_\_\_ Mich \_\_\_ (2026); *In re Davis*, 511 Mich 1003 (2023); *In re Kenschuh*, 507 Mich 984 (2021); *In re Brennan*, 504 Mich 80 (2019); *In re McCree*, 495 Mich 51; 845 NW2d 458 (2014); *In re James*, 492 Mich 553; 821 NW2d 144 (2012); *In re Nettles-Nickerson*, 481 Mich 321; 750 NW2d 560 (2008); *In re Ford*, 469 Mich 1251; 674 NW2d 147 (2004); *In re Trudel*, 468 Mich 1243; 663 NW2d 471 (2003); *In re Trudel*, 465 Mich 1314; 638 NW2d 405 (2002); *In re Ferrara*, 458 Mich 350; 582 NW2d 817 (1998); *In re Gehrke*, 456 Mich 1220; 575 NW2d 550 (1998); *In re Seitz*, 441 Mich 590; 495 NW2d 559 (1993); *In re Jenkins*, 437 Mich 15; 465 NW2d 317 (1991); *In re Davis*, 432 Mich 1223; 436 NW2d 665 (1989); *In re Bayles*, 427 Mich 1201; 399 NW2d 1201 (1986); *In re Loyd*, 424 Mich 514; 384 NW2d 9 (1986); *In re Tschirhart*, 420 Mich 1201; 362 NW2d 235 (1984); *In re Callanan*, 419 Mich 376; 355 NW2d 69 (1984); *In re Probert*, 411 Mich 210 (1981); *In re Bennett*, 403 Mich 178 (1978); *In re Del Rio*, 400 Mich 665 (1977); and *In re Mikesell*, 296 Mich 517 (1976). No case that the Court has reviewed stated that a judicial officer who is being disciplined is barred from standing for election. In many of the cases, the MSC has employed the same or substantively identical language to that used in the 2023 *Davis* disciplinary decision to hold that if the disciplined judge is subsequently elected or appointed during the debarment period, they may not serve as a judge.

prior orders cited above in which the court imposed conditional suspensions on individuals “that would have foreclosed the exercise of the prerogatives inhering in any judicial office to which the disciplined party might have been elected or appointed in the future, the condition being, of course, re-election or appointment to judicial office.” *Id.* at 223-224. The MSC noted, “The effect of those suspensions would have been to disengage the disciplined party from judicial power, but only had that person come to occupy judicial office again during the term of the suspension, and only to the extent that the terms of office and suspension coincided.” *Id.* at 224.

The MSC then explained that a permanent injunction against serving as a judge is different and more problematic than removing a judge from office for the span of time during which the judge is deemed judicially unfit. *Id.* at 232.

[A] permanent injunction might implicate the right of the voters of Michigan to choose those who would hold judicial office. As our Brother LEVIN correctly observes, the recommended injunction would “prevent the electorate from ever again effectively exercising the franchise in favor of a particular person.” That suffrage is bestowed by our constitution. Const 1963, art 2, § 1; art 6, §§ 2, 8, 12, 16. [Const 1963, art 6, § 4] should be construed, if possible, to harmonize with other constitutional provisions. We agree, therefore, that § 4 does not comprehend the power to permanently enjoin a person from holding judicial office. [*In re Probert*, 411 Mich at 232-233.]

## VI. CONCLUSION

The Court concludes that no controlling legal precedent prevents K. Davis from running for judicial office. K. Davis and the electorate have a clear legal right to have K. Davis’s name included on the 2026 general election ballot so long as K. Davis meets the constitutional judicial eligibility requirements and meets the statutory requirements to have her candidacy certified. Although the SOS conducted a facial review and determined that K. Davis filed all necessary documents and fees, the SOS has not canvassed the signatures on her nominating petitions or

conducted other in-depth review of the candidacy documents. Accordingly, this Court cannot compel the SOS to certify K. Davis's candidacy and place her name on the ballot. Rather, the Court directs the SOS to review K. Davis's filings. If K. Davis meets all requirements, then the SOS must certify her candidacy and place her name on the 2026 general election ballot.

IT IS ORDERED:

1. Defendant's motion for summary disposition under MCR 2.116(C)(8) is DENIED.
2. Plaintiff's complaint for mandamus relief is GRANTED IN PART.
3. The SOS is DIRECTED to canvass the signatures on K. Davis's nominating petitions and review other filed documents as required by statute. If K. Davis met all requirements, the SOS is DIRECTED to certify her candidacy and place her name on the 2026 general election ballot.
4. This is a final order resolving all issues in this case.

Date: June 11, 2026



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James Robert Redford  
Judge, Court of Claims

