

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

KRISTINA KARAMO,
Candidate for MI Secretary of State,

PHILIP O'HALLORAN, MD
Poll Challenger,

Case No: 22- -AW

BRADEN GIACOBAZZI
Poll Challenger,

Hon. Timothy M. Kenny

TIMOTHY MAHONEY,
Poll Watcher,

KRISTIE WALLS,
Detroit Election Worker,

PATRICIA FARMER,
Detroit Resident Taxpayer,

ELECTION INTEGRITY FUND AND FORCE,
A Michigan non-profit corporation
Plaintiffs,

-vs-

JANICE WINFREY,
In her official capacity as Detroit City Clerk,

CITY OF DETROIT BOARD OF ELECTION INSPECTORS,
In their official capacity,
Defendants.

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There are no other pending civil litigation arising out of the transaction or occurrence alleged in this complaint.

**COMPLAINT FOR MANDAMUS, PRELIMINARY INJUNCTION, DECLARATORY
JUDGMENT AND OTHER RELIEF**

**This complaint concerns a matter of Michigan Election Law and is directed to Chief Judge
Hon. Timothy M. Kenny**

NOW COME, the Plaintiffs, by and through their attorneys and in support of their complaint states as follows:

PARTIES

1. Plaintiff Kristina Karamo is the Republican Candidate for Michigan Secretary of State and was an election poll challenger during the November 3, 2020, election.
2. Plaintiff Philip O'Halloran, MD is an election poll challenger who worked as an election poll challenger in the TCF Center during the November 3, 2020, General Election, and worked at the Huntington Center as an election poll challenger during the August 2, 2022, Primary Election, and is scheduled to work at the Huntington Center as an election poll challenger the November 8, 2022, General Election.
3. Plaintiff Kristie L. Warner-Walls is an election poll challenger who has worked as an election poll challenger in the TCF Center during the November 3, 2020, General Election, worked at the Huntington Center as an election poll challenger during the August 2, 2022,

Primary Election, and is scheduled to work at the Huntington Center as an election poll challenger the November 8, 2022, General Election.

4. Plaintiff Timothy Mahoney is an election poll watcher. Timothy Mahoney attempted to observe the pre-processing of ballots on August 1, 2022 and was denied access.
5. Plaintiff Kristie Walls is an election poll worker stationed at the high-speed scanners on August 2, 2022, and is scheduled to work the November 8, 2022 election.
6. Plaintiff Patricia Farmer is a citizen taxpayer of the City of Detroit.
7. Plaintiff Election Integrity Fund and Force is a Michigan non-profit Michigan Corporation that has been registered as a non-partisan organization providing poll challengers and poll watchers to the Huntington Center
8. Defendant Janice Winfrey is the Clerk for the City of Detroit who has statutory duties under the Michigan Election Code, being MCL 168.1 et seq the Public Act 116 of 1954
9. Defendant City of Detroit Board of Election Inspectors has statutory duties under the Michigan Election Code, being MCL 168.1 et seq the Public Act 116 of 1954

JURISDICTION

10. Jurisdiction is proper pursuant to MCL 600.775.
11. Venue is proper pursuant to MCL 600.1615.

GENERAL ALLEGATIONS

12. In 2018, Michigan created a new system for the casting and counting of absentee ballots following the 2018 Initiated Act which allowed for absentee voter counting boards.
13. Many laws were altered after the Initiated Act to further this OPTIONAL process.
14. Michigan dramatically increased the use of absentee voting which had been restricted to widespread 'no excuse absentee voting.

15. The new process permitted a jurisdiction, such as the City of Detroit, to form an optional process to collect absentee ballots and count the absentee ballots at an absentee voter counting board “AVCB”. MCL 168.764D.
16. Detroit opted to have all city precincts gathered into a counting center located at the TCF center (now known as Huntington Center) with multiple AVCBs to count individual precincts.
17. The novel process of counting absentee ballots at the TCF Center in 2020 was plagued with many problems which have created controversy around the results of the 2020 election.
18. This experimental process was a failure.
19. Despite the concerns raised, on August 2, 2022, the primary for the City of Detroit precincts were counted in Absentee Counting Boards at the Huntington Center (formerly known as TCF center).
20. The process was once again plagued with illegal actions and the invention of processes not authorized by law.

REQUEST FOR AN ABSENTEE BALLOT BY APPLICATION

21. The absentee ballot is only to be provided to a registered voter upon completion of an application for an absentee ballot. MCL 168.761(1)
22. The registered voter can request inclusion in the permanent absentee voter program since 2018- but the request must be still documented.
23. The clerk is required to verify the identity of a person who requests an absentee ballot:
 - a. If the person files the application which requests the absentee ballot *in person* at the clerk’s office, then there is a process defined in MCL 168.761(6) that requires identification.

- i. Identification can be provided with an ID and the ballot is provided; or
 - ii. Identification can be made by an affidavit which includes the reason identification can not be provided but the ballot is received as a challenged ballot.
- b. If the person requests the application which requests the absentee ballot *by mail or online* then there is a requirement that there be verification of identity in a process described in MCL 168.761(2) through signature comparison to the QVF. The QVF is the qualified voter file as defined by Michigan law.

MCL 168.761 (2) The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot. Signature comparisons must be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, or is not accessible to the clerk, the city or township clerk shall compare the signature appearing on the application for an absent voter ballot to the signature contained on the master card.

24. The signature comparison process remains undefined. Specifically, the Secretary of State was informed by the Michigan Court of Claims in *Genetski & Michigan Republican Party v. Jocelyn Benson and Johnathan Brater* 20-000216-MM that the Michigan Secretary of State was required to use the Michigan Administrative Procedures Act to promulgate rules for signature comparison and that the SOS Guidance informing clerks that the signatures were presumed valid and that the “any redeeming characteristic standard” was unlawful.
25. No signature comparison process has been made into a rule.
26. The lack of a signature standard means that the process involving a mailed-in ballot application or online registration is unlawful; and as it is the only alternative that does not require an absentee voter to show identification at the precinct in order to obtain the ballot this entire scheme must be declared invalid.

27. The Court should declare that only Absentee Ballots that have been requested in person can be validly voted in the election.

RETURN OF THE ABSENTEE BALLOT

28. The absentee ballots are received at the clerk's office, at drop boxes or through the mail.

29. Michigan law provides for absentee ballots to be placed in drop boxes.

30. MCL 168.761(4) states the law of possession of an absentee ballot and requires this notice to be placed on each absentee ballot.

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO:

- **THE ABSENT VOTER;**
- **A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT;**
- **A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT;**
- **AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP.**

ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

31. Whenever a drop box or the post office is used to return a ballot there is no real opportunity to observe who returns a ballot.

32. US Mail collection boxes are not observed or recorded by a camera.

33. MCL 168.761D provides the regulation of absentee ballot drop boxes and provides in section (1) that all drop boxes ordered and installed prior to October 1, 2020, are exempt from the law but in section (2) that the law requires reasonable efforts if the drop box was

ordered but not installed before October 1, 2020. There appears to be no requirement to secure the drop boxes installed in exemption of this law.

34. The ballot envelope and the law both require any person who handles the envelope fill out an attestation.
35. The law restricts who may possess and deliver a ballot to an immediate family member OR individual residing in the household of the voter.

168.764a Instructions for absent voters.

The following instructions for an absent voter must be included with each ballot or set of ballots furnished an absent voter:

Step 5. Deliver the return envelope by 1 of the following methods:

(a) Place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the envelope personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk, or to a secure drop box located in the city or township.

(c) *In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in the voter's household may mail or deliver a ballot to the clerk for the voter.*

(d) You may request by telephone that the clerk who issued the ballot provide assistance in returning the ballot. The clerk is required to provide assistance if you are unable to return your absent voter ballot as specified in (a), (b), or (c) above, if it is before 5 p.m. on the Friday immediately preceding the election, and if you are asking the clerk to pick up the absent voter ballot within the jurisdictional limits of the city, township, or village in which you are registered. Your absent voter ballot will then be picked up by the clerk or an election assistant sent by the clerk. All individuals authorized to pick up absent voter ballots are required to carry credentials issued by the clerk. If using this absent voter ballot return method, do not give your ballot to anyone until you have checked their credentials.

WARNING All of the following actions are violations of the Michigan election law and are illegal in this state:

(4) For an individual other than those listed in these instructions to return, offer to return, agree to return, or solicit to return an absent voter ballot to the clerk.

(5) For an individual other than the absent voter; an individual listed in these instructions; or an individual whose job it is to handle mail before, during, or after being transported by a public postal service, express mail service, parcel post service, or common carrier, but only during the normal course of his or her employment to be in possession of a voted or unvoted absent voter ballot.

168.764b Delivery and acceptance of absent voter ballots; appointment, oath, credentials, and duties of assistants; collection of absent voter ballots; prohibition; noncompliance.

(1) An absent voter ballot must be delivered to the clerk only as authorized in the instructions for an absent voter provided in section 764a.

MCL 168.761D(4)(c) The city or township clerk must use video monitoring of that drop box to ensure effective monitoring of that drop box.

36. The requirement for video monitoring does not set forth standards beyond *effective monitoring*.
37. There is no explanation of what monitoring requires although it would be presumed that the monitoring would be to ensure that unauthorized persons do not drop ballots off at the drop box.
38. There is no provision for recording, storage, or streaming of the video.
39. There is no means by which the public may check the work of the officials monitoring the ballot drop boxes.
40. The documentary 2000 Mules demonstrated with video from Detroit combined with other released recordings of drop boxes in the City of Detroit that persons violated the law by dropping off multiple ballots in the 2020 election. This video is available.

41. The 2000 Mules video and other videos show that felony delivery of ballots to the drop boxes was routinely captured but there have been no prosecutions reported for the persons in Detroit who brought multiple ballots to the drop box.
42. The use of the term “effective” means that the clerk is required to monitor the drop box and that the monitoring must be effective in preventing the violation of law or assist in the prosecution of those who do. This has not been done.
43. The Court should enter declaratory relief after reviewing the videos that the Detroit clerk has not been ‘effective’ in monitoring the drop boxes which is a duty assumed when Detroit chose to use drop boxes for ballot collection.

Verification of Identity for Absentee Ballot Mailed-in or Dropped Off

44. The only method for identification is the signature comparison. This critical piece is the only safeguard to prevent ballot box stuffing.
45. The Equal Protection clause of the US Constitution requires that the identification process protects against dilution of a vote by allowing unqualified voters to cast ballots.
46. MCL 168.765 requires that the Detroit City clerk:
 - a. Shall not open the ballot return envelope BEFORE delivering to the board of election inspectors
 - b. Shall safely keep the ballot return envelopes safely in her office until election day

MCL 168.765.

(1) Except as otherwise provided in subsection (6), a clerk who receives an absent voter ballot return envelope containing the marked ballots of an absent voter shall not open that envelope before delivering the envelope to the board of election inspectors as provided in this section. Except as otherwise provided in subsection (6), the city or township clerk shall safely keep in his or her office until election day any absent voter

ballot return envelopes received by the clerk before election day containing the marked ballots of an absent voter.

47. MCL 168.766 requires that the *Board of Election Inspectors* (Not the clerk) verify the 'legality' of the ballot by doing the following checks:
- a. That the absent voter has not voted in person.
 - b. That the absent voter is included in the QVF or Master registration record,
 - c. Examine the statement of the absent voter to see that it is properly executed
 - d. Determine if the absentee voter signature is genuine by comparing the ballot signature to the signature on file QVF

168.766 Marked ballot or absent voter ballot; verification.

(1) Upon receipt from the city or township clerk of any envelope containing the marked ballot or ballots of an absent voter, the board of inspectors of election shall verify the legality of the vote by doing both of the following:

(a) Examining the digitized signature for the absent voter included in the qualified voter file under section 509q or the registration record as provided in subsection (2) to see that the person has not voted in person, that he or she is a registered voter, and that the signature on the statement agrees with the signature on the registration record.

(b) Examining the statement of the voter to see that it is properly executed.

(2) The qualified voter file must be used to determine the genuineness of a signature on an envelope containing an absent voter ballot. Signature comparisons must be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, or is not accessible to the clerk, the city or township clerk shall compare the signature appearing on an envelope containing an absent voter ballot to the signature contained on the master card.

48. The board of election inspectors shall determine the legality of the ballot and mark any illegal ballot as 'reject as illegal' and return it to the clerk for preservation as required by law pursuant to MCL 168.767.

168.767 Absent voters' ballots; illegal vote; rejection of ballot; marking; preservation. Sec. 767.

If upon an examination of the envelope containing an absent voter's ballot or ballots, it is determined that the signature on the envelope does not agree sufficiently with the signature on the registration card or the digitized signature contained in the qualified voter file as provided under section 766 so as to identify the voter or if the board shall have knowledge that the person voting the ballot or ballots has died, or if it is determined by a majority of the board that such vote is illegal for any other reason, then such vote shall be rejected, and thereupon some member of the board shall, without opening the envelope, mark across the face of such envelope, "rejected as illegal", and the reason therefor. The statement shall be initialed by the chairman of the board of election inspectors. Said envelope and the ballot or ballots contained

therein shall be returned to the city, township or village clerk and retained and preserved in the manner now provided by law for the retention and preservation of official ballots voted at such election.

49. The legislature's use of 'legality' in MCL 168.766 and 'rejected as illegal' in MCL 168.767 means that a ballot that fails to meet the verification is illegal.

50. One significant problem with the identification procedure of comparing the signature on the ballot envelope to the QVF is that there are *no signature standards* for comparison to determine if a signature 'agrees sufficiently'.

a. In the case of *Robert Genetski and Mich Rep Party v Jocelyn Benson and Jonathan Brater* Case No 20-000216-MM, the Michigan Court of Claims rejected the Secretary of State guidance which was issued immediately before the 2020 election because it had not followed formal rulemaking procedures which included notice, public comment and the legislative review required by the Administrative Procedures Act.

b. The Secretary of State has not provided a promulgated administrative rule for signature comparison thus, leaving the signature comparison to an arbitrary and capricious whim of an individual clerk.

c. To this date no standard exists to replace the unlawful guidance.

d. As the sole method for determining identity is signature comparison for an absentee vote which was obtained by mail or online request this security of our elections is woefully inadequate.

51. The City of Detroit used an unauthorized technology within the electronic voting system illegally during the August 2, 2022, Primary election for signature comparison:

- a. Chris Thomas, Senior Advisor to the Clerk of the City of Detroit, office has reported that the city used an artificial intelligence system called Relia-vote to make digital signature comparisons.
- b. Subsequently, records were made public that showed that Detroit had received a \$750,000 grant from The Center for Tech and Civil Living (CTCL) widely known as “Zuckerbucks” to purchase this system.
- c. This system and its software were apparently interfaced with the QVF without the configuration being disclosed to the public, without any apparent oversight by the Board of State Canvassers.
- d. The interface with Relia-vote has created new security risks that have not been publicly disclosed, do not comply with the requirements of MCL 168.37 that the voting system be uniform throughout the State.
- e. The interface with Relia-Vote is illegal in that it fails to comply with the certification requirements of the federal Help America Vote Act of 2002 which requires that the voting system as configured be certified as meeting or exceeding the current Voluntary Voting System Standards (VVSG 2.0) for election security and transparency as established by the US Election Assistance Commission (EAC) and certified by an accredited Voting System Testing Laboratory (VSTL).
- f. There is no authority in the law to have the Relia-vote system and its artificial intelligence replace the Detroit Board of Election Inspectors and to use a digital comparison of the signatures to augment the clerk.
- g. The entire process used in Detroit is *ultra vires* and illegal.

52. The Secretary of State has also informed the City of Detroit Clerk (and all election clerks in Michigan) that since the application for an absentee ballot is compared to the QVF that the signature on the ballot can be compared ONLY to the application. This is part of the election worker training from both 2020 and 2022.
53. This Secretary of State's process of comparing only to the signature on the application is a violation of MCL 168.766 and to the extent, this is followed in the actions of the City of Detroit it is also in violation of law.

Counting of Ballots by an AVCB

54. The counting of ballots at the Huntington Center (an absentee voter counting place is governed by the procedures in MCL 168.765a).

MCL 168.765a (4) In a city or township that uses absent voter counting boards under this section, absent voter ballots must be counted in the manner provided in this section and, except as otherwise provided in section 764d, absent voter ballots must not be delivered to the polling places.

Subject to section 764d, the board of election commissioners shall provide a place for each absent voter counting board to count the absent voter ballots.

The places must be designated as absent voter counting places.

Except as otherwise provided in this section, laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places.

The provisions of this section relating to placing of absent voter ballots on electronic voting systems apply.

More than 1 absent voter counting board may be located in 1 building.

55. MCL 168.765a(6) provides the following rules:

[Note 764d does not apply to the City of Detroit AVCB as it is not combined with another jurisdiction]

- a. All ballots received by the clerk BEFORE election day MUST be delivered to the AVCB at the time the election inspectors report for duty on election day.
- b. All ballots received by the clerk ON election day MUST be delivered to the AVCB.
- c. All ballots must be delivered sealed in the ballot return envelope.
- d. Written or stamped on each return envelope must be the date and time the envelope was received.
- e. Written or stamped on each return envelope is a statement by the clerk that the signatures on the envelope have been checked AND found to 'agree' with the signatures contained in the QVF as provided in Section 766-the standard which remains unpromulgated.
- f. The clerk shall mark a ballot 'rejected' and place their name and reason for rejection on the ballot.
 - i. If determined after 8 pm on the day before the election that the signature does not agree when compared.
 - ii. If it is determined after 8 pm on the day before election day that the absentee voter failed to sign the ballot.
 - iii. If the statement of the voter is not properly executed.
- g. A rejected ballot must be preserved at the clerk's office and NOT sent to the AVCB.
- h. If the problems with the signature or statement is discovered BEFORE 8 pm on election day, then the clerk must notify the absentee voter as soon as 'practicable' of the rejection but either before 48 hours or before 8pm on election day (whichever is first.)

- i. Pursuant to Section 765(5) the clerk is required to post or make public BOTH the number of ballots sent out and the number of ballots that were received. This notification must be made before 8 am on election day.
- j. Pursuant to Section 765(5) the clerk is required to post or make public the “Total” number of ballots received and made available to the board of election inspectors or absentee counting board under this act. The total number includes the ballots received before and on election day. This notification is to be made before 9 pm on election day.
- k. Pursuant to Section 765 (5) the clerk is required to post or make public the total number of absentee ballots received at the precinct on election day along with the “Total” votes received by the clerk’s office and previously made public at 9 pm. This must be done as soon as possible.

MCL 168.765a(6)

Subject to section 764d, absent voter ballots received by the clerk before election day *must* be delivered to the absent voter counting board by the clerk or the clerk's authorized assistant at the time the election inspectors of the absent voter counting boards report for duty, which time must be established by the board of election commissioners.

Except as otherwise provided in section 764d, absent voter ballots received by the clerk before the time set for the closing of the polls on election day *must* be delivered to the absent voter counting boards.

Except as otherwise provided in section 765(6), absent voter ballots *must* be delivered to the absent voter counting boards or combined absent voter counting boards in the sealed absent voter ballot return envelopes in which they were returned to the clerk.

Written or stamped on each of the return envelopes *must* be the time and the date that the envelope was received by the clerk and a statement by the clerk that the signatures of the absent voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards or the digitized signatures of voters contained in the qualified voter file as provided under section 766.

If it is determined after 8 p.m. on the day before election day that a signature on the registration card or a digitized signature contained in the qualified voter file and on the

absent voter ballot return envelope does not agree as provided under section 766, if it is determined after 8 p.m. on the day before election day that the absent voter failed to sign the envelope, or if the statement of the absent voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation

An envelope marked "rejected" must not be delivered to the absent voter counting board or combined absent voter counting board but must be preserved by the clerk until other ballots are destroyed in the manner provided in this act.

If before 8 p.m. on the day before election day the clerk of a city or township rejects an absent voter ballot return envelope because the signature on the absent voter ballot return envelope does not agree sufficiently with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector or because the elector failed to sign the absent voter ballot return envelope, the city or township clerk shall as soon as practicable, but in no event later than 48 hours after determining the signatures do not agree sufficiently or that the signature is missing, or by 8 p.m. on the day before election day, whichever occurs first, notify the elector of the rejection by mail, telephone, or electronic mail.

The clerk shall also comply with section 765(5).

MCL 168.765(5)

On or before 8 a.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots the clerk distributed to absent voters and the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk before election day and to be delivered to the board of election inspectors or the absent voter counting boards under this act.

On or before 9 p.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk on election day and delivered to the board of election inspectors, under subsection (3), along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk both before and on election day and delivered to the board of election inspectors or the absent voter counting boards under this act.

As soon as possible after all precincts in the city or township are processed, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the election inspectors at the precincts on election day, along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received in the city or township for that election.

This subsection applies only to elections in which a federal or state office appears on the ballot.

Posting or Making public the numbers of Absentee Ballots Sent and Returned

56. The provisions of Section 765(5) would limit the claims that late night ballots were being injected into the election outcome as the total number of absentee ballots to be counted would be public by 9 pm.
57. The board of election inspectors and the signature comparison process was allegedly done at a location where ballots for the City of Detroit were preprocessed which raises several concerns:
- a. There is no access by poll challengers or watchers of this process of signature comparison which prevents the poll challengers from any ability to challenge the absentee voter having the qualifications to vote.
 - b. The marked ballot envelopes that are rejected which deprives that voter from having their vote counted in this process is done without the poll challenger or poll watcher being able to observe or challenge the key process.
 - c. Plaintiff Tim Mahoney attempted to observe the process on August 1, 2022 and was denied entry.
 - d. The practice of the clerk of the City of Detroit is to have the clerk use one of two methods to verify the signature as described during the August 2, 2022 Primary.
 - i. The clerk (not the board of election inspectors) makes the signature comparison and marks the ballot by hand with a date and time stamp and places their initials or signature on a section of the ballot that has an attestation that the signature comparison was made and approved.
 - ii. The clerk (not the board of election inspectors) uses the Relia-vote system which makes a digital comparison by retrieving the signature from the QVF

with an adjustable setting that allows the clerk to manually accept signatures that do not meet the pre-programmed standard. A digital stamp is then placed on the envelope with the date and time along with the name or initials of the clerk by the Relia-vote machine.

- e. Either method is a process done by the clerk and NOT the board of election inspectors in violation of Section 766.
- f. Other AVCBs in the state of Michigan provides for signature comparison at the AVCB and in the view of the election poll challengers.

THE PUBLIC OBSERVATION REQUIREMENT

58. MCL 168.798a provides that if a separate counting center such as Huntington Center is used that ALL proceedings:

- a. SHALL be under the clerk or authorized assistants;
- b. SHALL be conducted under the observation of the public
- c. No person except those authorized shall touch a ballot or return is the only restriction on public observation of ALL proceedings.

168.798a Separate counting center; direction and conduct of proceedings; method.

If a separate counting center is used, all proceedings shall be under the direction of the clerk or authorized assistants.

The proceedings shall be conducted under observation by the public, but no persons except those authorized shall touch a ballot or return. Persons who engage in processing and counting of the ballots shall be deputized and take an oath that they will faithfully perform their assigned duties. . . .

59. The Detroit Clerk has not provided access for the observation of the signature comparison process and instead without the purview of poll watchers and poll challengers the Detroit City Clerk has sorted out ballots and removed the ballots that are unsigned or do not meet the (undefined) process for signature comparison and are rejected.
60. There is concern that the process can be used to remove legitimate votes from areas or otherwise identified as ballots that would be cast in opposition to the political views of the clerk.
61. While it is understood that there has been a modification of law in that MCL 168.765 provides for pre-processing with the observation of poll challengers this process is limited to the separation of the ballot from the envelope and verifying the ballot is in a secrecy envelope-essentially what seat 1 and 2 were doing at the AVCB in 2020 and the primary on August 2, 2022.
62. The signature comparison is NOT governed by this provision and there is a strong probability this will occur again behind closed doors.

UNAUTHORIZED PROCESS FOR DUPLICATION OF BALLOTS

63. MCL 168.798b also provides for the duplication of ballots ONLY when the ballot is so damaged or defective that it cannot be properly counted by the electronic tabulating equipment, a true duplicate copy shall be made.

MCL 168.798b . . .If a ballot is damaged or defective so that it cannot properly be counted by the electronic tabulating equipment, a true duplicate copy shall be made and substituted for the damaged or defective ballot. Each duplicate ballot shall be clearly labeled "duplicate", and shall bear a serial number, which shall be recorded on the damaged or defective ballot.

64. The City of Detroit AVCB illegally used the duplication process without legal authority for the improper purpose of copying some votes for contests on a ballot that was the

improper form which had been sent to the absent voter. An example is when a ballot for the wrong precinct was sent, then the ballot for contests which were in common would be duplicated onto a ballot from the right precinct and then the ballot was 'fixed' by duplication.

65. The City of Detroit AVCB created a method of converting Absent Uniformed Voters or Overseas Voter's electronic ballots to a ballot for tabulating through a process called duplication.

66. This process is not authorized by law. MCL 168.759a does not provide for the duplication of the ballot by election inspectors for the purpose of tabulating.

The Use of High-Speed Scanners

67. MCL 168.765a(8) requires the AVCB to process the ballots and returns in as nearly the same manner as the ballots processed at the precincts.

MCL 168.765a(8) The absent voter counting boards and combined absent voter counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in paper ballot precincts. The poll book may be combined with the absent voter list or record required by section 760, and the applications for absent voter ballots may be used as the poll list. The processing and tallying of absent voter ballots may commence at 7 a.m. on the day of the election.

68. The City of Detroit uses high-speed scanners rather than tabulators.

69. MCL 168.795 requires that the tabulators be programmed to reject certain ballots that are marked contrary to the instructions.

70. The tabulation of the ballots would permit poll challengers to see the ballots that are rejected or reversed for non-compliance with instructions for marking a ballot. Scanning the ballots eliminates this process from the purview of the poll challenger.

71. Instead of rejecting the ballots as required by law the City of Detroit provides for a process of 'adjudication' which is not authorized by law.
72. The high-speed scanners are a *configuration* of the electronic voting system that is not certified as required by the Help America Vote Act in 52 USC 20901 et seq OR by the board of state canvassers as required by MCL 168.795a.
73. On information and belief, the software that is used to convert a ballot image to the dominion software as of 2018 was created by either Konnech, Inc or Votem (who purchased certain assets from Konnech, Inc. This information is presented online and appears as though Detroit paid these vendors for work.
74. Konnech, Inc and its principal Eugene Yu are under criminal investigation related to election security breaches to the Chinese Community Party (CCP).
75. Further information has developed that this company Konnech has strong ties to the CCP and has been integrally part of the Detroit Absentee Counting Board.
76. There will need to be discovery and hearings on the extent of this national security breach that has occurred and the epicenter appears to be Detroit.

The Adjudication Process is Unauthorized by Law

77. The adjudication process is not provided for anywhere in statute.
78. The word adjudication does not appear anywhere in the election code; nor is there a description of the process used in Detroit.
79. In the General Election of 2020 and in the Primary Election of 2022, the AVCB Counting Center used the following process:
 - a. When a ballot is marked improperly so as to be rejected the digital ballot image is sent to a bank of ten computers called adjudication.

- b. At each computer a screen displays the optical scanned image as a digital image that has software that identifies the portion of the ballot which needs to be adjudicated.
- c. Two election inspectors (presumed to be one from each party) review the image and the contest that has been presented for adjudication and have the options of:
 - i. Doing nothing and accepting the ballot as cast by selecting the option to ACCEPT.
 - ii. Altering the image by darkening or marking the selection to carry out their perception of the voter's intent after selecting the option to OVERRIDE.
 - iii. Altering the image by removing a mark to carry out their perception of the voter's intent after selecting the option to OVERRIDE.
 - iv. Sending the ballot to election officials by selecting the option QUARANTINE.
 - v. In the case of a write-in ballot by rejecting the write-in candidate or accepting if the candidate is listed as an official write-in and entering the vote into a separate write-in program.
- d. The adjudication process which alters the ballot image is illegal.
- e. The adjudication process, on information and belief, permits the acceptance of ballots that were 'adjudicated' but are required by law to not be counted pursuant to MCL 168.798(c)(3).

80. <https://rumble.com/embed/v8upcz/> is a video in which Dominion CEO Eric Coomer explained adjudication features in 2017.

- a. The video begins with the statement that the voter did not fill out the ballot as instructed and has either not filled out the ovals completely or have circled their selections.
 - b. Dr. Eric Coomer states clearly, “We’re not sure what the voter intent is but we are going to allow the adjudicators to make that call...and edit the ballot.”
81. The law defines a mark and states that only a stray ballot mark may be disregarded but there is no legal process to alter or change a mark.
82. In fact, the system is designed to count portions of a ballot when the law requires the entire ballot be rejected.

MCL 168.795(2)

...Electronic tabulating equipment that tabulates ballots, including absentee ballots, at a central location must be programmed to reject a ballot if the choices recorded on an elector's ballot for an office or a question exceed the number that the elector is entitled to vote for on that office or question, if no valid choices are recorded on an elector's ballot, or if, in a primary election, votes are recorded for candidates of more than 1 political party.

83. An examination of the requirements of MCL 168.795(1) in subparts c and e has similar language which provides for the rejection of an in-person cast ballot by the tabulator equipment and the opportunity that the voter be provided a spoiled ballot and be able to self-correct their error. The provisions are highlighted above. A ballot marked improperly is rejected and the voter is given a chance to self-correct on the spot.

MCL 168.795(1) An electronic voting system acquired or used under sections 794 to 799a must meet all of the following requirements:

(c) Permit each elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject all choices recorded on the elector's ballot for an office or

a question if the number of choices exceeds the number that the elector is entitled to vote for on that office or question. Electronic tabulating equipment that can detect that the choices recorded on an elector's ballot for an office or a question exceeds the number that the elector is entitled to vote for on that office or question must be located at each polling place and programmed to reject a ballot containing that type of an error. *If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.*

(e) Permit an elector in a primary election to vote for the candidates in the party primary of the elector's choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect that the elector has voted for candidates of more than 1 political party must be located at each polling place and programmed to reject a ballot containing that type of an error. *If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.*

84. Contrast to section 2 of MCL 168.795 which requires the electronic voting system that count absentee ballots REJECT a ballot that is mismarked. There is no provision to correct provided to the absent voter but the ballot is rejected. There is no law or provision for adjudication or any other process to alter the ballot manually or digitally. The section applies to ballots counted at a central location.

85. In Detroit at the AVCB on August 2, 2022, many ballots which contained votes for candidates on two political parties were 'adjudicated'.

a. This means that the scanning device created an optical image and election workers were able to digitally remove marks or digitally darken marks to decide what the voter's intent was when the ballot was mismarked.

b. This process is a violation of law which required the ballot be rejected. This is part of the voting system as the software allows adjudication—a word that does not appear anywhere in law or administrative rule.

c. The percentage of ballots that were adjudicated was staggering.

d. The same illegal process was observed in 2020 during the general election.

- e. The same illegal process is slated to be used in the 2022 Mid Terms Michigan Election in Detroit.

- 86. *The Election Officials' Manual Chapter 8 Absentee Ballot Election Day Processing* is a 15-page guidance which does not provide for adjudication of ballots.
- 87. The entire process is created by the vendor Dominion and used illegally by the City of Detroit.
- 88. The legislature specified that the entire ballot is rejected and since the Absentee Voter is not present there is no option to spoil the ballot and cast another.
- 89. More than one half of the Detroit Ballots were adjudicated illegally in the 2020 election.

168.798c Casting absentee votes on paper ballots or ballot cards; count; recording; voting and processing absent voters' ballots; inspection of rejected ballot.

(1) Absentee votes may be cast on paper ballots or ballot cards or both. Absent voter ballots may be counted in the various voting precincts or may be counted by absent voter counting boards. Absentee votes cast on paper ballots may be recorded by election inspectors on ballot cards for counting by tabulating equipment.

(2) In an election held under this act, absent voters' ballots may be voted and processed in the manner provided by this chapter.

(3) If electronic tabulating equipment rejects an absent voter ballot due to programming required under section 795, the rejected ballot shall be inspected to confirm the presence of the error before the ballot is processed. A vote for each elective office or ballot question in which an error is confirmed shall not be counted.

- 90. The definition of a valid mark which constitutes a vote is clearly defined in MCL

168.803.

168.803 Counting and recounting of votes; intent of voter; stray marks; instructions issued by secretary of state.

(1) Except as otherwise provided in this act, the following rules govern the counting and recounting of votes:

(a) If it is clearly evident from an examination of a ballot that the ballot has been mutilated for the purpose of distinguishing it or that there has been placed on the ballot some mark, printing, or writing for the purpose of distinguishing it, then that ballot is void and shall not be counted.

(b) A cross, the intersection of which is within or on the line of the proper circle or square, or a check mark, the angle of which is within a circle or square, is valid. Crosses or check marks otherwise located on the ballot are void.

(c) Marks other than crosses or check marks used to designate the intention of the voter shall not be counted.

(d) A cross is valid even though 1 or both lines of the cross are duplicated, if the lines intersect within or on the line of the square or circle.

(e) Two lines meeting within or on the line of the square or circle, although not crossing each other, are valid if it is apparent that the voter intended to make a cross.

(f) A failure to properly mark a ballot as to 1 or more candidates does not alone invalidate the entire ballot if the ballot has been properly marked as to other candidates, unless the improper marking is determined to be a distinguishing mark as described in this subsection.

(g) Erasures and corrections on a ballot made by the elector in a manner frequently used for this purpose shall not be considered distinguishing marks or mutilations.

(h) A ballot or part of a ballot from which it is impossible to determine the elector's choice of candidate is void as to the candidate or candidates affected by that determination.

(i) A vote cast for a deceased candidate is void and shall not be counted, except that a vote cast for a candidate for governor who has died, and for whom a replacement has not been made, shall be counted for the candidate for lieutenant governor of that party.

(j) A ballot cast that is not counted shall be marked by the inspector "not counted", kept separate from the others by being tied or held in 1 package, and placed in the ballot box with the counted ballots.

(k) A vote shall not be counted for a candidate unless a cross or a check mark has been placed by the voter in the square before the space in which the name of the candidate has been printed, written, or placed.

(2) If an electronic voting system requires that the elector place a mark in a predefined area on the ballot in order to cast a vote, the vote shall not be considered valid unless there is a mark within the predefined area. A stray mark made within a predefined area is not a valid vote. In determining whether a mark within a predefined area is a stray mark, the board of canvassers or election official shall compare the mark with other marks appearing on the ballot. The secretary of state shall issue instructions, subject to the approval of the board of state canvassers, relevant to stray marks to ensure the fairness and uniformity of determinations made under this subsection. A secretary of state's instruction relevant to stray marks shall not be applied to a ballot unless the secretary of state issued the instruction not less than 63 days before the date of the election.

91. There are clear instructions to the voter on how to mark the ballot.

92. A voter which chooses to vote in person has the option of watching to ensure the ballot is accepted by the tabulator.
93. Voting by absentee does not provide the voter the opportunity to correct an improperly marked ballot.
94. There is no lawful means to alter the mark in adjudication to carry out the voter's intent and any effort to do so would be a violation of law.
95. Alteration of the image or even duplication to remove stray marks is not permitted. A hand count of the ballot with a stray mark is permitted by MCL 168.798c.
96. On information and belief, the software on the electronic voting system software allows the clerk to choose the standard for a "mark" by setting the pixel count range including a minimum number of pixels within the area to be marked during voting.
97. As the legislature has not set a uniform standard, this is an arbitrary and capricious process that violates equal protection.
98. The adjudication process used by the City of Detroit is unlawful.

The Mismatched Ballot Illegal process used by Detroit AVCB

99. MCL 168.765(4) provides that the rules for counting ballots at an AVCB precincts apply to absentee counting boards.

MCL 168.765(4) ...Except as otherwise provided in this section, laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places. . .

100. MCL 168.797a(2) requires that an election inspector shall determine if the numbered absentee ballot that is returned in the sealed envelope matches the absentee ballot number that the clerks recorded as delivered to the voter and when it does not that the ballot is marked rejected.

MCL 168.797a (2) If the electronic voting system provides for the use of a ballot that is processed through electronic tabulating equipment after the elector votes, the elector shall transport the ballot to the ballot box, or other approved ballot container, without exposing any votes.

An election inspector shall ascertain, by comparing the number appearing on the ballot stub with the number recorded on the poll list, that the ballot delivered by the voter is the same ballot that was issued to the elector.

If the numbers do not agree, the ballot shall be marked as "rejected", and the elector shall not be allowed to vote.

If the numbers agree, an election inspector shall remove and discard the stub. Except as otherwise provided in this subsection, the election inspector shall deposit the ballot in the ballot box or other approved ballot container. . .

101. Instead, Detroit AVCB has a process in which the ballot number is altered by tape and relabeled and then the ballot is noted in the pollbook but is then sent into the pile to be scanned.

102. This process as used by Detroit AVCB is in violation of law.

The Rights and Responsibilities of a Poll Challenger

103. MCL 168.733(2) provides certain rights and responsibilities:

1. Observe the manner in which the duties of election inspectors are being performed.
2. Challenge the voting rights of a person who has “good reason” not to believe is a registered elector.
3. Challenge an election procedure not being properly performed.
4. Examine each ballot AS it is being counted.
5. Observe the recording of Absentee ballots on vote machines.

168.733 Challengers; space in polling place; rights; space at counting board; expulsion for cause; protection; threat or intimidation.

(1) The board of election inspectors shall provide space for the challengers within the polling place that enables the challengers to observe the election procedure and each person applying to vote. A challenger may do 1 or more of the following:

(a) Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names being entered in the poll book.

(b) Observe the manner in which the duties of the election inspectors are being performed.

(c) Challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector.

(d) Challenge an election procedure that is not being properly performed.

(e) Bring to an election inspector's attention any of the following:

(i) Improper handling of a ballot by an elector or election inspector.

(ii) A violation of a regulation made by the board of election inspectors pursuant to section 742.

(iii) Campaigning being performed by an election inspector or other person in violation of section 744.

(iv) A violation of election law or other prescribed election procedure.

(f) Remain during the canvass of votes and until the statement of returns is duly signed and made.

(g) Examine without handling each ballot as it is being counted.

(h) Keep records of votes cast and other election procedures as the challenger desires.

(i) Observe the recording of absent voter ballots on voting machines.

(2) The board of election inspectors shall provide space for each challenger, if any, at each counting board that enables the challengers to observe the counting of the ballots. A challenger at the counting board may do 1 or more of the activities allowed in subsection (1), as applicable.

(3) Any evidence of drinking of alcoholic beverages or disorderly conduct is sufficient cause for the expulsion of a challenger from the polling place or the counting board. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties.

(4) A person shall not threaten or intimidate a challenger while performing an activity allowed under subsection (1). A challenger shall not threaten or intimidate an elector while the elector is entering the polling place, applying to vote, entering the voting compartment, voting, or leaving the polling place.

104. The process used by the Detroit AVCB prevents any meaningful opportunity to challenge the rights of a person when there is a 'good faith' belief that that person is not entitled to vote.

105. The process used by the Detroit AVCB with the use of high-speed scanners instead of tabulators prevents the opportunity to examine the ballot as it is being counted and to observe the recording of the absent voter ballots on the voting machines.

The Detroit AVCB infringed on the access rights of the Poll Challengers

106. The rules as stated in MCL 168.733 permit a poll challenger to observe the counting of the ballots.
107. These access rights would include the access to the platform in which there is management of the election software, adjudication of quarantined ballots and the control of the election software.
108. During the previous November 2020 General Election and the 2022 Primary Election, the Detroit AVCB has intimidated challengers who have asserted lawful authority to be present and observe the key processes.
109. Pursuant to MCL 168.974(d), "Counting center" means 1 or more locations selected by the board of election commissioners of the city, county, township, village, or school district at which ballots are counted by means of electronic tabulating equipment or vote totals are electronically received from electronic tabulating equipment and electronically compiled.
110. The counting center therefore includes the platform at the Huntington place, the city clerk's office where the election returns are gathered and reported to the state as well as the state area where all election returns are compiled.
111. Poll challengers were unlawfully denied access to these areas and prohibited from access, as their duties include observation and reporting of violations of law and procedure.

POST ELECTION DUTIES AS TO QVF UPDATE

112. There are post-election duties described in MCL 168.813 including in subsection (5) which provides;

MCL 168.813 (5) Within 7 days after an election, the city or township clerk shall ensure that the qualified voter file is current and includes any individual who registered to vote under section 497(3) and (4)

113. The QVF voting role from the 2020 election is still being altered through the state to add or change voting history. There is a failure to document in the publicly available QVF an accurate report of who actually voted in the City of Detroit.

COUNT ONE: DECLARATORY RELIEF

114. All previous averments are incorporated herein.

115. Any Michigan court of record with jurisdiction “[i]n a case of actual controversy within its jurisdiction,” may entertain a declaratory judgment action in that case, “whether or not other relief is or could be sought or granted.” MCR 2.605(A)(1). Circuit, district, and probate courts have jurisdiction in any case in which they would have jurisdiction if other relief was sought. MCR 2.605(A)(2).

116. There must be an actual controversy that causes a party to seek a declaration of rights or legal relationships. MCR 2.605(A)(1); MCR 2.111(B)(2). “An ‘actual controversy’ under MCR 2.605(A)(1) exists when a declaratory judgment is necessary to guide a Plaintiff’s future conduct in order to preserve legal rights.”

117. The essential requirement of an ‘actual controversy’ under the rule is that the plaintiff pleads and proves facts that demonstrate an adverse interest necessitating the

sharpening of the issues raised. *UAW v Central Mich Univ Trustees*, 295 Mich App 486, 495 (2012) (quotation marks and citations omitted).

118. The Plaintiffs seeks clarification on certain past practices of the Detroit City Clerk which are illegal, done improperly, or done without authority of law:

- a. The Detroit City Clerk is not complying with *verification of identity* process of an applicant for an absentee ballot pursuant to MCL 168.761 in that there must either be a signature comparison (which is impossible without a standard) or in person identification presented.
- b. The Detroit City Clerk is not enforcing the restriction of possession of AV ballots as required by MCL 168.761(4) in that the ballot boxes are essentially unmonitored and despite video evidence of ballot ‘mules; there has been no alteration to secure the ballots from persons not authorized to transport ballots or alternatively just ‘stuffing’ ballots into the boxes.
- c. There is no evidence of compliance with MCL 168.765 by the Detroit City Clerk in that ballot processing for signatures is both unobserved by poll challengers and the evidence on the ballot envelope indicates the signature verification is being delegated to a computer system called Relia-Vote that has unauthorized access to the state QVF, has not been approved as part of the lawful configuration of the electronic voting system, and/or uses standards that are arbitrary and capricious or worse; the failed standard of any “redeeming characteristic” standard proffered by the SOS but not passed through the Administrative Procedures Act.

- d. There is no evidence of compliance by the Detroit board of election inspectors to MCL 168.766 and their duties for signature comparison. Instead, there is a rogue process in violation of statute.
 - e. There was non-compliance in the past with the posting provisions of MCL 168.765(5) by the Detroit City Clerk.
 - f. There was a denial of access by the Detroit City Clerk of poll challengers to the pre-processing center (which should occur at the AVCB in the purview of challengers, to the raised platform or any place where vote totals were aggregated in violation of law on of which is MCL 168.733(2).
 - g. There is unlawful duplication of ballots by the Detroit City Clerk in excess of authority under MCL 168.798b for when the clerk sent the wrong ballot to a voter.
 - h. There is an unlawful adjudication process being done under the authority of the Detroit City Clerk in violation of the Help America Vote Act and Michigan law that defines a mark under MCL 168.803.
 - i. There is an unlawful process for high-speed scanning done under the authority of the Detroit City Clerk which is not part of the approved electronic voting system and is therefore illegal, and much worse, there is evidence that the software was written by a company with strong ties to foreign election interference criminal investigations are currently underway.
 - j. There was non-compliance with post-election responsibilities to update accurate vote history in violation of MCL 168.813 by the Detroit City Clerk.
119. “The court may order a speedy hearing of an action for declaratory relief and may advance it on the calendar.” MCR 2.605(D).

120. Plaintiffs request an expediated hearing.
121. Once a declaratory judgment has determined the rights of the parties, additional “necessary or proper relief” may be granted, including monetary damages, following reasonable notice and hearing. MCR 2.605(F); *Hofmann v Auto Club Ins Ass’n*, 211 Mich App 55, 90 (1995).

WHEREFORE, the Plaintiffs request declaratory relief after an expedited hearing and all other necessary and proper relief including monetary damages, if deemed appropriate.

COUNT TWO: INJUNCTIVE RELIEF

122. All previous averments are incorporated herein.
123. The moving party has the burden of establishing that a preliminary injunction should issue. MCR 3.310(A)(4).
124. The court should consider four factors in determining whether to grant a preliminary injunction: (1) whether the injunction would harm the public interest; (2) whether the harm to the plaintiff in the absence of a stay would outweigh the harm to the defendant if the stay is granted; (3) whether the plaintiff is likely to succeed on the merits; and (4) whether the plaintiff will be irreparably harmed if a preliminary injunction is denied. *Michigan State Emp Ass’n v Dep’t of Mental Health*, 421 Mich 152, 157-158 (1984)
125. The public interest is for there to be a fair, honest, secure and transparent election process that conforms to the law.
126. Numerous violations of statute indicate that this court should grant extraordinary relief in the form of some judicial oversight, injunctive relief, or other action.

127. The harm to the Plaintiffs outweighs any harm to the Defendants. The Defendants as public employees have no individual harm in their official capacity. The Plaintiffs, from candidates, to poll challengers, to election workers, and election public interest organizations are united in their statement that the illegal and ultra vires actions of the Detroit Clerk and Board of Elections will result in an illegal election. The rule of law must be observed.
128. Plaintiff will prevail on the merits as the law is clear and the violations rampant.
129. The failure to address this pre-election will result in further confusion and problems post-election.
130. An injunction on the optional use of the absentee counting board forcing the ballots to be tabulated at the precincts on an approved system distributes the work and brings into compliance of the law. The precinct election workers can check signature verification at the precinct. The ballot sorting operation that Detroit uses allows them to easily produce the ballots by precinct.
131. The court should require all Detroit voters to vote in person or obtain their ballots in person at the clerk's office. This is the only valid process of identity in the statute because the MI SOS failed to promulgate a signature comparison rule.
132. The court should require all ballots be counted at the precinct. The system already sorts them and there is no problem with running them through the 'uniform system' at the tabulator as the high-speed scanner and adjudication process is both illegal and likely compromised due to the connection to Konnech.
133. This process is a fiscal nightmare. There is much expense created unnecessary to accumulate ballots into a counting board. Every precinct in Detroit is limited to less than

2999 persons by law. Every precinct in the state is able to execute counting 2999 or less ballot timely and affordably. The use of a duplicate process for the AVCB is not saving money rather it creates a second redundant process.

WHEREFORE, the Plaintiffs request the Court order Detroit to (1) halt the use of absentee ballots that are obtained without identification, (2) halt the counting of ballots cast through drop boxes that are not effectively monitored; and (3) distribute the ballots to the precincts to use equipment and procedures that are as near as possible as the in-person process and in compliance of law. The AVCB has many problems that cannot be remedied. As it is an optional process it must be sent to the scrap heap of history as a failed experiment.

COUNT THREE: MANDAMUS RELIEF

134. All previous averments are incorporated herein.

135. A writ of mandamus directs a public official to perform his or her legal duty. *Jones v Dep't of Corrections*, 468 Mich 646, 658 (2003). A writ of mandamus cannot be sought to “control the exercise or direction of the discretion to be exercised,” or “for the purpose of reviewing, revising, or controlling the exercise of discretion reposed in administrative bodies.” *Teasel v Dep't of Mental Health*, 419 Mich 390, 409-410 (1984).

136. The Court of Appeals or the Court of Claims has exclusive jurisdiction over an action for mandamus against a state officer. MCR 3.305(A)(1). “All other actions for mandamus must be brought in the circuit court unless a statute or rule requires or allows the action to be brought in another court.” MCR 3.305(A)(2).

137. The clerk of the City of Detroit is not a state officer and therefore the complaint is properly brought to the circuit court.

138. The Plaintiffs have a clear legal right to have the clerk follow the law as written.
139. The Defendants have a clear legal obligation to follow the law as it is written and to refrain from creating new processes, new procedures, and using unapproved equipment that is not certified as required by law.
140. The acts governed by the mandamus action are acts of the clerk are ministerial and not discretionary. They are required by statute.
141. There is no other remedy that will correct the abuses and require the Defendants to comply with their legal obligations.

WHEREFORE, the Plaintiffs request mandamus relief and that the Defendants be required to fulfil their clear administrative duties as stated in the law related to the past practices of the Detroit City Clerk and Board of Election Inspectors as stated herein.

Dated: 10/26/2022

/s/ Daniel J. Hartman
Daniel J. Hartman (P52632)

/s/ Alexandria J. Taylor
Alexandria J. Taylor (P75271)