STATE OF MICHIGAN

COURT OF CLAIMS

MARIA RUGGIRELLO,

Plaintiff,

v

Case No. 24-000081-MB

JOCELYN BENSON, in her official capacity as the Secretary of State, JONATHAN BRATER, in his official capacity as the Director of Elections, and BOARD OF STATE CANVASSERS,

Hon. Christopher P. Yates

Defendants.

_______________________________________/

OPINION AND ORDER DENYING REQUEST FOR WRIT OF MANDAMUS

The rules for gaining ballot access as a judicial candidate are complicated, especially when an incumbent judge does not timely declare to run as an incumbent. The Byzantine rules governing such situations can be weaponized to exclude judicial candidates from the ballot. This case reveals the hidden traps for a candidate who embarks upon a run for a judicial office not knowing whether the incumbent judge will pursue reelection. Here, judicial candidate Maria Ruggirello became so ensnared in those traps that the defendants – the Secretary of State, the Director of Elections, and the Board of State Canvassers – have no clear legal duty to place her name on the ballot in 2024. Accordingly, the Court must deny her request for a writ of mandamus.

I. FACTUAL BACKGROUND

When Maria Ruggirello started collecting at least 600 signatures on petitions to qualify as a candidate for the 35th District Court, a sitting judge was eligible to run as an incumbent for that

position. Therefore, her petitions properly identified her as a candidate for an incumbent position. But when the March 25, 2024 deadline for incumbent judges to file for reelection came and went and the incumbent judge did not file the paperwork necessary to seek reelection as an incumbent, the race became a contest for a non-incumbent judicial position. The Secretary of State furnished notice that petitions thereafter had to describe the office as a non-incumbent position according to MCL 168.467b(5), but Maria Ruggirello did not change her petitions thereafter circulated to state that the judicial office she sought was a "non-incumbent" position, so the signatures gathered after March 25, 2024, on her non-conforming petition sheets were invalid.

Maria Ruggirello also ran headlong into another trap when she submitted 1,168 signatures in an election contest that required at least 600 valid signatures, but prohibited submission of more than 1,000 signatures. As a result, when the defendants determined the number of valid signatures on her petition sheets, they could only consider 1,000 signatures, rather than the entire collection of 1,168 signatures. After Maria Ruggirello filed her petition sheets, she drew two challenges, one from Michael Woodyard (who appears to be a competitor for the very same judgeship) and another from Jessica Mistak (who went so far as to file an amicus curiae brief opposing Maria Ruggirello's request for a writ of mandamus).

The Bureau of Elections conducted a review of Maria Ruggirello's petition sheets and came to the conclusion that she had fallen just short of the 600 valid signatures needed to qualify for the ballot. Specifically, the Bureau of Elections sorted the first 1,000 signatures in two ways, first by counting the petition sheets in ascending order from the fewest signatures on the sheet to the most signatures on the sheet, and second by counting the petition sheets in chronological order from the earliest sheets to the latest sheets based on the circulators' signature dates. Each counting method credited Maria Ruggirello with just under 600 valid signatures. In contesting those results, Maria

Ruggirello urged the officials to count the first 1,000 signatures in chronological order, which she claimed would yield a higher percentage of valid signatures. But the Bureau of Elections advised the Board of State Canvassers that that proposed method was not approved by Michigan law and it would be too time-consuming. In response, Maria Ruggirello argued that each signature should be judged "on its own" and should be counted in chronological order because counting "any other way is, quite frankly, arbitrary and capricious." Rejecting that view, the Board of State Canvassers voted 3-to-1 to "accept the staff recommendation and find the nominating petition[s] filed by Maria Ruggirello insufficient[,]" so Maria Ruggirello filed the verified complaint for a writ of mandamus that is now before the Court.

II. LEGAL ANALYSIS

The Court has the power to issue a writ of mandamus to direct a public official to perform "a clear legal duty" that is "ministerial in nature such that it involves no discretion or judgment[.]" See *Barrow v Detroit Election Comm*, 301 Mich App 404, 412; 836 NW2d 498 (2013). But a writ of mandamus is an "extraordinary remedy" that should not be lightly granted. See *id.* To be sure, the Secretary of State has "the statutory duty to submit the names of the eligible candidates for the primary election," and "inclusion or exclusion of a name on a ballot is ministerial in nature." *Id.* But in debatable cases that do not involve a clear legal duty, the Court ought not substitute its view for the determinations of the Secretary of State and the Board of State Canvassers by issuing a writ of mandamus to direct their actions.

Here, the defendants faced two complications in determining whether to place the name of Maria Ruggirello on the ballot. First, she filed a substantial number of petition sheets that referred to the office as an incumbent judicial position after the incumbent judge no longer could run as an incumbent for that position. That mistake may be understandable, but Michigan law provides clear

guidance on the need to make that adjustment on petition sheets. See MCL 168.467b(5). Second, she submitted 168 more signatures that the law authorized, so she put the defendants in a position that required them to ignore 168 of the 1,168 signatures that she presented.[1] In addressing each of those two errors, the defendants took actions that cannot be regarded as arbitrary or capricious. In addition, the defendants rejected a substantial number of signatures by applying Michigan law to the effect that "[a]ll nominating petitions circulated for the nonincumbent [judicial] position after the deadline [for incumbents to file for reelection] must bear an office designation of nonincumbent position." MCL 168.467b(5). Accordingly, even though well over 600 electors signed their names to Maria Ruggirello's petitions to run as a candidate for judicial office, the defendants do not have a clear legal duty to put her name on the ballot in 2024. Thus, the Court must deny her request for a writ of mandamus.

IT IS SO ORDERED.

This is a final order that resolves the last pending claim and closes the case.

Date: June 11, 2024

Christopher P. Yates
Judge, Court of Claims

[1] As the defendants point out, "the order in which signatures are counted does not ordinarily make any difference because candidates are limited to a maximum number of signatures." Here, if Maria Ruggirello had stayed within the limit of 1,000 signatures, each of those signatures would have been considered in determining whether she had submitted 600 valid signatures. Accordingly, she could have filed the 1,000 most reliable signatures and left the 168 most questionable signatures on the cutting-room floor.