

STATE OF MICHIGAN  
IN THE SUPREME COURT

PHILIP M. O'HALLORAN, M.D., BRADEN  
GIACOBAZZI, ROBERT CUSHMAN,  
PENNY CRIDER, and KENNETH CRIDER,

Plaintiffs-Appellees,

v.

JOCELYN BENSON, in her official capacity as  
the duly elected Secretary of State, and  
JONATHAN BRATER, in his official capacity  
as DIRECTOR OF ELECTIONS,

Defendants-Appellants.

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RICHARD DEVISSER, MICHIGAN  
REPUBLICAN PARTY, and REPUBLICAN  
NATIONAL COMMITTEE,

Plaintiffs-Appellees,

v.

JOCELYN BENSON, in her official capacity as  
the duly elected Secretary of State, and  
JONATHAN BRATER, in his official capacity  
as DIRECTOR OF ELECTIONS,

Defendants-Appellants.

Supreme Court No. 164955

Court of Appeals No. 363503

Court of Claims No. 22-00162-MZ

**THE APPEAL INVOLVES A  
RULING THAT A PROVISION  
OF THE CONSTITUTION, A  
STATUTE, RULE OR  
REGULATION, OR OTHER  
STATE GOVERNMENTAL  
ACTION IS INVALID.**

**EMERGENCY RELIEF IS  
REQUESTED BY 3:00 P.M. ON  
TUESDAY, NOVEMBER 1, 2022**

Supreme Court No. 164956

Court of Appeals No. 363505

Court of Claims No. 22-00164-MZ

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**DETROIT/ DOWNRIVER CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE'S  
[PROPOSED] AMICUS BRIEF IN SUPPORT OF APPELLANTS' EMERGENCY  
APPLICATION FOR LEAVE TO APPEAL AND MOTION TO STAY<sup>1</sup>**

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## I. INTRODUCTION

The November 2020 election in Michigan revealed the risks that election challengers can pose to election administration. Disruption, confusion, and chaos erupted at polling places and absent voter counting boards (“AVCBs”) after emboldened partisan election challengers lodged hundreds of baseless objections and flouted rules concerning cell phone use and COVID-19 safety. This behavior intimidated voters, distracted election inspectors from counting ballots and helping voters, and led to unwarranted distrust in the election process. In the wake of this “crisis,”<sup>2</sup> the Secretary of State issued *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers* (the “2022 Manual”). The 2022 Manual is not a novel invention on the Secretary’s part—it simply provides clarity and specific direction where the Michigan Election Law allows, just as its predecessor manuals have done for at least two decades. Appellees, however, purport to be newly affronted by the Manual and—months after it was issued—sued to strike it down.

The Court of Claims ignored the facts and misapplied the law to grant Appellees’ requested relief in its Opinion and Order of October 20, 2022 (“Opinion”). The Opinion not only curbed the Secretary of State’s constitutional and statutory authority to issue instructions for the orderly conduct of elections but also ordered that State Appellants substantially alter the 2022 Manual with just eighteen days remaining before a statewide general election. As State Appellants’ motion makes clear, a stay is necessary both to ensure the smooth operation of the imminent election and to allow sufficient time to brief the important questions that this case presents. Proposed Amicus Curiae the Downriver/Detroit Chapter of the A. Philip Randolph Institute (“DAPRI”) writes

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<sup>2</sup> Ex. 1, The Senate Oversight Committee’s Report on the November 2020 Election in Michigan (“Committee Report”) at 13.

separately to underscore that if this Court does not stay—and ultimately reverse—the Court of Claims’ Opinion, DAPRI, its members, and its constituents will face significant harm.

DAPRI is the local chapter of the national 501(c)(3) nonprofit organization the A. Philip Randolph Institute. The A. Philip Randolph Institute, founded in 1965 by A. Philip Randolph and Bayard Rustin, is the senior constituency group of the AFL-CIO. Ex. 2, Affidavit of Andrea Hunter (“Hunter Aff.”) ¶ 4. DAPRI is a membership organization, and its mission is to fight for human equality and economic justice and to seek structural changes through the American democratic process. *Id.* ¶¶ 4, 5. DAPRI’s members are involved in election protection, voter registration, get-out-the-vote activities, political and community education, legislative action, and labor support activities in the Detroit and Downriver areas of Michigan. *Id.* ¶ 6. Much of DAPRI’s work specifically centers on voters who are disabled and voters who speak Spanish or Arabic as their first language. *Id.* ¶ 7.

For years, DAPRI has encouraged and recruited its members to serve as poll watchers and election inspectors, which it views as part of advancing its pro-democracy mission. *Id.* ¶ 8. The 2022 Manual protects DAPRI’s members who serve in these roles by ensuring against chaos at polling locations and AVCBs. For example, DAPRI’s poll watchers are trained to report on challenger-initiated voter intimidation. *Id.* ¶ 10. By setting forth clear and specific instructions for challengers, the 2022 Manual mitigates the risk of such intimidation and, in turn, protects DAPRI’s members and constituents, who are often targets of harassment due to their marginalized status. *Id.* ¶ 11. Moreover, the 2022 Manual serves to delineate the differences between challengers and other election personnel, which allows DAPRI’s poll watchers and election inspectors to perform their roles without interference and confusion. *Id.* ¶ 26.

If the Court of Claims' Opinion requiring significant alterations of the 2022 Manual is not stayed and ultimately reversed, DAPRI's members and voter constituents will face additional challenges on Election Day, and it will be much more difficult for DAPRI to fulfill its mission of promoting democracy by ensuring a smooth election.

## II. BACKGROUND

### A. The 2022 Manual

The days surrounding the November 2020 general election in Michigan were marked with confusion and chaos. Throughout the state, election officials at polling places and AVCBs received unsubstantiated complaints of fraud that disrupted election activities and threatened public confidence in the outcome of the election. *See* Committee Report. During an investigation into these issues, the Senate Committee on Oversight received testimony about election training for volunteers and workers and how that training, or lack thereof, impacted the events at polling places. *Id.* at 8. Among this testimony were reports of hazing, rudeness, bigotry, racism, and other offensive behavior at the polls, as well as significant confusion about the management of credentialed election challengers. *Id.* at 12. The environment at one large AVCB, the then-TCF Center in Detroit, "became intolerable," and election officials had difficulty doing their jobs due to "increasing confusion and distrust." *Id.* at 13. Many of DAPRI's members who served as poll watchers and election inspectors were present at the TCF Center AVCB and experienced the chaos first-hand. *See* Hunter Aff. ¶ 22; Ex. 3, Affidavit of Doriscine Wesley ("Wesley Aff.") ¶¶ 6-15.

The Committee on Oversight concluded that "one thing is perfectly clear: the rights and duties of poll watchers and challengers must be better understood and reinforced in their respective training. . . . This is an area in need of much reform and greater clarification in election law." Committee Report at 13. The Committee also recommended updating the guidelines for challengers, including protocols and standards of conduct to minimize disruption. *Id.* at 14.



Additionally, the Committee urged that “[o]fficials need a clear chain of command in place for making decisions and being accountable.” *Id.*

Responding to the call for greater clarification on these issues, the Secretary of State exercised her constitutional and statutory authority to “issue instructions . . . for the conduct of elections,” “advise and direct local election officials as to the proper methods of conducting elections,” and “[p]ublish and furnish . . . a manual of instructions that includes specific instructions . . . for processing challenges.” MCL 168.31(a)-(c). The result was an update to an existing manual, titled *The Appointment, Rights, and Duties of Election Challengers and Poll Workers* (“the 2022 Manual”).

The issuance of the 2022 Manual was nothing out of the ordinary. It followed a decades-long practice of Secretaries of State in Michigan publishing manuals and instructions for the orderly conduct of elections. Toward that end, the 2022 Manual provides much-needed clarity about the rights and duties of election challengers and poll watchers, instructs election inspectors to create a clear chain of command, and reinforces the standards of conduct to which election challengers are held. The 2022 Manual is not only squarely within the Secretary’s statutory authority, it responds directly to the Senate Committee on Oversight’s calls for more clarity and instructions following the chaos that erupted during the last general election in Michigan.

## **B. Procedural History**

On September 29, 2022, Appellees Phillip M. O’Halloran, Braden Giacobazzi, Robert Cushman, Penny Crider, and Kenneth Crider (“the O’Halloran Appellees”) filed a complaint against Secretary of State Benson and Director Brater. They alleged a violation of MCL 168.733, contending that the 2022 Manual violates the rights of election challengers. They also alleged a violation of the Administrative Procedures Act (APA) of 1969, 1969 PA 306, MCL 24.201 *et seq.*, contending that several so-called “policy changes” included in the 2022 Manual constituted “rules”

that were not promulgated as required by the APA. The O'Halloran Appellees sought emergency declaratory and injunctive relief, focusing on the provisions of the guidance concerning the ejection of challengers who refuse to follow the instructions of election inspectors, the designated challenger liaison, the number of challengers in AVCBs, and the use of recording devices in polling places, clerk's offices, and AVCBs. They demanded that the 2022 Manual be rescinded and amended in specific ways. On October 13, 2022, the O'Halloran Appellees filed an amended complaint that sought to cure the signature and verification deficiency of their original complaint.

On September 30, 2022, Appellees Richard DeVisser, the Michigan Republican Party (MRP), and the Republican National Committee (RNC) ("the DeVisser Appellees") filed a verified complaint against Secretary Benson and Director Brater. They alleged that the 2022 Manual was "directly inconsistent" with the Michigan Election Law and constituted "rules" that were not promulgated as required by the APA. The DeVisser Appellees focused on the provisions in the 2022 Manual concerning the challenger credential form provided by the Secretary of State, the appointment of challengers at any time "until Election Day," the designated challenger liaison, the prohibition on electronic devices in AVCBs, and the instruction that election inspectors need not record repeated challenges with no basis in the pollbook. They requested the Court of Claims to declare the 2022 Manual as inconsistent with the Michigan Election Law and order the reissuance of the previous October 2020 Manual.

The Court of Claims consolidated the two cases on October 3, 2022 and ordered State Appellants to show cause why the relief requested in the complaints should not be granted. On October 11, 2022, State Appellants answered the order to show cause and moved for summary disposition. On October 14, 2022, DAPRI filed its motion to intervene or, in the alternative, to

participate as Amicus Curiae, along with proposed Answers, a proposed motion for summary disposition, and an accompanying brief. DAPRI was ultimately granted amicus curiae status.

On October 20, 2022, the Court of Claims issued its Opinion and Order. The Opinion declined to invalidate the 2022 Manual in its entirety but granted Appellees' requested relief with respect to all five provisions outlined in the DeVisser Appellees' complaint. Specifically, the court held that (1) the Secretary cannot require that all challengers use her credentialing form, Opinion at 15; (2) the 2022 Manual should be updated to clarify that the appointment and credentialing of election challengers can continue through Election Day;<sup>3</sup> (3) the 2022 Manual must be revised to allow challengers to bring an issue to the attention of any election inspector, not just a challenger liaison, *id.* at 17; (4) the Secretary may not prohibit the possession of electronic devices in AVCB facilities, *id.* at 17-22; and (5) the 2022 Manual must be revised to clarify that challenges to a person's voting rights must be recorded, even if an election inspector believes there is an insufficient basis, allowing the Secretary discretion only regarding a system of recordkeeping for non-voting rights challenges, *id.* at 24. Furthermore, the Opinion ordered that the 2022 Manual must be revised to make clear that only if a challenger's repeated, unfounded challenges rise to the level of "disorderly conduct" does the law permit the challenger's expulsion. *Id.* at 25. The Court of Claims ordered State Appellants to rescind or modify and reissue the instructions consistent with the Opinion. *Id.* at 27-28.

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<sup>3</sup> Although the Opinion ordered State Appellants to revise the 2022 Manual to clarify that entities can appoint and credential challengers on Election Day itself, *id.* at 15-16, State Appellants have acknowledged that the language "until Election Day" does not prohibit the credentialing of challengers on Election Day and do not address this issue in their Motion for Stay. State Appellants' Motion for Stay ("State Motion"), App. at 35. Therefore, Proposed Amicus does not address this part of the Court of Claims' Opinion. See MCR 7.212(H)(2) ("The brief is limited to the issues raised by the parties.").

Within a day of the Court of Claims issuing its order, State Appellants filed a claim of appeal and a motion for a stay pending appeal to the Court of Appeals. State Appellants requested relief by 3:00 p.m. on October 26, 2022.

On October 24, 2022, DAPRI filed an emergency application for leave to file an amicus brief with a proposed amicus brief in support of State Appellants' motion for stay. Appellants filed responses on October 25, 2022. To date, the Court of Appeals has failed to resolve the motions.

On October 28, 2022, in the absence of a Court of Appeals order, State Appellants filed an emergency application for leave to appeal in this Court, again requesting a stay pending appeal. With the election just eight days away, State Appellants have requested relief before or by 3:00 p.m. on November 1, 2022. DAPRI respectfully requests that this Court grant State Appellants' emergency application and motion.

### III. LEGAL STANDARD

The factors relevant to the decision whether to grant a stay pending appeal are as follows: (1) whether the moving party is likely to prevail on the merits; (2) whether the movant will suffer irreparable harm if the stay is denied; (3) whether the non-moving party will suffer irreparable harm if the stay is granted; and (4) whether the grant or denial of a stay would harm the public interest. *Detroit Fire Fighters Ass'n IAFF Local 344 v Detroit*, 482 Mich 18, 34; 753 NW2d 579 (2008).

### IV. ARGUMENT

This Court should grant State Appellants' Motion for Stay Pending Appeal. State Appellants are likely to prevail on the merits, and DAPRI, State Appellants, and the public generally will suffer irreparable harm if the stay is denied. Appellees, by contrast, have identified no harm that will result from a stay.

**A. State Appellants are likely to prevail on the merits.**

State Appellants satisfy the first factor in favor of granting a stay pending appeal. The Court of Claims erred by concluding that Appellees' claims are not barred by laches and that the Secretary exceeded her authority to issue the instructions at issue in the 2022 Manual. Contrary to the Court of Claims' conclusions, the Secretary has broad authority to issue instructions, and nothing in the 2022 Manual conflicts with the Michigan Election Law.

**1. Appellees' claims are barred by laches.**

It is well settled that a plaintiff must exercise "reasonable diligence" in seeking relief from the courts. See, e.g., *Henderson v Connolly's Est*, 294 Mich 1, 19; 292 NW 543, 550 (1940). The doctrine of laches may bar a plaintiff's action (or request for relief) when the plaintiff has failed to exercise due diligence, resulting in prejudice to the defendant. *Gallagher v Keefe*, 232 Mich App 363, 369; 591 NW2d 297, 300 (1998). The doctrine is particularly applicable in election matters. See *New Democratic Coal v Austin*, 41 Mich App 343, 356-357 (1972); *Purcell v Gonzalez*, 549 US 1, 5-6 (2006) (per curiam); *Crookston v Johnson*, 841 F3d 396, 398 (CA 6, 2016).

The Court of Claims erred by concluding that Appellees acted with due diligence in bringing their claims. See Opinion at 26. As State Appellants explain, there is no dispute that the Michigan RNC staff had knowledge of the 2022 Manual as of May. State Motion at 15. And the O'Halloran Appellees, by their admission, knew of the updated instructions as early as July 2022. State Motion at 16. Despite this knowledge, Appellees failed to raise their grievances with the changes to the challenger instructions for the rest of the summer. Appellees assert that they experienced the practical effects of the instructions during the August 2 primary, but they still waited nearly two months to file their complaints. As State Appellants note, Appellees are sophisticated parties who cannot be excused for waiting to file this lawsuit until six weeks before the general election. See State Motion at 15-16.

The Court of Claims' analysis of the issue of prejudice is also flawed. According to the Court of Claims, Appellees' delay could not cause any prejudice to State Appellants because it is "merely instructive" and does not create any new mandatory requirements. Opinion at 26. This reasoning ignores that, regardless of whether the instructions are binding, the court-ordered injunction mandates the *Secretary* to amend the 2022 Manual just weeks before the general election. As described in section IV.B.2, *infra*, State Appellants have already trained clerks and election officials on the 2022 Manual. Revising the 2022 Manual at this late point in the election cycle does not provide the Bureau of Elections with enough time to disseminate the information and re-train clerks and election inspectors. Doing so would stretch the Bureau's limits beyond its capacity and force it to divert resources away from preparing polling locations for a smooth election.

**2. The Secretary is a constitutional officer and has broad statutory authority to issue instructions and publish manuals.**

The Court of Claims erred by narrowly construing the Secretary of State's authority to issue instructions without promulgating rules. The Secretary of State is a constitutional officer. Const 1963, art 5, § 3. As chief election officer of the state, the Secretary is broadly responsible for administering elections in Michigan. MCL 168.21. This responsibility includes issuing election administration instructions, directing local election officials on the proper methods of conducting elections, and promulgating rules pursuant to the APA for the conduct of elections. *Id.* § 168.31(1)(a)-(c). The Michigan Election Law mandates that the Secretary "shall" publish a manual that includes "forms for processing challenges" and "[p]rescribe and require uniform forms" as she "considers advisable." *Id.* § 168.31(1)(c), (e). These provisions are the basis for the Secretary's authority to issue and update election instructions without promulgating rules under the APA. As

the Court of Claims recognized, “the Secretary’s responsibility for issuing instructions is distinct from the authority to promulgate rules[.]” Opinion at 11.

The Court of Claims’ Opinion suggests that the Secretary’s authority to issue instructions is limited to repeating precisely what is written in the election law statutes. This interpretation is inconsistent with the decades-long practice, exercised by numerous different Secretaries of State, of issuing and publishing manuals that detail proper election procedures. It also strips all meaning and utility from the Michigan Election Law’s explicit requirement that the Secretary issue such instructions and manuals. After all, why would the statutory language authorize the Secretary to provide instructive guidelines if she has no authority to stray from the statutory language in doing so? The Opinion also impermissibly curbs the Secretary’s statutory and constitutional authority by requiring that her instructions must simply parrot the Michigan Election Law. That interpretation has no basis in law.

**3. None of the instructions in the 2022 Manual violates the Michigan Election Law.**

The 2022 Manual largely involves clarifying language and formatting changes to improve readability. Provisions that Appellees claim are new “policy changes” are consistent with the Michigan Election Law, and the Court of Claims’ conclusions to the contrary are legal error.

**a. The Secretary acted in accordance with the Michigan Election Law when she prescribed and required a uniform credential form.**

The Michigan Election Law provides that the Secretary “shall” publish a manual that includes “forms for processing challenges” and “[p]rescribe and require uniform forms” as she “considers advisable.” MCL 168.31(1)(c), (e). The Court of Claims failed to consider these provisions when assessing the Secretary’s authority to require a uniform credential form. Instead, the Court of Claims reasoned that MCL 168.732 establishes the exclusive criteria for challenger credentials and precludes the Secretary from requiring those criteria to appear on a uniform form.

See Opinion at 15. This Court of Claims' incomplete analysis of the full scope of the Secretary's statutory authority under MCL 168.31(c), (e) is plain and reversible error.

**b. The 2022 Manual provision concerning the challenger liaison interprets, explains, and streamlines the process of making a challenge and does not conflict with the Michigan Election Law.**

The 2022 Manual clarifies the process of raising a challenge and identifies a point of contact for challengers so that issues can be resolved correctly and consistently, while ensuring that election inspectors can continue to assist voters and tabulate ballots. The Court of Claims concluded that the Michigan Election Law does not authorize the Secretary to designate a "challenger liaison" and the 2022 Manual "restricts a challenger's ability to bring certain issues to any inspector's attention." Opinion at 17. However, the Michigan Election Law provides that a challenger may bring certain issues "to *an* election inspector's attention," which does not guarantee a challenger's right to bring objections to any and all inspectors at any time. MCL 168.733(1)(e) (emphasis added).

As State Appellants explain, the Secretary has broad authority under MCL 168.31(1)(c) and 168.765a(13) to issue instructions on the specific topics of processing challenges and conducting AVCBs. State Motion at 27-31. Establishing a chain of command and point of contact for challengers to raise objections falls squarely within this authority.

**c. The 2022 Manual's restrictions on electronic devices in AVCB and polling places merely reinforces the long-standing prohibition on the use of electronic devices.**

The Michigan Election Law is clear and consistent that challengers may not disclose information on the processing or tallying of votes until polls are closed. MCL 168.765a(9)-(10), *id.* § 168.931(1)(h). Consistent with this prohibition, the 2022 Manual clarifies that electronic devices are not permitted inside an AVCBs until the close of polls on Election Day.



The Court of Claims concluded that the 2022 Manual’s prohibition on the possession of electronic devices must be promulgated as a rule through public notice-and-comment rulemaking because the Michigan Election Law does not specifically preclude a challenger from possessing an electronic device in an AVCB facility. See Opinion at 17-19. But the Legislature has broadly prohibited communicating information related to the processing or tallying of votes “in any way” while inside an AVCB, MCL 168.765a(9), and expressly required the Secretary to “develop instructions consistent with this act for the conduct of [AVCBs],” *id.* § 168.765a(13). To this end, the Secretary has consistently prohibited the use of phones, laptops, tablets, or other electronic devices in an AVCB—both in previous versions of the manual and in the 2022 Manual. To further protect voters’ privacy, the 2022 Manual clarifies that these devices are prohibited from AVCBs because it would be impossible for election officials to monitor what challengers may be texting or emailing from their electronic devices. See State Motion, App. at 42. The Secretary’s guidance protects the privacy of voters, deters possible voter intimidation, curbs disruption and chaos at the polls, and is well within the Secretary’s authority to issue instructions for AVCBs and polling places. See MCL 168.765a(13).

**d. The 2022 Manual’s guidance around the recording of impermissible challenges is consistent with the Michigan Election Law’s prohibition on indiscriminate challenges.**

While the Legislature requires election inspectors to record any challenges to a voter’s registration status, MCL 168.727(2)(b)-(c), there are only four legal bases for challenging a voter’s eligibility: the voter is not registered, the voter is less than 18 years old, the voter is not a U.S. citizen, or the voter has not lived in the city or township in which they are offering to vote for at least 30 days. See State Motion at 38 (citing Const 1963, art 2, § 1; MCL 168.10; MCL 168.492). And under MCL 168.727(3), a challenger cannot “challenge indiscriminately and without good cause.”

The 2022 Manual requires “permissible” challenges to a voter’s eligibility to be recorded even if the challenge is rejected. The Manual further clarifies that a challenge “made on improper grounds,” i.e., “impermissible challenges,” need not be recorded. The latter category includes challenges to something other than a voter’s eligibility, a challenge made without a sufficient basis, or a challenge made for a prohibited reason.

The Court of Claims concluded that the labels “permissible” and “impermissible” conflict with the Michigan Election Law, which does not include this language. Opinion at 23-24. But as State Appellants explain, these terms are used for the convenience of training election inspectors and, rather than creating new categories external to the Michigan Election Law, simply refer to challenges that the law permits and those it does not. State Motion at 39-40. Additionally, the Court of Claims concluded that instructing election officials not to record “impermissible challenges” conflicts with the Legislature’s requirement that they record challenges to a person’s voting rights. Opinion at 23-24. As State Appellants further explain, however, the 2022 Manual simply clarifies that election inspectors are not required to record and process a potentially unlimited number of indiscriminate challenges that have no legal basis. Requiring them to do so would fly in the face of the Legislature’s explicit mandate that challengers “shall not interfere with or unduly delay the work of the election inspectors” or “intimidate an elector while the elector is . . . applying to vote.” MCL 168.727(3); 733(3).

**B. DAPRI, the public, and State Appellants will suffer irreparable harm if the stay is denied, whereas Appellees have identified no harm.**

**1. Denying the stay will harm DAPRI and the public interest.**

Allowing the Court of Claims’ Opinion mandating several significant revisions of the 2022 Manual to take effect within two weeks of the election—after months of recruitment, training, and preparation in reliance on the 2022 Manual—would require the impossible task of re-training *all*

poll watchers and election inspectors, which include DAPRI's members and other civically-engaged members of the public. Denying the stay poses particular harms to DAPRI, its members and constituents, and the public at large.

**a. DAPRI will be harmed as an organization.**

DAPRI will be harmed as an organization because (1) it will expend time and resources re-training its poll watchers, (2) it will need to recruit new poll watchers to protect against increased challenger misbehavior and to account for attrition due to re-training needs, and (3) rewriting the manual within eight days of the election will frustrate DAPRI's pro-democracy mission due to the substance of the changes and the confusion that last-minute changes will cause, both of which will disproportionately harm DAPRI's constituents, who are overwhelmingly marginalized voters.

DAPRI has relied on the 2022 Manual to train its poll watchers. Hunter Aff. ¶ 16. The organization recruits poll watchers all year and has been conducting trainings in reliance on the 2022 Manual for months. *Id.* ¶¶ 12, 16. The training for poll watchers constitutes an eight-hour course and covers a range of election law and election administration issues, including voter registration requirements, accessibility requirements, the role of challengers, limits on challengers' activities, a list of polling places, and tips to help voters with language barriers. *Id.* ¶ 13. During the training, members receive printed-out copies of rules, scenarios, and phone numbers for issue-specific resources. *Id.* ¶ 14. Members also take notes on common issues. *Id.* ¶ 15. Even if the Bureau of Elections is able to release a revised version of the 2022 Manual to the satisfaction of the Court of Claims and Appellees at the end of the week—an unrealistic timeline given the lack of clarity in the Opinion and Appellees' desired remedies—it would be near-impossible for DAPRI and its partner organizations to re-train all of its poll watchers on the revised provisions and provide updated guidance on resources to resolve issues before the election. *Id.* ¶¶ 28, 29.

Moreover, although the Court of Claims believes the Bureau of Elections simply needs to update a digital document on its website, that understanding does not reflect reality. DAPRI's poll watchers receive paper copies of information during their training sessions. *Id.* ¶¶ 14, 15. Unless the stay is granted, DAPRI will be responsible for downloading and printing a revised Manual and reaching out to every single member it has trained as a poll watcher to share the updated provisions and ensure its members' understanding. *Id.* ¶ 28. DAPRI is unlikely to be able to re-train every single poll watcher, and it will have to reallocate resources from other crucial programs, including get-out-the-vote efforts, voter education initiatives, and other political and community education campaigns. *Id.* ¶¶ 29, 31. Denying the stay and forcing DAPRI to attempt to re-train all its poll watchers will be a significant drain on resources.

Relatedly, DAPRI also expects to spend time recruiting new poll watchers if the Court of Claims' Opinion is not stayed. *Id.* ¶ 30. This is because it expects the revised Manual to embolden challengers to misbehave, which will both require more poll watchers and discourage some previously confirmed poll watchers from serving. *Id.* Other poll watchers may also decline to serve, simply because they will be unable to attend a re-training on the revised Manual. *Id.*

Furthermore, denial of the stay will frustrate DAPRI's pro-democracy mission. DAPRI is dedicated to recruiting and training poll watchers to protect voters from harassment and intimidation. *Id.* ¶¶ 8, 10. DAPRI has a significant interest in ensuring that its members who work as poll watchers can effectively protect the communities they represent at the polls, who are primarily voters of color, immigrants, and other marginalized citizens. *Id.* ¶¶ 9, 11. In the aftermath of the chaos and disruptions at polling places and AVCBs during the 2020 election, one of DAPRI's poll watchers' key objectives is to protect voters from challenger-initiated voter intimidation—something that the 2022 Manual operates to curb. See *id.* ¶¶ 20, 25. DAPRI has a

strong interest in ensuring that their poll watchers do not have to experience the pandemonium of the 2020 election at polling locations and AVCBs, including aggressive, baseless, or blanket challenges; screaming and banging on doors; and chanting of “Stop the count.” *Id.* Changes to the 2022 Manual within eight days of the election will also create substantial uncertainty, confusion, and inconsistency, which will further undermine DAPRI’s goal of ensuring a smooth election in which all eligible voters feel safe and comfortable participating.

**b. DAPRI’s members who serve as poll watchers and election inspectors will be harmed.**

DAPRI’s members who serve as poll watchers and election inspectors will be harmed due to the burdens of re-training and the risks of harm they will face while performing their Election Day duties.

The burdens of re-training are particularly great in the immediate run-up to Election Day. Many of DAPRI’s poll watchers work full-time jobs and will not have Election Day off. *Id.* ¶ 18. Many also have childcare and elder care responsibilities. *Id.* ¶ 17. Attending yet another training so close to the election when they are already taking off work and volunteering their time to help on Election Day is not a small ask. *Id.* ¶ 19. Like DAPRI’s poll watchers, DAPRI’s member election inspectors have already undergone training at this point before the election, and most of the election inspector training sessions have concluded. See Wesley Aff. ¶¶ 20, 25. And both DAPRI’s poll watchers and election inspectors receive paper copies of materials during their trainings. *Id.* ¶ 29; Hunter Aff. ¶ 14. Indeed, election inspectors were provided printed handouts of the rules and instructions, including information and clarifications regarding challengers. See Wesley Aff. ¶ 19. For example, the Michigan Election Law and prior Manual were not clear about how challengers should raise issues at the polls, and polling places and AVCBs sometimes designated team leaders as the point of contact for challengers. See *id.* ¶ 22. The 2022 Manual

provided much-needed clarity on the challenger liaison role, and clerks and election inspectors have since planned in reliance on that instruction. See *id.* ¶¶ 23-24. Denying the stay and mandating the revision of the 2022 Manual within two weeks of the election would increase chaos and confusion for everyone at the polls and AVCBs, including DAPRI's members.

Furthermore, DAPRI's poll watchers agreed to serve this year with the expectation that the 2022 Manual will protect them as they complete their duties. Hunter Aff. ¶ 25. Many of the poll watchers that DAPRI recruits and trains are elderly and have lived through racial terror. See *id.* ¶¶ 9, 11. And some of DAPRI's members who served as poll watchers at the TCF Center AVCB in 2020 were intimidated by aggressive challengers—including challengers who spat in people's faces when they became embroiled, which is particularly dangerous for DAPRI's more elderly members—and expressed concerns about their safety while carrying out their roles. *Id.* ¶¶ 22, 23. In the aftermath of the intimidation in polling places and AVCBs in 2020, some of DAPRI's poll watchers specifically asked if they could phone bank voters in get-out-the-vote efforts instead of serving as poll watchers. *Id.* ¶ 24. In the August 2022 primary elections, the 2022 Manual enabled DAPRI's members to carry out their duties as poll watchers without disruption from unauthorized or untrained challengers. *Id.* ¶ 27. Denying the stay would subject DAPRI members to the chaos and disruption of 2020 that erupted due to the ambiguous instructions that emboldened challengers beyond their rights and duties. See Committee Report; Wesley Aff. ¶¶ 6-15.

Likewise, many of DAPRI's members who signed up to serve as election inspectors believed that the 2022 Manual would protect them as they fulfill their duties at polling places and AVCBs. See generally *id.* DAPRI, which encourages its members to serve as election inspectors, believes that revising the Manual to embolden challengers would put its member election

inspectors at risk of the harassment, chaos, and confusion caused by challengers in 2020. See Hunter Aff. ¶¶ 25, 26.

**c. Other similarly situated organizations and individuals will face the same harms as DAPRI and its members.**

DAPRI works with several other civic engagement organizations who similarly recruit and train poll watchers and election inspectors, and there are countless other civically-engaged citizens across Michigan who answer the call to serve in election administration and monitoring roles. See *id.* ¶ 12. The harm that DAPRI and its members will experience if the decision is not stayed is not limited to just them; other organizations and members of the public will be similarly harmed.

**2. State Appellants will suffer irreparable harm if the stay is denied.**

Election Day is now just eight days away. The Bureau of Elections issued the 2022 Manual in May 2022 and spent the better part of the year disseminating the instructions, training election officials and election inspectors, and working with challenger credentialing and poll watcher groups to make sure they were aware and understood the instructions. Over the course of the next week, the Bureau of Elections has countless other responsibilities, including preparing facilities like polling locations and AVCBs, preparing election officials and election inspectors to run polling locations and count absentee ballots, address reports of voter intimidation, and many other election administration duties. Denying the stay means that the Bureau of Elections must spend valuable time revising the Manual—not only to the satisfaction of the Court of Claims but also to the satisfaction of Appellees. If the revised provisions of the Manual are not satisfactory to Appellees—who asked the Court to add and rewrite entire sections of the Manual—they may very well continue to file suit in attempts to enjoin the use of the Manual, which would only introduce further uncertainty and chaos at this point in the election cycle. State Motion at 42–44.

Typically, the Bureau of Elections not only makes the Manual available online but also publishes, prints, and distributes thousands of copies of the Manual statewide for in-person trainings and for Election Day itself. Revising the Manual within two weeks of the election—and again, it is unclear at what point Appellees and the Court of Claims will be satisfied enough to allow the Bureau to finalize the Manual—simply does not provide the Bureau with enough time to disseminate the information and re-train clerks, election inspectors, and organizations that credential challengers and poll watchers. State Motion at 17–20. This eleventh-hour attempt to update the Manual and train and re-train people will create inconsistencies in understanding and cause significant confusion among clerks and election inspectors, as well as challengers and poll watchers. State Motion at 42–44. Confusion and inconsistencies in understanding are detrimental to the very core of State Appellants’ constitutional and statutory duty, which is to ensure smooth, orderly election administration.

**3. Appellees will suffer no harm if the stay is granted.**

As State Appellants explain, Appellees have not identified how the instructions in the 2022 Manual will harm them. *See* State Motion at 44–45. In fact, many of the instructions they now take issue with are consistent with the prior version of the Manual, which was issued in 2020 and in place for the 2020 general election.

For example, the prior Manual, too, prohibited challengers from using electronic devices in AVCBs, as the Opinion acknowledged. Ex. 4, The Appointment, Rights, and Duties of Election Challengers and Poll Watchers 2020 (“Prior Manual”) at 3; Opinion at 17. Moreover, Appellees have not explained how the prohibition on possessing electronic devices impairs their ability to exercise their rights as challengers any more than the bar on their use.



The “challenger liaison” instruction is also similar to the approach taken in the prior Manual and, if anything, provides challengers *greater* flexibility. The prior Manual directed challengers to raise objections with the precinct chairperson, at which point the chairperson could designate an election inspector to supervise the specific challenge. Prior Manual at 8. The 2022 Manual allows challengers to bring objections directly to a designated challenger liaison, who is trained with knowledge necessary to respond to their issues. Appellees have not explained how this harms them.

Appellees have also failed to explain how using a publicly available credentialing form harms them. Nor have Appellees identified any harm they will suffer if election inspectors are not required to record an unlimited number of baseless challenges. Appellees’ apparent preference for different instructions does not amount to actual injury, let alone irreparable harm.

## V. CONCLUSION

For the reasons stated, DAPRI respectfully submits that this Court should grant State Appellants’ motion to stay.

Dated this 31st day of October, 2022.

Respectfully submitted,

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*\*Pro hac vice motion forthcoming*

**PROOF OF SERVICE**

Sarah S. Prescott certifies that on the 31st day of October, 2022, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* via MiFILE.

s/ Sarah S. Prescott  
Sarah S. Prescott

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REPORT ON  
**THE NOVEMBER 2020 ELECTION  
IN MICHIGAN**

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**COMMITTEE MEMBERS**

Senator Edward McBroom - Chair  
Senator Lana Theis - Majority Vice Chair  
Senator Jeff Irwin - Minority Vice Chair  
Senator John Bizon

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## EXECUTIVE SUMMARY ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

Without question, the increased political polarization of our nation has resulted in increasing public discontentment with the administration, and therefore results, of our elections. This discontent, which has been demonstrated on both sides of the aisle (see: Bush v. Gore 2000 and allegations of Russian interference in the 2016 election) culminated in public outcry of widespread fraud in 2020.

Indeed, a recent Gallup Survey found as much as 59% of voters no longer trust our elections. Voting and the right to vote is absolutely foundational to our democracy. Without faith in our elections process, fewer members of the public will likely choose to exercise that right. Lowered confidence in our election system, and thereby lower turnout, is a threat to our democracy we should not take lightly.

Many election administrators and officials have pointed to the fact that unprecedented turnout in 2020 stress-tested our elections system. Still, around 40% of the eligible population did not cast a vote. For a robust democracy, we must invest in and build a system that can withstand ever greater turnout in future elections.

In order to do this, this Committee undertook the foundational work of investigating the 2020 election — from both the perspective of election administrators, officials and workers and the perspective of the observing public. The Committee embarked upon hours of public testimony, the review of countless documents and presentations on the 2020 election, and careful review of the elections process itself.

This Committee found no evidence of widespread or systematic fraud in Michigan's prosecution of the 2020 election. However, we cannot and should not overlook severe weaknesses in our elections system. Whether it is lack of clarity in the tabulation of ballots, unnecessary barriers to ensuring that every lawfully cast ballot is counted, inconsistent poll worker or challenger training, or simply a system not primarily designed to handle ballots cast absentee or otherwise prior to Election Day, it is the opinion of this Committee that the Legislature has a duty to make statutory improvements to our elections system.

This Committee exhausted every resource available to it to thoroughly and faithfully examine our elections process in Michigan and drill down on claims and testimony specific to the 2020 election. However, this investigation should not be considered exhaustive. Remaining conscientious of the limitations of this Committee, every possible investigative avenue was not undertaken. Nevertheless, this Committee stands steadfastly behind the recommendation that our current elections system requires change in order to meet the future challenges presented by modern voting preferences, behaviors, and threats. There are clear weaknesses in our elections system that require legislative remedy.



# INITIAL REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

## LETTER FROM THE CHAIR **SENATOR EDWARD McBROOM**

When I agreed to begin investigating the election, rumors and uncertainty were rampant. Allegations of markers bleeding through ballots, voter intimidation, dead voters, mystery ballot dumps, foreign interference, and ballot harvesting were just a few of the issues during the first days following the November 2020 election. Emotions and confusion were running wild across the country. Fears and hopes were had by every person, including myself.

On one hand was the hope some had to overturn the election. That hope was necessarily coupled with a dreadful reality that our elections were unsound. On the other hand was hope the election was accurate, coupled necessarily with those who feared the direction the victor would take the country.

I made it clear at the start that the investigation effort would be taken with a firm commitment to truth and a goal to reassure the citizens of this state that their votes counted. Within a few weeks, the State Board of Canvassers also unanimously requested the Legislature conduct a serious investigation into the election.

I believe the people deserve to know all the truth and to see their representatives seeking answers. People were understandably confused by new laws, practices, orders and determinations from the governor and secretary of state and it is right and proper for them to demand answers. This right and obligation was unfairly and unfortunately discounted by many on my own side of the aisle after the 2016 election when the other party lost and felt sure some illicit or improper actions must have taken place. When they did regain power, they were quick to utilize all of it to spend two years chasing every conspiracy and specious allegation. I pray my own party will not repeat this mistake for the next four years.

Digging into the mechanics of the election was labor intensive, but very revealing. We found both real vulnerabilities and resiliency to the systems. We also discovered the extent to which our elections officials go to facilitate our elections. The report goes into considerable detail on many of these issues and I hope readers will be reassured by the security and protections in place, motivated to support reforms that are needed, and grateful to our fellow citizens that do the hard work.

The greater challenge to this effort has been seeking the truth amid so much distrust and deception. Our present times are full of reasons for citizens to distrust their government, politicians, and leaders. The last year has seen so much amplification of this distrust. Perhaps it has never been more rampant and, certainly, modern communication helps to fan the flames of lies and distrust into an unquenchable conflagration.

"All politicians lie" is the popular axiom. Unfortunately, lies and deceit are not exclusive to politicians. Throughout our investigation, members have been actively following and engaged with various persons and reports. We have collectively spent innumerable hours watching and listening and reading. Some of these people and reports are true. Unfortunately, many of them are not, either because of a misunderstanding or an outright deception. As is often the case, the truth is not as attractive or as immediately desirable as the lies and the lies contain elements of truth.

Regardless of my status as a chairman, senator, politician, Christian, or human, I do not expect or desire my words in this report to be simply accepted. Instead, I ask all to simply put into

*(Continued)*

LETTER FROM THE CHAIR  
**SENATOR EDWARD McBROOM**

their determinations the same particular guidance all persons ought to consider when weighing evidence. We must all remember: “extraordinary claims require extraordinary proof” and “claiming to find something extraordinary requires first eliminating the ordinary.” Also, sources must lose credibility when it is shown they promote falsehoods, even more when they never take accountability for those falsehoods.

At this point, I feel confident to assert the results of the Michigan election are accurately represented by the certified and audited results. While the Committee was unable to exhaust every possibility, we were able to delve thoroughly into enough to reasonably reach this conclusion. The strongest conclusion comes in regard to Antrim County. All compelling theories that sprang forth from the rumors surrounding Antrim County are diminished so significantly as for it to be a complete waste of time to consider them further.

Most of the rigorous debate over additional audits comes from fears surrounding the technology used and its vulnerabilities as allegedly demonstrated in Antrim County. Without any evidence to validate those fears, another audit, a so-called forensic audit, is not justifiable. Michigan's already completed post-election audit and risk-limiting audit are also far more substantive than Arizona's standard audit. However, I am keeping a close eye on the legislatively-initiated forensic audit in Arizona and will continue to ask questions regarding other election issues I feel are not settled. If genuine issues are shown in Arizona's audit or from continued investigation here, I will not hesitate to ask the Committee to consider recommending an audit or amending this report.

I must acknowledge and thank my staff including Jeff Wiggins and Paul Burns that spent so much of their work and personal time on this report. I also want to thank my current Committee members, along with those that participated and served during these hearings last term, Sens. Lucido, MacDonald, and Santana. Staff from those offices, the Senate, and the Committee's clerk all went above and beyond to facilitate these hearings in very difficult situations and deserve sincere thanks. Finally, as the report says in its conclusion, I want to thank the citizens of this state. Whether or not one agrees with the report or even the conducting of the investigation, those opinions were shared with myself and the Committee. An active and passionate public is critical to maintaining our republic and your participation is reassuring that attribute is alive and well.

Sincerely,



Sen. Ed McBroom, Chair



## **I. INTRODUCTION**

Beginning on Nov. 7, 2020, the Senate Oversight Committee (the "Committee") commenced an inquiry into claims of election fraud and impropriety. Chair McBroom made clear that the purpose of this inquiry was not to change the outcome of the election for President of the United States. Rather, the goal of the Committee was to provide elected officials and Michigan residents a better understanding of where the administration of elections can be reformed and strengthened, ensuring that Michigan citizens can have confidence in our election processes. This report contains findings and suggestions developed from 28 hours of testimony from almost 90 individuals spanning nine committee hearings, the review of thousands of pages of subpoenaed documents from multiple government entities, hundreds of hours of Senate staff investigation, and countless reviews of claims and concerns from Michigan residents. A detailed examination of all evidence presented to the Committee established an undeniable conclusion; while there are glaring issues that must be addressed in current Michigan election law, election security, and certain procedures, there is no evidence presented at this time to prove either significant acts of fraud or that an organized, wide-scale effort to commit fraudulent activity was perpetrated in order to subvert the will of Michigan voters.

## **II. ACTIONS AND OBJECTIVES**

The Committee's primary objective was to produce an informative and actionable report by undertaking the following actions: 1) Investigate claims of impropriety, fraud, error, and mismanagement of certain election processes; 2) Determine whether any of the claims brought forward were substantiated by evidence; and 3) Identify areas of Michigan election law where reform or an updating of the statute may be required in order to ensure transparency and confidence in the election process. The Committee made it clear that first-person accounts reporting alleged improprieties were given higher value as evidence to address these claims, in addition to professional and expert testimony regarding the technical operation of state and local election procedures and vote tabulation.

## **III. ISSUES AND ALLEGATIONS**

- 1. Deceased and Non-Residents Voting**
- 2. Unsolicited Absentee Voter Ballot and Application Mass Mailings**
- 3. 3rd Party/Private Funds Used for Public Election Activities and Equipment**
- 4. Rights and Duties of Poll Challengers/Watchers Improperly and Unlawfully Restricted**
- 5. Antrim County Results**
- 6. Operating Issues with Tabulators and Precinct Computers**
- 7. Signature Verification Process**
- 8. Jurisdictions Reporting More Than 100% Voter Turnout**
- 9. Absentee Ballots Tabulated Multiple Times**
- 10. Thousands of Ballots "Dumped" at the TCF Center on Election Night/The Next Morning**
- 11. Vote Totals Abnormal Compared to Past Presidential Election and Other Vote Count Irregularities**
- 12. Additional Issues**
- 13. Audits**

## IV. INVESTIGATION AND FINDINGS

### OVERVIEW OF INVESTIGATION

The Committee received many complaints of election fraud throughout the state in the days following the 2020 election. The Committee reviewed these claims through several avenues, including but not limited to the manners outlined below:

- Engaged with local and county election officials to discuss the procedures utilized to administer the election, in addition to confirming certain vote totals where alleged misreporting occurred.
- Researched the claims of deceased individuals having a vote cast in their name by reviewing obituaries, various online databases, social media posts, as well as speaking with individuals who made the claims or were the subject of those claims.
- Called individuals who were said to have received unsolicited absentee ballots through the mail.
- Subpoenaed and reviewed documentation of communications from the secretary of state's office regarding pre-election mailings.
- Subpoenaed and reviewed documents and communications from the Livonia and Detroit city clerks related to election activities and vote tabulation.
- Received testimony from Kent County Clerk Lisa Lyons, Ingham County Clerk Barb Byrum, Lansing City Clerk Chris Swope, and Grand Rapids City Clerk Joel Hondorp, regarding the election processes in their respective municipalities and any reforms they would recommend.
- Received testimony from Antrim County Clerk Sheryl Guy, detailing the events that led to the reporting of incorrect, unofficial vote tallies which cascaded into accusations of vote switching and machine tampering in Antrim County.
- Received many hours of first-hand testimony regarding the events that transpired at the TCF Center on and around Election Day. This testimony was in addition to the more than 200 sworn affidavits submitted by first-hand and second-hand witnesses that were reviewed by the Committee.
- Received testimony from Chris Thomas, the Senior Elections Advisor for the city of Detroit at the time of the November 2020 election and former Michigan state director of elections, who was stationed at the TCF Center.
- Received testimony from Dominion Voting Systems CEO, John Poulus, on the company's role in providing voting equipment to several Michigan municipalities and whether they played a role in the reporting of incorrect results in Antrim County. Testimony was also received from officials representing Dominion competitors, Election Systems & Software (ES&S) and Hart InterCivic regarding those same issues.
- The chair and individual committee members researched additional claims of election fraud or impropriety made by individuals in Michigan and from across the country.

## INITIAL REPORT ON **THE NOVEMBER 2020 ELECTION IN MICHIGAN**

- Received testimony from Republican and Democratic party officials regarding election training for volunteers and workers, and how that training, or lack of, impacted the events at the TCF Center and other polling places.
- Received testimony from Monica Palmer, Chair of the Wayne County Board of Canvassers, on what she experienced during the canvassing process in the 2020 election and how it could be improved.
- Met with other canvassers from around the state to understand their process and receive their observations.
- The chair and individual committee members met with various clerks around the state to discuss problems, allegations, and solutions.
- The chair and committee members spent countless hours watching and reading documentaries, news stories, and presentations regarding election issues.
- The chair and committee members examined the testimony provided by witnesses in front of the House Oversight Committee.
- The chair followed many allegations to specific sources and involved parties to ascertain the veracity or feasibility of such allegations.

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## FINDINGS

### 1. Deceased and Non-Residents Voting

The Committee researched these claims and concluded that most were false. There were two claims of deceased individuals casting votes that were found to be true; one was a clerical error while the other was a timing issue. The Committee concluded that none of these constituted fraudulent election activities or manipulations. The Committee also received claims of citizens who no longer live in the state of Michigan but had allegedly voted in the state's elections. These claims proved to be false upon researching each incident brought to the Committee's attention. An example of some of the claims are detailed below (the names of the individuals have been omitted to respect their privacy).

A widow from the Grand Blanc/Burton area claimed her husband, who passed away in 2013, had voted in the 2020 election. Senate staff searched the state database with the information provided by the individual and were not able to find her husband in the database. This would indicate that he had been removed from the voter database and his identity could not have been used to vote in the 2020 election.

A husband and wife, formerly of Jackson County and now living in Louisiana, claimed they saw documentation online that they had voted in Michigan during the 2020 general election. After researching the claim, it was discovered that they were mailed an absentee ballot application and are still registered to vote in Michigan. However, the state website shows that the local clerk did not receive returned and completed absentee ballot applications in these voters' names.

The Committee was also provided a list of over 200 individuals in Wayne County who were believed to be deceased yet had cast a ballot. A thorough review of individuals on that list showed only two instances where an individual appeared to have voted but was deceased. The first individual was a 118-year-old man whose son has the same name and lives at the same residence. The Committee found there was no fraud in this instance but was instead a clerical error made due to the identical name. The second individual was a 92-year-old woman who died four days before the November 2020 election. Research showed she had submitted her completed absentee ballot prior to the November 2020 election and prior to her death. Notably, research showed the secretary of state and clerks were able to discover and remove approximately 3,500 absentee ballots submitted by voters while they were alive but died before Election Day, which is a commendable accomplishment.

**The Committee recommends county clerks be given the ability to assist in removing deceased voters from the Qualified Voter File (QVF). The Committee also recommends the secretary of state research and pursue methods, including statutory changes, that would prevent and identify those voting in multiple states.**

## 2. Unsolicited Absentee Voter Ballot and Application Mass Mailings

Citizens across the state were left confused and frustrated by the arrival of applications for long deceased family members, those who have moved to other states, or persons never present at that address. It appears the lists chosen by the secretary of state's Bureau of Elections were often older and previously purged. Local clerks were also frustrated as the applications duplicated some of their work and caused citizens to call on them for answers. Finally, the original mailing appeared to be not set up to return to the secretary of state to at least inform them of undeliverable applications.

The Committee subpoenaed the secretary of state for communications related to pre-election mailings. While a court ruled that the Secretary of State was permitted to send these mass mailings, there were significant communications between the department and Rock the Vote, a group which tends to target young persons and those with more left of center political leanings.

During the review of these communications, the Committee was simultaneously researching claims made in testimony and in court filings related to the absentee ballot process. Many court filings and individuals highlighted a data spreadsheet by an individual who claimed to have worked with "experts" to determine whether individuals had received an unsolicited absentee ballot. The spreadsheet indicated that "289,866 illegal votes" had been cast. This figure came from the Voter Integrity Project. To arrive at this number, the group used a methodology where they called 1,500 voters and asked if they had received a ballot without requesting it, something that would be illegal although not specifically indicative of fraudulent voting. The number of affirmative answers were then extrapolated out to 289,866 voters statewide receiving these ballots which are defined as "illegal ballots." The repeated use of the terminology "illegal ballots" is misleading and causes significant confusion as it implies fraudulent votes or votes received that do not come from legitimate sources or should not be counted. However, while it may not be lawful to send ballots without first receiving an application, voting this ballot is not an illegal action by a lawful voter and it is not indicative of fraudulent or illicit behavior of the voter nor of an illegitimate vote.

The Committee called forty individuals from this list at random. Only two individuals reported having received an absentee ballot without making a proper request. One of the two individuals is labeled as a permanent, absentee voter within the state's QVF file, indicating that they had, at some point, requested to be placed on that list. The other individual voted via an absentee ballot in the August primary election, and it is possible they checked the box to vote absentee in the subsequent election and simply forgot they had chosen this option. Throughout discussions with these individuals, as well as others who claimed they had received an unsolicited ballot, it became clear that many equated receiving an absentee ballot application with receiving an absentee ballot. These are separate steps in the absentee voting process, with receiving an absentee ballot requiring that an application be completed and submitted by the voter. **There was no evidence presented to the Committee indicating that hundreds of thousands of absentee voter ballots were mailed to Michigan voters without previously being requested.**

## INITIAL REPORT ON **THE NOVEMBER 2020 ELECTION IN MICHIGAN**

Further inquiry conducted by the chair and committee members with county and local clerks confirmed how difficult it would be for a citizen to attempt to fraudulently utilize the ballot of another, if the stolen application addressee voted at their actual, present location in Michigan. While the act of obtaining and submitting the ballot of another individual is not impossible, committing voter fraud in this manner undetected is unlikely, as the Qualified Voter File would immediately have a notation of the vote for the voter and the second attempt to request a ballot or to vote would not be allowed without investigation and explanation. Whether the real voter or the fraudulent

**The Committee concludes this demonstrates a clear vulnerability for fraud that may be undetected, if the actual voter does not vote at all. If the actual voter does vote, it will create turmoil and draw attention from state and local officials. However, the lack of any such incidents or turmoil in the November 2020 election creates a clear probability that no such efforts were committed to any significant extent. The chance of encountering the attempted double vote scenario is so statistically unlikely as to make impossible even a small effort to do so.**

Additionally, the mailing of unsolicited applications allows for two other related vulnerabilities. Applications sent to the former Michigan addresses of those moved out of state and applications sent to the new addresses of former Michigan citizens now registered to vote in another state constitute a real and virtually undetectable potential for fraudulent activity. The Chair's research into this topic, as well as a review of testimony provided by the secretary of state's director of elections to the Senate Elections Committee in October 2020, make it clear that there is essentially no mechanism in place to prevent counting votes from those who may be also registered and vote in another state, whether done by themselves or the recipient of an application at their former Michigan address. As there are no efficient or established procedures to confirm or detect this, it is not possible for the Committee to report on any occurrences or to have confidence no such actions occurred. However, with mass mailings of absentee ballot applications being mailed across state lines to many who no longer reside or vote in Michigan and to thousands of former addresses in Michigan, the situation must be addressed to ensure that those individuals are voting only once in an election, are doing so only in the state of their residence, and that no one is impersonating them at their old address.

The serious, potential outcomes of these vulnerabilities versus the minor effort to request an application make a strong and compelling necessity to not provide such applications without a request from a voter - as was standard practice until this past year. **Therefore, the Committee recommends the Michigan secretary of state discontinue the practice of mailing out unsolicited applications. The Committee also recommends only the current QVF being utilized by the state or locals when making mailings to registered voters of any nature.**

There were several reports of nursing home bound parents or other family members with dementia having a record of voting. **While the Committee was unable to reach any conclusions regarding the extent of such claims, additional training and clear instructions to caretakers or facility staff ought to be provided in such circumstances to clarify how and when such voting assistance is appropriate. The Committee also recommends pre-filled out applications from any source be disallowed as well.**

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### 3. 3rd Party/Private Funds Used for Public Election Activities and Equipment

A summary of the work and findings on this issue is not finalized at this time and may be amended to this report at a later date.

### 4. Rights and Duties of Poll Challengers/Watchers Improperly or Unlawfully Restricted

The Committee received claims that challengers from the Republican party were discriminated against and removed from polling locations without cause. There were also claims that challengers were not allowed to return to counting rooms and were supposed to sign in and out of the room but had not received that instruction. They were frequently required to stand six feet or more away from tables and workers in the normal exercise of their duties, despite a court settlement that ensured their right to monitor election procedures, within six feet when necessary. The Committee also received testimony that contradicted some of these statements and provided a different viewpoint. Volunteers and workers from both the Republican and Democratic parties made claims of hazing, rudeness, bigotry, racism, and other offensive behavior occurring while election activities were still underway. Several of the issues, such as the management of the official record of challengers allowed in or out, may have been simply driven by the situation with COVID-19 and will not be relevant again. Reports were heard of calls to citizens, ostensibly made by Republicans, informing them to come and vote on Wednesday rather than Tuesday. While many accusations will remain just that, one thing is perfectly clear: the rights and duties of poll watchers and challengers must be better understood and reinforced in their respective training and must be protected equally by election officials. This is an area in need of much reform and greater clarification in election law.

Additionally, there is significant evidence that the recruitment of Republican poll workers for Wayne County encountered significant obstacles. Many witnesses testified to volunteering but not hearing back from the county or being told there were already enough workers. Others testified to a particular moment at the TCF Center when workers were surveyed for party affiliation and only a few there raised their hands as Republicans. The Committee understands the logistics of recruiting Republicans for Wayne County and the city of Detroit can be difficult but finds the repeated reports of volunteers not being accepted or not having their emails returned troubling. Obtaining the proper ratios of partisan workers is of critical importance, especially ones from the local area.

**The Committee encourages the Wayne County Republican Party and officials in the county and city clerks' offices to work together to obtain the correct number of workers for each election. Further, the Committee asks the Bureau of Elections to investigate and provide to the Committee an evaluation of partisan poll worker recruitment in Wayne County and the city of Detroit.**

These issues were clearly reflected in the activities that occurred at the absentee counting board at the TCF Center. At one point, an audio recording was released of an apparent election training session in the city of Detroit where workers were instructed to maintain six feet between challengers and poll workers, due to COVID-19 precautions. Prior to the election, a court settlement ensured poll challengers could monitor election activities within six feet when necessary. After the settlement, clerk staff, like other election staff across the state, were to be informed of the ruling and how it would affect their activities on Election Day. Testimony was received by the Committee indicating that the settlement, which was reached after many workers completed their training, was not well known among the workers at the TCF Center. It is easy to see how

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this led to significant confusion and conflict, particularly as many workers had genuine fear and concern over their proximity to persons during the pandemic.

Contributing to the confusion and hostility of poll watchers and challengers was the differing opinions regarding the actual rights and duties of those individuals. These conflicts were only amplified by the partisan and ideological nature of the volunteers, despite some not affiliating with a political party. Multiple days of testimony from Republicans and Democrats made it clear that Republican challengers were committed to ensuring that challenges were issued and recorded when information was presented to indicate a voter was not, or may not be, eligible. Representatives of Michigan Democrats, however, indicated in testimony before the Committee that their specific training regarding the duties and obligations of challengers is to not ever challenge any ballots. While it was clear they recognized the legal reasons for challenging, they also called the law "archaic" and affirmed they train their challengers to not issue any challenges. They believe their obligation is to assure no vote is disqualified. One Democrat official even noted their reason for being there was to keep an eye on Republicans, not to challenge ballots. This significant difference of opinion and action contributed to some of the misunderstandings and tensions that occurred at the TCF Center, as each partisan observed the other failing to comprehend their duties or felt their duty was specifically to confront the other side.

The concern of partisan volunteers cloaked as Independent challengers through non-profit or third-party entities only added to the accusations of an unfair or unbalanced election environment. The Committee heard testimony and saw evidence that independent observers and challengers were frequently operating for one of the two major parties making their labels as Independents confusing and unhelpful.

It is apparent that the environment at the TCF Center became intolerable and the reactions to it must be understood in this light. While mistakes were clearly made by officials on all sides, it must be acknowledged that many of them were attempting to simply do their job during a time of increasing confusion and distrust. It is impossible for the Committee, or any legal entity, to sort through all the events or persons at fault. However, it appears obvious and reasonable to conclude that confusion, fear, misunderstanding, and even chaos occurred at the TCF Center to varying degrees on Nov. 3 and 4. The environment and those emotions were compounded by a lack of proper recruitment and/or training of election workers on the part of the clerk, as well as a failure of the Republican party to verify recruitment and training, supply an adequate number of election attorneys, and to properly train and counsel some of their volunteers and challengers.

Republican officials, along with some ostensibly Independent challengers, furthered the crisis by putting out the call to other members and citizens to descend on the location to stop what was described and presented as a stealing of the election. The descent into disorder with so many extremely concerned citizens elicited responses from poll workers that seemed necessary to them at the time, such as covering windows, calling police, denying lawful challenges, and removing challengers. Those actions by both sides were not always lawful or wise, and increased the angst and fears of the untrained challengers and observers, as well as the many in the public who did not understand what was shown to them by the media. **Despite these mistakes and, potentially, illegal**



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actions, the Committee found no evidence fraudulent activities were undertaken or that such actions led to irreparable harm to ballots or vote counting. Numerous safeguards, particularly the partisan make up of the election boards themselves, were not lost, despite these actions.

Therefore, the Committee recommends updating the requirements for challengers including the tasks and duties they are to perform, standards of conduct, and party affiliation. Additionally, clerks and parties need to be held to recruiting adequate workers, providing appropriate and uniform training including any recent law updates, and being able to instruct law enforcement in lawful responses to workers or volunteers creating a disturbance in the process of carrying out their duties. Officials need a clear chain of command in place for making decisions and being accountable, particularly if a crisis arises and if one of the leaders has left the premises. Finally, the Wayne County Republican Party and other, independent organizations, ought to issue a repudiation of the actions of certain individuals that created a panic and had untrained and unnumbered persons descend on the TCF Center. Both clerks and the parties need to take seriously their responsibilities of having properly trained and adequate personnel in place and the training ought to be uniform, regardless of party.<sup>1</sup>

### 5. Antrim County

Antrim County became the focal point of multiple theories and concerns surrounding the Nov. 3 election, as the unofficial results reported at the end of the tabulation for the county were later discovered to be in error. The common claim surrounding this mistake was that the votes for Donald Trump were switched with votes for Joe Biden, providing Biden with a win in heavily-Republican Antrim County. However, this claim is inaccurate and was explained before a joint hearing of the Senate and House Oversight Committees in November 2020 by the Antrim County Clerk, Sheryl Guy.

Due to a series of errors made within the county clerk's office, the unofficial votes received from polling places on election night did not transfer into their respective spreadsheet columns correctly. This shifted the vote totals over a column for several races across the ballot. These mistakes began months earlier when several late items were ordered onto the ballot in certain townships. Unfortunately, new logic and accuracy tests were not performed, as required by law. Programming at the clerk's computer was not updated to reflect these changes; however, tabulators in the precincts were updated and had no problems processing ballots on Election Day. Tally sheets printed at the close of polls never reflected the errors reported in the clerk's unofficial results. On the morning of Nov. 4, once it became clear that the unofficial results were inaccurate and did not match the official votes printed by the tabulators, efforts began to discover the cause of the errors. The clerk and her staff made several attempts to re-tabulate and resolve the problem before understanding the cause. This resulted in additional, incorrect vote counts being reported. Once the cause was isolated, ballots were re-tabulated and the correct results, which matched the original tabulator sheets from Nov. 3, were posted. Multiple checks were easily able to rectify the situation and later, a complete hand recount validated the original, official results as accurate.

<sup>1</sup> The Department of Attorney General informed the committee on June 15, 2021 that it has been investigating issues related to the events at the TCF Center, per an official request of former Senator and Oversight committee member, Peter Lucido. It indicated a report on findings is forthcoming.

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A prime example of a misrepresentation of facts that then mislead citizens is found on a chart on page two of Allied Security Operations Group's (ASOG) Antrim County Forensic Report. The chart, shown below, and the accompanying information, led citizens to conclude the election results were suspiciously changing for over a month after the election. It also could lead one to believe election officials and the Dominion tabulators were dishonest in their work by not representing the source of the specific numbers shown, even though the information is readily available to the authors of the report. Further, the authors also chose to present only some of the information, leaving out specific data that would evidence something besides a massive conspiracy or computer hack created the problem.

Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President
Nov 3	22,082	16,047	7,769	4,509	145	14	12,423
Nov 5	22,082	18,059	7,289	9,783	255	20	17,327
Nov 21	22,082	16,044	5,960	9,748	241	23	15,949
Dec 17	22,082		5,959	9,759	244	20	15,962

This second chart fills in relevant and critical information about the data and provides additional data points to provide greater context to the observer. This data was available to ASOG and others utilizing the previous chart, yet they chose not to provide the context nor the additional data.

	Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President	Note
1.	Nov. 4	22,082	16,044	5,960	9,748	239	23	15,970	Tabulator tapes-official results (Not reported on election night).
2.	Nov. 4	22,082	16,047	7,769	4,509	145	14	12,437	Clerk's computer-unofficial results (publicly reported).
3.	Nov. 5	22,082	18,059	7,289	9,783	255	20	17,347	First attempt to rectify discrepancy.
4.	Nov. 6	22,082	16,044	5,960	9,748	241	20	15,969	Completion of re-tabulation.
5.	Nov. 16	22,082	16,044	5,960	9,748	241	20	15,969	Official Vote report.
6.	Nov. 21	22,082	16,044	5,960	9,748	241	20	15,969	Canvass/certification
7.	Dec. 17	22,082	16,044	5,959	9,759	244	20	15,982	Hand Recount

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Row one shows the vote totals shown on the tabulator tapes at the close of the election. These numbers are critical as they demonstrate, when coupled with the hand recount, that no tampering or pre-installed, illicit programming ever took place on the tabulators. It also shows that no fraudulent ballots were added to the ballot boxes to cover up such hardware/software malfunctions. The minor changes from the first tabulation to the final canvas and hand recount are well documented by election staff and result from several spoiled ballots that were not able to be processed in subsequent runs and from ballots that could not be electronically processed but could be hand counted.

Row two contains the vote count reported by the Antrim County clerk's office on election night, which was the unofficial vote count. As is detailed in this report, these results were incorrect because the programming to receive the data had not been properly updated after changes were made to the official ballots in certain townships. The result was what amounts to a spreadsheet having its fields improperly aligned with the incoming data. This would have been caught by logic and accuracy tests. The discrepancies with the tabulator tapes should have been discovered before these results were reported.

Row three shows the struggle faced by the clerk's office to determine what went wrong and how to correct it. These results show a series of urgent but mistaken attempts to address the errors that led to double counting of some precincts and absentee ballots. The contemporary poll books and worksheets are clear proof of what was happening, showing handwritten notes and commentary. The records also show who was there trying to figure out how to solve the issue.

Row four shows the vote count after the errors were properly identified and ballots were re-tabulated. Clearwater Township was still experiencing issues and had to be added in by hand. Again, contemporary documents and worksheets are clear proof of the situation and work being done.

Row five is the official vote report filed with the state before the certification.

Row six contains the certified election results. These were certified Nov. 21 by the county board of canvassers. The results are virtually the same as the tabulator slips produced on election night with the discrepancies identified and explained in the minutes of their meetings.

Row seven is the results of the complete hand recount conducted on Dec. 17. When a hand recount is done, ballots that were previously unable to be tabulated electronically are sometimes able to be added. These changes are, again, well documented by the workers' notes made during this process.

**The Committee states that the data this chart summarizes, coming from the actual election artifacts in Antrim County, clearly and concisely shows that ideas and speculation that the Antrim County election workers or outside entities manipulated the vote by hand or electronically are indefensible. Further, the Committee is appalled at what can only be deduced as a willful ignorance or avoidance of this proof perpetuated by some leading such speculation.**

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There were many groups and persons from around the country that focused their attention on Antrim County as the most central point in their arguments and speculation. The county was mentioned by officials at the White House, in media, at rallies, and in several, substantial online documentaries. The Committee investigated the claims made by some of the more prominent groups and individuals.

The Allied Security Operations Group (ASOG) obtained access to the Antrim County voting tabulators and purported to perform a forensic audit. (ASOG and its co-founder were purveyors of the “fractional vote” and “more votes than registered voters” theories<sup>2</sup>). ASOG’s audit described stolen computer files, machines designed to provide incorrect results, manipulated software, and cyber-attacks. Utilizing the difference between the unofficial vote count and the final, official count, ASOG claimed the machines were inaccurate 68% of the time. However, ASOG never provided an explanation for how the official vote was accurately obtained on the tabulator slips in the same physical count as the incorrect unofficial results on which they focus. ASOG did not make any attempt to invalidate the claims of the clerk by demonstration. ASOG also claimed a loss of files regarding auto-adjudication, a method of curing absentee voter ballots that Antrim County does not utilize as further evidence of fraudulent activity. ASOG claimed the machines had “ranked-choice” balloting turned on when this is not possible on Michigan machines. Other entities (CyberNinjas and Halderman) showed this claim was untrue. ASOG ignored that the simple and most effective way to verify the results is to simply count all ballots by hand. Even after a hand recount verified the results in Antrim County, ASOG refused to retract its assertions.

Attorney Matthew DePerno was retained by an Antrim County resident to pursue legal action against the county and the state regarding the results of the election. Mr. DePerno has subsequently released various reports, videos, and statements regarding the election results, presenting the ASOG report, as well as work by Dr. Douglas Frank and Jeff Lenberg, as primary pieces of evidence. The Committee closely followed Mr. DePerno’s efforts and can confidently conclude they are demonstrably false and based on misleading information and illogical conclusions. In one recent video, Mr. Lenberg demonstrated how a hacked machine will incorrectly count ballots (reporting it on the official results printout) and how a hacked computer will show inaccurate results. However, neither of these demonstrations shows the explanation given by the clerk is untrue, nor do they explain how the actual official results sheet *did not* match the inaccurate unofficial results. Most critically, it does not explain how the hand recount verified the official results reported by the tabulators on election night. They simply proved hacked machinery will perform incorrectly. This is not evidence machines were hacked, and it is certainly not evidence that machines that performed correctly were hacked.

Further, the insinuations made depend on the tabulators being hacked *after* the logic and accuracy tests. Mr. DePerno, and others, insisted this was possible because the Dominion machines in Antrim County have modems or wireless chips installed. However, this is indisputably false. Antrim County did not utilize modems or any internet or wireless network to transmit voting results *ever*. This incredibly conclusive fact, along with the hand recount of the ballots, serve as the irrefutable bulwarks against all allegations. The cited proof of modems is from a quote for purchasing received by the county from Dominion, not an actual purchase receipt or physical sighting of any modems.

<sup>2</sup> The “more votes than voters” theory, repeated by President Trump’s attorney, Rudolph Giuliani, was based on an affidavit from the ASOG co-founder that cites several Michigan counties where there were allegedly more votes than registered voters. However, the affidavit cited several townships in Minnesota, not Michigan. Even if the document referenced the right state, the claims regarding the Minnesota townships still were not accurate, according to data from the Minnesota Secretary of State.

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Mr. DePerno's lawsuit, Exhibit 6, highlighted by former state Sen. Patrick Colbeck in a web post dated April 9, 2021 and entitled "Modem Chips Embedded in Voting System Computer Motherboards," feature a voting machine that is not used by Antrim County. Yet the suit draws the connection that the existence of such a machine, one that is not in Antrim County and not manufactured by Dominion at all, is evidence that the Dominion tabulators in Antrim County have the same technology. Committee members and others have been frequently approached by constituents who have been convinced that this is true of the Antrim County machines and all Dominion machines in general.

On June 11, internet and social media sources proclaimed the newest announcement from Mr. DePerno about Antrim County. However, the information provided appeared to be already available, but simply presented in a different light. The first allegation related to evidence of the clerk's Election Management System (EMS), a software package installed on her computer to manage the election. This is the same program that incorrectly reported the results on election night because it had not been properly updated with the late changes to ballots from certain precincts. **EMS is not connected to the tabulators.** The allegations focused on how the clerk's computer and the program were remotely accessed in the days following the election. This should not surprise anyone as the clerk, secretary of state, and the software company sought to determine what went wrong and how to fix it. At no time would this connection or activity have had an impact on the tabulators. More relevant, it could not have changed the tabulator slips, shown in the second chart, line one.

The June 11 video from Mr. DePerno also included what he concluded was dramatic evidence about specially made ballots, sent to Republican areas, that would more frequently fail in the tabulators. He then said such ballots would be sent to adjudication, where someone could determine them as Biden votes, even if they were not. This pronouncement is simply more blatherskite. Adjudication takes place with both Democrat and Republican workers, observers, and challengers present (Antrim County had no concerning or reported issues related to their challengers). Also, Antrim County did not have a high incidence of adjudicated ballots. Most important is the now repeated point of lines one and seven on the second chart above: the original tabulator slips and the hand recount match with only a few documented and easily explained ballot differences, dispelling any legitimacy to speculation of massive vote stealing by human or computer means.

**The Committee finds such actions to be misleading and irresponsible, diminishing the overall credibility of those asserting this conclusion.**

Dr. Frank has also worked independently of Mr. DePerno, appearing in various other reports and programming. He claimed his findings of patterns in voting demographics and results, along with disparities between census, registration, and ballot totals in given areas were conclusive evidence of a complex computer hack and conspiracy to manipulate vote counts around the nation. This theory, like Dr. Shiva's, alleged the installed "algorithm" switches or steals votes just enough to succeed while not being enough to raise suspicions. However, Dr. Frank's conclusions are not sound for several reasons. Census data is not recent, and people do not only move away (as he frequently contends) but others do move into an area. Coupled with same day registration,

the notable red flags he spotted in the data are easily explained, e.g. young people do not vote as readily as older citizens, people's movements create disparities between registrations and the census, etc. The patterns he sees are not unexpected or unusual to elections or human behavior in general. His theories depend on the ability to hack into the tabulators before or during and/or at the end of the election. Many of the counties he and others identified as having been hacked do not even have modems or make any online connection to submit results. Those that do, do not connect the modem, which is physically separate from the Dominion tabulator, until *after* the polls are closed and the tabulators have printed the official results.

Events in Antrim County sparked a significant amount of concern about the technology used to count ballots. This concern led to much speculation, assumptions, misinformation, and in some cases, outright lies meant to create doubt and confusion. The many hours of testimony before the Committee showed these claims are unjustified and unfair to the people of Antrim County and the state of Michigan. It has also been unfair to people across America. The simple answer to all of this remains the most reasonable conclusion: human error and lack of training are the factors that contributed to inaccurate unofficial vote counts. These errors were quickly discovered and rectified by the protective and redundant systems our state has built to verify and protect election integrity, *including re-countable, paper ballots*. Even more significantly, the official vote count was never in doubt and was validated several times, including during a complete, hand recount.

**While extremely disappointed and frustrated with the obvious avoidable errors, the Committee commends the efforts of the Antrim County clerk, staff, and many volunteers that corrected these errors and gave their time for the canvass and hand recount. The Committee also recommends legislation strengthening the law regarding the conducting of logic and accuracy tests prior to the election, including penalties for failing to do so. The Committee recommends the attorney general consider investigating those who have been utilizing misleading and false information about Antrim County to raise money or publicity for their own ends. The Committee finds those promoting Antrim County as the prime evidence of a nationwide conspiracy to steal the election place all other statements and actions they make in a position of zero credibility.**

#### **6. Operating Issues with Tabulators and Precinct Computers**

Speculation and theories of fraud in the election appear most prevalent in the areas concerning voting tabulators, computers, software, hardware, and cybersecurity. In the testimony and information reviewed by the Committee, claims ranged from something as simple as "spikes" in the vote count that exceeded the physical capacity of the tabulators to machines that were simply inaccurate. However, more complex claims also emerged, claiming that tabulators were intentionally designed to manipulate the tally through fractional voting or swapping by hand, through software, or by cyber attacks that based their manipulation on the votes necessary to overcome candidate Joe Biden's early deficit to President Trump.

#### ***Dominion Voting Systems, Election Systems & Software (ES&S), Hart InterCivic***

Michigan utilizes tabulators and election services provided through three different vendors, with the individual counties determining which vendor to use. All vendors must meet the specifications of the state's election laws which requires vendors to meet guidelines provided by the United

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States Election Assistance Commission (EAC). The EAC has rigorous standards regarding construction, material and code sourcing, reviews, and independent auditing conducted by certified third parties.

The Committee interviewed, under oath, the CEO of Dominion Voting Systems and the vice president of systems security & chief information security officer from ES&S. Hart InterCivic submitted written testimony. Despite many public denunciations of their collective testimony as inaccurate, no individual has provided any evidence to the Committee of such perjury or has filed any action in a court of law asserting such.

Mr. John Polous, Dominion CEO, denied multiple rumors regarding the company and provided references to verify his testimony that the company was not involved in elections in Venezuela and had no connection to Hugo Chavez, Nancy Pelosi, Diane Feinstein, or George Soros. He also denied the existence of Dominion servers in Spain and Germany, emphasizing that ballots remain local, are counted locally, and are not moved over state lines, let alone overseas.

Mr. Polous explained in detail how the operations of the Dominion machines are not compatible with the various theories being promoted, and that any of the accusations regarding counting ballots multiple times or scanning surplus ballots would easily be uncovered due to the poll books being unbalanced. Further, ballots that required auto-adjudication or duplication are accounted for in the poll books and create a computer log that is checked to prevent or detect double counts. Damaged ballots that require duplication are logged and could not be accidentally tabulated due to the damage that required the duplication.

### ***Fractional Voting***

The early allegation of fractional voting was supported by a few photographs which appeared to be screen shots from computer screens running the Dominion software. The chair specifically called for this information during public testimony as its existence would have been a profound demonstration of proof. However, despite numerous, repeated requests from the chair and assurances from those making the allegation, no proof, whether by demonstration or verifiable citation, was ever offered to or obtained by the Committee.

### ***Internet Connections***

Many observers insisted the vote tabulators at the TCF Center were connected to the internet. Chris Thomas, who served as the senior elections advisor for the city of Detroit, has asserted that this is simply not true. Other individuals who were at the TCF Center, such as former state Sen. Patrick Colbeck, insist that they were. It is true that every tabulator was connected to a local area network (LAN), which would create the same icon on a computer screen indicating a network connection as is shown by an internet accessible network. This may be a source of some of the confusion. Computers at the central control center, which were not connected to each precinct's LAN, were connected to a network that was connected to the internet, which may have also contributed to the confusion. Regardless, no evidence has been offered that the tabulators were connected beyond each LAN, and, in fact, the results from the tabulators at the TCF Center were transmitted to the clerk's office via flash drives, not electronic or cellular connection. Furthermore,

and more importantly, there has been no evidence provided that such a purported connection led to alterations to machine programming, hardware, or the tabulated results or could have led to such changes. Finally, logic and accuracy tests are conducted on each tabulator prior to the election to confirm that pre-election procedures were followed properly. During the post-election audits, clerks verify that those tests were performed and that the machines and their programming were not tampered with during the election.

Many theories and speculation regarding tabulators not at the TCF Center also include a component that necessitate an internet connection. It is particularly important to note that Dominion voting machines that are not part of an absentee voter counting board do not have built in modems or wireless internet. Reports to the contrary are false, with some falsely labeling non-Dominion machines as Dominion machines to make it appear as if they do have wireless internet capabilities. The secure cellular modems some clerks use to transmit the unofficial results to the county clerk are not even turned on or connected to the tabulators until *after* the official results are printed by the individual machine.

#### ***Tabulator/Software Integrity***

There is no link in the election process chain more susceptible to unprovable and un-refutable speculation and suspicion than those involving the invisible lines of code and panels of circuits. These vulnerabilities can include tampering with machine code on site, via cyber attack, or by malicious programming by the proprietors of the machines.

There are many theories as to how compromising the integrity of the machines and software could have taken place, making it impossible to delineate each one separately. However, the answers and evidence against nearly all theories is generally the same. Reasonable deduction and logic stand to refute nearly all possible outcomes of a hack or attack, including the following theories: whether files including ballot images were hacked, a malicious algorithm was installed to switch votes, or a hostile, foreign force obtained a connection into a tabulator before, during, or after the election. In all of these situations, a simple recount or re-tabulation by the machine, after a logic and accuracy test, or by hand would demonstrate the theory to be consistent or inconsistent with the facts. This has been undertaken in multiple jurisdictions, both those in question and those not, all providing verification of the original, official results. Not one of these efforts demonstrated a problem with the tabulators or the software. There is no evidence to suggest the original, official results reflected anything but what was marked on the ballots.

Videos and reports of the ease of hacking current Dominion voting machines from outside of Michigan, e.g. Georgia, never demonstrated a vulnerability of the vote counting software or the tabulators. The chair contacted various officials from Georgia to understand the testimony and events in question there. Particularly, the testimony of Jovan Pulitzer, which purported to have on-the-spot access to manipulate voting files and vote counts, has been demonstrated to be untrue and a complete fabrication. He did not, at any time, have access to data or votes, let alone have the ability to manipulate the counts directly or by the introduction of malicious software to the tabulators. Nor could he spot fraudulent ballots from non-fraudulent ones. Notably, Georgia did conduct a complete, statewide, hand recount that validated the tabulators' official results.



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Many of the theories surrounding cyber attacks were consolidated into the visuals and narratives included in the "Absolute Proof" video series first presented in January 2021 and continuing into June 2021 by Mike Lindell (the video relied heavily on the situation in Antrim County and the report from ASOG). In summary, Mr. Lindell claims that attacks by foreign and domestic enemies were successful in obtaining access to the computers containing results at local and county clerks' offices, as well as the secretary of state. In some cases, the supposed access included the actual tabulators.

However, this narrative is ignorant of multiple levels of the actual election process. Upon completion of the election, tabulators print the final results on paper. Clerks then connect a modem and transmit by secure, cellular connection or transfer by flash drive the unofficial results to the county clerk.<sup>3</sup> County clerks then report these unofficial results both locally and to the secretary of state. The secretary of state releases the unofficial results to media and their own page. Clarity, a Spanish based company, also takes in these unofficial results from the county or the state. This company, which is based in Spain and has servers in Europe, makes the unofficial results available to multiple users, especially media subscribers who utilize the unofficial results in their election night prognostications. Scyt1 and others are companies that provide similar services. All of these activities, especially due to media inquiries, constitute a significant explanation for much of the cyber activity across the country and the globe on election night.

Terminologies about the equipment used in elections leads to much of the confusion, particularly when used carelessly. Various documents, emails, and manuals discuss connectivity and servers. Certain persons have used these as proof that tabulators were connected during the election. However, the capabilities of the machines do not denote all of those options were operating during the election itself. Server connections and vulnerabilities, even errors, at clerk's offices are not indicative that tabulators themselves were vulnerable or hacked. The presence of IP addresses do not prove votes were altered or programming was hacked. Servers have nothing to do with regular tabulators during the election.

While the clear and constant presence of cyber criminals is real, the exchange of "packets" of information between two computers speaking to each other is not evidence of successful hacking or changing of data. Moreover, it is not possible for anyone to now determine what might have been in those packets of information unless granted specific access to one of the two computers involved in the transaction. All the while, the official results remain on a printed piece of paper at the local clerk's office and are not alterable to any reverse cyber attack. Most importantly, the paper ballots in the box are available for re-tabulation or recount at any time. Where this was done, no evidence of hacking or attack was ever shown. Nor did any official representative of the losing party call for a hand recount in any precinct so to prove an instance of such. If the losing party had been so confident of any of these cyber attack theories or software-based vote switching, simply asking for several hand recounts or re-tabulations in the various precincts would have demonstrated a genuine hack had happened and that there was necessity for additional recounts and investigations.

<sup>3</sup> ES&S and Hart InterCivic tabulators have internal modems, but not Dominion. However, they are not turned on until the polls are closed and tabulation has concluded. It is worth noting that these machines will likely have to be recertified, depending on whether they have 4G or 5G capabilities when the technology changes.

Further, the graphics and charts in various videos claim very specific access and vote count changes in specific counties across Michigan but do not provide any references or evidence to demonstrate how that information was acquired. As mentioned above, once the data is transmitted, there is no way to know what was sent without access to a computer on either side. No clerk or election official in any of these counties was informed how these numbers were calculated or known (except the numbers shown for Antrim County, which mirror the numbers shown to have occurred by human error). While showing these numbers is compelling, there is no source provided, but the viewer is led to believe Mr. Lindell's experts have received access to each of these counties' or precincts' computers and discovered a connection and hack occurred along with exactly what data was transmitted. No such activities took place at any of these locations with which the Committee had contact.

The chair spoke with clerks in several of the counties listed by Mr. Lindell's experts. These clerks had no explanation for numbers his reports show as being flipped votes, nor had they had any interaction with any persons making these allegations. Moreover, clerks in these counties performed random hand recounts in various precincts or townships and found zero change to the official, canvass results. Other clerks did full county re-tabulations and found zero change. For these actions to not contradict Mr. Lindell's allegations would mean all the clerks surreptitiously or incidentally chose precincts or townships that were not involved with the hack his experts claim occurred or allowed their tabulators to be compromised. The Committee finds this is beyond any statistical or reasonable credulity.

#### ***Canvassing and Out of Balance Precincts***

The canvassing process that is conducted at the county level in each of Michigan's counties always serves as the check on most irregularities that may occur during the initial tabulation. If paper ballots are significantly unbalanced when compared with the number of votes reported in poll books, this constitutes a clear indication that something went wrong. Often, the imbalance arises when workers do not immediately account for the necessity of copying overseas ballots or damaged absentee voter ballots. It also occurs when a voter decides to leave the polling place without correcting a spoiled ballot or submitting their ballot. Other causes come from empty absentee voter ballot envelopes, or couples including both of their ballots in one envelope.

Some of the highly out-of-balance precincts at consolidated Absentee Voter Counting Boards (AVCB) were likely from mistakes made with the high-speed tabulators, something that several citizens swore to have witnessed in affidavits and other testimony. When these imbalances appear after Election Day, it is the board of canvassers, or in Wayne County, their chosen agent, the clerk, that can make the decision to perform a further review to correct any irregularities that are discovered. Re-tabulation of the paper ballots and a thorough examination of the poll books are critical parts to the canvass process, allowing the books and ballot boxes to reach balance.

Technically, the imbalances that remain after the canvass could exist due to fraudulent activity. Unbalanced precincts are unfortunate and are something that should be addressed in the future. However, the unbalanced precincts in Michigan counties were marginal and, in no way, would have impacted the outcome of the Presidential election. There were fewer precincts with an imbalance

in this election than in previous ones. **Developing best practices and training election workers on how to maintain balanced precincts is recommended. There is much discussion on allowing some out-of-balance precincts to be eligible for recount but testimony the Committee heard from several clerks indicated they did not support this. Therefore, the Committee makes no recommendations on this issue.**

The Committee did learn during testimony that Wayne County's Board of Canvassers operates differently than most other counties, shifting the actual canvass responsibilities to the county clerk and their staff. Once the canvass is complete, the board receives a report, that is unusually anemic in its details of how imbalances were rectified. This is unfair to those serving on the board, as well as the voters of Wayne County, despite being permitted by law. A transparent canvass, overseen by those not responsible for the actual election process, allows citizens to understand how imbalances occurred and how they were rectified while having confidence that there was not a conflict of interest for those performing the canvass.

**Canvassers ought to be intimately involved in the process and the law should be changed to provide consistency and transparency in the canvassing process. Furthermore, it would be wise to allow for larger boards in higher population areas and to provide additional time to complete the canvass to rectify any irregularities.**

#### **7. Signature Verification Process**

The Committee was made aware of claims that election workers at the TCF Center in downtown Detroit were instructed to not match signatures on envelopes and furthermore were instructed to "pre-date" the received date of absentee ballots. To the contrary, these processing steps — signature matching and verification of the date received — occurred at another location and were completed by other employees prior to the time the ballots were sent to the TCF Center for counting. Workers at the AVCBs are to check for the clerk's signature and time stamp as well as making sure the voter signature is present. However, the validation of the voter signature by the clerk's office is indicated by the clerk's signature and stamp. As for the "pre-dating" allegation, Detroit Senior Election Advisor Chris Thomas explained this date field is necessary for processing the ballot. Without the voter present, there is no way to have that date, which was recorded into the QVF by the official who took the same day registration at another location. Since the poll books at the AVCB are not connected to the QVF during Election Day, there is no way to check what was entered at the site where the voter registered. Therefore, a "placeholder" date is entered, and the poll worker assumes the official accepting the registration did their due diligence.

Kent County Clerk Lisa Lyons, and Ingham County Clerk Barb Byrum, both testified regarding the possible requirement of a "real time" signature when applying for an absentee ballot, indicating it would be highly preferred rather than performing the application process online. In addition to the preferences of election officials, the Michigan Court of Claims struck down Secretary of State Benson's guidance on signature matching, which required workers to presume the validity of signatures, ruling that the required presumption of validity is found nowhere in state law and mandating such was a direct violation of the Administrative Procedures Act.

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After reviewing these facts and receiving the testimony of experts and clerks, it is abundantly clear that the signature verification process is one of significant importance. With new policies in place due to the adoption of Proposal 18-3, current election procedures do not require a new voter to, potentially, ever make face-to-face contact with an election official or staff throughout the process of registration, requesting an absentee ballot application, or completing and submitting their ballot. Therefore, requiring a voter to confirm their identity at some point during the process is imperative. Whether providing a "real time" signature, a government-issued photo identification card, or other unique personally identifying information, like a driver's license number or a state identification number, requesting that a voter provide one of these easily-accessible identifiers will go a long way to strengthen the integrity of our system, while supporting the new, more efficient way of administering our elections.

**Therefore, the Committee recommends that the secretary of state begin the process of establishing actual rules for examining and validating signatures consistent with a ruling of the Michigan Court of Claims. The Committee also recommends that statewide measures be put in place to ensure eligible voters are not unreasonably denied access to vote if there is an issue with their signature. Finally, the Committee recommends that reasonable measures be put in place to ensure voters can easily and properly identify themselves when exercising their right to vote.**

## 8. Jurisdictions Reporting More Than 100% Voter Turnout

The Committee received and heard claims that jurisdictions had more than 100% of registered voters voting. Here are some of the local municipalities that had claims of a higher voter turnout than there were actual registered voters:

<i><b>Municipality</b></i>	<i><b>Claim</b></i>	<i><b>Actual</b></i>
Oneida Township	118%	Approximately 80%
Zeeland Township	460.51%	Precincts ranged from 74.46% - 84.80%
Spring Lake Township	120%	Precincts ranged from 66.74% - 84.15%
Gladwin Township	215.21%	67.23%
Summit Township	Over 100%	71%
Detroit	More Votes than Voters (Trump Claim)	250,138 votes = Under 50% of registered voters in the city and only 37% of the total population.

**9. Absentee Ballots Were Tabulated Multiple Times, Increasing Vote Total**

Some individuals claimed that many ballots were counted multiple times when they were re-submitted through the high-speed tabulation machines. The Committee heard from several persons and read many affidavits claiming to have first-hand knowledge that this issue occurred. Investigation does show it is possible to cycle a completed stack through the tabulator multiple times as long as no errors occur. Bundles of ballots go through the tabulator so quickly that a simple jam or other error necessitates the entire bundle being restarted. Workers cannot restart the stack unless they first clear the partial count and start from zero by pressing a button.

If ballots were counted multiple times, this would have created a significant disparity in the official pollbook. This was the testimony of several witnesses, including Chris Thomas and Monica Palmer, Republican chair of the Wayne County Board of Canvassers. Specifically, the pollbook would show that many more votes were cast than the number of people obtaining a ballot. This was the case at several counting boards at the completion of the original tabulation. However, the actual imbalances that remained after the canvass show this problem was rectified. Rectifying precincts where this mistake happened is usually not difficult to do and involves taking the ballots out of the box, counting the total number to see if it matches the poll book, and processing all the ballots through the tabulator again. The balanced poll books and the remaining imbalances do not indicate this problem any more, showing it was corrected. Remaining imbalances are likely connected to some of the other reasons addressed in finding number six, namely, empty envelopes, ruined ballots, etc.

**The Committee recommends that tabulator companies develop machines that place tabulated ballots into a box that has no access for poll workers while placing uncounted ballots in another tray to be checked and placed in the tabulator when ready. This would assure such an error cannot occur and that no reset and restarting of a full stack is necessary.**

**10. Thousands of Ballots Were "Dumped" at the TCF Center on Election Night/The Next Morning**

Several individuals testified and claimed that tens of thousands of ballots were "dumped" at the TCF Center on election night, when reported vote tallies showed that President Trump was still in the lead. They allege this occurred between 3 - 5 a.m. and that they were brought onto the floor to be counted. Chris Thomas, the senior elections advisor for the city of Detroit, stated he estimated 16,000 ballots were delivered to the TFC Center around that time. Some other persons and media speculated it was nearly 100,000, but most reported about 30,000-45,000. These ballots were submitted throughout Election Day at different locations, such as drop boxes, in the mail, and at the clerk's main and satellite offices. After the ballots were compiled and processed at the clerk's office, after the closing of polls at 8 p.m., they were brought to the TFC Center for counting. These ballots were not brought in a wagon as alleged, but via delivery truck and then placed on carts. A widely circulated picture in media and online reports allegedly showed ballots secretly being delivered late at night but, in reality, it was a photo of a WXYZ-TV photographer hauling his equipment.

Others claimed that the TCF Center security camera footage around the same time showed some type of “ballot dump.” While the video in question confirms that a number of ballots were delivered at the time alleged, it provides no evidence of fraudulent or wrongful conduct. In the video, the van arrived around 3:30 a.m. and unloaded the absentee ballots. Once unloaded, the van left around 3:55 a.m. to go back to the satellite office where the processing was occurring. The van arrived back once again around 4:30 a.m. to unload the final ballots.

This theory, like many of the other theories proposed as evidence of fraud, does not constitute actual evidence on its own. Those drawing such conclusions in their affidavits and testimony were asked to provide proof that something illegal actually occurred but no proof that ballots were fraudulent was provided or found by the Committee in testimony or in subpoenaed records. However, this situation does raise issues with the delayed and cumbersome process of obtaining absentee ballots from drop boxes on election night, when many other activities and processes are also ongoing. **The Committee recommends that drop boxes not be utilized or be closed earlier than 8 p.m. on Election Day so that the time taken to collect such ballots will not, by necessity, extend processing and tabulating of such a large volume so long into the night. At the least, appointed staff should be on-hand to immediately collect ballots from drop boxes at 8 p.m. Additionally, the process of transferring ballots from the clerk’s office to other locations must be done with greater security and manifests so that there can be an accounting for each ballot sent and received between the two locations, establishing a chain of custody.**

**11. Vote Totals Were Abnormal Compared to Past Presidential Elections and Other Vote Count Irregularities**

Several claims were made regarding the voter turnout in the November 2020 election in which the statistical data was cited as a source to show widespread election impropriety. Comparing historical results casts serious doubt over any claims of widespread impropriety in the Michigan 2020 election. In fact, turnout in 2020 increased less in Wayne county (11.4%) than in the rest of the state (15.4%) and President Trump won a greater percentage of votes there than he did in 2016 (30.27% vs 29.3%).

Additionally, the data suggests that there was no anomalous number of votes cast solely for the President, either in Wayne County or statewide:

**2020**

**Statewide**

President: 5,539,302  
 Senate: 5,479,720  
 Difference: 59,582 (1.08% difference)

**Wayne**

President: 874,018  
 Senate: 863,946  
 Difference: 10,072 (1.15% difference)

**2016**

**Statewide**

President: 4,799,284  
 Congress: 4,670,905  
 Difference: 128,379 (2.67% difference)

**Wayne**

President: 782,719  
 Congress: 754,560  
 Difference: 28,159 (3.60% difference)

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### Other Irregularities

Several published reports, particularly “Case for Michigan Decertification” presented charts of vote sub-totals and totals that were adjusted during the night and sometimes subtract votes from previous totals. The report also shows the increase in absentee votes tabulated was greater than the usual amount able to be processed in the given time frame. These reports require partial or incremental vote counts and totals. Finally, the report included final vote counts that include enormous spikes of final votes with a very high percentage for one candidate. Attempts by the chair to acquire the sources and citations of this data from the author were not able to be fulfilled. The author insisted that he cannot answer the questions about the origins of these data points, which he uses as evidence, without others investigating the issue or granting him access to a wide range of materials.

The reports containing these impossible mathematical counts rely on partial or incremental vote counts which are not available from any county or state official. Detroit does set up its own, unofficial vote reporting site. Incremental vote counts are reported during the process at the TCF Center. This additional level of complexity for reporting and handling, along with corrective actions that may be occurring onsite after an incremental data dump, can lead to multiple inaccuracies and discrepancies. There is additional confusion about counts and potential increases or decreases as the city merges actual precinct votes with AVCB votes. **Allowing Detroit to announce partial or incremental vote counts when no other community does, does not promote a uniform, statewide system. Further, not aligning each AVCB with each precinct creates an additional, complexity leading to an unnecessary vulnerability for errors in the unofficial, election night vote reports.** Finally, media outlets frequently make substantial errors or propagate the errors of others and then must adjust and retract data.

Large spikes in the vote count are not necessarily unexplainable or unusual. They do not alone constitute evidence of fraud and can be reasonably expected. Large precincts, particularly with the highest absentee voter turn out ever, took much longer to complete and then reported all their results at once. Further complicating this issue is that the absentee voter ballots counted at a consolidated counting board had to be merged with the votes submitted on Election Day at the corresponding, in- person voting precincts. This makes the spike larger than just the final count from the AVCB. No evidence has been presented to refute this as the legitimate reason for the dramatic jumps in vote counts seen in Michigan.

**Regardless, the Committee can only speculate on this because the author of the referenced report cannot provide sources that the Committee can pursue. Without provision of a source to investigate from the author, and as no confirmation of these numbers was provided nor can be ascertained, the Committee does not believe a wide-ranging, blanket allowance to search materials is justifiable or responsible, particularly in light of the extent of the post-election state audit performed and the of lack red flags from the final results in Detroit or Wayne County.**

## 12. Additional Issues

### Ballot Box Construction

Testimony was heard from Monica Palmer regarding the roll of boards of canvassers in verifying the construction of ballot boxes. Her board made significant efforts to require repairing or replacing poorly constructed boxes. **This effort is commendable and ought to be extended to the construction of drop boxes, as well. Testimony was also shared that boxes disallowed by the Wayne County Board of Canvassers and labeled to not be used were still being used on Election Day. This is not acceptable, and the Committee asks the secretary of state or the attorney general to investigate who is responsible for this serious breach.**

### Modem Usage on Tabulators

Testimony was given regarding the wisdom and necessity of modems for vote tabulators. There was not consensus amongst the clerks and the Committee makes no recommendation at this time. However, the external, detachable modem does provide a reassuring and genuine physical barrier to cyber attacks during the voting process.

### Ballot Harvesting

Testimony and allegations of ballot harvesting were made, although no evidence of such was presented. Ballot harvesting has been caught at times in the past, but none was in this election. Drop boxes and prepaid postage do present a greater vulnerability to ballot harvesting. Others have made the argument that prepaid postage might also reduce the likelihood of an individual waiting for someone to collect their ballot. It is worth noting that ballot harvesting, while illegal due to its vulnerability to fraud, is not necessarily indicative of fraudulent voting.

### Allegations of Illegal Votes

Testimony and reports of illegal votes, out of state votes, non-residents voting, and deceased voters are prolific, and the numbers included are substantial and compelling. However, no source or reliable method for determining these numbers is presented. References to "317 voters also voting in other states" do not come with explanation or source. Other numbers reported as evidence of fraudulent addresses or issues with residency fail to consider the complications and realities of same day registration (a real problem in its own right, but one voters created through adopting Proposal 3 in 2018). These same day registrations, also addressed earlier in this report, necessitate methods to enter voters into the database while also flagging them for additional checks and verifications later. This is particularly true at the AVCBs as they do not have access to the QVF and their electronic poll books are disconnected during the election. New registrants need lines filled in, but also must be flagged to be connected with the actual entry made in the QVF by the clerk's office prior to issuing the ballot. Impossible, and obviously contrived, birthdates serve as a rational and simple method for flagging these voters.

Many of the reports and allegations of illegal votes or fraudulent votes conflate issues of illegal or improper process with fraud or illegal votes. Many of these claims ignore the specific and legally required partisan makeup of the election workers and immediately assume that illegally removing watchers and challengers means fraud is occurring and that all ballots should be disqualified.



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Not only would this disenfranchise thousands of legitimate voters by no fault of their own, but it demonstrates a significant leap of logic and an unjustified mistrust of the bipartisan poll workers themselves. The outcome alleged to have occurred during these improperly supervised moments, namely the addition of tens of thousands of prepared ballots, would require a conspiracy of immense proportions: individuals at multiple levels and locations, massive resources of ballot production and pollbook manipulation, and an outcome that does not contain a final number count outside the realms of believability. All of this under the noses of hundreds of bipartisan workers and watchers (as not all were ever dismissed) and without a whisper from the huge pool of people who would know. And all of this to theoretically run up the Biden total in a precinct where he traditionally should have expected better than 90% of the vote but received 88% amidst a relatively unremarkable turnout. **The Committee finds these postulations strain credulity and are simply preposterous. The Committee also notes this theory would directly conflict with the idea the machines were tampered with to miscount the ballots.**

### Suspicious Communications

Communications with Dominion to local clerks have been utilized to cause additional fear and mistrust of the company, its equipment, and the election results. While the Committee has not examined or received every document, a small sampling of the most often cited communications are only troubling if considered with the pretext that Dominion is part of a conspiracy to defraud voters. One email after the August primary regarding not saving images is highlighted as evidence of a cover-up. The context in the email, to make electronically transmitting the results after the election with the attachable modem function better, makes the instruction to turn off transmitting the image a reasonable instruction when coupled with there being no law in Michigan to save the images. Emails and communications with Dominion to Antrim County after Nov. 3 are also reasonable as the clerk and others attempted to determine how the tabulators correctly counted the ballots while the clerk's computer showed them incorrectly. **(The saving of ballot images so the ballots can be publicly examined by digital means may be an issue Michigan should consider. Other states are doing this with success.)**

### Chain of Custody and Election Material Security

Frequent demands to decertify all or a portion of the vote are accompanied by high sounding language regarding the "chain of custody." This verbiage evokes images of evidence utilized in trials, such as sealed envelopes and locked evidence rooms with sign-out sheets. However, investigating the claims regarding problems with the chain of custody usually finds highlights about the handling and transmission of the unofficial vote counts and the computer systems used to handle them. While concerns about these systems may be justified, it is incredibly misleading and irresponsible to imply this holds any danger to the official vote counts, the tabulators, or the ballots themselves. Similarly, unfair allegations have been leveled against the secretary of state and county and local clerks regarding the instruction to, and deletion of, e-poll book data. The letter instructing this and the action itself is a standard practice, ordered by the federal government and carried out shortly after every election. The law and the letter sent also provide specific instruction not to do so should there be an ongoing legal action regarding the data. All evidence the Committee found shows the law was followed. **The Committee finds insisting this is evidence of a cover up, "Destruction of election artifacts prior to end of 22-month archival requirement," is incredibly misleading, demeaning, and irresponsible.**

Confusing Terminology

Many of the allegations simply utilize semantics and the confusing, technical nature of elections to drive up doubt. Claims such as “fake birthdays,” “unsupervised ballot duplication,” “system manuals explicitly refer to internet and ethernet connectivity,” and “unsecured and illegal ballot boxes” are just a sampling of the terminologies used. However, each of these has legitimate explanation. The birthday issue is explained elsewhere in this report and involves same day registrations on Election Day. “Unsupervised ballot duplication” is referring to times challengers were unable to watch or were prevented from watching (which were not legal actions) but is misleading because the bipartisan election inspectors/workers were still watching and verifying each other’s work. “System manuals” refer to connectivity because the machines are specifically designed to be connected to transmit the unofficial results and to be connected for other functions - this is not proof they were connected during tabulation. “Unsecured and illegal ballot boxes” refers to the transporting of absentee ballots to the counting board in postal trays. Sealed ballots have never been considered to need to be in a secured and approved container because the envelopes are still sealed. **The Committee recommends this practice be made more secure with manifests and a record of custody**, but it is wrong to accuse anyone of violating the law that was written to address open ballots, *not* those in sealed envelopes.

Blank Ballots and Military Ballots

The presence of blank ballots also provides significant confusion, despite being necessary for the duplication of military ballots and damaged absentee voter ballots. It is noteworthy that attempting to utilize these ballots for any significant level of fraud would require perfectly matching precincts to voters, manipulating poll books with fake dates for requests and receipts of the ballots, voter’s signatures, and the clerk’s signature and time stamp.

One witness testified that none of the military ballots at her table being duplicated were for President Trump. However, upon questioning, the witness recounted she only witnessed a few dozen ballots. This is a very reasonable outcome given the overall performance of the candidates in these precincts and the amount witnessed, which is not statistically significant.

**13. Audits**

The demand for audits regarding the election began soon after the November election and has continued until now. Several entities have undertaken to conduct audits, sometimes referring to their efforts as “forensic audits.” One of these is detailed earlier in this report, particularly in Finding 5. Several lawsuits regarding audits have been filed.

Proposal 18-3, which was approved by the voters of Michigan and amended the state constitution, guarantees every Michigan elector the right to request an audit, stating that each “elector qualified to vote in Michigan shall have...(t)he right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.” The central clause, “in such a manner as prescribed by law,” has resulted in the dismissal of demands of citizens to execute this provided right because the audit performed by the Michigan secretary of state was determined to satisfy this right. Much has been made by several persons that the hand recount in Antrim County was not truly an audit. This is, and was, admitted by the secretary

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of state's office as true in that it was not a precinct audit, but a risk-limiting audit with a risk limit of zero, because all of the ballots were recounted and not just a sample. Furthermore, this does not diminish the profound value of hand recounting every ballot and race in the county as evidence against fraud or other illicitness. However, the actual, mandated audit detailed below was eventually conducted in Antrim County as it was in all Michigan counties.

The audits performed by the Michigan secretary of state and facilitated by county clerks and local officials has faced significant derision by citizens, lawyers, and activist leaders. The accusation is that the secretary of state has a conflict of interest in the result as it is her role as chief election officer which is being judged. However, such allegations demonstrate a significant lack of understanding regarding the rigor and depth of the audit performed, especially its decentralized nature. Auditing of the results is undertaken and administered by the county clerks, with aid and assistance provided by the local city and township clerks, and is another step removed from the secretary of state. The clerks at each of these levels, excepting municipal, are partisans from both major parties.

The extent of the audit is also critical to understanding its dependability and credibility. There are 66 steps clerks are instructed to undertake in the process. The "Post-Election Audit Manual," available online at [www.Michigan.gov/sos/post\\_election\\_audit\\_manual\\_418482\\_7.pdf](http://www.Michigan.gov/sos/post_election_audit_manual_418482_7.pdf), lays out several critical points as to purpose and goals. Notably, they include pre-Election Day and Election Day procedures' fidelity to law and rules. Precincts and races are selected randomly in each county across the state. The audit examines notices, appointments and training, e-Pollbook security, test deck procedures (logic and accuracy testing), military and overseas applications, poll books, and ballot containers. The audit checklist contains 66 points of examination to meet these goals and includes the hand counting of the randomly selected races in randomly selected precincts. Pictured is a completed audit for East Grand Rapids Precinct 5. Citizens can obtain these audit results across the state from their county clerks.

### Post-Election Audit Checklist

NOTE: All discrepancies should be explained on the reverse side of this checklist.

County: KOCHT Precinct: East Grand Rapids Regular Precinct:  AV Precinct:  Precinct #: 5 Audit Date: 12/10/2020

<b>Pre-Election Requirements</b> 1. Notice of Registration: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2. Precinct: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3. Public Accessory Test: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 4. Worked Hours in QIV: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Checklist Requirements</b> 5. Accredited by Election Commissioner: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 6. At least 1 N.A.I.C.: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 7. Apps available: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 8. Proof of Training: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 9. Proof sent to parties: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>e-Pollbook:</b> <input type="checkbox"/> N/A 10. Training/Passport: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 11. Unique User/Password: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 12. Privacy/Data Audit: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 13. Open Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 14. Date of Download: <u>11/20/2020</u> <b>Voting System &amp; Test Deck</b> 15. Test Deck Loaded: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 16. Test Deck: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 17. Test Deck & IAS Certification: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 18. Staff # Match: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 19. Test Deck # Match with IAS Certification & Pollbook: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 20. Test Deck # Match with IAS Certification & Pollbook: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 21. E2 Applications: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 22. Pre-printed TE-104: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 23. Polling Test Date: <u>10/19/2020</u> 24. Public Test Date: <u>10/26/2020</u> 25. Test Deck Property Creator: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 26. Test Deck Property Creator: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 27. Test Deck Property Creator: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 28. Test Deck Property Creator: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 29. Test Deck Property Creator: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 30. 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Absent Inspections Processed Certificate completed and signed by inspectors present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 39. All inspectors (including those scheduled to the Constitutional Day of Illness): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 40. All inspectors (including those scheduled to the Constitutional Day of Illness): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 41. All election inspectors that signed the oath were appointed by the Election Commission: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 42. All notices, affidavits, envelopes, challenges, and AV ballots used: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 43. Challenges received (if necessary): <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 44. When in voice (if necessary): <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 45. Times tape signed by inspector present when poll closed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 46. Number of ballots tabulated on totals tape matches the number of votes listed in the pollbook: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 47. Pollbook summary is completed, balanced, and totals are accurate: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 48. Certificate of Election Inspectors completed and signed by inspectors present when poll closed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 49. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 50. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 51. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 52. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 53. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 54. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 55. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 56. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 57. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 58. Ballot container seal number is present: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 59. 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<b>Ballot Container &amp; Mixed Ballot Hand Count Audit</b> 31. Ballot Container Seal: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 32. Property Asset: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 33. Clerk Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 34. Number of sealed ballot containers: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No 35. Duplicate ballots properly destroyed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 36. Number of ballots matches number of ballots tabulated: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 37. Electronic ballot properly downloaded: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No 38. Certificate signed by one inspector of each major party: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 39. Property Asset: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 40. Clerk Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 41. Number of sealed ballot containers: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No 42. Duplicate ballots properly destroyed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 43. Number of ballots matches number of ballots tabulated: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 44. Electronic ballot properly downloaded: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
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Race 1	Hand Ct.	Cert. Total	Race 2	Hand Count	Cert. Total
<b>President of the US</b>			<b>US Senator</b>		
Biden	138	138	Peters	138	138
Trump	143	143	Jankos	172	171
Johnson	0	0	Wille	0	0
Blankenship	0	0	Squier	1	1
Hawkins	1	1	Dem	0	0
De La Fuente	0	0			
VH	1	1	VH	1	1
Overvotes	0	0	Overvotes	0	0
Undervotes	1	1	Undervotes	1	1

Notes:  
 #31. One application to vote including signature, one mailing address.  
 After completion of the above, replace the Poll Book and Statement of Votes into the appropriate envelopes and initial and seal with a red paper seal. Then sign below.

The undersigned member(s) of the Audit Board hereby certify the completion of the items checked above.  
 County/State Audit Inspector

**The Committee concludes these audits are far from the worthless exercises they have been castigated as being.** Many of those criticizing them are misleading concerned citizens to believe the only audit done is the “risk limiting audit.” The risk limiting audit is also performed on top of the major, statewide county audit detailed above. Its purpose is to perform an *additional* spot check on the accuracy and function of the tabulators, but it is not the main audit done.

**The Committee recommends providing live video feed and recordings of the audit procedures. The public should have access to view the audit in person when possible and results should be posted online. The Committee also recommends that the Legislature fulfill the commitment of Proposal 2018-3 to guarantee an audit upon request of any elector.**

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## V. RECOMMENDATIONS AND CONCLUSION

### Recommendations

- Place in statute the rights and duties of challengers and poll watchers, requiring they be uniformly trained and held accountable.
- Ensuring combined AVCBs can have more than one challenger per party, with the ability to replace challengers who exit the AVCB location after the sequester is lifted.
- Allow for bipartisan election inspectors for all audits and require the process be open to the public.
- Prohibit the unsolicited mailing of absentee voter ballot applications from the secretary of state to limit the potential for non-Michigan residents voting in elections.
- Establish signature verification requirements via the administrative rules process or statute in order to provide clarity and uniformity to election workers on the proper way to ensure signatures match.
- Require video security on all drop boxes and require all drop boxes be emptied and secured immediately or earlier than 8 p.m. on Election Day to help expedite the processing and tabulation of ballots.
- In order to ensure more accurate voter rolls, allow county clerks greater authority when removing deceased individuals from the Qualified Voter File.
- Allow for the continued pre-processing of absentee ballots the day before Election Day, so long as stringent security measures are kept in place. Pre-processing must occur on the site of tabulation.
- Consider allowing tabulation, which is more secure, to begin in the week preceding Election Day as long as results may not be released until polls are closed on the completion of Election Day.
- Require that best practices for maintaining a balanced precinct on Election Day be part of the necessary training for all precinct workers. Establish a public, published record of all clerks who fail to provide the appropriate training or continuing education to themselves or their employees.
- Reform the canvassing processes by requiring canvassers be present during the canvass activities, expanding certain county boards where population requires it, and provide for additional time for the process to be completed.

**Conclusion**

The Committee can confidently assert that it has been thorough in examination of numerous allegations of unlawful actions, improper procedures, fraud, vote theft, or any other description which would cause citizens to doubt the integrity of Michigan's 2020 election results. Our clear finding is that citizens should be confident the results represent the true results of the ballots cast by the people of Michigan. The Committee strongly recommends citizens use a critical eye and ear toward those who have pushed demonstrably false theories for their own personal gain. We also conclude citizens should demand reasonable updates and reforms to close real vulnerabilities and unlawful activities that caused much of the doubt and questionability to flourish and could, if unchecked, be responsible for serious and disastrous fraud or confusion in the future.

Further, we commend the innumerable clerks, canvassers, staff, workers, and volunteers across Michigan that make the enormous complexity of elections operate so smoothly, so often. The complexity of the work and the dedication we discovered are astounding and worthy of our sincerest appreciation. We also commend the diligent citizens that took time to report problems and concerns they saw because they want and value fair and free elections above party or personal gain. If all citizens remain vigilant and involved, we will emerge stronger after any challenging time.

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Total	2,513	6,287	41	11	31	14	5
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**President and Vice President of the United States (Vote for 1)**

Precinct	Joseph R. Biden / Kamala D. Harris - DEM	Donald J. Trump / Michael R. Pence - REP	Jo Jorgensen / Jeremy Cohen - LIB	Don Blankenship / William Mohr - UST	Howie Hawkins / Angela Walker - GRN	Rocky De La Fuente / Darcy Richardson - NLP	Write-in
Banks Township, Precinct 1	349	756	11	1	2	1	3
Central Lake Township, Precinct 1	549	906	16	1	6	0	3
Chestonia Township, Precinct 1	93	197	3	0	0	0	1
Custer Township, Precinct 1	240	521	11	2	1	0	0
Echo Township, Precinct 1	198	392	8	1	2	0	0
Elk Rapids Township, Precinct 1	886	1,025	17	4	8	0	2
Forest Home Township, Precinct 1	610	753	19	1	0	1	2
Helena Township, Precinct 1	306	431	4	0	1	1	0
Jordan Township, Precinct 1	183	371	13	1	1	0	2
Keamey Township, Precinct 1	471	743	16	0	3	0	4
Mancelona Township, Precinct 1	276	335	20	0	0	1	1
Mancelona Township, Precinct 2	247	646	13	2	1	0	1
Milton Township, Precinct 1	769	1,021	18	2	0	3	3
Star Township, Precinct 1	161	462	10	0	0	0	0
Torch Lake Township, Precinct 1	462	526	7	1	2	1	0
Warner Township, Precinct 1	60	163	3	0	0	0	1
<b>Total</b>	<b>6,880</b>	<b>9,748</b>	<b>189</b>	<b>16</b>	<b>28</b>	<b>8</b>	<b>23</b>

**United States Senator for State (Vote for 1)**

Precinct	Gary Peters - DEM	John James - REP	Vaterie L. Willis - UST	Marcia Squier - GRN	Doug Dem - NLP	Write-in
Banks Township, Precinct 1	341	765	3	5	2	3
Central Lake Township, Precinct 1	520	933	9	9	3	0

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**Total**  
**Banks Township, Precinct 1**

Straight Party Ticket (1)	
Democratic Party (Democrat):	134
Republican Party (Republican):	520
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	1
Green Party (Green):	0
Natural Law Party (Natural Law):	0
<b>Total Votes:</b>	<b>656</b>

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	349
Donald J. Trump / Michael R. Pence (Republican):	756
Jo Jorgensen / Jeremy Cohen (Libertarian):	11
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	2
Rocky De La Fuente / Darcy Richardson (Natural Law):	1

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 1123

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	278
Jason Strayhorn (Democrat):	273
Tami Carlone (Republican):	692
Michelle A. Frederick (Republican):	698
Bill Hall (Libertarian):	24
Richard A. Hewer (Libertarian):	20
Karen Adams (U.S. Taxpayers):	5
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Hering (Working Class):	31
Hali McEachern (Working Class):	23
Tom Hair (Green):	17
Write-in:	4
<b>Total Votes:</b>	<b>2070</b>

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	282
Shauna Ryder Diggs (Democrat):	269
Sarah Hubbard (Republican):	709
Carl Meyers (Republican):	684
James L. Hudler (Libertarian):	16

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	277
Shirley Stancato (Democrat):	257
Don Gates (Republican):	702
Terri Lynn Land (Republican):	704
Jon Elgas (Libertarian):	31
Christine C. Schwartz (U.S. Taxpayers):	23
Susan Odgers (Green):	31
Write-in:	5
<b>Total Votes:</b>	<b>2030</b>

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	870
Write-in:	14
<b>Total Votes:</b>	<b>884</b>

County Sheriff (1)	
Daniel S. Bean (Republican):	877
Write-in:	20
<b>Total Votes:</b>	<b>897</b>

County Clerk (1)	
Sheryl Guy (Republican):	875
Write-in:	8
<b>Total Votes:</b>	<b>883</b>



Total

Central Lake Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	227
Republican Party (Republican):	536
Libertarian Party (Libertarian):	3
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	3
Green Party (Green):	2
Natural Law Party (Natural Law):	0
<b>Total Votes:</b>	<b>771</b>

President and Vice President of the United States (1)

Joseph R. Biden / Kamala D. Harris (Democrat):	549
Donald J. Trump / Michael R. Pence (Republican):	906
Jo Jorgensen / Jeremy Cohen (Libertarian):	16
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	6
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	3
<b>Total Votes:</b>	<b>1481</b>

Member of the State Board of Education (2)

Ellen Cogen Lipton (Democrat):	457
Jason Strayhorn (Democrat):	443
Tami Carlone (Republican):	807
Michelle A. Frederick (Republican):	824
Bill Hall (Libertarian):	28
Richard A. Hewer (Libertarian):	32
Karen Adams (U.S. Taxpayers):	16
Douglas Levesque (U.S. Taxpayers):	12
Mary Anne Hering (Working Class):	34
Hali McEachern (Working Class):	27
Tom Mair (Green):	17
Write-in:	0
<b>Total Votes:</b>	<b>2697</b>

Regent of the University of Michigan (2)

Mark Bernstein (Democrat):	451
Shauna Ryder Diggs (Democrat):	438
Sarah Hubbard (Republican):	845
Carl Meyers (Republican):	807
James L. Hudler (Libertarian):	22
Eric Larson (Libertarian):	28
Ronald E. Graeser (U.S. Taxpayers):	13
Crystal Van Sickle (U.S. Taxpayers):	1

Governor of Wayne State University (2)

Eva Garza Dewaelische (Democrat):	414
Shirley Stancato (Democrat):	439
Don Gates (Republican):	825
Terri Lynn Land (Republican):	851
Jon Elgas (Libertarian):	32
Christine C. Schwartz (U.S. Taxpayers):	23
Susan Odgers (Green):	33
Write-in:	1
<b>Total Votes:</b>	<b>2618</b>

County Prosecuting Attorney (1)

James L. Rossiter (Republican):	1082
Write-in:	16
<b>Total Votes:</b>	<b>1098</b>

County Sheriff (1)

Daniel S. Bean (Republican):	1142
Write-in:	21
<b>Total Votes:</b>	<b>1163</b>

County Clerk (1)

Sheryl Guy (Republican):	1109
Write-in:	11
<b>Total Votes:</b>	<b>1120</b>

County Treasurer (1)

Sherry A. ...	...
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Township 5 for Central Lake Township

Stanley A. Bear (Republican):	
Write-in:	
<b>Total Votes:</b>	

Township 6 for Central Lake Township

Judy Kosloski (Republican):	
Write-in:	
<b>Total Votes:</b>	

Township 7 for Central Lake Township (1)

Andrew Smith (Rep)	
Write-in:	
<b>Total Votes:</b>	

Township 8 for Central Lake Township (2)

Patrick Hanlon (Republican):	
Pat Marshall (Rep)	
Write-in:	
<b>Total Votes:</b>	

Justice of the Peace Court (2)

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Total

Chestonia Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	45
Republican Party (Republican):	134
Libertarian Party (Libertarian):	0
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	0
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	179

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	93
Donald J. Trump / Michael R. Pence (Republican):	197
Jo Jorgensen / Jeremy Cohen (Libertarian):	3
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	1
Total Votes:	294

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	84
Jason Strayhorn (Democrat):	73
Tami Carlone (Republican):	171
Michelle A. Frederick (Republican):	170
Bill Hall (Libertarian):	8
Richard A. Hewer (Libertarian):	2
Karen Adams (U.S. Taxpayers):	4
Douglas Levesque (U.S. Taxpayers):	4
Mary Anne Hering (Working Class):	4
Hali McEachern (Working Class):	4
Tom Mair (Green):	8
Write-in:	5
Total Votes:	537

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	77
Shauna Ryder Diggs (Democrat):	81
Sarah Hubbard (Republican):	177
Carl Meyers (Republican):	174
James L. Hudler (Libertarian):	2
Eric Larson (Libertarian):	5
Ronald E. Graeser (U.S. Taxpayers):	5

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	79
Shirley Stancato (Democrat):	80
Don Gates (Republican):	175
Terri Lynn Land (Republican):	175
Jon Elgas (Libertarian):	6
Christine C. Schwartz (U.S. Taxpayers):	6
Susan Odgers (Green):	8
Write-in:	5
Total Votes:	534

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	216
Write-in:	11
Total Votes:	227

County Sheriff (1)	
Daniel S. Bean (Republican):	233
Write-in:	12
Total Votes:	245

County Clerk (1)	
Sheryl Guy (Republican):	219
Write-in:	12
Total Votes:	231

County Treasurer (1)	
Sherry A. Comben (Republican):	220

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Custer Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	108
Republican Party (Republican):	354
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	3
Working Class Party (Working Class):	2
Green Party (Green):	1
Natural Law Party (Natural Law):	0
<b>Total Votes:</b>	<b>469</b>

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	240
Donald J. Trump / Michael R. Pence (Republican):	521
Jo Jorgensen / Jeremy Cohen (Libertarian):	11
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	0
<b>Total Votes:</b>	<b>775</b>

105th District (1)	
Jonathan Burke (Democrat):	221
Ken Borton (Republican):	534
Write-in:	1
<b>Total Votes:</b>	<b>756</b>

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	201
Jason Strayhorn (Democrat):	185
Tami Carlone (Republican):	481
Michelle A. Frederick (Republican):	475
Bill Hall (Libertarian):	23
Richard A. Hewer (Libertarian):	13
Karen Adams (U.S. Taxpayers):	13
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Hering (Working Class):	15
Hali McEachern (Working Class):	8
Tom Hair (Green):	15
Write-in:	3
<b>Total Votes:</b>	<b>1437</b>

(Democrat):	178
Pat O'Keefe (Republican):	491
Tonya Schuitmaker (Republican):	485
Will Tyler White (Libertarian):	22
Janet M. Sanger (U.S. Taxpayers):	14
John Paul Sanger (U.S. Taxpayers):	8
Brandon Hu (Green):	10
Robin Lea Laurain (Green):	14
Bridgette Abraham-Guzman (Natural Law):	8
Write-in:	2
<b>Total Votes:</b>	<b>1408</b>

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	172
Shirley Stancato (Democrat):	181
Don Gates (Republican):	490
Terri Lynn Land (Republican):	486
Jon Elgas (Libertarian):	25
Christine C. Schwartz (U.S. Taxpayers):	16
Susan Odgers (Green):	20
Write-in:	3
<b>Total Votes:</b>	<b>1393</b>

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	618
Write-in:	12
<b>Total Votes:</b>	<b>630</b>

County Sheriff (1)	
Daniel S. Bean (Republican):	652
Write-in:	11
<b>Total Votes:</b>	<b>663</b>

Total Votes:

County	
Scott Papinea (Republican):	
Write-in:	
<b>Total Votes:</b>	

County 5th District	
Terry VanAlst (Republican):	
Write-in:	
<b>Total Votes:</b>	

County 6th District	
Brenda Rickse (Republican):	
Write-in:	
<b>Total Votes:</b>	

Township for Custer (1)	
Roxann Flake (Republican):	
Write-in:	
<b>Total Votes:</b>	

Township Custer To	
Stacy Simon (Republican):	
Write-in:	
<b>Total Votes:</b>	

Township for Custer (1)	
Renee Elder (Republican):	
Write-in:	
<b>Total Votes:</b>	

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Total Votes: 495

Justice of Supreme Court (2)	
Susan L. Hubbard:	23
Mary Kelly:	31
Bridget Mary McCormack:	54
Kerry Lee Morgan:	7
Katherine Mary Nepton:	9
Brock Swartzle:	33
Elizabeth M. Welch:	33
Write-in:	0
Total Votes:	190

Judge of Court of Appeals 4th District Incumbent Position (2)	
Michael J. Kelly:	72
Amy Ronayne Krause:	63
Write-in:	0
Total Votes:	135

Judge of Court of Appeals 4th District Non-Incumbent Position (1)	
Michelle Rick:	80
Write-in:	0
Total Votes:	80

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Eisenheimer:	83

Total  
Echo Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	100
Republican Party (Republican):	230
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	1
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	332

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	198
Donald J. Trump / Michael R. Pence (Republican):	392
Jo Jorgensen / Jeremy Cohen (Libertarian):	8
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	2
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	0
Total Votes:	601

Total Votes: 1118

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	175
Jason Strayhorn (Democrat):	169
Tami Carlone (Republican):	351
Michelle A. Frederick (Republican):	361
Bill Hall (Libertarian):	16
Richard A. Hewer (Libertarian):	13
Karen Adams (U.S. Taxpayers):	6
Douglas Levesque (U.S. Taxpayers):	4
Mary Anne Hering (Working Class):	11
Hali McEachern (Working Class):	9
Tom Mair (Green):	3
Write-in:	0
Total Votes:	1118

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	168
Shauna Ryder Diggs (Democrat):	171
Sarah Hubbard (Republican):	361
Carl Meyers (Republican):	352
James L. Hudler (Libertarian):	11
Eric Larson (Libertarian):	13
Ronald E. Graeser (U.S. Taxpayers):	5

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Township Trustee for Elk Rapids Township (2)	
Richard D. Hults (Republican):	444
Aaron Isenhardt (Republican):	466
Write-in:	16
Total Votes:	926

Village Trustee for Village of Elk Rapids, Partial Term Ending 11/06/2022 (1)	
Teresa Fosdick:	513
Write-in:	4
Total Votes:	517

President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	784
Donald J. Trump / Michael R. Pence (Republican):	611
Jo Jorgensen / Jeremy Cohen (Libertarian):	5
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	5
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	2
Total Votes:	1409

Justice of Supreme Court (2)	
Susan L. Hubbard:	88
Michelle Rick:	407
Write-in:	3
Total Votes:	410

School Board Member for Elk Rapids Schools (3)	
No:	224
Total Votes:	806

Representative in State Legislature 105th District (1)	
Jonathan Burke (Democrat):	705
Ken Borton (Republican):	661
Write-in:	1
Total Votes:	1367

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Elsenheimer:	442
Write-in:	3
Total Votes:	445

Total  
Elk Rapids Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	327
Republican Party (Republican):	414
Libertarian Party (Libertarian):	1
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	2
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	746

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	681
Jason Strayhorn (Democrat):	636
Tami Carlone (Republican):	594
Michelle A. Frederick (Republican):	607
Bill Hall (Libertarian):	17
Richard A. Hewer (Libertarian):	20
Karen Adams (U.S. Taxpayers):	10

Village President for Village of Elk Rapids (1)	
James D. Janisse:	486
Write-in:	15
Total Votes:	501

Village Trustee for Village of Elk Rapids (3)	
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Incumbent Position (1)	
Kevin A. Elsenheimer:	224
Write-in:	5
Total Votes:	229

Village President for Village of Elk Rapids (1)	
James D. Janisse:	221
Write-in:	15
Total Votes:	236

Village Trustee for Village of Elk Rapids (3)	
Douglas Bronkema:	148
Patricia Ann Perlman:	141
Charlie Pryde:	197
Laura Shumate:	168
Write-in:	3
Total Votes:	657

Village Trustee for Village of Elk Rapids, Partial Term Ending 11/06/2022 (1)	
Teresa Fosdick:	234
Write-in:	6
Total Votes:	240

School Board Member for Elk Rapids Schools (3)	
Darryl Antcliff:	166

Total  
Elk Rapids Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	81
Republican Party (Republican):	263
Libertarian Party (Libertarian):	5
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	0
Green Party (Green):	4
Natural Law Party (Natural Law):	0
Total Votes:	354

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	202
Donald J. Trump / Michael R. Pence (Republican):	414
Jo Jorgensen / Jeremy Cohen (Libertarian):	12
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	4
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-In:	0
Total Votes:	634

Representative in State Legislature 105th District (1)	
Jonathan Burke (Democrat):	194
Ken Borton (Republican):	410
Write-in:	3
Total Votes:	607

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	154
Jason Strayhorn (Democrat):	144
Tami Carlone (Republican):	361
Michelle A. Frederick (Republican):	361
Bill Hall (Libertarian):	29
Richard A. Hewer (Libertarian):	20
Karen Adams (U.S. Taxpayers):	9
Douglas Levesque (U.S. Taxpayers):	7
Mary Anne Hering (Working Class):	19
Hali McEachern (Working Class):	8
Tom Hair (Green):	12
Write-in:	0
Total Votes:	1124

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United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	610
Donald J. Trump / Michael R. Pence (Republican):	753
Jo Jorgensen / Jeremy Cohen (Libertarian):	19
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	1
Write-in:	2
Total Votes:	1386

United States Senator for State (1)	
Gary Peters (Democrat):	580
John James (Republican):	782
Valerie L. Willis (U.S. Taxpayers):	4
Marcia Squier (Green):	5
Doug Dern (Natural Law):	2
Write-in:	0
Total Votes:	1373

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	532
Jack Bergman (Republican):	817

Forest Home Township, Precinct 1  
Total

University of Michigan (2)	
Mark Bernstein (Democrat):	487
Shauna Ryder Diggs (Democrat):	482
Sarah Hubbard (Republican):	710
Carl Meyers (Republican):	674
James L. Hudler (Libertarian):	33
Eric Larson (Libertarian):	42
Ronald E. Graeser (U.S. Taxpayers):	8
Crystal Van Sickle (U.S. Taxpayers):	20
Michael Mawilai (Green):	23
Keith Butkovich (Natural Law):	8
Write-in:	3
Total Votes:	2490

Trustee of Michigan State University (2)	
Brian Hossainam (Democrat):	471
Rema Ella Vassar (Democrat):	488
Pat O'Keefe (Republican):	713
Tonya Schuitmaker (Republican):	703
Will Tyler White (Libertarian):	43
Janet M. Sanger (U.S. Taxpayers):	21
John Paul Sanger (U.S. Taxpayers):	8
David H. (Green):	12

Judge of Court of Appeals 4th District  
Non-Incumbent  
Position (1)

Sheryl Guy (Republican):	1014
Write-in:	4
Total Votes:	1018

County Treasurer (1)	
Sherry A. Comben (Republican):	1001
Write-in:	4
Total Votes:	1005

County Register of Deeds (1)	
Patty Niepoth (Republican):	983
Write-in:	7
Total Votes:	998

County Drain Commissioner (1)	
Mark Stone (Republican):	981
Write-in:	6
Total Votes:	987

County Surveyor (1)	
Scott Papineau (Republican):	973
Write-in:	4
Total Votes:	977

County Commissioner	
Terry VanRistine (Republican):	222
5th District (1)	

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Helena Township, P

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State Proposal 20-1 (1)	
Yes:	0
No:	0
Total Votes:	0

Antrim County  
Antrim November 2020  
Tuesday, November 3, 2020

Tabulator Name  
Helena Township, Precinct 1  
ICP

State Proposal 20-2 (1)	
Yes:	0
No:	0
Total Votes:	0

Tabulator ID  
8

Voting Location  
Helena Township

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	306
Donald J. Trump / Michael R. Pence (Republican):	431
Jo Jorgensen / Jeremy Cohen (Libertarian):	4
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	1
Write-in:	0
Total Votes:	743

Precinct:

Helena Township, Precinct 1

Poll Opened  
Nov 03/2020 06:16:29  
Poll Closed  
Nov 03/2020 20:01:52  
Report Printed  
Nov 03/2020 20:11:08

United States Senator for State (1)	
Gary Peters (Democrat):	294
John James (Republican):	436
Valerie L. Willis (U.S. Taxpayers):	2
Marcia Squier (Green):	4
Doug Dern (Natural Law):	1
Write-in:	0
Total Votes:	737

Certification

WE, THE UNDERSIGNED, WERE PRESENT DURING THE OPENING OF THE POLLS AND PRINTING OF THIS RECORD AND CAN VERIFY THAT ALL CANDIDATE VOTE TOTALS ARE ZERO AT THIS TIME.

Signature  
*Constance K. Molby*  
*S. Boyce*

Unit Model: PCOS-320C (Rev 1072)  
Unit Serial: AAFAJHX0088  
Protective Counter: 3126  
Software Version: 5.5.3-0002

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	279



Non-Incumbent Position (1)	
Michelle Rick:	267
Write-in:	4
Total Votes:	271

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Elsenheimer:	270
Write-in:	1
Total Votes:	271

Board Member for Charlevoix-Emmet Intermediate School District 6 Year Term (3)	
Thelma A. Chellis:	227
Jean E. Frenz:	199
Mary P. Jason:	221
Write-in:	1
Total Votes:	648

Board Member for Charlevoix-Emmet Intermediate School District Partial Term Ending 12/31/2024 (1)	
Larry Cassidy:	250
Write-in:	7
Total Votes:	257

Total  
Jordan Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	75
Republican Party (Republican):	252
Libertarian Party (Libertarian):	2
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	2
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	333

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	183
Donald J. Trump / Michael R. Pence (Republican):	371
Jo Jorgensen / Jeremy Cohen (Libertarian):	13
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	2

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	165
Jason Strayhorn (Democrat):	154
Tami Carlone (Republican):	334
Michelle A. Frederick (Republican):	337
Bill Hall (Libertarian):	15
Richard A. Hower (Libertarian):	12
Karen Adams (U.S. Taxpayers):	10
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Hering (Working Class):	15
Hali McEachern (Working Class):	5
Tom Mair (Green):	4
Write-in:	0
Total Votes:	1056

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*Kearney*

Straight Party Ticket (1)	
Democratic Party (Democrat):	187
Republican Party (Republican):	490
Libertarian Party (Libertarian):	2
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	0
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	680

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	471
Donald J. Trump / Michael R. Pence (Republican):	743
Jo Jorgensen / Jeremy Cohen (Libertarian):	16
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	3
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	4
Total Votes:	1237

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	396
Jason Strayhorn (Democrat):	391
Tami Carlone (Republican):	675
Michelle A. Frederick (Republican):	667
Bill Hall (Libertarian):	31
Richard A. Hewer (Libertarian):	21
Karen Adams (U.S. Taxpayers):	7
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Haring (Working Class):	26
Hali McEachern (Working Class):	22
Tom Mair (Green):	22
Write-in:	0
Total Votes:	2263

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	401
Shauna Ryder Diggs (Democrat):	379
Sarah Hubbard (Republican):	694
Carl Meyers (Republican):	664
James L. Hudler (Libertarian):	20

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	385
Shirley Stancato (Democrat):	390
Don Gates (Republican):	668
Terri Lynn Land (Republican):	685
Jon Elgas (Libertarian):	26
Christine C. Schwartz (U.S. Taxpayers):	17
Susan Odgers (Green):	39
Write-in:	2
Total Votes:	2212

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	893
Write-in:	14
Total Votes:	907

County Sheriff (1)	
Daniel S. Bean (Republican):	949
Write-in:	18
Total Votes:	967

County Clerk (1)	
Sheryl Guy (Republican):	932
Write-in:	9
Total Votes:	941

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Township Treasurer for Mancelona Township (1)	
Jessie Ayoub (Republican):	449
Write-in:	5
Total Votes:	454

Village Trustee for Village of Mancelona (2)	
Aaron Biehl:	323
Steven Elder:	286
Eugene K. Kerr:	108
Write-in:	8
Total Votes:	725

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	276
Donald J. Trump / Michael R. Pence (Republican):	835
Jo Jorgensen / Jeremy Cohen (Libertarian):	20
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	1
Write-in:	1
Total Votes:	1133

Township Trustee for Mancelona Township (2)	
Yousef M. Jabara (Democrat):	120
Rod Vesey (Republican):	415
Donna Gundle-Krieg (Libertarian):	167
Write-in:	9
Total Votes:	711

School Board Member for Mancelona Schools (3)	
Kim Musselman:	330
Tom Ross:	274
Burt Thompson:	264
Write-in:	7
Total Votes:	875

United States Senator for State (1)	
Gary Peters (Democrat):	294
John James (Republican):	803
Valerie L. Willis (U.S. Taxpayers):	9
Marcia Squier (Green):	6
Doug Dern (Natural Law):	7
Write-in:	2
Total Votes:	1121

Township Constable for Mancelona Township (1)	
Linden M. Bielecki (Republican):	448
Write-in:	6
Total Votes:	454

State Proposal 20-1 (1)	
Yes:	419
No:	80
Total Votes:	499

State Proposal 20-2 (1)	
Yes:	446
No:	67
Total Votes:	513

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	264
Jack Bergman (Republican):	829

Justice of Supreme Court (2)	
Susan L. Hubbard:	60
Mary Kelly:	109
Bridget Mary McCormack:	208
Kerry Lee Morgan:	79
Katherine Mary Norton:	58

Total  
Mancelona Township, Precinct 1

Total

Mancelona Township, Precinct 2

Justice of Supreme Court (2)	
Susan L. Hubbard:	116
Mary Kelly:	215
Bridget Mary McCormack:	304
Kerry Lee Morgan:	85
Katherine Mary Nepton:	99
Brock Swartzle:	228
Elizabeth M. Welch:	165
Write-in:	9
Total Votes:	1199

Judge of Court of Appeals 4th District Incumbent Position (2)	
Michael J. Kelly:	524
Amy Ronayne Krause:	452
Write-in:	13
Total Votes:	989

Judge of Court of Appeals 4th District Non-Incumbent Position (1)	
Michele Rick:	579
Write-in:	9
Total Votes:	588

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Write-in:	1
Total Votes:	910

Straight Party Ticket (1)	
Democratic Party (Democrat):	107
Republican Party (Republican):	399
Libertarian Party (Libertarian):	4
U.S. Taxpayers Party (U.S. Taxpayers):	2
Working Class Party (Working Class):	5
Green Party (Green):	1
Natural Law Party (Natural Law):	0
Total Votes:	518

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	247
Donald J. Trump / Michael R. Pence (Republican):	646
Jo Jorgensen / Jeremy Cohen (Libertarian):	13
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	1
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	1
Total Votes:	910

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	214
Jason Strayhorn (Democrat):	204
Tami Carlone (Republican):	554
Michelle A. Frederick (Republican):	557
Bill Hall (Libertarian):	22
Richard A. Hewer (Libertarian):	21
Karen Adams (U.S. Taxpayers):	18
Douglas Levesque (U.S. Taxpayers):	13
Mary Anne Hering (Working Class):	29
Hali McEachern (Working Class):	18
Tom Mair (Green):	4
Write-in:	3
Total Votes:	1657

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	220
Shauna Ryder Diggs (Democrat):	203
Sarah Hubbard (Republican):	575
Carl Meyers (Republican):	544
James L. Hudler (Libertarian):	18
Eric Larson (Libertarian):	27
Ronald E. Graeser (U.S. Taxpayers):	13

Antrim County  
 Antrim November 2020  
 Tuesday, November 3, 2020

Tabulator Name  
 Milton Township, Precinct 1

Tabulator ID  
 110

Voting Location  
 Milton Township

Precinct:

Milton Township, Precinct 1

Poll Opened  
 Nov 03/2020 06:45:21

Poll Closed  
 Nov 03/2020 20:22:15

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	626
Donald J. Trump / Michael R. Pence (Republican):	543
Jo Jorgensen / Jeremy Cohen (Libertarian):	6
Don Blankenship / William Mohr (U.S. Taxpayers):	2
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	2
Write-in:	0
Total Votes:	1179

United States Senator for State (1)	
Gary Peters (Democrat):	584
John James (Republican):	583
Valerie L. Willis (U.S. Taxpayers):	2
Marcia Squier (Green):	2
Doug Dern (Natural Law):	1
Write-in:	1
Total Votes:	1173

Representative in Congress 1st District (1)	
Dana Ferguson (Democrat):	540
Jack Bergman (Republican):	614
Ben Boren (Libertarian):	9

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	496
Shauna Ryder Diggs (Democrat):	493
Sarah Hubbard (Republican):	549
Carl Meyers (Republican):	530
James L. Hudler (Libertarian):	14
Eric Larson (Libertarian):	20
Ronald E. Graeser (U.S. Taxpayers):	3
Crystal Van Sickle (U.S. Taxpayers):	13
Michael Mawilai (Green):	19
Keith Butkovich (Natural Law):	9
Write-in:	2
Total Votes:	2148
Total Votes:	2111

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	743
Write-in:	11
Total Votes:	754

County Sheriff (1)	
Daniel S. Bean (Republican):	782
Write-in:	11
Total Votes:	793

Count
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Townshi
for Mil
(1)
Liz Atkins
Write-in:
Total Vote:

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Antrim County  
Antrim November 2020  
Tuesday, November 3, 2020

Tabulator Name  
Milton Township, Precinct 1  
ICP

Tabulator ID  
13

Voting Location  
Milton Township

Precinct:

Milton Township, Precinct 1

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Poll Opened Nov 03/2020 06:01:49  
Poll Closed Nov 03/2020 20:14:17  
Report Printed Nov 03/2020 20:18:29  
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Unit Model: PCOS-320C (Rev 1072)  
Unit Serial: AAFAJHX0066  
Protective Counter: 5352  
Software Version: 5.5.3-0002  
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Total Scanned: 640  
Total Voters: 640

President and Vice  
President of the  
United States (1-)

Joseph R. Biden / Kamala D. Harris (Democrat):	143
Donald J. Trump / Michael R. Pence (Republican):	478
Jo Jorgensen / Jeremy Cohen (Libertarian):	12
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	1
Write-in:	3
Total Votes:	637

United States  
Senator for State  
(1)

Gary Peters (Democrat):	134
John James (Republican):	489
Valerie L. Willis (U.S. Taxpayers):	2
Marcia Squier (Green):	6
Doug Dern (Natural Law):	1
Write-in:	0
Total Votes:	632

Representative in  
Congress 1st  
District (1)

Dana Ferguson (Democrat):	116
Jack Bergman (Republican):	501

Regent of the  
University of  
Michigan (2)

Mark Bernstein (Democrat):	112
Shauna Ryder Diggs (Democrat):	102
Sarah Hubbard (Republican):	458
Carl Meyers (Republican):	437
James L. Hudler (Libertarian):	14
Eric Larson (Libertarian):	20
Ronald E. Graeser (U.S. Taxpayers):	1
Crystal Van Sickle (U.S. Taxpayers):	8
Michael Mawilai (Green):	7
Keith Butkovich (Natural Law):	7
Write-in:	1
Total Votes:	1167

Trustee of Michigan  
State University (2)

Brian Mosallam (Democrat):	108
Rema Ella Vassar (Democrat):	108
Pat O'Keefe (Republican):	451
Tonya Schuitmaker (Republican):	444
Will Tyler White (Libertarian):	21
Janet M. Sanger (U.S. Taxpayers):	4
John Paul Sanger (U.S. Taxpayers):	4
Brandon H. (Green):	5

County Clerk
Sheryl Guy (Rep)
Write-in:
Total Votes:

County Treasurer
Sherry A. Comber (Republican):
Write-in:
Total Votes:

County Register
Deeds (1)
Patty Niepoth (Republican):
Write-in:
Total Votes:

County Drain Commissioner
Mark Stone (Rep)
Write-in:
Total Votes:

County Survey
Scott Papineau (Republican):
Write-in:
Total Votes:

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Star Toi

Precinct:

Star Township, Precinct 1

~~Star Township, Precinct 1~~

Precinct:

Star Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	67
Republican Party (Republican):	299
Libertarian Party (Libertarian):	0
U.S. Taxpayers Party (U.S. Taxpayers):	1
Working Class Party (Working Class):	0
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	367

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	161
Donald J. Trump / Michael R. Pence (Republican):	462
Jo Jorgensen / Jeremy Cohen (Libertarian):	10
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	0
Total Votes:	633

Write-in:	0
Total Votes:	632

Representative in Congress 1st District (1)

Ellen Cogen Lipton (Democrat):	147
Jason Strayhorn (Democrat):	125
Tami Carlone (Republican):	390
Michelle A. Frederick (Republican):	395
Bill Hall (Libertarian):	11
Richard A. Hewer (Libertarian):	3
Karen Adams (U.S. Taxpayers):	8
Douglas Levesque (U.S. Taxpayers):	5
Mary Anne Hering (Working Class):	22
Hali McEachern (Working Class):	12
Tom Mair (Green):	8
Write-in:	3
Total Votes:	1129

Eric Larson (Libertarian):	9
Ronald E. Graeser (U.S. Taxpayers):	7
Crystal Van Sickle (U.S. Taxpayers):	7
Michael Mawilai (Green):	5
Keith Butkovich (Natural Law):	4
Robin Lea Laurain (Green):	4
Bridgette Abraham-Guzman (Natural Law):	0
Write-in:	3
Total Votes:	1101

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	133
Shirley Stancato (Democrat):	136
Don Gates (Republican):	391
Terri Lynn Land (Republican):	401
Jon Elgas (Libertarian):	10
Christine C. Schwartz (U.S. Taxpayers):	11
Susan Odgers (Green):	9
Write-in:	3
Total Votes:	1094

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	507
Write-in:	5
Total Votes:	512

County Sheriff (1)	
Daniel S. Bean (Republican):	525
Write-in:	7
Total Votes:	532

Write-in:	
Total Votes:	

County Deeds (1)	
Patty Niepot (Republican):	
Write-in:	
Total Votes:	

Township for Star (1)	
Robert Maki (Republican):	
Write-in:	
Total Votes:	

Township Star Tc	
Phyllis Ho (Republican):	
Write-in:	
Total Vote:	

Township for Star (1)	
Tammi Full (Republican):	
Write-in:	
Total Vote:	

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es:	4
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y Register of (1)	
epoth can):	188
in:	4
otes:	192

y Drain Commissioner (1)	
one (Republican):	182
in:	4
otes:	186

ty Surveyor (1)	
Papineau (Republican):	180
in:	4
otes:	184

ty Commissioner District (1)	
Barry (Republican):	180
in:	6
otes:	186

nship Supervisor Torch Lake Township (1)	
rt Cook (Republican):	177
e-in:	5
il Votes:	182

Susan L. Hubbard:	18
Mary Kelly:	72
Bridget Mary McCormack:	113
Kerry Lee Morgan:	13
Katherine Mary Nepton:	6
Brock Swartzle:	70
Elizabeth M. Welch:	56
Write-in:	2
Total Votes:	350

Judge of Court of Appeals 4th District Incumbent Position (2)	
Michael J. Kelly:	140
Amy Ronayne Krause:	135
Write-in:	4
Total Votes:	279

Judge of Court of Appeals 4th District Non-Incumbent Position (1)	
Michelle Rick:	145
Write-in:	2
Total Votes:	147

Judge of Circuit Court 13th Circuit Incumbent Position (1)	
Kevin A. Elsenheimer:	144
Write-in:	3
Total Votes:	147

Total  
Torch Lake Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	143
Republican Party (Republican):	297
Libertarian Party (Libertarian):	3
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	2
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	445

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	462
Donald J. Trump / Michael R. Pence (Republican):	526
Jo Jorgensen / Jeremy Cohen (Libertarian):	7
Don Blankenship / William Mohr (U.S. Taxpayers):	1
Howie Hawkins / Angela Walker (Green):	2
Rocky De La Fuente / Darcey Richardson (Natural Law):	1
Write-in:	0

999

(1)	
Yes:	122
No:	26
Total Votes:	148

Total

Warner Township, Precinct 1

Straight Party Ticket (1)	
Democratic Party (Democrat):	35
Republican Party (Republican):	106
Libertarian Party (Libertarian):	0
U.S. Taxpayers Party (U.S. Taxpayers):	0
Working Class Party (Working Class):	0
Green Party (Green):	0
Natural Law Party (Natural Law):	0
Total Votes:	141

President and Vice President of the United States (1)	
Joseph R. Biden / Kamala D. Harris (Democrat):	60
Donald J. Trump / Michael R. Pence (Republican):	163
Jo Jorgensen / Jeremy Cohen (Libertarian):	3
Don Blankenship / William Mohr (U.S. Taxpayers):	0
Howie Hawkins / Angela Walker (Green):	0
Rocky De La Fuente / Darcy Richardson (Natural Law):	0
Write-in:	1
Total Votes:	227

105th District (1)	
Jonathan Burke (Democrat):	56
Ken Borton (Republican):	166
Write-in:	0
Total Votes:	222

Member of the State Board of Education (2)	
Ellen Cogen Lipton (Democrat):	53
Jason Strayhorn (Democrat):	49
Tami Carlone (Republican):	141
Michelle A. Frederick (Republican):	145
Bill Hall (Libertarian):	3
Richard A. Hewer (Libertarian):	4
Karen Adams (U.S. Taxpayers):	3
Douglas Levesque (U.S. Taxpayers):	3
Mary Anne Hering (Working Class):	3
Hali McEachern (Working Class):	5
Tom Mair (Green):	3
Write-in:	0
Total Votes:	412

Regent of the University of Michigan (2)	
Mark Bernstein (Democrat):	50
Shauna Ryder Diggs (Democrat):	49
Sarah Hubbard (Republican):	146
Carl Meyers (Republican):	142
James L. Hudler (Libertarian):	5
Eric Larson (Libertarian):	3
Ronald E. Graeser (U.S. Taxpayers):	2

Brian Mosallam (Democrat):	48
Rema Ella Vassar (Democrat):	48
Pat O'Keefe (Republican):	152
Tonya Schuitmaker (Republican):	140
Will Tyler White (Libertarian):	4
Janet M. Sanger (U.S. Taxpayers):	4
John Paul Sanger (U.S. Taxpayers):	3
Brandon Hu (Green):	2
Robin Lea Laurain (Green):	3
Bridgette Abraham-Guzman (Natural Law):	3
Write-in:	0
Total Votes:	407

Governor of Wayne State University (2)	
Eva Garza Dewaelsche (Democrat):	50
Shirley Stancato (Democrat):	47
Don Gates (Republican):	146
Terri Lynn Land (Republican):	147
Jon Elgas (Libertarian):	5
Christine C. Schwartz (U.S. Taxpayers):	6
Susan Odgers (Green):	3
Write-in:	1
Total Votes:	405

County Prosecuting Attorney (1)	
James L. Rossiter (Republican):	178
Write-in:	2
Total Votes:	180

County Sheriff (1)	
Daniel S. Bean	

Mark S  
Write  
Total

Cour  
Scott (Repu  
Write  
Total

Cour  
7th  
Dawn (Repu  
Write  
Total

Tow  
for  
(1)  
Marti (Repu  
Write  
Total

Tow  
War  
Pamel (Repu  
Write  
Total

Tow  
for  
(1)  
Lori (Repu  
Write  
Total

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# Exhibit 2

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STATE OF MICHIGAN  
IN THE COURT OF APPEALS

PHILIP M. O'HALLORAN, M.D., BRADEN  
GIACOBAZZI, ROBERT CUSHMAN,  
PENNY CRIDER, and KENNETH CRIDER,

Plaintiffs-Appellees,

v.

JOCELYN BENSON, in her official capacity as  
the duly elected Secretary of State, and  
JONATHAN BRATER, in his official capacity  
as DIRECTOR OF ELECTIONS,

Defendants-Appellants.

RICHARD DEVISSER, MICHIGAN  
REPUBLICAN PARTY, and REPUBLICAN  
NATIONAL COMMITTEE,

Plaintiffs-Appellees,

v.

JOCELYN BENSON, in her official capacity as  
the duly elected Secretary of State, and  
JONATHAN BRATER, in his official capacity  
as DIRECTOR OF ELECTIONS,

Defendants-Appellants.

Court of Appeals No. 363503  
Case No. 22-00162-MZ

HON. BROCK A. SWARTZLE

**THE APPEAL INVOLVES A  
RULING THAT A PROVISION  
OF THE CONSTITUTION, A  
STATUTE, RULE OR  
REGULATION, OR OTHER  
STATE GOVERNMENTAL  
ACTION IS INVALID.**

**EMERGENCY RELIEF IS  
REQUESTED BY 3:00 P.M. ON  
WEDNESDAY, OCTOBER 26,  
2022**

Court of Appeals No. 363505  
Case No. 22-00164-MZ

HON. BROCK A. SWARTZLE

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*\*Pro hac vice motion forthcoming*

## AFFIDAVIT OF ANDREA A. HUNTER

I, Andrea A. Hunter, having been duly sworn according to law, do hereby depose and state as follows:

1. I am at least 18 years of age and have personal knowledge of the below facts, which are true and accurate to the best of my knowledge and belief.

2. I am currently President of the A. Philip Randolph Institute's Detroit/Downriver Chapter, as well as President of United Steelworkers Local 1299.

3. I have also served as a poll watcher in every election since 2008. I plan to serve as a poll watcher in the November 2022 election.

4. The A. Philip Randolph Institute ("APRI") is the senior constituency group of the AFL-CIO. APRI was founded in 1965 by A. Philip Randolph and Bayard Rustin to fight for human equality and economic justice and to seek structural changes through the American democratic process. The Detroit/Downriver Chapter of APRI ("DAPRI") serves the Downriver and Detroit areas of Michigan.

5. DAPRI formed in June 2012 and now has 78 members, the majority of whom are people of color, who typically meet on a monthly basis.

6. DAPRI members are involved in election protection, voter registration, political and community education, legislative action, and labor support activities. Voting rights are central to our efforts, and protecting them is the only way to ensure that people have an opportunity to have a say in their governments and communities.

7. We specifically work with voters who are disabled and voters who speak Spanish and Arabic as their first language.

8. For years, DAPRI has encouraged and recruited its members to serve as poll

watchers and election inspectors, which it views as part of advancing its pro-democracy mission.

9. DAPRI's poll watchers are primarily people of color.
10. One of the things that DAPRI's poll watchers are trained to report on is challenger-initiated voter intimidation.
11. DAPRI's members and constituents are often targets of harassment due to their marginalized status.
12. DAPRI recruits poll watchers year-round and partners with other civic engagement organizations to train poll watchers.
13. The poll watching training course takes eight hours and covers a range of election law and election administration issues, including voter registration requirements, accessibility requirements, the role of challengers, limits on challengers' activities, a list of polling places, and tips to help voters with language barriers.
14. During the poll watching course, members receive printed handouts that include rules, scenarios, and phone numbers and other resources that they can reach out to for specific issues.
15. Members keep and use these handouts to carry out their roles. They also take notes during the training on common issues.
16. DAPRI and the partner organizations with whom it works on training poll watchers have had access to the 2022 Manual since it was posted in May 2022 and have relied on the contents of the 2022 Manual in conducting their trainings.
17. Many of DAPRI's poll watchers work full-time and have childcare and elder care responsibilities.
18. Many of DAPRI's poll watchers do not work union jobs and must take personal



time to volunteer as a poll watcher on Election Day.

19. Scheduling additional time for another training only a week or two before the election would be very difficult for DAPRI and for its poll watchers.

20. During the November 2020 election, before the 2022 Manual was in place, DAPRI's members witnessed significant chaos and disruption at polling places and absent voter counting boards, much of which was caused by credentialed challengers.

21. Challengers' misbehavior on Election Day made our members' jobs more difficult because it required our poll watchers and election inspectors to intervene and escalate issues of challenger-initiated intimidation and harassment, much of which was targeted at DAPRI's constituents from marginalized communities.

22. Many of our poll watchers and election inspectors who served at the TCF Center absentee voter counting board (AVCB) were intimidated by aggressive challengers. Some of these challengers made countless challenges without basis, interrupted election inspectors who were in the middle of counting ballots instead of approaching the designated inspector, and spat in the faces of those who tried to intervene.

23. Many of our poll watchers and election inspectors, in particular the elderly ones, expressed concerns about their safety while carrying out their roles.

24. Safety concerns from their experiences in 2020 led some members to ask to phone bank instead of serving as poll watchers or election inspectors in 2022.

25. DAPRI is committed to ensuring the safety of its poll watchers and election inspectors and believes that the 2022 Manual helps to prevent a repeat of the disruption and chaos caused by challengers during the 2020 election.

26. Moreover, the 2022 Manual serves to delineate the differences between challengers

and other election personnel, which allows DAPRI's poll watchers and election inspectors to perform their roles without interference and confusion.

27. In the August 2022 primary elections, the 2022 Manual enabled DAPRI's members to carry out their duties without disruption from unauthorized or untrained challengers.

28. If the Manual were revised within fifteen days of the election, DAPRI would need to print and distribute the revised Manual to all poll watchers. It would also need to reach out to every single member it has trained as a poll watcher to share the updated provisions and ensure understanding.

29. DAPRI and its partners are unlikely to be able to re-train every single poll watcher in time for the election.

30. DAPRI may also need to recruit new poll watchers to account for (a) the need for more poll watchers due to the increased risk of challenger misbehavior, (b) poll watchers dropping out because they are worried about harassment from challengers, and/or (c) poll watchers who are unable to complete a new training due to other responsibilities.

31. If the Manual were revised within fifteen days of the election, DAPRI would also need to reallocate resources from other crucial programs, including get-out-the-vote efforts, voter education initiatives, and other political and community education campaigns, in order to dedicate resources to re-training and recruiting poll watchers.

SIGNATURE PAGE FOLLOWS

*Andrea Ada Hunter*

10/24/2022

\_\_\_\_\_  
Andrea A. Hunter  
Detroit/Downriver APRI President

\_\_\_\_\_  
Date

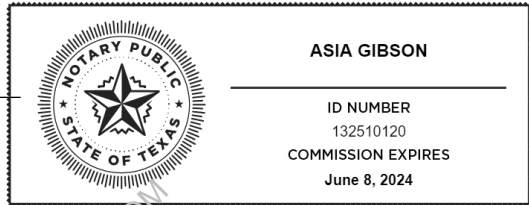
State of Texas, County of Dallas

Subscribed and sworn to (or affirmed) before me on this 24th day of October, 2022. by Andrea Ada Hunter

Notarized online using audio-video communication

*Asia Gibson*

\_\_\_\_\_  
Notary Public



My commission expires on 06/08/2024.

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# Exhibit 3

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STATE OF MICHIGAN  
IN THE COURT OF APPEALS

PHILIP M. O'HALLORAN, M.D., BRADEN  
GIACOBAZZI, ROBERT CUSHMAN,  
PENNY CRIDER, and KENNETH CRIDER,

Plaintiff-Appellees,

v.

JOCELYN BENSON, in her official capacity as  
the duly elected Secretary of State, and  
JONATHAN BRATER, in his official capacity  
as DIRECTOR OF ELECTIONS,

Defendants-Appellants.

RICHARD DEVISSER, MICHIGAN  
REPUBLICAN PARTY, and REPUBLICAN  
NATIONAL COMMITTEE,

Plaintiff-Appellees,

v.

JOCELYN BENSON, in her official capacity as  
the duly elected Secretary of State, and  
JONATHAN BRATER, in his official capacity  
as DIRECTOR OF ELECTIONS,

Defendant-Appellants.

Court of Appeals No. 363505

Case No. 22-00162-MZ

HON. BROCK A. SWARTZLE

**THE APPEAL INVOLVES A  
RULING THAT A PROVISION  
OF THE CONSTITUTION, A  
STATUTE, RULE OR  
REGULATION, OR OTHER  
STATE GOVERNMENTAL  
ACTION IS INVALID.**

**EMERGENCY RELIEF IS  
REQUESTED BY 3:00 P.M. ON  
WEDNESDAY, OCTOBER 26,  
2022**

Doriscine Elaine Wesley

Case No. 22-00164-MZ

HON. BROCK A. SWARTZLE

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*\*Pro hac vice motion forthcoming*

## AFFIDAVIT OF DORISCINE WESLEY

I, Doriscine Wesley, having been duly sworn according to law, do hereby depose and state as follows:

1. I am at least 18 years of age and have personal knowledge of the below facts, which are true and accurate to the best of my knowledge and belief.

2. I am currently a member of the A. Philip Randolph Institute's Detroit/Downriver Chapter ("DAPRI").

3. I have been a member of DAPRI since the chapter was founded in 2012 and have been heavily involved with DAPRI's voter education, voter registration, and other pro-democracy projects for the last ten years.

4. I have been fighting to protect the right to vote for the last fifty years, and I am deeply involved with DAPRI's work because the organization and its members do grassroots work to protect democracy.

5. DAPRI encourages members to serve their community by registering, educating, and mobilizing voters and serving as poll watchers and election inspectors.

6. I served as an election inspector for the November 2020 election and counted absentee ballots at the TCF Center absent voter counting board ("AVCB").

7. I witnessed significant chaos and disruptions at the ACVB caused by credentialed challengers.

8. For example, I saw challengers standing over the shoulders of election inspectors who were counting absentee ballots, even after they were expressly told to watch from monitors in the room that provided them with a full view of the counting process. Many challengers walked up to inspectors and lodged baseless objections as election inspectors properly processed and



counted ballots. I had to intervene and tell the challengers to step back.

9. I also saw three challengers become very belligerent and accuse election inspectors of wrongdoing when the challengers just didn't understand the process. They rallied a large group of people to stand over the election inspectors, making them nervous. I again had to intervene.

10. Counting military ballots is a bi-partisan, multi-step process with several checks and balances. Many of the challengers simply did not understand the process and would object and accuse election inspectors of wrongdoing. When asked for the basis of their objections, they were not able to provide one because they did not understand the process.

11. I also saw challengers take out their cell phones to take pictures and videos of activity at the AVCB, even though they were told multiple times that they could not record.

12. I found the challengers' refusal to follow rules, lodging of baseless challenges, and loud, disorderly behavior to be very distracting and disruptive to my responsibilities as an election inspector.

13. Other election inspectors shared with me that they were scared and intimidated because of the challengers' behavior.

14. At one point, there was a crowd of challengers outside the counting room who were not let in because we had reached capacity. When the crowd began banging on the glass windows and screaming, an election inspector became terrified for her life and was worried the challengers would break the glass and swarm the room. I had to calm her down so we could complete our duties.

15. Due in part to distractions caused by the challengers throughout the day, some election inspectors, myself included, remained at the AVCB and counted ballots until midnight.

16. For the November 2022 election, I plan to serve as a poll watcher in the morning

and then as an election inspector in the afternoon and evening.

17. I was notified of election inspector training sessions at the beginning of September.

18. Election inspectors are generally trained at least three to four weeks before Election Day. I completed my election inspector training on October 17.

19. Election inspectors are provided printed handouts of election administration rules and instructions at the trainings.

20. I plan to bring the printed handouts I received at the training with me on Election Day.

21. When I attended my election inspector training, I learned that the instructions regarding challengers had changed as compared to previous years.

22. Previously, it was unclear how challengers were supposed to raise issues. The TCF Center AVCB designated team leaders as the point of contact for challengers. However, I saw that challengers chose not to go to their assigned team leaders and instead interrupted election inspectors who were in the middle of counting ballots, which I found to be disruptive.

23. This year's instructions said that challengers cannot talk to election inspectors who are in the middle of counting ballots and instead must speak to a specific challenger liaison.

24. I believe this change will significantly improve the process and environment at AVCBs and address issues that I observed during the November 2020 election, such as when challengers were disruptive and interrupting election inspectors who were busy counting ballots.

25. I believe that if this instruction and other instructions were changed in the next fifteen days, the changes would not be communicated to all election inspectors in time for Election Day, given that trainings have already concluded.

SIGNATURE PAGE FOLLOWS

*Doriscine Elaine Wesley*

10/23/2022

Doriscine Wesley  
Detroit/Downriver APRI Member

Date

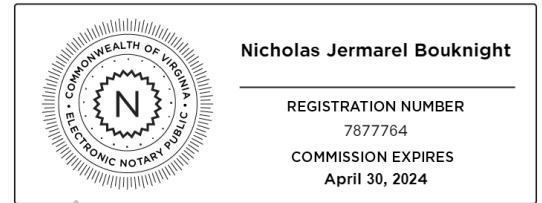
Commonwealth of Virginia County of Loudoun

The foregoing instrument was

Subscribed and sworn to (or affirmed) before me on this 23rd day of October, 2021.

*Nicholas Jermarel Bouknight*  
Notary Public

7877764  
Electronic Notary Public



Notarized online using audio-video communication

Doriscine Elaine Wesley

My commission expires on \_\_\_\_\_.

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# Exhibit 4

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**THE APPOINTMENT, RIGHTS AND DUTIES OF  
ELECTION CHALLENGERS AND POLL WATCHERS**

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Michigan Department of State  
Bureau of Elections  
September 2020

RETRIEVED FROM DEMOCRACYDOCKET.COM

This publication is designed to familiarize election inspectors, voters, interested organizations, and others with the rights and duties of election challengers and poll watchers. Election challengers and poll watchers who follow the guidance provided in this publication can play a constructive role in verifying that the election is conducted openly and fairly.

**Challenges must not be based on an “impression” that the voter is ineligible due to his or her manner of dress; inability to read or write English; the voter’s perceived race, ethnic background, physical or mental disability, support for or opposition to a candidate or political party; or the voter’s need for assistance with the voting process.** A challenger cannot challenge a voter’s right to vote unless the challenger has “good reason to believe” that the voter is not eligible to vote in the precinct.

A voter cannot be challenged simply because he or she does not have or is not in possession of acceptable picture ID, as long as the voter signs the *Affidavit of Voter Not in Possession of Picture ID*. However, a voter who is unable to show picture identification can be challenged if a challenger has good reason to believe that the person is not qualified to vote in the precinct, independent of the voter’s inability to provide acceptable picture ID.

**NOTE for November 2020 general election: Pursuant to Governor Whitmer’s Executive Order 2020-153 (and any subsequent orders replacing it), all challengers and poll watchers must wear a face covering over their nose and mouth when in a polling location.**

Abuse of the challenge process can have serious consequences including the disenfranchisement of qualified voters, criminal violations, and legal challenges over the election results. The precinct chairperson has the authority to expel challengers who abuse the challenge process.

Voters who have questions regarding election challengers or poll watchers must seek assistance from election inspectors or the city or township clerk. Election inspectors should direct any inquiries regarding this publication to their clerk.

Challengers and poll watchers requiring additional information should direct their inquiries to their sponsoring organization and/or legal counsel.

**Introduction**

Each election is an open and transparent process that may be observed by any interested person. Election challengers may be appointed by political parties and qualified interest groups to observe the election process. A person who wishes to observe but is not a qualified election challenger is commonly called a poll watcher. There are a number of important distinctions between challengers and poll watchers:

<b>ELECTION CHALLENGERS AND POLL WATCHERS: SUMMARY OF RIGHTS AND DUTIES</b>		
	<b>Challengers</b>	<b>Poll Watchers</b>
Must carry credentials issued by appointing authority.	Yes	No
Must be registered to vote in Michigan.	Yes	No
Has the right to challenge a person's eligibility to vote.	Yes	No
Has the right to challenge the actions of election inspectors.	Yes	No
May stand or sit behind processing table.	Yes	No – must remain in public area.
Must wear a face covering over their nose and mouth at all times while inside.	Yes	Yes
Has the right to look at the Pollbook and other election materials.	Yes	Yes – but only as permitted by precinct chairperson and when voting process will not be delayed.
May touch or handle the Pollbook and other election materials.	No	No
May use a video camera or recording device, or the camera or recording features of a smart phone or tablet in polling place or clerk's office.	No	No
May otherwise use a smart phone, tablet, laptop, or other electronic device in polling place or clerk's office.	Yes – if not disruptive.	Yes – if not disruptive.
May use a smart phone, tablet, laptop, camera or other electronic device in absent voter counting board.	No	No
May wear clothing, button, arm band, vest, etc. that identifies organization he or she represents.	No	No
May place tables in the polls.	No	No
Has the right to approach and question voters.	No	No
Can offer assistance to voters.	No	No



May remain in the polling place after the close of polls until the election inspectors complete their work.	Yes	Yes
May obtain the vote results generated in the precinct after the polls close.	Yes	Yes

## **ELECTION CHALLENGERS**

### **Challenger Eligibility**

All election challengers must be registered to vote in Michigan. Additionally, a challenger must not serve as an election inspector in the election, and must not be a candidate for any elective office in the election (except that during the August even-year election, a candidate for precinct delegate may serve as a challenger in a precinct where he or she is not a candidate.)

### **Appointment of Challengers**

Election challengers may be appointed by:

- A political party that is eligible to appear on the ballot in Michigan.
- An organized group of citizens interested in the passage or defeat of a ballot proposal being voted on at the election.
- An organized group interested in preserving the purity of elections and guarding against the abuse of the elective franchise.
- An incorporated organization.

Note that candidates, candidate committees, or any other types of organizations expressly formed to support or oppose candidates are not authorized to appoint challengers.

Political parties may appoint election challengers to serve at partisan and nonpartisan elections, and the appointments may be made at any time through the date of the election. A political party is not required to follow the application process described below in order to appoint election challengers.

However, other sponsoring organizations must successfully complete the appointment authorization application process to appoint challengers. An incorporated organization, a group interested in the adoption or defeat of a proposal on the ballot, or a group interested in preserving the purity of elections and in guarding against the abuse of the elective franchise must file the following with the clerk of the county, city or township where the election will be held, between the 20<sup>th</sup> and 30<sup>th</sup> day prior to Election Day:

- A written statement indicating the organization's or group's intention to appoint election challengers and the reason why the right to make the appointments is claimed. The statement must be signed under oath (notarized) by the chief presiding officer, secretary or any other officer of the group or organization; and

- A copy of the challenger identification card which will be carried by the group's or organization's appointed challengers. The identification card must have entry spaces for the challenger's name, the group's or organization's name, the precinct or precincts in which the challenger is authorized to serve, and the signature of a recognized officer of the group or organization.

The county, city or township clerk receiving a challenger appointment authorization application must approve or deny the request **and** notify the group or organization of the decision within two business days. If the application is approved, the clerk must notify all precincts in the jurisdiction of the groups and organizations that have gained the right to appoint challengers at the election before the opening of the polls.

The clerk may deny a challenger appointment authorization application if the group or organization fails to demonstrate that it is qualified to appoint challengers, or the application is not timely filed. If the application is denied, the group or organization may appeal the decision to the Secretary of State within two business days after receipt of the denial. Upon the receipt of an appeal, the Secretary of State must render a decision and notify the organization or group of the decision within two business days. Notice of the decision is also forwarded to the clerk who issued the application denial.

#### **Challenger Identification Cards**

A challenger must have in his or her possession a challenger identification card issued by the political party, organization or group he or she represents.

When entering the precinct, the challenger must show the card to the chairperson of the precinct board.

It is recommended that a challenger also wear a badge with the words "ELECTION CHALLENGER," but the badge cannot refer to the challenger's political party or organization.

#### **Challenger Conduct Standards**

Challengers must conduct themselves in an orderly manner at all times. A challenger can be expelled from the precinct for unnecessarily obstructing or delaying the work of the election inspectors; touching ballots, election materials or voting equipment; campaigning; or acting in a disorderly manner.

NOTE: If a challenger violates these standards of conduct, an election inspector will ask them to leave. If they refuse to leave, an election inspector will call law enforcement.

- A challenger is prohibited from threatening or intimidating voters entering the polling place, applying to vote, entering a voting station, voting, or leaving the polling place.
- A challenger must have challenger credentials and have in his or her possession a challenger identification card issued by the political party, organization, or group that he

or she represents. If someone shows up without challenger credentials, then they are a poll watcher. See "POLLWATCHERS" section below. If they do not comply with the requirements of a poll watcher, they will be asked to leave. If they do not, law enforcement will be called.

- Challenges must not be made indiscriminately or without good cause.
- Challengers cannot campaign, distribute literature wear campaign apparel or display any campaign material in the polls or within 100 feet of any doorway used by voters to enter the building where the polling place is located.
- A challenger is prohibited from wearing a button, armband, vest, shirt, hat or similar item which identifies the organization he or she represents.
- **Challengers are not authorized to approach voters or talk directly to voters for any reason.**
- Challengers are prohibited from wearing, displaying, or saying anything that suggests or implies they are available to assist voters in any way or answer questions that voters may have.
- Challengers are not authorized to place tables in the polls.
- Challengers may stand behind the processing table, but must give precinct workers ample space to perform their duties and must not hinder or impede voters.
- Challengers are prohibited from using video cameras or recording devices in the polling place, including the camera or recording features of a smart phone or tablet.
- Challengers are prohibited from using phones, laptops, tablets or other electronic devices in an absent voter counting board.

**In the polling place.** Note that a challenger may be appointed to serve in more than one precinct. Up to two challengers appointed by the same political party or sponsoring organization may simultaneously serve in the same precinct. If two challengers are representing a political party or an organization in the precinct, only one of the challengers is authorized to challenge at any given time. The challengers may alternate who possesses the authority to challenge, but must advise the precinct board each time the authority is transferred.

**In the absent voter counting board.** Only one challenger per political party or sponsoring organization may serve in an absent voter counting board. Note that all electronic devices, including phones, laptops, tablets, cannot be used in an absent voter counting board. Additionally, any challenger who serves in an absent voter counting board is required to remain in the room where the absent voter counting board is working until polls close at 8:00 p.m., and must take and sign the following oath:

"I (name) do solemnly swear (or affirm) that I shall not communicate in any way information

relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed.”

## **Rights of Challengers**

Election challengers have the right to:

- Observe the election process in voting precincts and absent voter counting boards at a reasonable distance, allowing precinct workers sufficient room to perform their duties.
- Challenge a person's right to vote if the challenger has good reason to believe that the person is not eligible to vote in the precinct.
- Challenge the actions of the election inspectors if the challenger believes that election laws are not being followed.
- Examine the voting equipment before the polls open and after the polls close.
- Observe the processing of voters, but in a manner that does not hinder or impede voters.
- Observe each person offering to vote. (Challengers must respect the voter's right to a secret ballot and cannot monitor voters marking their ballots.)
- Inspect the Applications to Vote, Pollbook, registration list and any other materials used to process voters at the polling place. (When exercising this right, challengers cannot touch any of these materials.)
- Take notes on the persons offering to vote, the election procedures being carried out, and the actions of the precinct board. (Notes may be kept or recorded on a smart phone or tablet, but challengers are prohibited from using the camera or recording features of any electronic device in the polling place.)
- Notify the precinct board of any improper handling of a ballot by a voter or an election inspector; that the 100-foot campaign restriction is being violated; or that any other election law or procedure is being violated.
- Remain in the precinct until precinct inspectors complete their work.

The precinct board must provide space for challengers to enable them to observe all election procedures. Challengers may position themselves behind the election inspectors' table but must give election inspectors sufficient space to work.

Those present in the polls (including election inspectors and voters) are prohibited from threatening or intimidating any challengers present in the polling place.

<b>Types of Challenges</b>
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**Against a practice or procedure.** In addition, challengers may challenge the actions of election inspectors if the challenger believes that election laws are not being followed.

**Against a voter.** A challenger cannot challenge a voter's right to vote unless the challenger has good reason to believe that the voter is not eligible to vote in the precinct. Challenges must not be based on an "impression" that the voter may be ineligible due to his or her manner of dress; inability to read or write English; the voter's perceived race, ethnic background, physical or mental disability, or support for or opposition to a candidate or political party; or the voter's need for assistance with the voting process.

A voter cannot be challenged simply because he or she does not have or is not in possession of acceptable picture ID, as long as the voter signs the *Affidavit of Voter Not in Possession of Picture ID*. However, a voter who is unable to show picture identification can be challenged if a challenger has good reason to believe that the person is not qualified to vote in the precinct, independent of the voter's inability to provide acceptable picture ID.

Every effort must be made to ensure that challenge procedures are properly carried out. Abuse of the challenge process can have serious consequences including the disenfranchisement of qualified voters, criminal violations, and legal challenges over the election results. The precinct chairperson has the authority to expel challengers who abuse the challenge process.

There are six types of challenges that may be made on Election Day: unqualified voter, absentee voter in the polls, precinct board's failure to issue a challenged ballot when required, challenge against an absent voter ballot, precinct board's failure to comply with election laws, or precinct board's administration of the voter identification requirement.

**Unqualified Voter/Voter Lacks Qualifications to Vote.** A challenger has the right to challenge a voter if the challenger has good reason to believe that a person who offers to vote: 1) is not a resident of the city or township, 2) is under 18 years of age, 3) is not a United States citizen, or 4) is not registered to vote in the precinct. Generally, these challenges are based on research conducted before Election Day by the challenger or organization he or she represents. In other cases, the voter may make a statement regarding his or her age, residency, registration or citizenship status when offering to vote that gives the challenger good reason to believe that the voter is not qualified to vote in the precinct.

Challenges must be directed to the precinct chairperson before the voter is issued a ballot. After the challenge is made, the chairperson (or an election inspector designated by the chairperson as responsible for supervising the challenge) must ensure it is conducted promptly and courteously. If there are other voters waiting in line, the challenged voter can be taken aside for questioning to avoid processing delays. The challenge proceeds as follows:

1. After the challenge is made, the precinct chairperson or designated election inspector administers the following oath to the voter:

"I swear (or affirm) that I will truthfully answer all questions put to me concerning

my qualifications as a voter.”

2. After the voter takes the oath, the precinct chairperson or designated election inspector questions the voter, confining the inquiry to the person’s qualifications to vote (age, residency, citizenship or registration status).
3. If the answers given under oath prove that the challenged voter is qualified to vote in the precinct, he or she is allowed to vote a specially prepared challenged ballot. **After voting, the voter deposits the ballot in the tabulator under the regular procedure. Challenged ballots are not placed in provisional ballot envelopes unless the voter is required to vote a provisional envelope ballot for some other reason.** However, a challenged voter cannot vote if he or she refuses to take the oath, refuses to answer appropriate questions under oath, or is found to be not qualified to vote through the answers given under oath.
4. A complete record of the challenge must be entered on the Challenged Voters page in the Pollbook. The record must include the name, address and telephone number of the person making the challenge; the reason for the challenge; the time of the challenge; the name, address and telephone number of the person challenged; and any other pertinent information.

**Absentee Voter at Polls.** A challenger has the right to challenge any voter issued an absentee ballot who appears at the polls to vote on Election Day claiming that he or she never received the absent voter ballot, or that the absent voter ballot was lost or destroyed.

If this type of challenge is made, instruct the voter to either: 1) Surrender the absent voter ballot, or 2) Complete the *Affidavit of Lost or Destroyed Absent Voter Ballot*, an election inspector must contact the clerk to verify that the absent voter ballot was not returned. Allow the voter to vote a specially prepared challenged ballot and enter a complete record of the challenge on the Challenged Voters page in the Pollbook. It is not necessary to question the voter under oath.

**Precinct Board’s Failure to Issue a Challenged Ballot When Required:** Under the circumstances described below, precinct inspectors must automatically issue a challenged ballot:

1. A voter who refuses to enter the day and month of birth or enters an incorrect birthdate on the *Application to Vote* form is required to vote a challenged ballot.
2. All provisional ballots must be prepared as challenged ballots.
3. If absent voter ballots are processed in the precinct, an absent voter ballot must be prepared as a challenged ballot if the ballot stub is missing or the ballot number does not match the number recorded.
4. A person who registers to vote in the 14 days immediately preceding Election Day without providing a driver’s license or state-issued personal identification card is required to vote a

challenged ballot. (The precinct list or voter registration receipt will indicate whether a challenged ballot is required.)

If a challenger has reason to believe that the precinct board is not issuing a challenged ballot when required, he or she must direct the challenge to the precinct chairperson. If the chairperson rejects the challenge, the challenger may contact the clerk to resolve the matter. The election inspectors must enter a complete record of the challenge on the Challenged Voters page in the Pollbook.

**Challenge Against an Absent Voter Ballot.** If an absent voter ballot is challenged, prepare the ballot as a challenged ballot and make a notation on the Challenged Voters page in the Pollbook. Proceed with routine processing and tabulation of the ballot.

**Precinct Board's Failure to Comply with Election Laws.** If a challenger has reason to believe that the precinct board is not following applicable election laws, the actions of the precinct board may be challenged by consulting with the precinct chairperson. If the chairperson rejects the challenge, the challenger may contact the clerk to resolve the matter. The election inspectors must enter a complete record of the challenge in the Pollbook.

**Precinct Board's Administration of the Voter Identification Requirement.** Every voter who attends the polls must show acceptable picture ID or sign an *Affidavit of Voter Not in Possession of Picture ID*. A challenge may be made if an election inspector attempts to issue a ballot to a voter who has not shown acceptable picture ID nor signed an *Affidavit of Voter Not in Possession of Picture ID*. A challenge may also be made if the challenger has good reason to believe that a person is not qualified to vote in the precinct (i.e., if a voter provides acceptable picture ID with an address that is different than the address in the Pollbook).

A voter cannot be challenged simply because he or she does not have or is not in possession of acceptable picture ID, **as long as** the voter signs the *Affidavit of Voter Not in Possession of Picture ID*. However, a voter who is unable to show picture identification can be challenged if a challenger has good reason to believe that the person is not qualified to vote in the precinct, independent of the voter's inability to provide acceptable picture ID.

## Penalties

Michigan election law provides penalties in the event of the following:

- A person submits a challenger appointment authorization application on behalf of a group or organization that is not authorized to appoint challengers.
- A clerk knowingly fails to perform the duties related to the challenger appointment process.
- A person challenges a qualified elector for the purpose of annoying or delaying the voter.
- A challenged elector gives false information regarding his or her qualifications to vote.

- An election official or precinct board prevents a challenger from being present in the polls or refuses to provide a challenger with any conveniences needed for the performance of his or her duties.

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## **POLL WATCHERS**

A person who wishes to observe the election process but who is not a qualified election challenger is commonly called a poll watcher. Poll watchers must conduct themselves in an orderly manner at all times. A poll watcher can be expelled from the precinct for acting in a disorderly manner, including by campaigning; threatening or intimidating voters or election inspectors; touching any election equipment; or disrupting the administration of the election.

NOTE: If a poll watcher violates these standards of conduct, an election inspector will ask them to leave. If they refuse to leave, an election inspector will call law enforcement.

Poll watchers:

- Are not required to be registered to vote in Michigan.
- Are subject to the same conduct standards as challengers.
- Cannot be candidates for an elective office to be voted on at the election.
- Are not authorized to challenge a person's right to vote or the actions of the precinct board.
- Are not permitted to position themselves or sit behind the election inspectors' processing table.
- Must sit or stand in the "public area" of the polling place where they will not interfere with the voting process.
- Are not authorized to approach or talk to voters for any reason.
- Are allowed to view the Pollbook at the discretion of the precinct board chairperson.

Poll watchers who wish to be present in an absent voter counting board must remain in the room in which the absent voter counting board is working until close of the polls at 8:00 p.m., and are required to take and sign the following oath:

"I (name) do solemnly swear (or affirm) that I shall not communicate in any way information relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed."