STATE OF MICHIGAN

COURT OF CLAIMS

MARK MICHAEL KOROI,

Plaintiff,

v

Case No. 26-000127-MB

MICHIGAN BOARD OF STATE CANVASSERS and JOCELYN BENSON, in her capacity as Michigan Secretary of State,

Hon. Sima G. Patel

Defendant.
_____ /

OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY DISPOSITION

To qualify as a district court judge candidate, a person must be "a registered and qualified elector of the judicial district . . . by the filing deadline. . . ." MCL 168.467. A "qualified elector" must possess "the qualifications of an elector as prescribed in [Const 1963, art 2, § 1]" and must have "resided in the city or township 30 days." MCL 168.10(1). This means that a district court judicial candidate must have resided in the district for 30 days by the filing deadline.

Plaintiff Mark Michael Koroi seeks to be a candidate for 31st District Court Judge in the city of Hamtramck. He moved to Hamtramck on April 21, 2026, the same day he registered to vote at his Hamtramck address and filed his candidacy paperwork listing his Hamtramck address. Plaintiff had not even resided in the district for one day by the filing deadline.

Plaintiff contends that the 30-day residency requirement to be a qualified elector was rendered unconstitutional by the 2018 amendment to Const 1963, art 2, § 4(1)(f), which grants the right to "an elector qualified to vote in Michigan" to register to vote up to election day and to "be immediately eligible to receive" a ballot. Plaintiff contends this means he was immediately qualified to run for election as well.

Nothing in Const 1963, art 2, § 4 contradicts or eliminates the 30-day residency requirement. The constitutional amendment provides that a person who had not previously registered to vote may register through election day. That person still must have resided in the city or township for 30 days to be a qualified elector and cast a valid vote. Because the 30-day residency requirement does not contravene the Constitution, and plaintiff had not resided in the city for 30 days by the filing deadline, plaintiff is not qualified to be a judicial candidate for the 31st District Court. Secretary of State (SOS) Jocelyn Benson had a clear legal duty not to certify plaintiff's candidacy. Because plaintiff was not a qualified candidate, the Michigan Board of State Canvassers (MBSC) had no duty to canvass the signatures on his nominating petitions. Therefore, plaintiff is not entitled to the relief sought.

The Court GRANTS defendants' motion for summary disposition under MCR 2.116(C)(8) and DISMISSES plaintiff's complaint in its entirety and with prejudice. The Court DENIES nonparty Robert Davis's emergency motion to file an amicus curiae brief as MOOT.

I. BACKGROUND

Plaintiff filed to run for 31st District Court Judge. His April 21, 2026 Affidavit of Identity (AOI) lists a residential address in the city of Hamtramck and a business address in Plymouth. Plaintiff also filed 15 nominating petition sheets with 127 signatures. Several of those sheets are

dated April 20, 2026 or earlier and identify plaintiff's residential address on Kennedy Circle in Warren. Sheets dated April 21, 2026, on the other hand, list plaintiff's residential address in Hamtramck. Plaintiff updated his voter registration to identify his Hamtramck address on April 21, 2026, the same day he submitted his AOI and nominating petitions. That day was also the deadline for district court judge candidates to file their candidacy paperwork.

On May 14, 2026, Director of the Bureau of Elections (BOE) Jonathan Brater notified plaintiff on behalf of the SOS that "the Department is required by law to disqualify you, and the Department will not certify you as a candidate on the ballot" because plaintiff failed to meet the 30-day residency requirement of MCL 168.10(1), which defines a "qualified elector" as "a person who possesses the qualifications of an elector as prescribed in [Const 1963, art 2, § 1] and who has resided in the city or township 30 days."[1]

Also on May 14, 2026, the MBSC provided plaintiff the staff report from the review of plaintiff's nominating petitions. The report indicated that several of the nominating petition sheets were invalidated "due to missing required elements (MRE)" pursuant to MCL 168.544c, thereby rendering all the signatures on those sheets invalid. The exclusion of those signatures left plaintiff with insufficient signatures to qualify for the election.

On May 19, 2026, plaintiff sent his dispute of the staff report to the BOE. Plaintiff also asserted his belief that Const 1963, art 2, § 1 and § 4(1) qualified him to run for election in the 31st District Court despite not living in the district for 30 days because he "was qualified to vote in

[1] Robert Davis filed suit in Court of Claims Docket No. 26-000099-MB *Davis v Benson* to challenge plaintiff's qualifications to run based on residency. This Court dismissed Davis's claim as moot because the SOS had already disqualified plaintiff from appearing on the ballot.

Michigan by virtue of [his] lifetime residency" and was "immediately eligible to receive a ballot and to vote in Hamtramck as of 4/21/2026."

Plaintiff filed the current suit on June 16, 2026, seeking to be placed on the November 2026 General Election ballot for 31st District Court Judge. In Count I, he seeks a writ of mandamus compelling the MBSC to perform its duties under MCL 168.544c to certify his nominating petitions and place his name on the ballot.

In Count II, plaintiff seeks a writ of mandamus compelling the SOS to perform her duties under the Constitution and statutes to certify his candidacy. Plaintiff again asserts that Const 1963, art 2, § § 1 and 4 provide that he was eligible to run for election for 31st District Court Judge on the day he moved to and registered to vote in Hamtramck. He argues that the November 16, 2018 amendment to § 4 superseded and invalidated MCL 168.10's 30-day residency requirement, leaving only the six-month state residency requirement of § 1. Plaintiff alleges that he registered to vote in Hamtramck before executing his AOI thereby confirming his residency in the 31st District Court district. Under Const 1963, art 2, § 4(1)(f), plaintiff contends, he was immediately eligible to vote in that district. Accordingly, the SOS had a clear legal duty to certify his candidacy and place his name on the ballot.

In Count III, plaintiff alleges violations of MCL 24.306(1) of the Administrative Procedures Act (APA), which provides, in relevant part:

> Except when a statute or the constitution provides for a different scope of review, the court shall hold unlawful and set aside a decision or order of an agency if substantial rights of the petitioner have been prejudiced because the decision or order is any of the following:
>
> (a) In violation of the constitution or a statute.

* * *

(c) Made upon unlawful procedure resulting in material prejudice to a party.

Plaintiff alleges that the decision to keep his name off the ballot was made in contravention of Const 1963, art 2, § 4(1), and the MBSC's decision was arbitrary and capricious and violated his right to due process. As a result of decisions made by the SOS and MBSC, plaintiff contends, his substantial rights to due process, fair and just treatment, and to be placed on the ballot were prejudiced.

In Count IV, plaintiff seeks a declaratory judgment that MCL 168.10 conflicts with and is superseded by Const 1963, art 2, § 4, that he is a qualified elector in the 31st District Court district, that his AOI was sufficient when filed, that no MREs appeared on his nominating petitions sheets, that his nominating petitions sufficed for his placement on the ballot, and that errors of law and/or arbitrary and capricious conduct made by defendants violated MCL 24.306.

Defendants have moved for summary disposition in response to plaintiff's complaint.

II. LEGAL STANDARDS

Plaintiff seeks a writ of mandamus and declaratory relief.

> MCR 2.605 governs a trial court's power to enter a declaratory judgment. The court rule provides, in pertinent part, that "[i]n a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted. MCR 2.605(A)(1). [*Van Buren Charter Twp v Visteon Corp*, 319 Mich App 538, 545; 904 NW2d 192 (2017).]

"Mandamus is not a matter of right, but rather one of grace and of discretion." *Toan v McGinn*, 271 Mich 28, 33; 260 NW 108 (1935). This "extraordinary remedy" is available only when the party seeking it shows that: (1) it has a "clear, legal right to performance of the specific

duty sought," (2) the opposing party "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." *Rental Props Owners Ass'n of Kent Co v Kent Co Treasurer*, 308 Mich App 498, 518-519; 866 NW2d 817 (2014). A "clear, legal right" is one either "clearly founded in, or granted by, law; [or] a right which is inferable as a matter of law from uncontroverted facts, regardless of the difficulty of the legal question to be decided." *Univ Med Affiliates, PC v Wayne Co Executive*, 142 Mich App 135, 143; 366 NW2d 277 (1985).

Defendants seek summary disposition under MCR 2.116(C)(8) and (10). The Court finds that defendants' motion must be granted under (C)(8). A motion for summary disposition under MCR 2.116(C)(8) "tests the legal sufficiency of a claim on the pleadings alone." *Armstrong v Ottawa Co Bd of Comms*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 366906); slip op at 3. This Court must accept a plaintiff's factual allegations as true and construe them "in the light most favorable to the nonmoving party." *Id*. Summary disposition is warranted under (C)(8) "only where the claims alleged are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery." *Id.* (quotation marks and citation omitted).

Resolution of this dispute also requires interpretation of statutory and constitutional language. The goal of both statutory and constitutional interpretation "is to ascertain and give effect to the purpose and intent of the provision." *Birchwood Manor, Inc v Comm'r of Revenue*, 258 Mich App 801, 806; 673 NW2d 438 (2003). When interpreting a statute, the Court must review the plain language of the provision to discern the intent of the Legislature. *Id*. "By contrast, constitutional interpretation aims to determine the intent of the people who adopted the provision, and the rule of common understanding applies." *Id*. at 806-807. "[W]hen a statute contravenes the provisions of the state constitution it is unconstitutional and void." *AFSCME Council 25 v*

State Employees Retirement Sys, 294 Mich App 1, 15; 818 NW2d 337 (2011). "Statutes are presumed to be constitutional, and [the Court has] a duty to construe a statute as constitutional unless its unconstitutionality is clearly apparent." *In re Sanders*, 495 Mich 394, 404; 852 NW2d 524 (2014).

III. CONSTITUTIONALITY OF 30-DAY RESIDENCY REQUIREMENT

A. LACHES

Before addressing the merits of plaintiff's challenge to the constitutionality of the 30-residency requirement found in MCL 168.10(1), among other statutes, the Court must address defendants' claim that plaintiff's challenge is barred by the doctrine of laches. Defendants contend that plaintiff was aware when he filed his AOI that he would be disqualified based on the 30-day residency requirement. Plaintiff learned of his disqualification on May 14, 2026. Yet, plaintiff waited until June 16, 2026, to file suit.

> The doctrine of laches is an equitable doctrine that applies when a party has failed to make a claim or enforce a right at the proper time. *Nykoriak v Napoleon*, 334 Mich App 370, 382; 964 NW2d 895 (2020). The doctrine estops a party "from asserting a right it could have and should have asserted earlier." *Home-Owners Ins Co v Perkins*, 328 Mich App 570, 589; 939 NW2d 705 (2019). The doctrine "is an equitable tool used to provide a remedy for the inconvenience resulting from the plaintiff's delay in asserting a legal right that was practicable to assert." *Id.* (quotation marks and citation omitted). [*Mich Republican Party v Secretary of State*, unpublished per curiam opinion of the Court of Appeals, issued August 6, 2025 (Docket No. 372995), p 3.]

The Court acknowledges that time is of the essence when raising election challenges. However, plaintiff filed suit with more than adequate time to resolve his challenge before the ballots for the 2026 General Election must be finalized. Accordingly, the Court finds no support for dismissing plaintiff's claim based on the doctrine of laches.

B. CONSTITUTIONAL PROVISIONS

Pursuant to MCL 168.558(1), a candidate for office must file an AOI that contains "a statement that the candidate meets the constitutional and statutory qualifications for the office sought," MCL 168.558(2). The AOI must "include . . . a statement that the candidate acknowledges that making a false statement in the affidavit is perjury." MCL 168.558(4). Subsection (4) further prohibits the certification of a person's candidacy if that person "fails to comply with this section" or "executes an [AOI] that contains a false statement with regard to any information or statement required under this section."

The SOS declined to certify plaintiff's candidacy because he was not a qualified elector in the district for which he filed to run. Plaintiff contends that the statutory provisions relied upon by the SOS were rendered unconstitutional through the passage of Proposal 3 in the 2018 general election, which expanded voter rights in Const 1963, art 2, § 4(1).

The basic right to vote is encapsulated in Const 1963, art 2, § 1, which states:

> Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and *who meets the requirements of local residence provided by law*, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes. [Emphasis added.]

The age of voter franchise has been lowered to 18 since the ratification of the 1963 Constitution. See US Const, Am XXVI.

In 2018, the electorate passed Proposal 3, which, in relevant part, added subsection (1)(f) to Const 1963, art 2, § 4. This constitutional provision states, in relevant part:

> (1) Every citizen of the United States *who is an elector qualified* to vote in Michigan shall have the following rights:
>
> (a) The fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure . . . which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote. . . .
>
> * * *
>
> (f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing *through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency* to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. *Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.* [Emphasis added.]

Const 1963, art 2, § 4(1) further states this provision "shall be liberally construed in favor of voters' rights in order to effectuate its purposes."

C. THE STATUTES

The Legislature has provided by law the following requirement of local residence to be a qualified elector in MCL 168.10(1):

> [T]he term "qualified elector", as used in this act, means a person who possesses the qualifications of an elector as prescribed in [Const 1963, art 2, § 1] *and who has resided in the city or township 30 days*. [Emphasis added.]

MCL 168.492 further provides:

> Each individual who has the following qualifications of an elector is entitled to register as an elector in the township or city in which he or she resides. The individual must be a citizen of the United States; not less than 17-1/2 years of age; a resident of this state; and a resident of the township or city.

MCL 168.495 governs the information that must be included in a voter registration application, including:

> For voter registration, a statement that the applicant has or will have established the applicant's residence in the township or city in which the applicant is applying for registration *not less than 30 days before the next election*, and for preregistration to vote, a statement that the applicant has established the applicant's residence in the township or city in which the applicant is applying for preregistration *for at least 30 days*. [MCL 169.495(i) (emphasis added).]

MCL 168.497(2) further permits a person to register to vote up to election date in the city or township in which he or she resides by showing their driver's license or state identification card.

Defendants included within their motion for summary disposition a link to the on-line voter registration application form, as amended in December 2023. By signing that form the applicant certifies: "I am a Michigan resident and will vote only after I have lived in my city/township for at least 30 days."

Plaintiff filed to run for an available district court judgeship. MCL 168.467 provides that in order to run as a district court judge, the candidate must be a "qualified elector" of the district:

> A person is not eligible for the office of judge of the district court unless the person *is a registered and qualified elector of the judicial district and election division in which election is sought by the filing deadline* or the date the person files the affidavit of candidacy, is licensed to practice law in this state, and, at the time of election or appointment, is less than 70 years of age. [Emphasis added.]

In his AOI, plaintiff attested that he met "the statutory and constitutional requirements for the office sought."

D. THE STATUTES DO NOT CONFLICT WITH THE CONSTITUTION

The 30-day residency requirement to be a qualified elector does not conflict with the Constitution. Const 1963, art 2, § 4(1) sets forth various rights of "elector[s] qualified to vote."

To be "qualified to vote," a person must be a citizen of the United States (Const 1963, art 2, § 1), at least 18 years old (US Const, Am XXVI), have lived in the state for at least six months (Const 1963, art 2, § 1), not be excluded by another constitutional provision (Const 1963, art 2, § 1), and "meet[] the requirements of local residence provided by law" (Const 1963, art 2, § 1). The Legislature has defined the requirements of local residence to include living within the city or township in which the person registers for at least 30 days. MCL 168.10(1).

Nothing in Const 1963, art 2, § 4(1) states that a person is immediately eligible to vote upon moving to a city or township. Rather, § 4(1)(f) extends the right to "register to vote" through the day of the election and to immediately receive a ballot. It in no way eliminates the 30-day residency requirement. Indeed, this constitutional right can be read in harmony with the 30-day residency requirement. A person who has lived in the city or township for at least 30 days but failed to register to vote, may register in person up to election day and receive a ballot. Consistent with the constitutional and statutory voter qualification requirements, a person completing a voter registration application must certify that he or she has lived in the city or township for at least 30 days. MCL 168.495.

Accordingly, plaintiff is not entitled to a declaratory judgment that the 30-day residency requirement is unconstitutional.

E. PLAINTIFF DID NOT MEET RESIDENCY REQUIREMENTS

To be qualified as a candidate for district court judge, a person must be "a registered and qualified elector of the judicial district and election division in which election is sought by the

filing deadline." MCL 168.467. To be a qualified elector, the person must have lived in the judicial district and election division for 30 days before the election. And to be qualified as a candidate, the person must have resided in the judicial district and election division for 30 days before the filing deadline. The deadline for district court judicial candidates to file their candidacy paperwork was April 21, 2026.

Plaintiff did not reside in Hamtramck, which wholly encompasses the 31st District Court district, for 30 days before the filing deadline. He had not resided in Hamtramck even a full day on the filing deadline. According to the information on his nominating petition sheets, plaintiff moved to Hamtramck from Warren on April 21, 2026. Therefore, plaintiff was not eligible to run for election to a 31st District Court judgeship in the 2026 election cycle.

Because plaintiff did not meet the residency requirements, he has no clear legal right to have his candidacy certified, and the SOS has no clear legal duty to certify his candidacy. The SOS correctly determined that she was required to disqualify plaintiff and not include his name on the ballot. Because plaintiff was properly disqualified, the MBSC was not required to canvass the signatures on plaintiff's nominating petitions, rendering any challenge to the MBSC's actions moot.

Accordingly, the Court GRANTS summary disposition in defendants' favor under MCR 2.116(C)(8).

IT IS ORDERED:

1. The Court GRANTS defendants' motion for summary disposition.
2. The Court DISMISSES plaintiff's action in its entirety and with prejudice.

3. The Court DENIES nonparty Robert Davis's emergency motion to file an amicus curiae brief as MOOT.

4. This is a final order resolving all issues in this case.

Date: June 30, 2026

Sima G. Patel
Judge, Court of Claims