

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

CHERYL A. COSTANTINO and,
EDWARD P. MCCALL, JR.,

Case No. 20-014780-AW

Plaintiffs,

Hon. Timothy M. Kenny

vs.

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; JANICE WINFREY, in her official
capacity as the CLERK OF THE CITY and the
Chairperson of the DETROIT ELECTION COMMISSION;
CATHY M. GARRETT, in her official capacity as the
CLERK OF WAYNE COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

Defendants.

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**CITY OF DETROIT, CITY OF DETROIT ELECTION COMMISSION AND JANICE
WINFREY'S RESPONSE TO MOTION FOR AN EX PARTE TEMPORARY
RESTRAINING ORDER, SHOW CAUSE ORDER, AND PRELIMINARY INJUNCTION**

RESPONSE

1. The City of Detroit, the City of Detroit Election Commission and Janice Winfrey (collectively, the “City Defendants”) can neither admit nor deny whether Plaintiffs filed their Complaint on November 8, 2020, for lack of sufficient information to form a belief as to the truth of the allegation.

2. The City Defendants admit that the preservation of our form of government requires it to conduct its elections with accuracy and integrity, but deny that they engaged in “fraudulent actions” relating to the 2020 election; that allegation is false.

3. The City Defendants admit that Plaintiffs submitted affidavits but deny that there is any merit whatsoever to any of Plaintiffs’ claims.

a. The City Defendants deny the allegations as untrue. In fact, Plaintiffs’ observations show that the process worked as it should have. The qualified voter file (QVF) is not the instrument used at the counting board tables. (Ex. 1, Aff. of Chris Thomas, ¶ 6). The inspectors had access to the e-pollbook and a supplemental list, not the QVF. (Id. ¶ 36). The laptops at the counting board tables were **not** connected to the internet (even though that is permitted by law), and, in any event, the inspectors working at the counting board tables do not have credentials to access the QVF. Absolutely no “random” names were assigned to ballots, nor would that have been possible. (Id. ¶ 20). The voters’ names that could not be found in the e-pollbook were in the QVF. The names were on the ballot return envelopes. (Id. ¶¶ 21-26). Signature verification was not done at the TCF by counting board inspectors, because it had been completed by the city clerk’s staff. (Id. ¶¶ 12, 19). This process is specifically called for in MCL § 168.765a. No ballots were backdated; the dates used were the dates time-stamped on the ballot envelope by the staff who received the ballots at the satellite offices. (Id. ¶¶ 12, 20). All dates on the envelopes were on or before November 3,

2020; no ballots received by the Detroit City Clerk after 8:00 p.m. on November 3, 2020 were even brought to the TCF Center. (Id. ¶¶ 20, 27).

b. The City Defendants deny the allegations as untrue. In fact, there were no instances of unsecured ballots, let alone “tens of thousands” of unsecured ballots, being delivered to the TCF Center. (Id. ¶¶ 23, 24). It appears that Plaintiffs are referring to blank ballots which were delivered to the TCF Center for purposes of processing ballots that had been damaged or otherwise required duplication. (Id. ¶¶ 23, 25).

c. The City Defendants deny the allegations as untrue. As explained to Republican challengers on Wednesday, November 4, 2020, the Detroit counting boards were using the Secretary of State e-pollbook, comprised of a downloaded instance (i.e. snapshot) of the Qualified Voter File (“QVF”) as it existed late afternoon on Sunday, November 1. (Id. ¶ 7). Since the e-pollbook had not been specifically modified for the AVCB environment, procedural adjustments were required to record ballots. (Id. ¶ 15). Specifically, to add a voter in the e-pollbook (or “EPB”), the voter’s birthdate needs to be entered. (Id.). This is not a legal requirement, but essentially a quirk in the design of the software. (Id.). In a **polling place**, where e-pollbook is designed to work, provisional ballots are entered into the e-pollbook manually by inspectors. (Id.). The voter as part of the provisional ballot process completes a new voter registration application which contains a birthdate. (Id.). In that situation, at a polling place, the date of birth is a data point used to verify the voter. (Id.). Thus, the system includes a tab for birthdates. (Id.). At an **AVCB**, the inspectors do not have access to a voter’s date of birth; moreover, there is no need for that data point to be included, because the voter’s signature is the data point used for verification purposes. (Id.). Nevertheless, to process the vote, the e-pollbook requires the date of birth data field to be

filled out. (Id.). Thus, inspectors were directed to enter the consistent date of birth of January 1, 1900. (Id.). The use of January 1, 1900 as a substitute for an actual date of birth is a standard practice by election clerks. (Id.). The Republican challengers who questioned the process were satisfied with the explanation and did not lodge (what would have been an obviously frivolous) challenge. (Id. ¶ 16).

d. The City Defendants deny the allegations as untrue. See Response to 3c above.

e. The City Defendants deny the allegations as untrue. See Response to 3c above.

f. The City Defendants deny the allegations as untrue. By law, secured ballot envelopes are to be maintained by the clerk and her staff. (Id. ¶ 23). They are never sealed by any jurisdiction in a ballot box prior to election day. (Id.). Employees bring the ballot envelopes to TCF, which is consistent with chain of custody. (Id.). The only ballots brought to TCF that are not in envelopes are blank ballots used to duplicate ballots when necessary. (Id.).

g. The City Defendants deny the allegations as untrue. See Response to 3b above.

h. The City Defendants deny the allegations as untrue. This allegation is based on a series of falsehoods and speculation, as detailed in the brief in support.

i. The City Defendants deny the allegations as untrue. No absentee ballots received after the deadline of 8:00 p.m. on November 3, 2020, were received by or processed at the TCF Center. (Id. ¶ 27). Only ballots received by the deadline were processed. (Id.). It appears that Plaintiffs may misunderstand when the ballots at issue were received, but they could have confirmed when the ballots were received by asking. (Ex. 2, Aff. of Daniel Baxter).

j. The City Defendants deny the allegations as untrue. The City Defendants are not aware of any valid challenge being refused or ignored or of any challenger being removed,

because they were challenging ballots. (Thomas Aff ¶ 39). Ballot challengers are an important part of the democratic process and were fully able to participate in the process at the TCF Center. (Id.).

k. The City Defendants deny the allegations as untrue. There was no fraud committed at the TCF Center, of any fraud—much less “material fraud” as expressed in MCL § 600.4545, cited in Plaintiffs’ Complaint at ¶11. When it became clear that the number of challengers had reached or exceeded the lawful quota and the room had become overcrowded, **additional** challengers were not admitted until challengers from their respective parties voluntarily departed. (Thomas Aff ¶¶ 32-35). Challengers are allocated to one per respective party or organization to each counting board.¹ (Id.). Challengers are expected to be at their stations next to a counting board. (Id.). Unfortunately, this was not the behavior being displayed. (Id.). Instead, challengers were congregating in large groups standing in the main aisles and blocking inspection workers’ movement. (Id.). In one instance, challengers exhibited disorderly behavior by chanting “Stop the Vote.” (Id.). This was inappropriate threatening of workers trying to do their jobs. Such action is specifically prohibited in Michigan election law. See e.g. MCL § § 168.733.

l. The City Defendants deny the allegations as untrue. No ballots were “filled out by hand and duplicated on site.” (Thomas Aff. ¶ 31). Instead, ballots were duplicated according to Michigan law. (Id.). Michigan election law does not call for partisan **challengers** to be present when a ballot is duplicated; instead, when a ballot is duplicated as a result of a “false read,” the duplication is overseen by one Republican and one Democratic **inspector**

¹ The Michigan Department of State Bureau of Election’s Manual, “The Appointment, Rights and Duties of Election Challengers and Poll Watcher” provides in pertinent part: “Only one challenger per political party or sponsoring organization may serve in an absent voter counting board.” Id, p 6.

coordinating together. MCL § 168.765a(10). That process was followed, and Plaintiffs do not—and cannot—present any evidence to the contrary.

4. The City Defendants deny the allegations as untrue.

5. The City Defendants deny the allegations as untrue.

6. The City Defendants deny the allegations as untrue.

7. The City Defendants deny that Plaintiffs are entitled to any of the relief sought.

8. The City Defendants deny the allegation as untrue.

9. The City Defendants admit that notice of filing of the Complaint and Motion was not given but deny the remainder of the allegations as untrue.

10. The City Defendants deny that Plaintiffs are entitled to any of the relief sought.

11. The City Defendants deny that immediate consideration of Plaintiffs' Motion is warranted, as Plaintiffs' claims are frivolous and misplaced.

WHEREFORE, for the reasons stated above and in the Brief submitted in support, the City Defendants respectfully request that Plaintiffs' Motion be denied in its entirety with costs awarded to the City Defendants.

November 11, 2020

Respectfully submitted,

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**BRIEF IN SUPPORT OF
CITY OF DETROIT, CITY OF DETROIT ELECTION COMMISSION AND JANICE
WINFREY’S RESPONSE TO MOTION FOR AN EX PARTE TEMPORARY
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INTRODUCTION

This is one more in a series of ill-conceived cases filed in an attempt to overturn the results of the presidential election. Like other cases, this Complaint relies on hearsay, speculation and unfounded conspiracy theories. And, as in other cases, the Plaintiffs here cannot seriously argue that the “fraud” they claim could have possibly influenced the outcome of this election.

Importantly, Plaintiffs did not come forward with their objections while the process was underway. Although they are Challengers, they did not bring formal challenges. Instead, they waited until the votes were cast, the count was well-underway, and their favored candidate was declared a loser in Michigan by the national news services, before deciding to challenge the process.

But, something basic is missing here—a legitimate, ripe cause of action. Notwithstanding the “unofficial” results, the actual result of this election is not official and will not be official until actual vote counts are certified. After the votes are certified, if Plaintiffs feel aggrieved, they can seek a recount. And, after that, they can seek an audit of the election. But, today, they have no standing to interfere with the completion of the statutory election process.

Even if this case were ripe for adjudication, and even if these Plaintiffs had standing to seek a plenary review of the election by this Court, the facts they allege would not support their demands. Most of the objections raised in the submitted affidavits are grounded in an extraordinary failure to understand how elections function. As the affidavit of Christopher Thomas, who served as Michigan’s Director of Elections for more than thirty years explains, the affiants misunderstood some of the processes that they observed. Notwithstanding Plaintiffs’ misapprehension, this election was run effectively and in accordance with law. Hundreds of Republican challengers were present at the TCF center, and the votes were counted in an open and proper process.

Most of the procedures followed here are unchanged since 2016. At that time, when Donald Trump carried Michigan by fewer than 11,000 votes, there were no objections to the vote count. Again, this year there were no objections to the process until the national media called the State of Michigan for Joe Biden. Then, facing an apparent loss in this State by more than 146,000 votes, more challengers descended on the TCF center, and the Trump campaign began leveling baseless allegations of vote fraud in Detroit.

In 2016, Hillary Clinton received 234,871 votes in Detroit, and Donald Trump received 7,682. This year, preliminary returns give Joe Biden 233,908 votes in Detroit, and Donald Trump 12,654 votes, increasing his 2016 tally by 4,972 votes, with the Democratic ticket actually losing ground. So, President Trump improved his net performance by 5,935 votes. Nothing about those numbers supports the theory of fraud being advanced. Nothing about those numbers supports the completely unsubstantiated claims of tens of thousands of improperly processed ballots.

If this lawsuit achieved its stated goal of auditing the entire election process, it is virtually impossible to conceive of an outcome that could affect the result of the statewide election for president. Instead, there are two possible outcomes—(1) a delay so severe that Michigan loses its ability to appoint its electors in time to cast their votes; or (2) a process that gives credence to the conspiracy theories that call into question the integrity of our elections and undermine our democracy.

This lawsuit is not well grounded in law or in fact. This Court should not give credence to its baseless claims.

ARGUMENT

Plaintiffs clearly do not meet the standards for obtaining injunctive relief. A court applies a four-point test to a request for a temporary restraining order or other injunctive relief:

- (1) The likelihood that the party seeking the injunction will prevail on the merits;

- (2) The danger that the party seeking the injunction will suffer irreparable injury if the injunction is not issued;
- (3) The risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting of the relief; and,
- (4) The harm to the public interest if the injunction is issued.

See, e.g., Campau v McMath, 185 Mich App 724, 728–29; 463 NW2d 186 (1990).

“Injunctive relief is an extraordinary remedy that issues only when justice requires, there is no adequate remedy at law, and there is a real and imminent danger of irreparable injury.” *Janet Travis, Inc v Preka Holdings, LLC*, 306 Mich App 266, 274; 856 NW2d 206 (2014). Injunctive relief “should be employed sparingly and only with full conviction of its urgent necessity.” *Davis v City of Detroit Financial Review Team*, 296 Mich App 568, 613; 821 NW2d 896 (2012), quoting *Senior Accountants, Analysts & Appraisers Ass’n v Detroit*, 218 Mich App 263, 269; 553 NW2d 679 (1996). An injunction should not issue if the party seeking it fails to show that it will suffer irreparable injury in the absence of an injunction. *Niedzialek v Barbers Union*, 331 Mich. 296, 300; 49 NW2d 273 (1951); *Van Buren Pub Sch Dist v Wayne Co Circuit Judge*, 61 Mich App 6, 16; 232 NW2d 278 (1975). Plaintiffs bear the burden of proving that relief should be granted. MCR 3.310(A)(4).

I. Plaintiffs’ Cannot Demonstrate a Likelihood of Prevailing on the Merits

A. Irrespective of Plaintiffs’ Allegations, they Cannot be Entitled to the Relief They Purport to Seek

Plaintiffs’ requested relief is not only contrary to law it is fundamentally anti-democratic. In their Complaint they ask this court to issue an “order voiding the November 3, 2020 election results and order a new election to be held.” (Compl. at p. 20). To disenfranchise millions of voters based on isolated speculation and debunked conspiracy theories has no place in our democracy.

Plaintiffs other requests are no less outrageous. With no legal basis, they ask the Court to “issue an order requiring Defendants to conduct an independent and non-partisan audit to determine the accuracy and integrity of the November 3, 2020 election.” They also ask the Court to enter an order “prohibiting Defendants’ from certifying the election results or continuing to count ballots until this matter can be heard by the Court” and “issue an [sic] preliminary injunction prohibiting Defendants’ from certifying the election results until this matter can be heard by the Court.” These requests are all clearly designed to disenfranchise Michigan voters. The Plaintiffs’ apparent goal is to delay the process enough to prevent the ultimate certification of the election and to preclude the timely appointment of Michigan’s presidential electors so that their votes can be cast on December 14, 2020.

Plaintiffs cannot possibly obtain the legal relief they purport to seek. Plaintiffs allege entitlement to the writ of quo warranto, pursuant to MCL § 600.4545. However, they fail to cite the relevant provision of the statute. Quo warranto under the statute is expressly limited to a challenge to claims of fraud or error for an election “at which there has been submitted any constitutional amendment, question, or proposition to the electors of the state or any county, township, or municipality thereof.” Plaintiffs do not, and cannot, raise or even mention a challenge to such a matter on the ballot. Thus, they cannot proceed. See *Hanlin v Saugatuck Twp*, 299 Mich App 233; 829 NW2d 335 (1991) (affirming dismissal of quo warranto action under MCL § 600.4545).

The claim under MCL § 168.861 fares no better. That statutory provision does not provide an independent cause of action, it simply preserves common law rights. See *Hanlin*, 299 Mich App at 241. There are no plausible allegations relating to any of the traditional common law bases for invocation of quo warranto. None. But, importantly, as stated by the Michigan

Supreme Court as far back as 1933, quo warranto will not issue where, “[i]f it be further assumed, as plaintiff contends, that the activities producing the irregularities were in aid of defendant’s candidacy, and that he received full benefit thereof, it makes no difference, for, if all these ballots were thrown out, still defendant’s majority would be so great that the result would not be in any way adversely affected” *Sturdevant v Stevenson*, 261 Mich 466, 467; 246 NW 183 (1933). In more modern parlance, where the challenge will not change the result of an election, quo warranto will not issue. Here, even accepting Plaintiffs’ false allegations as true, their allegations relate to a very small number of votes cast in the City of Detroit, in a state that President-Elect Biden appears to have carried by more than 146,000 votes.

Plaintiffs contend that courts can call a halt to the canvass based on a misinterpretation of Const 1963 art 2, § 4, ¶1(h), which provides that every citizen “has the right to have the results of the statewide elections audited, **in such a manner as prescribed by law**, to ensure the integrity and accuracy of elections”. (emphasis added). Plaintiffs ignore key words from the constitutional provision they cite, namely, “in such manner as prescribed by law.” After the Constitution was amended to include the audit provision, the Legislature passed MCL § 168.131, to identify the “manner as prescribed by law” for the audit. That statute provides for an audit of election results **by the Secretary of State**. See MCL § 168.131a(1) (“In order to ensure compliance with the provisions of this act, **after each election** the secretary of state may audit election precincts.” (emphasis added)). The Secretary of State audit occurs **after** the election is certified and any recount is concluded, serving as yet one more safeguard over the integrity of the process. But, it is abundantly clear that Michigan law does not envision or permit the ad hoc “audit” Plaintiffs demand. The audit simply cannot be done by anyone other than the Secretary of State at the time specified by law.

This matter is not ripe for adjudication because the result will not be official until the votes are certified by the Wayne County Board of Canvassers. After the votes are certified, the mechanism crafted by Michigan's Legislature to consider claims of fraud, wrongdoing, or violations of law in an election is for a candidate to seek a recount. MCL § 168.872. A candidate may seek a recount where a petition, among other things, "alleges that the candidate is aggrieved on account of fraud or mistake in the canvass of the votes by the inspectors of the election or the returns made by the inspectors of election, or by a board of county canvassers or the board of state canvassers." MCL § 168.879. If Plaintiffs are concerned about election irregularities and believe a proper count would reverse the result, they should pursue their right to a recount after the results of the election have been certified.

Of course, it is extremely unlikely that a recount would change the outcome of an election with an unofficial margin of more than 146,000 votes. So, if Plaintiffs' concern is about the integrity of the electoral process, rather than the outcome of this election, that concern is addressed under the law by a post-election audit.

B. Plaintiffs Raise Irrelevant Factual Issues, Grounded in Misunderstandings of the Election Process

Most of the "factual" allegations of the Complaint and its attached affidavits are based upon misunderstandings of the processes in place to assure a fair and accurate election. As detailed in the affidavits of Chris Thomas and Daniel Baxter, the election was run properly. A "placeholder" birthday of January 1, 1900 was used as a perfectly proper (and common) way to enter data in the database used to track voter information. Voter signatures were not compared at the TCF center, because they had already been compared and validated before the ballots were brought to that location. Absentee ballots were not "backdated" in the Qualified Voter File; they were properly "dated" in the system, based upon time stamps on the ballot envelopes.

Republican challengers were not denied the opportunity to participate in the process; more than 200 Republican challengers were present at the TCF center, and at no time were they limited to fewer than one challenger for every Absent Voter Counting Board. While six feet of separation was necessary for health reasons, the Department of Elections provided large computer monitors at every counting board, so that challengers could view all information as it was inputted into the computer. The observation of “unlocked” ballots late at night was the proper delivery of ballots which had been processed at the Department of Elections main office and then delivered to the TCF center. Some of these issues were raised during the counting process and explained to the satisfaction of challengers at the TCF center. Only after the adverse outcome for President Trump became apparent were these issues dredged back up to try to support a campaign of distortion and disinformation to discredit the election.²

C. The Complaint and Affidavits Include Numerous False Allegations Relating to the Qualified Voter File and the Electronic Poll Book

Plaintiffs make numerous false allegations regarding the input of data with respect to the Qualified Voter File and Electronic Poll Book. They claim that ballots were processed and counted for voters whose names did not appear in the Qualified Voting File (“QVF”) and assigned to a random name already in the QVF system. They also allege that signatures were not verified and that erroneous birthdates were input into the QVF. Similarly, they assert that Defendants “used false information to process ballots, such as using incorrect or false birthdays [and] [m]any times, the election workers inserted new names into the QVF after the election and recorded these new voters as having a birthdate of 1/1/1900.” If Plaintiffs had undertaken even a

² There is nothing alleged in this lawsuit which would raise the allegations above the mere speculation rejected by this Court in its Opinion & Order in *Stoddard et al v City Election Commission of the City of Detroit et al*, Wayne County Circuit Court Case No. 20-014604 (Nov 6, 2020) (Ex. __). The Court held in that matter “that it is mere speculation by plaintiffs that hundreds or thousands of ballots have, in fact, been changed and presumably falsified.” (Id.). The same applies here.

minimal investigation of these claims, they would have known that the claims are misplaced.

The allegations are not only utterly false, they betray a fundamental misunderstanding of Michigan election law and the workings of an Absent Voter Counting Board (“AVCB”). The TCF Center was an AVCB, which, under Michigan law, serves the purpose of counting absent voter ballots. MCL § 168.765a; see also MCL § 168.764d. Verification of ballots occurs **prior** to delivery of the ballots to the AVCB. (Thomas Aff. ¶ 19). Every single ballot delivered to the TCF Center had already been verified as having been completed by an eligible voter. Thus, when Ms. Jacob complains that she “was instructed not to look at any of the signatures on the absentee ballots, and I was instructed not to compare the signature on the absentee ballot with the signature on file” it was because that part of the process had already been completed by the City Clerk’s Office in compliance with the statutory scheme. (Id.; see also MCL § 168.765a). Ms. Jacob is essentially insisting that she should have been allowed to re-do signature verifications in a manner not consistent with the statute even though all ballots delivered to the TCF Center had already been verified **before** they were delivered to the Center. Repeat verifications are not contemplated by the system set up by law. If Ms. Jacob were allowed to have her way, overzealous workers and challengers could delay an election by insisting on the right to perform a never-ending series of repeated “verifications.”

Plaintiffs’ claims regarding dating were raised by Republican challengers at the TCF Center and satisfactorily explained to them. They understood that what Plaintiffs claim now was “fraud” is evidence that the system was functioning properly.

On Sunday, November 1, 2020, Detroit’s election officials downloaded a static record of the Secretary of State’s Qualified Voter File in their electronic poll book. (Thomas Aff. ¶ 7). On the following day, registered voters requested, received and completed AV ballots at satellite

offices. (Id. ¶ 8). Due to the timing of these events, those ballots were not recorded in the version of the QVF downloaded on Sunday as sent or received. The QVF downloaded on Sunday did not reflect what these voters had done on Monday. When the AV ballots for these voters were processed on Election Day and the day after, several envelopes would not scan into the AV poll list contained in the Department's electronic poll book. (Id. ¶ 10). In such a situation, it is standard operating procedure to manually enter the appropriate information about the voter in the electronic poll book to get the ballot to scan. (Id. ¶ 15). The date of January 1, 1900 (01/01/1900) is recommended by the Michigan Secretary of State for instances in which a placeholder date is needed. (Id.). The date does not need to be included by law, but the software requires a date to be input to log a ballot. (Id.). The date is frequently used in the electronic poll book to temporarily fill in fields required by the software to log ballots. (Id.). Certainly, nobody born on New Year's Day 1900 voted in the most recent election. Nevertheless, that birthday will appear several places in the electronic poll book record for a limited period. (Id.). On November 3, 2020, after two Republican challengers watched a demonstration of the process, they chose not to file a challenge. (Id. ¶ 16).

Similarly, no ballots were backdated. The dates used were those time-stamped on the ballot envelope by the staff who received the ballots at the satellite offices. (Id. ¶ 12). No ballots received after 8:00 p.m. on November 3, 2020 were counted or brought to the TCF Center. (Id. ¶ 20).

Further, "invalid" ballots were not accepted or processed. Michigan law ensures that voters are not disenfranchised by clerical errors. (Id. ¶ 9). Several ballot envelopes would not scan into the Absent Voter Poll List contained on the e-pollbook. (Id. ¶¶ 10-11). The Qualified Voter File (QVF) was reviewed to determine the problem. (Id.). The last step in receiving a

ballot envelope is to enter the date stamped on the envelope by the employee and select the “save” button. (Id.). In many such instances, when the QVF was checked, it became clear that the data field noting the date-stamp on the envelope had not been saved into the system by the satellite office employees when receiving the ballot. (Id.). The last step in receiving a ballot envelope at a satellite office is to enter the date stamped on the envelope by the employee and select the “save” button. (Id.). When that is done, the fourth step position becomes visible to indicate all steps have been take. (Id.). That final step was not visible or highlighted for those particular ballots. (Id.). Thus, a team of workers at the TCF Center were directed to review the date-stamps on the envelopes using the QVF. (Id. ¶ 11). They were instructed that if this clerical error was the problem, they should enter the date the ballot was received in the satellite office and select “save.” (Id.). This action then placed the voter into the Absent Voter Poll List so that the ballot could be processed and counted. (Id.). None of these ballots were received after 8 p.m. on election day. (Id.). Most were received on Monday, November 2nd – the busiest day for the satellite offices. (Id.).

In short, it was physically impossible for any election worker at the TCF Center to have counted or processed a ballot for someone who was not an eligible voter or whose ballot was not received by the 8:00 p.m. deadline on November 3, 2020. No ballot could have been “backdated,” because no ballot received after 8:00 p.m. on November 3, 2020 was ever at the TCF Center. No voter not in the QVF or in the “Supplemental Sheets” could have been processed, or “assigned” to a “random name” because no ballot from a voter not in one of the two tracking systems, was brought to the TCF Center.

D. Plaintiffs’ Cannot Prevail with Respect to Their Grab-Bag of Falsehoods

There are numerous miscellaneous falsehoods contained throughout Plaintiffs’ Motions and the affidavits offered in support. It should not be surprising given the identity of some of the

affiants. Mr. Cushman appears to be a follower of Q-Anon (See Ex. 3), a baseless conspiracy theory which has been associated with various crimes and which the FBI has determined to be a potential domestic terrorist threat. One of Q-Anon's foundational beliefs is that "national Democrats, aided by Hollywood and a group of 'global elites', are running a massive ring devoted to the abduction, trafficking, torture, sexual abuse and cannibalization of children, all with the purpose of fulfilling the rituals of their Satanic faith."³ If you believe the opposition is cannibalizing children, there is nothing you would not do to prevent the opposition from winning, including engaging in perjury. Mr. Cushman has posted approximately 10 Facebook Posts a day which call the election a fraud, including numerous posts from well before the election. (Ex. 4). Mr. Cushman was the Former Canvassing Manager for the Campaign to Reelect Senator Pat Colbeck, another person who submitted an affidavit. (Ex. 5). Mr. Colbeck is a former Republican State Senator/tea party activist, who similarly decided the election was a "fraud" well before it was held. (Ex. 6, compilation of Facebook posts by Mr. Colbeck). He made numerous such allegations well before the election, including stating "Democrats are literally attempting to steal the election before our very eyes" and claiming that "COVID is being used by Dems as a means of subverting the integrity of the election" and by October 30, 2020, had already decided that COVID-19 would be used as a cover for "election fraud." (Ex. 6). Mr. Colbeck's Facebook pages are filled with similar conspiratorial proclamations.

- Plaintiffs frivolously assert that after election officials announced the last absentee ballots had been received, additional "unsecured" ballots arrived at the TCF Center loading garage every one of which was supposedly counted and attributed only to Democratic candidates. These allegations are based entirely on the speculation of Mr. Gustafson and Mr.

³ <https://www.theguardian.com/commentisfree/2020/sep/20/qanon-conspiracy-child-abuse-truth-trump>.

Sitto. Mr. Gustafson states that at “approximately 4:30 a.m., on November 4, 2020, a man stated that another shipment of absentee ballots would be arriving and would have to be counted” and that he “heard other challengers say that several vehicles with out-of-state license plates pulled up to the TCF Center a little before 4:30 a.m. and unloaded boxes of ballots” which “were brought in from the rear of the room.” This hearsay appears to be a continuation of the conspiracy claims, in which television reporters bringing in wagons of audio-video equipment, were alleged to have been bringing in ballots. (Thomas Aff. ¶ 7). All ballots were delivered the same way— from the back of the TCF Hall E. (Id.). Contrary to Plaintiffs’ speculation, there is no law requiring already-verified ballots being delivered to an AVCB to be in transfer cases or ballot boxes; the clerk is charged by law to safely maintain the ballots (and, of course, there is no allegation that she did not do so). Moreover, there was a single white van, a City vehicle, that brought approximately 16,000 ballots to the TCF center at roughly around the time mentioned by Mr. Sitto. (Id. ¶ 18). Obviously, the assertion that **all** such ballots were counted for Mr. Biden cannot be true. This is based on nothing more than Mr. Sitto’s claimed observation that five or six ballots in a row were counted for President-Elect Biden. Given the fact that President-Elect Biden received 233,398 votes in Detroit compared to President Trump’s 12,654 votes, it is hardly surprising that several in a row would be for Biden.

- Based on Mr. Larsen’s affidavit, Plaintiffs assert that Defendants “permitted thousands of ballots” to be filled out by hand and duplicated on site without oversight from poll challengers. As explained above, this is not correct.⁴ The duplication of any ballots which were

⁴ Mr. Larsen’s allegations demonstrate he did not understand many of the basic principles at issue. Much of what he alleges to be suspicious (e.g. rental cars with out of state license plates) are not against the rules and demonstrate nothing more than that the City rents vehicles to accommodate the increased need for them during elections. He admits he left the CCB to “consult with another attorney” because he lacked sufficient confidence to make a timely

false reads were duplicated in coordination with at least one Republican and at least one Democratic **inspector**. (Id. ¶ 31). As this Court already held, the law does not support Plaintiffs’ assertion that a **challenger** must observe each duplication. Nevertheless, challengers observed the duplication process, including the process in which the ballots are processed by three inspectors, where the first inspector calls out the names of candidates selected, the second marks that information on a duplicate ballot and the third observes to confirm the process worked. (Id.). That is the routine followed for each election in full compliance with all applicable laws.

- Based on claims made by Mr. Larsen, Plaintiffs frivolously assert that election officials and workers refused to record challenges to their processes and removed challengers from the site if they politely voiced a challenge. That is demonstrably false. (Thomas Aff ¶ 39). All workers were instructed to record valid challenges—a frivolous challenge, such as “stop the count”—is not recorded.

- Plaintiffs falsely allege that Defendants “disallowed election inspectors from the Republican party, **including Plaintiff**, to be present in the voter counting place and refused access to election inspectors from the Republican party.” (emphasis added). This is clearly false. Neither Plaintiff was an election inspector; according to their own affidavits they were election challengers. As Plaintiffs know full well, the list of election inspectors is completed well in advance of the election. Indeed, as Mr. Garcia attests, all inspectors were identified by name, as well as their stated political party preference in an official list that was available for inspection and that was published to both the Republican and Democratic parties of Michigan. (Ex. 7; Affidavit of Lawrence Garcia).

challenge—and rightly so; his raising of these concerns, after the fact, to induce the court to inject itself into a purely non-judicial endeavor is folly.

- Mr. Larsen complains he was “glared” at and not given a full opportunity to stand immediately behind an election inspector, so he could not see what was being input. This allegation certainly contradicts most of his allegations, which are based on things he supposedly observed. The same procedure for access to view the process applied equally to all challengers. The Detroit Health Code and safety during a pandemic required maintaining at least six-foot of separation. This was relaxed where necessary for a challenger to lean in to observe something and then lean back out to return to the six-foot distancing. At some expense, knowing it would be difficult to maintain safe distances, the City provided large monitors at each counting board where all laptop operation was mirrored and fully observable. The inspectors could see and copy the names of each person being enter into the e-pollbook. If an inspector did not fully accommodate a challenger’s reasonable request and the issue was brought to the attention of a supervisor, it was remedied. Announcements were made over the PA system to inform all inspectors of the rules. If what Mr. Larsen says is accurate, any inconvenience to him was temporary, had no effect on the voting process and certainly was not a common experience for challengers.

- Jessy Jacob alleges she was instructed by her supervisor to adjust the mailing date of absentee ballot packages being sent out to voters in September 2020. It is curious that Ms. Jacob did not bring this allegation to her supervisors or anyone else but waited until after the election had been called by the media for President-Elect Joe Biden to raise these falsehoods. It is also unclear what the point of her claim is—the date on the ballot package being sent to voters holds no legal significance. What matters is when the ballot is returned. If it was not returned and received before 8:00 p.m. on November 3, 2020, it was not counted.

- Jessy Jacob alleges that while at a satellite location, she witnessed City of Detroit election workers and employees coaching and trying to coach voters to vote for Joe Biden and the Democrat party and then watching them vote. She also alleges she was instructed not to ask for a driver's license at the satellite location. Any such activities would be contrary to the instructions given to workers at the satellite locations. (See Baxter Aff.). And, again, it is curious that Ms. Jacob waited until after the election to raise these allegations.

- Jessy Jacob alleges she observed “a large number of people” being allowed to vote in-person and not being required to return the mailed absentee ballot or sign an affidavit that the voter lost the mailed absentee ballot. While this is inconsistent with standard practices at satellite locations, whatever process Ms. Jacob claims was followed would not have allowed anyone to vote twice. The QVF is designed to prevent potential double votes. The system prevents votes from the same person being recorded twice; if a voter had an absentee ballot, but came into a satellite office to vote, the system will show whether that person had returned their absentee ballot and voted. (Baxter Aff.). There is no evidence—nor could there be—that double voting actually occurred

- Jessy Jacob states that when she reported to work at the TCF Center she was instructed not to look for “deficiencies” in ballots. This is partially accurate, because the ballots were verified **before** they arrived at the TCF Center. If there were errors within the ballot itself, such as overvotes based on erroneous markings, those ballots would be reviewed by a Republican and Democratic inspector who would together apply the law in determining whether the ballot should be counted and for whom.

- Jessy Jacob states that on November 4, she was instructed to pre-date absentee ballots. This claim appears to be based on flawed semantics. All absentee ballots at the TCF

Center had been received by 8:00 p.m. on November 3, 2020. Workers were not pre-dating anything, they were noting in the system the date-stamp on the ballot envelope, again, all of which were received before the deadline. If the ballot was received after the deadline, it was not brought to the TCF Center or accepted.

- Robert Cushman states that on November 4, 2020, he observed “numerous new boxes of ballots” containing “several thousand” ballots with names that were not on the QVF or Supplemental Sheets and that he observed computer operators at several AVCBs adding the names and addresses of these thousands of ballots the QVF. In fact, as stated above, none of the AVCBs were connected to the QVF or to the internet at all. Deliveries to the TCF Center did include ballots received November 1, 2 and 3 by the 8:00 p.m. deadline. (See gen. Thomas Aff.). There were a significant number of ballots received in satellite locations after the Sunday download of the QVF list and before the November 3 deadline, all of which needed to be checked against the Supplemental Lists. (Id.).

Mr. Cushman is also incorrect in asserting that the Wayne County Clerk was involved in tabulating absent voter ballots. (Id. ¶ 7). And, as discussed above, the clerical issues described by Mr. Cushman do not evidence anything other than the irrefutable fact that election law was followed to ensure all valid ballots were counted. Plaintiffs allege—apparently supported by Mr. Cushman’s affidavit—that absent voter ballots must be input into the QVF by 9:00 p.m. on the date of the election. That is wholly false and contradicts Michigan law. (Id. ¶ 30).

- Mr. Cushman alleges that he suspected AVCBs were connected to the internet because he observed icons on the screen purportedly showing wireless connectivity. A “suspicion” is not evidence. As attested to by Mr. Thomas, the only computers connected to the internet were computers at the central station. The computers at the counting boards were static,

dumb, and not connected to the internet. (Id. ¶ 36). There was simply no way for the inspectors at the Counting Boards to access the QVF, nor would they have had the credentials to do so. (Id.). Thus, none of Mr. Cushman's allegations could be true.

E. Plaintiffs' Claims Will be Barred by Laches

Plaintiffs have unnecessarily delayed, and laches would certainly apply to their claims. If Plaintiffs were concerned with the party affiliations of the published list, they could have acted months ago, including by encouraging Republican voters to apply to participate in the process. If Plaintiffs were concerned about the process followed under Michigan, they could have petitioned the Legislature. If Plaintiffs were concerned about the processing of ballots at the TCF Center they could have leveled legitimate objections. Indeed, when Republican challengers contested the very procedures at issue in this lawsuit, once the process was explained to them, they declined to assert a challenge, knowing it would be frivolous. Instead, Plaintiffs waited until the process was completed, after the national media had called the State, apparently against their favored candidates, to file their challenge on November 9, 2020.

F. Plaintiffs Cannot Demonstrate That They Will Prevail on Their Purported Constitutional or Statutory Claims

Plaintiffs allege Defendants violated MCL § 168.733, by supposedly not providing space for poll challengers. As stated above, the claim will fail because it is based entirely on hearsay and the affidavit of a single challenger who complained that at one table, he could not see a particular screen. Even if the allegation were partially true, it could not possibly entitle Plaintiffs to any post-election remedy. If Mr. Larsen was concerned that he—one individual challenger out of hundreds of Republican challengers—could not see a screen that he wanted to see, he could have addressed the issue at the time, or sought appropriate relief. He did not do that. Any claim he may have had (he had none) is now moot

Plaintiffs allege a violation of MCL § 168.765(5) based on their false allegations that the number of distributed absentee ballots was not timely posted. This claim is “supported” by an allegation in the Complaint, that is made “upon information and belief.” (See Compl. ¶¶ 98-100). Plaintiffs also allege a violation of the statute, based on the claim that “Defendants permitted ballots to be added to the voter rolls after 9:00 p.m.” on November 3. Once again, this allegation—which is a key allegation that forms the predicate of much of Plaintiffs’ speculation—is based “upon information and belief.” (See Id. ¶ 102). Obviously, an “information and belief” allegation is woefully deficient to obtain any relief, let alone the extraordinary relief Plaintiffs’ seek. As attested to in the affidavits submitted with this Response, Plaintiffs are wrong.

Plaintiffs allege a violation of MCL § 168.765a based on their misplaced conflation of the role of ballot inspectors and ballot challengers. As stated above, and as this Court previously held, only one Republican **inspector** needed to be at the TCF Center. Ex. 8 Opinion & Order, Stoddard et al v City Election Commission of the City of Detroit et al, Wayne County Circuit Court Case No. 20-014604 (Nov 6, 2020). That said, there were numerous Republican inspectors always present, even though it has historically been difficult for the Republican Party to recruit inspectors to travel to Detroit to act as inspectors. (Garcia Aff.). No **inspector** of either party was denied access at any time and Plaintiffs present no evidence of that. As this Court has previously held with respect to the same allegations: In contrast, there was a short period of time when excess overflow challengers of **all parties** were not able to enter the TCF Center until a challenger of their party left.

Plaintiffs’ constitutional claims in Count I (Constitutional Right to Accuracy and Integrity of Elections) and Count IV (Equal Protection) are also woefully deficient, because they

do not identify any facts to support either claim, the allegations they do make could not support either theory. While state action that lacks a clear standard and permits unequal evaluation of ballots may give rise to a constitutional claim, Plaintiffs have not identified a single action that lacked a clear standard or permitted unequal evaluation of ballots. All their claims are based on supposition, while, in contrast, the City Defendants have presented actual evidence which proves that their suppositions are false.

G. The Request for Injunctive Relief Cannot be Granted Because Plaintiffs Do Not State a Legitimate Underlying Cause of Action

Plaintiffs' claims are legally deficient because they do not state an underlying cause of action. It is well established that an injunction is not a cause of action itself but is merely a remedy for a viable cause of action. The Court addressed this issue in *Terlecki v Stewart*, 278 Mich App 644; 754 NW2d 899 (2008), where plaintiffs had brought an action asserting five causes of action based on the defendants alleged unlawful flooding of their property, and sought both monetary damages and equitable relief. After affirming the dismissal of all the plaintiffs' causes of action, the Court denied injunctive relief as well, explaining:

[B]ecause a claim for equitable relief to enforce a flowage easement would not be time-barred does not mean that plaintiffs have properly pleaded a cause of action to do so. “*It is not the remedy that supports the cause of action, but rather the cause of action that supports a remedy.*” *Henry v The Dow Chemical Co*, 473 Mich 63, 96-97; 701 NW2d 684 (2005), quoting *Wood v Wyeth-Ayerst Labs*, 82 SW3d 849, 855 (Ky, 2002). It is well settled that *an injunction is an equitable remedy, not an independent cause of action.* *Klay v United HealthGroup, Inc.*, 376 F3d 1092, 1100 (CA 11, 2004); *Fletcher v Conoco Pipe Line Co.*, 129 F Supp 2d 1255, 1265 (WD Mo, 2001). As the *Fletcher* Court stated, “[p]laintiffs must allege some wrongful conduct on the part of Defendant for which their requested injunction is an appropriate remedy.” Here, plaintiffs’ second amended complaint contained five separate counts, and, after reciting these specific claims, requested both compensatory damages and equitable relief. However, because we have concluded that plaintiffs’ tort claims were time-barred and the trial court had dismissed plaintiffs’ statutory claim, *plaintiffs currently have no viable claim against defendants; therefore, equitable relief in the form of an injunction is unavailable.*

Terlecki, supra, at 663-664 (emphasis added); *Redmond v. Heller*, No. 347505, 2020 WL 2781719, at *5 (Mich Ct App, May 28, 2020) (“Because a remedy must be supported by an underlying cause of action, the trial court could not enter an injunction premised on untimely claims.”).

II. Plaintiffs Cannot Show Irreparable Injury

As discussed above, Plaintiffs cannot show how an injunction would protect them from irreparable injury. The vote count in Detroit is over. Stopping the certification of the Detroit election results would delay the Plaintiffs’ path to a recount or to an audit, as authorized by State law. The injuries claimed by Plaintiffs would not be avoided by the injunction they seek; they would be exacerbated.

III. Balance of Harms

In contrast, the City Defendants and the public at large could be severely harmed by the requested relief. The City Defendants are tasked with managing elections for all candidates, not just for the candidates for President. The proposed injunction would put an abrupt stop to the orderly process of this election, rendering deadlines impossible to meet, and preventing the timely certification of all elections. It would wreak havoc with the recount process and create uncertainty for all parties

IV. The Harm to the Public Interest

Plaintiffs are not happy with the outcome of the vote in Michigan, and this lawsuit is an expression of that dissatisfaction. But, it is virtually impossible for this attack on the vote count at the TCF center to change enough votes to reverse the statewide result. Assuming time would allow the audit they request to be completed without interfering with the timely appointment of Michigan’s presidential electors, or if somehow a new election could be ordered and completed in a matter of a few days, Donald Trump would still be trying to find an additional 146,000 votes

in a city in which he received 12,654 votes.

So what would the real outcome of such an injunction be? First, the delay of an audit or a new election would undoubtedly preclude the timely appointment of presidential electors, either disenfranchising the State of Michigan or inviting the State Legislature to override the will of the people expressed in this election and to select their own slate of electors.

Second, and in some ways even more troubling, the very entry of any injunction would put this Court's imprimatur on these baseless allegations of election fraud. Granting an injunction where there is no evidence of fraud, sends a message to the people City, to the State and to the world, that vague and unsupported allegations of election fraud deserve to be elevated and given legitimacy. As this Court previously held with respect to the last frivolous such lawsuit brought before it, "A delay in counting and finalizing the votes from the City of Detroit without any evidentiary basis for doing so, engenders a lack of confidence in the City of Detroit to conduct full and fair elections. The City of Detroit should not be harmed when there is no evidence to support accusations of voter fraud." (Ex. 8). The harm to the public interest here is nothing less than an assault on the fundamental underpinnings of our democracy.

CONCLUSION

This Court previously concluded that "Clearly, every legitimate vote should be counted. Plaintiffs contend this has not been done in the 2020 Presidential election. However, plaintiffs have made only a claim but have offered no evidence to support their assertions." (Ex. 8). Just as with that case, the Plaintiffs here are unable to meet their burden for the relief sought. Plaintiffs' Complaint is part of a campaign in several "battleground" states to sow confusion and raise doubt—where none exists—regarding the election. Plaintiffs should not be allowed to interfere with the democratic process in such a manner. Their Motion must be denied.

November 11, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2020, I electronically filed the foregoing paper with the Clerk of the court using the MiFile system and e-mailed copies to all counsel of record.

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EXHIBIT 1

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

CHERYL A. COSTANTINO and,
EDWARD P. MCCALL, JR.,

Case No. 20-014780-AW

Plaintiffs,

Hon. Timothy M. Kenny

vs.

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; JANICE WINFREY, in her official
capacity as the CLERK OF THE CITY and the
Chairperson of the DETROIT ELECTION COMMISSION;
CATHY M. GARRETT, in her official capacity as the
CLERK OF WAYNE COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

Defendants.

GREAT LAKES JUSTICE CENTER

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AFFIDAVIT OF CHRISTOPHER THOMAS

Being duly sworn, Christopher Thomas, deposes and states the following as true, under oath:

1. I am a Senior Advisor to Detroit City Clerk Janice Winfrey beginning on September 3, 2020 until December 12, 2020. In this capacity I advise the Clerk and management staff on election law procedures, implementation of recently enacted legislation, revamped absent voter counting board, satellite offices and drop boxes, Bureau of Election matters and general preparation for the November 3, 2020 General Election.

2. I served in the Secretary of State Bureau of Election for 40 years beginning in May 1977 and finishing in June 2017. In June 1981 I was appointed Director of Elections and in that capacity implemented four Secretaries of State election administration, campaign finance and lobbyist disclosure programs.

3. In 2013, I was appointed to President Barack Obama's Commission on Election Administration and served until a final report was submitted to the President and Vice-President in January 2014.

4. I am a founding member of the National Association of State Election Directors and served as its president in 1997 and 2013.

5. On November 2, 3 and 4, 2020, I worked at the TCF Center absent voter counting boards primarily as liaison with challenger parties and organizations. I provided answers to questions about processes at the counting board tables, resolved disputed about process and directed leadership of each organization or party to adhere to Michigan Election Law and Secretary of State procedures concerning the rights and responsibilities of challengers. I have reviewed the complaint and affidavits in this case.

6. It is clear from the affidavits attached to the Complaint that these challengers do not understand absent voter ballot processing and tabulating. It is clear also that they did not operate through the leadership of their challenger party, because the issues they bring forward were by and large discussed and resolved with the leadership of their challenger party. The leadership on numerous occasions would ask me to accompany them to a particular counting board table to resolve an issue. I would always discuss the issue with counting board inspectors and their supervisors and the challengers. The affiants appear to have failed to follow this protocol established in a meeting with challenger organizations and parties on Thursday, October 29, 2020 at the TCF Center where a walk-through of the entire process was provided. A few basics are in order: The Qualified Voter File (QVF) is a statewide vote registration file and was not available to counting boards. E-pollbook (EPB) is a computer program used in election day precincts to create the poll list of voters casting ballots. Supplemental poll lists contain names of voters who cast an absent voter ballot on Sunday, Monday and Tuesday. At the processing tables no ballots are scanned. A poll list is not used to confirm whether any specific voter's ballot is counted.

7. To increase the accuracy of the poll list, the Detroit Department of Elections employed the Secretary of State e-pollbook (EPB) to assist in creating the poll list. For each of the counting boards, the EPB held all the names of voters who requested and returned an absent voter ballot by mid-afternoon Sunday, November 1. The download on Sunday was necessary to prepare for the pre-processing granted by a recently enacted law that allows larger municipalities to process ballots, but not to tabulate them, for 10 hours on Monday. (To clarify some apparent confusion by Plaintiffs, Wayne County does not tabulate City of Detroit absent voter ballots.)

8. Absent voter ballots received Sunday after the download to EPB, all day Monday until 4 p.m. and Tuesday by 8 p.m. were not in the EPB. They would be added either by manually

entering the voter names into the EPB or on supplemental paper poll lists printed from the Qualified Voter File (QVF).

9. Zachery Larsen is raising an issue about return ballot envelopes where the barcode on the label would not scan and the voter's name was not on the supplemental list. He was observing the correction of clerical errors, not some type of fraud. In every election, clerical errors result in voters being left off the poll list, whether it is a paper poll list or the EPB. These errors are corrected so that voters are not disenfranchised. Michigan law ensures that voters are not disenfranchised by clerical errors.

10. On Wednesday, November 4 it was discovered that the envelopes for some ballots that had been received prior to November 3 at 8 p.m., had not been received in the QVF. They would not scan into the EPB and were not on the supplemental paper list. Upon reviewing the voters' files in the QVF, Department of Elections staff found that the final step of processing receipt of the ballots was not taken by the satellite office employees. The last step necessary to receive a ballot envelope requires the satellite employee to enter the date stamped on the envelope and select the "save" button. They failed to select "save".

11. A team of workers was directed to correct those clerical errors by entering the date the ballots were received in the satellite office and selecting "save". This action then placed the voter into the Absent Voter Poll List in the QVF so that the ballot could be processed and counted. None of these ballots were received after 8 p.m. on election day. Most were received on Monday, November 2nd – the busiest day for the satellite offices.

12. The return ballot envelopes for each of these voters are marked with the date received and initialed by satellite employees who verified the voter signatures. By entering the date on which the ballot was received, no QVF data was altered. The date field was empty because

the satellite workers did not select 'save', thus failing to complete the transaction. The "backdating" allegation is that on November 4 the staff entered the correct dates the ballots were received – all dates were November 3 or earlier. The date of receipt was not backdated.

13. These return ballot envelopes were discussed with several Republican challengers. Two challengers were provided a demonstration of the QVF process to show them how the error occurred, and they chose not to file a challenge to the individual ballots.

14. The inspectors at the counting boards were able to manually enter voters into the EPB. The return ballot envelope could easily be observed and every key stroke of the EPB laptop operator was clearly visible on the large screen at one corner of the table. The Department of Elections, at some expense, provided large monitors (see attached photo) to keep the inspectors safe and provide the challengers with a view of what was being entered, without crossing the 6-foot distancing barrier. Instead of creating problems for challengers, the monitors made observing the process very transparent.

15. The EPB has an "Unlisted Tab" that allows inspectors to add the names of voters not listed. The EPB is designed primarily for use in election day polling places and reserves the Unlisted Tab to enter voters casting provisional ballots. In polling places, voters are verified by providing their date of birth. Consequently, the EPB is designed with a birthdate field that must be completed to move to the next step. When using this software in an absent voter counting board, a birthdate is not necessary to verify voters, as these voters are verified by signature comparisons (a process which was completed before the ballots were delivered to the TCF Center). Inspectors at the TCF Center did not have access to voters' birthdates. Therefore, due to the fact that the software (but not the law or the Secretary of State) requires the field be completed to move to the next step, 1/1/1900 was used as a placeholder. This is standard operating procedure and a standard date used

by the State Bureau of Elections and election officials across the state to flag records requiring attention. The date of 1/1/1900 is recommended by the Michigan Secretary of State for instances in which a placeholder date is needed.

16. When Republican challengers questioned the use of the 1/1/1900 date on several occasions, I explained the process to them. The challengers understood the explanation and, realizing that what they observed was actually a best practice, chose not to raise any challenges.

17. Ballots are delivered to the TCF Center after they are processed at the Department of Elections main office on West Grand Boulevard. On election day, ballots are received from the post office and the satellite offices. It takes several hours to properly process ballots received on election day. It appears that some of the affidavits submitted by Plaintiffs are repeating false hearsay about ballots being delivered, when actually television reporters were bringing in wagons of audio-video equipment. All ballots were delivered the same way— from the back of the TCF Hall E.

18. Early in the morning on Wednesday, November 4, approximately 16,000 ballots were delivered in a white van used by the city. There were 45 covered trays containing approximately 350 ballots each. The ballots were not visible as the trays had a sleeve that covered the ballots.

19. The ballots delivered to the TCF Center had been verified by the City Clerk's staff prior to delivery in a process prescribed by Michigan law. Thus, when Jessy Jacob complains that she "was instructed not to look at any of the signatures on the absentee ballots, and I was instructed not to compare the signature on the absentee ballot with the signature on file" it was because that part of the process had already been completed by the City Clerk's Office in compliance with the statutory scheme.

20. It would have been impossible for any election worker at the TCF Center to count or process a ballot for someone who was not an eligible voter or whose ballot was not received by the 8:00 p.m. deadline on November 3, 2020. No ballot could have been “backdated,” because no ballots received after 8:00 p.m. on November 3, 2020 were ever at the TCF Center. No voter not in the QVF or in the “Supplemental Sheets” could have been processed, or “assigned” to a “random name” because no ballot from a voter not in one of the two tracking systems, was brought to the TCF Center.

21. Mr. Larsen complains he was not given a full opportunity to stand immediately behind or next to an election inspector. As stated, monitors were set up for this purpose. Moreover, election inspection were instructed to follow the same procedure for all challengers. The Detroit Health Code and safety during a pandemic required maintaining at least 6-feet of separation. This was relaxed where necessary for a challenger to lean in to observe something and then lean back out to return to the 6-foot distancing. The inspectors could see and copy the names of each person being entered into the e-pollbook. If an inspector did not fully accommodate a challenger’s reasonable request and the issue was brought to the attention of a supervisor, it was remedied. Announcements were made over the public address system to inform all inspectors of the rules. If what Mr. Larsen says is accurate, any inconvenience to him was temporary, had no effect on the processing of ballots, and certainly was not a common experience for challengers.

22. Jessy Jacob alleges she was instructed by her supervisor to adjust the mailing date of absentee ballot packages being sent out to voters in September 2020. The mailing date recorded for absentee ballot packages would have no impact on the rights of the voters and no effect on the processing and counting of absentee votes.

23. Michigan Election Law requires clerks to safely maintain absent voter ballots and deliver them to the absent voter counting board. There is no requirement that such ballots be transported in sealed ballot boxes. To my knowledge, they are not sealed by any jurisdiction in Michigan in a ballot box prior to election day. Employees bring the ballot envelopes to the TCF Center, which is consistent with chain of custody. The only ballots brought to TCF that are not in envelopes are blank ballots used to duplicate ballots when necessary.

24. At no time after ballots were delivered to TCF on Sunday, November 1, did any ballot delivery consisted of “tens of thousands of ballots”.

25. Reference is made to a “second round of new ballots” around 9:00 p.m. on Wednesday, November 4. At or about 9:00 p.m. on November 4, 2020 the Department of Elections delivered additional blank ballots that would be necessary to complete the duplication of military and overseas ballots. No new voted ballots were received. The affidavits are likely referring to blank ballots that were being delivered in order to process AV and military ballots in compliance with the law.

26. In the reference to a “second round of new ballots” there are numerous misstatements indicative of these challengers’ lack of knowledge and their misunderstanding of how an absent voter counting board operates. These statements include “confirm that the name on the ballot matched the name on the electronic poll list” – there are no names on ballots.

27. No absentee ballots received after the deadline of 8:00 p.m. on November 3, 2020, were received by or processed at the TCF Center. Only ballots received by the deadline were processed.

28. Plaintiffs reference “Supplement Sheets with the names of all persons who have registered to vote on either November 2, 2020 or November 3, 2020.” Some of the names are

voters who registered to vote on those days, but the vast majority are voters who applied for and voted an absent voter ballot.

29. Plaintiffs use “QVF” in place of “EPB”. The QVF is a statewide voter registration file; an EPB for a counting board is a file of the voters who applied for and returned an absent voter ballot for that counting board.

30. There is no “election rule” requiring all absent voter ballots be recorded in the QVF by 9:00 p.m. on November 3, 2020.

31. Plaintiffs also misunderstand the process when they state ballots were “filled out by hand and duplicated on site.” Instead, ballots were duplicated according to Michigan law. Michigan election law does not call for partisan challengers to be present when a ballot is duplicated; instead, when a ballot is duplicated as a result of a “false read,” the duplication is overseen by one Republican and one Democratic inspector coordinating together. That process was followed.

32. Regarding access to TCF Hall E by challengers, there is also much misinformation contained in the statements of challengers. Under the procedure issued by the Secretary of State there may only be 1 challenger for each qualified challenger organization at a counting board. Detroit maintains 134 counting board, thus permitting a like number of challengers per organization.

33. In mid-afternoon on Wednesday, I observed that few challengers were stationed at the counting board tables. Rather, clusters of 5, 10 or 15 challengers were gathered in the main aisles at some tables. I conducted a conversation with leaders of the Republican Party and Democratic Party about the number of challengers in the room and their locations. It became clear that more than 134 challengers were present for these organizations. No one was ejected for this

reason, but access to Hall E was controlled to ensure that challenger organizations had their full complement and did not exceed the ceiling any further than they already had.

34. Challengers were instructed to sign out if they needed to leave Hall E. For a short period of time—a few hours—because there were too many challengers in Hall E for inspectors to safely do their jobs, new challengers were not allowed in until a challenger from their respective organization left the Hall. However, as stated above, each challenger organization, including Republican and Democrat, continued to have their complement of challengers inside of the Hall E.

35. As stated previously, challengers are expected to be at their stations next to a counting board. Unfortunately, this was not the behavior being displayed. Instead, challengers were congregating in large groups standing in the main aisles and blocking Election Inspectors' movement. In one instance, challengers exhibited disorderly behavior by chanting "Stop the Vote." I believed this to be inappropriate threatening of workers trying to do their jobs. Such action is specifically prohibited in Michigan election law. Nevertheless, challengers were permitted to remain.

36. The laptop computers at the counting boards were not connected to the Internet. Some of the computers were used to process absent voter ballot applications in mid-October and were connected to the QVF. On election day and the day after election day, those computers were not connected and no inspector at the tables had QVF credentials that would enable them to access the QVF.

37. The Qualified Voter File has a high level of security and limitation on access to the file. For example, it is not true that a person with QVF credentials in one city is able to access data in another city's file within the QVF. That is not possible.

38. A point of much confusion in these claims is centered on the law that permits a city clerk to verify the signatures on absent voter ballots before election day. Inspectors at absent voter counting boards do not verify the signatures on the return ballot envelopes. Department of Elections staff may use a voter's signature on an application to verify the voter's signature on return ballot envelope. Or the staff may use the voter's signature in the QVF to make the comparison. Often using the QVF is more efficient than the application signatures.

39. I am not aware of any valid challenge being refused or ignored or of any challengers being removed because they were challenging ballots. Ballot challengers are an important part of the democratic process and were fully able to participate in the process at the TCF Center.

40. In conclusion, upon reviewing Plaintiffs' Complaint, Affidavits, and Motion, I can conclude based upon my own knowledge and observation that Plaintiffs' claims are misplaced and that there was no fraud, or even unrectified procedural errors, associated with processing of the absentee ballots for the City of Detroit.

I affirm that the representations above are true.

Further, Affiant sayeth not.

Date: November 11, 2020

CHRISTOPHER THOMAS

Subscribed and sworn to before me
this ____ day of _____, 2020.

Notary Public
County of:
My Commission Expires:

EXHIBIT 2

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

**CHERYL A. COSTANTINO and,
EDWARD P. McCALL, JR.,**

Case No. 20-014780-AW

Plaintiffs,

Hon. Timothy M. Kenny

vs.

**CITY OF DETROIT; DETROIT ELECTION
COMMISSION; JANICE WINFREY, in her official
capacity as the CLERK OF THE CITY and the
Chairperson of the DETROIT ELECTION COMMISSION;
CATHY M. GARRETT, in her official capacity as the
CLERK OF WAYNE COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,**

Defendants.

GREAT LAKES JUSTICE CENTER

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*Attorneys for City of Detroit, City of Detroit
Election Commission and Janice Winfrey*

AFFIDAVIT OF DANIEL BAXTER

Being duly sworn, Daniel Baxter, deposes and states the following as true, under oath:

1. From 1985 until 2019, I was employed by the Detroit Department of Elections, with a two year hiatus, from 2013 to 2015, when I served as the Director of Elections for Montgomery County, Alabama.
2. From 2005 until 2019, except during my tenure at Montgomery County, I served as Director of the Detroit Department of Elections.
3. Since September 1, 2020, I have served as Special Project Election Consultant for the Detroit Department of Elections, charged with administering all activities associated with the Central Counting Board for the November 3, 2020 General Election.
4. I was present at the Central Counting Board at the TCF Center, where absentee ballots were counted on Monday, November 2, 2020 from 5:30 AM until after midnight; on Tuesday, November 3, 2020 from 6:00 AM until midnight; and on Wednesday, November 4, 2020, from 7:00 AM until Thursday, November 5, 2020, at 6:00 AM.
5. The Detroit Department of Elections completed its final count at or around 10:00 PM on Wednesday, November 4, 2020.
6. The Detroit Department of Elections has submitted its final count to the Wayne County Board of Canvassers.
7. Jessy Jacob was a furloughed employee from another City department, assigned to the Department of Elections for limited, short-term, purposes, in September, 2020. Despite her long tenure with the City of Detroit, her tenure with the Department of Elections was brief, and her responsibilities were limited.
8. Ms. Jacob helped support work at two Absentee Voting Satellite Locations.

9. Ms. Jacob's affidavit, dated November 7, 2020, suggests that she did not understand many of the processes that she observed, and for which she was not responsible.
10. During training, all staff were instructed that their primary responsibility when voters came to the satellite locations was to facilitate the services requested by the voter.
11. If a voter was interested in voting by absentee ballot, staff were instructed to issue the voter an application, verify the voter's identity through a form of identification approved by the State of Michigan and issue a ballot based on Department of Elections procedures.
12. Staff was also instructed that if a voter did not have appropriate proof of identity, the voter should not be turned away; instead, the voter was to be offered an Affidavit of Voter Not in Possession of Photo ID.
13. Staff was instructed that the Department of Elections is strictly non-partisan, meaning the Department and its employees do not offer opinions on candidates or on proposals.
14. If a voter was issued an absent voter ballot and then applied for a second ballot at a satellite office, the voter would be required to request in writing that the first ballot be spoiled. If that does not occur, the Qualified Voter File alerts the satellite staff that there is an absent voter ballot already issued. In order to prevent double voting, until the first ballot is canceled, a second ballot cannot be issued. In the event the first ballot is returned, it is verified in the Qualified Voter File and rejected as a duplicate.
15. After her work on the election was completed, Ms. Jacob was again furloughed.
16. Prior to the filing of this lawsuit, Ms. Jacob did not report any of the issues addressed in her affidavit to any of her supervisors.

I affirm that the representations above are true.

Further, Affiant sayeth not.

Date: November 11, 2020

DANIEL BAXTER

Subscribed and sworn to before me
this ____ day of _____, 2020.

Notary Public

County of:

My Commission Expires:

EXHIBIT 3



Bob Cushman is with Michael Farage and 7 others.

June 23 ·

WWG1WGA!



36

8 Comments 11 Shares

Like

Comment

Share



Sylvia Donkers

Absolutely! All protesters should be sprayed with blue paint so they can be identified later!

Like · Reply · 20w

3



Bob Stayte

and we're gonna take it!

Like · Reply · 20w

1



Renea Knight

Like · Reply · 20w



Nicole ML





Like · Reply · 20w



James Chapman

Mobilization REQQQQQQQUIRES a PLAN; for lame reactionary BS, go to NRA, a corporation who must insure their own survival along with the ANTI. Q is no psyop, but an important instrument for dealing with the Leftist Lies Juggernaut. Without The Spirit, ... **See More**



Like · Reply · 20w



James Chapman

The Revolutionary War had its Committees of Correspondence. and Sons of Liberty (not Sons of Anarchy !!) QED



Like · Reply · 20w



Marti Carroll

anti fa craigslist ad hiring event for July 4th in Grand Rapids.



Like · Reply · 19w



Marti Carroll

Scary stuff. Pays \$25/hour

Like · Reply · 19w



Write a comment...



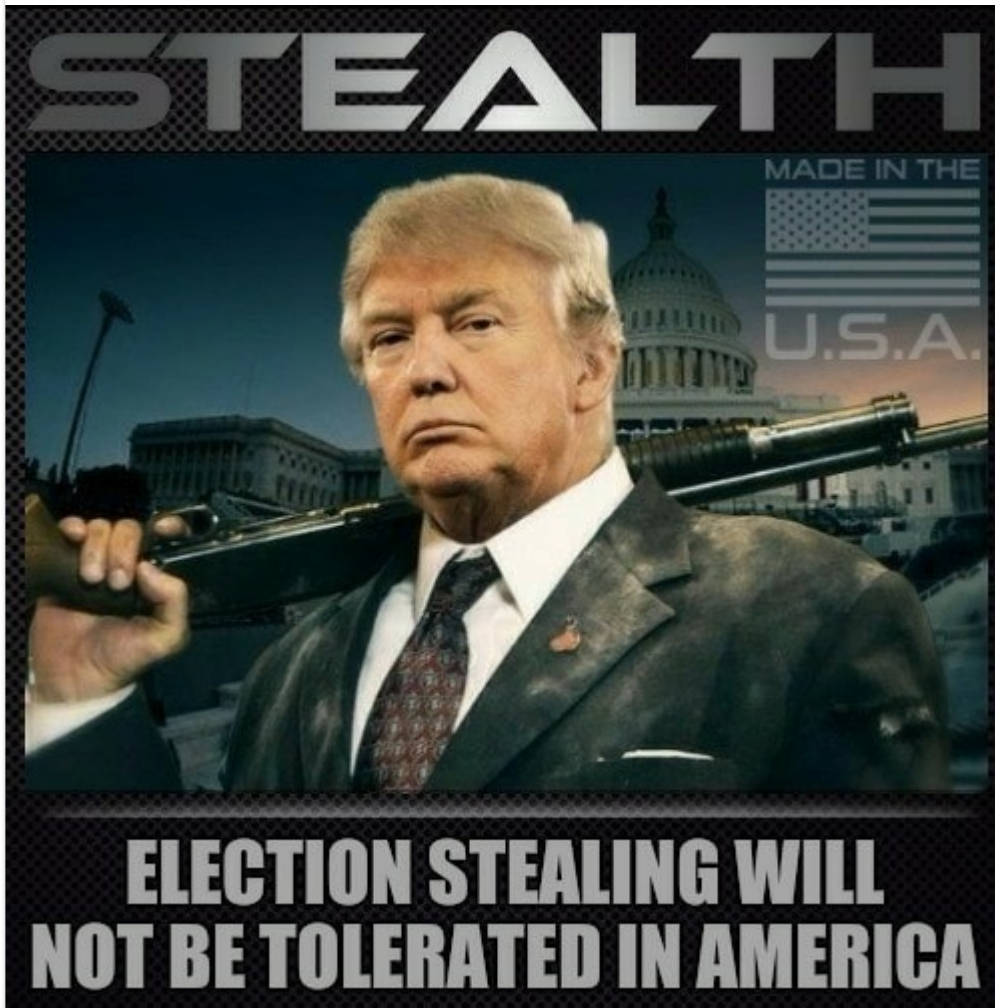
EXHIBIT 4



Bob Cushman is with **Michael Farage** and **11 others**.

November 2 at 9:05 AM ·

There is a FULL COURT PRESS by the Trump campaign to win Michigan unlike ANYTHING I have ever witnessed before!
I know that Michigan is going to provide all of our Electoral Votes for Trump!



See the results and other info about the 2020 US Election.

[See Election Results](#)



27

3 Comments 15 Shares

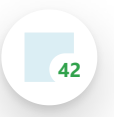
Like

Comment

Share



Bob Stayte
Go get 'em Don!





Cindy J Kallgren
John James is feeling some promising early results.



Like · Reply · 1w



Cindy J Kallgren
John James is seeing some promising early results. 12% in



Like · Reply · 1w · Edited



Write a comment...





Bob Cushman is with **Michael Farage** and **19 others**.

November 3 at 1:56 AM ·

Do NOT Fall for 'Red Mirage' Lies About to be Released by Mainstream Media!

POSTED 4 HOURS AGO

Embrace yourself for a tsunami of puppet media lies, advertising, court battles and riots. Don't believe them.

The Trump 2020 Deputy Campaign Manager Justin Clark released a statement regarding Democrats' intention to cheat:

Democrats are panicking because Joe Biden has not run up a large enough lead in early votes in battleground states and they know that President Trump's in-person votes on Election Day will make up the difference and propel him to victory.

Political Operatives and Smoke Screens

Biden's political operatives have already been distributing talking points and research to delegitimize Election Day results by coaching surrogates to refer to the President's Election Day success as a 'Red Mirage.'

The operatives are advising surrogates and media to create a smoke screen by casting blame all around – imagining postal delays or falsely claiming that mail-in ballots that have simply not been returned should be considered legitimate votes that need to be counted.

None of this will be true, but it will be held up as proof that President Trump's victory is a so-called 'Red Mirage.' No one should fall for it.

Bombard With Disinformation

We are aware that Democrats have already cut television ads they are prepared to deploy to further cement the 'Red Mirage' misinformation, seeking to convince people that all Joe Biden would need for victory is more time, extending well beyond Election Day.

At the same time, we fully anticipate that Democrats will be in court arguing to extend deadlines for accepting and counting votes mailed and received well past deadlines enacted by individual state laws.

Steal The Election -----

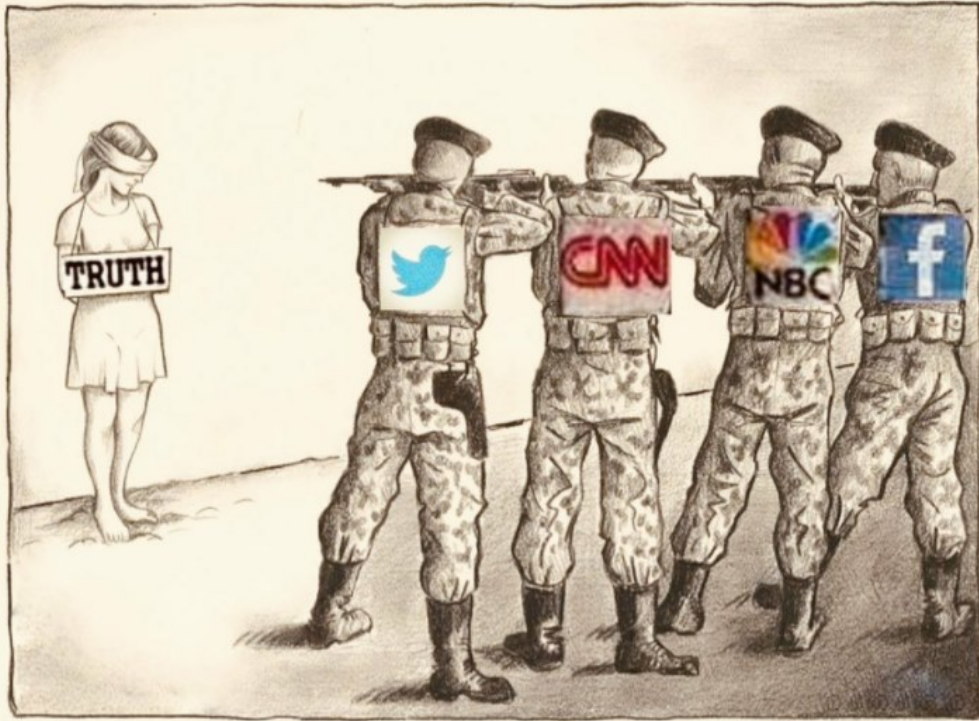
Americans should remember that Biden has assembled a massive team of lawyers who will try to loosen election integrity so they can steal this election, and also recall that Hillary Clinton advised Biden not to concede defeat 'under any circumstances.' The last gasp of the Biden campaign will be ugly and it will be ruthless.

To counter the 650+ Democrat attorneys already in place to rush the courts across the nation on Election Day and beyond, the Republicans are ready to respond.

Their "Lawyers for Trump" coalition is being led by Texas Attorney



Deputy White House Counsel Stetan Passantino. The group includes prominent Trump-allied attorneys like former Florida Attorney General Pam Bondi, former Attorney General Ed Meese and the president's personal attorney Rudy Giuliani.



See the results and other info about the 2020 US Election.



[See Election Results](#)



50

15 Comments 125 Shares

Like

Comment

Share



Robert Steele

Thank you Bob for all your hard work on the ballot integrity issue. One of many outstanding contributions you have made the last 10 years. 👍👍

Like · Reply · 1w



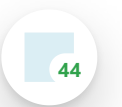
Bob Cushman replied · 1 Reply



Bob Kittridge

GOD Bless you **Bob Cushman**.

Like · Reply · 1w





Cindy Beach

This is it...

🎧 And I can feel it coming in the air tonight, oh Lord...



🎧... See More

Like · Reply · 1w · Edited



Sylvia Donkers

Thank you for all your consistent hard work!

Like · Reply · 1w



Jody White

Our Probate Judges have their power too! In our courtrooms!

The bullying has to stop! Truth matters!

Like · Reply · 1w



Delrena Guerra

Hey, is that the famous Robert Steele?? Anyway, he is right..You are one incredible Patriot, and the contributions you have made to the people of Michigan is outstanding!!!!

Like · Reply · 1w



James Milleville

Bob - read my PM to you.

Like · Reply · 1w



Sherry Ariella Bryson

Need to add fox to this too

Like · Reply · 1w



Linda Ciciotti

Don't forget FOX on there, too!

Like · Reply · 6d



Michael Raines

Must file IMMEDIATE injunction to secure and protect ALL signature envelopes, mailing envelopes, and ballots for EVERY absentee & mail in ballot! Must ensure signatures match and PROSECUTE EVERY one of those who interfered with Poll Watchers, who threw... See More

Like · Reply · 6d



Linda Hammmon

Unfortunately TRUE.

Like · Reply · 6d



Liisa Syrjala

Fox News needs to be added to the list





Lisa Fedor
and thank you copied and pasted

Like · Reply · 4d



Marlene Czarkowski
I sure hope we find the evidence

Like · Reply · 2d



Write a comment...





Bob Cushman is with **Austin T Kreutz** and **24 others**.

November 5 at 10:37 AM ·

LARGE SCALE ELECTION FRAUD !

In the last two days I served as an Election Challenger in the Detroit Absent Voter Counting Board on Tuesday and Wednesday. I observed large scale election fraud, major Challenger obstruction and further evidence of MAJOR election fraud. I will be spending the next several hours typing up reports for the MRP and Trump attorneys. When I am finished I will share details with you.

Stay tuned.

Bob Cushman

P.S. I am asking for all my friends to pray for the truth to be exposed. I am convinced that the only way for this to happen is for the intervention of our God that has the power to defeat all evil. In the name of Jesus we pray.



See the results and other info about the 2020 US Election.



[See Election Results](#)



192

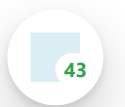
106 Comments 526 Shares

Like

Comment

Share

[View 45 more comments](#)





Like · Reply · 5d



John E. Grill

Thank you Bob. We need more patriots like you, fighting for the American people!



Like · Reply · 5d



Louise Wall Hall Cobrea

Thank yu Bob for your dedication to righteousness



Like · Reply · 5d



Delrena Guerra

Thank you **Bob Cushman** and your wife for all your hard work! 34hr is like a week of work all at once!! I went there to volunteer but was turned down due to covid restrictions they said.



Like · Reply · 5d



Bonny Kish Smit

Thank you for being a warrior for us! Thank GOD there are people like you 🍌🍌🍌🍌🍌🍌



Like · Reply · 5d



Sherry Carlile-Gray

I sure will be watching for the rest of the story as Paul Harvey would say! Not surprised. The Dems would do anything to win. Thank you Bob for supporting our president. He may not be a great speaker but then neither was Moses which is why God sent Jos... **See More**



Like · Reply · 5d · Edited



Sherada Marie Collins

We need to be at TCF on Friday 9:30 am. Team Trump may make official announcement similar to PA and NV today



Like · Reply · 5d



Louise Wall Hall Cobrea

Prayingfor your courge and strength



Like · Reply · 5d



Louise Wall Hall Cobrea

What is TCF

Like · Reply · 5d



Louise Wall Hall Cobrea replied · 2 Replies

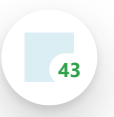


Garian Grafix

God bless uou



Like · Reply · 5d





Cathy Alcorn

Thanks Bob appreciate you doing this. I am Precinct Chair and at least I know we ran the district I was at very above board. Everything accounted for.

Like · Reply · 5d



Bev Dixon

Did you see the Project Veritas whistle blower video released today? Postal workers in Mi were back dating ballot envelopes

Like · Reply · 5d



George Ewing

Even the dumbest of us citizens knew that the change implemented in Michigan and the other so called battle states to accept mail in voting and days of extensions after election day was that the democrats would use this a fraud to pad the vote tallies.... **See More**

Like · Reply · 5d



Hannah Blakely

thank you! I prayed right after I left TCF last night. I HAD to run to God after what I saw.

Like · Reply · 5d



Jana Williams

May God unveil the evil in Detroit! May the truth be known! Amen.

Like · Reply · 5d



Candy Gillman

This should be all over the news and make them look so bad. I have never been so disappointed in my State Government as I am with all this fraud.

Like · Reply · 5d



Sylvia Donkers

Thank you for your endurance in what must be so frustrating! 🇺🇸

Like · Reply · 5d · Edited



Huuki Janell Matt

Thank you for being in the belly of the beast!!! Keep fighting

Like · Reply · 5d



Gail Tally

Thank you **Bob Cushman** for your great service.

Like · Reply · 5d



William Jarratt

Thank you, I tried to be poll challenger yesterday and couldn't get in. This needs to be dealt with.

Like · Reply · 5d



William Jarratt

What is happening there Friday?

Like · Reply · 5d

Yvonne Black replied · 1 Reply



Jerry Tranchmontagne

Bob not sure you know this so I will fill you in, believe it or not I know some Bernie Sanders lovers and they felt this exact thing happened to them in the Primary here in Michigan, Sanders was up like 300,000 late in night out of nowhere Biden beats ... **See More**

Like · Reply · 5d



Jolene Knapp

Amen, Bob. Been waiting to hear your perspective.

Like · Reply · 5d



Edward Patton McCall

I have submitted about 30 challenges to the MIEDO, and will also write a summary. I experienced multiple, serial acts of harassment from challengers directed at both me and other challengers.

Like · Reply · 5d



Esther Rapa

Praying for you as you write and stand. Psalm 119 in NLT...118 But you (God) have rejected all who stray from your decrees.

They are only fooling themselves.

119 You (God) skim off the wicked of the earth like scum;... **See More**

Like · Reply · 5d



Carmelita Greco



Like · Reply · 5d



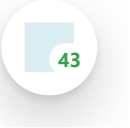
Anita Berger

<https://rumble.com/vaxwob-detroit-leaks-video-was-taken...>



RUMBLE.COM

DETROIT LEAKS video was taken





Like · Reply · 5d



Dan Cheryl Alexander
Thank you 🙏🙏🙏🙏🙏

Like · Reply · 5d



John Little
Amen!

Like · Reply · 5d



Jim Gillum
Amen.

Like · Reply · 5d



Frances Gee
Can't wait to read it! Thank you fir your dedication

Like · Reply · 5d



Frances Gee
Don St Amant

Like · Reply · 5d



Paul Spoelstra
Will you publish your report to FB?

Like · Reply · 5d



Rusty Chatfield
🙏

Like · Reply · 5d



Kelly Connolly
Jennifer Lindsey Cooper

Like · Reply · 5d

 **Jennifer Lindsey Cooper** replied · 4 Replies



Lenore Carlson
God bless us and our country

Like · Reply · 5d



Lynn Morrill Evans
Thank you for your integrity and fight for the truth.

Like · Reply · 5d



Greg Knapp
Bob, don't spare a detail. This must be exposed. I fear it's happen in every other state we're looking at right now.

Like · Reply · 5d



James Milleville
I'm the Name of Jesus we do pray. God made thousands




Like · Reply · 5d



Lisa Fedor
boom stealing to steal both photo and text



Like · Reply · 5d

 Lisa Fedor replied · 1 Reply



Rhonda Chapman
We are praying. Watch and see the mighty hand of the Lord. His enemies will be defeated!



Like · Reply · 5d



Beth Wager
Bob Cushman, did you see people marking ballots for the democrats? Did you see people throwing away any ballots? What did you see that was illegal? Don't be like him and just say something bad is happening. You gotta have proof



Like · Reply · 5d

 Bob Cushman replied · 1 Reply



John Crawford
Thank you, Bob - and all of the other conscientious citizens doing this heroic task! We do appreciate all you're doing.



Like · Reply · 5d



Naomi Gantner
This truly is soo sad!! 😞 we just have to keep praying!! I knew this was going to happen. It happens all the time with the democrats sadly! 😞



Like · Reply · 5d



Yvonne Black
Bob Cushman who do I give my letter of observations at the TCF Center to??



Like · Reply · 5d

 Bob Cushman replied · 1 Reply



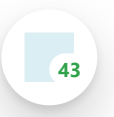
Yvonne Black
They were supposed to have 1 Democrat and 1 Republican as a team fixing the absentee ballots and they were doing 2 Democrats teams.



Like · Reply · 5d



B David Grice
I applied to be a poll watcher in Wayne county several times but no luck. Wish I could have been there with you





Dave Seager

He will impose his will & it will be done. Man cannot our maneuver our God especially when it's his will. Hopefully it is. Regardless, they will be judged



Like · Reply · 4d



Debra Mueller

Praying and standing in agreement with all of God's children for this fraud to be exposed.



Like · Reply · 4d



Write a comment...





Bob Cushman is with **Michael Farage** and **10 others**.

November 6 at 12:25 AM ·

Trump is correct! Election fraud was rampant in Detroit!
I know! I was there! I was a challenger in the Detroit Absent Voter Counting Boards!
The attorneys have my reports and the reports from many others!
The truth will be rolling out in Lawsuits in the next few days!
We the People will Prevail!

God has this. Trump will win but we have some bumpy road ahead. I expect 4 to 6 weeks. Recount cannot happen until election is certified. A minister friend of mine believes that God will use this time to expose evil.
Be at peace and Trust that God has this under control. Keep praying.



DETROITNEWS.COM

Trump targets Detroit, falsely claiming he won Michigan

President Donald Trump railed against the counting of ballots in D...



See the results and other info about the 2020 US Election.

[See Election Results](#)



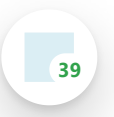
38

11 Comments 11 Shares

Like

Comment

Share





Patrick Nixon

Maybe not evidence sufficient for the Court of Claims judge but certainly enough evidence to represent reasonable suspicion and warrant INVESTIGATION by state or federal government. Why are the FBI, US postal Inspector, and MI State Police not INVESTI... **See More**

Like · Reply · 5d



 Patrick Nixon replied · 2 Replies



Jackie Sue Roberts
Bless your heart Bob!

Like · Reply · 5d



Christie Ann
Love your enthusiasm and positivity. Keep up the fight! TRUMP 2020.

Like · Reply · 5d



Tawn Beliger
I emailed you a vid about an hour ago.. what you think?

Like · Reply · 5d



Dawn Rodriguez
Thank you Bob!

Like · Reply · 5d



Sylvia Donkers
Then why did the center put up paper barriers so they could not be observed! Why did some people bring in hundreds of ballots at 4:00 a.m. in the morning?

Like · Reply · 4d



Jerry Tranchmontagne
I love you Bob thanks big time for your passion to keep us free, God bless you !

Like · Reply · 4d



Linda Miller
Amen 🙏 and Godspeed 🇺🇸

Like · Reply · 3d

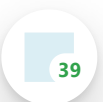


Sherry Carlile-Gray
Thank you Bob for keeping us informed and protecting our freedom.

Like · Reply · 16h



Write a comment...





Bob Cushman

November 7 at 8:41 PM ·



Patrick Colbeck is with Mike Detmer and 19 others.

November 7 at 12:55 PM ·

The media wants you to believe that Biden won. Not true.

Remember, I warned you. Biden will "fake it 'til he makes it".

The media has been attempting to crown him President before 11/3. Did you think it would be any different after 11/3?

There are two threads to the fight for America right now:

- 1) Media Thread: Impulse, emotion, hurried (avoids truth)
- 2) Legal Thread: Slow burn (pursues truth)

We need to battle on both fronts...and we are.

1) We need to counter the Pro-Biden media narrative with rally after rally supporting our President and the need to count every LEGAL vote.

2) We need to be patient and let the truth about the election work its way through the courts.

Remember, in this world you WILL have trouble, but be of good cheer for Christ has overcome the world 😊



See the results and other info about the 2020 US Election.

[See Election Results](#)



5

Like

Comment

Share



Write a comment...





Bob Cushman

November 7 at 9:03 PM ·



Strengthen him, Lord.

Send legions of angels to protect him,

Father.

Guard & guide his heart & mind.

Ease his cares & give him good rest.

Give him Your peace & wisdom.

Cause his enemies to stumble & fall into

confusion & panic.

Give him energy & clarity.

In Jesus name, Amen!

Jennifer Oram

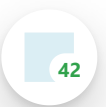
November 7 at 7:45 AM ·



Source: taken from a group which I'm sure FB will shut down.

16

1 Comment 3 Shares





Debi Haas
Amen!

Like · Reply · 3d



Write a comment...





Bob Cushman

November 9 at 12:30 PM ·

"It must be understood that if there is not integrity in our elections, then governance has no legitimacy. The people must trust that our elections are fair, or they cannot trust the government that governs after getting elected by fraud ." Bob Cushman

LAWSUIT FILED ALLEGING MASSIVE FRAUD!



THEEPOCHTIMES.COM

Election Fraud Lawsuit Alleges Backdating of Ballots Took Place in Michigan



See the results and other info about the 2020 US Election.

[See Election Results](#)



5

4 Shares



Like



Comment



Share



Write a comment...





Bob Cushman is with Rocky Raczkowski and 28 others.

22h ·

With God's help the TRUTH will come out!
Trump will be declared the winner! More importantly the Faith of the American people will be preserved that we can have fair elections. This faith is CRITICAL if America is to continue to be the Constitutional Republic that is was intended to be. I am asking everyone of you to do (2) things:

1. Have faith that we will get the truth exposed.
2. Keep Praying.

There is no force great enough to stand against our God!



YOUTUBE.COM

Bob Cushman - Detroit Michigan Whistleblower - YouTube

Bob was there when the election officials attempted to rig the 2020...

30

5 Comments 39 Shares



Dodge Dawn



1

Like · Reply · 22h



Penny Swan



1

Like · Reply · 22h



Christie Ann

Love your speech and that hoodie!!

Like · Reply · 21h

1





Sylvia Donkers
Stay strong and united

Like · Reply · 21h



Thayrone Xington
Want hope? Start watching Steve Bannon's War Room on Newsmax. They're all over it.

Like · Reply · 9h



Write a comment...



EXHIBIT 5

Contact

www.linkedin.com/in/bobcushmang5av8or (LinkedIn)

Top Skills

Microsoft Office
Aviation
Aircraft

Robert Cushman

Political Activist/ Charter School Mentor
Northville

Summary

Objective: My objective is to pursue Conservative causes that will improve our society and promote excellent education programs such as Cornerstone Schools and Detroit Achievement Academy. Pat Colbeck (State Senator) , Clark Durant(founder of Cornerstone Schools) and Kyle Smitley (founder of Detroit Achievement Academy) are my heroes and friends. I am committed to promoting these individuals and their programs. In this way, I believe, I may begin to give back to a society that has given me so much.

Robert F. Cushman

734-780-5662
bobcushman@wowway.com

Specialties: Aircraft Type Ratings in the Citation 2, 3,6,7, and 10, Saab 2000, Gulfstream 350 and the “mighty” GV. · Experience includes King Air 200, Convair 580, and MU-2 aircraft·

Experience

Political Activist
Political Activist
2010 - Present (10 years)
Northville, Michigan

I pursue supporting candidates and causes that generally promote freedom, liberty and integrity and strongly support the Constitution and view this document as one of the greatest ever written by man and inspired by God.

Pat Colbeck for Governor
Colbeck Campaign Volunteer Coordinator
January 2017 - August 2018 (1 year 8 months)
Michigan

Northville Republicans Club

President

November 2015 - July 2017 (1 year 9 months)

Campaign to Re-elect Senator Patrick Colbeck

Canvass Manager

March 2014 - November 2014 (9 months)

My task was to motivate and lead door to door volunteers to canvass the 7th Michigan Senatorial District to bring forth the facts and the truth in order to persuade 170,000 voters to vote for Patrick Colbeck.

Detroit Achievement Academy

Assistant Teacher

January 2014 - June 2014 (6 months)

Bijan Air

Captain (Retired)

May 2010 - June 2013 (3 years 2 months)

Willow Run Airport - Michigan

I managed and served as Captain on a Citation III Jet.

I retired June 30, 2013.

B. C. Transportation Sevices L.L.C.

Independent Contract Pilot - Retired

December 2009 - June 2013 (3 years 7 months)

I provided pilot services for various aircraft.

General Motors

Captain (Aircraft)- Retired

January 1985 - December 2008 (24 years)

Oscar Mayer

Captain (Aircraft)

April 1981 - January 1985 (3 years 10 months)

Copilot and Captain Company Aircraft

Comair

Captain (Aircraft)

August 1979 - April 1981 (1 year 9 months)

Pontiac Piper

Flight Instructor

September 1978 - August 1979 (1 year)

I served as both a primary and advanced ground and flight instructor for this very busy and productive flight school.

Rockwell Automation

Sales Engineer

June 1974 - April 1979 (4 years 11 months)

Sales Engineer - Heavy Truck Components

Ford Motor Company

Heavy Truck Engineer

August 1972 - June 1974 (1 year 11 months)

Education

University of Michigan-Dearborn

Mechanical Engineering · (1973 - 1973)

Purdue University

B.S.M.E, Mechanical Engineering , Computer Aided Design · (1968 - 1972)

EXHIBIT 6



Patrick Colbeck

September 28 ·



This is critical. Loss of Michigan this election could mean loss of America.

Democrats are literally attempting to steal the election before our very eyes.

Happy to see that the Republican party has at least filed lawsuits.

Judges are not allowed to make/change laws. Changing the rules by which elections are managed DURING the election cycle particularly in a manner that heavily favors Democrat candidates is reprehensible.

How have they gotten this far in their conspiracy to defraud voters? Years of civics apathy.



DETROITNEWS.COM

Republican Party sues to stop late ballot ruling; high court considers case

121

27 Shares

Like

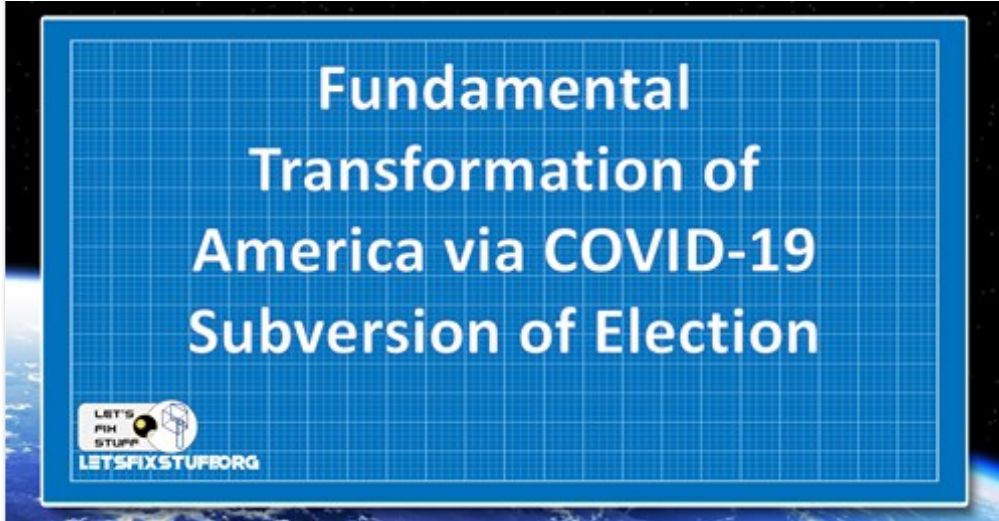
Share



Patrick Colbeck is with Mike Detmer and 17 others.

October 29 at 9:27 PM ·

COVID is being used by Dems as means of subverting the integrity of the election.



LETSFIXSTUFF.ORG

Fundamental Transformation of America via COVID19-based Subversion of Election - Lets Fix Stuff

25

2 Comments 14 Shares

Like

Share



Sirena Sedat



Like · 1w

2



Cindi Holland
It's true!!

Like · 1w



Patrick Colbeck is with Ginny Engelland and 19 others.

October 30 at 11:09 PM ·

ALERT: COVID Being Used As Cover for Election Fraud by Governor Whitmer and Secretary Benson!

The formula for election fraud that seems to be encouraged by Governor Whitmer and Secretary Benson is:

- 1) Subvert the integrity of the qualified voter file by allowing 3rd party data entry
- 2) Exploit absentee voting
- 3) Subvert the ability to verify the identity of absentee voters against qualified voter file
- 4) Prevent poll challengers from monitoring the validation of the identity of absentee voters

Once the absentee ballots have passed through the voter ID validation step, they go straight to the vote tabulator with no way of reconciling a voter with his or her ballot...even if subject to a recount.



DETROITNEWS.COM

Opinion: COVID can't be an excuse for subverting election integrity



See the results and other info about the 2020 US Election.

[See Election Results](#)



70

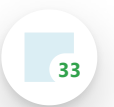
4 Comments 90 Shares



Like



Share





2



Cindi Holland

It's true!! conservatives get out and vote in massive numbers! Car pool, take your friends, family and neighbors to the polls!!

Like · 1w



Chuck Vizthum

Great work **Patrick Colbeck!**

Like · 1w



Mindy LaGrow Vachow

Mdhhs told an 18 year old she had to quarantine for 14 days even though she had a negative test. They told her she would be fined if she left her house, even to vote.....

Like · 1w · Edited



Cindi Holland

FB won't let me share this 🙄

Like · 1w



Patrick Colbeck is with Mike Detmer and 17 others.

November 2 at 7:29 AM ·

Integrity of key election artifacts being subverted under guise of COVID epidemic.

How to protect integrity of election?

Ensure the identity of absentee voters before having their votes tabulated. That means poll challengers must be allowed to witness ALL voter identification activities...including absentee voters.

COVID being used as an excuse to limit access to absentee ballot voter identification activities in communities such as Detroit. Not only is this unacceptable, it is unlawful.

...ion: COVID can't be an excuse ...ubverting election integrity

Colbeck

6 p.m. ET Oct. 30, 2020

ments



... the Michigan Supreme Court issued a unanimous 7-0 ruling that Gov. Gretchen Whitmer did not have the authority to issue the basis of a state of emergency beyond April 30.

LETSFIXSTUFF.ORG

Subversion of Election Integrity Using COVID as Cover - Lets Fix Stuff



See the results and other info about the 2020 US Election.

[See Election Results](#)



26

2 Shares



Like



Share



Patrick Colbeck

November 2 at 3:47 PM ·

Joe Biden brags about having “the most extensive and inclusive VOTER FRAUD organization” in history...



LETSFIXSTUFF.ORG

Joe Biden brags about having “the most extensive and inclusive VOTER FRAUD organization” in history - Lets Fix...

32

3 Comments 14 Shares

Like

Share



Sharin Tephila

Yes. This is true. <https://theamericanreport.org/.../biden-using-scorecard.../>



THEAMERICANREPORT.ORG

Biden Using SCORECARD and THE HAMMER To Steal Another U.S....

Like · 1w



Jane Pool

yes, it must be true...he wouldnt have said it...

Like · 1w

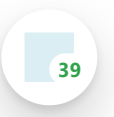


Don N Colleen Raby

Michigan Legislature

Michigan Compiled Laws Complete Through PA 218 of 2020... **See More**

Like · 1w





2





Patrick Colbeck is with **Mike Detmer** and **18 others**.

November 3 at 12:02 PM ·

ALERT: Would you like to help preserve the integrity of the 2020 Election? Here's how you can help.

If you are a poll worker, poll challenger or poll sitter on behalf of a campaign, please be sure to capture the following precinct vote tallies once the precinct has been balanced at the end of election operations:

- Trump, Biden
- James, Peters

Please send your vote tallies to info@electionintegrityfund.org for capture.

In your email, please include:

- Vote tallies
- Municipality
- Precinct number

I have reason to believe that the Democrat's plan to subvert the integrity of the election includes manipulating the vote tallies transmitted from county election boards to the state board of canvassers. If we have a roll-up of precinct-level poll results, we can check the precinct fidelity roll-up against the county fidelity roll-up.

If they don't agree, we know that "something is rotten in Denmark".

Make sense?

Easy to do. At end of election operations, please go to the election officials and poll workers in your voting precinct and ask for the vote tallies above for each precinct. Some will let you take a photo of the paper vote tally printout. If they don't, simply write down the results. All we really need to verify statewide vote fidelity are the results of the Presidential and U.S. Senate race.

Each of us has a role to play in the preservation of our election integrity.

PLEASE SHARE!

39

1 Comment 33 Shares

Like

Share

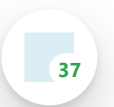


Kerry Lynn

I tried to become a poll worker. I think the org was left that I tried to go through. They abruptly hung up on me when I told them I signed up, reached out and heard nothing. He said, "That means your not signed up.' Click.


Like · 6d · Edited

1





Bob Cushman is with **Michael Farage** and **19 others**.

November 3 at 1:56 AM · 

Do NOT Fall for 'Red Mirage' Lies About to be Released by Mainstream Media!

POSTED 4 HOURS AGO

Embrace yourself for a tsunami of puppet media lies, advertising, court battles and riots. Don't believe them.

The Trump 2020 Deputy Campaign Manager Justin Clark released a statement regarding Democrats' intention to cheat:

Democrats are panicking because Joe Biden has not run up a large enough lead in early votes in battleground states and they know that President Trump's in-person votes on Election Day will make up the difference and propel him to victory.

Political Operatives and Smoke Screens

Biden's political operatives have already been distributing talking points and research to delegitimize Election Day results by coaching surrogates to refer to the President's Election Day success as a 'Red Mirage.'

The operatives are advising surrogates and media to create a smoke screen by casting blame all around – imagining postal delays or falsely claiming that mail-in ballots that have simply not been returned should be considered legitimate votes that need to be counted.

None of this will be true, but it will be held up as proof that President Trump's victory is a so-called 'Red Mirage.' No one should fall for it.

Bombard With Disinformation

We are aware that Democrats have already cut television ads they are prepared to deploy to further cement the 'Red Mirage' misinformation, seeking to convince people that all Joe Biden would need for victory is more time, extending well beyond Election Day.

At the same time, we fully anticipate that Democrats will be in court arguing to extend deadlines for accepting and counting votes mailed and received well past deadlines enacted by individual state laws.

Steal The Election -----

Americans should remember that Biden has assembled a massive team of lawyers who will try to loosen election integrity so they can steal this election, and also recall that Hillary Clinton advised Biden not to concede defeat 'under any circumstances.' The last gasp of the Biden campaign will be ugly and it will be ruthless.

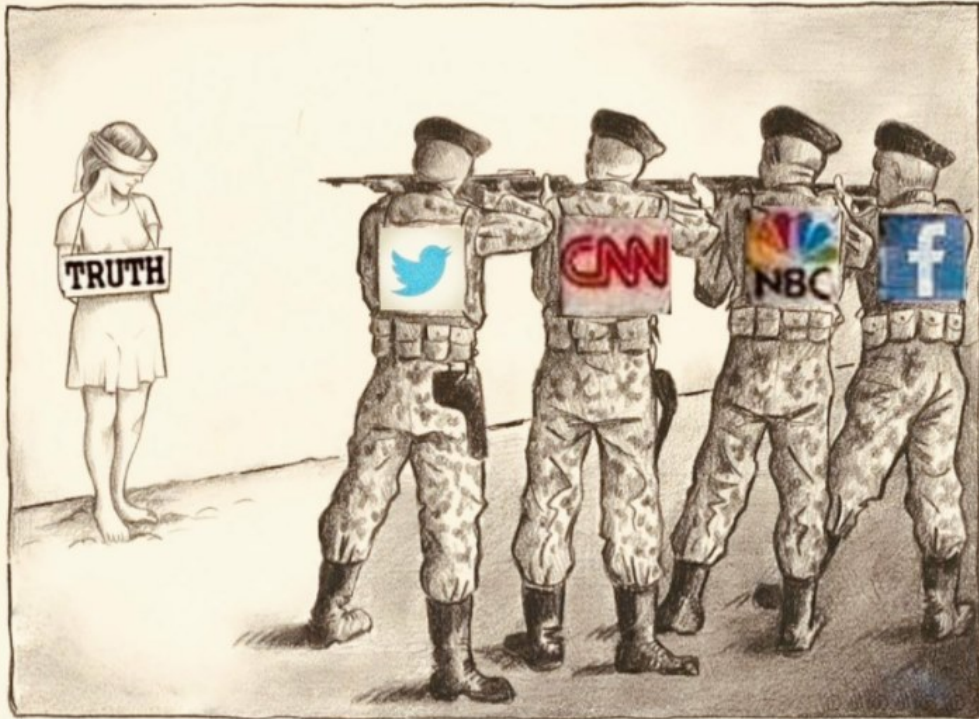
To counter the 650+ Democrat attorneys already in place to rush the courts across the nation on Election Day and beyond, the Republicans are ready to respond.

Their "Lawyers for Trump" coalition is being led by Texas Attorney





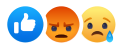
Deputy White House Counsel Stetan Passantino. The group includes prominent Trump-allied attorneys like former Florida Attorney General Pam Bondi, former Attorney General Ed Meese and the president's personal attorney Rudy Giuliani.



See the results and other info about the 2020 US Election.



[See Election Results](#)



50

15 Comments 125 Shares

Like

Comment

Share



Robert Steele

Thank you Bob for all your hard work on the ballot integrity issue. One of many outstanding contributions you have made the last 10 years. 🍻👍

Like · Reply · 1w



Bob Cushman replied · 1 Reply



Bob Kittridge

GOD Bless you **Bob Cushman**.

Like · Reply · 1w





2



Cindy Beach

This is it...

🎧 And I can feel it coming in the air tonight, oh Lord...



🎧... **See More**

Like · Reply · 1w · Edited



Sylvia Donkers

Thank you for all your consistent hard work!

Like · Reply · 1w



Jody White

Our Probate Judges have their power too! In our courtrooms!

The bullying has to stop! Truth matters!

Like · Reply · 1w



Delrena Guerra

Hey, is that the famous Robert Steele?? Anyway, he is right..You are one incredible Patriot, and the contributions you have made to the people of Michigan is outstanding!!!!

Like · Reply · 1w



James Milleville

Bob - read my PM to you.

Like · Reply · 1w



Sherry Ariella Bryson

Need to add fox to this too

Like · Reply · 6d



Linda Ciciotti

Don't forget FOX on there, too!

Like · Reply · 6d



Michael Raines

Must file IMMEDIATE injunction to secure and protect ALL signature envelopes, mailing envelopes, and ballots for EVERY absentee & mail in ballot! Must ensure signatures match and PROSECUTE EVERY one of those who interfered with Poll Watchers, who threw... **See More**

Like · Reply · 5d



Linda Hammmon

Unfortunately TRUE.

Like · Reply · 5d



Liisa Syrjala

Fox News needs to be added to the list





2



Lisa Fedor
and thank you copied and pasted

Like · Reply · 3d



Marlene Czarkowski
I sure hope we find the evidence

Like · Reply · 2d



Write a comment...





Patrick Colbeck

November 3 at 12:31 PM ·

I appreciated the opportunity to talk with Sandy Rios of American Family Radio so that we can get out the truth nationally about COVID connection to subversion of election process in Michigan.



AFR.NET

Trump and Biden Campaigns Across The Country, Michael Waller Discusses Shut Down DC Planned Events, and...

24

4 Shares

Like

Share



2



Patrick Colbeck

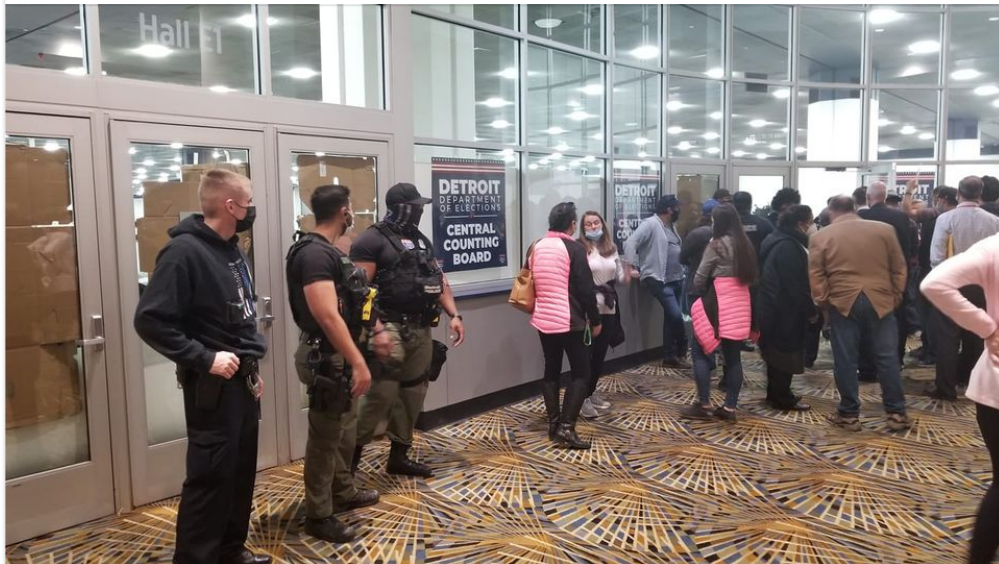
November 4 at 11:34 PM ·

Back home after more than 24 hr stint as a Poll Challenger at the AV Counting Board in Detroit.

Dems are attempting to steal election!

I will not rest until they are exposed and brought to justice.

THIS SEDITION ENDS NOW!



Aaron Tobin and 681 others

118 Comments 422 Shares



Like



Share

[View previous comments](#)



Stacy Nelson

You are shitting us, right? This election fraud has been going fir decades, nothing done. Nothing will ever be done.

2020 is the last election in America. ... [See More](#)

Like · 5d



3



Cindy Beach replied · 1 Reply



Stacy Nelson

Anyone have the NBA or NFL scores?

Like · 5d





Stacy Nelson
Who won American Idol?

Did you all see Wolf Blitzer talking about how "taking the chip" is cool and trendy? I can't wait to get mine. 😊 It will allow me to buy and sell. Way cool. Even Brad Pitt and Jennifer Anniston have them!

Like · 5d



Katherine Mosley Ryan
Thank you

Like · 5d



Linda Cartrette Stanko
It is so blatant! We pray for people like you to help our country!!

Like · 5d



Tom Hayward
I think this how our Governor won too she cheated.

Like · 5d



Vicki Amorose Fyke
God Bless you Patrick!!! For such a time as this....❤️❤️

Like · 5d



Kelly Connolly
It was unbelievable to see if you're a democrat and are ok with this fraud I am not ok with you

Like · 5d



Larry Parsons
Trump needs to have a Recount in Michigan.... check every mail in ballot and signature.

Like · 5d



Christopher Thoma
Thank you, **Patrick Colbeck** for your faithfulness.

Like · 5d



Laurie Schneider
Thank you so much Patrick. I am fairly certain the John James election was cheated also and I hope this is contested.

Like · 5d



Nancy Tseng Chapman
Thank you for your tireless work, **Patrick**.

Like · 5d



Paulette LaPere





Marcia Jane Dicks
 Thank You **Patrick Colbeck** for all your doing. The intimidation and rudeness was awful. And now our SOS says the lawsuits are frivolous? Praying another corruption isn't swept under the carpet.

Like · 5d



Joni Jones
 Thank you so much!

Like · 5d



Stephen Henry
 You're the best **Patrick Colbeck!!**

Like · 5d



Stephen Henry
 Bless you

Like · 5d



Mike Kalis
 Patrick was on this 4 years ago.
<https://www.detroitnews.com/.../records-many.../95363314/>



DETROITNEWS.COM

Records: Too many votes in 37% of Detroit's precincts

Like · 5d



Jane Pool
 Expose the Deep State!! Thank you!! 🙏🙏❤️🇺🇸🇺🇸

Like · 5d



Jones Nadine
<https://www.facebook.com/groups/stopthesteal2020/?ref=share>

Like · 5d



Jones Nadine
<https://www.facebook.com/JamesOKeefeAuthor/>

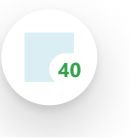


James O'Keefe
 Journalist

Like · 5d



Tammy Graham
 Thank you Pat!! Please keep fighting for America 🇺🇸🇺🇸





Jackie Schindorff
Thank you!

Like · 5d



Cliff Frost
Thank you Patrick.

Like · 5d



Jennifer Craig Sorber
Please let us know how we can help! We are praying 🙏

Like · 5d



Felicia Horton
Many are praying. Same think in PA.

Like · 5d



Corry Barnum
Get these rotten asses. The bullshit they are pulling is not going to go unchecked. If it isnt fixed , We The People Will fix it . And if they can break the law, so can we.

Like · 5d



Mark Rutherford
Thank you

Like · 5d



Rick Starling
Non of us should accept ANYONE tampering with our election and or are votes.

Like · 5d



Terry Meier
Praying

Like · 5d



Jeff Gprman
Thanks for standing the watch and fighting the fight.

Like · 5d



Carrie Mullins
THANK YOU, PAT.

Like · 5d



Rick Starling
Thank you Patrick

Like · 5d



Sylvia Donkers
Very troubling. Thank you for all your tireless work.

Like · 5d · Edited





2



Deborah VanDyk
Tom Fenton says it's up to Congress. Praying for success and for America to stay a Republic.

Like · 5d



Steve Ahonen
May God richly bless you **Patrick**. Thank you for your service!!

Like · 5d



Jennifer Lee Stuppy
Thankyou!!!

Like · 5d



Trisha Fessler
Thank you Pat for your sacrifice and being a bulldog for what's right! God bless you! ❤️🙏🇺🇸
They have been caught in a trap that they were trying to set for President Trump. Truth will be revealed! Thank you Lord!

Like · 5d · Edited



Linda Jeanette Howard
I hope Republicans are all over issues with tabulator programming in Northern Michigan, number of registered voters being less than number of voters. Also, ballots received early hours Wednesday morning should not have been counted. I also read militar... **See More**

Like · 5d



Sheryl Alkema
A representative in Arizona has led thousands of Trump voters in demanding that their votes be counted. We need to get organized here in Michigan!

Like · 5d

  **Deborah VanDyk** replied · 1 Reply



Matt LaFave
Thank you for your work!

Like · 5d



Debra LaNore Null
What they are doing is illegal. Why not police?

Like · 5d



Debra LaNore Null
THANK YOU PAT, for being on the frontlines!!! We are all praying for you guys!! Let us all know what is needed!!!

Like · 5d



2



Debra LaNore Null

The precincts in question should have all votes voided! Stealing the American VOICE is illegal! I Pray they expose and prosecute those who is bring in the fake ballots at 4 am by the carloads, and those who change ballots! Also, the clerks who will ... **See More**

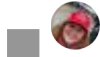
Like · 5d



Robin Schuetz

How do we the people demand a recount?!?!?

Like · 5d



Cindy Beach replied · 2 Replies



Debra Darling

THANK YOU **Patrick Colbeck**

Like · 5d



Peggy Gleichman

Thank you, **Patrick Colbeck**.

Like · 5d



Cheryl Boodt

Thank you **Patrick Colbeck**

Like · 5d



Dennis Boychuck



Like · 5d



Peggy Sullivan Gray

tell us what we can do to help

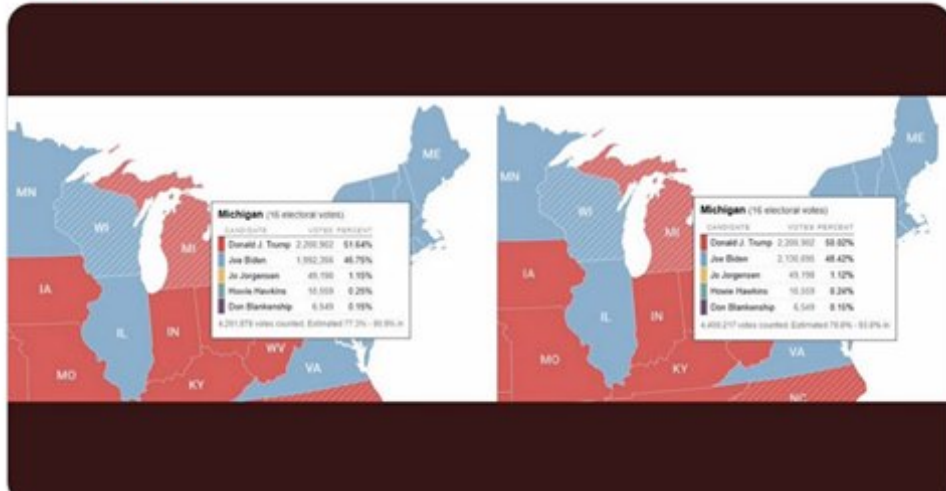
Like · 2d



Patrick Colbeck

November 5 at 9:35 AM ·

2020 Election Fraud in Michigan and elsewhere was much more than fraud...it was sedition.



LETSFIXSTUFF.ORG

Election Fraud in Michigan - Lets Fix Stuff

By Patrick Colbeck So, how exactly did President Trump lose 138,33...



See the results and other info about the 2020 US Election.

[See Election Results](#)



154

18 Comments 142 Shares



Like



Share



Terry Meier

Why is the media saying this is a clerical error?

Like · 5d



4



Stacy Nelson

You keep acting like sedition matters. It does not.

Dems stole this election. trump and team were worthless to stop it. ... [See More](#)

Like · 5d

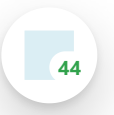


Stacy Nelson replied · 5 Replies



Greg Williamson

If there was ever a time for Trump supporters to gather it





Terry Meier replied · 1 Reply



Terry Meier

It took Bush 5 weeks with Al Gore. Hang tight. Praying the truth will prevail.

Like · 5d



Tammy Kalczynski Gilroy

Please keep fighting for us **Patrick Colbeck**, we need justice to prevail!

Like · 5d



JoAnne McKenzie Temple

<https://www.google.com/.../amp.detroitnews.../amp/5759559002>



DETROITNEWS.COM

Benson: 500,000 could be removed from Michigan's voting rolls, but n...

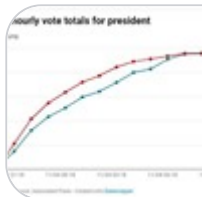
Like · 5d



Chip Reaves

This is a well documented clerical error that has been covered and explained by the secretary of state and most news outlets. It's not a thing.

<https://www.freep.com/story/news/politics/elections/2020/11/04/michigan-election-ballots-mail-absentee-hour-...> **See More**



FREEP.COM

No, Joe Biden did not magically 'find' votes in Michigan

Like · 5d



Rick Warzywak

PATRICK MENTIONED ON THIS CLIP: Trump has literally won the election...but we must all realize that the Left DEMS are fighting for their lives. Trump was winning handily and then the vote count stopped. WHY? A red wave landslide was manifesting. As Tru... **See More**



BITCHUTE.COM

Episode 2320b - Coup d'etat, Trump Sets Trap To Expose It All, Patriots...

Like · 5d





2



Bob Silverman

Just contacted Trump Lawyers and yourself for voter fraud in Livonia! COOL!

Like · 5d



Gary Jenkin

Patrick Colbeck Fix this one and even Gretchen's husband will support you for Governor.

Like · 5d



Cindi Holland

The dems are trying to steal this election to keep themselves out of prison

Like · 4d



Charlie Frias

Thank you, Pat, for boldly standing up.

Like · 2d



Patrick Colbeck

November 5 at 6:02 PM ·



Brandon Straka

November 5 at 4:24 PM ·

No. We're NOT going to take it.

I want every single freedom loving American in Detroit, MI TOMORROW 9:30am.

We're a heartbeat away from losing @realDonaldTrump to a stolen election. BE THERE TOMORROW.

Nothing is more important now.

@DonaldJTrumpJr @EricTrump

[#StopTheSteal](#)



See the results and other info about the 2020 US Election.

[See Election Results](#)





2



Share



Gary Pedinelli
Notification needs to be sooner!

Like · 4d



Patrick Colbeck is with Mike Detmer and 19 others.

November 6 at 8:43 PM ·

8,283 dead people voted in Michigan during 2020 election. Instead of researching this information on their own, the media attacks the person who took the initiative to search public records and report this information. You know...he did the job they should be doing.



YOUTUBE.COM

FACT CHECKING THE "FACT CHECKERS": NYT RESPONSE

This week muppet fact checkers at Politico, Snopes, and the New Y...



Both voting by mail and voting in person have a long history of trustworthiness in the US. Voter fraud is extremely rare across voting methods.

Source: Bipartisan Policy Center

[See Election Results](#)



106

4 Comments 87 Shares



Like



Share



Bob Cushman

AFFIDAVIT - Draft

The Affiant, Robert Cushman, being first duly sworn, hereby deposes and states as follows:

My name is Robert Cushman. I am an adult citizen and resident of the State of Michigan.... [See More](#)

Like · 3d



14



Linda Stapula Kreft Bullard replied · 1 Reply





2



Like · 3d



Bob Cushman

<https://youtu.be/ILvPCqhhD0Y>



YOUTUBE.COM

Election Fraud in Detroit

Like · 2d



Patrick Colbeck is with **Mike Detmer** and **19 others**.

November 7 at 12:55 PM ·

The media wants you to believe that Biden won. Not true.
Remember, I warned you. Biden will "fake it 'til he makes it".
The media has been attempting to crown him President before 11/3.
Did you think it would be any different after 11/3?

There are two threads to the fight for America right now:
1) Media Thread: Impulse, emotion, hurried (avoids truth)
2) Legal Thread: Slow burn (pursues truth)

We need to battle on both fronts...and we are.

- 1) We need to counter the Pro-Biden media narrative with rally after rally supporting our President and the need to count every LEGAL vote.
- 2) We need to be patient and let the truth about the election work its way through the courts.

Remember, in this world you WILL have trouble, but be of good cheer for Christ has overcome the world 😊



See the results and other info about the 2020 US Election.

[See Election Results](#)



430

71 Comments 154 Shares



Like



Share



Carol Burton

Patrick Colbeck, I hope you will be a witness in the lawsuits since you were there in person to view the fraud. We TRUST you!

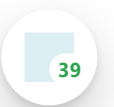
Like · 3d



Patrick Colbeck replied · 1 Reply



Carl Walker





FRIENDLY REMINDER FAKE FUKIN NEWS IS STILL
 FAKE FUKIN NEWS , SINCE 2015 AND MORE SO
 TODAY THE FAKE NEWS MEDIA HAS ENGAGED IN
 ELECTION FRAUD BY CONTINUOUSLY LYING TO
 THE AMERICAN PEOPLE IN EFFORT TO
 INFLUENCE AMERICANS WITH CRIMINAL
 DISINFORMATION, AND DEMOCRATS FILLING
 OUT BALLOTS AFTER THE ELECTION,
 ELECTRONIC MALFUNCTION ? CHANGING
 TRUMP VOTES TO BIDEN, PICK UP AND
 DELIVERIES OF BALLOTS IN THE MIDDLE OF THE
 NIGHT AND ALL FOR BIDEN 🤔
 WHEN WILL THE COUNTING BE OVER ? WHEN
 THE DEMOCRATS KNOW HOW MANY THEY NEED
 TO STEAL THE ELECTION. NOT GONNA HAPPEN

Like · 3d



4

 Carl Walker replied · 2 Replies

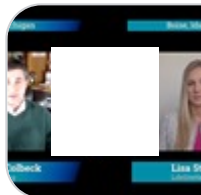


Ted Emmett
 Exactly

Like · 3d



Cathy Keller
Patrick Colbeck, Thank you for all you are doing! This is a
 fantastic interview with LifeSiteNews. com! Everyone
 please Watch and share! [https://m.youtube.com/watch?
 feature=share&v=p25v2q_b8bQ](https://m.youtube.com/watch?feature=share&v=p25v2q_b8bQ)



YOUTUBE.COM
 EXCLUSIVE: Former Michigan
 Senator exposes Election Day fraud

Like · 3d



5

 Nancy Tseng Chapman replied · 1 Reply



Peggy Roberts
 Amen!

Like · 3d



Stevens Mason
 Somebody's a sore LOSER...HE LOST, GET OVER IT.

Like · 3d



6

 Stevens Mason replied · 13 Replies



Sheryl Alkema
 I was hoping you'd be speaking at the Capitol rally today.

Like · 3d



2

 Kathie Tunison Scott replied · 4 Replies



Dodge Dawn



2



Like · 3d



Dodge Dawn

Please continue to report. They have found out that that software so-called glitch is only flipping votes from Trump to Biden that same software was used in 47 counties in Michigan, do the math we only have 83 counties. Additionally it was also used in... [See More](#)



Like · 3d

Nicole ML replied · 1 Reply



Scott W Kallgren

Sharing this post, Facebook feels compelled to first suggest I consider the trustworthiness of this source. Really? Absolutely nothing false and they are trying to intimidate from sharing.

Like · 3d

Stevens Mason replied · 9 Replies



Cheri Davis Harvey

Are there lawsuits filed in MI yet?

Like · 3d

Kelly Ebejer replied · 1 Reply





2

Kelly Ebejer
 Patrick Colbeck
<https://www.facebook.com/1047267975461821/posts/1471779406344007/>

Like · 3d



Jane Pool
 Thank you Pat Colbeck and Dave Agema and all fighting for our freedoms!! 🇺🇸🇺🇸❤️❤️🙏🙏

Like · 3d

Gene Boyd replied · 2 Replies



Robert Blake
 Amen Pat

Like · 3d



Linda Jeanette Howard
 I pray you are right. Students around U of M are racing around town with Biden flags this afternoon!!

Like · 3d

Jenny Hill replied · 1 Reply



Karin La Mothe



Like · 3d



Karin La Mothe





Sylvia Donkers

Courageous and dedicated to see through this mess.
Thank you



Like · 3d



Jonathan Williams

I don't understand what changed from last night?
Georgia Recall? PA Court challenge? AZ and NV conclude
its vote counts? Perplexed...



Like · 3d



Betty KG

<https://www.facebook.com/558627101/posts/10157281494582102/>



Like · 3d

 Betty KG replied · 2 Replies



Karen Lithgow

Is there a way to check how our vote was tallied? The in-
person ones

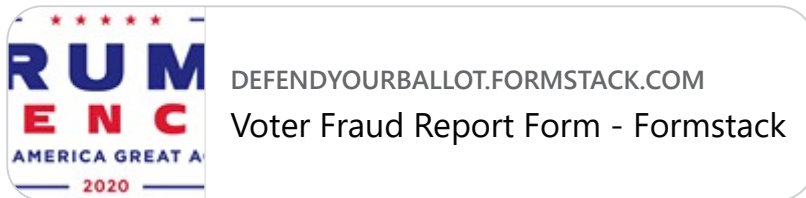


Like · 3d



Jenny Hill

https://defendyourballot.formstack.com/forms/voter_fraud

RUM ENC
AMERICA GREAT A
2020

DEFENDYOURBALLOT.FORMSTACK.COM
Voter Fraud Report Form - Formstack

Like · 2d



Louie Cascarelli

EXACTLY! It's not over!



Like · 2d



Mike Detmer

Faaaaaar from over!



Like · 2d

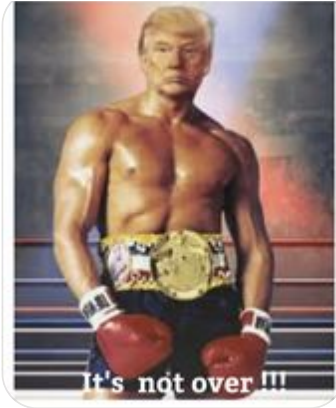


Larry Parsons





2



Like · 2d



Larry Parsons



Like · 2d



Debbi Sweeney Baxter

"Woe to those who call evil good and good evil, who put darkness for light and light for darkness, who put bitter for sweet and sweet for bitter." Isaiah 5:20

Like · 2d



Linda Ladanyi Reynolds

So will there be a lawsuit against Michigan? 🙏 The media said no because there wasn't any proof. I want the truth that they can't or won't say.

Like · 2d



Griffin Kirsch replied · 1 Reply



Lynn Marie

Patricia Nouhan



Like · 2d



Austin T Kreutz

It's not over yet! When CNN decides an election we are in big trouble thank God they're not the ones who can crown somebody as a winner. CNN constant negative news. So fake you can't rely on it!

Like · 2d



Sheryl Shel Mell

Republicans also need to have monthly meetings and everyone attend. We need to get organized to save this country if it's not already too late.



Like · 2d



Jay A. Fedewa

If you are tired of being censored, come on over to <https://usa.life/> . I'm there and the numbers are increasing! Donald Trump is there!



USA.LIFE

USA.Life Social Network

Like · 2d



Mark McDonald

We need to take notes on all the silent republicans in office. We need to vote them all out.They are rhinos or never Trumpers.We need to not support them but report them.We need to boycott the network advertisers.



Like · 2d



2



Patrick Colbeck

November 8 at 8:32 AM ·

Once all of the [#2020Election](#) fraud has been addressed via the justice system, it will be clear that Donald J. Trump is our President for another 4 years...not Biden. We have evidence of voter fraud. [#MSM](#) cannot be trusted. This attempted coup will not stand! [#StandupAmerica!](#)



See the results and other info about the 2020 US Election.

[See Election Results](#)



388

21 Comments 82 Shares



Like



Share



Daniel Gadsden
Amen



Like · 2d



Jay A. Fedewa

If you are tired of being censored, come on over to <https://usa.life/> . I'm there and the numbers are increasing!



USA.LIFE

USA.Life Social Network



1

Like · 2d



Chad Baase



2

Like · 2d



Chad Baase replied · 2 Replies



42



Like · 2d



Beloni Sobo
THANK YOU JESUS



Like · 2d



Leo Sonck
I trust you **Patrick Colbeck**, so you give me hope, can not trust the media or the gop these days.



Like · 2d



Karen Sleezer Howell



Tenor



Like · 2d



Felicia Horton
Keep fighting, my friend!



Like · 2d



Bruce Davidson
#MAGA



Like · 2d



Cathy Keller
The Dems programmed their base that 1. Pres Trump wont accept the results and 2. He won't leave office.
We need to include in our prayers and preparedness for





Like · 2d



Anthony J Liberatore
Senator, message coning



Like · 2d



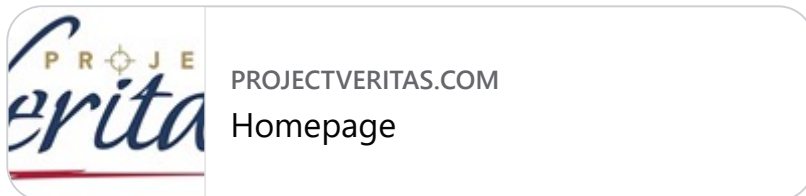
Linda Jeanette Howard
I hope your right. Members of my family are so mad and upset!



Like · 2d



Catherine A. Bird
Right! <https://www.projectveritas.com/>, and <https://www.judicialwatch.org/.../help-keep-our.../> and others...

PROJECTVERITAS.COM
Homepage

Like · 2d



Kevin J Green
Just created KevinGreen@sunbandit on Parler. Not sure how it works yet, but need a place to just talk to my like minded friends.



Like · 2d



Regina Gargos
Ditch Fox. Move over to Newsmax TV



Like · 2d



  Regina Gargos replied · 2 Replies



Mike Swope
Patrick Colbeck, what do you think about Chris Thomas helping the Dems?



Like · 2d



Lisa Fedor
❤️ and stolen thank you



Like · 2d



2



Patrick Colbeck is with Mike Detmer and 19 others.

21h ·

By now, we've all been treated ad nauseum to media reports that Joe Biden is our President-Elect. Then, when anyone brings up election fraud, they are greeted with "show me the proof that election fraud is widespread". Notice, they acknowledge the presence of election fraud. They want you to prove that it is widespread.

ELECTION FRAUD DOES NOT NEED TO BE WIDESPREAD TO BE SIGNIFICANT!

You want to see election fraud? Check out following post linked to legal action against Wayne County and the City of Detroit. Since the media won't report the truth, we will depend upon the court system to air the truth.

In the meantime, please support our President at every rally you can!

| | | | |
|--|--|--|---|
| pproved, SCAO | | Original - Court 1st copy - Defendant | 2nd copy - Plaintiff 3rd copy - Return |
| STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE | | SUMMONS | CASE NO. |
| Court address 41 St Antoine, Detroit, MI 48226 | | Court telephone (313) 224-2501 | |
| Plaintiff's name(s), address(es), and telephone no(s). Meryl A. Constatino, 20480 Williamsburg Ct., Harper Woods, MI 48225; Edward P. McCall, Jr., 40477 Delta Drive, Northville, MI 48168 | | Defendant's name(s), address(es), and telephone no(s). CITY OF DETROIT and DETROIT ELECTION COMMISSION, Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, MI 48226; JANICE M. WINFREY, Coleman A. Young Municipal Center, 2 Woodward Ave., Suite 200, Detroit, MI 48226; CATHY M. GARRETT, Coleman A. Young Municipal Center, 2 Woodward Ave., Suite 201, Detroit, MI 48226; WAYNE COUNTY BOARD OF CANVASSERS, Coleman A. Young Municipal Center, 2 Woodward Ave., Suite 502, Detroit, MI 48226 | |
| Plaintiff's attorney, bar no., address, and telephone no. David A. Kallman (P34200) / Stephen P. Kallman (P75622) Mark C. Jordan (P46551) / Erin E. Mersino (P70886) GREAT LAKES JUSTICE CENTER 100 W. Mount Hope Hwy. Farmington Hills, MI 48917 517-322-3207 | | | |

LETSFIXSTUFF.ORG

Michigan Election Fraud is Real and Significant - Lets Fix Stuff



See the results and other info about the 2020 US Election.

[See Election Results](#)



102

8 Comments 51 Shares



Like



Share





Catherine A. Bird
 Election fraud IS WIDESPREAD!!! The proof is all over the place! Just check these out; I've been collecting them throughout 2020:
<https://www.tapinto.net/towns/chatham/sections/government/articles/morris-county-clerk-receives-reports-of-duplicate-ballo...> **See More**



TAPINTO.NET
 Morris County Clerk Receives Reports of Duplicate Ballot Mailing...

Like · 20h



Catherine A. Bird
<https://www.wsj.com/.../mail-vote-madness-in-pennsylvania...>
<https://www.detroitnews.com/story/opinion/2020/09/08/letter-unbalanced-precincts-election-integrity-question...>
See More



WSJ.COM
 Opinion | Mail-Vote Madness in Pennsylvania

Like · 20h



Catherine A. Bird
[https://www.lawenforcementtoday.com/report-michigan.../...](https://www.lawenforcementtoday.com/report-michigan.../)
<https://nypost.com/2020/05/21/ex-philly-election-official-pl...> **See More**



LAWENFORCEMENTTODAY.COM
 Report: Michigan rejects nearly 900 mail-in ballots - because they came...

Like · 20h



Catherine A. Bird
 AND, both public workers unions for the USPS endorsed Joe Biden: American Postal Workers Union
<https://apwu.org/.../apwu-executive-board-endorses-joe.....> **See More**



APWU.ORG
 APWU Executive Board Endorses Joe Biden for President



2



Catherine A. Bird

And, then there are these reports, from Project Veritas:
<https://www.projectveritas.com/> and
<https://www.youtube.com/channel/UCL9PIYkRD3Q-RZca6CCnPKw>



PROJECTVERITAS.COM
Homepage

Like · 20h



Catherine A. Bird

And, this, too:
<https://www.judicialwatch.org/.../cat.../election-integrity/>



JUDICIALWATCH.ORG
Election Integrity Archives - Judicial Watch

Like · 20h



Kelly Ebejer

<https://m.theepochtimes.com/election-systems-in-michigan...>



THEEPOCHTIMES.COM
Election Systems in Michigan County
Appeared to Be Connected to...

Like · 18h



Bob Cushman

With God's help the TRUTH will come out!

Trump will be declared the winner! More importantly the Faith of the American people will be preserved that we can have fair elections. This faith is CRITICAL if America is to continue to be the Constitutional... **See More**



YOUTUBE.COM
Bob Cushman - Detroit Michigan Whistleblower - YouTube

Like · 2h

EXHIBIT 7

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

CHERYL A. COSTANTINO and,
EDWARD P. MCCALL, JR.,

Case No. 20-014780-AW

Plaintiffs,

Hon. Timothy M. Kenny

vs.

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; JANICE WINFREY, in her official
capacity as the CLERK OF THE CITY and the
Chairperson of the DETROIT ELECTION COMMISSION;
CATHY M. GARRETT, in her official capacity as the
CLERK OF WAYNE COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

Defendants.

GREAT LAKES JUSTICE CENTER
David A. Kallman (P34200)
Erin E. Mersino (P70886)
Jack C. Jordan (P46551)
Stephen P. Kallman (P75622)
5600 W. Mount Hope Hwy.
Lansing, MI 48917
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dbressack@finkbressack.com
*Attorneys for City of Detroit, City of Detroit
Election Commission and Janice Winfrey*

CITY OF DETROIT LAW DEPARTMENT
Lawrence T. Garcia (P54890)
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garcial@detroitmi.goc
raimic@detroitmi.gov
nosej@detroitmi.gov
*Attorneys for City of Detroit, City of Detroit
Election Commission and Janice Winfrey*

AFFIDAVIT OF LAWRENCE T. GARCIA

Being duly sworn, Lawrence T. García, deposes and states the following as true, under oath:

1. For almost three years, I have served the City of Detroit as Corporation Counsel and as one of three commissioners on Detroit's Election Commission, as identified by the 2012 Detroit City Charter, Section 3-102.
2. From the morning of Tuesday, November 3, 2020 until roughly ten o'clock on the evening of Wednesday, November 4, 2020, I personally witnessed efforts to prepare, process and count absentee voter ("AV") ballots cast in the November 3, 2020 election by Detroiters.
3. I witnessed no irregularities in the processing of AV ballots cast in the recent election.
4. On Tuesday and Wednesday of this week, I spent at least 18 hours inside the Central Counting Board ("CCB") in Hall E of the TCF Center where AV ballots were counted.
5. During my time in the CCB, I personally recognized and spoke with election challengers from both the democratic and republican parties, as well as challengers who identified themselves as non-partisan, and I personally witnessed election inspectors fielding concerns from both republican and democrat election challengers.
6. All poll workers taking part in the recent election work were identified by name, as well as their stated political party preference in an official, poll worker list that was available for inspection and that was published to both the republican and democratic parties of Michigan well in advance of the AV ballot counting that took place this week.
7. Having been present at the CCB during all or most of the time at issue in this dispute, I do not see how any of the things alleged would tend to benefit one candidate to the exclusion of others – with the sole exception of the alleged, illegal delivery of late, false ballots, which I find incredible.

I affirm that the representations above are true.

Lawrence T. García

Subscribed and sworn to before me
This _____ day of November 2020

Notary Public
County of Wayne, State of Michigan

My Commission Expires: _____

EXHIBIT 8

STATE OF MICHIGAN

IN THE THIRD JUDICIAL CIRCUIT COURT FOR THE COUNTY OF WAYNE

Sarah Stoddard and
Election Integrity Fund,

v

Hon. Timothy M. Kenny
Case No. 20-014604-CZ

City Election Commission of
The City of Detroit and
Janice Winfrey, in her official
Capacity as Detroit City Clerk and
Chairperson of the City Election
Commission, and
Wayne County Board of
Canvassers,

OPINION & ORDER

At a session of this Court
Held on: November 6, 2020
In the Coleman A. Young Municipal Center
County of Wayne, Detroit, MI

PRESENT: Honorable Timothy M. Kenny
Chief Judge
Third Judicial Circuit Court of Michigan

Plaintiffs Sarah Stoddard and the Election Integrity Fund petition this Court for preliminary injunctive relief seeking:

1. Defendants be required to retain all original and duplicate ballots and poll books.
2. The Wayne County Board of Canvassers not certify the election results until both Republican and Democratic party inspectors compare the duplicate ballots with original ballots.
3. The Wayne County Board of Canvassers unseal all ballot containers and remove all duplicate and original ballots for comparison purposes.
4. The Court provide expedited discovery to plaintiffs, such as limited interrogatories and depositions.

When considering a petition for injunctive relief the Court must apply the following four-prong test:

1. The likelihood the party seeking the injunction will prevail on the merits.
2. The danger the party seeking the injunction will suffer irreparable harm if the injunction is not granted.
3. The risk the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting of the injunction.
4. The harm to the public interest if the injunction is issued. *Davis v City of Detroit Financial Review Team*, 296 Mich. App. 568, 613; 821 NW2d 896 (2012).

In the *Davis* opinion, the Court also stated that injunctive relief "represents an extraordinary and drastic use of judicial power that should be employed sparingly and only with full conviction of its urgent necessity" *Id* at 612 fn 135, quoting *Senior Accountants, Analysts & Appraisers Ass'n v. Detroit*, 218 Mich. App. 263, 269; 553 NW2d 679 (1996).

When deciding whether injunctive relief is appropriate MCR 3.310 (A)(4) indicates that the plaintiff bears the burden of proving the preliminary injunction should be granted.

Plaintiffs' pleadings do not persuade this Court that they are likely to prevail on the merits for several reasons. First, this Court believes plaintiffs misinterpret the required placement of major party inspectors at the absent voter counting board location. MCL 168.765a (10) states in part "At least one election inspector from each major political party must be present at the absent voter counting place..." While plaintiffs contends the statutory section mandates there be a Republican and Democratic inspector at each table inside the room, the statute does not identify this requirement. This Court believes the plain language of the statute requires there be election inspectors at the TCF Center facility, the site of the absentee counting effort.

Pursuant to MCL 168.73a the County chairs for Republican and Democratic parties were permitted and did submit names of absent voter counting board inspectors to the City of Detroit Clerk. Consistent with MCL 168.674, the Detroit City Clerk did make appointments of inspectors. Both Republican and Democratic inspectors were present throughout the absent voter counting board location.

An affidavit supplied by Lawrence Garcia, Corporation Counsel for the City of Detroit, indicated he was present throughout the time of the counting of absentee

ballots at the TCF Center. Mr. Garcia indicated there were always Republican and Democratic inspectors there at the location. He also indicated he was unaware of any unresolved counting activity problems.

By contrast, plaintiffs do not offer any affidavits or specific eyewitness evidence to substantiate their assertions. Plaintiffs merely assert in their verified complaint "Hundreds or thousands of ballots were duplicated solely by Democratic party inspectors and then counted." Plaintiffs' allegation is mere speculation.

Plaintiffs' pleadings do not set forth a cause of action. They seek discovery in hopes of finding facts to establish a cause of action. Since there is no cause of action, the injunctive relief remedy is unavailable. *Terlecki v Stewart*, 278 Mich. App. 644; 754 NW2d 899 (2008).

The Court must also consider whether plaintiffs will suffer irreparable harm. Irreparable harm requires "A particularized showing of concrete irreparable harm or injury in order to obtain a preliminary injunction." *Michigan Coalition of State Employee Unions v Michigan Civil Service Commission*, 465 Mich. 212, 225; 634 NW2d 692, (2001).

In *Dunlap v City of Southfield*, 54 Mich. App. 398, 403; 221 NW2d 237 (1974), the Michigan Court of Appeals stated "An injunction will not lie upon the mere apprehension of future injury or where the threatened injury is speculative or conjectural."

In the present case, Plaintiffs allege that the preparation and submission of "duplicate ballots" for "false reads" without the presence of inspectors of both parties violates both state law, MCL 168.765a (10), and the Secretary of State election manual. However, Plaintiffs fail to identify the occurrence and scope of any alleged violation. The only "substantive" allegation appears in paragraph 15 of the First Amended Complaint, where Plaintiffs' allege "on information and belief" that hundreds or thousands of ballots have been impacted by this improper practice. Plaintiffs' Supplemental Motion fails to present any further specifics. In short, the motion is based upon speculation and conjecture. Absent any evidence of an improper practice, the Court cannot identify if this alleged violation occurred, and, if it did, the frequency of such violations. Consequently, Plaintiffs fail to move past mere apprehension of a future injury or to establish that a threatened injury is more than speculative or conjectural.

This Court finds that it is mere speculation by plaintiffs that hundreds or thousands of ballots have, in fact, been changed and presumably falsified. Even with this assertion, plaintiffs do have several other remedies available. Plaintiffs are entitled to bring their challenge to the Wayne County Board of Canvassers pursuant to MCL 168.801 *et seq.* and MCL 168.821 *et seq.* Additionally, plaintiffs can file for a recount of the vote if they believe the canvass of the votes suffers from fraud or mistake. MCL168.865-168.868. Thus, this Court cannot conclude that plaintiffs would experience irreparable harm if a preliminary injunction were not issued.

Additionally, this Court must consider whether plaintiffs would be harmed more by the absence of injunctive relief than the defendants would be harmed with one.

If this Court denied plaintiffs' request for injunctive relief, the statutory ability to seek relief from the Wayne County Board of Canvassers (MCL 168.801 *et seq.* and MCL 168.821 *et seq.*) and also through a recount (MCL 168.865-868) would be available. By contrast, injunctive relief granted in this case could potentially delay the counting of ballots in this County and therefore in the state. Such delays could jeopardize Detroit's, Wayne County's, and Michigan's ability to certify the election. This in turn could impede the ability of Michigan's elector's to participate in the Electoral College.

Finally, the Court must consider the harm to the public interest. A delay in counting and finalizing the votes from the City of Detroit without any evidentiary basis for doing so, engenders a lack of confidence in the City of Detroit to conduct full and fair elections. The City of Detroit should not be harmed when there is no evidence to support accusations of voter fraud.

Clearly, every legitimate vote should be counted. Plaintiffs contend this has not been done in the 2020 Presidential election. However, plaintiffs have made only a claim but have offered no evidence to support their assertions. Plaintiffs are unable to meet their burden for the relief sought and for the above-mentioned reasons, the plaintiffs' petition for injunctive relief is denied.

It is so ordered.

November 6, 2020
Date


Hon. Timothy M. Kenny
Chief Judge
Third Judicial Circuit Court of Michigan