

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

DONALD J. TRUMP FOR  
PRESIDENT, INC., MATTHEW  
SEELY, ALEXANDRA SEELY,  
PHILIP O'HALLORAN, ERIC  
OSTERGREN, MARIAN  
SHERIDAN, MERCEDES WIRSING,  
and CAMERON TARSA,

*Plaintiffs,*

v.

No. \_\_\_\_\_

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

*Defendants.*

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Mark F. (Thor) Hearne, II (P40231)  
Stephen S. Davis (*pro hac* forthcoming)  
TRUE NORTH LAW, LLC  
112 S. Hanley Road, Suite 200  
St. Louis, MO 63105  
(314) 296-4000  
thor@truenorthlawgroup.com

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**COMPLAINT FOR DECLARATORY, EMERGENCY,  
AND PERMANENT INJUNCTIVE RELIEF**

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## SUMMARY OF THIS LAWSUIT<sup>1</sup>

*Our United States Constitution provides that state legislatures determine the manner in which presidential electors are selected. U.S. Const. Article II, Section 1. See also Chiafalo, et al. v. Washington, 591 U.S. \_\_\_ (2020). Justice Kagan, for a unanimous Court, wrote, “Every four years, millions of Americans cast a ballot for a presidential candidate. Their votes, though, actually go toward selecting members of the Electoral College. Those few ‘electors’ then choose the President.” Id. The Constitution assigns state legislatures the authority to prescribe each state’s process for selection of electors.*

*The United States Constitution guarantees due process of law and equal protection under the law. In an election for President and Vice President of the United States, this means that states must conduct the election in a manner that equally values each eligible citizen’s lawfully-cast vote. The process for choosing Michigan’s sixteen presidential electors is governed by the election code the Michigan Legislature adopted.*

*Michigan’s election code contains a host of provisions intended to prevent fraudulent ballots from being counted. A fraudulent ballot, if counted, disenfranchises a lawful voter. Michigan’s election code vests Secretary of State Jocelyn Benson, as Michigan’s “chief election officer,” with the responsibility to direct and oversee Michigan’s counties, townships, and villages’ conduct of elections.*

*Unfortunately, Wayne County did not conduct (and is not conducting) this election as required by Michigan law, and Secretary of State Benson did not require Wayne County to follow Michigan’s election code. Among other things, election officials in Wayne County refused to permit statutorily designated challengers to observe the conduct of the election and the processing of ballots. Some election officials pre-dated ballots that were not eligible to be counted by altering the date the ballot was received.*

*Ballots that are ineligible to be counted will cancel out ballots Michigan eligible voters cast, effectively disenfranchising the votes cast by Michigan citizens. The Michigan Election Code provides detailed rules for the conduct of elections, and the Michigan Election Code should be uniformly and equally followed by all Michigan election authorities so that all Michigan voters have an equal opportunity to cast a lawful ballot.*

*We ask this Court to enjoin the Michigan board of state canvassers and the Wayne County canvassing boards from certifying any tally of*

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<sup>1</sup> This summary is not part of the Complaint but is provided for the convenience of the Court and parties.

*ballots containing fraudulent or unlawfully cast ballots. Likewise, we ask the Court to enjoin the Wayne County canvassing board and the state canvassing board from certifying any tally that includes ballots received after election day and ballots that were processed when statutorily designated challengers were excluded from a meaningful opportunity to observe the processing of ballots. And finally, ballots that were tabulated with defective or malfunctioning tabulating machines or software must be excluded from the tally or hand-counted to confirm they are accurately counted and may be included in any certified canvass.*

## **JURISDICTION AND VENUE**

1. This Court has subject matter under 28 U.S.C. 1331 which provides, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

2. This Court also has subject matter jurisdiction under 28 U.S.C. 1343 because this action involves a federal election for President of the United States. “A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question.” *Bush v. Gore*, 531 U.S. 98, 113 (2000) (Rehnquist, C.J., concurring); *Smiley v. Holm*, 285 U.S. 355, 365 (1932).

3. The jurisdiction of the Court to grant declaratory relief is conferred by 28 U.S.C. 2201 and 2202 and by Rule 57, Fed. R. Civ. P.

4. This Court has jurisdiction over the related Michigan constitutional claims and state-law claims under 28 U.S.C. 1367.

5. Venue is proper because Secretary Benson and the board of state canvassers are located in Lansing, Michigan. The Office of the Secretary of State is in Lansing, Michigan. The board of state canvassers meets in Lansing, Michigan. 28 U.S.C. 1391(b) & (c).

## **PARTIES**

6. The entity, Donald J. Trump for President, Inc., is the campaign committee for the reelection of President Donald J. Trump and Vice President Michael R. Pence. President Trump and Vice President Pence have a substantial interest in assuring that Michigan election officials process and count Michigan citizens' ballots as required by the United States Constitution, the Michigan Constitution, and Michigan law so that every Michigan voter's lawfully-cast ballot is fairly and equally counted.

7. Matthew and Alexandra Seely, Philip O'Halloran, Eric Ostergren, Marian Sheridan, Mercedes Wirsing, and Cameron Tarsa are Michigan citizens and registered voters. Matthew and Alexandra Seely, Philip O'Halloran, Eric Ostergren, Marian Sheridan, and Mercedes Wirsing voted in the November 3, 2020 presidential election and served as credentialed election challengers in that election. Matthew and Alexandra Seely are residents and registered voters in Wayne County, Michigan. Philip O'Halloran is a resident and registered voter in Oakland County, Michigan. Eric Ostergren is a resident and registered voter in Roscommon County, Michigan. Marian Sheridan is a resident and registered voter in Oakland County, Michigan. Mercedes Wirsing is a resident and registered voter in Oakland County, Michigan. Cameron Tarsa is a resident and registered voter in Leelanau County, Michigan.

8. Jocelyn Benson, Michigan's Secretary of State, is a defendant in her official capacity. Jocelyn Benson is the "chief elections officer" responsible for overseeing the conduct of Michigan elections. MCL 168.21 ("The secretary of state shall be the chief election officer of the state and shall have supervisory control over local election officials in the performance of their duties under the provisions of this act."); MCL 168.31(1)(a)

(the “Secretary of State shall ... issue instructions and promulgate rules ... for the conduct of elections and registrations in accordance with the laws of this state”). Local election officials must follow Secretary Benson’s instructions regarding the conduct of elections. Michigan law provides that Secretary Benson “[a]dvice and direct local election officials as to the proper methods of conducting elections.” MCL 168.31(1)(b). *See also Hare v. Berrien Co Bd. of Election*, 129 N.W.2d 864 (Mich. 1964); *Davis v. Secretary of State*, 2020 Mich. App. LEXIS 6128, at \*9 (Mich. Ct. App. Sep. 16, 2020). Secretary Benson is responsible for assuring Michigan’s local election officials conduct elections in a fair, just, and lawful manner. *See* MCL 168.21; 168.31; 168.32. *See also League of Women Voters of Michigan v. Secretary of State*, 2020 Mich. App. LEXIS 709, \*3 (Mich. Ct. App. Jan. 27, 2020); *Citizens Protecting Michigan's Constitution v. Secretary of State*, 922 N.W.2d 404 (Mich. Ct. App. 2018), *aff’d* 921 N.W.2d 247 (Mich. 2018); *Fitzpatrick v. Secretary of State*, 440 N.W.2d 45 (Mich. Ct. App. 1989).

9. The Michigan board of state canvassers is “responsible for approv[ing] voting equipment for use in the state, certify[ing] the result of elections held statewide ....” Michigan Election Officials’ Manual, p. 4. *See also* MCL 168.841, *et seq.*

10. Wayne County is a political subdivision of the State of Michigan. Wayne County has an Elections Division that conducts elections taking place within Wayne County under and subject to Secretary of State Benson’s supervision and direction.

11. The Wayne County board of county canvassers is “responsible for canvassing the votes cast within the county [it] serve[s]. The Board members certify elections for local, countywide and district offices which are contained entirely within the county they serve. The Board members are also responsible for inspecting the county’s

ballot containers every four years.” Michigan Election Officials’ Manual, p. 5. *See also* MCL 168.821, *et seq.*

**THE RELEVANT PROVISIONS OF THE UNITED STATES AND  
MICHIGAN CONSTITUTIONS AND MICHIGAN STATUTE**

12. The Fourteenth Amendment to the United States Constitution provides “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

13. Article I, Section 4 of the United States Constitution provides that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”

14. Article II, Section 1 of the United States Constitution provides the manner in which the President and Vice President are chosen:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress....

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

15. The Twelfth Amendment to the United States Constitution provides:

The Electors shall meet in their respective states and vote by ballot for President and Vice-President ... they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate....

16. Michigan’s Constitution declares that “[n]o person shall be denied the equal protection of the laws ....” Mich. Const. 1963, art 1, §2.

17. The Michigan Constitution’s “purity of elections” clause states that “the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting.” Mich. Const. 1963, art 2, §4(2).

## **BACKGROUND**

### **I. Secretary Benson and Wayne County election officials did not follow Michigan’s Election Code and allowed fraud and incompetence to corrupt the conduct of the 2020 general election.**

#### **A. Michigan law requires Secretary Benson and local election officials to provide designated challengers a meaningful opportunity to observe the conduct of elections.**

18. Challengers representing a political party, candidate, or organization interested in the outcome of the election provide a critical role in protecting the integrity of elections including the prevention of voter fraud and other conduct (whether maliciously undertaken or by incompetence) that could affect the conduct of the election. *See* MCL 168.730-738.

19. Michigan requires Secretary of State Benson, local election authorities, and state and county canvassing boards to provide challengers the opportunity to meaningfully participate in, and oversee, the conduct of Michigan elections and the counting of ballots.

20. Michigan’s election code provides that challengers shall have the following rights and responsibilities:

- a. An election challenger shall be provided a space within a polling place where they can observe the election procedure and each person applying to vote. MCL 168.733(1).
- b. An election challenger must be allowed opportunity to inspect poll books as ballots are issued to electors and witness the electors’ names being entered in the poll book. MCL 168.733(1)(a).

- c. An election Challenger must be allowed to observe the manner in which the duties of the election inspectors are being performed. MCL 168.733(1)(b).
- d. An election challenger is authorized to challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector. MCL 168.733(1)(c).
- e. An election challenger is authorized to challenge an election procedure that is not being properly performed. MCL 168.733(1)(d).
- f. An election challenger may bring to an election inspector's attention any of the following: (1) improper handling of a ballot by an elector or election inspector; (2) a violation of a regulation made by the board of election inspectors with regard to the time in which an elector may remain in the polling place; (3) campaigning and fundraising being performed by an election inspector or other person covered by MCL 168.744; and/or (4) any other violation of election law or other prescribed election procedure. MCL 168.733(1)(e).
- g. An election challenger may remain present during the canvass of votes and until the statement of returns is duly signed and made. MCL 168.733(1)(f).
- h. An election challenger may examine each ballot as it is being counted. MCL 168.733(1)(g).
- i. An election challenger may keep records of votes cast and other election procedures as the challenger desires. MCL 168.733(1)(h).
- j. An election challenger may observe the recording of absent voter ballots on voting machines. MCL 168.733(1)(i).

21. The Michigan Legislature adopted these provisions to prevent and deter vote fraud, require the conduct of Michigan elections to be transparent, and to assure public confidence in the outcome of the election no matter how close the final ballot tally may be.

22. Michigan values the important role challengers perform in assuring the transparency and integrity of elections. For example, Michigan law provides it is a felony punishable by up to two years in state prison for any person to threaten or intimidate a challenger who is performing any activity described in Michigan law. MCL 168.734(4).

It is a felony punishable by up to two years in state prison for any person to prevent the



presence of a challenger exercising their rights or to fail to provide a challenger with “conveniences for the performance of the[ir] duties.” MCL 168.734.

23. The responsibilities of challengers are established by Michigan statute.

MCL 168.730 states:

- (1) At an election, a political party or [an organization] interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, may designate challengers as provided in this act. Except as otherwise provided in this act, a political party [or interested organization] may designate not more than 2 challengers to serve in a precinct at any 1 time. A political party [or interested organization] may designate not more than 1 challenger to serve at each counting board.
- (2) A challenger shall be a registered elector of this state. . . . A candidate for the office of delegate to a county convention may serve as a challenger in a precinct other than the 1 in which he or she is a candidate. . . .
- (3) A challenger may be designated to serve in more than 1 precinct. The political party [or interested organization] shall indicate which precincts the challenger will serve when designating challengers under subsection (1). If more than 1 challenger of a political party [or interested organization] is serving in a precinct at any 1 time, only 1 of the challengers has the authority to initiate a challenge at any given time. The challengers shall indicate to the board of election inspectors which of the 2 will have this authority. The challengers may change this authority and shall indicate the change to the board of election inspectors.

24. Secretary Benson and Wayne County violated these provisions of Michigan law and violated the constitutional rights of Michigan citizens and voters when they did not conduct this general election in conformity with Michigan law and the United States Constitution.

25. More than one hundred credentialed election challengers provided sworn affidavits. These affidavits stated, among other matters, that these credentialed challengers were denied a meaningful opportunity to review election officials in Wayne County handling ballots, processing absent voter ballots, validating the legitimacy of absent voter

ballots, and the general conduct of the election and ballot counting. *See* Exhibit 1 (affidavits of election challengers).

**B. Michigan voters were denied a fair, honest, and transparent election because, among other things, election challengers were denied opportunity to meaningfully observe the processing and counting of ballots.**

26. Wayne County excluded certified challengers from meaningfully observing the conduct of the election. This allowed a substantial number of ineligible ballots to be counted. The following affidavits describe the specifics that were observed. This conduct was pervasive in Wayne County as attested to in the affidavits attached at **Exhibit 1**.

27. Many individuals designated as challengers to observe the conduct of the election were denied meaningful opportunity to observe the conduct of the election. For example, challengers designated by the Republican Party or Republican candidates were denied access to the TCF Center (formerly called Cobo Hall) ballot counting location in Detroit while Democratic challengers were allowed access. Exhibit 1 (Deluca aff. ¶¶7-9, 16-18; Langer aff. ¶3; Papsdorf aff. ¶3; Frego aff. ¶9; Downing aff. ¶¶2-9, 11, 15, 22; Sankey aff. ¶¶5-8; Ostin aff. ¶¶5-7; Cavaliere aff. ¶3; Cassin aff. ¶4; Rose aff. ¶18; Zimmerman aff. ¶8; Langer aff. ¶3; Poplawski aff. ¶3; Henderson aff. ¶7; Fuqua-Frey aff. ¶5; Ungar aff. ¶4; Eilf aff. ¶¶9, 17; Jeup aff. ¶¶6-7; Tietz aff. ¶¶9-18; McCall aff. ¶¶5-6; Arnoldy aff. ¶¶5, 8-9 (unlimited members of the media were also allowed inside regardless of COVID restrictions while Republican challengers were excluded)).

28. Many challengers stated that Republican challengers who had been admitted to the TCF Center but who left were not allowed to return. Exhibit 1 (Bomer aff. ¶16; Paschke aff. ¶4; Schneider aff., p. 2; Arnoldy aff. ¶6; Boller aff. ¶¶13-15 (removed and not allowed to serve as challenger); Kilunen aff. ¶7; Gorman aff. ¶¶6-8; Wirsing aff.,

p. 1; Rose aff. ¶19; Krause aff. ¶¶9, 11; Roush aff. ¶16; M. Seely aff. ¶6; Fracassi aff. ¶6; Whitmore aff. ¶5). Furthermore, Republican challengers who left the TCF Center were not allowed to be replaced by other Republican challengers while Democratic challengers were replaced. *See id.*

29. As a result of Republican challengers not being admitted or re-admitted, while Democratic challengers were freely admitted, there were many more Democratic challengers allowed to observe the processing and counting of absent voter ballots than Republican challengers. Exhibit 1 (Helminen aff. ¶12 (Democratic challengers outnumbered Republican challengers by at least a two-to-one ratio); Daavettila aff., p. 2 (ten times as many Democratic challengers as Republican); A. Seely aff. ¶19; Schneider aff., p. 2; Wirsing aff., p. 1; Rauf aff. ¶21; Roush aff. ¶¶16-17; Topini aff. ¶4).

30. Many challengers testified that election officials strictly and exactly enforced a six-foot distancing rule for Republican challengers but not for Democratic challengers. Exhibit 1 (Paschke aff. ¶4; Wirsing aff., p. 1; Montie aff. ¶4; Harris aff. ¶3; Krause aff. ¶7; Vaupel aff. ¶5; Russel aff. ¶7; Duus aff. ¶9; Topini aff. ¶6). As a result, Republican challengers were not allowed to meaningfully observe the ballot counting process. *Id.*

31. Many challengers testified that their ability to view the handling, processing, and counting of ballots was physically and intentionally blocked by election officials. Exhibit 1 (A. Seely aff. ¶15; Miller aff. ¶¶13-14; Pennala aff. ¶4; Tyson aff. ¶¶12-13, 16; Ballew aff. ¶8; Schornak aff. ¶4; Williamson aff. ¶¶3, 6; Steffans aff. ¶¶15-16, 23-24; Zaplitny aff. ¶15; Sawyer aff. ¶5; Cassin aff. ¶9; Atkins aff. ¶3; Krause aff. ¶5; Sherer

aff. ¶¶15, 24; Basler aff. ¶¶7-8; Early aff. ¶7; Posch aff. ¶7; Chopjian aff. ¶11; Shock aff. ¶7; Schmidt aff. ¶¶7-8; M. Seely aff. ¶4; Topini aff. ¶8).

32. At least three challengers said they were physically pushed away from counting tables by election officials to a distance that was too far to observe the counting. Exhibit 1 (Helminen aff. ¶4; Modlin aff. ¶¶4, 6; Sitek aff. ¶4). Challenger Glen Sitek reported that he was pushed twice by an election worker, the second time in the presence of police officers. *Id.* (Sitek aff. ¶4). Sitek filed a police complaint. *Id.*

33. Challenger Pauline Montie stated that she was prevented from viewing the computer monitor because election workers kept pushing it further away and made her stand back away from the table. Exhibit 1 (Montie aff. ¶¶4-7). When Pauline Montie told an election worker that she was not able to see the monitor because they pushed it farther away from her, the election worker responded, “too bad.” *Id.* ¶8.

34. Many challengers witnessed Wayne County election officials covering the windows of the TCF Center ballot counting center so that observers could not observe the ballot counting process. Exhibit 1 (A. Seely aff. ¶¶9, 18; Helminen aff. ¶¶9, 12; Deluca aff. ¶13; Steffans aff. ¶22; Frego aff. ¶11; Downing aff. ¶21; Sankey aff. ¶14; Daavettila aff., p. 4; Zimmerman aff. ¶10; Krause aff. ¶12; Sherer aff. ¶22; Johnson aff. ¶7; Posch aff. ¶10; Rauf aff. ¶23; Luke aff., p. 1; M. Seely aff. ¶8; Zelasko aff. ¶8; Ungar aff. ¶12; Storm aff. ¶7; Fracassi aff. ¶8; Eilf aff. ¶25; McCall aff. ¶9).

35. Many challengers testified that they were intimidated, threatened, and harassed by election officials during the ballot processing and counting process. Exhibit 1 (Ballew aff. ¶¶7, 9; Gaicobazzi aff. ¶¶12-14 (threatened repeatedly and removed); Schneider aff., p. 1; Piontek aff. ¶11; Steffans aff. ¶26 (intimidation made her feel too afraid

to make challenges); Cizmar aff. ¶8(G); Antonie aff. ¶3; Zaplitny aff. ¶20; Moss aff. ¶4; Daavettila aff., pp. 2-3; Tocco aff. ¶¶1-2; Cavaliere ¶3; Kerstein aff. ¶3; Rose aff. ¶16; Zimmerman aff. ¶5; Langer aff. ¶3; Krause aff. ¶4; Sherer aff. ¶24; Vaupel aff. ¶4; Basler aff. ¶8; Russell aff. ¶5; Burton aff. ¶5; Early aff. ¶7; Pannebecker aff. ¶10; Sitek aff. ¶4; Klamer aff. ¶4; Leonard aff. ¶¶6, 15; Posch aff. ¶¶7, 14; Rauf aff. ¶24; Chopjian aff. ¶10; Cooper aff. ¶12; Shock aff. ¶9; Schmidt aff. ¶¶9-10; Duus aff. ¶10; M. Seely aff. ¶4; Storm aff. ¶¶5, 7; DePerno aff. ¶¶5-6; McCall aff. ¶¶5, 13). Articia Bomer was called a “racist name” by an election worker and also harassed by other election workers. *Id.* (Bomer aff. ¶7). Zachary Vaupel reported that an election supervisor called him an “obscene name” and told him not to ask questions about ballot processing and counting. *Id.* (Vaupel aff. ¶4). Kim Tocco was personally intimidated and insulted by election workers. *Id.* (Tocco aff. ¶¶1-2). Qian Schmidt was the target of racist comments and asked, “what gives you the right to be here since you are not American?” *Id.* (Schmidt aff. ¶9). Other challengers were threatened with removal from the counting area if they continued to ask questions about the ballot counting process. *Id.* (A. Seely aff. ¶¶6, 13, 15; Pennala aff. ¶5).

36. Challenger Kathleen Daavettila observed that Democratic challengers distributed a packet of information among themselves entitled, “Tactics to Distract GOP Challengers.” *Id.* (Daavettila aff., p. 2). An election official told challenger Ulrike Sherer that the election authority had a police SWAT team waiting outside if Republican challengers argued too much. *Id.* (Sherer aff. ¶24). An election worker told challenger Jazmine Early that since “English was not [her] first language...[she] should not be taking part in this process.” *Id.* (Early aff. ¶11).

37. Election officials at the TCF Center in Detroit participated in the intimidation experienced by Republican challengers when election officials would applaud, cheer, and yell whenever a Republican challenger was ejected from the counting area. Exhibit 1 (Helminen aff. ¶9; Pennala aff. ¶5; Ballew aff. ¶9; Piontek aff. ¶11; Papsdorf aff. ¶3; Steffans aff. ¶25; Cizmar aff. ¶8(D); Kilunen aff. ¶5; Daavettila aff., p. 4; Cavaliere aff. ¶3; Cassin aff. ¶10; Langer aff. ¶3; Johnson aff. ¶5; Early aff. ¶13; Klamer aff. ¶8; Posch aff. ¶12; Rauf aff. ¶22; Chopjian aff. ¶13; Shock aff. ¶10).

**C. Illegal and ineligible ballots were counted.**

38. There is a difference between a ballot and a vote. A ballot is a piece of paper. A vote is a ballot that has been completed by a citizen registered to vote who has the right to cast a vote and has done so in compliance with Michigan election law by, among other things, verifying their identity and casting the ballot on or before Election Day. It is the task of Secretary Benson and Michigan election officials to assure that only ballots cast by individuals entitled to cast a vote in the election are counted and to make sure that all ballots cast by lawful voters are counted and the election is conducted in accord with Michigan's Election Code uniformly throughout Michigan.

39. Challengers provide the transparency and accountability to assure ballots are lawfully cast and counted as provided in Michigan's Election Code and voters can be confident the outcome of the election was honestly and fairly determined by eligible voters.

40. Unfortunately, this did not happen in Wayne County. Many challengers testified that their challenges to ballots were ignored and disregarded. Exhibit 1 (A. Seely aff. ¶4; Helminen aff. ¶5; Miller aff. ¶¶10-11; Schornak aff. ¶¶9, 15; Piontek aff. ¶6; Daavettila aff., p. 3; Valice aff. ¶2; Sawyer aff. ¶7; Kerstein aff. ¶3; Modlin aff. ¶4; Cassin

aff. ¶6; Brigmon aff. ¶5; Sherer aff. ¶11; Early aff. ¶18; Pannebecker aff. ¶9; Vanker aff. ¶5; M. Seely aff. ¶11; Ungar aff. ¶¶16-17; Fracassi aff. ¶4).

41. As an example of challenges being disregarded and ignored, challenger Alexandra Seely stated that at least ten challenges she made were not recorded. *Id.* (A. Seely aff. ¶4). Articia Bomer observed that ballots with votes for Trump were separated from other ballots. *Id.* (Bomer aff. ¶5). Articia Bomer stated, “I witnessed election workers open ballots with Donald Trump votes and respond by rolling their eyes and showing it to other poll workers. I believe some of these ballots may not have been properly counted.” *Id.* ¶8. Braden Gaicobazzi challenged thirty-five ballots for whom the voter records did not exist in the poll book, but his challenge was ignored and disregarded. Exhibit 1 (Giacobazzi aff. ¶10). When Christopher Schornak attempted to challenge the counting of ballots, an election official told him, “We are not talking to you, you cannot challenge this.” *Id.* (Schornak aff. ¶15). When Stephanie Krause attempted to challenge ballots, an election worker told her that challenges were no longer being accepted because the “rules ‘no longer applied.’” *Id.* (Krause aff. ¶13).

**i. Unlawful ballot duplication.**

42. If a ballot is rejected by a ballot-tabulator machine and cannot be read by the machine, the ballot must be duplicated onto a new ballot. The Michigan Secretary of State has instructed, “If the rejection is due to a false read the ballot must be duplicated by *two election inspectors who have expressed a preference for different political parties.*” Michigan Election Officials’ Manual, ch. 8, p. 6 (emphasis added). Thus, the ballot-duplicating process must be performed by bipartisan teams of election officials. It must also be performed where it can be observed by challengers.

43. But Wayne County prevented many challengers from observing the ballot duplicating process. Exhibit 1 (Miller aff. ¶¶6-8; Steffans aff. ¶¶15-16, 23-24; Mandelbaum aff. ¶6; Sherer aff. ¶¶16-17; Burton aff. ¶7; Drzewiecki aff. ¶7; Klamer aff. ¶9; Chopjian aff. ¶10; Schmidt aff. ¶7; Champagne aff. ¶12; Shinkle aff., p. 1). Challenger John Miller said he was not allowed to observe election workers duplicating a ballot because the “duplication process was personal like voting.” *Id.* (Miller aff. ¶8). Challenger Mary Shinkle stated that she was told by an election worker that she was not allowed to observe a ballot duplication because “if we make a mistake then you would be all over us.” *Id.* (Shinkle aff., p. 1).

44. Many challengers testified that ballot duplication was performed only by Democratic election workers, not bipartisan teams. Exhibit 1 (Pettibone aff. ¶3; Kinney aff., p. 1; Wasilewski aff., p. 1; Schornak aff. ¶¶18-19; Dixon aff., p. 1; Kolanagireddy aff., p. 1; Kordenbrock aff. ¶¶3-4; Seidl aff., p. 1; Kerstein aff. ¶4; Harris aff. ¶3; Sitek aff. ¶4).

**ii. Ineligible ballots were counted – some multiple times.**

45. Challengers reported that batches of ballots were repeatedly run through the vote tabulation machines. Exhibit 1 (Helminen aff. ¶4; Waskilewski aff., p. 1; Mandelbaum aff. ¶5; Rose aff. ¶¶4-14; Sitek aff. ¶3; Posch aff. ¶8; Champagne aff. ¶8). Challenger Patricia Rose stated she observed a stack of about fifty ballots being fed multiple times into a ballot scanner counting machine. *Id.* (Rose aff. ¶¶4-14). Challenger Articia Bomer stated, “I observed a station where election workers were working on scanned ballots that had issues that needed to be manually corrected. I believe some of these workers were changing votes that had been cast for Donald Trump and other Republican candidates.” *Id.* (Bomer aff. ¶9). Articia Bomer further stated that she



witnessed the same group of ballots being rescanned into the counting machine “at least five times.” *Id.* ¶12.

46. Many challengers stated that the ballot number on the ballot did not match the number on the ballot envelope, but when they raised a challenge, those challenges were disregarded and ignored by election officials, not recorded, and the ballots were processed and counted. Exhibit 1 (A. Seely aff. ¶15; Wasilewski aff., p. 1; Schornak aff. ¶13; Brunell aff. ¶¶17, 19; Papsdorf aff. ¶3; Spalding aff. ¶¶8, 11; Antonie aff. ¶3; Daavettila aff., p. 3; Atkins aff. ¶3; Harris aff. ¶3; Sherer aff. ¶21; Drzewiecki aff. ¶¶5-6; Klamer aff. ¶4; Rauf aff. ¶¶9-14; Roush aff. ¶¶5-7; Kinney aff. ¶5). For example, when challenger Abbie Helminen raised a challenge that the name on the ballot envelope did not match the name on the voter list, she was told by an election official to “get away” and that the counting table she was observing had “a different process than other tables.” *Id.* (Helminen aff. ¶5).

47. Many challengers reported that when a voter was not in the poll book, the election officials would enter a new record for that voter with a birth date of January 1, 1900. Exhibit 1 (Gaicobazzi aff. ¶10; Piontek aff. ¶10; Cizmer aff. ¶8(F); Wirsing aff., p. 1; Cassin aff. ¶9; Langer aff. ¶3; Harris aff. ¶3; Brigmon aff. ¶5; Sherer aff. ¶¶10-11; Henderson aff. ¶9; Early ¶16; Klamer aff. ¶13; Shock aff. ¶8; M. Seely aff. ¶9). *See also id.* (Gorman aff. ¶¶23-26; Chopjian aff. ¶12; Ungar aff. ¶15; Valden aff. ¶17). Braden Gaicobazzi reported that a stack of thirty-five ballots was counted even though there was no voter record. *Id.* (Giacobazzi aff. ¶10).

48. At least two challengers observed ballots being counted where there was no signature or postmark on the ballot envelope. Exhibit 1 (Brunell aff. ¶¶17, 19; Spalding aff. ¶13; Sherer aff. ¶13). Challenger Anne Vanker observed that “60% or more of [ballot]

envelopes [in a batch] bore the same signature on the opened outer envelope.” *Id.* (Vanker aff. ¶5).

49. Challenger William Henderson observed that a counting table of election workers lost eight ballot envelopes. Exhibit 1 (Henderson aff. ¶8).

50. At least two challengers observed spoiled ballots being counted. Exhibit 1 (Schornak aff. ¶¶6-8; Johnson aff. ¶4). Another challenger observed over-votes on ballots being “corrected” so that the ballots could be counted. *Id.* (Zaplitny aff. ¶13).

51. At least one challenger observed a box of provisional ballots being placed in a tabulation box at the TCF Center. Exhibit 1 (Cizmar aff. ¶5). At least one challenger observed poll workers adding marks to a ballot where there was no mark for any candidate. *Id.* (Tyson aff. ¶17). Another challenger observed election officials making mistakes when duplicating ballots. *Id.* (Piontek aff. ¶9).

52. An election challenger at the Detroit Department of Elections office observed passengers in cars dropping off more ballots than there were people in the car. Exhibit 1 (Meyers aff. ¶3). This challenger also observed election workers at the Detroit Department of Elections office handing t-shirts and food to voters in cars. *Id.* ¶4. This challenger also observed an election worker accepting a ballot after 8:00 p.m. on Election Day. *Id.* ¶7.

53. One Michigan voter stated that her deceased son has been recorded as voting twice since he passed away, most recently in the 2020 general election. Exhibit 1 (Chase aff. ¶3).

**iii. Absent voter ballots were pre-dated.**

54. Jessica Connarn is an attorney who was acting as a Republican challenger at the TCF Center in Wayne County. **Exhibit 2.** Jessica Connarn’s affidavit describes how

an election poll worker told Jessica Connarn that the poll worker “was being told to change the date on ballots to reflect that the ballots were received on an earlier date.” *Id.* ¶1. Jessica Connarn also provided a photograph of a note handed to her by the poll worker in which the poll worker indicated she (the poll worker) was instructed to change the date ballots were received. *See id.* Jessica Connarn’s affidavit demonstrates that poll workers in Wayne County were pre-dating absent voter ballots, so that absent voter ballots received after 8:00 p.m. on Election Day could be counted.

55. A lawsuit recently filed by the Great Lakes Justice Center raises similar allegations of vote fraud and irregularities that occurred in Wayne County. *See Exhibit 3* (copy of complaint filed in the Circuit Court of Wayne County in *Costantino, et al. v. City of Detroit, et al.*). The lawsuit alleges the Detroit Election Commission “systematically processed and counted ballots from voters whose name failed to appear in either the Qualified Voter File (QVF) or in the supplemental sheets.” *Id.* at 3. The complaint also alleges the Election Commission “instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity” and “instructed election workers to process ballots that appeared after the election deadline and to falsely report that those ballots had been received prior to November 3, 2020 deadline.” *Id.* The complaint further alleges the Election Board “systematically used false information to process ballots, such as using incorrect or false birthdays,” including inserting “new names into the QVF after the election and recorded these new voters as having a birthdate of 1/1/1900.” *Id.* The complaint includes supporting affidavits of witnesses.

**iv. Ballots were deposited in remote, unattended drop boxes without meaningful opportunity to observe or challenge the ballots.**

56. Michigan's election code, MCL 168.24j, requires that ballot containers meet the following conditions:

- (1) A ballot container includes a ballot box, transfer case, or other container used to secure ballots, including optical scan ballots and electronic voting systems and data.
- (2) A manufacturer or distributor of ballot containers shall submit a nonmetal ballot container to the secretary of state for approval under the requirements of subsection (3) before the ballot container is sold to a county, city, township, village, or school district for use at an election.
- (3) A ballot container shall not be approved unless it meets both of the following requirements:
  - (a) It is made of metal, plastic, fiberglass, or other material, that provides resistance to tampering.
  - (b) It is capable of being sealed with a metal seal.
- (4) Before June 1 of 2002, and every fourth year after 2002, a county board of canvassers shall examine each ballot container to be used in any election conducted under this act. The board shall designate on the ballot container that the ballot container does or does not meet the requirements under subsection (3). A ballot container that has not been approved by the board shall not be used to store voted ballots.
- (5) A city, village, or township clerk may procure ballot containers as provided in section 669 and as approved under this section.
- (6) A clerk who uses or permits the use of a ballot container that has not been approved under this section is guilty of a misdemeanor.

57. In October Michigan amended its election code to allow election authorities to establish remote unattended ballot drop-off boxes. *See* MCL 168.761d. A remote, unattended ballot drop box is essentially equivalent to a polling place where a person can deposit a ballot. But, unlike a polling place, there is no validation that the individual depositing a ballot in the box is an individual who is qualified to cast a vote or to lawfully

deliver a ballot cast by a lawful voter. *See*, for example, MCL 168.932(f), which prohibits “A person other than an absent voter,” and certain others, such as an immediate family member, from possessing and returning an absent voter ballot. *See also Michigan Alliance for Retired Americans v. Secretary of State*, 2020 Mich. App. LEXIS 6931, \*23-24 (Mich. Ct. App. Oct. 16, 2020) (“On balance, the ballot-handling restrictions pass constitutional muster given the State’s strong interest in preventing fraud.”).

58. MCL 168.761d(4)(c) provides that “[t]he city or township clerk” who establishes a remote ballot drop box “must use video monitoring of that drop box to ensure effective monitoring of that drop box.”

59. An election challenger at the Detroit Department of Elections office observed ballots being deposited in a ballot drop box located at the Detroit Department of Elections after 8:00 p.m. on Election Day. Exhibit 1 (Meyers aff. ¶6).

**v. Wayne County used ballot tabulators that were shown to miscount votes cast for President Trump and Vice President Pence and instead count them for the Biden-Harris ticket.**

60. On the morning of November 4, unofficial results posted by the Antrim County Clerk showed that Joe Biden had over 7,700 votes — 3,000 more than Donald Trump. Antrim County voted 62% in favor of President Trump in 2016. The Dominion Voting Systems election management system and voting machines (tabulators), which were used in Antrim County, are also used in many other Michigan counties, including Wayne County, were at fault.

61. Secretary of State Benson released a statement blaming the county clerk for not updating certain “media drives,” but her statement failed to provide any coherent

explanation of how the Dominion Voting Systems software and vote tabulators produced such a massive miscount.<sup>2</sup>

62. Secretary Benson continued: “After discovering the error in reporting the unofficial results, the clerk worked diligently to report correct unofficial results by reviewing the printed totals tape on each tabulator and hand-entering the results for each race, for each precinct in the county.” *Id.*

63. What Secretary Benson fails to address is what would have happened if no one “discover[ed] the error,” for instance, in Wayne County, where the number of registered voters is much greater than Antrim County, and where the tabulators were not individually tested.

64. Wayne County used the same Dominion voting system tabulators as did Antrim County, and Wayne County tested only a single one of its vote tabulating machines before the election. The Trump campaign asked Wayne County to have an observer physically present to witness the process. *See* Exhibit 4. Wayne County denied the Trump campaign the opportunity to be physically present. Representatives of the Trump campaign did have opportunity to watch a portion of the test of a single machine by Zoom video.

65. Tabulator issues occurred elsewhere in Michigan. In Oakland County, Democrat Melanie Hartman was wrongly declared the winner of the commissioner's race by a 104-vote margin. A computer issue at the Rochester Hills clerk's office caused them

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<sup>2</sup> [https://www.michigan.gov/documents/sos/Antrim\\_Fact\\_Check\\_707197\\_7.pdf](https://www.michigan.gov/documents/sos/Antrim_Fact_Check_707197_7.pdf) (emphasis in original).

to double-count some votes. After elections officials caught the error, Republican Adam Kochenderfer was declared the winner with 1,127 more votes than Hartman.<sup>3</sup>

66. These vote tabulator failures are a mechanical malfunction that, under MCL 168.831-168.839, requires a “special election” in the precincts affected.

67. Michigan’s Election Code, MCL 168.831-168.839, provides the board of canvassers shall order a special election as governed by those precincts affected by the defect or mechanical malfunction. The board of county canvassers “is responsible for resolving any claims that malfunctioning voting equipment or defective ballots may have affected the outcome of a vote on an office appearing on the ballot.” Michigan Manual for Boards of County Canvassers.

## **II. The canvassing process in Michigan.**

68. Michigan has entrusted the conduct of elections to three categories of individuals, a “board of inspectors,” a “board of county canvassers,” and the “board of state canvassers.”

69. The board of inspectors, among its other duties, canvasses the ballots and compares the ballots to the poll books. *See* MCL 168.801. “Such canvass shall be public and the doors to the polling places and at least 1 door in the building housing the polling places and giving ready access to them shall not be locked during such canvas.” *Id.* The members of the board of inspectors (one from each party) are required to seal the ballots and election equipment and certify the statement of returns and tally sheets and deliver the statement of returns and tally sheet to the township or city clerk, who shall deliver it to the

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<sup>3</sup> <https://www.freep.com/story/news/politics/elections/2020/11/08/election-misinformation-michigan-vote-antrim-county/6209693002/>

probate court judge, who will then deliver the statement of returns and tally sheet to the “board of county canvassers.” MCL 168.809. “All election returns, including poll lists, statements, tally sheets, *absent voters’ return envelopes bearing the statement required [to cast an absentee ballot] ... must be carefully preserved.*” MCL.810a and 168.811 (emphasis added).

70. After the board of inspectors completes its duties, the board of county canvassers is to meet at the county clerk’s office “no later than 9 a.m. on the Thursday after” the election. November 5, 2020 is the date for the meeting. MCL 168.821. The board of county canvassers has power to summon and open ballot boxes, correct errors, and summon election inspectors to appear. Among other duties and responsibilities, the board of county canvassers shall do the following provided in MCL 168.823(3).

The board of county canvassers shall correct obvious mathematical errors in the tallies and returns. *The board of county canvassers may, if necessary for a proper determination, summon the election inspectors before them, and require them to count any ballots that the election inspectors failed to count, to make correct returns in case, in the judgment of the board of county canvassers after examining the returns, poll lists, or tally sheets, the returns already made are incorrect or incomplete, and the board of county canvassers shall canvass the votes from the corrected returns. In the alternative to summoning the election inspectors before them, the board of county canvassers may designate staff members from the county clerk’s office to count any ballots that the election inspectors failed to count, to make correct returns in case, in the judgment of the board of county canvassers after examining the returns, poll lists, or tally sheets, the returns already made are incorrect or incomplete, and the board of county canvassers shall canvass the votes from the corrected returns. When the examination of the papers is completed, or the ballots have been counted, they shall be returned to the ballot boxes or delivered to the persons entitled by law to their custody, and the boxes shall be locked and sealed and delivered to the legal custodians.*<sup>4</sup>

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<sup>4</sup> Emphasis added.



71. The county board of canvassers shall “conclude the canvass at the earliest possible time and in every case no later than the fourteenth day after the election,” which is November 17. MCL 168.822(1). But, “[i]f the board of county canvassers fails to certify the results of any election for any officer or proposition by the fourteenth day after the election as provided, the board of county canvassers shall immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to the election. The board of state canvassers shall meet immediately and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the board of county canvassers.” MCL 168.822(2).

72. The Michigan board of state canvassers then meets at the Secretary of State’s office the twentieth day after the election and announce its determination of the canvass “not later than the fortieth day after the election.” For this general election that is November 23 and December 3. MCL 168.842. There is provision for the Secretary of State to direct an expedited canvass of the returns for the election of electors for President and Vice President.

73. The federal provisions governing the appointment of electors to the Electoral College, 3 U.S.C. 1-18, require Michigan Governor Whitmer to prepare a Certificate of Ascertainment by December 14, the date the Electoral College meets.

74. The United States Code (3 U.S.C. 5) provides that if election results are contested in any state, and if the state, prior to election day, has enacted procedures to settle controversies or contests over electors and electoral votes, and if these procedures have been applied, and the results have been determined six days before the electors’ meetings, then these results are considered to be conclusive and will apply in the counting of the

electoral votes. This date (the “Safe Harbor” deadline) falls on December 8, 2020. The governor of any state where there was a contest, and in which the contest was decided according to established state procedures, is required (by 3 U.S.C. 6) to send a certificate describing the form and manner by which the determination was made to the Archivist as soon as practicable.

75. The members of the board of state canvassers are Democrat Jeannette Bradshaw, Republican Aaron Van Langeveide, Republican Norman Shinkle, and Democrat Julie Matuzak. Jeanette Bradshaw is the Board Chairperson. The members of the Wayne County board of county canvassers are Republican Monica Palmer, Democrat Jonathan Kinloch, Republican William Hartmann, and Democrat Allen Wilson. Monica Palmer is the Board Chairperson.

## COUNT I

### **Secretary of State Benson and Wayne County violated the Equal Protection Clause of the United States Constitution and the corollary clause of Michigan’s Constitution.**

76. The Fourteenth Amendment to the United States Constitution provides “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” *See also Bush v. Gore*, 531 U.S. 98, 104 (2000) (“Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.”); *Harper v. Virginia Board of Elections*, 383 U.S. 663, 665, (1966) (“Once the franchise is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment.”).

77. Wayne County's failure to allow challengers and its counting of ineligible and illegal ballots that did not comply with the Michigan Election Code diluted the lawful ballots of these plaintiffs and of other Michigan voters and electors in violation of the United States Constitution and the Michigan Constitution guarantee of equal protection.

78. President Trump's campaign committee and these Michigan voters and challengers seek declaratory and injunctive relief requiring Secretary Benson to direct that Wayne County allow a reasonable number of challengers to meaningfully observe the conduct of the Wayne County board of county canvassers and the board of state canvassers and that these canvassing boards exercise their duty and authority under Michigan law, which forbids certifying a tally that includes any ballots that were not legally cast.

79. In addition, President Trump's campaign committee and these Michigan voters and challengers ask this Court to order that no ballot processed by a counting board in Wayne County can be included in the final vote tally unless a challenger was allowed to meaningfully observe the process and the handling and counting of the ballot.

80. Secretary Benson violated these Michigan voters' right to equal protection by allowing Wayne County to process and count ballots in a manner that allowed ineligible ballots to be counted and by not requiring Wayne County to conduct the general election in a uniform manner as required by Michigan's Election Code as was done in other jurisdictions.

## COUNT II

### **Secretary of State Benson and Wayne County violated the rights of these Michigan voters under the federal Elections and Electors Clauses.**

81. The Electors Clause states that “[e]ach State shall appoint, in such Manner as *the Legislature* thereof may direct, a Number of Electors” for President. U.S. Const. art. II, §1, cl. 2 (emphasis added).

82. Likewise, the Elections Clause of the U.S. Constitution states that “[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by *the Legislature* thereof.” U.S. Const. art. I, §4, cl. 1 (emphasis added).

83. Michigan statutes enacted by the legislature protect the purity and integrity of elections by allowing ballot challengers to monitor the counting and processing of absentee ballots. Wayne County and Secretary Benson violated this statutory guarantee by preventing Republican challengers from meaningfully observing and participating in the ballot processing and counting process as is provided by MCL 168.730-736.

84. It is a violation of the rights of President Trump’s campaign committee to have federal elections for presidential electors governed under rules prescribed by the state legislature for Secretary Benson and Wayne County to count ballots that are not lawfully cast, and it is a violation of Michigan law for the Wayne County board of county canvassers and the Michigan board of state canvassers to certify an election tally that includes ineligible or unlawfully cast ballots.

### COUNT III

#### Secretary of State Benson and Wayne County violated Michigan's Election Code.

85. MCL 168.730 provides:

(1) At an election, a political party or [an organization] interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, may designate challengers as provided in this act. Except as otherwise provided in this act, a political party [or interested organization] may designate not more than 2 challengers to serve in a precinct at any 1 time. A political party [or interested organization] may designate not more than 1 challenger to serve at each counting board.

(2) A challenger shall be a registered elector of this state. . . . A candidate for the office of delegate to a county convention may serve as a challenger in a precinct other than the 1 in which he or she is a candidate. . . .

(3) A challenger may be designated to serve in more than 1 precinct. The political party [or interested organization] shall indicate which precincts the challenger will serve when designating challengers under subsection (1). If more than 1 challenger of a political party [or interested organization] is serving in a precinct at any 1 time, only 1 of the challengers has the authority to initiate a challenge at any given time. The challengers shall indicate to the board of election inspectors which of the 2 will have this authority. The challengers may change this authority and shall indicate the change to the board of election inspectors.

86. Secretary of State Benson and the election officials in Wayne County violated MCL 168.730-168.734 by denying Republican challengers' rights to meaningfully observe and participate in the ballot processing and counting process..

87. Michigan Election Code, MCL 168.734 provides:

Any officer or election board who shall prevent the presence of any such challenger as above provided, or shall refuse or fail to provide such challenger with conveniences for the performance of the duties expected of him, shall, upon conviction, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court.

88. Wayne County's and Secretary Benson's denial of Republican challengers' right to participate and observe the processing of ballots violates Michigan's Election Code

and resulting in the casting and counting of ballots that were ineligible to be counted and diluted or canceled out the lawfully cast ballots of other Michigan voters.

### **PRAYER FOR RELIEF**

President Trump's and Vice President Pence's campaign committee and these Michigan citizens and voters ask this Court to enter a declaratory judgment in their favor as set forth in the foregoing counts and to grant the following injunctive relief:

- A. An order directing Secretary Benson and the Michigan Board of State Canvassers to not certify the election results until they have verified and confirmed that all ballots that were tabulated and included in the final reported election results were cast in compliance with the provisions of the Michigan Election Code as set forth herein.
- B. An order prohibiting the Wayne County board of county canvassers and the board of state canvassers from certifying any vote tally that includes:
  - (1) fraudulently or unlawfully cast ballots;
  - (2) ballots tabulated using the Dominion tabulating equipment or software without the accuracy of individual tabulators having first been determined;
  - (3) any ballots that were received after Election Day (November 3, 2020) where the postmark or date of receipt was altered to be an earlier date before Election Day; and
  - (4) any ballots that were verified or counted when challengers were excluded from the room or denied a meaningful opportunity to observe the handling of the ballot and poll book as provided in MCL 168.733.
- C. An order directing the Wayne County board of county canvassers to summon and open the ballot boxes and other election material, as provided in MCL 168.823, and, in the presence of challengers who can meaningfully monitor the process, to review the poll lists, absent voter ballot envelopes bearing the statement required by MCL 168.761, and other material provided in MCL 168.811.
- D. An order directing that challengers be allowed to be physically present with a meaningful opportunity to observe when the accuracy of each piece of tabulating equipment is determined, and if the accuracy of each piece of tabulation equipment used by Wayne County is not confirmed to be

accurate, an order directing a special election be held in the affected precincts as provided by MCL 168.831-168.839.

- E. An order directing the board of county canvassers and the board of state canvassers, with challengers present and meaningfully able to observe, to obtain and review the video of unattended remote ballot drop boxes.

Plaintiffs further pray the Court to grant such other relief as is just and proper, including but not limited to, the costs of this action and their reasonable attorney fees and expenses pursuant to 42 U.S.C. 1988.

Respectfully submitted,

TRUE NORTH LAW, LLC

/s/ Mark F. (Thor) Hearne, II  
Mark F. (Thor) Hearne, II (P40231)  
Stephen S. Davis (*pro hac* forthcoming)  
TRUE NORTH LAW, LLC  
112 S. Hanley Road, Suite 200  
St. Louis, MO 63105  
(314) 296-4000  
thor@truenorthlawgroup.com

*Counsel for Plaintiffs*

# EXHIBIT 1



Alexandra Seely, being Sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if Sworn as a witness, am competent to testify to them as well.

2. I am a registered voter in the State of Michigan

3. I was a ~~vote~~ <sup>Poll</sup> challenger for Wayne County MI at TCF Center on November 4<sup>th</sup> 2020, ~~at~~ from 10am - 3:30pm

4. I challenged 10 votes at table 23, they would not take out the log to record my challenges. I had to write names and ballot numbers on my own.

5. I ~~requested~~ <sup>asked</sup> to make incident reports they would not allow me and said they will make a note in the computer, they did not and proceeded to keep counting

6. I was harassed and threatened to be thrown out multiple times. Accused of taking photos when I never did and told I would be thrown out. No one had name tag except GOP challengers.

7. They told everyone to go to lunch if they haven't ate. Only the ballot centers could stay in the room to eat. Challengers and others had to leave the room to eat. Then they would not allow them back in and said they were at max capacity. Prior to this the room was packed after it was almost less than half.

8. After they ejected them it was half full

8. They wouldn't let anyone in for almost 2 hours after.

1 of 4

9. People started to notice and become upset. They were banging off the <sup>windows</sup> ~~doors~~ and doors. Then trump <sup>resident</sup> released the <sup>Statement</sup> ~~law suit~~ and they covered up the windows and doors.

10. I had 6 ballots that were sent to the wrong precinct. They made duplicate ballots on spot and had everyone witness then took the originals to go to the correct "precinct".

11. 5 ballots wouldn't scan into the computer and the officiator said to keep scanning them then took them from the table I don't know where they went from there. They also would not put them in the spoiled <sup>ballot bin</sup>.

12. They wouldn't let any other GOP people near the table to be an observer of my challenges. They would threaten to throw me and GOP lawyers out that would come up to me to ask how I was doing.

13. I was called a bigot and a cunt. She covered her <sup>name tag</sup>.

14. There was backpacks and suitcases that were <sup>Swan</sup> wrapped. In the back of the <sup>counting</sup> room over by escalators.

15. The ballot numbers did not match the envelope ballot number I would challenge they would not record it or allow me to make an incident report they would put a piece of tape over the ballot number attached to ballot and write the number on

<sup>envelope</sup> ~~envelope~~. Then would count it. I would get yelled at for challenging and saying I can't speak out. Then they would try to hide the ballot numbers

from me. I had a man scream in my face to back up and be 6ft away when I already was or he'd throw me out.

16. Two GOP lawyers were thrown out trying to help me and they said because they weren't wearing masks ~~correctly~~ correctly.

17. Before I started challenging at my table there was a man who took a photo of the monitor with the birthdays 1/1/1900. They ejected him after and would not document his challenges. Everyone was cheering and yelling. I personally witnessed this <sup>including</sup> ~~the picture~~.

18. I was ~~the~~ trying to leave at 3:30 pm because I had to be at work by 4. They locked us in, had the windows all covered and my table at that moment in time said they had 5,000 votes left to count and no one in the room had started military votes yet. Fifteen minutes later they called for Joe Biden winning Michigan.

19. They made all GOP challengers wear their credentials on a long, narrow white piece of paper when democrats' challengers only had a <sup>small</sup> lime green circle sticker. Then democrats pretended to be GOP so there would be less GOP and more democrats. It was visible that there was people with more green circle stickers than white lanyards.

20. In reference to #14 I was standing with my father and my father asked a security guard

About the Saran wrapped bags and the Security guard said Dont worry about it and that we needed to walk away. My dad asked again what are those? Security guard said if we did not walk away he would call the police over to arrest us.

21. I had a persons ~~bag~~ ~~whose~~ had two different ballots and they counted both would not let me document. They said they documented in the computer

22. There was covers, backpacks, duffle bags every where even at the counting tables.

23. When the military ballots came in they came through back double doors at the counting room then I left the room. They were <sup>packing in boxes</sup> squared ~~shipped~~ ~~bags~~

~~24.~~ with an open top on wheels and navy color. They did not match suitcases in the back but unsure if they were pulled from there

24. When ~~the~~ people were trying to leave they tried to make us go out a different door & not sign the book to signat by the main door. I signed the signout book and when I exited the main doors and people were screaming and asking me questions & cameras in my face.

X Alexandra Seely <sup>NOV 8/2020</sup>  
Alexandra Seely  
Print

Barbara Harrell  
Notary Public

BARBARA A. HARRELL  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Aug 4, 2025  
ACTING IN COUNTY OF Wayne

Abbie Helminen, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan
3. On Wednesday November 4<sup>th</sup> 2020 from 10am to 330pm I was at the TCF center in Detroit, MI. When I arrived, we were not denied access, signed in at a table and indicated that I was a republican. Upon returning from lunch, most people were being denied, but I was allowed back in because they recognized myself & two friends.

4. ~~At the table~~ I witnessed at table 88 <sup>were</sup> ~~was~~ many indications of duplicate ballots on the computer screen. The ballots were then passed to the next person at the table. When I questioned this many times, I was told they have their own process and dont interrupt it. I then ~~proce~~ proceeded to write down the number of the ballot. Each time the

4 continued.

Computer indicated this, the worker would quickly scan the next ballot. Several times I would try to move a little closer to the computer to read better I was shooed & even <sup>physically</sup> pushed <sup>by a poll worker</sup> once. The democrat standing there was also telling me the ballots had matched. During these same instances I had a democrat over my shoulder and intimidating wherever I went.

5. ~~On 10/20/2020~~ I noticed while also watching this table 88 was the passing of ballots that didn't come up on the computer. They were passed to another worker at the table who was checking the pile of papers for the name. The worker would separate into ~~two~~ 3 different piles. ~~Since they were~~ since they were separated, the names didn't match the list. When I asked to verify and why there were separate piles, the woman screamed at me to "Get away and don't worry, we have a different process than other tables." ~~On 10/20/2020~~ I then asked the woman in the black shirt (officiator)

told me I wasn't allowed to challenge the process. I simply told her I wanted to observe where they were being passed and she again told me to step away from the table. Not one of these ballots were put in the spoiled ballots box. ~~Table 88~~ Table 88 had a different order of passing ballots and opening them than ~~all~~ the other tables. ~~Table 88~~ The ballots were then picked up and carried around the table to be taken out of the envelopes. ~~Table 88~~

6. I thought signatures were supposed to be matched from the ballot to the applications, however I never saw any applications at any station.

7. There were a lot of coolers & suitcases throughout the room. A few times I tried to take pictures I was threatened to be kicked out. I have pictures that I emailed to [mieda@donaldtrump.com](mailto:mieda@donaldtrump.com).

8. When I was moving from a couple tables to another area, I noticed several  
3 of 6

tables that were empty with ballots sitting there. ~~At~~<sup>At</sup> other times, all the ~~Poll~~<sup>Poll</sup> workers at the tables were on their phones. ~~It~~ It seemed odd since we were getting yelled at all the time for phones.

9. Around 2pm, ~~the~~ the room began to get very intimidating. There was a large police presence that moved into the room. At this point, people began to put cardboard on the windows to prevent others from ~~seeing~~ seeing in. It felt closed in and the room also began to get loud. All the sudden, there was a loud roar from a table where a man was using his phone. I did not witness him taking a picture but he was hauled away by police with no trouble. The alarming thing was that the whole room erupted in claps & cheers. This included ~~the~~ the poll workers.

10. There was a break from the time most tables were done and the time the military ballots arrived. It seemed quite chaotic at this point and people



were everywhere. People walked into the room from the back doors with mail trays full of ballots. People were pulling ballots from the bins and just carried here & there.

11. I observed suitcases & boxes saran wrapped in the rear of the room. It was not indicated ~~what~~ what they were, but there was a couple times that I was asked to get away from them.

12. At the point that boxes were over the windows, no one was being allowed in. Democrats outnumbered republicans by ~~about~~ <sup>at least</sup> 2:1. We were all trying to stay and cover many tables because we didn't have enough watchers.

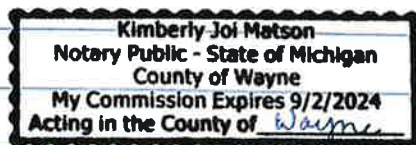
13. At 3:45, myself & a friend tried to leave at the doors we came in from. The police were lined up and said to go out the side doors. It was very intimidating & uneasy. No one was

5 of 6

at that door, so there was no place to check out.

14. From the time they stopped allowing people in the room, the amount of occupants was a lot less than there were earlier in the day. It did not seem like capacity was ~~reached~~ at ~~any~~ any more, to reach a room capacity.

Abbie Helminen  
Abbie Helminen  
11/8/2020



Sworn before me on:  
11/8/2020

Kimberly J Matson  
Acting in the state  
of Michigan, County  
of Wayne. Commission  
expires 9/2/2024

## **AFFIDAVIT OF ANDREW JOHN MILLER**

Andrew John Miller, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a poll challenger on Tuesday, November 3, 2020 and Wednesday, November 4, 2020.
4. The table I was at was duplicating ballots and had about 25 ballots to duplicate.
5. One poll worker held the original ballot and a second poll worker duplicated the ballot.
6. The poll worker who duplicated the ballot hovered over the ballot and blocked me from being able to see the duplication process.
7. A third worker was blocking anyone from being able to see this duplication process.
8. I informed a supervisor that I was denied access to see the duplication process and need to review the ballots for accuracy. I was informed that I "couldn't because the duplication process was personal like voting."
9. I watched them duplicate 3 or 4 ballots and this happened on each ballot I watched.
10. I challenged these 3 or 4 ballots and the table worker refused to acknowledge my challenge.
11. Additionally, the poll workers refused to enter my challenge into the computer and also refused to enter my challenge into the poll log.
12. On both November 3, 2020 and November 4, 2020, I was instructed to back up 6 feet from the table and I was unable to see what was happening with the ballots from 6 feet away from the table.

1. At one point on November 4, 2020, a democrat challenger was standing between myself and the table where the poll worker was processing the ballots
2. I was instructed to back up 6 feet from the table, however, the democrat challenger, who stood in between where I was standing and the poll worker at the table, was not told they needed to back up.
3. I saw roughly 24 computers on November 3, 2020 and every computer I saw had a red error messages in the lower right-hand corner saying "update overdue." Additionally, not all of the computers indicated the correct time, with some being off by approximately 5 hours. All computers with the incorrect time were synchronized to show the same incorrect time.

Dated: November 8, 2020

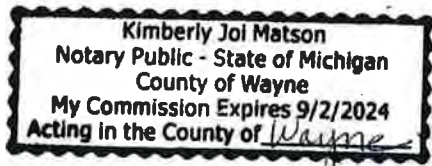
*Andrew J. Miller*  
*Andrew J. Miller*  
Andrew John Miller 11/8/20

Subscribed and sworn to before me on:

by *Kimberly J. Matson* 11/8/2020

Notary public, State of Michigan, County of:

My commission expires: *9/2/2024*



**AFFIDAVIT OF ANNA PENNALA**

Anna Pennala, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan and in the Township of Brighton
3. I observed several irregularities including an unattended ballot box, unidentified people coming in and out of the TCF Center, and a chaotic ballot counting process.
4. There were several instances in which the poll workers used their bodies to prevent me from watching and observing the ballot counting process.
5. Throughout the day, I witnessed a pattern of chaos, intimidation, secrecy, and hostility by the poll workers. Poll workers would cheer, jeer and clap when poll challengers were escorted out of the TCF Center. There seemed to be collaboration between the democratic poll challengers and the City of Detroit poll workers.

Dated: November 8, 2020



Anna Pennala

Subscribed and sworn to before me on:

/s/ *Leslie M Persin*

Notary public, State of Michigan, County of:

My commission expires: *9-9-2026*



## AFFIDAVIT OF ARTICIA BOMER

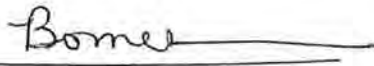
Articia Bomer, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
  
2. I am a registered voter in the State of Michigan.
  
3. On November 3, 2020 I was a Republican challenger at the TCF Center in Detroit, Michigan. I arrived at approximately 9:30pm and left the next morning at approximately 6:30am.
  
4. When I arrived I, along with other Republican challengers, were told we needed to remain standing in one place and be six feet away from everyone. Eventually we were told we could move around the counting room.
  
5. I observed tables 123 and 120. At both table 123 and 120 I noticed USPS boxes of ballots beneath the table. I was able to observe that many of these ballots in the boxes were either straight ticket Republican or had votes for Donald Trump. These ballots seems to be separated from the rest of the ballots being counted.

6. I witnessed a meeting between election worker "team leads" where they gathered together and spoke, this meeting ended in a cheer. Many of these team leads wore mask or other materials supporting "Black Lives Matter" or other political causes.
7. At approximately 11:43pm I heard one of the team leads yell "this is our house tonight!" At approximately midnight, I heard this same man say racist remarks about black people who support Donald Trump. I believe these remarks were directed at me.
8. I witnessed election workers open ballots with Donald Trump votes and respond by rolling their eyes and showing it to other poll workers. I believe some of these ballots may not have been properly counted.
9. I observed a station where election workers were working on scanned ballots that had issues that needed to be manually corrected. I believe some of these workers were changing votes that had been cast for Donald Trump and other Republican candidates.
10. I observed ballots with cursive writing notes at the top right hand corner. I observed approximately 500 ballots with this writing. These ballots did not have ballot codes on them.
11. At approximately 4:03am a poll worker announced that 50 boxes of ballots were coming in. Election workers loudly cheered this announcement.

12. At approximately 4:50am I witnessed a man spraying a chemical on a ballot counting machine. He then placed twenty-seven ballots into the machine and I noticed tape on the top of the ballot where a ballot number would normally be. Throughout the night I witnessed him insert these same 27 ballots at least five times.
13. At approximately 5:15am an announcement came in for counters to clean their tables. Ballots were still throughout the counting room.
14. In between the announcing at 4:03am of 50 new boxes and the announcement at 5:15am for workers to clean their tables, I did not observe the 50 new boxes coming in or counted.
15. There were no "bag checks" for anyone taking or bringing ballots into the TCF Center.
16. On November 4, 2020 I returned to the TCF Center at approximately 10:30am. I was not allowed in.
17. I took notes documenting these issues while I was at the TCF Center.

Dated: November 8, 2020



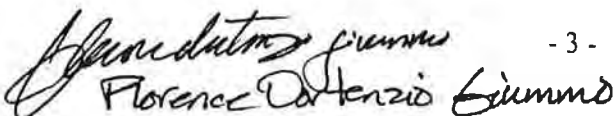
Articia Bomer  
Articia Bomer

Subscribed and sworn to before me on:

/s/ 08 November, 2020

Notary public, State of Michigan, County of: Wayne

My commission expires: 06-14-2022

  
Florence Cortezio Giunni



## Affidavit of

Betty Tyson being sworn, declares under penalty of law

1. I am personally familiar with the facts stated in this affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan
3. Arrived 9:30<sup>PM</sup> at TCF/COBDO to work as Challenger 11/3/20 for 10:30PM-3AM shift
4. Passed thru tables for Covid Testing
5. At escalators they took our temperatures ~~and~~ and checked credentials - no id required
6. Went down escalator & entered doors to inspection counting area
7. They checked credential
8. Got instructions from GOP regarding what we would be checking
9. No ballots were currently at any tables
10. Some time later ballots arrived at tables
11. We weren't allowed by the area of the table where envelopes were scanned nor could we hear their conversations
12. We only were allowed at a corner of the table where a computer screen was located with their poll workers at least 6ft from the screen and we were 6ft behind screen with workers coming between us and the screen blocking our view

Betty Tyson

13. We could not get close enough to view signature or date on ballot envelope or any pertinent information
14. Kept track of # of ballots processed before they were taken to tabulator machine
15. Poll worker said he wouldn't take ballots to be tabulated until he had 200, but surprised us when he then got up to take 50 - my partner followed him then to machines
16. I also tried to watch area where ballots that kicked out were being reviewed, again at least 6 ft ~~ft~~ behind those viewing ballots on computer screen with being constantly blocked by workers going between me + poll workers at computer screens
17. Poll workers reviewing these ballots went over X's & V's to make ballot vote valid and some added votes where there was no X or V
18. I previously sent an email with statement to Shawn Flynn reporting irregularities on November 6

November 8, 2020

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

Margaret Lear Erle

Betty Tyson  
Betty Tyson

### **AFFIDAVIT OF BEVERLY BALLEW**

Beverly Ballew, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan and the City of St. Clair Shores.
3. I was a Republican Poll Challenger on November 4, 2020.
4. I began observing on November 4, 2020 at approximately 8:30 am.
5. While observing at Table 50, I witnessed several irregularities where ballot numbers did not match what was in the voter files. I was approximately six feet away from the table except when I needed to get closer to observe.
6. I proceeded to take down my own personal notes when a floor supervisor immediately approached me and in an authoritative manner and told me I was not social distancing. I responded that he was also not social distancing.
7. With little explanation, the floor supervisor proceeded to threaten me with ejection if I did not follow his rules. I backed away and continued to observe.
8. There were several instances in which the poll workers used their bodies to prevent me from watching and observing the ballot counting process.
9. Throughout the day, I witnessed a pattern of intimidation, secrecy, and hostility by the poll workers. Poll workers would cheer, jeer and clap when poll challengers were escorted out of the TCF Center. There seemed to be collaboration between the democratic poll challengers and the City of Detroit poll workers.

Dated: November 8, 2020

*Beverly Ballew*  
Beverly Ballew

Beverly Ballew

Subscribed and sworn to before me on:

/s/ 08 November, 2020

Notary public, State of Michigan, County of:

My commission expires: 06-14-2022

*Florence Dorazio Giunno*  
Florence Dorazio Giunno

# State of Michigan

## Affidavit

#43-1:10

1) I, Bonnie Pettibone, am a Michigan Voter registered at 1933 Downham Dr Wixom

2) I have been serving November 3, 2020 as a Poll Challenger for the Trump for President Campaign Committee + the Michigan Republican Party, at the TCF, Detroit Canvass

3) at approx. 1:10P I observed a ballot being duplicated at AUCB 43 + I approached the supervisor and asked if there was a republican there to witness this duplication? He said he didn't know. The inspectors continued to duplicate the ballot.

signed by: Bonnie Pettibone Printed name:

date 11-3-20

Bonnie Pettibone

Susan L. Mills, Public Notary

Susan L. Mills

exp. October 27, 2025

## AFFIDAVIT OF BRADEN GAICOBAZZI

Braden Gaicobazzi being sworn, declares under penalty of perjury:

I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.

1. I am a registered voter in the State of Michigan.

2. I had the following experiences at TCF (COBO) Hall on 11/4/2020

3. I experienced: Intimidation countless times, persistent lies from some table supervisors and managers regarding rules that prohibited me from doing my job, and threats of assault. I was escorted from the room by police after about 9 or 10 hours of peacefully doing my job for simply standing my ground at a table with people who were denying me access to see ballots and threatening me. I did not resist police in any way and left peacefully.

4. I saw an online note from someone within my GOP network of friends that 35,000 ballots had been received in the middle of the night and that they needed poll watchers on November 4th. I arrived in the late morning to be trained.

5. The first thing I noticed was that at least one person outside the ballot room entrance had a BLM mask on. She appeared to be doing temperature checks. Once inside, it was apparent that many and probably most tables in the room were hostile towards people with GOP lanyards.

6. I initially worked with an honest table, but after a few hours, I moved to another table because we were low on GOP Challengers. This is because they kept kicking out GOP challengers, using the police in the room to physically remove them. In fact, early in the afternoon or later morning, someone came into the room, made an announcement, and several people appeared to be

removed from the room as the doors were locked and the windows were boarded up with cardboard. I was informed that no GOP people were allowed in and that, if we left, we could not get back in. I asked several of the 'independent' lawyers and law students who were acting as challengers and none of them seemed to believe this to be an issue.

7. I talked with several of these 'independent' lawyers/law students at length in casual, friendly conversation and, based upon their answers to basic questions about the news, it was evident that EVERY single one of the lawyers/law students that I talked to was ideologically far-left, supporting things like CHAZ/CHOP in Seattle and condoning the crime skyrocketing around the country or wanting to work in Brooklyn because they support 'progressive' changes to law to 'not prosecute rioters,' etc. Yet, they all claimed to be independent. Anyway, every time a GOP staffer was removed from the room, most of the entire room would erupt in cheers and laughter and oftentimes derogatory insults as GOP Challengers were walked out by police.

8. Throughout the day, I was on numerous occasions told that I was not allowed within 6 feet of the tables. I told them I had to step in for a moment for each ballot to ensure that numbers or names matched and assured them that it would be brief and that the lawyers said this was by lawful, but table supervisors and their broader supervisors would often step in the way and prevent me from seeing ballots while claiming I was trying to kill or endanger their ballot counters with Covid. This was obviously incorrect and even when lawyers would tell the whole table this, they would often argue with the lawyer. After the lawyer would leave, sometimes the behavior would continue.

9. For much of the day I was with one good table. However, as the night drew long I was bouncing between several tables, mostly near the back of the room, because there were not enough GOP challengers remaining in the room and many tables had no challengers watching them at all. At around 8pm at one of the tables in the second-to-last row near the right corner, a specifically egregious moment occurred.

10. The table was counting a stack of about 35 ballots that all appeared to have pink challenge stickers on them. None of these ballots appeared to be in the digital database of voters, so the people at the table were simply entering names and addresses into the computer with birthdates of 1/1/1900. I personally was able to observe the 1/1/1900 birthdates on the computer. There were also addresses and names which I could not verify because I wasn't allowed close enough to the table for long enough to compare anything. I told the table I was challenging every one of these ballots. They laughed and said I can't just do that. I then noticed that at least one of the ballots and envelopes was mismatched based on the numbers. I waited to see if the table checker (at I believe station 2) would catch this and he did not, so I spoke up requested that the ballot be reviewed/challenged. I could not see any political affiliation information on the ballot, including voting; just the numbers on the envelope and ballot.

11. At some point, another GOP volunteer went to grab a lawyer for me because a debate ensued over this. There weren't nearly enough lawyers in the room to act on our behalf. When I would try to verify the names on the envelope or check the ballot number against the envelope number to ensure everything was okay, I was given the Covid runaround and separated from the table. (I cannot tell you by whom because, throughout the day, I recall very few people at these tables were ever willing to give me their name and party affiliation or even their job title. Everyone else stonewalled and said I wasn't allowed to talk with anyone at the table and that no one at those tables was required to tell me anything, often including the table supervisors and their managers.

12. The table supervisor came over and began giving me the same speech and, while I was politely telling him I was just doing my job, another GOP staffer went to find a lawyer for me. In this time, the table swarmed with, I assume, Democrat operatives getting very close to me and then yelling at me to back off 6 feet from him for Covid and complaining about the way I was wearing my mask moving because I was being forced to talk to him so much. The



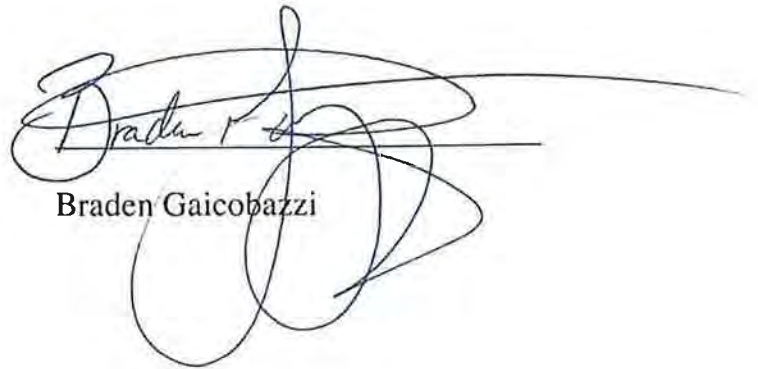
supervisors and table had no problem with these people being close to the table and seemed to be familiar with one another, as though they were all on the same team. The antagonistic staffers invented any kind of reason to prevent me from doing my job and get me agitated. Finally, a lawyer showed up who told them I was allowed to do my job; like other tables, they simply argued with him as well. Having missed several ballots due to the arguing, I stepped in for a moment to verify the next ballot number matched its envelope.

13. The table supervisor, his supervisor and several other operatives (none of them would give their names or credentials) swarmed in and began intimidating me. I was separated from the table at one point by the table supervisor's supervisor and told to stand back. He stepped closer and closer to me as I backed further away to the other side of the table. I asked him what his name and job title was and he, along with the rest of the intimidators, refused to give me any information. He made some kind of innuendo about 'playing with' him that made me uncomfortable and he then told me something to the effect that he would either 'kick my ass or kick me out'.

14. In disbelief, I asked him if he was truly threatening me because I was just doing my job. He repeated his mantras multiple times and called the cops over and had me forcibly removed. The police questioned nothing and I didn't fight them at all and left peacefully. However, I had to grab my coat and gave my unfinished notes to another GOP volunteer, Andrew, so I do not have them as I write this affidavit and don't recall if I was able to write down the table number of this final event of my evening. Once escorted out of the building, I held the door for a brief moment to ask the police how to get to my car because I had no idea where I was in relationship to the parking deck, and they said they had no idea.

15. As a final note, I did find it odd that, throughout the day/night, I saw a few dozen military ballots be counted. Although I cannot provide specific numbers or names, I can estimate that at least 80% of the military ballots I saw were straight ticket democrat or simply had Joe Biden's name filled in on them. I had always been told that military personnel tended to be more conservative, so this stuck out to me as the day went on.

Dated: November 8, 2020



Braden Gaicobazzi

Subscribed and sworn to before me on:

/s/ 08 November, 2020

Notary public, State of Michigan, County of: Wayne

My commission expires: 06-14-2022



Florence Portenzio Giunno

State of Michigan  
Affidavit

I, Brett Kinney am a Michigan registered voter at 15845 Knurlwoode Romulus, MI 48174

I have been serving on Nov. 3, 2020 as a poll challenger for the Trump for President campaign committee and Michigan Republican Party at the TCF center in Detroit canvass

At approximately 1:20 pm I observed a ballot being duplicated at AVCB 37 and I approached Elections supervisor I asked him "Is there a Republican supervisor present to witness this ballot duplication. He said "It's not required and he does not have to look for one. The supervisor continued to duplicate the ballot I was challenging

I have witnessed this at approximately 1:20 on Nov. 3 2020  
Signed by Brett Kinney 11-3-2020

Susan L. Mills

Susan L. Mills, Notary Public

I am a registered voter at 2421 S. Hayes Rd in  
Birmingham Michigan - 48114

I am working as an official election challenger  
approved by the Michigan Republican party. at  
the TCF center in Detroit

Today, November 3, 2020, I witnessed a duplication  
of voter ballots in ICC # ACRB #112 at  
1350 Mrs. Whitaker a residential property. When  
I asked to validate they asked to stop before. When  
supervisor came, the reason given ~~was~~<sup>is</sup> was the  
ballots 46 in total were rejected. They were  
processed at ACRB 121 instead of 112. They processed  
46 ballots, realized they had errors and started  
to reprocess 46 ballots. Some appeared to be  
duplicates already because of initials, original  
numbers are missing.

No electronic record keeping was done.

Respectfully,

Cheeryl Washburn  
2421 S. Hayes Rd

Birmingham, MI 48114  
Cheeryl Washburn

Susan L. Mills  
Susan L. Mills

Notary Public  
Exp October 27, 2025

### **AFFIDAVIT OF CHRISTOPHER SCHORNAK**

Christopher Schornak, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I went to the TCF Center in Detroit to be a poll challenger, Election Integrity Fund, Non Partisan Participant on November 4, 2020. I arrived at approximately 10:30am.
4. At each counting board, the poll workers attempted to block me from observing. I was verbally abused and intimidated by not only the Democratic poll challengers but the ACLU and other organizations.
5. I primarily attempted to observe counting board 88 and 89.
6. I observed ballots that were not in the electronic log or the paper poll log. These would be considered spoiled ballots . I observed these ballots be counted.
7. I observed a poll worker attempt to match the voter to the paper log. When she was unable to make the match, she would put the spoiled ballots into a separate pile and go away from the counting board for a while. She would return approximately 20-30 minutes later and return the spoiled ballots to the pile of ballots to be counted.
8. I observed this same poll worker do this same process over many tables and over many hours.
9. I attempted to challenge these ballots to a supervisor and was told "We are not talking to you, you cannot challenge this".

10. I went back and spoke to the attorney of the Election Integrity Fund and was instructed to challenge. After much opposition, I was finally able to log challenges.
11. Ballot #7909 was reassigned to Ballot #0976 at counting board 88 @ 11:35 am, the ballot number did not match the electronic record. The voter's name was
12. Another poll challenger Abbie Heilmanen also observed this challenge.
13. Ballot # 5748, reassigned to ballot #505 Board #89, the ballot number did not match the ballot book or electronic record. The voter's name was
14. Another poll challenger Abbie Heilmanen also observed this challenge.
15. I attempted to make other challenges but was denied access to ballot numbers or names.
16. There was a stack of at least 40 ballots that could not be authenticated with the ballot book or electronic record, but was told they would not be challenged because they just had to be counted.
17. This was similar amongst the eight tables that I observed.
18. I observed that the military ballot duplication process was only performed by two Democrats rather than one Democrat and one Republican.
19. I also observed that none of the poll workers had any identification as to their name or party affiliation as required by regulation. I asked if there were any Republicans present and was told "no".

20. When I asked for the number of ballots that had been counted or processed at each counting board, I was denied information. I was told I had to get it online. I requested a print out and was told to access it online. Therefore, I was unable to get a total vote count from each counting board.

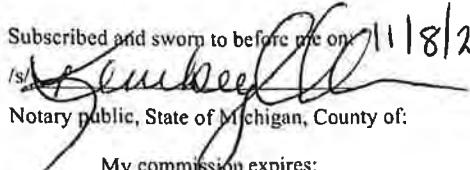
Dated: November 8, 2020



Christopher Schornak

Subscribed and sworn to before me on 11/18/20

/s/

  
Notary public, State of Michigan, County of:

My commission expires:

Kimberly A. Moin  
NOTARY PUBLIC - STATE OF MICHIGAN  
County of Wayne  
My Commission Expires 10/23/2024  
Acting in the County of \_\_\_\_\_



## **AFFIDAVIT OF Colleen Schneider**

Colleen Schneider, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.

I was down at TCF building to help with the absentee ballot counting. When I arrived, they said they could not allow any republicans in due to it being their maximum count. I don't know how many republicans vs democrats there were because we didn't get in. We waited upstairs and eventually just said we'd all just go down together and go in, which we did. When we got in there, I walked over to the people I thought were in charge and asked what I should be doing. I was assigned a table to monitor but they were not doing anything so I went to the table across from it because no one was there. In fact I didn't see any republicans around me at all. I raised my hand to challenge and get an attorney over there and the woman who I assume is in charge of the table started yelling at me and telling me I can only challenge something that is on the computer screen. They were finding several ballots that were scanned but they wouldn't allow me to see the pages they were looking through to confirm the name was on there.

After being called several derogatory names by the entire table (there was a girl video taping it even though video was not allowed) a man came over to me and told them he was my attorney. Then they started screaming that two republicans cannot be at the same table, called the police and the police escorted him out to loud cheers from ALL of the workers. Then she told me she was calling the police on me because I "told them they had to stop the count". I told her that I did not say that, but only told HER, the supervisor, to have them stop the count because I was



challenging. She told her table to continue counting the votes. Then she said that I didn't intimidate her, to which I replied that she didn't intimidate me either.

Eventually I moved away from the table. There was not one republican that I could see and at this time the doors were locked to all republicans coming in. We could not leave to go get food or drink in our assigned room because we were told we would not be let back in. (The people employed in the room had food and water available to them).

I also witnessed the people putting ballots into the scanning machine and they would get jammed and they would run them through again. I asked the first set of women if they were getting counted twice and they said no. I moved down the line and asked again and I was told to pretty much mind my own business. I cannot remember the exact words. I did tell someone about it though and they said they would look in to it.

We finally gave up and left the building because we could see that we were not able to challenge anything that we saw.

Dated: November 7, 2020

*Colleen Schneider*  
Colleen Schneider

*Sandy Rashed*

Subscribed and sworn to before me on:

/s/ *November 7, 2020*

Notary public, State of Michigan, County of: *Oakland*

My commission expires: *3/26/2024*

## AFFIDAVIT OF CYNTHIA BRUNELL

CYNTHIA BRUNELL, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a Republican Party poll challenger for the November 3<sup>rd</sup> presidential election.
4. Prior to election day, I volunteered and participated in on-line training through the Republican Party.
5. On election day, I was assigned as a Republican poll challenger to a late-night shift (9pm to 5am) at the TCF Center in Detroit.
6. I arrived at the TCF Center a few minutes before 9pm on Tuesday November 3, 2020 with my husband, David Brunell, an attorney volunteer for the Republican Party.
7. I was assigned to table 21.
8. Table 21 consisted of a circle of separate work tables, staffed by five (5) individuals who performed designated functions for the opening and reviewing of absentee ballots.
9. There was also supervisor who oversaw the ballot review for Table 21 and a number of others Tables.
10. When I arrived, I was directed by the election official supervisor to sit in the center of the aisleway, 6 to 8 feet away from the circle of tables where the absentee ballots were being reviewed.

11. The election workers sitting at the circle of tables for Table 21, refused to speak to me, only occasionally stating that I should move away, that I was too close or that they weren't allowed to talk to me.
12. No one would tell me their names. One of them invited me to sit near him at his work station but the other workers quickly admonished him – leaving me sitting in the aisleway.
13. Election worker in position #1, slit open the envelope. Position #2 verified the ballot number against the voter registration data base using a lap top computer. Position #3 would pull out the inner envelope containing the ballot and re-verify the name and ballot number. Position #4 opened the ballot, removed the perforated top of the ballot and reviewed the ballot. Position #5 flattened the reviewed ballots and assembled them in bundles of 50 for actual processing.
14. Over the course of time, I was trying to keep track of ballot issues that were identified, but I couldn't see what was going on so I eventually left my aisle seat and started walking around the election workers performing their jobs in the circle of tables.
15. The ballot issues that were identified by the election workers, included ballot numbers not matching, lack of signatures, unregistered voters and ballots which indicated straight ticket selection for both political parties.
16. When I heard of an irregularity, I would write down the issue in order to keep track. As the night wore on, I started writing down names and ballot numbers.
17. Some of the irregularities that I recorded were as follows:
  - a. Voter Denise Brooks didn't sign the envelope or ballot. Her ballot was processed through the electronic ballot counter.

- b. Voter Dervorna Wilson didn't sign the envelope or ballot. Her ballot was processed through the electronic ballot counter.
  - c. Voter Kevin Douglas Merriweather II ballot numbers didn't match. His ballot was processed through the electronic ballot counter.
  - d. Voter Miles Whitfield numbers on envelope and ballot did not match. White tape was placed on his ballot. His ballot was processed through the electronic ballot counter.
  - e. Voter Stacy Denise Prichart didn't sign envelope or ballot . Her ballot was processed through the electronic ballot counter.
  - f. Voter Steven Alante Ousley Scott born in 1929 was not a registered voter. His ballot was processed through the electronic ballot counter.
18. I was never afforded an opportunity to look at any of the ballots at any point in the process, in order to ascertain for myself, if there were irregularities. I was forced to keep a distance. When the election workers identified a problem with a ballot, I would try to observe it, but was constantly told to keep a distance and if I asked to see something, they told me that were not permitted to talk to me.
19. On eleven (11) occasions, irregularities were identified. Those ballots were not segregated. On a number of occasions, the supervisor directed that some of the flagged ballots be returned to the election worker in position #3 who was instructed to place white tape over some portion of the flagged ballot. I could not identify what specific information was covered by the tape. I assumed that the white tape indicated that the ballot was flagged and would not be processed. The ballots with white tape were not separated or segregated but were bundled with the other ballots for processing and counting.
20. There was a box for rejected ballots on one of the tables, but no ballots were ever placed into the box. The supervisor instructed the worker at position #3 not

to use the rejection box because the process for dealing with flagged or irregular ballots had changed.

21. Twice during my shift, the supervisor removed a stack of ballots from Table 21 after they were opened at position #1 but before they were verified at position #2. I don't know what she did with those ballots but I know they were not verified or reviewed by Table 21.
22. To my surprise, all of the 268 ballots reviewed by the workers at Table 21 were electronically processed and only 4 were rejected. Based on the irregularities that were identified by the election workers, I had expected that at least eleven ballots would have been rejected.

Dated: November 8, 2020

  
CYNTHIA BRUNELL  
29251 Broadmoor  
Livonia, MI 48154

Subscribed and sworn to before me on: *November 8, 2020.*  
/s/ *Philip Needham*

Notary public, State of Michigan, County of: *Macomb*  
My commission expires: *June 12, 2026*  
*Acting in County of Wayne*

PHILIP NEEDHAM  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Jun 12, 2026  
ACTING IN COUNTY OF *WAYNE*

**AFFIDAVIT OF DAVID LANGER**

DAVID LANGER being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. AT TCF on Wednesday arrived at approx. 12:30 pm prohibited entry to the counting floor. Told to wait. Kept door closed. Waited until approx. 10:30 pm when returned home.


Dated: November 8, 2020



David Langer  
DAVID LANGER  
586 214-5507

11/09/2020

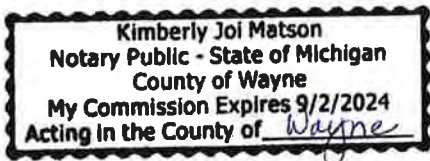
Subscribed and sworn to before me on: 11/8/2020

1st 

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



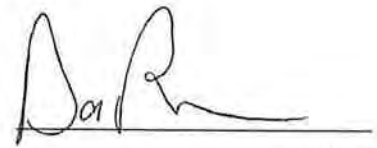
### **AFFIDAVIT OF DAVID PIONTEK**

David, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan, in the city of Livonia.
3. I was a Republican Poll Challenger on November 4, 2020 at the TCF Center in Detroit Michigan.
4. I began observing at approximately 10:30 am at table 51.
5. There was a bin marked "problem ballots" and I asked the table captain where those ballots were going. The table captain stated those ballots were going to be further looked at. I asked if I could get the numbers of those ballots, and the table captain stated that he would only allow me to get the number of the top ballots, because he wasn't going to allow me to slow the process down. I followed the "problem ballots" and observed a poll worker drop them on the central processing table with no supervision.
6. The table captain, George, stated there were 32 "problem ballots." I stated that I wanted to challenge those ballots that they refused to allow me to inspect. I further stated that I would like the challenged ballots to be recorded in the poll back, but George refused and said "we will put it in the computer."
7. I proceeded to write an incident report and handed it off to the Michigan Republican Party at the TCF Center.
8. After a lengthy break, the poll workers returned to begin counting the overseas military absentee ballots.

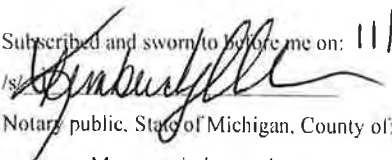
9. On two separate occasions, I witnessed a poll worker make a mistake while duplicating a ballot. The poll worker set the invalid ballots aside. The table captain George brought two new ballot and the poll workers began duplicating the ballots, but did not properly secure the two spoiled ones. I repeatedly asked where those spoiled ballots would go, and George had no answer.
10. At approximately 7:52 pm, the problem ballots that were sent to the central processing table came back to table 51, where I was a poll challenger. The poll worker began scanning a problem ballot and a computer prompt with the words "unlisted person" came up. I witnessed the poll worker manually enter six of these ballots into the system and assign each one a fictitious birth date of 01-01-1900. Since, the poll workers were moving so quickly, I was able to capture just one name, " \_\_\_\_\_ ." Her ballot number was 5430.
11. Throughout the day, I witnessed a pattern of intimidation, secrecy, and hostility by the poll workers. Poll workers would cheer, jeer and clap when poll challengers were escorted out of the TCF Center. There seemed to be collaboration between the democratic poll challengers and the City of Detroit poll workers.

12. Dated: November 7, 2020  
8:05 P



David Piontek



Subscribed and sworn to before me on: 11/8/20  
 /s/   
 Notary public, State of Michigan, County of:  
 My commission expires:

**Kimberly A. Moin**  
**NOTARY PUBLIC - STATE OF MICHIGAN**  
**County of Wayne**  
**My Commission Expires 10/23/2024**  
**Acting in the County of \_\_\_\_\_**



Dyanna Papsdorf

AFFIDAVIT OF

being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.

3. November 4 - TCF center around 2-10 PM

- no republican representation for poll workers during transferring military ballots
- differences between numbers on the ballot as on the envelope
- a number of people / ballots entered in the system that were not on the computer system or the paper list.
- denied access to the ~~room~~ processing room
- processing a ballot that had tabs ripped off
- a vast difference between the treatment of the dems/non partisan vs GOP
- many of my friends that wanted to help were locked out of the building
- entire room erupting in applause when a GOPer kicked out

Dated: November 8, 2020

Dyanna Papsdorf  
 914-294-9513  
 Nov. 8, 2020  
 Dyanna Papsdorf

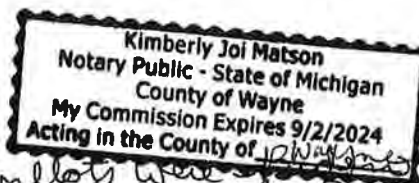
Subscribed and sworn to before me on: 11/8/2020

*Kimberly Matson*

Notary public, State of Michigan. County of: Wayne

My commission expires:

9/2/2024



- Military ballots 24 out of 26 ballots were for Biden RP

AFFIDAVIT OF Elizabeth Williamson

Elizabeth Williamson, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.

3.

1. On the morning of Wednesday, November 5, 2020 I went to TCF in Detroit to assist with the mail-in ballots being counted. After a brief training, I was sent into a large room. I stood by a table of ballot counters. I was told I could not stand next to another Republican and we were to stand next to a democrat.

2. It took me about 20 minutes to understand the process of scanning the ballots. I realized many of the ballots did not register on the computer screen. I asked about the process. A ballot counter, the supervisor, explained these people were not in the system but were on the paper generated list.

3. I could not see anything that was on the envelope or the paper generated list as we were told to stand back 6 feet. I asked if I could see it. The scanner at the table yelled at me and told me I could NOT talk with her, only the supervisor. So another Republican came with me and we challenged the ballot we could not see. The person scanning stood up immediately and told us to get back so she could talk to the supervisor privately without all us staring at her.

4. We walked away. Finally we were given the ballot number. I wrote it down to challenge it. I am not certain where the ballot went after the challenge. There were many, many more like that. Names of people not in the system, checked off from the paper generated list, and moved on.

5. I was not allowed to stand within 6 feet to see what was on the list, the envelope or the ballot. It was all very mysterious. There was a high level of intimidation and it was evident they did not want anyone to witness the way they counted the ballots.

*Elizabeth Williamson*

Dated: November 7, 2020

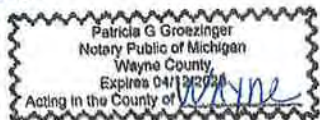
Elizabeth Williamson

Subscribed and sworn to before me on: *11/7/2020*

/s/

*[Signature]*  
Notary Public, State of Michigan, County of:

My commission expires:



## AFFIDAVIT OF EMILY A. STEFFANS

EMILY A. STEFFANS, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I volunteered as a poll challenger for the GOP.
4. I arrived at the TCF convention center between 8 and 8:30 am.
5. After a temperature check at the entrance, I was given directions to room 260 which is the room where GOP volunteers went to become credentialed as a challenger.
6. After about 20 minutes of training I received my credentials and paperwork and wristband for entry.
7. I entered the ABC board room.
8. A gentleman with the GOP walked me around the room and explained the process and what to look for.
9. There were not enough GOP volunteers present to have one at each table.
10. I went table to table witnessing the process.
11. I was told during my training that only one volunteer per party was allowed to observe a table at any given time.
12. In many instances there were more than one democrat volunteer challenger at a table.
13. When I moved from table to table I was followed by two to three democrat volunteers.
14. I know they were democrat volunteers because they had green dot stickers on their clothing.
15. Within the first hour I observed poll workers duplicate a ballot.

16. During the process two workers used their bodies to block seeing the duplication process.
17. On numerous occasions I was told by poll workers that I needed to stay six feet from them. When I asked if I could come closer because I could not see the screen to verify whether the voter and ballot numbers matched I was told I could not.
18. On numerous occasions, I was told I could only stand at the screen while democrat observers were permitted to move freely around the table.
19. When I asked a question about why a ballot was being placed in a particular box I was told I was not allowed to talk to the poll worker and did not receive an answer.
20. Democrat volunteers were verbally aggressive with me.
21. I was accused by a democrat volunteer of being part of a "cult" for my support of Trump.
22. I witnessed this individual putting large pieces of cardboard over the window so people trying to get in could not see what was happening on the inside where I was.
23. I observed a republican contender being prevented from watching during a duplication. He tried to get closer to the table and move around so he could see, but when he did, three people swarmed him to block his view. The table leader told him to move back and that he was close enough. He said repeatedly that he needed to see the duplication but they would not let him. A man with an election watcher badge told the poll workers they needed to let him see it and the poll workers responded by telling the man with the badge that he needed to go away.
24. A worker arrived at the table and joined the group of people pushing the GOP challenger back. At that point, I intervened and said to the poll workers that they

needed to let the GOP challenger see the duplication. In response, that worker went and got the police. When he returned with them he said I needed to stop talking and that if I did not I would be escorted out.

- 25. At that point I had watched two GOP people escorted out by the police. When they were escorted out democrat volunteers and poll workers at the table cheered.
- 26. This made me afraid to further pursue the issue with the duplication any further and to challenge any ballots.

Dated: November 7, 2020

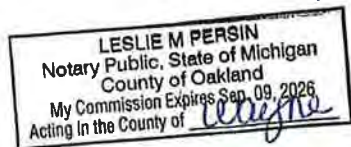
*Emily Steffans*  
Emily Steffans

Subscribed and sworn to before me on:

/s/ *Leslie M Persin*

Notary public, State of Michigan, County of:

My commission expires: *9-9-2026*



State of MI

EUGENE G. JONON

Affidavit

I, Eugene Jifon, a registered voter  
at 3532 Hall Ln., Bloomfield Hills  
MI,

At Appx. 1pm. I observed two  
ballots being duplicated at ICC# 11, 51  
Inspector did not know party  
affiliation at table and the two  
ballots were duplicated by 3 people  
who initialed the 2 original ballots  
and placed them in the manila envelope.  
The new ballots were then placed in  
the tray for tabulating.

Eugene Jifon  
Nov. 3, 2020

Susan L. Mills, Notary Public  
Susan L. Mills  
Exp. October 27, 2025

11/08/2020 Francis Cizmar, being sworn under penalty of perjury.

1. I am personally familiar with the facts stated in this Affidavit, and if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I went to the TCF Center as a poll challenger. I was issued credentials when I signed into work.
4. I arrived at 6:00am and left at approx 8:30pm.
5. While I was in the counting area, I <sup>personally</sup> observed the following:
  - A) Provisional ballots were put into a box labeled "votes to be tabulated." I filed an incident report and turned it into the supervisor in the Republican poll challenger office. This incident took place at table 1CC12, Absentee Voter Counting Board 58 at 12:30pm.
  - B) "Problem ballot" boxes containing ballots were left unattended at tables 46, 48, 61, and 62. No election supervisors or poll workers were present.

1 of 6

c) At approximately 3pm, at table 55, a poll worker was seated ~~the~~ at inspector station 5. I personally observed this poll worker shuffling and re-arranging the ballots to be tabulated. This went on for at least 5 minutes. ~~THE~~ I did not understand why this was needed, and I did not see the ballots being put into the box labeled "votes to be tabulated."

D) I was present when poll challengers were forcibly removed from the counting room. I recall this taking place about an hour after I was informed that ~~the~~ President <sup>TRUMP</sup> requested that the counting be stopped when he learned that poll challengers were being denied entry. When these ejections took place, there was a lot of shouting of approval and applause ~~in the~~ from the poll workers and election supervisors in the room.

E) At approximately 1pm, I was standing near the entrance to the counting room. About 15 feet in front of me was a group of three men, one of whom had a crutch. The men were about 6 feet tall. The man with the crutch took out his phone, held it up above his head, and began videotaping the area where the tabulating machines were located.



E) continued. The man took a video of about 10 seconds, then put the phone in his pocket. The group of three men turned to face me. I did not see any type of identification or party affiliation on any of them. I walked swiftly to an election worker and reported what I saw, which was the videotaping in the area where pictures and videos were forbidden. When the three men came close to this election worker and me, the election worker told the men that videos and pictures were not allowed in the counting room. One of the men replied in a harsh tone "we didn't take any pictures or videos." The election worker replied "don't do it again" but did not ask the man to delete the video.

F) I witnessed a poll worker at inspection station 2 locating the record of an absentee voter using the Electronic Poll Book on a laptop computer. I was standing approximately 3 feet behind her to her right. After she scanned the envelope, no record came up. She then started typing the voter's name into the electronic poll book. The date of birth field was blank. The poll worker

F) Continued: typed 01/01/1900 into the date of birth field. This would indicate that the voter would be 120 years old. Certainly possible, but improbable. I challenged this record. The Election Supervisor came to the table and told the poll worker to delete the record. I could not confirm if the record had been deleted. The ballot number was 06366.

G) When the military ballots were starting to be transcribed, it was about 7pm. I was at a table where a military ballot was being transcribed. There was one person speaking the vote choice on the military ballot to another poll worker to her right who was copying the vote choices onto a standard ballot. There was a person without any identification and dressed as a regular person without a department of elections shirt/blouse on. One of the table poll workers came to my right and told me to maintain a 6 foot distance. I replied that the 6 foot order was relaxed. She insisted that I back away. I asked who this person standing between the reader and copier was. I was told she is a poll worker who needed to monitor the process. The person without poll worker credentials had both

G) Continued: elbows out to her side, preventing me from observing the ballot copying. The person who told me to keep a six foot distance said that if I did not comply I would be evicted. I left ~~the~~ the table to find another one so I could remain in the counting room. I felt very intimidated.

H) When the military ballots began to be distributed to the counting tables, Election Supervisors would grab 2, 3, maybe 4 at a time, which made it impossible for us to cover all of ~~the~~ the ballot transcribing. I believe that this was done on purpose.

I) The counting room supervisor would announce over the PA system that he needed to meet with Election Supervisors and Table Leads many times during the time I was in the counting room. This was very distracting to those of us trying to concentrate on what was going on at the tables we were trying to monitor.

*Francis J. Cizmar*

Francis J. Cizmar

248 989 3013

francisjczmar@gmail.com

5 of 6

Subscribed and sworn to before me on  
11/8/2020 Frances Cizmar

Diana Beapel, Esq LP(2626)  
Diana Beapel  
Notary public  
State of Michigan  
County of Wayne  
Act in Wayne  
Expires 9/16/25

GEORGE L. BOLLER, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this affidavit and, if sworn as a witness, I am competent to testify to them as well.
2. I am <sup>a</sup> registered voter in the State of Michigan.
3. On Wednesday Nov. 4 I was present inside the TC Center as a challenger for the RIGOP.
4. I identified myself to <sup>a</sup> Robert who was issuing credentials for ~~the~~ challengers.
5. I was issued a credential and after a ~~wait~~ <sup>wait</sup> of about one hour, went with a group of GOP challengers to an entrance of the ~~the~~ vote counting area.
6. ~~the~~ ~~wait~~ ~~at~~ ~~the~~ ~~entrance~~ ~~area~~ I stood outside <sup>the counting area for about 15-20 minutes</sup> waiting to be ~~admitted~~ <sup>admitted</sup> for ~~about~~ ~~about~~ ~~15~~ ~~20~~ ~~minutes~~.

7. Finally a lady opened the door in the ~~presence~~ presence of a <sup>female</sup> poll worker.
8. I heard the lady tell the poll worker that <sup>she</sup> was a challenger for MiGOP and was leaving the counting area for an extended time.
9. ~~By the way~~ I mentioned to the lady and the poll worker that I was a challenger for the MiGOP.
10. The poll worker said that as soon as the lady left the counting area, I would be let in to replace her.
11. The lady left the counting area but held the door open for me to enter.
12. I entered the counting area and was directed by the poll worker to a table where I would be registered.
13. I stood in front of that table when another female poll worker came over and in the presence of the first poll worker, ~~was told~~ told me that I would have to leave the counting area.

14. I explained to this other poll worker that I was simply replacing a challenger who had left the counting ~~room~~ area.

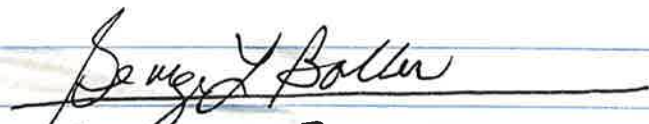
15. This other poll worker ~~the~~ repeated that I would have to leave.

IN GOOD STANDING

16. I AM A MEMBER OF THE STATE BAR OF MICHIGAN, ATTORNEY NO. P10971.

17. I DID LEAVE THE COUNTING AREA, AND OBSERVED POLL WORKERS COVERING AREAS ~~THE~~ OF THE COUNTING AREA <sup>which I</sup> GLASS TO BLOCK VIEWS OF THE INSIDE

18. I HAVE PHOTOS, ~~THESE~~ <sup>which I</sup> took from outside the counting area, and I forwarded them to Ryan ~~Leppert~~ Leppert.



GEORGE L. BOLLER

rellob@prodigy.net

248.476-3296

734.432-7900

DATED NOV. 8, 2020

Subscribed and sworn to before me on 11/8/2020  
George L. Boller,

Dana Beard Esq (Plat 20)  
Dana Beard  
Notary Public  
State of Michigan

County of Wayne  
Acting in Wayne County.

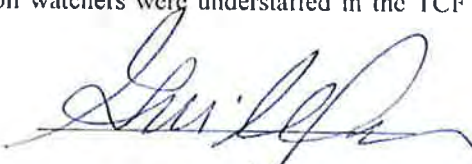
- 2 - of 3

**AFFIDAVIT OF Gina Paschke**

Gina Paschke, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I arrived at the TCF Center at approximately 12:30pm on November 4, 2020. I was assigned table numbers 110 and 111. Two precincts. I was told that I was not allowed to come closer than 6 feet from the tables or the screens. I was also told that I could not walk between the tables, only around them. This made viewing the screens that were supposed to be available to me impossible to view.
4. I was told that I could not speak to the poll workers at any time. The only question I could ask is what their party affiliation was. I did ask one of my tables this question and was promptly told that I was in violation by speaking to them. I cordially told them I was told I was in accordance with the rules and they responded by saying that they refused to answer my question.
5. Upon exiting and signing out of the TCF Center, I and two other Republican poll watchers asked that 3 other Republican representatives be allowed access upon our departure and they refused to allow that access based on they're count of number of watchers in the room at the time. I contend that the Republican poll watchers were understaffed in the TCF Center poll room.

Dated: November 7, 2020

  
Gina Paschke

Subscribed and sworn to before me on: 11/7/2020

/s/

Notary public, State of Michigan, County of:

My commission expires:



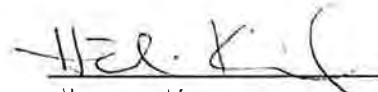


**AFFIDAVIT OF HEIDI KIILUNEN**

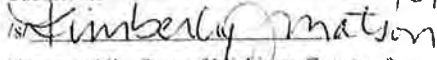
Heidi Kiilunen, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I went to the TCF Center in Detroit to be a GOP poll challenger. I arrived at approximately 11:30am.
4. I reported to the GOP room to obtain my credentials.
5. I entered the Center where the counting was occurring. I observed GOP poll challengers being escorted out of the room to the cheers and clapping of all the poll workers.
6. I was only in the room 2 hours.
7. When I left, I inquired as to signing out and was told we I not need to sign out and to exit through a side door. This prevented replacement workers due to there being no record of the number of GOP poll challengers signed in versus the number of GOP poll challengers signed out.

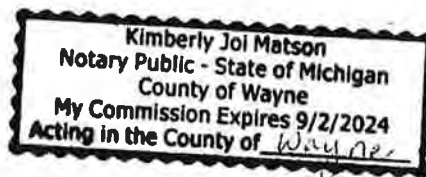
Dated: November 8, 2020

  
Heidi Kiilunen  
Heidi Kiilunen

Subscribed and sworn to before me on: 11/8/2020

  
Notary public, State of Michigan, County of:  
Kimberly J. Matson  
My commission expires:

9/2/2024



State of Michigan  
Affidavit

My name is Hima Kolanagireddy. I am a Michigan voter and am serving as a poll challenger at ACVB @ Cobo Hall. I witnessed a ballot duplication at counting board #51. I asked the supervisor if there is a Republican present during the duplication process and he refused to answer and the two Democrats tried to argue with me.

I am a registered Michigan voter living @ 18152 Shagbark Drive, Northville, MI 48168.

Signed by: Hima Kolanagireddy Print name:  
Date: 11/03/20 Hima Kolanagireddy

Susan L. Mills, Notary Public  
Susan L. Mills  
expires: October 27, 2025

### **AFFIDAVIT OF HOLLY SPALDING**

Holly Spalding, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was credentialed as a GOP poll watcher for the November 3 and November 4, 2020.
4. I was a poll challenger in Milford at precinct 2 from 7am to 1pm on November 3, 2020.
5. I then went to the TCF Center in Detroit.
6. While at the TCF Center, I observed several violations of voting law.
7. I observed the counting board for precinct 29. I observed a “spoiled” ballot that should have stayed at the clerk’s office at the precinct. The poll workers attempted to process this ballot, but the supervisor saw that it was spoiled and put it in the problem bin.
8. I observed that the ballot numbers were not being verified with the E-poll. I asked the supervisor why the correct procedure was not being followed and the supervisor stated that they were “not following that procedure this year”. This procedure was violated on all the ballots at this table from 10:30pm to 5am. I did go to lunch from 1:00 to 1:45, otherwise I can confirm that the procedure was not followed.
9. While I was at lunch, votes were tabulated so I was not able to observe the tabulation.
10. I observed ballots that should have been duplicated due to being torn, stained or damaged. A supervisor instructed the workers to run damaged ballots through the tabulator and only to duplicate rejected ballots.
11. I observed ballots numbers that did not match from the outside of the envelope with the ballot number on the inside envelope. I observe the poll worker cover the number on

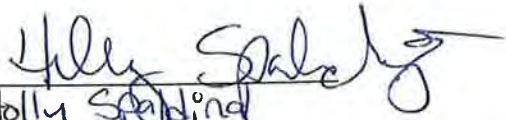
the outside envelope with white post it tape and re-write the number on the outside envelope to match the inside envelope. I observed this on several occasions.

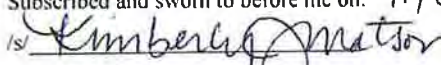
12. At 2:00am on November 4, two groups of Democrat poll challengers came in, but they had no credentials, only BLM masks and other political message markings. I attempted to apprise them of the irregularities that I observed. They did not appear interested in my report; it was clear they were only there to observe me.
13. I observed a ballot that had a signature on the outside of the envelope, but did not have a signature on the inside envelope. So for one ballot there were 2 outside envelopes.
14. From approximately 4am on, a majority of the ballots that were being tabulated were not on the E-poll, but they were on the AV list. Earlier in the evening if a ballot was not on the E-poll, but was on the AV list, it would be noted on the E-poll message. Later however, as more and more ballots appeared, these ballots that were not listed on the E-poll, was not noted on the E-poll message. Thus they abandoned the recording of these ballots.
15. I observed ballots that had already been opened and then stored in a bin under the table to not be processed and merely stored for the next shift. I believe these ballots were supposed to go to a secure location.
16. I observed ballots processed that had already been opened at an earlier time.
17. I observed that the table behind me had two poll workers at the table. There was a third person at the table that had a patch identifying him as an Election Board Member. I understood this official to be a supervisor of many tables. He was wearing black and white shirts with embroidered identification. The two workers at the table were not participating in any ballot processing. The third person scanned the ballots and put them

in piles. It is unclear what happened to these piles. Earlier in the evening, this table was processing ballots according to the processing procedure and had an observer. There was no observer when the supervisor was singly scanning ballots and putting them in piles.

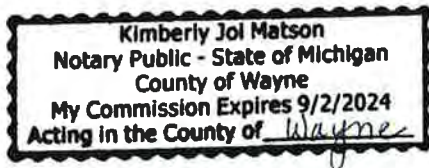
18. Later, I observed at this same table, a female with the embroidered credential, scanning ballots and putting them in piles, while the two poll workers sat at the table doing nothing. There was no observer.

Dated: November 8, 2020

  
Holly Spalding  
Holly Spalding

Subscribed and sworn to before me on: 11/8/2020  
1st   
Notary public, State of Michigan, County of: Wayne  
My commission expires:  
9/2/2024

11/08/2020



**AFFIDAVIT OF ILIE ANTONIE**

ILIE ANTONIE, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. AT TCF on Monday 6-8 pm, Tuesday from 6:00 am until Wednesday 2:00 am. Acting as a poll challenger. Submitted challenge reports at the TCF which will provide details.

**Incidents:**

Name on the envelop and the name on the poll sheet did not match more than once.

Persistent issue even after moving to alternate counting tables.

Scanning envelope number also did not match per observations on the screen

Moved to the adjuster area, supposed to both parties represented, many lacked a GOP representative. Observed ballot on screen if mismarked person determined voter intent.

Persistent hostility from workers.

Witnessed duplication with only 1 person, not both parties.

Dated: November 8, 2020

*ILIE ANTONIE*

*[Handwritten Signature]*

Printed Name:

*NOV 8 2020*

Subscribed and sworn to before me on:

*/s/ November 8, 2020*

Notary public, State of Michigan, County of:

My commission expires: *07-22-2026*

*Margaret Lear Erle*

**MARGARET LEAR ERLE**  
**Notary Public, State of Michigan**  
County of Wayne

My Commission Expires **07-22-2026**  
Acting in the County of *Wayne*

## AFFIDAVIT OF JACQUELINE ZAPLITNY

Jacqueline Zaplitny, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was credentialed as a Ballot Box Inspector and a poll challenger. I was assigned to Precinct 205 at Mason Elementary School in Detroit as the Ballot Box Inspector.
4. I arrived at approximately 5:45 am on November 3, 2020.
5. I observed multiple voters inquire about straight party voting. The Precinct Chairperson instructed these voters on how to vote straight ticket Democrat, but did not mention straight ticket Republican and directed the voters to the Democratic straight ticket box on the ballot.
6. I attempted to intervene, however it was clear that the Precinct Chairperson was directing the voters to the straight ticket Democrat option.
7. At the end of the voting, I printed out the tabulator tapes. I attempted to electronically send the tabulator record to 2 locations, the Department of Elections and Wayne County.
8. The electronic record was successfully sent to the Department of Elections.
9. The electronic record to Wayne County was unsuccessful and I received a message “unable to connect to server”. The Precinct co-chair instructed me to resend the electronic record, but the same “unable to connect to server” message was received again. It is unclear if the records were ever received or if they were duplicated.

10. It is unclear how many votes were recorded from this precinct that day, but I can attest that there were only 111 ballots processed.
11. There were 7 voters that appeared to vote in person even though they had requested absentee ballots. These voters were permitted to vote in person. I called the Department of Elections to report this, it is unclear if these absentee ballots were spoiled.
12. I left the precinct at 9:30pm and went to the TCF Center in Detroit as a poll challenger.
13. I was told to observe the computers that were identifying ballots that showed "error". I was told to view the people that were "determining the intent of the voter". There were multiple ballots that were "corrected" on ballots that should have been overvoted and not counted.
14. I tried to determine the identity or party affiliation of the people changing the votes on these ballots. I was told I could not speak with them. They wore no credentials or any identifying badges.
15. When I spoke to a supervisor about my concerns, I was summarily dismissed and the supervisor motioned me to stand back. She then stood in front of me, blocking me from further observation and unable to hear what she was saying to the people changing the ballots.
16. This occurred on several occasions.
17. I was able to observe closely for only a couple of minutes. An AP reporter then took my photograph and confirmed that I was with the GOP. I was then asked to leave the area.
18. A Democratic poll challenger then approached me and told me I could not observe this process or speak with the poll workers changing the votes.



19. I observed many counting boards throughout the evening. There did not seem to be any uniformity amongst the poll workers as to how they were processing the ballots. There did not appear to be any compliance with ballot verification.
20. I experienced intimidation by poll workers wearing BLM face masks and another man of intimidating size with a BLM shirt on, very closely following challengers, including myself, even though there was supposed to be social distancing going on.
21. At 2:30am November 4, 2020, all of the ballots appeared to have been processed. There were no ballots on counting board tables and no more ballots appeared to be in circulation. I asked if counting was concluded. The supervisor then stated that a big door would open for a new delivery.
22. I then left the TCF Center.

Dated: November 8, 2020

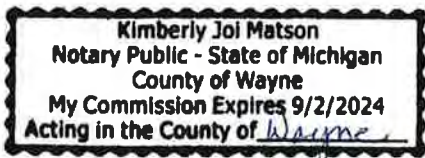
*Jacqueline Zaplitny* 11/8/2020  
 Jacqueline Zaplitny

JACQUELINE ZAPLITNY  
 11/8/2020

Subscribed and sworn to before me on: 11/8/2020

*Kimberly Matson*  
 Notary public, State of Michigan, County of: *Wayne*

My commission expires:  
 9/2/2024



## AFFIDAVIT OF JAMES P. FREGO

JAMES P. FREGO, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I am an attorney, licensed to practice in the State of Michigan, with a valid and active Michigan Bar number of P55727. I am also admitted to practice in the Federal Court for the Eastern District of Michigan.
4. I was a credentialed Poll Challenger of the GOP for the 2020 election.
5. On November 4, 2020 I was called to Cobo Hall (TCF Center) to act as a challenger on behalf of the Republican Party, and arrived at approximately 2:30 p.m. I was to replace someone else who had been there since the early morning hours.
6. I was inside the Atrium of Cobo/TCF, and the doors were locked to the larger area of vote counting, where I was to report.
7. There were approximately 50 other people in the atrium area, all indicating they were credentialed poll challengers as well.
8. Uniformed Detroit Police Officers were being used as security for the room.
9. An individual stepped out and announced to the crowd that each political party had been allotted a certain number of "spots" as challengers, and both parties had met their maximum number. As a result, no persons would be allowed inside.

10. While this individual was speaking, a woman next to me yelled out "I was INSIDE, and when I briefly stepped out, you refused me re-entry!!". Another individual yelled out "I am an INDEPENDENT poll challenger, and you are not letting me in either!".
11. While we were in the Atrium area, people inside began taping cardboard and paper to the inside of the windows, which kept us all from seeing inside the room itself. These papers included used pizza boxes and anything they could find, which further agitated the crowd.
12. After they had opened the doors to let members of the Press Corps inside the counting room, and as the Police were closing the locking security door to that large counting room, I put my foot in the doorway, which kept it from closing. The officer asked me to remove it. I said "Sir, I will remove it as soon as you tell me HOW MANY challengers are inside". He insisted I remove my foot, and I insisted I would do it as soon as I was given an exact COUNT of the number of challengers inside the room itself.
13. The Officer trying to close the door insisted "Sir, the number of challengers are MAXED OUT in there". I persisted asking for a specific number before I removed my foot. Finally, he said to me in a frustrated tone: "I don't KNOW how many people challengers are in there", to which I replied "If you don't know the number, then you are NOT 'maxed out'".
14. At this point, an officer in charge pointed at me and indicated the other officers should pull me inside, which they did. Two police officers then escorted me across the counting area to a side hallway, where they handcuffed me and led me to the back of a patrol car.

15. After about 20 minutes in the back of the patrol car, I was driven approximately ¼ mile away to a staging area for the police, where I was issued a Misdemeanor Citation for Disturbing the Peace, and released to walk back to Cobo.
16. At no time did I swear at the officers, and up to this point had never been arrested in my life (I am 57 years old).
17. I was consistently respectful, but insistent on receiving information, as I was acting in my Official Capacity as a Poll Challenger, and an Officer of the Court in the State of Michigan.

Dated: November 7, 2020



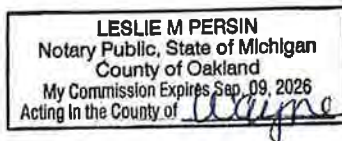
James P. Frego

Subscribed and sworn to before me on:

/s/ Leslie M Persin

Notary public, State of Michigan, County of:

My commission expires: 9-9-2026



State of Michigan

JEAN KORDENBROCK

Affidavit

1. I, JEAN KORDENBROCK, AM A Michigan voter registered at 2520 Lake Lansing, Apt. 5, Lansing Michigan.
2. I have been serving on Nov. 3, 2020 as an attorney for the Trump for President Campaign Committee and the Michigan Republican Party at the TCF Center, Detroit Concess.
3. At approximately 12:30 p.m. I observed a ballot being duplicated at ANCB 47 (IC #10) and I approached the supervisor. I asked him "Is there a Republican present to witness this duplication?" He answered, "I have no idea." The inspectors continued reproducing the duplicate ballot.
4. I have witnessed this since approximately 8:00 am, and multiple poll challengers have indicated they have witnessed duplicate ballots being prepared without ~~any~~ a

Republican Party

signed: Jean E. Kordensbeck JEAN KORDENSBECK

date: 11/3/2020

Susan L. Mills, Notary Public

Susan L. Mills

exp. October 27, 2025

AFFIDAVIT OF  
JEFFREY A. GORMAN

JEFFREY A. GORMAN, BEING  
SWORN, DECLARES UNDER PENALTY  
OF PERJURY:

1. I AM PERSONALLY FAMILIAR WITH  
THE FACTS STATED IN THIS  
AFFIDAVIT AND, IF SWORN AS  
A WITNESS, AM COMPETENT TO  
TESTIFY TO THEM AS WELL

2. I AM A REGISTERED VOTER IN  
THE STATE OF MICHIGAN.

3. I WAS ON FACEBOOK AND OBSERVED  
THAT FRIENDS REGARDING CALL AFTER  
ELECTION <sup>WERE</sup> LOOKING FOR VOLUNTEERS.  
I AGREED TO VOLUNTEER

4. I WENT TO THE TCF CENTER ON  
WEDNESDAY, NOVEMBER 4, 2020 AT  
12:30 PM

5. THERE WAS ABOUT A TEN MINUTE INSTRUCTION GIVEN FOR ALL VOLUNTEERS:

1) THERE HAD TO BE A REGISTERED VOTER IN EITHER THE ELECTRONIC BOOK OR WRITTEN BOOK, IF NOT CHALLENGE IT; AND

2) IF THERE WERE DUPLICATE BALLOTS OR XEROX'D / COPIED BALLOTS (i.e., IF MILITARY FAX VERSION), THERE MUST BE TWO PAID WITNESSES (DEMOCRAT AND REPUBLICAN), IF NOT CHALLENGE IT.

6. I TRIED TO ENTER AROUND 2:00 PM / 2:30 PM. I WAS IN THE SECOND GROUP OF ABOUT TEN PEOPLE.

7. I KNEW THAT PEOPLE HAD LEFT, BUT THEY WOULD NOT LET REPLACEMENT POLL CHALLENGERS IN.

8. THAT OUR GROUP WAS TOLD THAT IT WAS DUE TO COVID-19 WHY PEOPLE WERE NOT BEING LET IN. THIS WAS TOLD BY THE PEOPLE AT THE DOOR.



9. THERE WAS A REPRESENTATIVE THAT IDENTIFIED HIMSELF AS A HEALTH OFFICIAL AND SAID NO ONE COULD GO IN DUE TO COVID-19 RESTRICTIONS.

10. I FINALLY SIGNED IN AT 6:06 PM ON NOVEMBER 4, 2020 TO GO IN. I WAS PUT IN BOOK 1.

11. I WAS AT TCF CENTER UNTIL APPROXIMATELY 8:30 PM ON NOVEMBER 4, 2020.

12. I WAS WORKING BETWEEN TWO (2) TABLES.

13. I WOULD FOLLOW THE MILITARY BALLOTS TO THE TABLE AND WATCHED HOW IT WAS PROCESSED.

14. AT BOTH TABLES I OBSERVED NO WITNESSES AS REQUIRED.

15. I CHALLENGED THE FIRST BATCH OF BALLOTS AND THEN MORE BALLOTS CAME TO THE SECOND TABLE.

16. THERE WAS A FEMALE AT THE SECOND TABLE AND WHEN I QUESTIONED THE WITNESS ISSUE, SHE STATED SHE DID NOT KNOW WHAT THEIR AFFILIATION WAS AND I SHOULD GO ASK

17. BASED UPON THE REQUEST, I WENT TO ASK THE AFFILIATION OF THE ONE WOMAN CLAIMING TO BE A WITNESS AND SHE WOULD NOT TELL ME.

18. I THEN SPOKE TO A WOMAN IDENTIFIED AS A DEMOCRAT LAWYER AND TOLD ME THAT I DID NOT KNOW WHAT I WAS TALKING ABOUT WHEN I QUESTIONED THE BALLOTS. THIS WOMAN REFUSED TO GIVE ME HER NAME.

19. I HAD CHALLENGED THE FIRST BATCH OF ABOUT TWO TO THREE BALLOTS AS WELL AS CHALLENGED THE SECOND BATCH OF ABOUT SIX TO EIGHT BALLOTS THESE WERE ALL MILITARY ABSENTEE BALLOTS.

20. I HAD FILED AN INCIDENT REPORT IMMEDIATELY FOLLOWING MY TIME ON THE FLOOR, WHICH WAS AROUND 8:30 P.M.

21. WHILE I WAS CHALLENGING BALLOTS, I OBSERVED BALLOTS BEING BROUGHT BY A SUPERVISOR.

22. AFTER THE SUPERVISOR BROUGHT THESE BALLOTS OVER, A RED FLAG WAS RAISED DUE TO THE ISSUES WITH THE BALLOTS.

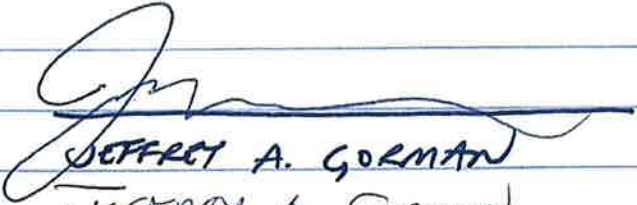
23. THEREAFTER, A WOMAN CAME IN FROM SOME OTHER LOCATION AND TOLD THE DATA WORKER, "I MADE SURE THEY WERE REGISTERED" EVEN THOUGH THE NAMES WERE NOT IN EITHER ELECTRONIC OR WRITTEN BOOK.

24. I THEN OBSERVED THEY WERE INPUTTING IN THE SYSTEM THESE NAMES AS REGISTERED (ALTHOUGH NOT IN EITHER ELECTRONIC OR WRITTEN BOOK) OR AS APPEARED ON THE PAPERWORK FOR THE BALLOT.

25. THESE AFOREMENTIONED ACTIONS  
WERE AGAINST THE RULES.

26. ADDITIONALLY, THEY WERE  
INPUTTING FICTITIOUS BIRTH  
DATES WITH THE NAMES ON  
THE PAPERWORK FOR THE BALLOT  
AND I OBSERVED THIS OCCUR.

DATED: NOVEMBER 8, 2020

  
JEFFREY A. GORMAN  
JEFFREY A. GORMAN

SUBSCRIBED AND SWORN TO  
BEFORE ME ON: 11/8/2020

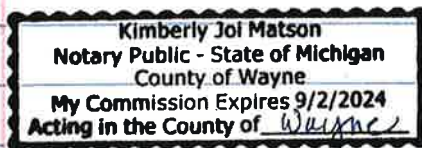
NOTARY PUBLIC, Kimberly J. Matson

STATE OF MICHIGAN;

COUNTY OF Wayne

MY COMMISSION EXPIRES: 9/2/2024

ACTING IN THE COUNTY OF: Wayne

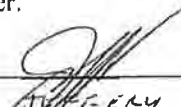


**AFFIDAVIT OF JEFFERY MOSS**

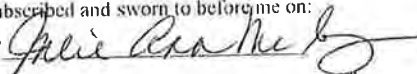
Jeffery Moss, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Monday November 2, 2020 from 10:00am to 8:00pm I was a Republican challenger at the TCF Center in Detroit, Michigan. I was a challenger at Table 68. I was told by election workers to back away from the table and stay six feet away from the table. I was able to move closer at times, but was told to stay six feet away.
4. On Tuesday November 3, 2020 from 10:00pm to 5:00am on Wednesday November 4, 2020 I was a Republican Challenger at the TCF Center in Detroit, Michigan. I observed a group of men walking around and intimidating Republican challengers and observers.
5. At approximately 4:00am on Wednesday November 4, I overheard that there only 16,000 outstanding ballots to count at the TCF Center.

Dated: November 8, 2020

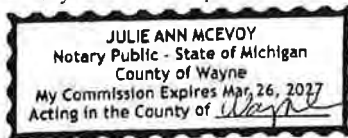
  
\_\_\_\_\_  
JEFFERY MOSS  
[Print name]

Subscribed and sworn to before me on:

/s/ 

Notary public, State of Michigan, County of:

My commission expires:



I am a registered voter at this address in Michigan - 22453 Maple Avenue Farmington, MI 48336

I am working as an official election challenger approved by the Michigan Republican Party at the TCF Center in Detroit.

Today, November 3, 2020, I witnessed a duplication of a voter ballot in ICC #6, AVCB #26 at 1458 hrs without a Republican present. I asked if the table had requested Republican witness and they answered "no". The reason given for duplicate ballot was that it was returned from the scanner as being unreadable. The ballot number from the new ballot was 02038, and the number had already been removed from the old ballot. I was only able to witness the non-partisan side duplication.

Susan L. Mills  
SUSAN L. MILLS  
Notary Public  
Exp. October 27, 2025

Respectfully,  
Jennifer L. Seidl  
Jennifer L. Seidl  
22453 Maple Avenue  
Farmington, MI 48336

State of New Jersey )  
County of Monmouth ) ss:

John M. Downing, Jr. being duly sworn, deposes and says:

1. I am a volunteer with Lawyers for Trump. I was in Detroit on November 3 and 4, 2020. I called about 60 volunteer poll challengers on November 4, 2020 to ask them to go to Cobo Convention Center to act as vote-count watchers, known as "poll challengers."

2. At about 2:30 p.m. Eric Torrison, another Republican volunteer and I went to Cobo Convention Hall because one of the poll challengers, Karen, had called me several times from 10:30 am to 2:00 p.m. to say that about 20 poll challengers were on the rooftop waiting go in, but were being denied access to the building. Karen was upset. They were all on the roof top parking deck (where they parked because there was free parking) of the Convention Center, and were not being allowed into the building.

3. At 3:20 pm on Nov. 4, 2020 Mr. Torrison and I went to the rooftop of the Convention Center via elevator that was manned by a security guard on the main floor. There were at least 19 Republican challengers waiting on the roof and asking to be let in to the building.

4. I spoke to a security guard, Daniel Sims, who was guarding the door.

5. I asked Mr. Sims three times to allow the people on the roof in. Each time he refused. I video-taped the requests in a 10- minute video that I have on my cell phone.

6. Mr. Sims said that he could not let the volunteers in because his bosses had told him that they could not come in due to "Covid regulations." I asked what Covid regulations, and he said "no comment."

7. The people on the roof all wore masks and all said that they had no symptoms and had not been near anyone with Covid symptoms in the past several days.

8. I suggested to Mr. Sims that if Covid restrictions were the reason that the Republicans were not allowed in, then Mr. Sims should allow Republicans in alternately with Democrats coming out. Mr. Sims did not respond to this request.

9. Mr. Sims said that he was instructed by his supervisors, the Cobo Convention Center general manager, Claude Molinari, and building public safety manger, Bruce Smith, that he was not to allow people in because of Covid restrictions.

10. We went to the main floor and asked security guard Bridgit Sewell if we could see Mr. Molinari. She called Mr. Molinari's assistant, Ms. Leece, who told Ms. Sewell that Mr. Molinari was not available. Officer Sewell called Mr. Smith. In about 30 minutes Mr. Smith arrived on a Segway machine.

11. When we asked to Mr. Smith why the people on the roof were not being admitted. Mr. Smith first said they were not allowed in because they did not use the Level A, Washington Street basement parking garage. He provided no reason why they should use the basement parking garage. Neither Mr. Smith nor Mr. Sims had tried to re-direct the people to the Level A, Washington Street parking area, despite the volunteers' repeated requests to come in from 10:30 to about 3:21 p.m.

12. We asked Mr. Smith whether the people on the rooftop would be admitted to the building if they used the Washington Street entrance. He said they would be let in.

13. Mr. Smith did not say anything about any Covid restrictions, as Mr. Sims kept repeating to the people on the roof from about 10:30 a.m to 3:21 p.m.

14. Mr. Torrison and I went to the Level A Parking garage through an elevator and spoke and spoke to security guard Mr. Bryce (a slim black male, about 30 years old, who had been there at about 3:15 pm).

15. Mr. Bryce said that no one was allowed in through the Garage A, Washington Street entrance. We said that Mr. Smith said they could enter through Garage A. Mr. Bryce then said that if Mr. Smith said it was OK, then it was OK with Mr. Bryce.

16. At about 4:45 Mr. Torrison and I returned to the rooftop to tell the volunteers on the roof that they should come in through the Garage A, Washington Street. But the volunteers were gone. Only two people were on the rooftop-- Officer Pryde, a black female officer and officer Van Sickle a white male officer who were then stationed on the rooftop. (They had not been there at 3:20 pm.)

17. Officer Pryde and Van Sickle were uncooperative and refused to tell us when the challengers had left the roof, despite our persistent questioning.

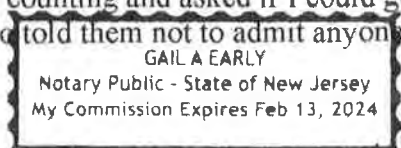
18. We spoke again to Daniel Sims to pinpoint exactly when the police arrived on the roof-top.

19. Officer Pryde said that it was actually Mr. Bruce Smith who locked the door to the roof.

20. At about 5:00 p.m on November 4, 2020 were told in the staging room that they were letting lawyers into the counting room via Garage A. We tried to find a garage but could not find it.

21. We returned to the main door of the counting room. Three or four heavily armed Detroit police were guarding the front door. Approximately 4 large windows had cardboard on the inside of the windows to block the view into the counting room.

22. I advised the white female and two black males in heavily armed gear that I was an attorney and wanted to observe the counting and asked if I could go in. They refused. They said that it was that their sergeant who told them not to admit anyone.



*John M. Downing Jr.*  
John M. Downing, Jr.

*On 11/7/2020 JOHN M. DOWNING JR appeared & PWORN to the document in my presence.*

*appeared & PWORN*  
*[Signature]*  
EXHIBIT 1



### **AFFIDAVIT OF JOYCE SANKEY**

Joyce Sankey, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I went to TCF Center in Detroit, MI at approximately 1:30 pm on November 4, 2020.
4. I was directed to room 260 to get trained to be a poll challenger.
5. I was denied access to the room where the votes being counted.
6. I was denied access for 5 hours.
7. I observed that as a group of GOP observers would approach the room, the doors were closed and access was denied.
8. I observed Democratic observers approach the room and permitted access.
9. The GOP observers were forced to wait in room 260 up the stairs from the room far from the room where the votes were being counted.
10. The Democratic observers were allowed to remain at a table just outside the room where the votes were being counted.
11. At 4:00pm, I was informed to take off the green band that identified me as a GOP observer because those of us with the green bands were being harrassed. I was also told the Democratic challengers were putting on green bands posing as GOP.
12. I was informed that the only way I would get in to observe would be as an "independent".
13. I never gained access.

14. A "health inspector" claimed the room was at capacity. This was disputed and that is when the people inside blocked the windows.

Dated: November 8, 2020

*Joyce M. Sankey*  
Joyce M. Sankey  
Joyce Sankey 11/8/20

Subscribed and sworn to before me on: 11/8/2020  
*Kimberly Matson*  
Notary public, State of Michigan, County of: Wayne  
My commission expires:  
9/2/2024

Kimberly Joi Matson  
Notary Public - State of Michigan  
County of Wayne  
My Commission Expires 9/2/2024  
Acting in the County of Wayne

### **AFFIDAVIT OF KAREN OSTIN**

Karen Ostin, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 2, 2020 I was a challenger at the TCF Center in Detroit, Michigan for the Republican Party. I was there from 9:00am until 9:00pm.
4. I was at table 20 and challenged a ballot and was told the ballot number was all 0's and then ending with 212. Approximately fifteen minutes later I challenged another ballot and was given the same ballot number. The names on these two ballots were different. I was given no explanation for this duplicate number.
5. On Wednesday November 4, 2020 I returned to the TCF Center at approximately 11:00am. I was told, along with other Republican challengers, that we could not enter the counting room. The election workers stated that the room was full.
6. After being told the room was full, I observed people leaving the room. When asked about this, election workers would not explain why more Republican challengers

could not enter. The election workers would not show us the sign-in book to be able to determine how many Republican challengers were in the counting room.

7. I stayed at TCF Center from until 3:00pm on November 4, 2020 and was never allowed to enter the counting room.

Dated: November 8, 2020



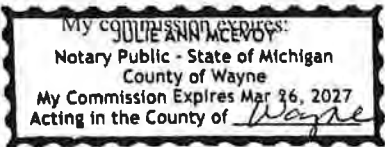
[Print name]

KAREN OSTIN

Subscribed and sworn to before me on:

/s/ *Jessica M. G.* 11-8-2020

Notary public, State of Michigan, County of:



AFFIDAVIT OF Kathleen Daavettila

I, Kathleen Daavettila , being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On September 23, 2020 my husband and I filled out and sent in applications to work in the Detroit election for the November 3, 2020 presidential election. On the application we specified that we are not flexible to work at any polling site and would like to work at the TCF center absentee voter count board.

On October 1, 2020 both my husband and I received a voicemail from Will Griffin at the City of Detroit Elections Department, calling to let us know that our training was scheduled for October 6, 2020 at 1:30pm, and that the location of the training was the northwest Wayne County Community College Campus located at 8200 West Outer Drive, Southfield, MI and that I would be in room 101G.

On October 1, 2020 I arrived for the training at said location. Upon arrival I was told that the training was moved to a different building, which it was. When I got to the training location, I was asked where I was told to go, and I told them room 101G, so I was sent to the coordinating room at the new location. At the introduction of the training the instructor informed us that we will be working as Electronic Poll Inspectors. I raised my hand, and I asked, "What about absentee ballot counting at the TCF center, that is what I signed up for." The instructor then told me that they needed 1,100 people to work at the absentee counting board TCF center and they filled them right away, so there is no need for them right now. But that I could call 313-876-0227 and tell them when I signed up and ask where I am on the list. After this I left the training. As soon as I got out to my car, I called the number, and it rang and rang and

rang with no answer. I called multiple more times that day, and the next day, each time with no answer, and no going to voicemail.

On Wednesday November 4, 2020 my husband and I went down to the TCF absentee counter board in response to the call for more Republican poll watchers/challengers. After getting our credentials we went into the absentee counter board room. The room was larger than a football field with people everywhere. While I was in line in to check-in in the counting room, I started talking to someone in a group that was wearing our yellow GOP wristband. They had a packet of instructions with the heading relating to, "Tactics to Distract GOP Challengers", which he let me borrow to read, unfortunately I didn't get time to read anything else on it. Another man in the group started telling me, "our main job is to distract and disrupt the GOP challengers," then a woman in the group grabbed the packet of papers from my hands and said, "no, no, no, she's a republican, she doesn't need that, bye, bye."

When we checked in, we had to write our party affiliation, our name, and the time that we checked in, looking at the sign in sheet, there were over 10 times the amount of democrats than there were republicans (this was verified as we checked out later, when the person working at the table had to flip through many pages to find my name to check me out.)

The atmosphere in the room was very hostile towards me. Numerous times I had poll workers and democrat challengers screaming at me, if I took a step closer to the table to get a better view of the ballot, if another republican walked by the table or stopped to ask me a question, if my mask started to slip and show the top part of my nostril, multiple times I was told I was going to get kicked out if any of those things happened again. At one point when I was challenging a ballot where the ballot number in the computer did not match the ballot number on the ballot and envelope, the poll worker did not write that I challenged the ballot in the remarks, so I kindly asked if they needed to write my name that I challenged the ballot, as they had previously. When I

asked, about 4 or 5 democrats that happened to be right next to the table (remember I was hollered at if even one other republican even walked close to the table while I was standing next to it) started screaming at me that I am not allowed to talk to the workers at the table. A couple of minutes later a male supervisor came to our table and started hollering at me that I am not allowed to talk to the workers or interfere with the process, and that I am going to be kicked out if I do that again. I kindly apologized to him and I did not say a single word nor even make eye contact with anyone at the table for the remainder of the time that I was there.

On the contrary, multiple other democrats stopped to visit with the democrat challenger at the table, one even stood right next to her as they both watched the screen together and talked about the ballot. Nothing was said by ANYONE to them about having more than one democrat at the table. I did not say anything as I did not feel safe to (I am a small (5'3" 130lb) pregnant white woman), for fear of getting screamed and hollered at if I opened my mouth. Also, about a half an hour after the supervisor stopped to holler at me about saying something to the table worker, both the "non-partisan" and democrat challengers huddled next to the worker at the computer who was scanning the ballots, and talked to them for at least a minute. Again, I did not say anything for fear of being screamed at.

I found it interesting that every ballot that I challenged where the computer ballot number and the ballot and envelope number did not match up, the partisan challenger nor the democrat challenger ever challenged the ballot.

Each ballot that I challenged, a remark was noted in the computer that the numbers did not match up, and then the ballot was processed anyway.

Also, the entire time that I was at the TCF center, I did not see a single signature verified by any registration document.

Around 3pm more and more police officers started to show up. Around this time the doors

to the room were closed and they would not let anyone else into the room, and the windows into the room started getting covered with cardboard and paper. It was also around this time that the GOP issued a lawsuit to stop counting ballots. It started to feel more unsafe in the room, people started chanting, "stop the count!" while others chanted, "keep the count!". They continued to count ballots, I let the supervisor know that every ballot counted past the time of the lawsuit I am challenging. The supervisor said that after the process all of the ballots, they will make a blanket remark stating that all ballots after that time are being challenged.

I was not treated with respect by a single person that I had interaction with (whether I wanted that interaction or not, with random democrat challengers hollering at me) except for one male supervisor, that I spoke with when I was challenging every ballot after the lawsuit was filed.

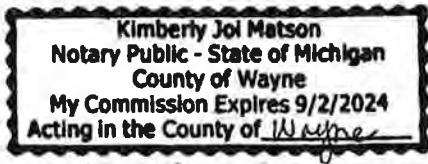
Let it be known, that I did not respond to a single person who hollered or screamed at me except for when I kindly apologized to the supervisor after I had spoken to the poll worker who had not written that I challenged the ballot.

Between 3pm and 3:57pm I witnessed three white males being thrown out by the police (all on separate occasions,) each time it happened, the entire room burst out into cheering and clapping. The outbursts that I heard around me when this happened was, "must be a Trump supporter!"

My husband and I checked out at 3:57pm, as I was in fear of safety for myself and my unborn baby. We wanted to leave before the hostility escalated any further. After we checking out, we had to leave through a back exit, directed by police.



Dated: November 8, 2020



Kathleen Daavettila 11/8/20  
Kathleen Daavettila

906 281-1635

Subscribed and sworn to before me on: 11/8/2020

1st Kimberly Matson

Notary public, State of Michigan, County of:

My commission expires:

9/2/2024

PHONE:

NAME:

KIM TOCCO

ISSUE:

- Was a Poll Challenger at TCF on Wed. 11/4 from 9am - @3pm
- Significant intimidation by Poll Worker
  - insults, political bias comments, intimidation when Kim approached the table to survey
  - Poll worker verbally combative and (ie profanity) open admitted she would be "sneaky".
- 1.) To resolve she spoke w/ 1 female Dept. of Election Supervisor and she advised that everyone had to be respectful of the poll workers and blew the incident off
- Intimidation continued
- 2.) A second DOE Supervisor was approached and advised of the intimidation + harassment and he also repeated the importance of everyone being respectful. He advised someone was ~~being~~ talking to the poll worker about it. Kim witnessed laughter between the two.

\* See Wynetta for any add'l details.

Poll worker continued to intimidate, harass, curse, etc. until she took a break.

Upon her return she stared at Kim with ~~the~~ disdainful looks. She didn't speak to Kim any further.

- Kim then went to leave and ~~realized~~ assuming add'l GOP challengers would be coming in.

Same table - DOE Supervisor and a unidentified poll challenger questioned Kim ~~multiple~~ times on what she was doing there, grilling her w/ questions.

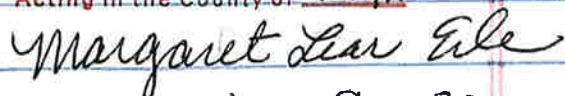


KIM TOCCO

11-8-2020

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne

My Commission Expires 07-22-2026  
Acting in the County of Wayne



November 8, 2020

AFFIDAVIT OF [insert name]

<sup>W</sup>  
Kimberly Valice

Kimberly Valice, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. See Below

Dated: November 7, 2020

[signature]




Kimberly Valice

Subscribed and sworn to before me on: 11/7/2020

/s/

Notary public, State of Michigan, County of Wayne  
 Patricia G. Groezinger  
 My Commission Expires 04/12/2023  
 Acting in the County of Wayne



1. On November 4, 2020 at TCF Convention Center, Detroit, I was assigned to observe two tables, table 111 and 113. The monitors weren't on and the ballots weren't at the tables, poll workers were sitting at their tables reading, napping and just waiting in their seats. At one point, an announcement came on asking pollsters who were counting ballots to raise their red flag, in the entire room of hundreds of pollster tables, I only saw three flags raise and they weren't at the tables I was assigned to. The table next to my assigned table that didn't raise a flag had a group of young men at it and on the table was a green sign marked as 11. On occasion, my friend and I would catch these men looking up at us and stopping what they were doing if they saw us watching them. We would randomly see them shuffling through what we assumed to be a list of names and stack of ballots that they kept in front of them. They two young men looked suspicious because they kept looking our way. The monitors weren't on for us to observe. I went to bring this attention to the attention of a Supervisor. The Supervisor told us they were just prepping before the count began and that it was okay.
2. About two hours later, after standing around waiting for the observation, we noticed the men were passing a stack of the orangey-yellow ballot envelopes over to the pollster's table lead. The lead then passed the stack on to a woman who took them and walked off. At this point we had been briefed that we could challenge things because of pending litigation. When I challenged the person walking with the ballots, she ignored my request to challenge her and kept walking. I called over a supervisor. At that moment a Civil Rights person came over and said I have no right to challenge and asked on what basis I was challenging. I explained that it was allowed and he said I was wrong, meanwhile the ballots were walked

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off to the podium - unobserved. I was told we couldn't do a thing about it other than write it down on a piece of paper.

**AFFIDAVIT OF Linda Cavaliere**

Linda Cavaliere, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Wednesday, November 4<sup>th</sup>, I arrived at 11:30 am to work as a Republican Poll approximately 50 people that were being instruction on being a Poll Challenger. The last direction given by the leader “was to make sure the Republicans were following the rules and not nit picking, harassing and interrogating us” I soon realized that “us” were the DEMOCRATS. They were all escorted in freely without any inference. I was told to report to room 260, which was located on the other side of the building. Nowhere near the auditorium where the ballots were being counted. Upon arriving to room 260, I was given instruction again in a very civilized manner. I waited about 30 minutes in room 260 with about another 50 Republican Poll Challengers. Our leader instructed us that we needed to wait to be called in because the room was at capacity. How could this be when I just witnessed at least 50 Democratic Poll Challengers go in without any hesitation??? This is when I took it upon myself to go down and attempt to get into the ballot area. I was allowed in. This is where I realized what was happening. I notified several leaders that there was many other GOP’s waiting to be admitted. I kept seeing more and more Democrat workers arrive. I felt outnumbered and intimidated. There were many more Democratic Poll Challengers in the arena than Republican Poll Challengers. I was assigned 2 stations to watch over. The stations were to have 5 Poll workers at each table, this was rarely the case. At times there was only 2 people there.

There were loose ballots everywhere, on tables even on the floor. No organization whatsoever. When I questioned this, I was basically shut down. I witnessed questionable ballots being entered, instead of being held for review. I tried to get a reporter to let me explain what I was seeing, but she told me that I needed to step aside. People from my party were being escorted out for no good reason, while the Democrats applauded and cheered. After 6 hours, I decided to leave. The environment was very unprofessional, unorganized and frankly very disappointing. I can honestly say that there was nothing right about what was going on there.

Dated: November 7, 2020



Subscribed and sworn to before me on:

/s/

Notary public, State of Michigan, County of:

My commission expires:



## AFFIDAVIT OF LINDA SAWYER

LINDA SAWYER being sworn, declares under penalty of perjury:

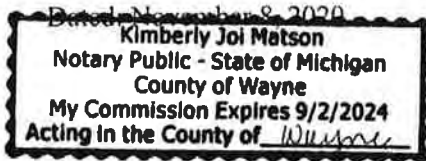
1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. PRECINCT 144 operating as a poll challenger. Two poll workers were both democrats. As a challenger not 6' table to made to sit on a couch. Requested printout refused to provide.
4. Two voters in front of me did not surrender their absentee ballots. There were given regular ballots and not challenged ballots which I had questioned as I was surrendering mine. Only made to sign an affidavit.
5. Attended TCF from 10:00pm until approx. 6:00 am. Table challenger felt persistent intimidation by workers at counting table #123. Initially attempted to follow a ballot around table, supervisor restricted access and ordered you to occupy a distance space that obscured my ability to properly observe. A second election official kept stepping between me and the monitor to further obscure her ability to observe. Inspector #1 scanned label so quick I was unable to observe the numbers. Inspector #2 yelled at table #120 to not talk to me during a downtime, came to threatening removal.
6. At TCF table #118, single ballot returned to the table after processing, official examined ballot then placed it into a secrecy envelope in front of inspectors 3 & 4, until I left. #3 opened the secrecy envelops for processing. Then given to #4 to roll and flatten to be run through tabulator. This was an attempt to re-run this ballot. It should have been entered into the problem balloting for re-processing and I question why it was brought back to the table.



7. Also TCF counting #123 I challenged a name not on the supplemental list, table supervisor took the suppl list to the command center, came back a told me the particular voter had registered the day prior and I was told I could not challenge. I questioned that was the purpose of the supplemental list and she said they may still not show. I disagreed. She still refused my challenged.

8. Also TCF counting table #118, A bin of ballots that were never handed to Inspector #5 to tabulate they remained on the table for hours and not sent to tabulation. Still there when I left.

9. Also at TCF counting table # 123 I was observing counting table noticed box of ballots on table to be processed, left for 15 minutes upon return to table #123 notice the box of ballots were gone as well as inspector #4. Inspector 5 was still present who normally takes them to be tabulated. Went to tabulation 123 to look for inspector #4 with ballots, she was not present. Return to counting table #123 noticed earlier procedure had changed. Inspector #2 would remove ballot from secrecy envelope to verify the number, but now inspector #3 did the exact same thing and did not tear off the number, the ballot went to inspector #4 who did same thing as inspector #2, no one was visually removing ballot to process for tabulation. Ballots were stacked in their secrecy sleeves after inspector #4. Unsure of what happened to stacked ballots, as they could not be tabulated as stacked.



Subscribed and sworn to before me on: 11/8/2020  
/s/ Kimberly J Matson  
Notary public, State of Michigan, County of: Wayne  
My commission expires:

9/2/2024

Linda Sawyer

LINDA SAWYER

702 449-5915

Linda Sawyer

11.08.2020

**AFFIDAVIT OF MARK KERSTEIN**

MARK KERSTEIN, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan
3. ICC#23 Supervisors did not allow a challenge to open bin of approx. a dozen problem ballots and would not allow me to document any ballot numbers (AV-116. Ballots were not in EPollbook - I believe that is why they were putting them in the problem ballot bin. I was surrounded by 4-5 Dem challengers and intimidated when attempting to get the name of the supervisor who denied me the challenge. Supervisor refused to give him his name. Attempted to deflect him to a different person. That is when the D-challengers swarmed him. Supervisor then directed him to a female supervisor, who would not give him her name either and also refused to accept his challenge. D's were making a concerted effort to distract him and his fellow Republican challengers and fellow challengers were reporting the same thing.
4. At a separate table ICC#24, CB #25, I also saw two poll workers recording a duplicate ballot possibly without including a GOP counterpart. (Ballots I was able to notice #02168 and 02170)

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne



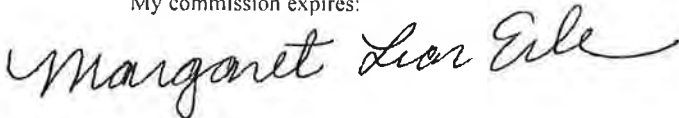
Mark KERSTEIN  
*Mark Kerstein*

Subscribed and sworn to before me on:

1st 11-08-2020

Notary public, State of Michigan, County of:

My commission expires:



## AFFIDAVIT OF MARK MODLIN

Mark Modlin, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Tuesday November 3, 2020 I was a Republican challenger at the TCF Center in Detroit, Michigan.
4. While acting as a challenger, I observed a ballot that I wanted to challenge and told an election worker. The election worker told me not to talk to her and to get her supervisor. Her supervisor was not nearby. I wanted to ensure that I had the ballot number and information in order to challenge the ballot. I walked closer to the station the election worker as working at. At that time, a male election worker stepped in my way and physically blocked me. The male election worker pushed me backwards. This impeded by ability to observe and challenge. The ballot I wished to challenge was processed.
5. I then spoke to a supervisor about the challenging process. There was an option on the election computer system to “quarantine” ballots, but the supervisor told me that this

option did not work. The supervisor told me there was no way to separate a challenged ballot and stop it from being processed.

6. The male election worker who physically blocked me was later assigned to walk around the room. He attempted to walk in front of me and block me view. He blocked the view of other challengers as well. This impeded by ability to properly observe and challenge. This election worker continued to attempt to block my view and others for approximately two hours until an announcement was made for election workers to not block the view of challengers.

Dated: November 8, 2020



[Print name] MARK MODLIN

Subscribed and sworn to before me on:

/s/ 11-08-2020

Notary public, State of Michigan, County of:

My commission expires: 07/22/2026

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne



AFFIDAVIT OF Mercedes

Wirsing, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.

2. I am a registered voter in the State of Michigan.

When the GOP challenger left the counting board room I asked if my husband and I could replace them with the two GOP challengers by the outside door and the police officer said they were not letting GOP replace GOP <sup>despite, numerous</sup> tables without GOP challengers. On Nov. 4th, there were more Democrat challengers in the counting board. "No?"

On Nov. 3rd the supervisor announced "Are there any Republican workers here working today?" I couldn't see any one raise their hand. However the Supervisor (on stage) announced "We have two Republican workers here."

Then the next day I asked the table supervisor "Are there any Republican workers here at this table?" The table supervisor reported "I don't know their political party." I should be one Republican worker at this table. One supervisor was very aggressive and hostile, would not let me get close enough to see ballots or monitor. I witnessed numerous bins.

On Nov 3rd I witnessed <sup>Thurs. Nov 5th</sup> ~~un~~supervised and unlabeled boxes until 2:00 AM when we left. I witnessed <sup>Thurs. Nov 5th</sup> ~~un~~supervised opened ballot envelopes without sleeves.

Mercedes Wirsing

Printed Name:  
Mercedes Wirsing  
11-8-2020

Subscribed and sworn to before me on:  
/s/ \_\_\_\_\_  
Notary public, State of Michigan. County of:  
My commission expires:

MERCEDES WIRSING

All of the military ballots were opened before they arrived at counting board. <sup>More than</sup> Several birthdates were listed as 1900. I asked the supervisor "Why 1900?" She said "it was because they were in the wrong precincts." At one point #46 monitor (at <sup>the</sup> table) showed the wrong time and some of dates of military citizens had the wrong birthdates 1900 and some had 1940 at table #3.

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

Margaret Lear Erle

Mercedes Wirsing  
Mercedes Wirsing  
11-8-2020

Subscribed and sworn to before me on:  
1st November 8, 2020

Notary public, State of Michigan, County of:

My commission expires:  
07-22-2026

## AFFIDAVIT OF MICHAEL CASSIN

Michael Cassin, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was credentialed as an independent challenger at Cobo Hall on Wednesday, November 4.
4. I was outside the ballot counting door for approximately 4 to 5 hours, Wednesday afternoon. At one point during this time, I was told 10 people could get into the counting area. Nine were let in. The 10th person in line, Adam Chesney, said he was number 10 and was told by the gatekeeper: “[o]h, you’re a mathematician, and you’re not getting in”. The gatekeeper closed the door and refused access to Mr. Chesney.
5. I was later allowed into the counting area.
6. I made approximately 6 documented challenges. There was no Republican assisting with duplicating ballots. The poll workers would not accept any of these challenges and would not write them in the book. I asked a poll worker if there was a Republican available. The poll worker said they did not know. I said: “[d]you ask for one?” The poll worker said: “[n]o, you can ask if you want..” Because I didn’t want to be put into a compromising position and risk being ejected from the counting area, I said “[n]o, how about if you ask, I cannot ask.” I believe the poll worker was trying to get me kicked out from the counting area.

7. I observed poll workers entering birthdates of 1-1-1900 while manually entering voters into the system. The computer screen displayed a voter not in precinct alert. The poll worker entered the name anyway.
8. I believe none of my challenges were accepted while I was in the counting area.
9. I observed a Republican military ballot transfer. Poll workers refused to allow an Election Integrity Fund (EIF) challenger and me to view this transfer. All 5 poll workers were crowded around the ballot, blocking our access and refused the challenge. One of the poll workers, very irate, summoned the police to have the EIF challenger ejected. The officer said the EIF challenger was not doing anything wrong. I took the EIF challenger's place and the poll workers deliberately blocked me from viewing. Three poll workers, shoulder to shoulder, had their hands on the ballot at all times. I finally asked supervisor Yolanda to look at the ballot and transfer, and she grudgingly showed it to me.
10. Every time a challenger got ejected from the counting area (as a result of poll workers getting under the challenger's skin, for example), many poll workers cheered, waved, yelled obscenities, etc. Supervisors were waving a red flag as a taunting device and were extending the middle finger to these challengers who were being ejected. The



only challengers I witnessed getting ejected were Republicans and Independents.

Dated: November 8, 2020

 n.

**MARGARET LEAR ERLE**  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne



Subscribed and sworn to before me on:

/s/ November 8, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026



MICHAEL CASSIN

11/08/2020

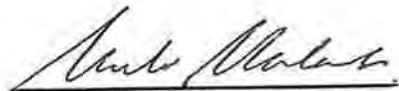
### **AFFIDAVIT OF MORDECHAI MANDELBAUM**

Mordy Mandelbaum, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a credentialed Republican challenger at Cobo Hall Tuesday night, November 3 and Wednesday, November 4.
4. I observed a poll worker completing a ballot without a spoiled ballot present. I asked: “[w]hat are you doing?” The poll worker did not respond.
5. I believe poll workers were duplicating ballots to incorrect precincts in order to run two ballots through for the same person. This was very common throughout the night. I observed this approximately 20-30 times at the table I was watching.
6. Duplicate of ballot #00239 at Table AVCB 8 ( ballot # 01570) was duplicated to the wrong ballot. The poll worker brought a precinct #6 ballot instead of the correct precinct. The new duplicate ballot was # 01571. Because of this suspected mismatch, I asked to see these ballots side by side and was denied access to view these ballots.

7. I spoke to a fellow challenger, who overheard poll workers talking about ganging up on her by strongly discouraging her to challenge.
8. An absentee ballot challenger representing the Democratic party approached me and asked if I wanted her to relieve me since "we are here for the same job" and then proceeded to tell me that she was going to go back to watching me. I replied that we were here to watch the ballots and not the other challengers.

Dated: November 8, 2020



Mordechai Mandelbaum

Mordechai Manzelbaum

Subscribed and sworn to before me on: *November 8, 2020*

Is: *Philip Needham*

Notary public, State of Michigan, County of: *Macomb*

My commission expires: *06/12/2026*

PHILIP NEEDHAM  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Jun 12, 2026  
ACTING IN COUNTY OF *WAYNE*

## Affidavit of Patricia Rose

State of Michigan

County of Oakland

The undersigned, Patricia Rose, being duly sworn, hereby deposes and says:

1. I am over the age of 18, and am a resident and registered voter of the State of Michigan, and
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. On November 4<sup>th</sup>, 2020, in response to a request from the Michigan Republican Party, I, along with my husband, Gary T. Rose, volunteered to become Official Election Challengers at the TCF Center in Downtown Detroit to watch the process of handling and counting Absentee Voter Ballots in the 2020 Presidential Race.
4. While randomly observing the Tabulation area, where ballots from the various Precinct Pre-Processing Counting Boards were sent to be tallied, we noticed a female election worker feeding ballots in stacks of about 50, into one of the many Canon scanner tabulators in the area.
5. **The ballot stack she was feeding in kept getting jammed. Rather than stop and go seek the assistance of a supervisor or technical support person, she removed the remaining ballots in the in-feed tray, and kept taking the scanned ballots off the top feed and adding them back to the stack, reinserting the whole stack again, and scanning them in again.**
6. **That process happened 3 times in a row at that one scanner. My husband raised his hand at about the same time as I observed some other Challengers around me raising their hand as well.**
7. **No supervisor came to our aid. We observed her feeding in the same stack a fourth time.**
8. At that point, my husband and I walked down to the center of the long Tabulation area to an elevated platform where the supervisor was likely to be. We located the area supervisor and told him of the problem.
9. **He then summoned a "tech guy" who came and stood next to him. I started describing the problem to the tech guy who stopped me and said he couldn't talk to me. So, I turned a few degrees and addressed these concerns to the supervisor who then repeated those same concerns to the tech guy.**
10. The supervisor asked which tabulator was involved. We walked back down to the area and identified Tabulator ICC#8.
11. Many moments later, the tech guy opened up the top of her tabulator, apparently cleaned or adjusted some parts, closed the top and walked away, as did the Supervisor, with no more words to us. They just walked away.
12. After the batch was tallied by the tabulator, the scanned ballots were rubber banded together with an identifying sheet on the top of the stack and placed into a precinct steel box with a lid on top.
13. I asked the woman if I could have some identifying numbers for that batch because I was concerned about how many times that batch had been put through the tabulator. The numbers

involved were: ICC#8, Batch #50 into Box 38. She showed me the identifying numbers. Then she placed the stack into the box.

14. I observed other batches being rerun at ICC#4: Batch#48, into Box#18; Also, at ICC#4, Batch #44 going into Box #18 and Batch#39 going into Box #18.
15. No technical or supervisory assistance was offered to the election worker at ICC#4, despite the fact that multiple batches had to be re-run through the tabulator.
16. While trying to observe the numbers attached to the batches at ICC#4, I asked the election worker if she could read the numbers to me. At that point, another election worker and 2 Democrat Challengers yelled that I cannot talk to the election worker. So, I took one step forward into the work space to collect the data I needed to identify the batches, the same 3 women pounced on me again verbally and said I was not allowed to get near the election worker either. At that point, other GOP Challengers surrounded me and informed me that I was within my rights to obtain that identifying data. I followed the rules by taking one step into the restricted area, and stepped back out all within one minute's time. I found the comments made by the other election worker and the Democratic challengers to be very hostile and threatening. They were speaking loudly and moving aggressively toward me. I believe they were trying to intimidate me, and mislead me into believing that I could not legally obtain this data. A GOP attorney came to my assistance and told me that I was allowed to do this and that I should fill out an incident report and file it with the Michigan GOP, which I did at about 2:30 pm and left at Room 260 upon my departure.
17. The reasons for re-running the batches of ballots through the tabulator remains unknown to me.
18. At around 2:30, I saw some police officers gathered in front of the entrance door, where other Election Challengers were attempting to get inside to observe the absentee ballot counting process, but they were not let in due to having reached excess capacity from a Covid-19 formula, we were told by police.
19. I asked the police captain that, if my husband and I were allowed to go out, whether they would allow 2 more GOP Challengers to come in, and he said no.
20. We waited until the commotion died down a little bit, signed out, and then left for return home.
21. Both my husband and I could not figure out why the Tabulator operators would rerun the entire batch if there was a jam, instead of immediately calling a technician or supervisor for assistance. They did not request assistance and did not receive any until I requested it for them.

Executed this 6<sup>th</sup> day of November, 2020.

By: \_\_\_\_\_

Patricia Rose

*PS. Rose*  
11/8/2020

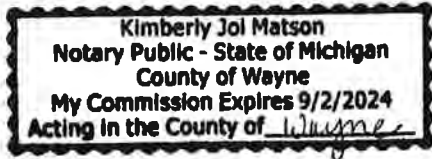
NOTARY ACKNOWLEDGEMENT

EXHIBIT 1

State of Michigan

County of Wayne

Kimberly J. Matson 11/8/2020  
Notary Public



Kimberly J. Matson, Notary  
Title and Rank

My commission expires: 9/2/2024

**AFFIDAVIT OF PAULINE MONTIE**

Pauline Montie, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 3, 2020 I was working as a poll challenger and was standing at a table in the room where ballots were being processed.
4. I was instructed that I needed to be back form the table at least 6 feet.
5. Each table had a computer monitor on the corner for poll challengers to watch.
6. Slowly the table workers kept moving the computer monitor further back away from the edge.
7. I told the table supervisor that I couldn't see the monitor from where it was sitting in its pushed back position.
8. The supervisor said, "too bad." She then informed me that I needed to get back 6 feet from the table.

Dated: November 8, 2020

*Pauline F Montie*

Pauline Montie

*Pauline F Montie*

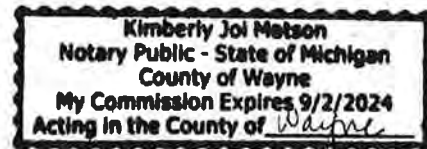
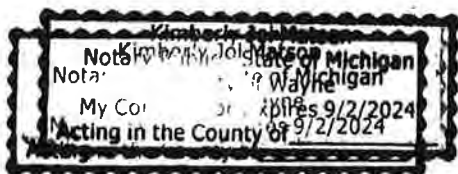
Subscribed and sworn to before me on: *11/8/2020*

*Kimberly Matson*

Notary public, State of Michigan, County of:

My commission expires:

*Kimberly J. Matson*



**AFFIDAVIT OF RICHARD B. ATKINS JR.**

RICHARD B. ATKINS JR, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. Attended TCF on 11/03/20 from 10:00 pm to 8:00 am. I submitted several written reports at the TCF center that will provide specific details. Collectively, main complaints include: Name on ballot envelope did not match name in poll book, I challenged and received push back from supervisor. Counting table #26 continued to aggressively obscure my view. Specifically seat #1 obscured his view by moving the ballot envelopes from where I could see them to in front of her body so that I could not see the names on them. Believed to be Table #122 Computer went down, but all 5 workers continued through opening ballots while the system was worked on. Continued to process with disregard for permitted process. Additional tried to observe the duplication process received push back consistently.

Dated: November 8, 2020

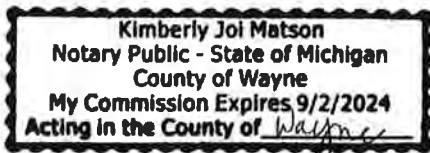
*RBAJ* 11-8-2020

RICHARD B. ATKINS JR  
*Richard B Atkins Jr,*

Subscribed and sworn to before me on: 11/8/2020

*Kimberly J Matson*  
Notary public, State of Michigan, County of: *Wayne*

My commission expires:  
9/2/2024





**AFFIDAVIT OF [Robert Zimmerman]**

[Robert Zimmerman], being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a poll challenger on November 2<sup>nd</sup> and the 4<sup>th</sup> 2020 at Wayne county TCF center. Monday I was there from 3:15 pm till around 10:30 pm. I was an election worker on Tuesday the 3<sup>rd</sup> of November at precincts 360, 361, and 362. I was there from 8:15 am till around 9:30 pm.
4. The only things I felt or noticed wrong were at TCF. Thus, from here forward only deals with TCF.
5. I witnessed challengers being harassed to back away from the ballot counting tables because of covid reasons on Monday at TCF center.
6. I observed multiple spoiled ballots never seemed to get resolved.
7. Sticky notes were used in two different regards for procedures to flag the first ballot in a batch or to note discrepancies, which became confusing because they served two purposes.
8. On November 4<sup>th</sup> at TCF center as a poll challenger, I was denied access into the counting room for a reason that they were at capacity.
9. It was apparent to me that I was not allowed access so I left the immediate area on Wednesday.
10. I observed the windows were covered and people could not see through.
11. I personally believe there was more evidence that suggest that what people voted on did not match the voted count.

Dated: November 8, 2020



Robert Zimmerman

734-735-1101

Robzimfam@gmail.com

Robert F. Zimmerman

11/08/2020

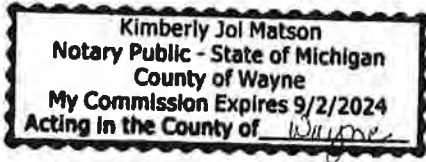
Subscribed and sworn to before me on: 11/8/2020

1st Kimberly J. Matson

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



**AFFIDAVIT OF RUTH LANGER**

RUTH LANGER being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. Attended TCF on Wednesday approx. 1:00 pm as a poll challenger. Observed Democratic challengers by credentials being allowed entry. Stood at entry door until approx. 4:00pm to be let in. Observed counting table inspectors sitting idle. Waited for another hour Followed ballots to the counting table. Observed several ballots on computer with birth years of 1900. Told she would be removed for too many challenges. Also observed a few military ballots that were opened prior to arriving at the counting table. Witnessed several challengers being escorted out with cheering. Consistently told to step back/ remained vigilant in spite of obviously hostility.

Dated: November 8, 2020

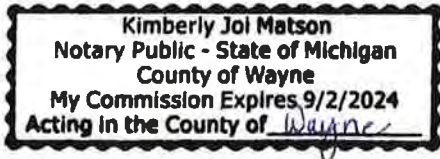
Ruth Langer

RUTH LANGER  
Ruth Langer  
586 441-8832  
Nov. 8, 2020

Subscribed and sworn to before me on: 11/8/2020

by Kimberly J. Matson  
Notary public, State of Michigan, County of: Wayne

My commission expires:  
9/2/2024



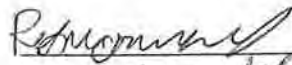
### **AFFIDAVIT OF RYAN ARNOLDY**

RYAN ARNOLDY, being sworn, declares under penalty of perjury:

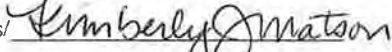
1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter and credentialed Poll Challenger in the State of Michigan.
3. On November 4, 2020, I arrived at the TCF Center in Detroit Michigan to volunteer as a Poll Challenger for the GOP. I was told that the Absentee Voter Counting Board was heavily populated by Democrat challengers and was in need of GOP challengers.
4. I arrived at approximately 5:00 p.m. As I approached the entrance to the Counting Hall there was a crowd of people outside who appeared to be waiting to enter but were being denied access by Detroit Police officers.
5. I walked up to the main entryway to the Counting Hall and showed my poll challenger credentials to the Police Officer at the entrance. He told me that only media was allowed in.
6. During the time I was there, from about 5:00 pm to 6:00 pm, I saw about 15-20 people exiting the Counting Hall and about 10 people entering the same Counting Hall while I was there waiting outside the door.
7. Of those people entering, some held cameras and appeared to be media, but others who were allowed entry did not have any visible sign that they were media, no credentials or badges around their necks that I could see.
8. My second attempt to gain entry was at about 5:30 pm and again I was told I was not allowed entry into the Counting Hall.

9. I asked the Police Officer at the door why they were allowing the media in and why I was not allowed in as I have Poll Challenger credentials and the counting is continuing to go on. He again said only the media was allowed entry.
10. I asked him who had given him these instructions. The Police Officer replied that they were orders from above and that he, the Police Officer, was just there to enforce the orders from above.
11. At 6:00 pm I left TCF Hall wondering why they allowed the media in but barred Poll Challengers while the counting was continuing.

Dated: November 8, 2020

  
\_\_\_\_\_  
Ryan Arnoldy  
[Ryan Arnoldy]  
11/8/2020

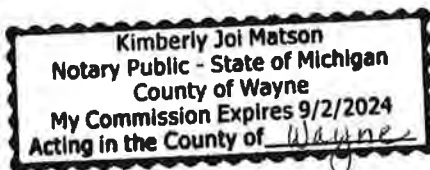
Subscribed and sworn to before me on: 11/8/2020

/s/ 

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



**AFFIDAVIT OF:  
SAMUEL I HARRIS  
4391 Forest Ave., Waterford, MI 48328  
Ph# 248-819-9939**

Samuel I Harris, being sworn, declares under penalty of perjury:

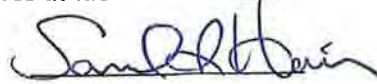
1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. Description: Intimidation of MIGOP Poll Challengers, systemic suppression of GOP participation and ability to view ballots by multiple election workers and Supervisor David Nathan.

The 6' distance rule was applied to all GOP Poll Challengers, but relaxed for other party Poll Challengers. Additional issues and ballot duplication efforts were discussed in whispers between poll workers instead of sharing the information with all of those observing. Numerous issues that were identified: date of birth errors (multiple voter birth dates of Jan. 1, 1900, ballots not matching envelop numbers, voters not in the district, every military ballot was not duplicated.

Meetings held by Daniel Baxter and David Nathan were held multiple times in a shoulder to shoulder manner, again in soft whispers to prevent Poll Challengers from hearing the discussion. A few points captured included – not sharing duplication efforts with GOP members, policy changes and management of GOP Poll Challengers. Several poll workers shouted at me that I was not supposed to be present at their meetings. Good GOP Challengers were targeted by Democrats and followed around by two or more. IBEW members collaborated with Democrat Poll Challengers

and Poll workers to stand shoulder to shoulder to block GOP Poll Challengers view.  
EOD Supervisors made no attempts to correct this when the issue was brought to  
them. I was verbally assaulted with racial slurs at table ICC 10 and 48.

Dated: November 8, 2020



Samuel I Harris

11-8-2020

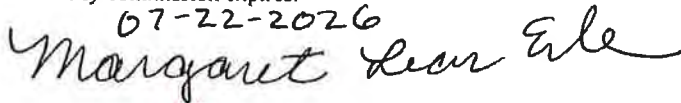
Subscribed and sworn to before me on:

/s/ November 11, 2020

Notary public, State of Michigan, County of:

My commission expires:

07-22-2026



**MARGARET LEAR ERLE**

**Notary Public, State of Michigan**

**County of Wayne**

**My Commission Expires 07-22-2026**

**Acting in the County of Wayne**

## AFFIDAVIT OF SCOTT BRIGMON

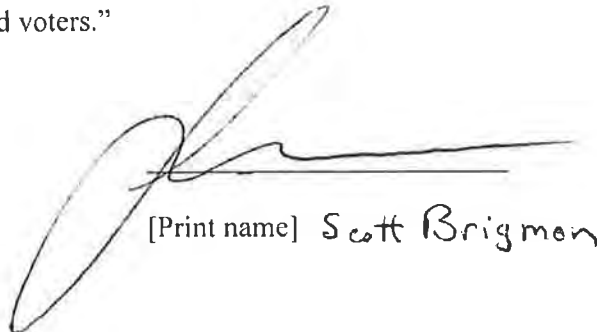
Scott Brigmon, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Wednesday November 4, 2020 I arrived at the TFC Center in Detroit, Wayne County, Michigan at approximately 12:30pm. Upon arriving I received credentials as a non-partisan challenger for the counting of ballots. At that time I was told by an attorney for the City of Detroit that no more challengers could be admitted to observe counting tables until other challengers left. It was not clear to me how they determined the number of challengers present and I believe their count included Republican challengers who had already left.
4. At approximately 7:30pm I was informed by an employee of the City of Detroit that I would be admitted in a group of four non-partisan challengers. I then went to a counting table that was also being monitored by a Democrat and a Republican challenger. An envelope containing absentee ballots came to this table that had been mailed to Mount Clemons, Michigan. I challenged this ballot because it was mailed to an address outside of Detroit, but was returned to Detroit.
5. At approximately 8:30pm I went to another counting table. At this second table there was a Republican and Democrat challenger. The election workers at this table began scanning envelopes containing absentee ballots into a computer. The computer would display a profile with the voter's information after the envelope was scanned. While at this table I witnessed an envelope being scanned and the computer displayed "unlisted



voter.” The election workers manually entered information into the profile for this envelope into the computer system. I witnessed the election worker enter in a birthdate of 1/1/1900 for this envelope. The Republican challenger challenged this ballot. I witnessed a similar situation occur thirteen more times and I challenged these thirteen ballots. In all of these situations the ballot was scanned and came up as “unlisted voter,” the election worker then manually entered information into the computer including the 1/1/1900 birthdate. The Republican challenger challenged other additional ballots for the same reason. At this table I also noticed election workers manually input the same name into two separate profiles in the computer system for envelopes that scanned as “unlisted voters.”

Dated: November 7, 2020



[Print name] Scott Brigmon

Subscribed and sworn to before me on:

/s/ Wesley M. Russin

Notary public, State of Michigan, County of:

My commission expires: 9-9-2026




### **AFFIDAVIT OF STEPHANIE KRAUSE**

Stephanie Krause, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a Republican Poll Challenger on November 4, 2020 at TCF Center in Detroit Michigan.
4. I experienced intimidation the entire time from 8:30 am to 12:00pm., that I was on the floor attempting to observe.
5. Any time I would approach a table to observe, Democratic poll challengers would block the viewing; the Democratic challengers would try to distract us from observing the information on the monitor.
6. I did attempt to speak with other Republican poll challengers to discuss how to effectively observe, but we were told we could not converse amongst ourselves.
7. If masks of Republican poll challengers slipped off their noses, they were escorted from the premises, but if a Democratic poll challenger's mask slipped, they were allowed to stay.
8. As I was speaking with another Republican poll challenger, a woman suddenly appeared and claimed the other Republican poll challenger was "harrassing" her. He was not, he was speaking to me. The police however came and escorted him away.

9. I left for lunch and was denied re-entry. I was never permitted re-entry. Democratic poll watchers were permitted re-entry, but Republican poll challengers were told the building was "at capacity".
10. After I was denied re-entry, I stayed in the lobby in case we could relieve other Republican poll challengers.
11. No new Republican poll challengers were permitted to enter, but Democratic poll challengers were permitted to enter, as well as ACLU and press.
12. Around 2:30 or 2:40 in the afternoon, the poll workers took used pizza boxes and taped them to the windows so no one could see what was occurring on the floor.
13. I was effectively prevented to poll watch or challenge. It was literally impossible to observe or make challenges. When I inquired as to why my challenges were not accepted, I was told the rules "no longer applied".
14. I left the TCF Center at approximately 6:30pm on November 4, 2020

15. Dated: November 8, 2020

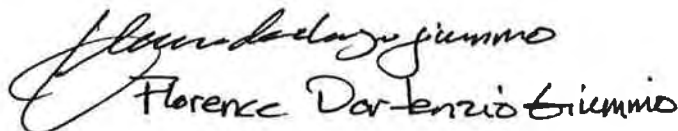
  
Stephanie Krause  
Stephanie Krause

Subscribed and sworn to before me on:

/s/ 08 November, 2020

Notary public, State of Michigan, County of:

My commission expires: 06-14-2022

  
Florence Dar-Enzio Giunno

**AFFIDAVIT OF TERRY POPLAWSKI**

TERRY POPLAWSKI being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. At TCF on Wednesday arrived at approx. 12:00 pm as poll challenger. I was prohibited from entry to the counting floor. Told to wait as they were already over capacity. Kept door closed. Waited until approx. 4:45 pm when returned home.

Dated: November 8, 2020

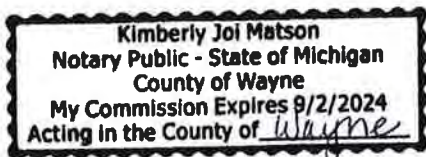
*Terry L. Poplawski*

TERRY POPLAWSKI

248 661-5141 *Terry L. Poplawski*

Subscribed and sworn to before me on: *11/8/2020*  
*Kimberly J. Matson*  
Notary public, State of Michigan, County of: *Wayne*  
My commission expires:  
*9/2/2024*

*11/8/20*



## **AFFIDAVIT OF ULRIKE SHERER**

Ulrike Sherer, being sworn, declares under penalty of perjury:


1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a Republican Poll Challenger on November 3, and November 4, 2020.
4. On November 3, 2020 I was observing at TCF Center in Detroit Michigan.
5. I began observing @ 7:00 am on November 3, 2020
6. I observed several irregularities.
7. There was no signature comparison being conducted on absentee ballots. There were stacks of ballots in "post office" bins in their envelopes, on tables identified by precinct number.
8. The person that was at the e-poll computer would scan the envelope and pass it to another person who separated the envelope from the secrecy envelope that contained the ballot.
9. The next person would take the ballot out, roll it to flatten it, tear off the perforated stub with the ballot number and then put the ballot into a box identified as the "tabulation box" that was then taken to a tabulator. The tables had 5 poll workers at each table. Each poll worker was supposed to have a separate job in the verification process. This did not happen. Each of the 5 poll workers just opened the ballots and put them in the tabulation box.
10. The first ballot I observed was scanned, but had no corresponding name on the data base, but he had a voter number. However, his date of birth was 1921 but he registered

to vote in 1900. When I challenged the ballot, the poll worker said it does not matter. When I asked the supervisor, the supervisor refused to take action. I then wanted to fill out an incident report and requested a ballot number and name and the supervisor refused me the information and told me "we don't do that here".

11. The next ballot I observed was allegedly the wife of the previous voter born 1924, registered to vote in 1900. Same denied process to challenge. They flipped the ballots over so I was unable to retrieve the information for my challenge report.
12. A poll worker told me that they had ballots on Tuesday that they had "partially processed on Monday". With these repeat ballots, they were divvied up amongst poll workers, they each individually processed the ballots without going through the 5 step process that each ballot was supposed to be confirmed. Therefore, the separation of the ballot envelope and the ballot number eliminated any traceability.
13. Specifically, there was no post mark verification; there was no ballot review for stray marks; there was no verification of the voter existing in the data base; there was no signature comparison or authentication.
14. These non-verified ballots were then placed in a box and then a separate worker took the box to the tabulator, without any review.
15. As a challenger I was prohibited from observing the postmarks.
16. As a challenger I was prohibited from observing the ballot duplication process by poll workers moving in front of me to block me from watching the duplication process. During duplication the poll workers duplicating the ballots hovered over the ballots blocking observation.

17. Once the duplicate was made, they deposited the original into an envelope and we were not able to see what happened to the envelope. Upon inquiry as to the disposition of the originals, it was clear that too much inquiry would result into dismissal from the site.
18. On November 4, 2020, I returned to TCF at 6:30am.
19. I observed incomplete and inconsistent E-poll documentation.
20. The E-poll system allowed ballot acceptance even when date of birth and/or voter registration dates were suspect.
21. Ballots were processed on November 4, 2020 without being verified as being in E-poll or the absentee voter list. It can be observed that these ballots were sequential, highly suggestive of fraud.
22. I also experienced attempts at intimidation. When the voting stopped, Republican poll watchers arrived and the poll workers blocked the windows so it could not be seen what was occurring inside. We were also told we could not speak to press.
23. The newly arrived poll workers called us on the phone informing us that they were present, but were barricaded onto the roof and being denied entry. When I attempted to inquire about their entry, I was told they were "rioters"
24. Other forms of intimidation were body blocking, deprivation of chairs to sit in. Then when Republican poll challengers left to get food or drink, they were denied re-entry. I was also told a SWAT team was there to make sure we did not "argue too much".

25. Dated: November 7, 2020

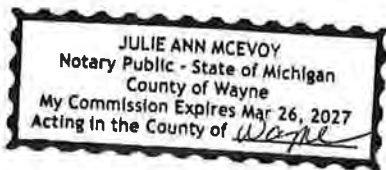
  
ULRIKE SHERER  
Ulrike Sherer

Subscribed and sworn to before me on:

/s/ *Julie Ann M G 11-8-2020*

Notary public, State of Michigan, County of:

My commission expires:





## AFFIDAVIT OF WHITNEY MEYERS

Whitney Meyers, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
  
2. On November 3, 2020 I was stationed as a volunteer for the Republican Party outside of the Detroit Department of Elections at 2978 W. Grand Blvd. I was there three times throughout the day. To the best of my recollection I was there from approximately 7:30am to 9:00am, from approximately 11:00am to 2:00pm and from approximately 6:45pm to 8:20pm.
  
3. On the street in front of the Department I witnessed workers with "Detroit Elections" aprons on collecting ballots from cars. I witnessed multiple drivers in cars drop off multiple ballots, including more ballots than people in the car.
  
4. I also witnessed workers with "Detroit Elections" aprons handing t-shirts and food into cars dropping off ballots. The t-shirts appeared to be from a non-profit voting advocacy group.
  
5. At 8:00pm workers from the Detroit Department of Elections locked the front door of the office, said they were accepting no more ballots and ceased to collect ballots from cars.

6. There was a ballot drop box in front of the Department of Elections office. After 8:00pm and after workers of the Detroit Department of Elections announced they were accepting no more ballots I witnessed an individual place ballots into the drop box before workers from the Detroit Department of Elections had a chance to place a lock on it. Nothing was done to find or separate these ballots.
  
7. As workers from the Detroit Department of Elections were retrieving ballots from the drop box after 8pm and after it was announced that they were no longer accepting ballots, I witnessed a worker from the Detroit Department of Elections named "Travis" accept a ballot from a woman on the street and place it with the other ballots. I confronted him about this, but he did not remove the ballot.

Dated: November 7, 2020

*Whitney Meyers*

[Print name]

Whitney Meyers

Subscribed and sworn to before me on:

/s/ *Leslie M Persin*

Notary public, State of Michigan, County of:

My commission expires: *9-9-2026*



## **AFFIDAVIT OF WILLIAM GEORGE HENDERSON**

William George Henderson, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was in the TCF Center, Detroit, Michigan as a GOP poll challenger. I was in the vote tally area from approximately 1141 to 1945 local on 04Nov20.
4. When I entered the tally area I signed in at the desk and was told that I could come into and leave the tally area whenever I wanted to but once I left, expecting not to return, then I should sign out.
5. I left the tally area between approximately 1200 and 1228 for a few minutes and returned again. I was in the tally area from approximately 1228 until I signed out around 1945 local.
6. I was initially monitoring ICC#25 Tables 133 and 134 and then later started monitoring other tables in that area.
7. I was inside the ballot processing area when the doors were locked and Republican challengers were not allowed into the tally area. I witnessed the challengers attempt to get in. Around 1730 I walked around and noticed very few Republican challengers watching tables. I was only able to identify about 10 Republican challengers in the area.
8. At 1753 local I observed the Supervisor for Tables 133/134 say "Let's go over and help them". She took Inspector 1 from Table 134 with her to Table 131. The problem at ICC#25-Table 131 was that they had lost 8 ballot envelopes. The table was counting the ballot envelopes and could only account for 13 of the 21 envelopes that they should have had. They counted out envelopes 112 through 125 but could not find envelopes 126 to 133. After much discussion Table 131 Inspectors, both supervisors and Inspector 1 from Table 134 all agreed that the ballot envelopes were sent back without having been opened to the ballot holding area via the Problem Ballot Box. Inspector 1 said he would make a note in the computer. Nobody was assigned to go to the holding area to confirm that those ballots were processed somewhere else. The envelope numbers and names were in the system assigned to Table 131 for processing.

9. Around 1925 local Supervisor for ICC#25-Tables 133 and 134 hand delivered 4 ballots for processing. She told Inspector 1 that the four ballots have already been certified and that Inspector 1 will type the voter information into the computer and process the ballots. She then gave two ballots to Inspector 1 for Table 134 and went to Table 133 with the other two ballots. About 1927, I watched Inspector 1, Table 134 input the following information into the computer - . . . . . Detroit Michigan 48228, Date of Birth 01/01/1900. Initially the inspector input 01011900 without the slashes but the system would not accept the info. The table then processed the ballot, number 858. I then went over to and watched Table 133 process ballot number 837 via hand input at 1932 local. I went back to table 134 and watched them finish processing the third ballot. Then at 1935 I watched them hand input the fourth ballot, number 807 at table 133. I watched both tables walk the ballots over to the ballot counting area and watched that the ballots were counted and stored in the ballot storage boxes. At 1937 I watched Ballot 603 hand input and processed at ICC#25, Table 130.
10. Around 1945 I asked the entrance area personnel to leave and come back. I was told that I could not be guaranteed re-entry as they were over capacity for republican and democrat challengers. I had recently walked down to column 3 or so and found only around 10 republican challengers watching the tables. The room overall was less crowded than when I had arrived at 1141. I signed out around 1945 local and was told to exit through a different set of doors on the opposite side of the hall from where I had been monitoring tables 131 thru 134. As I went out the doors, I observed one Detroit police officer monitoring the doors. As I exited the hall, two people, one walking and one in a wheel chair were approaching the doors from outside the hall. They caught the door before it closed and entered the hall.

Dated: November 8, 2020



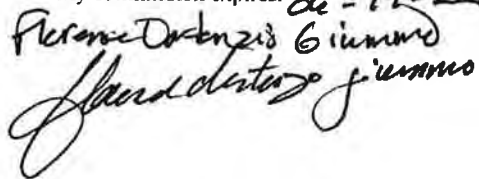
William George Henderson

Subscribed and sworn to before me on:

/s/ OB November, 2020

Notary public, State of Michigan, County of:

My commission expires: Dec - 14 - 22



## AFFIDAVIT OF ZACHARY BASLER

Zachary Basler, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 3, 2020 I was a poll challenger for the Republican Party of Michigan.
4. At approximately 6:30pm I was at Detroit Precinct 229 at the Greater Emmanuel Church in Detroit Michigan.
5. I did not observe any voters filling out applications. I asked an election worker about this and he showed me a stack of applications that had been filled out. But I never observed anyone fill one out while I was there.
6. I was told by election workers that I had to stand six feet away from everyone, but the Democrat poll challenger and election workers were not being required to follow this rule.
7. I asked to stand behind the table, where poll challengers are supposed to be stationed, and was told I could not do so unless I was actively challenging a vote. I could not

observe the process in order to be able to actively challenge votes without being behind the table. This impaired my ability to properly monitor and challenge.

- 8 Election workers physically stood in front of me to block my movements and yelled at me in a way designed to intimidate. These actions interfered with my ability to effectively observe and challenge.

Dated: November 8, 2020

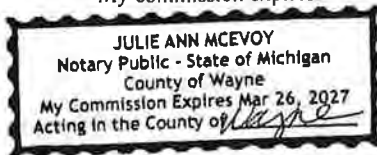
Zachary K. Basler  
[Print name] *ZK Basler*

Subscribed and sworn to before me on:

*1/s/ [Signature] 11-8-2020*

Notary public, State of Michigan, County of:

My commission expires:

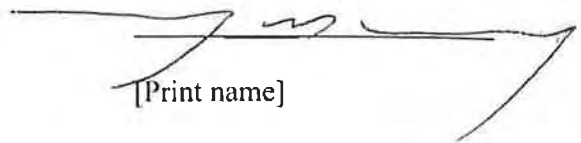


**AFFIDAVIT OF ZACHARY VAUPEL**

Zachary Vaupel, being sworn, declares under penalty of perjury:

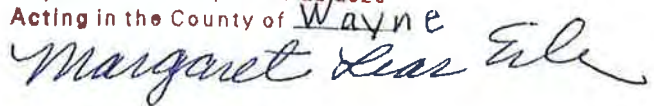
1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Wednesday November 4, 2020 I was a Republican challenger at the TCF Center in Detroit, Michigan.
4. I monitored table 62 in the TCF Center. While at table 62, I observed an election worker stacking ballots that could not be identified in the E-poll system. I asked that election worker a question regarding these ballots. A Democrat challenger objected to me asking a question. The Democrat challenger brought over an election supervisor who insisted I not ask questions. I ask this election supervisor his name and he told me he was "Dwayne Montcrief." Mr. Montcrief then called me an obscene name and called over another supervisor. I believe this second supervisor was one of the highest ranking officials at the TCF Center and he also told me to not ask questions.
5. Throughout this time I was told by election workers where to stand. Some of the places they told me to stand made it difficult to properly and observe and challenge.

Zachary M Vaupel

  
[Print name]

Dated: November 8, 2020

Subscribed and sworn to before me on: 11/08/2020  
/s/ \_\_\_\_\_  
Notary public, State of Michigan, County of:  
My commission expires:

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22, 2026  
Acting in the County of Wayne  


## AFFIDAVIT OF ANTHONY DELUCA

Anthony L. DeLuca, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I arrived at the TCF Center in Detroit Michigan to volunteer as a poll challenger for the GOP.
4. I arrived at approximately 1:30 p.m.
5. As I approached the entrance to the TCF Center on foot from Washington Boulevard, there was a crowd of people outside the entrance of the building trying to enter to volunteer.
6. They all appeared to be there to volunteer on behalf of the GOP but were being denied access by Detroit Police officers.
7. I approached a police officer and told him that I was there to volunteer.
8. He asked me "which party, GOP?"
9. When I answered affirmatively he stated that I would not be allowed to come inside the building because they weren't letting any more volunteers in on behalf of the GOP.
10. When I told him that I was an attorney and showed him my bar card he reluctantly agreed to permit me to enter, but specifically forbid me from going to room 260, which is where I needed to go to become credentialed as a poll challenger.
11. He told me I was only allowed to go to the ABC board, which is where the ballots were being counted and processed.



12. I entered the ABC board area, but was told to leave by an individual who was not a police officer. When I, again, stated that I was an attorney and showed my bar card this individual told me to stand against the wall. He informed me that I was not allowed to enter the area where the ballots were being processed.
13. From this area I could see that many of the tables where ballots were being processed did not have any challengers at them. They only had two or three people sitting in chairs purportedly processing ballots.
14. During this time I witnessed individuals inside the ABC board area placing cardboard over the windows at the entrance to the area so the people who were not being allowed in could not see inside.
15. After some time, I spoke with someone who was with the Trump campaign and was told to go to room 260.
16. I approached room 260 without incident and received my credentials to volunteer as a poll challenger.
17. However, when I tried to get back into the ABC board area, the Detroit Police were not letting anyone inside.
18. There was a large group of us demanding to be let in to work as challengers. We all appeared to be there to volunteer on behalf the GOP.
19. During this time I met another lawyer who was from New York and was part of the John James campaign. He was not allowed to enter the ABC board area either. Other individuals were permitted to enter the area, but when we tried to follow them in we were physically prevented from getting through the door.

20. After some time, Lawrence Garcia, a lawyer for the City of Detroit, along with the individual who had told me to stand against the wall came outside of the ABC board area to address the crowd.
21. The latter stated that the reason they were not letting people inside was because both parties were at capacity. He stated that 130 challengers per side were allowed inside. He stated that he was basing his belief that the GOP was at capacity because he was in possession of a "book" with the names of the volunteers who had signed in to challenge ballots, but then stated that if those people did not sign out when they left, that was their choice.
22. Mr. Garcia spoke as well and stated that if the GOP challengers that had signed in did not sign out it was not "our problem."
23. Even though GOP volunteers were not, in fact, at capacity, we were still not allowed to enter and contest ballots.

Dated: November 9, 2020



Anthony L. DeLuca

Subscribed and sworn to before me on: 11/9/2020

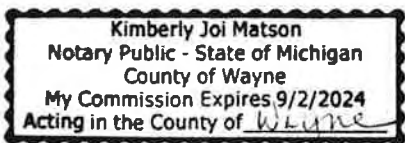
Kimberly Matson

11/9/2020

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



## AFFIDAVIT OF MARC RUSSELL

Marc Russell, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan and the City of East Lansing.
3. I was a Republican Poll Challenger on November 3, 2020 from approximately 5:30 pm to 9:00 pm
4. While voting at my home precinct in the morning, I witnessed at least 3 voters who stated that they had requested an absentee ballot, they had not received them, then were given regular ballots without being verified via call to the city clerk's office against the polling book.
5. John, the precinct chair, and the poll workers were hostile and attempted to intimidate me by telling me they felt very threatened by my presence.
6. At approximately 6 pm, the chair called the city clerk and complained about my presence. The city clerk, Jennifer, arrived, made false accusations such as talking to voters and threatened to kick me out. I politely explained I needed to perform my role as a challenger and could not do so with the requirement of staying far away.
7. No poll workers were required to remain six feet from one another and social distancing guidelines were not being followed. The social distancing guidelines seemed to apply only to republican poll challengers. In the end, the city clerk said I had to stay at least six feet away due to Covid, and if her employees still felt threatened she would return to expel me from the precinct.

8. Throughout the day, I experienced a pattern of hostility, intimidation, and secrecy by John and the poll workers.

Dated: November 8, 2020



Marc Russell

Marc Russell

11/8/20

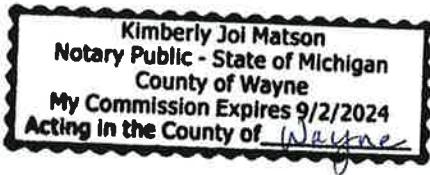
Subscribed and sworn to before me on: 11/8/2020

/s/ Kimberly J. Matson

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



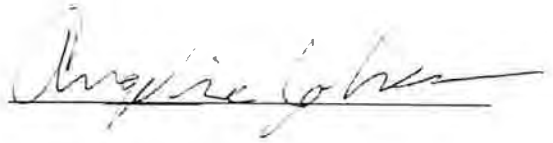
## AFFIDAVIT OF ANGELIC JOHNSON

Angelic Johnson, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4<sup>th</sup>, 2020 I was a challenger for the Republican Party at the TCF Center in Detroit, MI. I was there from approximately 9am to 6pm.
4. I observed an election worker who found what appeared to be a spoiled ballot and a duplicate ballot. The election worker asked a supervisor what to do with the two ballots and the supervisor told them to process both.
5. I observed Republican challengers being objected from the counting room and election workers cheered.
6. I attempted to leave the counting room for lunch, but as I was about to do so I observed an election worker loudly announce that no one else would be allowed into the counting room. At that time Republican challengers had arrived to take the place of challengers who had already been there for hours, but they were not allowed in.

7. I observed cardboard being placed on the windows of the counting room to block the view of challengers who could not get in.
8. I heard a man yell "we gonna get yall" and I believe this was directed at Republican challengers.
9. I observed a Republican lawyer being ejected and he said it was because he had "asked for a count."

Dated: November 8, 2020



Angelic Johnson

Angelic Johnson

Subscribed and sworn to before me on:

1st 08 November 2020

Notary public, State of Michigan, County of: Wayne

My commission expires: 06.15.2022

Florence Dortenzio Giannino  
Florence dortenzio giannino  
acting in the county of Macomb

### **AFFIDAVIT OF Diana D. Burton**

Diana D. Burton, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. We were not permitted to speak with our Republican lawyer Tim Griffin on Monday and Tuesday At TCF Center AV counting board Hall E. Our Republican lawyer was being followed and admonished by a democrat who was harassing Tim Griffin, the lawyer.
4. My husband and I were assigned to work at TCF center on Monday and Tuesday Nov. 2,3. We arrived at 10 am and worked till 8 pm on Nov. 2. I was assigned to table 37 . Every challenged ballot was initially placed in the problem box. After a few hours the ballots began to disappear and when questioned the poll workers supervisor told me that they were being sent through with the rest of the ballots and would be “dealt with” on Tuesday election day.
5. On Tuesday we arrived at TCF AV counting board at 7 am and worked till 5 pm. Initially I was assigned to work at Table 28. The poll workers and supervisor were very hostile to me, and screamed at me to stay back 6 feet. I said I could not see the ballots from 6 feet and gave them a copy of Michigan law that says we are able to approach to see what we need to see and then maintain 6 feet after observing what needed to be observed. She screamed at me again and said NO you are not permitted to be closer than 6 feet.

6. I was reassigned to observe the tabulators after that, and while they were shut down for lunch and break I walked around the floor. On our way back from a break we saw an elections truck drive onto the hall floor and two men carrying two usps white plastic bins full of opened ballots. I asked them where they came from and they said they didn't know, "I'm just doing my job". I followed them to central area and tables where ballots were waiting to be tabulated and asked the women supervisor (approximately 4 pm) what were these opened ballots. She said they are blank ballots and said they needed more blank ballots because they ran out. They ran out, she said, because of filling out so many duplicate ballots.
7. I walked around the floor again and observed many people at many tables filling out duplicate ballots. I told several tables that the law requires a Republican and a Democrat pollwatcher to complete duplicate ballots. I was screamed at and told that was not true. At one table we were not allowed to look at the duplicate being completed.
8. At multiple tables we were told the reason for the duplicate ballots was due to wrong precinct which means it had wrong address. They would take that ballot and complete a duplicate ballot for the precinct to which that ballot had arrived.

Diana D. Burton  
*Diana D. Burton*

Diana D. Burton

Subscribed and sworn to before me on:

*Nov 2020*

Notary public, State of Michigan, County of: *Washtenaw*

My commission expires: *06/14/2022*

*Florence Dortenzio Giunco*  
*acting in county of Washtenaw*

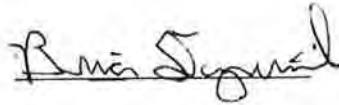


**AFFIDAVIT OF BRIAN DRZEWIECKI**

Brian Drzewiecki, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Tuesday, November 3 2020 I was non-partisan challenger at the TCF Center in Detroit, MI. I was at the TCF Center from 6:30am to 8:30pm.
4. I observed table 62 from approximately 7:00am to 8:00pm.
5. I observed election workers process ballots that did not match the poll book. I inquired about this and the election workers said they just have to make an electronic note on the poll book. The election workers said this is how they were trained.
6. I observed the poll workers just looking for a signature, not a matching signature.
7. I observed the poll workers letting duplicate ballots be made with no Republican witnesses.

Dated: November 8, 2020



[Print name]

BRIAN DRZEWIECKI

Subscribed and sworn to before me on:

✓ 08 November 2020

Notary public, State of Michigan, County of: Wayne

My commission expires: 06-16-2022

Florence Dardenzio Ciunzio  
Florence Dardenzio Ciunzio  
acting in the county of Macomb

7

## AFFIDAVIT OF JAZMINE EARLY

Jazmine Early, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a Republican challenger at the TCF Center in Detroit, Michigan from approximately 11:00am on November 4, 2020 until 7:00am on November 5, 2020.
4. I first went to observe table 17. The Democrat challenger at table 17 acted in an aggressive and intimidating manner.
5. I then went to another table, but there was nothing happening at that table, so I moved to table 26.
6. At table 26 there was an election worker named Brianna and an election worker name Angel. There was also a non-partisan challenger and a Democrat challenger.
7. Election workers Brianna and Angel consistently attempted to impede my ability to observe and challenge ballots. They acted in a manner that I believe was designed to intimidate me.
8. Some ballots had information that needed to be manually entered into the computer system. Due to a lack of visibility, I could not properly observe this process and began challenging all of these ballots. I took notes of these ballots numbers.

9. I began to notice election workers complaining about Republican challengers and attempting to get Republican challengers removed from the counting room.
10. I noticed Brianna and Angela talk to several people about me.
11. A male election worker came over and told me to move away from the table or I would be removed. I told him I was doing nothing wrong. He remarked that English was not my first language and that because of this I should not be taking part in this process.
12. At approximately 3:50pm, I saw Brianna and Angel talk to several police officers. Five police officers surrounded me and told me that I was getting too close and disrupting the election workers. I told them that this was a lie. I believe the election workers lied about me because I was a Republican.
13. As other Republican challengers were kicked out of the room during this period, the election workers would cheer. Election workers cheered and taunted Republican challengers in a way that I believe was designed to intimidate them.
14. At approximately 7:15 pm I observed election workers take ballots and envelopes from a "problem ballot" tray and combine them with a stack of empty envelopes. I asked about this, but was not given an answer.
15. I observed military ballots being duplicated due to potential problems. It was not clear what happened to the original ballots. I was not given an answer about this.
16. At approximately 7:48pm I noticed election workers manually entering information into the computer system for some ballots. I noticed that "1/1/1900" was entered as the birthdate for several different voters. I inquired about this to Brianna who said a birthdate was needed so they just entered that date. I

challenged these ballots, but was dismissed and they continued processing these ballots.

17. At approximately 9:27 pm I went to table 86. A supervisor told the workers at table 86 that they were not properly locking voters into the system.
18. After that I went to table 94. I observed election workers moving ballots in what seemed like an improper manner. I asked about it and was told I could not ask about that process. I did not have the ability to properly observe and challenge this process.
19. At approximately 12:08am, I spoke with a lawyer from a Republican campaign who informed me that tables were being left unattended with ballots at them. I observed the following tables unattended: 17, 43, 59, 79, 76,72, 55, 57, 36, 30, 29, 22, 8, 2, 9 134, 133, 20, 124, 120, 119, 12, 111, 113, 104, 109, 101, 95, 96, 93, 85, 5, 90, 88, 5, 85, 83, 82, 77, 68, 75, 74.
20. I observed boxes with ballots in them loaded up to leave the TCF Center that were not properly sealed. I requested them to be sealed before being taken out.
21. At approximately 5:17 am I observed trays being loaded into a truck that was pulled into the TCF Center. The truck was marked Penke Truck Rentals and had Indiana license plates. I inquired what was on the trays. I was told blank ballots. Then the truck door was closed and they left.

22. Throughout my time at the TCF Center I took notes detailing everything above.

Dated: November 8, 2020

*Jasmine M. Early*  
Jasmine M. Early

Subscribed and sworn to before me on:

*68 Nov 2020*

Notary public, State of Michigan, County of: *Wayne*

My commission expires: *06-14-2022*

*Florence D'Atenzio Exummo*  
*Florence d'atenzio exummo*

**AFFIDAVIT OF BRIAN PANNEBECKER**

Brian Pannebecker, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I applied to work as an election worker for Detroit for the 2020 General Election. I was never contacted back, despite applying and making several calls. I indicated I was a Republican on my application.
4. I was certified as a challenger by the Michigan Republican Party and went to the TCF Center on Tuesday November 3, 2020 and Wednesday November 4, 2020.
5. Throughout my time as a challenger over two days at the TCF Center I never encountered any election worker who identified themselves as a Republican.
6. I and other Republican challengers inquired to as many of the 134 tables as possible to try to find a single Republican election worker. We could not find any Republican election worker.
7. On November 3, over a period of several hours I only observed one election worker checking signatures.
8. At approximately 9:50am on November 4, I observed multiple ballots with illegible signatures at Table 1. I asked an election worker about verifying signatures and he said "that was done yesterday."
9. At approximately 12:00 noon on November 4<sup>th</sup>, I attempted to challenge a ballot at table 51. The table 51 team leader George refused to enter my challenge. I then went to two other election workers, Danny Baxter and Carol. Carol referred me to Chris



## AFFIDAVIT OF GLEN SITEK

GLEN SITEK, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. The events of Nov. 5, 2020 at TCF (Cobo Hall) at the AV boards. Being a Challenger credentialed with the Election Integrity Fund, a non-partisan 501C3 non-profit group working to document the fair and legal processing of absentee ballots did observe the following event. After 7 pm while checking with EIF challengers at the Counting Board tables a fellow worker Mikki Rudoff and I decided to witness the activity at the tabulators. While approaching machine #11, Mikki and I observed the operator addressing the jammed machine she was using. A stray ballot set aside to the left of her machine. Half of the ballots from the top bin were combined with remaining ballots from the bottom tray, stacked shuffled and then placed in the feeder and the machine was activated and tabulated without error. We did not observe the operator reset the machine counter before starting the recount. The operator quickly bundled the stack along with a count sheet and slipped them into a large soft sided bin on the floor opposite the tabulator work- station.
4. The operator quickly picked up the ballot on the table and exited the work area and into the adjoining arena where she located someone at Counting Board 54 ICC 11 and handed off the ballot to a worker at the table. While approaching the table I noticed no ballot processing being done effectively on break mode. I began scanning the area for a supervisor to ask about the ballot when the worker rose with the ballot and headed across the arena again. She went to the dais in center of the arena that served as the HQ. There the worker located table 54 supervisor Yolanda Brown and handed her the ballot that she added to 4 other ballots in her hand. After finishing her conversation with the area manager Yolanda proceeded to a table where she acquired 5 blank ballots to use in the duplication process and headed to table 54 and put 3 workers to the task. All 4 were crowded together for the instructions. So when she stepped back from them I immediately got her attention and introduced myself and asked if she was the table supervisor and she confirmed she was. I got her name and then asked if there was a Republican present to witness partake in the process She just stared at me and I told her I was there to confirm the process and a republican should be there. She admitted there was not. I asked if one was requested to be there. Again, she just stared at me and I shared that I was required to ask. She told me no she had not. I thanked her and went the left side of the table to observe the workers now working on the new ballots 06380 & 06381. I took a position on the outer table that put me on the main pedestrian walkway along the outer line of tables and next to adjoining worker break area. The workers glanced at me for moment and went to work. After a short time, it seemed the male worker closest to me was having



difficulty filling the spaces instructed by the 2 women and were having to physically point where he needed to mark. It seemed he might be able to read. He became agitated when he noticed me at this point and he told me "you got to leave". I immediately told him I needed to watch them duplicate the ballot. He then more loudly told me more loudly "you need to get away from you" I told him again I needed to finish witnessing the process. The male worker that loudly said you need to get away from me. Rose and stepped toward and shoved me away from the table. I stood there silently and waited a minute as I assessed the situation as a I glanced to my right and I saw 3 Detroit police standing 75 -100 feet away talking next to the outer arena wall. I approached them and addressed the closest officer and told him I had just been assaulted and wanted to file an assault & battery charge against the pole worker. He asked if I had been assaulted and I told him yes. By whom he asked? I pointed to the table and told him the male worker at table 54. Where? I turned and started back to the table to show them and upon arriving took up my previous position next to the table, they ewer now working on another ballot. The male worker looked up a me a loudly said "I told you, you need to stay away from him". I explained I had to witness the copy. And he responded as he did before. "I told you to get away from" stood up and shoved be a 2<sup>nd</sup> time. I was surprised I did not collide with 3 police officers walking in my direction. It looked like they were going to walk on by when I announced to them I had just been assaulted a 2<sup>nd</sup> time. I insisted on filing a police report and Sgt. Makey asked me if I was sure. I said I was. Officer Swilley was given the assignment to take my info, I asked for the assailants' name and he said it would be on the report and they would contact me. Sgt. Makey suggested I go work in a different area. And I asked if he was telling me not to do my job. He replied it was a suggestion. Sgt. Smith and one other patrolman were present. Because another challenger had showed up and was watching the ballot duplication I thought it better to report the incident to our organization and attorney.

Dated: November 8, 2020



GLE.N SITEK

Glen Sitek

Subscribed and sworn to before me on:

08 November 2020

Notary public, State of Michigan, County of Wayne

My commission expires: 06-14-2022

Florence Dortenzio Giannino

Florence Dortenzio Giannino

acting in the county of Macomb

**AFFIDAVIT OF Bridget Staruch**

Bridget Staruch being sworn, declares under penalty of perjury:

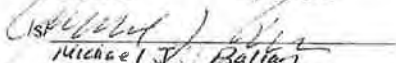
1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4<sup>th</sup>, 2020 at 6:40am, In the TCF Center Detroit, I witnessed AVCounting Board #122. All 5 members were simultaneously opening all of the (Approximate 200+ Ballots), they were pulling tabs at the same time, not in any order and were NOT scanning into the poll book on computer. No one was cross referencing the signatures either. Envelopes and Ballot tabs were scattered about.

4. Dated: November 7, 2020



[Bridget E. Staruch]

Subscribed and sworn to before me on:



Notary public, State of Michigan, County of: *Oakland*

My commission expires: *2/12/24*

## AFFIDAVIT OF KRISTY KLAMER

Kristy Klammer, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was at the TCF Center in Detroit Michigan from 7:00am to 10:00pm on Tuesday, November 3, 2020 and from 8:30am on Wednesday November 4, 2020 to 4:30am Thursday on November 5, 2020.
4. I along with many others were intimidated, harassed, verbally attacked, or met with resistance consistently on November 4, 2020 from Democrat challengers, independents, a lawyer, team leaders, and supervisors. I experienced a lawyer, 2 team leaders, and 3 others come as a group to come intimidate me after challenging a ballot in which I was met with much resistance. It never got put in the computer. I was told by a Democrat lawyer that I couldn't keep challenging the ballots and was told I might get escorted out. I was told by the same Democrat lawyer that I could not challenge every ballot. I asked the lawyer nicely, as she began aggressively accusing me & trying to bait me, if she was trying to intimidate me. She said "don't put words in my mouth. You're a liar." I walked away. I witnessed two other people experiencing a similar situation both times I stepped in to try to deescalate the situation. I was repeatedly lied to by different people and told things like I shouldn't be watching the ballots being duplicated and should "just let them do their job."
5. The events described above impaired my ability to properly observe and challenge.

6. At one point I had about 8-10 Democrat challengers all near me. I had two big guys come stand close to me and say "I think we're going to stand right here." My friend was silently raising her hand to challenge a ballot and no one was coming. A crowd drew and a man started attacking her verbally. I began to see a pattern of intimidation against Republican challengers. I also noticed a tactic of fake befriending & trying to ask lots of questions to Republican challengers to either gather info or distract you while trying to observe.
7. I walked around the whole room many times. At one point I walked around the whole room and saw about 3 confrontations.
8. Around early afternoon tensions began to rise there seemed to be a literal shift in the room. I noticed the team leaders, after one of their many meetings (I couldn't figure out why they met so often & it was frustrating because they were unavailable to us for a while during that time), began to become more aggressive. There seemed to be a distinct difference. There was a specific team leader that was helping to eject Republican challengers and really enjoyed making it a big scene as the police would escort out. He would walk with them and one time said "you wanted to go outside is that what you want." He was trying to get everyone riled up and he seemed to love the applause that would break out every time one of our attorneys or other Republicans were escorted out. I never saw a Democrat escorted out.
9. I witnessed an Asian Republican man being teamed up against (4-5 people). This man was being told he wasn't allowed to watch a ballot being duplicated.

10. I had a democrat challenger ask me where I lived. After sharing with her she said "Why did you come here?" I told her that they needed more Republicans here. She said "I'm sure there is fraud everywhere I think I'll go to your town next time."
11. I stayed along with 10-12 other people until 4:30am on Thursday 11/5 morning to make sure all the ballots were properly secured. They let the election workers go around 11:30. There was a big line of election workers that formed to sign something. Two women heard them offer \$300 for the election workers to stay. The election workers then had some meetings with the supervisors & team leaders meanwhile the tables were left with the ballots not being secured in anyway. We did our best to be at as many tables as we could for the securing process.
12. After checking all of the tables we found about 8 or so that were "locked," but they were not latched so you could just open them. They were not secure. I wrote down the numbers and as a team we made sure they were properly latched/locked. There were multiple tables where the ballots seemed to not add up. So much so that election workers at one table took everything out and were recounting it.
13. I observed 46 ballots processed that were not in the computer system. For these ballots election workers manually entered information including birthdates of "1/1/1900." These ballots were the following:

**Precinct# 57**

#3647, #3224,

#3641, #6051, #4207, #2278,

#3162, #3165, #0721,

#4327, #5318, #4326, #2280,

#4323, #1122, #0757,

#4324, #3591, #1368,  
 #1237, #3163, #4328,  
 #3167, #1302, #4206,  
 #4325, #4276, #1383, #5322,  
 #2300, #2096, #1366,  
 #0958, #1121, #1358,  
 #1176, #3161,  
**Precinct #74** #2689, #1488,  
 #1489, #2183, #1822, #2182,  
 #0260.  
**Precinct #68** #4251  
**Precinct #66** #5452

Dated: November 9, 2020

*Kristy Klamer*  
 Kristy Klamer

*November 9, 2020*

Subscribed and sworn to before me on:  
 /s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires:  
07-22-2026

**MARGARET LEAR ERLE**  
 Notary Public, State of Michigan  
 County of Wayne  
 My Commission Expires 07-22-2026  
 Acting in the County of Wayne

*Margaret Lear Erle*

### AFFIDAVIT OF JEAN LEONARD

Jean M. Leonard, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I arrived at the TCF Center in Detroit Michigan to volunteer as a poll observer/challenger for the GOP.
4. I arrived at TCF Center at approximately at 9:30am
5. I headed to room 260 to get my credentials. The lady took my license and took down my information.
6. I proceeded to the ballot count room, and signed in on a sheet of paper. Some people signed in, and some just walked in without signing. It was a very haphazard process at best. This room was very disorganized and there was a contemptuous feeling toward the GOP challengers who were there - nothing like one would expect considering the importance of a US presidential election.
7. I spent most of my time at table 15. Anytime I wanted to peek a little closer to see exactly what was going on, I was told I need to get back 6 feet. It's practically impossible to see the numbers/information being scanned onto the computer from the ballot envelopes at that distance.

8. Occasionally, as a ballot was passed to the second person at the table, she would open it up and put another envelope/folder around the ballot and put it back in the mailing envelope before passing it on to the next person at the table. I also saw an extra sticker occasionally being placed on a ballot envelope, which was then scanned.
9. When there was a "problem ballot", a sticky note would be put on the outer envelope and it was put in a "problem ballot bin". I was not able to see what the issue was with such ballots as the font on the screen was too small to read from 6 feet away. The voter log, which was flat on the table also had a small font. I could not always see a signatures, as the 'table leader' was often standing in the way.
10. I asked several times for all the problem ballot numbers that were in the bin since we were not allowed to touch them. One lady at the table told me somebody already wrote them down. I don't know how that could be since I was standing there and did not see anyone take down the numbers. I asked again a little while later and was told I had to wait until they were done with the current batch. When they were done, I asked again and was ignored. They were very uncooperative and clearly did not want me there.
11. I was told there should be at least one GOP worker at the table, and that I should ask who that person was to confirm that was in fact the case. I was told by a (male) worker who would occasionally come around to see if



anyone needed anything at the table, that I wasn't allowed to ask that question. I asked why it was okay that they knew I was from the GOP. He said there could only be one GOP and one Democrat observer/challenger per table. I told him I knew that, but asked why I wasn't allowed to know who the GOP worker was at the table. He said they don't need to share that information with anyone, and it wasn't my business.

12. I did not see anyone ever take the problem ballots from table 15, however, I did see them being removed from other tables around me. I did not see what they did with them or where they took them. These problem ballots were picked up by a single person. We were told that anytime ballots were being moved from one place to another that there should always be one GOP and one Democrat doing this together. This clearly was not the case.
13. I observed many stacks of ballots that appeared in pristine condition, as though they had never gone through the US Postal Service. I saw many with no postal markings on them. There were stacks of them in bundles with rubber bands around them.
14. I took few pictures, but then was sternly told cameras are not allowed. I asked where that rule was written or posted. The person did not have an answer for me and just said, "It's the rule". I then pointed out the 20-30 television/press cameras about 15 feet away.

15. It was very clear that GOP observers/challengers were not welcomed nor wanted there. There was a blatant lack of transparency for anyone trying to see what was going on with the process. The ballot table workers that I encountered were controlling, rude, and defensive. Overall it was a very hostile environment.

Dated November 9, 2020



Jean M. Leonard

Jean M. Leonard 11/9/20

Subscribed and sworn to before me on:  
November 9, 2020

/s/ 

Notary public, State of Michigan, County of:

My commission expires:

SHANE TREJO  
Notary Public, State of Michigan  
County Of Oakland  
My Commission Expires 11-20-2022  
Acting in the County of WAYNE

**AFFIDAVIT OF MARY LOU NAUERT**

Mary Lou Nauert, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a credentialed election challenger for the Michigan Republican party on Tuesday November 3rd from 7:00am to 1:30pm, approximately, assigned to Pontiac ward 05, precinct 15, at Herrington Elementary School, Oakland County, Michigan.
4. I was required to remain 6 feet from the table where ballots were being processed. From this distance, I was unable to see the ballots or computer screen in order to perform my work as an election challenger. There was no way for me to determine whether the election worker was checking voter identifications and signatures or entering data currently or not. There were several instances where I believe I may have made challenges but I did have not access to have sufficient information. I felt like my hands were tied.

Dated: November 9, 2020

*Mary Lou Nauert*

Print name:

*MARY LOU NAUERT  
Nov 9, 2020*

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026

**MARGARET LEAR ERLE**  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

*Margaret Lear Erle*

## AFFIDAVIT OF AMANDA M. POSCH

Amanda M. Posch, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit, and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I am a GOP Challenger per Laura Cox, Chairman Michigan Republican Party
4. November 4, 2020 Wednesday morning I saw a FB post from the Michigan Conservative Coalition that GOP challengers were needed at TCF Center and headed downtown.
5. I checked in with my credentials from Tuesday, signed in at 11:15 a.m. and walked in. There were several areas where people were walking in and out freely. Once on the floor, I was instructed to go upstairs to room 260 to get credentials for TCF. We were never instructed to sign out if we left the floor to go to the bathroom or get food, etc.
6. Once upstairs, I received GOP credentials and yellow wristband as identification. I walked back downstairs and walked in. At that time I was asked to watch the scanning machines, as there seems to have been numerous issues with them the previous day. I was told we could approach and look by GOP, but a Democratic attorney told me I couldn't and told me I needed to move. I replied that I had as much right as she did to be there, and she threatened to have me thrown out. At that point a few other people stepped in, I believe it was a Republican attorney, and GOP staffers.
7. Again we were told we could step up to the machines if we asked the worker if it was acceptable to approach them, some were amenable but others said no closer than 6 feet due to Covid. We were also told we could not hamper the process (obviously if you need to ask permission to do your job, you are by default hampering the process). In essence we were either intimidated, threatened or barred by poll workers' Covid fears from checking anything properly. The workers also choose to minimize the screens on the computers so we could not in fact read anything from 6 feet away even though we asked if they could increase the window size. At that point one of the workers told another not to talk to us, and tensions were growing.
8. Some of the issues I witnessed in the scanning process:
  - If a scanner jammed, it looked like entire batches were placed back into the machine and rescanned.
  - Ballot boxes were unlocked, and unattended.

- The computers were connected to the internet and the poll workers wouldn't let us check.
- Several ballot boxes had yellow circle stickers on them that looked similar to the yellow stickers Democratic staffers had on. When I asked the supervisor, his response was: "it's just random, like I am bald and you have hair"
- Unidentified staff would approach with ballots to be scanned and walk away with 2 copies of a ballot.
- Poll workers would not share their names with us.
- Poll workers were allowed to wear Biden/BLM attire.

9. Water fountains were off, and several GOP members told me they were not serving anyone with GOP credentials in the area set up for breaks upstairs.

10. At some point, GOP challengers were not allowed into TCF and poll workers placed paper, and I believe pizza boxes over the windows. We could hear the chants saying "stop the count, let us in" from outside and several people were banging on the windows. Tensions were rising, it was palpable.

11. As the day progressed the GOP challengers in the room (which at that point I heard was half of what the Democratic challengers) felt trapped, as they would NOT let us sign out for another GOP member to replace us.

12. I never really left my station, but saw GOP challengers at tables being thrown out, including GOP attorneys. Poll workers were claiming they were being threatened when they challenged and the police would take them out. EVERY SINGLE "NON-PARTISAN" POLL WORKER in my area STOOD AND CLAPPED AND CHEERED EVERYTIME A GOP CHALLENGER WAS REMOVED. I did not see any Democratic challengers escorted out.

13. I continued to watch scanning, and was approached by someone saying I was not allowed to use my phone. Everyone in that room had their phones on, but I placed it in my bag. I did step away to communicate with my husband and parents, and again was warned by the supervisor that I was making the poll workers uncomfortable. Again, I put my phone away.

14. Around 4:30 p.m. chanting from outside the locked doors, and pounding on the glass erupted. At which point one of the workers I had been watching all day said in my direction "They acting like kindergarteners, I hope the police come and shoot them, like you do to us". I asked her if she was threatening violence towards me, and she mumbled something under her breath that sounded like you heard me, her co-workers started saying I was bothering them all day. Another staffer took pictures of me and literally ran away. A supervisor and a GOP attorney approached, the supervisor asked if I had witnesses, I replied everyone she was sitting with, and they sure aren't going to back me up. The supervisor said without witnesses he could not do anything. She was at ICC 2, was African American, heavy set with a white blouse

with black hearts on it. The supervisor also never helped locate the poll worker who took my picture and ran away even though I was asked to put my phone away all day.

15. I stayed for another half of an hour, and went to the check in area to see if I could pass my credentials on to someone waiting outside, and she said no. The police were still at the door. I was walked out of a side door and left the floor. I went upstairs and saw the crowd that was unable to enter, the majority of which were GOP Challengers and volunteers.

16. As I was leaving the main building I was surprised no one was allowed to enter TCF at all. I was told if I left I would NOT be allowed back into the building even though I am a credentialed GOP Challenger.

Dated: November 9, 2020

*Kari A Aloia*

Subscribed and sworn to before me on:

*15/ November 9, 2020*

Notary public, State of Michigan, County of: *Macomb*

My commission expires: *October 11, 2023*

*Amanda M. Posch*

AMANDA M POSCH

**Kari A Aloia**  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires 10-11-2023  
Acting in the County of *Wexford*

## AFFIDAVIT OF CYNTHIA RENEE RAUF

Cynthia Renee Rauf, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I received a text from the Macomb County GOP stating that poll challengers were needed at the TCF Center, Detroit, MI.
4. Once I arrived, I went to the GOP Room No: 260 and signed up to be a poll challenger.
5. I received training at that time and wore a lanyard with my GOP credentials.
6. I then proceeded to the downstairs ballot counting area and I looked around to find a ballot counting table that needed a GOP challenger.
7. I then proceeded to Table 5.
8. At about 11:32 am, one of the female election workers at Table 5 called out a Ballot number 7959. This election worker then handed off Ballot number 7959 to another female election worker.
9. The second female election worker opened the envelope that contained the Ballot and the Ballot in the envelope **did not have the same number as the Ballot number that was originally read by the first election worker.**
10. The Ballot in the envelope was number 7952.
11. I personally observed Ballot number 7952.

12. I then said to both the first and the second election workers that I wanted to challenge Ballot number 7952 because it did not match the Ballot number 7959 as originally noted and stated.
13. **The second election worker physically wrote on the top right of Ballot number 7952 the numbers "7959."**
14. I personally witnessed the second election worker change the number on a Ballot. Upon information and belief, the election worker changed the Ballot number on Ballot number 7959.
15. Next, I then questioned the first election worker regarding a computer printed "list" of "names" that she had sitting in front of her and next to her computer.
16. The election worker told me that the list contained names of voters who registered on election day and they were not yet in the computer.
17. The second election worker told me "this happens all the time."
18. Ballot number 7959, that was changed to Ballot number 7952, did not come off the list of names on the computer, but rather from the computer print out list sitting on the table.
19. **At this point, a young male supervisor then approached Table 5, inspected the change that was made on the ballot and approved the ballot to go through for counting.**
20. Sometime afterwards, I then went upstairs to the general room for lunch and stayed for about half hour or so.
21. I then went back down to the counting room and noticed that there were a lot less GOP poll challengers in the room but the Democratic poll challengers were there in full force.



22. I personally noticed at least 4-5 times throughout the afternoon the counting room erupting into an applause each time a GOP poll challenger was escorted out.
23. At about 3:00 pm, I then observed several election workers covering up windows that separated the counting room from a lobby. I saw them cover the windows up half-way so that no-one in the lobby could watch the counting of the ballots.
24. I personally experienced intimidation tactics by both the Democratic poll challengers and the Detroit election workers.

Dated: November 9, 2020

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

*Margaret Lear Erle*

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 7-22-2026

*Cynthia Renee Rauf*

Cynthia Renee Rauf

*Cynthia Renee Rauf*  
11-9-2020

### **AFFIDAVIT OF Anne Vanker**

Anne Vanker, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020 I arrived at the TCF Center in Detroit Michigan to volunteer as a poll challenger for the GOP.
4. I arrived at approximately 9:30 am, I was trained by Pat Colbeck to perform as a poll challenger according to the "Rights and Duties of Election Challengers and Poll Watchers" vr.. October 2020 I was provided and Michigan State Law. I was allowed inside the ABC (Absentee Ballot Counting ) area. As soon as I walked in felt I had walked into an extremely contentious environment, as people were shouting at me and I did not know what I had done wrong.
5. I was never allowed to stand in an area that would provide a view of the ballots being processed, claiming the covid rules required a 6 foot distance. I saw workers reference the poll book as well as the ancillary lists that I was told contained names of those who registered to vote the day before and day of the election, but I was unable to see any names on the list or the ballots. The distance I was forced to maintain made seeing or comparing any signatures impossible. I was not allowed to step forward when I had questions about a particular ballot – being yelled at that it was not allowed because of Covid. At one point I observed ballots being put into a box labeled "problem ballot" box without any discussion or collaboration with their co-workers. I attempted challenging these ballots but was denied – there was no supervisor available

to implement the challenge and the box was removed from my area before I was able to resolve any issues. I followed the box being taken away from our table, I followed to the adjudication table and escalated my complaint to supervisor Daniel Baxter, who did finally grant me access, however while I was copying down the ballot numbers from these another worker with a green dot inserted herself between me and the ballots, further obstructing my work. I was copying down ballot numbers from these opened envelopes that were flagged that they were not on any voter registration list and not in the poll book. I estimate 60% or more of these envelopes bore the same signature on the opened outer envelope. I was never given access to view these ballots. I was not given an answer when I asked if these ballots would be counted as votes or not. I was not given information as to a resolution. I have these ballot numbers in a spreadsheet that I can make available. I was never given an answer as to why the envelopes were opened. I was shouted at several times by unidentified people for unknown transgressions. While riding the escalator I wanted to check the time on my phone, a poll worker began yelling at me accusing me of taking pictures and threatening to report me. The overall feeling of the room was one of intentional and organized intimidation and bullying by people who bore no credentials, but wore green dots.

6. After lunch time there was a meeting called and after that point they stopped allowing more in, and ejecting people for trying assert their right to do their job as a challenger.
7. Tension grew through out the day – as more challengers arrived, police were called in, and many challengers were ejected.

Dated: November 9, 2020

*Anne VanDer*

Anne VanDer

11/9/2020

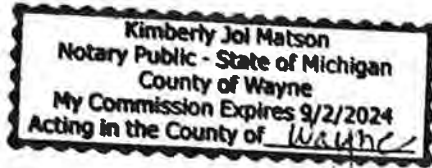
Subscribed and sworn to before me on: 11/9/2020

*Kimberly J. Matson*

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



### **AFFIDAVIT OF LAURA ROUSH**

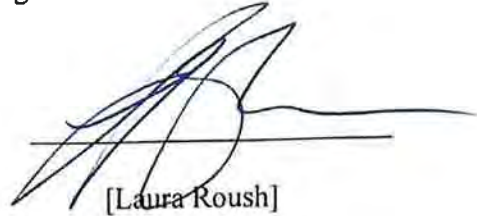
LAURA ROUSH, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter and credentialed GOP Poll Challenger in the State of Michigan.
3. On Wednesday Nov. 4, 2020, I signed in at approximately 11:35 a.m. at TCF Center in Detroit Michigan to work as a Poll Challenger.
4. I was told to monitor counting board table number 19. I arrived at table number 19 and started to watch.
5. At that table, I saw numerous ballots scanned into the electronic system that had no corresponding name in the system; indicating that the ballot did not correspond to a registered voter.
6. I witnessed about 30 ballots that had no name match during the approximate hour of observation at that counting board table number 19.
7. I asked the Poll Supervisor why those ballots had no match to a registered voter and he said something like, Whitmer opened up extra ballots on Sunday and the names of some registered voters are not in the system yet.
8. It's my understanding that if ballot names don't appear in the electronic system, the poll worker is to compare the name on the ballot to a paper roster of registered voters.
9. When I tried to find out if those ballots matched a name in the paper roster the poll worker flipped the roster around quickly, making it impossible for me to read the name and therefore unable to verify that the ballot corresponded to a registered voter.

10. I also noticed that the manner that they themselves were checking the names in the roster appeared to me to be carelessly done. My overall impression is that they weren't even checking the names themselves.
11. I experienced at least one poll worker who was very aggressive and wouldn't allow me near the paper roster at all.
12. After some time, it became clear to me that they didn't want me there and tried to prevent me from doing any type of challenging; acting in an authoritative and dismissive manner in many instances.
13. I also overheard one poll worker say to another poll worker that we have 35,000 more ballots coming and they both high-fived each other. They seemed very happy about these extra ballots.
14. I also witnessed an envelope that was scanned twice. The first name didn't match the second name that appeared. When I mentioned that to the poll worker holding the ballot she ignored me and continued to process the ballot. When I told the supervisor he said something like, it's too late. I saw that they put it in the box of approved ballots.
15. At approximately 1:15 pm, I had left the Counting Hall to eat lunch and escort a friend to the parking lot.
16. Upon returning to the building entrance the security guard told me I was not allowed back in. I had my challenger badge on and told him I was a Poll Challenger and he asked me if I was a GOP challenger and I said yes. He told me I was not allowed back in because the building was at covid capacity.
17. I witnessed several DNC people being allowed in at that time.

18. Eventually I was allowed the enter the building but was still barred from entering the Counting Hall.
19. It wasn't until approximately 6:00 pm when I finally gained entry to the Hall. I entered for the purpose of signing out as I heard that other GOP Poll Challengers were barred entry until other GOP Poll Challengers had signed out.

Dated: November 9, 2020



[Laura Roush]

Laura Roush 11/9/2020

Subscribed and sworn to before me on:

/s/ 

Notary public, State of Michigan, County of:

My commission expires: 11/20/2022

SHANE TREJO  
Notary Public, State of Michigan  
County Of Oakland  
My Commission Expires 11-20-2022  
Acting in the County of WAYNE

**AFFIDAVIT OF KARYN CHOPJIAN**

Karyn Chopjian, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan, in the city of Novi
3. I was a Republican Poll Challenger on November 2, 2020 at the TCF Center in Detroit Michigan.
4. I began observing at approximately 10:30 am. I observed three tables throughout the day and spent a majority of my time at table 61.
5. I witnessed several poll workers wearing political slogans on their face covering including Black Lives Matter.
6. I was a Republican Poll Challenger on November 4, 2020 at the TCF Center in Detroit Michigan.
7. I began observing at approximately 7 am until 9:30 pm.
8. I asked the poll captains at tables 86, 69, 81, 78, and 99 whether there were any republicans at the table. Several times I was ignored or told there were no republicans. I was also told that the City was not allowed to ask poll workers their political party preference. However, I witnessed several of the poll workers collaborating with Democratic Party poll challengers.
9. As a challenger, I was keeping track of blank ballots sent to the tables to be duplicated. There were several thousand ballots left unattended with no security protocol at all times of the day.



10. I was prohibited from observing the ballot duplication process by democratic poll workers and democratic poll challengers. I was being followed, intimidated and harassed by democratic poll challengers. Poll workers and captains witnessed this harassment and did nothing to stop the democratic poll challengers from following me. However, I was threatened I would be kicked out of the TCF Center if poll workers deemed my mask was not fitted properly.
11. When the military ballots came in, poll workers prevented me from observing ballots and used their bodies to prevent me from witnessing the ballot counting process. Poll workers repeatedly asked me to step back, even though I was following state laws regarding social distancing procedures. I was just trying to observe the process and poll workers repeatedly accused me of attempting to slow the process down.
12. There were several inconsistencies between dates of birth and voter registration on military ballots I was able to observe.
13. Throughout the day, I witnessed a pattern of intimidation, secrecy, and hostility by the poll workers. Poll workers would cheer, jeer and clap when poll challengers were escorted out of the TCF Center. There appeared to be collaboration between the democratic poll challengers and the City of Detroit poll workers.

Dated: November 9, 2020

*Margaret Lear Erle*

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires:

07-22-2026

MARGARET LEAR ERLE

Notary Public, State of Michigan

County of Wayne

My Commission Expires 07-22-2026

Acting in the County of Wayne

*Karyn Chopjian*

Karyn Chopjian

KARYN CHOPJIAN

11-9-2020

## AFFIDAVIT OF JENNIFER LINDSEY COOPER

Jennifer Lindsey Cooper, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. For the 2020 General Election I was hired and trained as an election worker for Waterford Township Michigan. I was trained for all counting positions, but was assigned to be an absentee ballot counter, including military ballots.
4. I worked as an election worker counting absentee and military ballots from 7:00am on November 3, 2020 to 12:30am on November 4, 2020 in Waterford Township. I encountered no issues during this time, but gained experience in the ballot counting process.
5. From my experience and training, military ballots are processed and counted in the following manner: The envelope is opened and contains a letter from the military voter and a copy of a ballot on plain paper that is filled in by the military voter. These are checked and then the voter's votes are transferred to a blank ballot to be counted. This process is done one ballot at a time. One Republican and one Democrat election worker are supposed to be present for this process.
6. On November 4, 2020 I was a Republican challenger for ballot counting at the TCF Center in Detroit, Michigan. I arrived at approximately 10:00am.
7. I observed Table 16 in the TCF center. I observed an election worker collect approximately five to seven blank ballots and bring them to the table. The election worker left these blank ballots sitting on the table for approximately five minutes

before placing them in a box marked "problem ballots." I challenged the election worker as to what she was doing with the blank ballots. In response the election worker moved the blank ballots and placed them underneath what looked like a poll book. The election worker responded to me that she was waiting for her supervisor to "do military ballots."

8. Approximately fifteen minutes after I challenged her, the election worker was joined by two more election workers. One of the election workers began to read from a standard ballot, not a military ballot, that she had pulled from a stack of other standard ballots. This ballot did not appear to be a military ballot in anyway. There was no outside packaging, there was no military letter, and it was a standard ballot, not the type of ballot returned from military voters.
9. I then saw two more blank ballots filled out in the same manner described in paragraph 8. A standard ballot that did not appear to be a military ballot was read off and a blank ballot was filled in.
10. All of the ballots that I observed filled out in this way contained votes for Joe Biden for President.
11. I further observed that many blank ballots were transferred between tables at a time. They were picked up in large batches and not counted. There was no recording of the chain of custody of these blank ballots. Blank ballots were tucked underneath things, shuffled into boxes labeled "problem ballots" and not tracked.
12. As I attempted to challenge this process I was harassed by Democrat challengers. I was told "go back to the suburbs Karen" and other harassing statements. The Democrat challengers would say things like "Do you feel safe with this women near

you” and “is this Karen bothering you?” I believe this was designed to intimidate me and obstruct me from observing and challenging.

*JL Cooper*  
[signature]

Dated: November 9, 2020

[Print name]

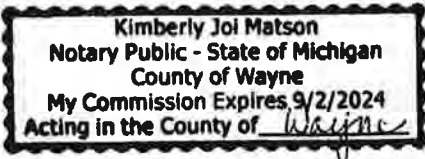
JENNIFER LINNASE/COOPER  
11/09/2020

Subscribed and sworn to before me on: 11/9/2020

*Kimberly Matson*  
Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



### **AFFIDAVIT OF BRETT KINNEY**

Brett Kinney, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Tuesday November 3, 2020 I was a Republican challenger at the TCF Center in Detroit, Michigan from approximately 6:30am to 8:00pm.
4. I observed Table 37 at the TCF Center. The election worker supervisors in my section were named "TJ" and "Raphael."
5. I issued approximately 40 to 50 challenges throughout the day. I challenged ballots where the numbers on the ballot and envelope did not match, ballots and envelopes that did not include proper signatures, ballots with invalid markings and ballots with other issues.
6. The election worker supervisors agreed with many of my challenges and these ballots were placed in an envelope labeled "invalid ballots."
7. I then observed an election worker reach into the envelope labeled "invalid ballots" and process them with valid ballots.

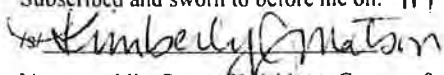
8. I challenged this process to a supervisor and was told "we have to keep the process going."
  
9. I believe many, if not all, of the invalid ballots that I challenged were processed and counted despite supervisors agreeing with my challenges and originally placing the ballots in an "invalid ballot" envelope.

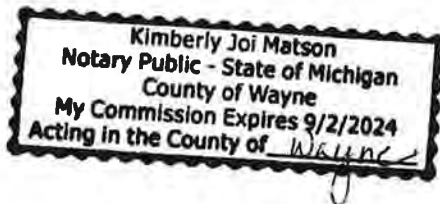
Dated: November 9, 2020



[Print name]

Brett Kinney  
11-9-2020

Subscribed and sworn to before me on: 11/9/2020  
  
Notary public, State of Michigan, County of: Wayne  
My commission expires:  
9/2/2024



**REGARDING THE COVERED WINDOWS OF THE COUNTING ROOM AT TCF**

On November 4, 2020 I was at the TCF (Cobo Hall) counting location to serve as a GOP poll challenger. I was never allowed in the room. I want to testify that **all main floor windows to the counting room were covered the entire time I was there** (approximately 11 am to 8 pm).

I am told that **Michigan Secretary of State Jocelyn Benson has said on the Frank Beckmann show that the cardboard was on the windows because the GOP protestors broke them. This is PATENTLY FALSE.** I did not hear the show but I was there. I actually did not know of the protest and happened to be at the counting room windows before the protest began. I was trying to see what was going on in the room by trying to peer between the approximately 2" of glass between the cardboard the wall. I was doing that when the protest began. The windows had been covered all day and have nothing to do with the protest. I also ended up in the protest and can attest to you that no windows were broken.

**In a public statement online, Ms. Benson has also asserted that "some" of the windows were covered to protect private information but that some were open to preserve transparency. This also appears untrue to me.** First, I did not see any uncovered windows on the main floor. There is a possibility that there were open windows on the second floor, but I was never up there and it would be too distant a vantage point to be meaningful to any public observer. Second, the distance of the counting tables from the wall of windows on the main floor were too far away from the glass to see much even if the windows had been uncovered.

Please feel free to contact me if I can be of further help.

Laura Luke

Lukes4@comcast.net

248-207-2246 (cell phone)

Milford, MI

*Laura G. Luke*

LAURA GEE LUKE

Date: November 9, 2020

*Susan L. Mills*

Susan L. Mills

Date: 11/9/2020



### **AFFIDAVIT OF EVAN SHOCK**

Evan Shock, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan and in the Township of Chesterfield.
3. At approximately 3:20 pm, a City of Detroit employee came out to the lobby of the TCF Center and explained that no other poll challengers were allowed into the counting boards because of COVID-19 concerns. I later found out that the real reason for not allowing poll challengers into the counting boards was because poll workers were failing to sign out poll challengers upon leaving.
4. I witnessed windows boarded up with cardboard boxes and paper signs to prevent those in the lobby from witnessing the process. I was forced to wait approximately one hour before being let in to the counting boards.
5. I was a poll challenger at approximately 4:20 pm until 9:00 pm.
6. I observed several irregularities including unattended ballot boxes, unidentified people coming in and out of the TCF Center, and a chaotic ballot counting process.
7. There were several instances in which the poll workers and non-credentialed individuals used their bodies to prevent republican and independent poll challengers from witnessing and observing the ballot counting process.
8. At table 61, I witnessed a poll worker manually enter four ballots into the system and assign each one a fictitious birth date of 01-01-1900.



9. Throughout the day, I witnessed a pattern of chaos, intimidation, secrecy, and hostility by the poll workers and non-credentialed individuals. The poll leaders engaged in intimidation and threats any time a ballot was properly challenged. It appeared that every ejected individual was an independent or republican poll challenger.
10. Poll workers would cheer, jeer and clap when poll challengers were escorted out of the TCF Center. There seemed to be collaboration between the democratic poll challengers and the City of Detroit poll workers.

Dated: November 9, 2020

Evan Shock  
Evan Shock  
11/9/2020

Evan Shock

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

*Margaret Lear Erle*

### **AFFIDAVIT OF QIAN SCHMIDT**

Qian Schmidt, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan and in the Township of West Bloomfield.
3. I was a Republican Poll Challenger on November 3, 2020.
4. I began observing at table 83 starting at 10:00 pm on November 3, 2020 and concluded at 5:00 am on November 4, 2020.
5. I observed several irregularities including unattended ballot boxes, unidentified people coming in and out of the TCF Center, and a chaotic ballot counting process.
6. I witnessed three ballots that were not found in the system. The polls workers separated those ballots. I asked the supervisor where those ballots were going and the supervisor, Monica, ignored me and walked away.
7. As a challenger, I was prohibited from observing the ballot duplication process by poll workers and democratic poll challengers circling around me.
8. There were several instances in which the poll workers and non-credentialed individuals used their bodies to prevent republican and independent poll challengers from witnessing and observing the ballot counting process. These workers and non-credentialed individuals used COVID-19 as the justification for intimidating and preventing poll challengers from witnessing the process.

- 9. I am of Chinese descent and speak Mandarin Chinese. I was personally harassed and discriminated against by a young, African American, non-credentialed individual who stated "what gives you the right to be here since you are not American." I answered "I am American." This ethnic intimidation and discriminated continued for five minutes.
- 10. Throughout the day, I witnessed a pattern of chaos, intimidation, secrecy, and hostility by the poll workers and non-credentialed individuals.

Dated: November 9, 2020



Qian Schmidt

Qian Schmidt

Nov 9, 2020

Subscribed and sworn to before me on: 11/9/2020  
by Kimberly Matson  
Notary public, State of Michigan, County of: Wayne  
My commission expires:  
9/2/2024

Kimberly Ioi Matson  
Notary Public - State of Michigan  
County of Wayne  
My Commission Expires 9/2/2024  
Acting in the County of Wayne

### **AFFIDAVIT OF Erik Duus**


Erik Duus, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 3, 2020 I arrived at the TCF Center in Detroit Michigan to volunteer as a poll challenger for the GOP.
4. I arrived at approximately 10:10 pm and worked through the night until 4:40 am Wednesday morning.
5. Were you denied access? No, but my access for meaningful ballot challenging was hindered by social distancing requirements and intimidation throughout the night as the rest of my statement will explain.
6. For the first hour of the shift I observed no irregularities at my table, the entire time I was kept 6 feet away. At one point I tried to step forward to better visualize a ballot, and was told to stand back. At this point I was treated respectfully.
7. Activity seemed to slow down, a few tables were working on ballots, but people started disengaging, reading and falling asleep as there was no work to be done. This atmosphere continued until about 12:30 am, at which time many people started coming in, many dressed in BLM and "Count the Vote" garb.
8. From the tunnel in the interior of the building ballots began arriving from an official looking Department of Elections vehicle and were delivered to the adjudication desk, apparently to be distributed. It was estimated that the delivery contained at least

24.00 ballots based on guess of numbers of bundles. Ballot processing activity seemed to increase after this delivery.

9. My table had little activity so I roamed to tables where there was more activity but no GOP challengers present. I wound up working between tables 94 and 95. I observed an acquaintance being intimidated by a very large man in "Count the Vote" gear, towering over him and extremely close. Social distancing was enforced and strongly defended between challengers and workers, but not at all between the intimidating men and the challengers.
10. I walked over to be a presence hoping to deter any problem. At this point this man turned his attention to his cell, and I believe he sent a text message, soon after two large men came and I observe them watching me the entire night, even to the restroom and back to my table. They remained with me for the rest of the shift. At this time it was obvious a coordinated and organized system of challenger intimidation was implemented. I felt totally outnumbered and that my personal safety was at risk.
11. During the entire evening there was minimal police presence, I counted no more than 2 officers. It seemed the ballots were abandoned in many locations in the room, sitting far from any activity and unattended. My shift was coming to an end, but I left a bit earlier (4:40 am) and furtively because I felt my personal safety was at risk from the men that were tailing me all evening. I basically snuck out a door and went quickly to my car.

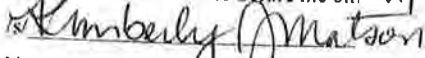
Dated: November 9, 2020

  
[signature]

[Print name]

ERIK DWS  
11/9/20

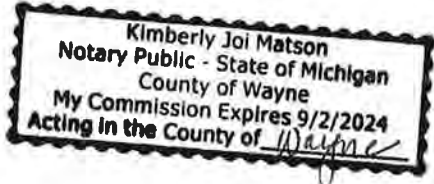
Subscribed and sworn to before me on: 11/9/2020



Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



## AFFIDAVIT OF RANDALL S. CHAMPAGNE

Randall S. Champagne, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 3, 2020 I was a Republican challenger at the TCF Center in Detroit, MI from approximately 6:00am to 1:00pm.
4. I observed unsealed ballots in the TCF center. I was told signatures had been checked the previous day for some ballots. These ballots were in white plastic boxes that were not locked in anyway.
5. I observed ballot tabulating that began at approximately 9:30am.
6. When tabulating began I was asked to stand so far away from the tabulating that it was difficult to properly observe the process. Election workers said covid was the reason for the required distance, but at times I was required to stand over six feet away.
7. Ballots were placed in the tabulating machines and after they had been counted they were placed in white plastic boxes.
8. At one point I observed a machine get jammed. Election workers then reran the box of ballots they had been counting, including what I believe were ballots that had already gone through the machine. Election workers blocked my view of the process so I could not tell if any precautions were taken to prevent ballots from being counted twice. To my knowledge no such precautions were taken.

9. Ballots that had been counted and placed in white plastic boxes were left unattended and unsecured. I saw no precautions being taken to make sure these ballots were not counted again.
10. I observed other irregularities, but was forced to stand at such a distance that I could not fully observe the process in order to challenge it.
11. I did not observe any process for tracking or monitoring the flow or chain of custody of ballots by election workers.
12. At approximately 11:30am I observed a coffee stained ballot go through the duplication process. Election workers would not allow challengers to observe the process close enough to properly monitor it.

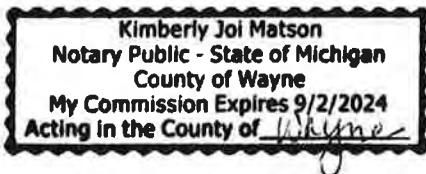
Dated: November 9, 2020



[Print name]

Randall S. Champagne  
11/09/2020

Subscribed and sworn to before me on: 11/9/2020  
/s/ Kimberly Matson  
Notary public, State of Michigan, County of: Wayne  
My commission expires:  
9/2/2024





## AFFIDAVIT OF MATT SEELY


Matt Seely, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020 I was a Republican challenger at the TCF Center in Detroit, Michigan from approximately 9:00am to 8:00pm.
4. At times, I was harassed and intimidated by others that were present in the counting room who did not have credentials displayed for any organization. They would get in the way to prevent me and other challengers from seeing the processing of ballots; they would interfere with challenges being issued; they would try to distract Republican challengers to make sure they were not able to pay close attention to the processing of ballots.
5. These challengers that did not have credentials displayed made false statements about some of the Republican challengers that resulted in the Republican challengers being removed from the counting board. Specifically, they accused a Republican lawyer of taking his mask off
6. The security team denied access to new Republican challengers to replace the challengers that were leaving the facility unless they signed out. The sign-out process was not explained to any of the challengers before they entered the TCF Center.
7. The Democrat Party set up tables in the TCF Center counting room where they were able to provide food and refreshments to the Democrat Party challengers. There is not supposed to be food or drink allowed in the counting room. This allowed the

Democrat challengers to remain in the room during lunch while the Republican challengers left and were then locked out.

8. At one point, the windows to the TCF Center counting room were being covered up to prevent anyone outside the room from being able to see into the counting room.
9. Towards the end of the processing, I witnessed election workers entering new people into the system manually with a date of 1/1/1900.
10. In the back of the counting room, there was two large pallets with suitcase sized metal cases. Each pallet had shrink wrap around it, but one of the pallets appeared to have had a number of cases removed. When I was looking at these pallets, someone on the security staff told me to leave the area and that if I returned, I would be ejected from the counting board.
11. Most of the challengers and the challenges that they tried to make were ignored by the staff overseeing the election process.
12. From my observations, the most efficient counting tables could process approximately one hundred ballots an hour. At no time when I was at the TCF Center was every table counting ballots. At most times approximately fifty to one hundred tables were counting ballots. Given these observations, I do not understand how over one hundred thousand ballots could have been counted during the times the TCF Center was used as a counting location.

Dated: November 9, 2020

  
[Print name] MATTHEW JAMES SEELY  
11/9/2020

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires:

07-22-2026



MARGARET LEAR ERLE

Notary Public, State of Michigan

County of Wayne

My Commission Expires 07-22-2026

Acting in the County of Wayne

- 2 -

## AFFIDAVIT OF BRIDGETT LYN ZELASKO

Bridgett Lyn Zelasko, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was trained online and assigned to be a ballot challenger at the polls at TCF Center. I arrived to the TCF Center on Wednesday, November 4, 2020 at 12:13 p.m. I had received paperwork from the City Clerk to perform this duty.
4. I also received training at the TCF Center to be a ballot challenger as well.
5. When I arrived to the TCF Center, I was waiting in Room 260. Our group was missed a couple of times; however, we ultimately went down to the main entrance of where ballots are around 1:08 p.m.
6. When we attempted to go in, the individuals at the entrance stated that there were no spots available for Republicans but there were fifty-two (52) spots for Non-Partisan.
7. Thereafter, I went back up to change my designation from Republican to Non-Partisan and immediately went back down at approximately 2:05 p.m. By the time I came back down, they indicated no spots were available for Non-Partisan either.
8. At this time, I then watched the people inside put pizza boxes on the windows to impede any outside observers. The police took the pizza boxes down twice while I was there; however, they continued to put the boxes back on the windows.
9. There was a white male, well dressed, who identified himself as the chief legal officer and top lawyer for Detroit. He stated that there were not letting in any more people in to where the ballots were.

10. Then the Election Coordinator (black male) then stated if the Republicans did not sign out when they completed their shift, then "too bad, too sad." He additionally stated that they were not going to allow anymore people in due to COVID-10; however, the press continued to go in.
11. I ultimately left at 3:45 p.m. and shortly thereafter individuals locked the TCF Center doors to the outside.
12. I was denied complete access to perform my ballot challenger role.
13. When I attempted to leave by getting on the elevator to the parking structure, there was a man that would not let me on. His refusal to let me in the elevator forced me to access my car by walking the circular ramp up. I finally arrived to my car at 5:15 p.m.

Dated: November 9, 2020

  
Bridgett Lyn Zelasko

Bridgett Lyn Zelasko  
November 9, 2020

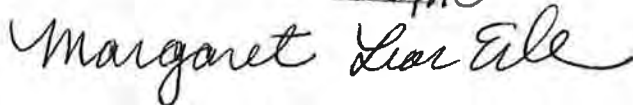
Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne



## AFFIDAVIT OF TRACY TOPINI

Tracy Topini, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 3 and 4, 2020 I was a Republican Challenger at the TCF Center in Detroit, MI from approximately 10:00pm on November 3 to 5:00am on November 4.
4. I observed Democrat challengers and individuals from an organization called "Election Protection" approach and surrounded Republican challengers in an intimidating and argumentative manner. For every one Republican Challenger I saw four or five others.
5. Many of the Democrat challengers and non-partisan challengers did not wear credentials.
6. I was told by Democrat and non-partisan challengers to stand six feet away from a counting table due to covid, even though they were much closer than six feet to me. This impaired my ability to observe and challenge the ballots.
7. At one point, I spoke in my native language to a friend of mine who was also a Republican challenger.

8. A black male challenger who was not wearing credentials approached us and asked us “where were you born; where do you live,” “you both speak the same language and other challengers speak the same language, you must know each other, you are lying.” I believe this was designed to obstruct our ability to observe and challenge. He also put his fingers two to three inches from my face. These actions obstructed my ability to observe and challenge the process.
9. At approximately 12:00 to 12:30 I observed two ballots marked for Donald Trump and one marked for Jo Jorgenson at my table and a nearby table.

Dated: November 9, 2020

Tracy Topini  
[Print name]

Subscribed and sworn to before me on: 11/9/2020

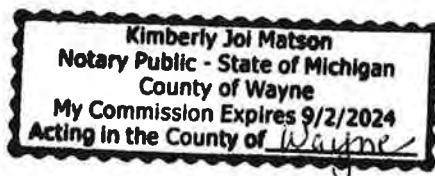
By: Kimberly J. Matson  
Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024

Tracy Topini

11-9-2020



**AFFIDAVIT OF DEBORAH JEAN FUQUA-FREY**

Deborah Jean Fuqua-Frey, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I arrived at the TCF Center Building around 12:00 p.m.
4. I was not allowed to enter the building where I was to be a Michigan Republican challenger and I did not in fact enter.
5. I witnessed persons who identified themselves as Democrat poll challengers being allowed to enter, and in fact enter the building.
6. I also witnessed people representing special interest groups specifically AFL-CIO, Black Lives Matter with masks on that had it on the mask, Media, and UAW.
7. I repeatedly called out "discrimination" when non-Michigan Republican people were let in by security staff.
8. I remained outside until 8:00 p.m., after which I left without having been able to perform my duty as a Michigan Republican challenger.

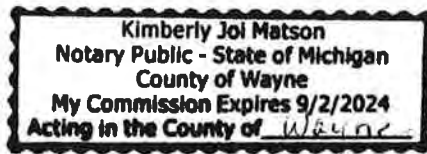
Dated: November 9, 2020

*Deborah Jean Fuqua-Frey*  
 Deborah J. Fuqua-Frey  
 11-9-2020

Subscribed and sworn to before me on: 11/9/2020

*Kimberly J. Matson*  
 Notary public, State of Michigan, County of: *Wayne*  
 My commission expires:

*9/2/2024*



## AFFIDAVIT OF DANIEL UNGAR

I, Daniel Ungar, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I went to the TCF Center, Detroit, MI to volunteer with the MI GOP as to the vote counting process in Detroit. I arrived around 12:30 pm and went to Room #260 where a GOP representative informed me that the GOP needed attorneys to supervise and/or answer questions from the GOP poll challengers. I am a licensed attorney in the State of Michigan.
4. I and two other attorneys accompanied the GOP representative down to the ballot counting room. As I was signing in at the ballot counting room, a male election worker who identified himself as the "supervisor" (also may be known as "Jerome") told the Detroit female election worker who was checking me in not to let me or the other two attorneys in as the GOP had too many poll challengers already on the floor. The supervisor also admitted out loud that there were more Democratic poll challengers on the floor than the maximum number allowed and that the Democrats had more poll challengers than the GOP. I did not personally observe this supervisor refusing to allow more Democratic poll challengers in the room but did personally witness the supervisor restricting my entry into the ballot counting room.
5. The supervisor said that the GOP was over its 134 limit of poll challengers. I asked the supervisor how he arrived at the number "134" and he was unable to provide me with



an explanation even though I specifically asked him if the restricted number was related to a "fire code" rule.

6. I personally did not observe any election worker physically counting the number of GOP poll challengers. Even though the GOP representative explained to the election supervisor that the group of individuals he was with were not "poll challengers" but rather lawyers who were there to assist the poll challengers, the supervisor refused to admit us.
7. The election supervisor included supervisory personnel of the GOP in the 134 allotment of partisan poll challengers for the GOP.
8. I then left the ballot counting room and hung out for a while in the building. Around 2:30-3:00 pm I received credentials from the Election Integrity Fund, a non-partisan voter watchdog organization, in one of the hallways upstairs. I then went back downstairs in an attempt to again enter the ballot counting room. At this time, there was a crowd of people outside the ballot counting room and the doors were locked. There was a lot of confusion as to what was happening any why they were not allowing people in. Several minutes later a man came out and announced that he had a statement to make. He introduced himself as Lawrence Garcia, corporation council for the City of Detroit and also an Election Commissioner. He announced to the group of individuals trying to gain access to the ballot counting room that "they are no longer admitting people to the room."
9. Mr. Garcia introduced the "political organization coordinator" who was the supervisor that had denied me entry earlier (a/k/a Jerome). Jerome announced, "All groups are

above capacity and that no poll challengers are allowed in, including non-partisan poll challengers.”

10. A person from the group shouted out to the supervisor that poll challengers were in fact leaving and that the numbers were coming down. The supervisor responded to the group and said: “We have a book where people sign in. People are supposed to sign out, and if they do not sign out, that is their choice.” He repeated, “If people do not sign out, it is not our fault.”
11. The supervisor’s comment was clearly understood as an admission that he knew there were fewer than the allotted number of poll challengers on the floor because signed-in poll challengers had left the room, and that he was solely relying on poll challengers’ failure to sign out to make a false determination that the number of poll challengers permitted on the floor exceeded the allotted 134.
12. Also, around this time, I observed Detroit election workers attempting to cover the windows that separated the ballot counting room from the lobby outside to prevent those outside the room from seeing what was happening inside.
13. I went back up to Room 260 and I filled out an incident report regarding the City of Detroit election personnel’s refusal to admit poll challengers to the ballot counting room even when they knew that people left without signing out.
14. Around 4pm I went back downstairs to the entrance to the ballot counting room and soon thereafter, an election worker came out of the locked door and announced that they were now going to permit 6 non-partisan poll challengers in the ballot counting room. I was one of the 6 non-partisan poll challengers permitted to sign in, on behalf of the Election Integrity Fund. I signed in at 4:03 pm.

15. During my poll challenger activities, I witnessed the following: I was at the table for Precinct 80 (I believe they were processing military ballots) and noticed that there were two identical envelopes; same address, same handwriting with two names: one was “ [REDACTED] ” and the other one was “ [REDACTED] .” These two names could not be found in the data base and consequently, an election worker decided to enter their names into the data base. Because there was no identifying information as to these two voters, the election worker entered into the data base the birth date of one of the ballots as “November 3, 2020” (the date of the election) and the date of birth entered for the second ballot was “1/1/1900.” A third ballot with the name of “ [REDACTED] ’ was also data supplemented with a birth date of “1/1/1900.”
16. As to the two [REDACTED] ballots, the “ [REDACTED] ” ballot was a single page that did not look like a ballot because it did not have any options for any elected position. It only had write-in spaces for the positions of President, Senator and Representative. I observed this ballot as follows: In the President category, someone had written in “Biden/Harris; in the Senator category someone had written in the word “(Democrat)”; and in the representative category someone had written in the word “(Democrat).” Another election worker then took a blank (real) ballot and filled out that ballot as follows: For President, Biden/Harris was filled in; for Senator, Gary Peters was filled in; for Representative, the Democratic candidate was selected. I raised an objection to the process of tabulating this ballot and my challenge was dismissed.
17. I heard the election workers state that the second ballot ( [REDACTED] ) did not contain a ballot inside of the envelope. I also personally did not observe a ballot in the envelope. The supervisor in that area then stated that a second ballot should be (and was) filled

out exactly like the first ballot. These ballots were sent off for tabulating. I raised an objection to the process of tabulating this ballot and my challenge was dismissed.

Dated: November 9, 2020



Daniel Ungar

DANIEL UNGAR 11/09/2020

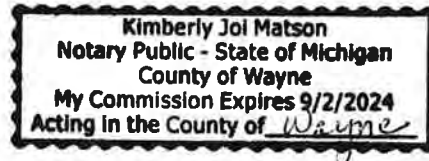
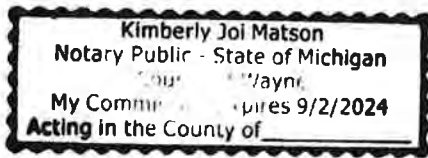
Subscribed and sworn to before me on: 11/9/2020

by Kimberly Matson

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024



### **AFFIDAVIT OF NORA KATHLEEN STORM**

Nora Kathleen Storm, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020 I arrived at the TCF Center in Detroit Michigan to volunteer as a poll challenger for the GOP.
4. I arrived at approximately 10:37 am with four other challengers that I knew beforehand. We went to room 204 to obtain our credentials and sign in. I did have access to work behind the poll workers and noticed that all ballots displayed on the screen were Democrat. I asked to observe the platform area with election officials and the supervisor denied me access. I was not given a reason.
5. The pace of the workers were very slow and no one appeared to be supervising. About 12:30 pm I took a lunch break and went to room 204. At about 1pm I returned to the poll worker area and worked in a different area. I believe table 65. I felt intimidated by union people who were staring at me. I asked to look at post mark on the envelopes of the ballots and was told I could not do so. There was a true effort to keep me from seeing anything that was happening.
6. I observed that many of the poll workers were using cell phones and they had large backpacks and suitcases around them. I inquired about large trays of folded ballots and I was told by the poll workers that that they were empty ballots to be used for redoing "bad" ballots.

7. At about 3pm there was a large ruckus and I felt very intimidated so I decided to leave and was escorted out the back door. Thereafter, I learned that they boarded up the windows and were denying access to others.

Dated: November 9, 2020



Nora Kathleen Storm

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026

NORA STORM  
11/9/2020

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

Margaret Lear Erle

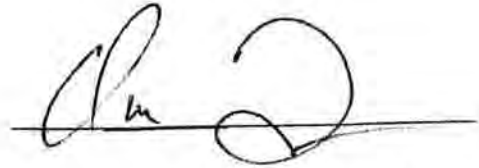
## **AFFIDAVIT OF DANNY FRACASSI**

Danny Fracassi, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On Wednesday, November 4 from 10:00am to 5:00pm I was a Republican challenger at the TCF Center in Detroit, Michigan.
4. At one point I attempted to challenge a vote at Table 70 and was told by an election worker that I could not challenge that vote. Election workers called over police officers and attempted to have me ejected from the building.
5. From my observations, I believe election workers were targeting challengers who were effective at challenging ballots and attempting to get them removed.
6. I had to leave the counting room to use a restroom, but then was prevented from re-entering the counting room.
7. I and other Republican challengers were not allowed into the room at this point and were told that the maximum number of Republican and Democrat challengers were already in the room. I asked how this number was arrived at or to see documentation of it, but was not given any answers.
8. I observed plastic panels being used to cover windows so that challengers could not see what was going on in the counting room.
9. One of the men who was putting up panels had a green dot sticker on. Similar stickers were used by Democrat and other challengers.

10. I observed a woman trying to get her relative, who was in the counting room, medication that he needed. She was prevented from doing so. Later an ambulance was called for him.

Dated: November 9, 2020



[Print name]

Danny Fracassi  
11-9-2020

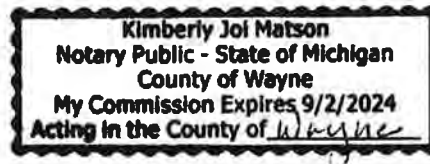
Subscribed and sworn to before me on: 11/9/2020

<sup>TS</sup> Kimberly Matson

Notary public, State of Michigan, County of: Wayne

My commission expires:

9/2/2024





### **AFFIDAVIT OF CAROL ANN WHITMORE**

CAROL ANN WHITMORE sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan. I was a Poll Chairman at Precinct 279 at Wayne County Community College District on November 3, 2020 from 5am until 10:30pm. The one thing that was brought to my attention by a Republican Poll watcher was a posted sign on the outside of the building stating that the polls closed at 6pm. Per my directive, she immediately took down the stated sign.
3. On November 4, 2020 I arrived at 9am the TCF Center in Detroit Michigan to volunteer as a poll challenger for the GOP. I received my credentials at room 260 upstairs.
4. I arrived in the room at approximately 9:20 am. I noticed many of the workers were not socially distanced and I questioned them on such. I was also told there was a republican at most tables but there was clearly not any republicans and thus made a poll challenge to that effect about 11:30am. I was stationed at table 53 and after 1pm very little activity was taking place.
5. About 4:30pm I left the room and went to room 260 for about one hour. I heard from several people in the room that they were waiting for military ballots so I decided to take a break. At about 6pm, I was denied access back in and was told by several swat team members that I could not enter. I stayed in the lobby taking video of people

leaving the room with large backpacks, satchels, bags and one person with a cooler. I

left to go home at 1am. I have all of the video available for viewing.

Dated: November 9, 2020

*Carol Ann Whitmore*

Carol Ann Whitmore

*Carol Ann Whitmore*

*11-9-2020*

*Carol Ann Whitmore*

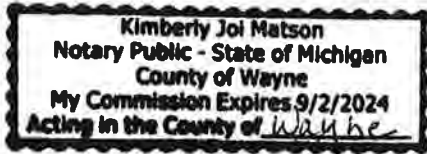
Subscribed and sworn to before me on: *11/9/2020*

*Kimberly J. Matson*

Notary public, State of Michigan, County of: *Wayne*

My commission expires:

*9/2/2024*



To whom it may concern

I am John C. Palmer, III. And, this is my report after watching activities in close proximity to the Detroit Department of Elections Building during the hours of 4 pm to sunset on Tuesday, November 3, 2020. I was a volunteer observer, under the training of Steve Orsini, a two term Precinct Delegate for Precinct 35 in Canton, Michigan, an 11<sup>th</sup> Congressional District Member to the State of Michigan and Elected Delegate to the Michigan Convention.

I have listed my observations below:

- Observation 1
  - a. During the entire time of my observation period as stated above on Tuesday, November 3, 2020.
  - b. I was either positioned and parked in the Fisher Theater parking lot, on the south side of the lot facing south, looking at the Department of Elections building and or positioned in the parking lot and alleyway adjacent to the west side of the Detroit Department of Elections building looking to the north.
  - c. I observed drive-up voting the entire time I was there.
  - d. People would just drive up, drop off what was assumed to be a ballot, and drive off.
    - i. Is this a secure and valid method of ballot collection?
    - ii. No I.D. verification.
    - iii. Compared to the Novi, MI precinct that I voted in earlier in the day, there was no perceivable effort made to invalidate mail-in or absentee ballots if someone was voting in-person.
    - iv. It was also noted, that one could simply drive around the block and vote again.
- Observation 2
  - a. On Tuesday, November 3, 2020, approximately 4:00 to 5:30 pm
  - b. I watched 10 or more vehicles with out-of-state license plates drive up to the loading dock area. I remember seeing Illinois, Minnesota, Missouri, Virginia, etc. See picture.
  - c. I was shocked to see that the ballot machines were controlled by these individuals and not Michigan and/or Detroit residents.
  - d. I assume these were people brought in by the DNC to control ballot counting activities.
  - e. Many of these out-of-state people carried boxes with Dominion written on them from their vehicles.

Signature: John C. Palmer, III

Date: 11-9-20

Notary: 

Kimberly Jol Matson  
Notary Public - State of Michigan  
County of Wayne  
My Commission Expires 9/2/2024  
Acting in the County of Wayne

**AFFIDAVIT OF MITCHELL DePERNO**

Mitchell DePerno , being sworn, declares under penalty of perjury:

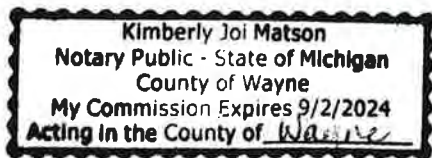
1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020 I arrived at the TCF Center in Detroit Michigan to volunteer as a poll challenger for the GOP.
4. I arrived at approximately 10:30am and I went to the GOP room on the second floor (room 260) to obtain my credentials and sign in. I then went downstairs and signed in as an observer. Many of the poll workers were opening the ballots which I was trying to observe and read. I was asked on several occasions to step back to 6 ft away by a Democrat challenger. This happened multiple times. It was impossible to read the ballots from 6 feet away.
5. On several occasions, I noticed that there was no Republican worker present at the poll tables. I attempted to make a report of same and then felt very intimidated. Supervisors were reluctant to write up my reports but finally did so when I brought an election official to push the issue.
6. Around 1:30pm I left for the day due to the stress of the situation.

Dated: November 9, 2020



Mitchell DePerno

MITCHELL DEPERNO  
11/9/20



Subscribed and sworn to before me on: 11/9/2020

*Kimberly J. Motson*  
Notary public, State of Michigan, County of: *Wayne*

My commission expires:

*9/2/2024*

## AFFIDAVIT OF VIRGINIA JEUP

Virginia Jeup, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was a credentialed election challenger for the Michigan Republican party on Wednesday November 4<sup>th</sup>, assigned to the TCF Center, a.k.a. Cobo Hall in Detroit, Wayne County, Michigan, where absentee ballots were being processed.
4. I arrived at the TCF Center at approximately 11:15am.
5. I was assigned to go out to purchase some necessary office supplies for the Republican party and left the TCF Center at approximately 12:30am.
6. When I returned at approximately 1:15pm, I was refused all entry to the TCF Center by people identifying themselves as health officials, who stated that the facility was at capacity due to COVID.
7. While I waited outside the TCF Center, I witnessed approximately 8 to 10 other people be granted entry to the facility, including people identifying themselves as Democrats, and media, which appeared to include anyone with a camera. Anyone identifying himself or herself as a Republican was denied entry. Approximately every 10 minutes someone was granted entry.
8. I waited outside the TCF Center to be granted entry for approximately 3 hours and 45 minutes, leaving at approximately 5:00pm.

Dated: November 9, 2020

*Virginia L. Jepp*

Print name:

Virginia L. Jepp

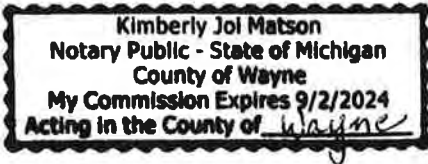
11/09/2020

Subscribed and sworn to before me on: 11/9/2020

*Kimberly J. Matson*  
Notary public, State of Michigan, County of: *Wayne*

My commission expires:

9/2/2024



## **AFFIDAVIT OF ANGELA MARIE EILF**

Angela Marie Eilf, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I reside in Bay City, Michigan.
4. I had found on Facebook that there was a call for assistance with counting the ballots.
5. I went to the TCF Center in Detroit, Michigan on Wednesday, November 4, 2020 around 1:00 p.m./1:30 p.m. until approximately 5:30 p.m.
6. My intentions on going to the TCF Center was to be either a challenger or observer.
7. When I arrived around 1:00 p.m./1:30 p.m., there was no real crowd gathering at that time. There was no real security, issues or anything that availed itself to me; however, multiple groups thereafter were prevented and told due to COVID-19.
8. When I was walking in to the TCF Center upon my arrival, I walked with a woman who asked me what party I belonged to. I then asked her, do you need to know that. She answered back yes and that the individuals inside will want to know. I then told her I was part of the Republican party. Immediately after my answer, the woman became rude, stated she was part of the Democratic Party and clearly was no longer friendly.
9. I then entered the room where the ballots were. I was then told that there was no room for anyone else in there (Democrat, Republican or Non-Partisan); however, the woman that I walked up with was allowed in. I then inquired if they were going to need help, but I was still told no and that someone would call if need be.



10. As I waited around outside the lobby area, I then encountered a gentleman who instructed me to go up to Room 260 of the TCF Center.
11. As instructed, I went up to Room 260, which I presumed was for the GOP. This was approximately 2:30 p.m. when I went up to this room. There were hundreds of people on this floor who had signed up to be watchers, challengers, etc.
12. I was handed an Unofficial TCF Absentee Vote Counting Board General Layout And Procedure paper [hereinafter referred to as "Unofficial Layout And Procedure"]. Please see attached.
13. I was told after receipt of this Unofficial Layout And Procedure paper, I was told there would be five (5) inspectors: 4 Democrats to 1 Republican. I later learned that it was supposed to be 1:1 ratio not 4:1.
14. From the Room 260, I was put in a group of about thirty (30) to forty (40) people and taken down to the main ballot area around 3:30 p.m./4:00 p.m. Prior to be taken down, a woman had given us some instructions, which included but not limited to as follows:
  - a. The ballots need to be confirmed by a written book or electronically and if not, then raise your hand and a lawyer would assist;
  - b. Make sure that you keep at least six (6) feet distance, if not, that people were being thrown out;
  - c. Make sure that you have your mask properly on, if not, that people were being thrown out;
  - d. Warned that it was extremely hostile and individuals were being difficult, but do not engage or become confrontational with them.
15. I was immediately concerned about these instructions.

16. After the training was complete, I decided I was nervous about being a counter and did not wish to perform that duty; however, I did still want to be a watcher/observer.
17. When we came down and attempted to get in, our group was not allowed to go in where the ballots were. We were told that they were over their numbers and no one else was allowed in.
18. The people in our group were getting a little more agitated and a supervisor came out to talk to our group. Shortly thereafter, the police came over and it was clear that they were there to intimidate us. At this time, the supervisor simply stated that if we wanted to wait, we could.
19. I have a video of when the supervisor came over to discuss this.
20. Members of our group were questioning to the workers at the door and the supervisor about keeping track of people leaving because they made the statement that people were not required to sign out. When questioned further about that, they refused to answer.
21. The man who identified himself as the supervisor eventually only responded "that's the way we're doing it."
22. I knew that throughout the actions to this point, that something was clearly wrong.
23. I ultimately learned that when our group was headed down, that inside they had just begun counting the military ballots. Due to the military ballots being faxed, I was aware that their vote needed to be transposed onto an actual ballot and then required to be witnessed by a Democrat and Republican.
24. Unfortunately, our group was completely denied access into where the ballots were being handled.

25. Thereafter, the supervisor then grabbed pizza boxes and started taping the windows with these boxes to prevent any outside observing. This was at approximately 4:30 p.m./5:00 p.m.
26. Then the doors were locked to ensure no one entered.
27. After not getting anywhere with observing, talking to individuals in charge, being denied complete access, I left around 5:00 p.m./5:30 p.m.
28. I had asked a couple of individuals that were there in the group if they would mind walking me to my car. They agreed to do so.
29. There was only one (1) operational elevator and a security guard in the elevator. It was impressed upon me that this was to block the flow of individuals into the TCF Center/ballot area.
30. When we attempted to get out of the elevator, we observed a man and another security guard in the vestibule near the parking lot of the TCF Center as well as a bunch of individuals standing around them.
31. The man (who I identified later as an attorney) was arguing with the security guard about being held up there for over two (2) hours, that they were being held against their will, that they were election challengers, and that they were told they were being removed due to COVID-19.
32. I am a nurse and to hear the claims that people were being removed due to COVID-19 was completely absurd knowing the size of TCF Center. I told the security guard that individuals who were telling him this information about COVID-19 and that he was being lied to.

33. I heard the attorney ask the security guard who was he getting his direction from and the security guard said, "no comment." I told the security guard, "you cannot hold people against their will."
34. At some point later, people started making their way to get on the elevator to go back in. The security guards (outside the vestibule and from on the elevator) were physically pushing and preventing people from getting on.
35. At that point, I decided I would leave.

Dated: November 9, 2020

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires 07-22-2026  
Acting in the County of Wayne

Subscribed and sworn to before me on:

/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026

*Margaret Lear Erle*

*Angela Marie Eilf*  
Angela Marie Eilf

*Angela Marie Eilf*

*11-9-2020*

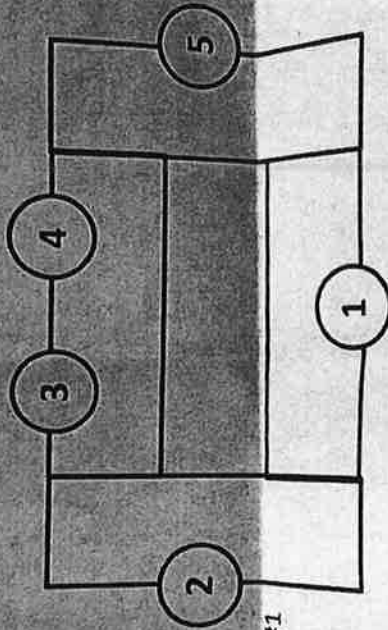
## Unofficial TCF Absentee Vote Counting Board General Layout and Procedure

### Inspector 3

- \*Tears stub off of ballot
- \*Puts stub in Ballot Stub Envelope
- \*Hands ballot (in secrecy sleeve) to #4

### Inspector 4

- \*Removes ballot from privacy envelope
- \*Rolls and flattens ballot
- \*Examines ballot for rips, stains, etc.
- \*Verifies correct counting board number
- \*Hands ballot to #5



### Inspector 2

- \*Verifies name and voter number with #1
- \*Writes voter number on envelope
- \*Takes ballot (in secrecy sleeve) out of envelope

- \*Verifies ballot number with #1
- \*Hands ballot (in secrecy sleeve) to #3
- \*Puts envelope in numerical order and ties them in groups of 50 to be put into black box at counting board

### Inspector 1

- \*Scans label on envelope into computer
- \*Hands envelope to #2
- \*Informs #2 what number voter this is for the day

### Inspector 5

- \*Makes stacks of 50 ballots each until there are 200 ballots (4 stacks)
- \*Walks ballots to tabulating machines and hands them to poll worker for tabulation
- \*Waves a flag for the supervisor to come over if any problems arise

## AFFIDAVIT OF MINDI TIETZ

Mindi Tietz, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. On November 4, 2020, I volunteered as a poll challenger at Cobo/TCF Center in Detroit, Michigan and, on November 5, 2020, I volunteered to monitor county canvassing at the Oakland County Elections Office in Pontiac, Michigan.
4. Due to the actions of poll workers and county canvassers, I was not able to serve as a poll challenger or election monitor because I was denied access to the ballot processing area and was forced to be at such a distance that it was impossible to monitor the canvassing process.
5. On November 4, 2020, I volunteered as a credentialed GOP poll challenger at the Cobo Hall/TCF Center (Center) located at 1 Washington Blvd., Detroit, MI 48226. I was at the Center from noon through 2:35 pm Eastern.
6. During that entire time, I was denied access to the ballot processing area and was prevented from serving as a poll challenger. I was denied access five times and was forced to remain in the lobby area.
7. On November 4, 2020, I arrived at the Center at noon with fellow credentialed GOP poll challengers, Mathew Gausden and Karen Ostin. We briefly met with other GOP poll challengers for refresher training.

8. At approximately 1:10 pm, we went to sign-in at the front table of the processing area to serve as poll challengers.
9. After showing our credentials, the poll worker at the front sign-in table told us that we could not go into the processing area because it was over capacity due to COVID and she instructed us to wait in the lobby until other people left.
10. We went to the lobby and, while we were there, multiple Democrats harassed and yelled at us about access to the Center. We ignored them.
11. By 1:30 pm, I observed people leaving the processing area. I went back with my colleagues to the sign-in table and again asked to enter. The same poll worker told us that we could not enter because there were too many GOP challengers and she instructed us to go back to the lobby. At this time, people were going in and out of the processing area without signing in or out at the front desk.
12. We went back to the lobby for a second time. I then witnessed four (4) people with GOP credentials leaving the processing area.
13. My colleagues and I again asked the poll worker at the front table if we could enter. For a third time, she told us we could not go into the processing area. This time she said it was because the GOP individuals we saw leave did not sign out. She again instructed us to wait back in the lobby.
14. At about 2:00 or 2:15 pm, we saw GOP credentialed challengers leave the processing area and we asked them if they had signed out. They confirmed that they signed out at the front desk.
15. For the fourth time, we asked the poll worker to allow us to enter the processing area since the other GOP challengers had signed out. This time she yelled at us that we

could not enter because she needed to process the others' sign-out and that we had to wait in the lobby.

16. In the lobby, we observed more Republicans leaving the processing area. For the fifth time, we went back to gain access to the processing area and was yet again denied by the same poll worker because of overcapacity. The poll worker was allowing people with "independent" credentials to go into the processing area.
17. After being denied the ability to serve as poll challengers for a fifth time, we asked the poll worker if she knew how many Republican and Democrat challengers were currently in the processing area. The poll worker did not know, yet she still told us they were at capacity.
18. I did not witness Republican challengers being allowed into the processing area during my time at the Center. I only saw Republican challengers leaving.
19. Other individuals were coming and going into the room without credentials. These individuals were not wearing the white shirts and black pants of the poll workers.
20. I witnessed people in the lobby wearing Biden/Harris t-shirts.
21. I also volunteered on November 5, 2020 to monitor county canvassing at the Oakland County Elections Office, 1200 N. Telegraph Rd., Dept. 417, Pontiac, Michigan 48341. I arrived at approximately 9:00 am Eastern
22. The county canvassers told me they were comparing the number of casted ballots to the number of voters in the poll book. They also explained that they were accounting for all ballots that were sent to each precinct.
23. There were four (4) county canvassers and the Deputy County Clerk, Sandra Hughes O'Brien, at the elections office.



24. I was there to monitor and challenge the county canvassing. I was with fellow GOP observers.
25. A county canvasser told us to stay 20 feet away.
26. Fellow GOP observers raised the issue that we could not see what they were doing from this distance.
27. A county canvasser told us that the county canvass was not a challengeable process. He instructed us that at no time could we come within 6 feet and instructed us to remain 20 feet away.
28. From my location 20 feet away, I could not see any of the information being checked by the canvassers.
29. I left the elections office at approximately 11:00 am because I could not monitor the canvass process at the distance I was told to maintain.

DATED: November 9, 2020.

*Mindi Tietz*

Mindi Tietz

Subscribed and sworn to before me on:

*Kimberly Matson*

11/9/2020

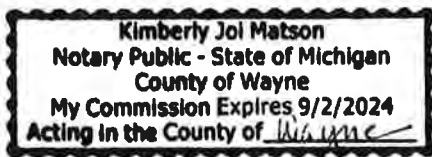
*Mindi Tietz*

Notary public, State of Michigan, County of:

*Wayne 11-9-2020*

My commission expires:

*9/2/2024*



## AFFIDAVIT OF JEREMY MCCALL

I, Jeremy McCall, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I received a FB message from a friend who informed that the GOP was looking for volunteers to assist as poll challengers in the City of Detroit.
4. I arrived at the TCF Center around 12:30 pm on November 4, 2020 and went to Room 260. I received my credentials and I attended the training to be a poll challenger.
5. Multiple people from the GOP were complaining that they were being intimidated, harassed inside the ballot counting room, and thus they were leaving because they were feeling unsafe, and some were being escorted out by the police. Once I was inside the ballot counting room, I personally observed an additional group of GOP poll challengers being escorted out a side door and they were not being allowed to "sign out" of the official "sign in" book. Thus, the floor count for the poll challengers for the GOP was not accurately determined and the city election workers were deliberately pushing GOP poll challengers to exit the room without an accurate tally of those remaining inside.
6. At around 3:00 pm, I headed downstairs to the ballot counting room but was denied entry.
7. At around 3:19 pm, a "health official" announced that the ballot counting room was at COVID capacity and thus, no-one from any of the political parties was allowed to go

8. into the room. However, the media was allowed complete and total access and the COVID "rules" did not apply to them.
9. At about 4:07pm I then proceeded back downstairs to the lobby of the ballot counting room. At this time, I noticed that the windows that separated the ballot counting room and the lobby were now completely covered with cardboard, pizza boxes and whatever the election officials could find.
10. At around 5:50 pm I was admitted into the ballot counting room as a GOP challenger and I checked in. I was specially told that I could not approach any election worker within 6 feet.
11. I personally observed a GOP poll challenger get into a loud discussion with a Democratic poll challenger and a Democratic lawyer. The Democrats accused this GOP poll challenger of getting too close to an election worker and accused her of being within 6 feet of the election worker. The GOP poll challenger was escorted out of the room and the Democratic poll challenger, including other democrats who joined in the discussion, were permitted to stay in the ballot counting room.

12. I also personally observed from the outside window many of the election workers with coolers, rolling luggage, backpacks, duffle bags and other containers allowed to be within the personal space of the election workers. I did not view any inspection of these items, and as a matter of fact, my personal backpack was not searched prior to entering the ballot counting room.
13. I did not disclose my party affiliation when I was in the ballot counting room because of intimidation and harassment.

Dated: November 9, 2020



Jeremy McCall

JEREMY McCALL  
11-9-2020

Subscribed and sworn to before me on:

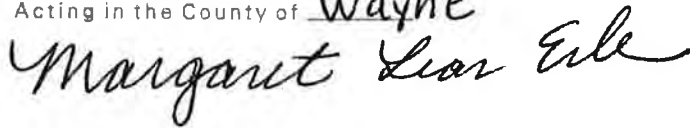
/s/ November 9, 2020

Notary public, State of Michigan, County of:

My commission expires: 07-22-2026

MARGARET LEAR ERLE  
Notary Public, State of Michigan  
County of Wayne

My Commission Expires 07-22-2026  
Acting in the County of Wayne



## General Affidavit

The within named person (Affiant), Mary E. Shinkle, who is a resident of Ingham County, State of Michigan, personally came and appeared before me, the undersigned Notary Public, and makes this her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of her knowledge:

Assigned to: City of Detroit AV Count Board as Poll Challenger

Dates: Monday, November 2, 2020 to Thursday, November 5, 2020

Monday, November 2, 2020, I observed at several Absentee Voting Count Board (AVCB) precinct tables during the pre-processing of the AV ballot received by the City of Detroit. Most of the AVCB Election workers at precinct tables were observed processing the ballot envelopes correctly by opening; placing the envelopes in stacks of 50; passing the envelopes to the next person who scanned and checked voter name and signature against the electronic poll book; passing the envelope to the next person to partially pull the end of the ballot out then read the ballot number for confirm it was correct. Then several AVCB Election workers at precinct tables were observed not following the correct process and scanning more than 50 ballots at a time and not checking the ballot envelope scanned against data in the electronic the poll book.

Tuesday, November 3, 2020, I observed at AVCB precinct table #55 duplicating ballots. I inquired with the Table Captain the reason for the duplication, and was told it was because the voter was sent and returned a ballot from the wrong precinct, so the ballot had to be duplicated. A few moments later, I stepped forward to view a duplicated ballot and was immediately told by an Election Worker at table #55, "you can't be looking at our ballots". I replied, "the law allows me to view the ballots and the process during the duplication process". She continued, "no you can't. You are mistaken, so I am just pointing that out to you, because if we make a mistake then you would be all over us." Then another Election Worker at table #55 then covered the already duplicated ballots with a piece of paper so I could not see the top ballot. I stepped back away from the table but continued to observe the ballots being duplicated until the Election Workers were completed with this task.

Wednesday, November 4, 2020, I observed at AVCB precinct tables #88, #83, #5, #86 the Election workers being extremely rude and aggressive toward our Poll Challengers and Attorneys when ballot challenges were attempted to be made.

Thursday, November 5, 2020 at 4:38 AM, I observed with Ty Bundy at AVCB precinct tables #16, #17, #23, #26, #37 that outer ballot envelopes (with received stamp and voter signature) and ballot stubs were left at these AVCB tables unsecured, and not placed in secured bags with seals, which should have been done when the precinct was closed. I asked an Election Worker (David) about the ballot envelopes and ballot stubs having been left at these tables. He replied "we are working on it" then walked away. Moments later he watched him leave the AVCB room, and he did not return.

General Affidavit

Thursday, November 5, 2020 at 5:03 AM, I observed at AVCB precinct table #17 that there are three (3) unsealed ballot boxes at this table. At 5:17 AM, an Election Worker walked by and noticed the 3 unsealed ballot boxes; he stopped and opened each one box and discovered ballots inside of each; he advised Dan Baxter, who came to table #17 and inspected the 3 boxes as well; Dan Baxter and an Election Worker moved the 3 boxes to the far end of the room; I followed the two gentlemen and 3 boxes, and observed the 3 boxes being sealed by Dan Baxter. Also left at table #17 were the outer ballot envelopes and ballot stubs; these ballot envelopes were in a large black & grey plastic tub; not in a sealed case.

Dated this 9 day of November 2020.

Mary Shinkle

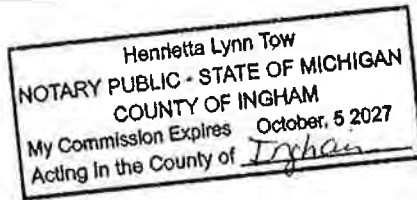
Signature of Affiant

State of Michigan  
County of Ingham

Subscribed and sworn to, or affirmed, before me on this 9 day of November 2020, by Affiant Mary Shinkle.

Hendetta Lynn Tow  
Signature of Notary Public

10-5-2027  
My Commission expires



## **AFFIDAVIT OF ALISA VALDEN**

Alisa Valden, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I was personally present at the TCF Center in Detroit, MI. I arrived there around noon on November 4, 2020.
4. When I arrived, I attended training and was credentialed by the Michigan Republican Party as a challenger.
5. Myself and other challengers were told to wait for the election worker shift change.
6. I was told by someone in the group that Republican challengers were not being allowed in however Independent challengers were.
7. I was informed that independent groups were also offering credentials.
8. I attended the independent group training session and was later credentialed by them.
9. Upon completion, I attempted to gain access into the "vote counting room."
10. I stood outside the entry of the "vote counting room" with approximately 50 other challengers, the vast majority of which were Republicans or Independence.
11. Again, I stood with the other challengers and waited to gain access to the "vote counting room" but it was not offered.
12. I de-credentialed myself as an independent challenger.
13. Around 7:00 pm, I was allowed into the "vote counting room" as a Republican challenger where I observed counting board 66 which was in the process of transcribing military ballots.

14. While there, I encountered a Democrat challenger named Scott who had been present prior to my arrival.
15. I was only able to observe 3 ballots being counted before they stopped counting at counting board 66.
16. While waiting for another table, I was told by an election worker that a batch of ballots weren't included in the most recently printed poll book and had to be entered.
17. I was told that the birthdates on these ballots would have unusual birthdates from the early 1900's.
18. Shortly after, I went to counting board 1, I also personally witnessed the name on precinct F ballot number 03097 was given to " , , :"  
The individual had an address of and had a birthdate of August 1, 1999.
19. When I later observed precinct F ballot number 03097, the name was changed to
20. I was intimidated by election workers and Democratic challengers who upon finding out my political affiliation while I was in the "vote counting room."
21. Affiant further sayeth not.

Dated: November 9, 2020



Alisa Valden

Subscribed and sworn to before me on:

/s/ Nov. 9, 2020

notary Barbara A. Harrell

Notary public, State of Michigan, County of:

My commission expires: Aug. 4, 2025

BARBARA A. HARRELL  
 NOTARY PUBLIC, STATE OF MI  
 COUNTY OF OAKLAND  
 MY COMMISSION EXPIRES Aug 4, 2025  
 ACTING IN COUNTY OF Wayne



**AFFIDAVIT OF Anita Chase**

Anita Chase, being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. I checked the voter records for my deceased son's name (Mark D. Chase) and it showed that he had voted twice since he passed away. Once when he was 38 years old (age he passed away but in July) and once when he was 42 years old which would have been this election.

Dated: November 7, 2020

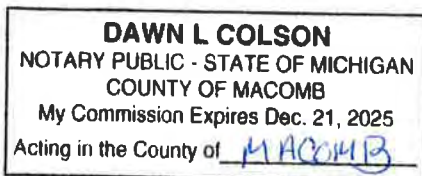
*Anita Chase*  
*Anita Chase*

Subscribed and sworn to before me on:

/s/ *Dawn L Colson*

Notary public, State of Michigan, County of: *MACOMB*

My commission expires: *12/21/2025*



# **EXHIBIT 3**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

---

CHERYL A. COSTANTINO and EDWARD P.  
McCALL, Jr.,

Plaintiff,

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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.

---

COMPLAINT AND  
APPLICATION FOR SPECIAL  
LEAVE TO FILE QUO  
WARRANTO COMPLAINT

EXPEDITED CONSIDERATION  
REQUESTED

FILE NO: 20-\_\_\_\_\_ -AW

JUDGE

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)

GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

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There is no other pending or resolved civil action arising out of the same transaction or  
occurrence as alleged in the complaint.

**APPLICATION FOR SPECIAL LEAVE TO FILE  
QUO WARRANTO COMPLAINT**

NOW COMES the above-named Plaintiffs, **CHERYL A. COSTANTINO AND EDWARD P. MCCALL, JR.**, by and through their attorneys, **GREAT LAKES JUSTICE CENTER**, and for their application for leave to file a complaint for quo warranto relief, and for their complaint, hereby states as follows:

1. Pursuant to MCL 600.4545(2), Plaintiffs respectfully request that this Honorable Court grant them special leave to file Counts II and III of this complaint for quo warranto for all the reasons as stated in their complaint, motion for temporary restraining order, supporting affidavits, exhibits, and accompanying brief, which are all incorporated herein by reference.

2. Plaintiffs request this relief as recognized in *Shoemaker v City of Southgate*, 24 Mich App 676, 680 (1970).

**WHEREFORE**, Plaintiffs request that his application for special leave to file Counts II and III of this complaint for quo warranto relief be granted and that this Honorable Court grant such other and further relief as appropriate.

Dated: November 8, 2020.

/s/ David A. Kallman  
David A. Kallman (P34200)  
Attorney for Plaintiffs

**COMPLAINT**

NOW COMES the above-named Plaintiffs, **CHERYL A. COSTANTINO AND EDWARD P. MCCALL, JR.** (hereinafter “Plaintiff”), by and through their attorneys, **GREAT LAKES JUSTICE CENTER**, and for their Complaint hereby states as follows:

**INTRODUCTION**

1. The election was held on November 3, 2020 and approximately 850,000 votes were

reported as cast in Wayne County, Michigan.

2. Plaintiff brings this action to raise numerous issues of fraud and misconduct that occurred in order to protect the rights of all voters in Michigan, especially Wayne County.

3. In summary, this Complaint raises numerous instances of fraud, including, but not limited to:

- a. Defendants systematically processed and counted ballots from voters whose name failed to appear in either the Qualified Voter File (QVF) or in the supplemental sheets. When a voter's name could not be found, the election worker assigned the ballot to a random name already in the QVF to a person who had not voted.
- b. Defendants instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity.
- c. After election officials announced the last absentee ballots had been received, another batch of unsecured and unsealed ballots, without envelopes, arrived in trays at the TCF Center. There were tens of thousands of these absentee ballots, and apparently every ballot was counted and attributed only to Democratic candidates.
- d. Defendants instructed election workers to process ballots that appeared after the election deadline and to falsely report that those ballots had been received prior to November 3, 2020 deadline.
- e. Defendants systematically used false information to process ballots, such as using incorrect or false birthdays. Many 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.
- f. On a daily basis leading up to the election, City of Detroit election workers and

employees coached voters to vote for Joe Biden and the Democrat party. These workers and employees encouraged voters to do a straight Democrat ballot. These election workers and employees went over to the voting booths with voters in order to watch them vote and coach them for whom to vote.

- g. Unsecured ballots arrived at the TCF Center loading garage, not in sealed ballot boxes, without any chain of custody, and without envelopes.
- h. Defendant election officials and workers refused to record challenges to their processes and removed challengers from the site if they politely voiced a challenge.
- i. After poll challengers started discovering the fraud taking place at the TCF Center, Defendant election officials and workers locked credentialed challengers out of the counting room so they could not observe the process, during which time tens of thousands of ballots were processed.
- j. Defendant election officials and workers allowed ballots to be duplicated by hand without allowing poll challengers to check if the duplication was accurate. In fact, election officials and workers repeatedly obstructed poll challengers from observing. Defendants permitted thousands of ballots to be filled out by hand and duplicated on site without oversight from poll challengers.

#### **PARTIES, JURISDICTION, AND VENUE**

4. Plaintiff Cheryl A. Costantino is a resident of Wayne County, voted in the November 3, 2020 election, and was a poll challenger.

5. Plaintiff Edward P. McCall, Jr. is a resident of Wayne County, voted in the November 3, 2020 election, and was a poll challenger.

6. Defendant City of Detroit is a municipality located in Wayne County tasked with

the obligation to hold all elections in a fair and legal manner.

7. Defendant Election Commission is a department of the City of Detroit.

8. Janice M. Winfrey, in her official capacity, is Clerk of the Defendant City of Detroit and the Chairman of the Defendant Detroit City Election Commission and is the city official who oversees and supervises all elections in the City of Detroit.

9. Cathy M. Garrett, in her official capacity, is the Clerk of Defendant Wayne County, and is the county official who oversees and supervises all elections in Wayne County.

10. Defendant Wayne County Board of Canvassers is the appointed body that is responsible for canvassing the votes cast within the county they serve. The Board members certify elections for all local, countywide and district offices which are contained entirely within the county they serve.

11. This action is properly filed in Wayne County Circuit Court pursuant to MCR 3.306(A)(2), Mich. Const. art. 2, sec. 4, par. 1(h), MCL 600.4545, and MCL 600.605. Venue is proper pursuant to MCR 3.306(D).

### **GENERAL ALLEGATIONS**

12. Wayne County used the TCF Center in downtown Detroit to consolidate, collect, and tabulate all of the ballots for the County.

13. The TCF Center was the only facility within Wayne County authorized to count the ballots.

### **Forging Ballots on the Qualified Voter List**

14. An attorney and former Michigan Assistant Attorney General was a certified poll challenger at the TCF Center (Exhibit A – Affidavit of Zachary Larsen).

15. As Mr. Larsen watched the process, he was concerned that ballots were being

processed without confirmation that the voter was an eligible voter in the poll book because of information he had received from other poll challengers (Exhibit A).

16. Mr. Larsen reviewed the running list of scanned in ballots in the computer system, where it appeared that the voter had already been counted as having voted. An official operating the computer then appeared to assign this ballot to a different voter as he observed a completely different name that was added to the list of voters at the bottom of a running tab of processed ballots on the right side of the screen (Exhibit A).

17. Mr. Larsen was concerned that this practice of assigning names and numbers indicated that a ballot was being counted for a non-eligible voter who was not in either the poll book or the supplemental poll book. From his observation of the computer screen, the voters were not in the official poll book. Moreover, this appeared to be the case for the majority of the voters whose ballots he personally observed being scanned (Exhibit A).

18. Because of Mr. Larsen's concern, he stepped behind the table and walked over to a spot behind where the first official was conducting her work. Understanding health concerns due to COVID-19, he attempted to stand as far away from this official as he reasonably could while also being able to visually observe the names on the supplemental poll book and on the envelopes (Exhibit A).

19. As soon as Mr. Larsen moved to a location where he could observe the process by which the first official at this table was confirming the eligibility of the voters to vote, the first official immediately stopped working and glared at him. He stood still until she began to loudly and aggressively tell him that he could not stand where he was standing. She indicated that he needed to remain in front of the computer screen where he could not see what the worker was doing (Exhibit A).



20. Both officials then began to tell Mr. Larsen that because of COVID, he needed to be six feet away from the table. He responded that he could not see and read the supplemental poll book from six feet away, and that he was attempting to keep his distance to the extent possible (Exhibit A).

21. Just minutes before at another table, a supervisor had explained that the rules allowed Mr. Larsen to visually observe what he needed to see and then step back away. Likewise, on Election Day, he had been allowed to stand at equivalent distance from poll books in Lansing and East Lansing precincts without any problem. With this understanding, he remained in a position to observe the supplemental poll book (Exhibit A).

22. Both officials indicated that Mr. Larsen could not remain in a position that would allow him to observe their activities; the officials indicated they were going to get their supervisor (Exhibit A).

23. When the supervisor arrived, she reiterated that Mr. Larsen was not allowed to stand behind the official with the supplemental poll book, and he needed to stand in front of the computer screen. Mr. Larsen told her that was not true, and that he was statutorily allowed to observe the process, including the poll book (Exhibit A).

24. The supervisor then pivoted to arguing that Mr. Larsen was not six feet away from the first official. Mr. Larsen told her that he was attempting to remain as far away as he could while still being able to read the names on the poll book (Exhibit A).

25. The supervisor then stood next to the chair immediately to the left of the first official and indicated that Mr. Larsen was “not six feet away from” the supervisor and that she intended to sit in the chair next to the official with the poll book, so he would need to leave (Exhibit A).

26. This supervisor had not been at the table at any time during the process, and she had responsibility for numerous ACVBs. Further, the supervisor's choice of chairs was approximately three feet to the left of the first official and therefore in violation of the six-foot distance rule (Exhibit A).

27. Accordingly, Mr. Larsen understood that this was a ruse to keep him away from a place where he could observe the confirmation of names in the supplemental poll book. The supervisor began to repeatedly tell him that he "needed to leave" so he responded that he would go speak with someone else and fill out a challenge form (Exhibit A).

28. After Mr. Larsen observed and uncovered the fraud that was taking place and had the confrontation with the supervisor, he left the counting room to consult with another attorney about the matter around 1:30 p.m. to 2:00 p.m. (Exhibit A).

29. It was at this point that election officials stopped permitting any further poll challengers to enter the counting room, including Mr. Larsen (Exhibit A).

30. Election officials never allowed Mr. Larsen to re-enter the counting room to fulfill his duties as a poll challenger after he had discovered the fraud which was taking place.

### **Illegal Voter Coaching and Identification Issues**

31. An election employee with the City of Detroit was working at a polling location for approximately three weeks prior to the election. This City of Detroit employee directly observed, on a daily basis, other City of Detroit election workers and employees coaching voters to vote for Joe Biden and the Democrat party. This employee witnessed these workers and employees encouraging voters to do a straight Democrat ballot and witnessed these election workers and employees going over to the voting booths with voters in order to watch them vote and coach them for whom to vote (Exhibit B – Affidavit of Jessy Jacob).

32. During the last two weeks while this same employee was working at the polling location, she was specifically instructed by her supervisor never to ask for a driver's license or any photo I.D. when a person was trying to vote (Exhibit B).

### **Changing Dates on Ballots**

33. All absentee ballots that existed were required to be inputted into the QVF system by 9:00 p.m. on November 3, 2020. This was required to be done in order to have a final list of absentee voters who returned their ballots prior to 8:00 p.m. on November 3, 2020. In order to have enough time to process the absentee ballots, all polling locations were instructed to collect the absentee ballots from the drop-box once every hour on November 3, 2020 (Exhibit B).

34. On November 4, 2020, a City of Detroit election worker was instructed to improperly pre-date the absentee ballots receive date that were not in the QVF as if they had been received on or before November 3, 2020. She was told to alter the information in the QVF to falsely show that the absentee ballots had been received in time to be valid. She estimates that this was done to thousands of ballots (Exhibit B).

### **Illegal Double Voting**

35. The election employee observed a large number of people who came to the satellite location to vote in-person, but they had already applied for an absentee ballot. These people were allowed to vote in-person and were not required to return the mailed absentee ballot or sign an affidavit that the voter lost the mailed absentee ballot (Exhibit B).

36. This would permit a person to vote in person and also send in his/her absentee ballot.

37. Prior to the election, the Michigan Secretary of State sent ballot applications to deceased residents and to non-residents of the State of Michigan.

### **First Round of New Ballots**

38. At approximately 4:00 a.m. on November 4, 2020, tens of thousands of ballots were suddenly brought into the counting room through the back door (Exhibit C – Affidavit of Andrew Sitto).

39. These new ballots were brought to the TCF Center by vehicles with out-of-state license plates (Exhibit C).

40. It was observed that all of these new ballots were cast for Joe Biden (Exhibit C).

### **Second Round of New Ballots**

41. The ballot counters were required to check every ballot to confirm that the name on the ballot matched the name on the electronic poll list; this was the list of all persons who had registered to vote on or before November 1, 2020 and is often referred to as the QVF (Exhibit D - Affidavit of Bob Cushman)

42. The ballot counters were also provided with Supplemental Sheets which had the names of all persons who had registered to vote on either November 2, 2020 or November 3, 2020 (Exhibit C).

43. The validation process for a ballot requires the name on the ballot to be matched with a registered voter on either the QVF or the Supplemental Sheets.

44. At approximately 9:00 p.m. on Wednesday, November 4, 2020, numerous boxes of ballots were brought to TCF Center (Exhibit D).

45. Upon information and belief, the Wayne County Clerk's office instructed the ballot counters to use the date of birth of January 1, 1900 on all of these newly appearing ballots.

46. None of the names of these new ballots corresponded with any registered voter on

the QVF or the Supplemental Sheets (Exhibit D).

47. Despite election rules that required that all absentee ballots be inputted into the QVF system before 9:00 p.m. on November 3, 2020 (Exhibit B), the election workers inputted all of these new ballots into the QVF and manually added each voter to the list after 9:00 p.m. (Exhibit D).

48. Upon information and belief, the vast majority of these new ballots indicated the voter's date of birth as January 1, 1900 entered into the QVF (Exhibit D).

49. These newly received ballots were either fraudulent or apparently cast by persons who were not registered to vote prior to the polls closing at 8:00 p.m. on November 3, 2020.

#### **No Transparency - Denied Access**

50. Numerous election challengers were denied access to observe the counting process by the Defendants.

51. After denying access to the counting rooms, election officials used large pieces of cardboard to block the windows to the counting room thereby preventing anyone from watching the ballot counting process (Exhibit C).

#### **Qualified Voter File Access**

52. Whenever an absentee vote application or in-person absentee voter registration was finished, election workers were instructed to input the voter's name, address, and date of birth into the QVF system (Exhibit B).

53. The QVF system can be accessed and edited by any election processor with proper credentials in the State of Michigan at any time and from any location with internet access (Exhibit B).

54. This access permits anyone with the proper credentials to edit when ballots were

sent, received, and processed from any location with internet access (Exhibit B).

55. Many of the counting computers within the counting room had icons that indicated that they were connected to the internet (Exhibit F – Affidavit of Patrick J. Colbeck).

### **Absentee Ballot Signatures**

56. Whenever a person requested an absentee ballot either by mail or in-person, that person was required to sign the absentee voter application.

57. When the voter returned his/her absentee ballot to be counted, the voter was required to sign the outside of the envelope that contained the ballot.

58. Election officials who process absentee ballots are required to compare the signature on the absentee ballot application with the signature on the absentee ballot envelope.

59. Election officials at the TCF Center instructed workers to never validate or compare the signatures on absentee applications and the absentee envelopes to ensure their authenticity and validity (Exhibit B).

### **Unsecured Ballots**

60. A poll challenger witnessed tens of thousands of ballots being delivered to the TCF Center that were not in any approved, sealed, or tamper-proof container (Exhibit E – Affidavit of Daniel Gustafson).

61. Large quantities of ballots were delivered to the TCF Center in what appeared to be mail bins with open tops (Exhibit E).

62. Contrary to law, these ballot bins and containers did not have lids, were not sealed, and did not have the capability of having a metal seal (Exhibit E).

### **COUNT I – CONSTITUTIONAL RIGHT TO ACCURACY AND INTEGRITY OF ELECTIONS** **MICHIGAN CONSTITUTION – ARTICLE 2, SECTION 4, PARAGRAPH 1(H)**

63. Paragraphs 1 through 62 are hereby incorporated by reference as if fully restated

herein.

64. Plaintiff brings this action to vindicate his constitutional right to a free and fair election ensuring the accuracy and integrity of the process pursuant to the Michigan Constitution, art. 2, sec. 4, par. 1(h), which states all Michigan citizens have:

The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.

65. The Mich. Const., art. 2, sec. 4, further states, “All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes.”

66. Based upon all the allegations of fraud, statutory violations, and other misconduct, as stated herein and in the attached affidavits, it is necessary to enjoin the certification of the election results pending a full investigation and court hearing, and to order an independent audit of the November 3, 2020 election to ensure the accuracy and integrity of the election.

**COUNT II – STATUTORY QUO WARRANTO CLAIM – ELECTION FRAUD**  
**MCL 600.4545(2); MCL 168.861**

67. Paragraphs 1 through 66 are hereby incorporated by reference as if fully restated herein.

68. MCL 600.4545(2) permits an action to request the issuance of a writ of quo warranto if the action is brought within 30 days after the election upon the request of “any citizen of the county by special leave of the court or a judge thereof.”

69. The statute also requires this action to “be brought against the municipality wherein such fraud or error is alleged to have been committed.”

70. Quo Warranto may be brought to remedy fraudulent or illegal voting or tampering with ballots or ballot boxes before a recount pursuant to MCL 168.861, which states,

For fraudulent or illegal voting, or tampering with the ballots or ballot boxes before a recount by the board of county canvassers, the remedy by quo warranto shall remain in full force, together with any other remedies now existing.

71. Based upon the allegations contained herein, material fraud or error occurred in this election so that the outcome of the election was affected.

72. Based upon the above allegations of fraud, statutory violations, and other misconduct, as stated herein and in the attached affidavits, it is necessary to issue a writ of quo warranto and order appropriate relief, including, but not limited to, enjoining the certification of the election results pending a full investigation and court hearing, ordering a recount of the election results, or voiding the election and ordering a new election, to remedy the fraud.

**COUNT III – COMMON LAW QUO WARRANTO CLAIM – ELECTION FRAUD**

73. Paragraphs 1 through 72 are hereby incorporated by reference as if fully restated herein.

74. MCR 3.306(B)(2) permits an action to request the issuance of a writ of quo warranto.

75. An application to proceed by quo warranto must disclose sufficient facts and grounds and sufficient apparent merit to justify further inquiry.

76. Quo warranto is warranted whenever it appears that material fraud or error has been committed at any election. This type of action is brought to challenge the validity of the election itself. *Barrow v Detroit Mayor*, 290 Mich App 530, 543 (2010). For all the reasons stated herein and in the attached affidavits, material fraud or error was committed during the election.

77. This Quo Warranto claim is brought to remedy fraudulent or illegal voting or tampering with ballots or ballot boxes.

78. Based upon the allegations contained herein, material fraud or error occurred in this



election so that the outcome of the election was affected.

79. Based upon the above allegations of fraud, statutory violations, and other misconduct, as stated herein and in the attached affidavits, it is necessary to issue a writ of quo warranto and order appropriate relief, including, but not limited to, enjoining the certification of the election results pending a full investigation and court hearing, ordering a recount of the election results, or voiding the election and ordering a new election, to remedy the fraud.

**COUNT IV – EQUAL PROTECTION VIOLATION**  
**Mich Const, art I, § 2.**

80. Paragraphs 1 through 79 are hereby incorporated by reference as if fully restated herein.

81. The Equal Protection Clause of the Michigan Constitution provides that “[n]o person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights.” Mich Const, art I, § 2.

82. The right to vote is a fundamental civil right and a political right.

83. The Equal Protection Clause forbids election officials granting the right to vote on equal terms but later devaluing a person’s vote through failing to use specific standards and uniform rules.

84. Only specific standards and uniform rules provide sufficient guarantees of equal treatment.

85. Every person has the right to vote, with their vote counted as one vote, and not have his or her vote diluted and voided out by the counting of an illegal vote.

86. Defendants handling of the election, as described above and as described in the attached affidavits, establish how rampant and systemic fraud devalued and diluted Plaintiff’s civil and political rights.

87. The illegal procedures, illegal standards, and illegal treatment of the ballots and the counting of ballots in Wayne County and in Detroit employed by Defendants unconstitutionally burden the fundamental right to vote.

88. Defendants have no legitimate interest in counting illegal and improper ballots, counting ballots more than once, illegally correcting and improperly duplicating ballots, adding false birthdates and voter information to ballots, and improperly handling the collection and counting of ballots in a way that dilutes and cancels out rightfully and properly cast votes.

89. Based upon the above allegations of fraud, statutory violations, and other misconduct, as stated herein and in the attached affidavits, it is necessary to order appropriate relief, including, but not limited to, enjoining the certification of the election results pending a full investigation and court hearing, ordering a recount of the election results, or voiding the election and ordering a new election, to remedy the fraud.

#### **COUNT V – STATUTORY ELECTION LAW VIOLATIONS**

90. Paragraphs 1 through 89 are hereby incorporated by reference as if fully restated herein.

#### **Violation of MCL 168.765a.**

91. Absent voter ballots must only be counted when “at all times” there is “at least 1 election inspector from each major political party.” MCL 168.765a.

92. Per eyewitness accounts described in this Complaint and its attached sworn affidavits, Defendants habitually and systematically 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, including Plaintiff, to be within a close enough distance from the absent voter ballots to be able to see for whom the ballots were

cast.

93. Defendants refused entry to official election inspectors from the Republican party, including Plaintiff, into the counting place to observe the counting of absentee voter ballots. Defendants even physically blocked and obstructed election inspectors from the Republican party, including Plaintiff, by adhering large pieces of cardboard to the transparent glass doors so the counting of absent voter ballots was not viewable.

### **Violation of MCL 168.733**

94. MCL 168.733 requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95. Per eyewitness accounts described in this Complaint and its attached sworn affidavits, Defendants habitually and systematically failed to provide space for election inspectors from the Republican party, including Plaintiff, to observe election procedure, failed to allow the inspection of poll books, failed to share the names of the electors being entered in the poll books, failed to allow the examination of each ballot as it was being counted, and failed to keep records of obvious and observed fraud.

96. Poll challengers, including Plaintiff, observed election workers and supervisors writing on ballots themselves to alter them, apparently manipulating spoiled ballots by hand and then counting the ballots as valid, counting the same ballot more than once, adding information to incomplete affidavits accompanying absentee ballots, counting absentee ballots returned late, counting unvalidated and unreliable ballots, and counting the ballots of “voters” who had no recorded birthdates and were not registered in the State’s Qualified Voter File or on any Supplemental voter lists.

97. Michigan law requires that in order to register as an absentee voter, the application must be made in writing and received by the clerk by 5pm on the Friday before the election.

**Violation of MCL 168.765(5)**

98. Michigan election law, MCL 168.765(5), requires Defendants to post the following absentee voting information anytime an election is conducted which involves a state or federal office:

a. The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election Day and 3) the number of absent voter ballots delivered for processing.

b. The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.

c. The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.

99. Upon information and belief, Defendants failed to post by 8:00 a.m. on Election Day the number of absentee ballots distributed to absent voters and failed to post before 9:00 p.m. the number of absent voters returned before on Election Day.

100. Per Michigan Election law, all absentee voter ballots must be returned to the clerk before polls close at 8pm. MCL 168.764a. Any absentee voter ballots received by the clerk after the close of the polls on election day will not be counted.

101. Michigan allows for early counting of absentee votes prior to the closings of the polls for large jurisdictions, such as the City of Detroit and Wayne County.

102. Upon information and belief, receiving tens of thousands additional absentee ballots in the early morning hours after election day and after the counting of the absentee ballots had concluded, without proper oversight, with tens of thousands of ballots attributed to just one candidate, Joe Biden, indicates Defendants failed to follow proper election protocol.

103. Based upon the above allegations of fraud, statutory violations, and other misconduct, as stated herein and in the attached affidavits, it is necessary to order appropriate relief, including, but not limited to, enjoining the certification of the election results pending a full investigation and court hearing, ordering a recount of the election results, or voiding the election and ordering a new election, to remedy the fraud.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court:

- A. 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;
- B. issue an *ex-parte* TRO prohibiting Defendants' from certifying the election results or continuing to count ballots until this matter can be heard by the Court.
- C. issue an preliminary injunction prohibiting Defendants' from certifying the election results until this matter can be heard by the Court.
- D. issue an order voiding the November 3, 2020 election results and order a new election to be held.
- E. Issue a protective order as requested in the attached Motion for TRO.
- F. grant such other and further relief as is equitable and just, and grant him costs, expenses and attorney fees incurred in having to bring this action.

I HEREBY STATE AND AFFIRM THAT I HAVE HAD READ THE FOREGOING COMPLAINT AND THAT IT IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Dated: November 8, 2020.

\_\_\_\_\_  
Cheryl A. Constantino, Plaintiff

Dated: November 8, 2020.

*Edward P. McCall*  
\_\_\_\_\_  
Edward P. McCall, Plaintiff

Prepared By:

/s/ David A. Kallman

David A. Kallman (P34200)  
Stephen P. Kallman (P75622)  
Jack C. Jordan (P46551)  
Erin E. Mersino (P70886)  
Attorneys for Plaintiff

I HEREBY STATE AND AFFIRM THAT I HAVE HAD READ THE FOREGOING COMPLAINT AND THAT IT IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Dated: November 8, 2020.

  
Cheryl A. Costantino, Plaintiff

Dated: November 8, 2020.

\_\_\_\_\_  
Edward P. McCall, Plaintiff

Prepared By:

/s/ David A. Kallman

David A. Kallman (P34200)  
Stephen P. Kallman (P75622)  
Jack C. Jordan (P46551)  
Erin E. Mersino (P70886)  
Attorneys for Plaintiff



# EXHIBIT A

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

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

Plaintiff,

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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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AFFIDAVIT OF ZACHARY  
LARSEN

FILE NO: 20-\_\_\_\_\_-AW

JUDGE

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)

GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

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AFFIDAVIT

The Affiant, Zachary Larsen, being first duly sworn, hereby deposes and states as follows:

1. My name is Zachary Larsen, I am over the age of eighteen, have personal knowledge of the facts stated in this Affidavit and, if sworn as a witness, I am competent to testify to these facts.

2. I am an attorney in private practice and licensed in the State of Michigan. Prior to my entry into private practice, I served as an Assistant Attorney General for eight years from January 2012 through January 2020, where I was recognized with an award for the quality of my work and served the state on several high-priority litigation matters.

3. In September 2020, I volunteered to serve as a poll challenger for the Michigan Republic Party's election day operations to ensure the integrity of the vote and conformity of the election process to the election laws of Michigan.

4. In preparation for my service, I attended an elections training, reviewed materials relating to the conduct of elections, and read pertinent sections of Michigan's election law.

5. On Election Day, Tuesday, November 3, 2020, I served as a roving attorney and credentialed poll challenger with a group of attorneys and visited approximately 20-30 voting precincts in Lansing, East Lansing, and Williamston, Michigan to confirm that the election was conducted in accordance with law, and on a few occasions, to address complaints raised by specific voters.

6. During my visits to precincts on Election Day, I was allowed to visually inspect the poll book without touching it at every precinct where we asked to review it. In each instance, I was allowed to stand a respectful distance behind the election officials while remaining close enough to read relevant names and numbers.

7. The following day, on Wednesday, November 4, 2020, I arrived at the former Cobo Center, now known as the TCF Center, in Detroit, Michigan to serve as a poll challenger for the absent voter count occurring in Detroit and arrived between 9:30 and 9:45 a.m.

8. Prior to my admission to the floor where the absent voter count was occurring, I received credentials from the Michigan Republican Party and further instruction regarding the process for handling ballots at absent voter counting boards (“AVCBs”).

9. Thereafter, I received a temperature scan from election officials that confirmed I did not have an elevated temperature. I arrived inside, and I was “checked in” by an election official who reviewed my driver’s license and confirmed my credentials and eligibility to serve as a challenger. I was admitted at approximately 10:30 a.m.

10. When I arrived at a counting table and began to observe the process, I noticed immediately that part of the process that was being implemented did not conform to what I had been told in my training and the materials that I had received.

11. Specifically, the information I had received described the process that was supposed to be occurring at the tables as follows.

12. A first election official would scan a ballot. If the scan did not confirm a voter in the poll book, that official would then check the voter against a paper copy “supplemental poll book.”

13. The official would then read the ballot number to a second election official and hand the ballot to that official, who would remove the ballot (while still in the secrecy sleeve) and confirm the ballot number. That second official would then hand the ballot (in the secrecy sleeve) to a third official who would tear the stub off of the ballot, and place the stub in a ballot stub envelope, then pass the remaining ballot to a fourth official.

14. The fourth official would then remove the ballot from the secrecy sleeve, flatten the ballot to ensure it was capable of processing, and visually inspect for rips, tears, or stains before placing the ballot in the “ballots to be tabulated box.” However, if that fourth official identified a

concern, she would place the ballot back in its envelope and into a “problem ballots” box that required additional attention to determine whether they would be processed and counted. A copy of a diagram that I had received on this process is attached as Exhibit A to this affidavit.

15. What I observed immediately was that the secrecy of the ballot was not being respected.

16. Instead, the second official at the table where I was observing was repeatedly placing her fingers into the secrecy sleeve to separate the envelope and visually peek into the envelopes in a way that would allow her to visually observe the ballot and identify some of the votes cast by the voter.

17. Sometimes, the third official whose job was merely to remove the stub from the ballot would likewise remove the ballot from the secrecy sleeve or otherwise peek to observe the ballot. Sometimes a ballot would be removed completely from the secrecy sleeve and then placed back inside and passed along this process.

18. I conferred regarding this issue with another challenger at a nearby table, and he indicated he had observed similar irregularities regarding the use of the secrecy sleeves.

19. When that challenger raised the issue with a supervisor, and he was immediately asked “why does it matter?” and “what difference does it make?”

20. Beyond the legal requirements for maintaining ballot secrecy, both of us were concerned that the violations of the secrecy of the ballot that we witnessed could be or were being used to manipulate which ballots were placed in the “problem ballots” box.

21. Later that morning, at another table, a challenger identified concerns that ballots were being placed into “problem ballots” boxes purportedly based on the reason that the voter had failed to place the ballot in the secrecy sleeve, while other ballots at the same table were being

passed along and placed into the “ballots to be tabulated” box that also did not have secrecy sleeves.

22. I personally observed that several ballots were placed into the “problem ballots” boxed and marked with a sticky note indicating that they were “problem ballots” merely because of the lack of a secrecy sleeve.

23. When I spoke with a supervisor regarding this issue, he explained that these ballots were being placed in the “problem ballots” box for efficiency.

24. From my experience at the first table I had visited (addressed in Paragraphs 15 through 17 above), I had also witnessed ballots that were placed into the “ballots to be tabulated” box that had arrived without a secrecy sleeve. So the differentiation among these ballots despite both ballots arriving in secrecy sleeves was perplexing and again raised concerns that some ballots were being marked as “problem ballots” based on who the person had voted for rather than on any legitimate concern about the ability to count and process the ballot appropriately.

25. Just before noon, I arrived at another table (which I later contemporaneously noted as AVCB # 23), and I conferred with the Republican challenger who had been observing the process from a viewing screen and watching the response of the computer system as ballots were scanned by the first official.

26. I asked the challenger if she had observed anything of concern, and she immediately noted that she had seen many ballots scanned that did not register in the poll book but that were nonetheless processed. Because she needed to leave for lunch, I agreed to watch her table.

27. As I watched the process, I was sensitive to her concern that ballots were being processed without confirmation that the voter was an eligible voter in the poll book, so I stood at the monitor and watched.

28. The first ballot scanned came in as a match to an eligible voter. But the next several ballots that were scanned did not match any eligible voter in the poll book.

29. When the scan came up empty, the first official would type in the name "Pope" that brought up a voter by that last name.

30. I reviewed the running list of scanned in ballots in the computer system, and it appeared that the voter had already been counted as having voted. Then the first official appeared to assign a number to a different voter as I observed a completely different name that was added to the list of voters at the bottom of a running tab of processed ballots on the right side of the screen.

31. That same official would then make a handwritten notation on her "supplemental poll book," which was a hard copy list that she had in front of her at the table.

32. The supplemental poll book appeared to be a relatively small list.

33. I was concerned that this practice of assigning names and numbers indicated that a ballot was being counted for a non-eligible voter who was not in either the poll book or the supplemental poll book. From my observation of the computer screen, the voters were certainly not in the official poll book. Moreover, this appeared to be the case for the majority of the voters whose ballots I had personally observed being scanned.

34. Because of this concern, I stepped behind the table and walked over to a spot behind where the first official was conducting her work.

35. Understanding health concerns due to COVID-19, I attempted to stand as far away from this official as I reasonably could while also being able to visually observe the names on the supplemental poll book and on the envelopes.

36. Partly inhibiting my ability to keep a distance, the tables were situated so that two counting tables were likely a maximum of eight feet apart. In other words, you could not stand more than four feet behind one without being less than four feet from another.

37. As soon as I moved to a location where I could observe the process by which the first official at this table was confirming the eligibility of the voters to vote, the first official immediately stopped working and glared at me. I stood still until she began to loudly and aggressively tell me that I could not stand where I was standing. She indicated that I needed to remain in front of the computer screen.

38. I responded, "Ma'am, I am allowed by statute to observe the process." As I did, a Democratic challenger ran towards me and approached within two feet of me, saying "You cannot speak to her! You are not allowed to talk to her." I responded, "Sir, she spoke to me. I was just answering her."

39. The first official again told me that the only place I was allowed to observe from was at the computer screen. A second official at the table reiterated this. I said that was not true.

40. Both officials then began to tell me that because of COVID, I needed to be six feet away from the table. I responded that I could not see and read the supplemental poll book from six feet away, but I was attempting to keep my distance to the extent possible.

41. Just minutes before at another table, a supervisor had explained that the rules allowed me to visually observe what I needed to see and then step back away. Likewise, on Election Day, I had been allowed to stand at equivalent distance from poll books in Lansing and East Lansing precincts without any problem. With this understanding, I remained in a position where I would be able to observe the supplemental poll book until I could do so for the voter whose ballots had just been scanned and did not register in the poll book.



42. Both officials indicated that I could not remain in a position that would allow me to observe their activities and they were going to get their supervisor.

43. This seemed particularly concerning because the Democratic challenger who raised concerns over my verbal response to the official had been positioned behind the second official (the one who confirms ballots as described in Paragraph 13) no further away than I was from the first official at that time and had not been stationed at the computer screen as the officials repeatedly told me was the only place that I could stay.

44. When the supervisor arrived, she reiterated that I was not allowed to stand behind the official with the supplemental poll book, and I needed to stand in front of the computer screen. I told her that was not true, and that I was statutorily allowed to observe the process, including the poll book.

45. The supervisor then pivoted to arguing that I was not six feet away from the first official. I told her I was attempting to remain as far away as I could while still being able to read the names on the poll book.

46. In an attempt to address her concerns, I took a further step away from the table and indicated I would try to keep my distance, and that I thought I was about six feet away from the first official. The supervisor then stood next to the chair immediately to the left of the first official and indicated that I was “not six feet away from” the supervisor and that she intended to sit in the chair next to the official with the poll book, so I would need to leave.

47. This supervisor had not been at the table at any time during the process, and she had responsibility for numerous ACVBs. Further, the supervisor’s choice of chairs was approximately three feet to the left of the first official and therefore in violation of the six-foot distance rule.

48. Accordingly, I understood that this was a ruse to keep me away from a place where I could observe the confirmation of names in the supplemental poll book. The supervisor began to repeatedly tell me that I “needed to leave” so I responded that I would go speak with someone else or fill out a challenge form.

49. I went to find another attorney serving as a challenger and returned to discuss the matter further with the supervisor. When I returned, she reiterated her assertions and insisted that there was nowhere where I could stand in conformity with the six-foot rule that would allow me to observe the supplemental poll book. Ultimately, to avoid further conflict with the supervisor, I agreed that I would leave that counting table and move to another table.

50. Between 1:30 p.m. and 2 p.m., my colleague and I decided to return to the suite that housed the Republican challengers to get lunch. We left the counting floor and went up to the Republicans second-floor suite.

51. About 30 to 45 minutes later, an announcement was made that challengers needed to return to the floor. As we attempted to return, we were made aware that the officials admitting people had limited the number of election challengers to another 52 people who would be allowed inside. I displayed my credentials and walked up to near the door where a small crowd was gathering to be let in.

52. Shortly thereafter, a man came out to announce that no one would be let in (despite the prior announcement) because the room had reached the maximum number of challengers. As he was asked why we would not be let in, he explained that the maximum number of challengers were determined from the number of names on the sign-in sheet, regardless of how many people had left the room.


53. Many Republican challengers had left the room for lunch without signing out, including myself and my colleague. Accordingly, we were being arbitrarily “counted” towards this capacity limitation without actually being allowed into the room to observe.

54. When challengers raised this issue with the man at the door, he refused to discuss any solutions such as confirming the identify of challengers who had been previously admitted.


55. To the best of my recollection, I was never informed that if I left the room and failed to sign out that I would be refused admission or that there would be no means of confirming that I had been previously admitted.

56. The above information is true to the best of my information, knowledge, and belief.

57. Further affiant says not.

  
\_\_\_\_\_  
Zachary Larsen

On this 8th day of November, 2020, before me personally appeared Zachary Larsen, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by his subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.

  
\_\_\_\_\_  
Stephen P. Kallman  
Notary Public, Eaton County, Michigan  
My Commission Expires: 11/26/2025

# EXHIBIT B

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

---

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

Plaintiff,

AFFIDAVIT OF JESSY JACOB

FILE NO: 20-\_\_\_\_\_ -AW

-vs-

JUDGE

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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.

---

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)

GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

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AFFIDAVIT

The Affiant, Jessy Jacob, being first duly sworn, hereby deposes and states as follows:


1. My name is Jessy Jacob. I am an adult citizen and resident of the State of Michigan.
2. I have been an employee for the City of Detroit for decades.
3. I was assigned to work in the Elections Department for the 2020 election.
4. I received training from the City of Detroit and the State of Michigan regarding the election process.

5. I worked at the election headquarters for most of September and I started working at a satellite location for most of October, 2020.
6. I processed absentee ballot packages to be sent to voters while I worked at the election headquarters in September 2020 along with 70-80 other poll workers. I was instructed by my supervisor to adjust the mailing date of these absentee ballot packages to be dated earlier than they were actually sent. The supervisor was making announcements for all workers to engage in this practice.
7. At the satellite location, I processed voter registrations and issued absentee ballots for people to vote in person at the location.
8. I directly observed, on a daily basis, City of Detroit election workers and employees coaching and trying to coach voters to vote for Joe Biden and the Democrat party. I witnessed these workers and employees encouraging voters to do a straight Democrat ballot. I witnessed these election workers and employees going over to the voting booths with voters in order to watch them vote and coach them for whom to vote.
9. During the last two weeks while working at this satellite location, I was specifically instructed by my supervisor not to ask for a driver's license or any photo I.D. when a person was trying to vote.
10. I observed a large number of people who came to the satellite location to vote in-person, but they had already applied for an absentee ballot. These people were allowed to vote in-person and were not required to return the mailed absentee ballot or sign an affidavit that the voter lost the mailed absentee ballot.
11. Whenever I processed an absentee voter application or in-person registration, I was instructed to input the person's name, address, and date of birth into the Qualified Voter File (QVF) system.
12. The QVF system can be accessed and edited by any election processor with proper credentials in the State of Michigan at any time and from any location with internet access.
13. I worked at the satellite location until the polls closed on November 3, 2020 at 8:00 p.m. and properly completed the entry of all absentee ballots into the QVF by 8:30 p.m.

- 14. I then reported to work at the TCF Center on November 4, 2020, at 8:30 a.m. to process ballots. I was instructed not to validate any ballots and not to look for any deficiencies in the ballots.
- 15. Absentee ballots that were received in the mail would have the voter's signature on the envelope. While I was at the TCF Center, I 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.
- 16. All absentee ballots that existed were required to be inputted into the QVF system by 9:00 p.m. on November 3, 2020. This was required to be done in order to have a final list of absentee voters who returned their ballots prior to 8:00 p.m. on November 3, 2020. In order to have enough time to process the absentee ballots, all satellites were instructed to collect the absentee ballots from the drop-box once every hour on November 3, 2020.
- 17. On November 4, 2020, I was instructed to improperly pre-date the absentee ballots receive date that were not in the QVF as if they had been received on or before November 3, 2020. I was told to alter the information in the QVF to falsely show that the absentee ballots had been received in time to be valid. I estimate that this was done to thousands of ballots.
- 18. The above information is true to the best of my information, knowledge, and belief.
- 19. Further affiant says not.

  
 \_\_\_\_\_  
 Jessy Jacob

On this 7th day of November, 2020, before me personally appeared Jessy Jacob, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that she has read the foregoing affidavit by her subscribed and knows the contents thereof, and that the same is true of her own knowledge and belief, except as to those matters she states to be on information and belief, and as to those matters she believes them to be true.

  
 \_\_\_\_\_  
 Stephen P. Kallman  
 Notary Public, Eaton County, Michigan  
 My Commission Expires: 11/26/2025

# EXHIBIT C



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

---

CHERYL A. COSTANTINO and EDWARD P.  
McCALL, Jr.,

Plaintiff,

AFFIDAVIT OF ANDREW  
SITTO

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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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FILE NO: 20-\_\_\_\_\_ -AW

JUDGE

---

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)  
GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

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AFFIDAVIT

The Affiant, Andrew Sitto, being first duly sworn, hereby deposes and states as follows:

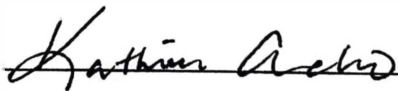
1. My name is Andrew Sitto and I was a poll challenger for the November 3, 2020 election.
2. I arrived at the TCF Center at 9:30 p.m. on November 3, 2020.
3. I reported to the counting room, which is a large room on the main floor of the TCF Center. The room is about 100 yards long and about 50 yards wide with windows.

4. The poll challengers watch the counters who were sitting at tables comparing paper ballots to Michigan electronic poll book or registered voter list (sometimes called the QVF) on computer screens. Each counter compares the ballot to an electronic database on his/her computer to determine if the ballot correlates to a person who is registered to vote.
5. I was standing in the center of the room where there were replacement or duplicate ballots for damaged ballots. I remained in this location from about 10:00 p.m. until about 4:30 a.m. If a counter needed a duplicate ballot, they would come to this central location to take a duplicate ballot.
6. At approximately 4:30 a.m., I thought everyone was going to go home as our shift had ended.
7. There were two men in charge of the counting, one in his 30s and one in his 50s.
8. At approximately 4:30 a.m., on November 4, 2020, the man in his 50s got on the microphone and stated that another shipment of absentee ballots would be arriving and would have to be counted.
9. I 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.
10. At approximately 4:30 a.m., tens of thousands of ballots were brought in and placed on eight long tables. Unlike the other ballots, these boxes were brought in from the rear of the room.
11. The same procedure was performed on the ballots that arrived at approximately 4:30 a.m., but I specifically noticed that every ballot I observed was cast for Joe Biden.
12. While counting these new ballots, I heard counters say at least five or six times that all five or six ballots were for Joe Biden. All ballots sampled that I heard and observed were for Joe Biden.
13. There was a shift change at 5:00 a.m. for the poll challengers. Many challengers decided to leave at the 5:00 a.m. shift change. I decided not to leave and continued to monitor the ballot counting.
14. Upon information and belief, the TCF Center was the only place where absentee ballots were being counted.

- 14. Upon information and belief, the TCF Center was the only place where absentee ballots were being counted.
- 15. I filled out about six or seven incident reports about what occurred at the TCF Center.
- 16. At approximately 2:00 p.m. on November 4, 2020, election officials covered windows to the counting room with cardboard to block the view.
- 17. A little after 2:00 p.m., I exited the glass enclosed room to take a break in the lobby area of the TCF Center. When I tried to go back into the counting room, security guards refused to allow me back in to monitor the counting
- 18. Previously, people could come and go freely into the counting room.
- 19. The above information is true to the best of my information, knowledge, and belief.
- 20. Further affiant says not.

  
 \_\_\_\_\_  
 Andrew Sitto

On this 7th day of November, 2020, before me personally appeared Andrew Sitto, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.

  
 \_\_\_\_\_  
 Notary Public, Macomb County,  
 My Commission Expires: 7/1/2027

Michigan



# EXHIBIT D

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

---

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

Plaintiff,

AFFIDAVIT OF ROBERT  
CUSHMAN

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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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FILE NO: 20-\_\_\_\_\_-AW

JUDGE

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)

GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

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AFFIDAVIT

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

1. My name is Robert Cushman. I am an adult citizen and resident of the State of Michigan.

2. I served and was trained to be a poll challenger for the November 2020 election in Detroit, Michigan.

3. During my observations of the normal processing of ballots on November 4<sup>th</sup> between about 7:45 a.m. and 8:30 a.m. I was substantially obstructed from performing my challenger duties of observing and making notes at Board Number 31. The persons involved either directly or indirectly involved: 1. A worker named Joe, 2. A supervisor named Miss Browner, 3. an unknown person with no credentials, 4. a Democratic Challenger with credentials and one of the AVCB leaders named David Nathan.

4. On Wednesday, November 4, 2020, Detroit election officials told us that they were going to process military ballots last. I did my best to try to observe the processing/duplication of the military ballots.

5. On November 4, 2020, I was surprised to see numerous new boxes of ballots arrive at the TCF Center in the evening. I first noticed these boxes in the distribution area after many of the military ballots had been distributed and processed. I estimate these boxes contained several thousand new ballots when they appeared.

6. The main list of persons who had registered to vote on or before November 1, 2020, was listed on an electronic poll book, often referred to as the QVF. As I understand it, the Supplemental Sheets were the lists of persons who had registered to vote on November 2, 2020 or November 3, 2020.

7. I observed that none of the names on these new ballots were on the QVF or the Supplemental Sheets.

8. I saw the computer operators at several counting boards manually adding the names and addresses of these thousands of ballots to the QVF system.

9. When I asked what the possible justification was to counting ballots from unknown, unverified "persons," I was told by election supervisors that the Wayne County Clerk's Office had "checked them out."

10. I challenged not one ballot, but the entire process as the names were not in the QVF or Supplemental Sheets and because the DOB's were all wrong, all being marked as 01-01-1900.

11. An Election Supervisor near board number #86 advised me to go to the podium of election officials and ask one of them to help me. I did, and I enlisted the help of one of the leaders, a young man named Anthony Miller.

12. Mr. Miller walked me back to board number #86 and asked what I wanted the challenge to say. I said that I did not want to challenge just one ballot, but the entire process, as I was witnessing several thousand ballots inputted illegally.

13. Mr. Miller advised the computer operator what to type in as a challenge so that it was part of the Official Record in the Poll Book for Board Number #86.

14. I challenged the authority and the authenticity of all of these ballots that were being processed late with absolutely no accompanying documentation, no corresponding name in the QVF, and no corresponding name in the Supplemental List.

15. Every ballot was being fraudulently and manually entered into the Electronic Poll Book (QVF), as having been born on January 1, 1900. This "last" batch of ballots was processed in the 8:00 p.m. to 10:00 p.m. time frame.

16. When I asked about this impossibility of each ballot having the same birthday occurring in 1900, I was told that was the instruction that came down from the Wayne County Clerk's office.

17. Mr. Miller was very clear about these late ballots and that the instructions were coming from the Wayne County Clerk's office.

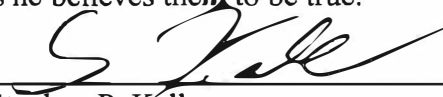
18. I was surprised and disappointed at the preponderance of dishonesty, irregularities, and fraudulent tactics at the November 3, 2020 election at the TCF Center.

19. The above information is true to the best of my information, knowledge, and belief.

20. Further affiant says not.

  
Robert Cushman

On this 7th day of November, 2020, before me personally appeared Robert Cushman, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.

  
Stephen P. Kallman  
Notary Public, Eaton County, Michigan  
My Commission Expires: 11/26/2025

# EXHIBIT E



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

---

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

Plaintiff,

AFFIDAVIT OF DANIEL  
GUSTAFSON

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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.

---

FILE NO: 20-\_\_\_\_\_-AW

JUDGE

---

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)  
GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

---

AFFIDAVIT

The Affiant, Daniel Gustafson, being first duly sworn, hereby deposes and states as follows:

1. My name is Daniel Gustafson. I am an adult citizen and resident of the State of Michigan.
2. I served and was trained to be a poll challenger for the November 3, 2020 election.

4. Large quantities of ballots were delivered to the TCF Center in what appeared to be mail bins with open tops.
5. These ballot bins and containers did not have lids, were not sealed, and did not have the capability of having a metal seal.
6. The ballot bins were not marked or identified in any way to indicate their source of origin.
7. The above information is true to the best of my information, knowledge, and belief.
8. Further affiant says not.



Daniel Gustafson

On this 8th day of November, 2020, before me personally appeared Daniel Gustafson, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.



Stephen P. Kallman  
Notary Public, Eaton County, Michigan  
My Commission Expires: 11/26/2025

# EXHIBIT F

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

---

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

Plaintiff,

AFFIDAVIT OF PATRICK J.  
COLBECK

-vs-

CITY OF DETROIT; DETROIT ELECTION  
COMMISSION; JANICE M. WINFREY, in  
her official capacity as the CLERK OF THE  
CITY OF DETROIT 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.

---

FILE NO: 20-\_\_\_\_\_-AW

JUDGE

David A. Kallman (P34200)  
Erin E. Mersino (P70886)  
Jack C. Jordan (P46551)  
Stephen P. Kallman (P75622)

GREAT LAKES JUSTICE CENTER  
Attorneys for Plaintiff  
5600 W. Mount Hope Hwy.  
Lansing, MI 48917  
(517) 322-3207/Fax: (517) 322-3208

---

AFFIDAVIT

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

1. My name is Patrick J. Colbeck, I was a poll challenger for the November 3, 2020 election, and I am a resident of Wayne County.
2. At approximately 5:30pm on November 3, 2020, I asked Daniel Baxter if Tabulation Computers were connected to internet. Mr. Baxter said simply "No."

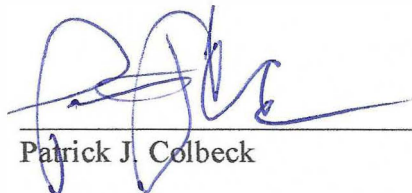
3. At approximately 5:45pm on November 3, 2020, I first asked Chris Thomas how the tabulated results were to be transferred to the County and other parties. He said he didn't know, but he would find out. I repeated this inquiry throughout the evening until Mr. Thomas responded that he would not be able to release that information until the end of the next day. Early during the morning, I was able to look at a copy of the Detroit Election manual which specified that the tabulated votes would be copied from the adjudicator computers to a series of flash drives.

4. At approximately 7:30pm on November 3, 2020, about 50% of Poll Workers left the AV Counting Board before 8pm in violation of MCL 168.792a(11). An announcement was made by Detroit Election Officials at 7:45pm calling them back but most had already left the AV Counting Board area.

5. At approximately 11pm on November 3, 2020, I asked David Nathan if any of the computers were connected to the internet. He said "No." When I asked for confirmation, he said "Trust me." I stated that he may have been misled. When I pressed for a demonstration, he repeated "Trust me." All it takes to confirm the connectivity status of a Windows computer is to roll the cursor over the LAN connection icon in the bottom right corner of the display. When there is no internet connection, a unique icon showing a cross-hatched globe appears. I proceeded to review the terminal screens for the Tabulator and Adjudicator computers and I observed the icon that indicates internet connection on each terminal. Other poll challengers can attest to this observation as required (e.g. Kristina Karamos and Randy Bishop).

6. Sometime during the evening I proceeded to examine the physical cabling connections between all of the computers in the facility. The results of this observation are captured in the attached network topology diagram. The IT technician stationed on the stage actively discouraged any close-up observation of the network. Phone usage ban discouraged taking photographs of equipment. There were no observed ethernet connections for Electronic Poll Books at AV Counting Boards, but Wi-Fi Routers were present with attached active Wi-Fi networks in area including one called "AV\_Connect" and a separate one for "CPSStaff" which were both of sufficient signal strength to be accessed outside of the Counting Board as well as inside. I did not confirm presence of internet connection for Electronic Poll Books but the "security incident" at 10am on 11/3 would seem to indicate that they were connected to internet via Wi-Fi.

7. Further affiant says not.



Patrick J. Colbeck

On this 8<sup>th</sup> day of November, 2020, before me personally appeared Patrick J. Colbeck, who in my presence did execute the foregoing affidavit, and who, being duly sworn, deposes and states that he has read the foregoing affidavit by him subscribed and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to those matters he states to be on information and belief, and as to those matters he believes them to be true.

Patrick J. Colbeck  


Barbara A. Harrell

Notary Public, Oakland County, Michigan  
My Commission Expires: Aug 4, 2025

BARBARA A. HARRELL  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Aug 4, 2025  
ACTING IN COUNTY OF wayne

# EXHIBIT G

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PROMOTE THE VOTE,

Plaintiff-Appellant,

V

SECRETARY OF STATE,

Defendant-Appellee,

and

HOUSE OF REPRESENTATIVES and SENATE,

Intervening Appellees.

FOR PUBLICATION

July 20, 2020

9:00 a.m.

No. 353977

Court of Claims

LC No. 20-000002-MZ

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PRIORITIES USA and RISE, INC.,

Plaintiffs-Appellants,

V

SECRETARY OF STATE

Defendant-Appellee,

and

SENATE and HOUSE OF REPRESENTATIVES,

Intervening Defendants-Appellees.

No. 354096

Court of Claims

LC No. 19-000191-MZ

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Before: METER, P.J., and RONAYNE KRAUSE and GADOLA, JJ.

METER, P.J.



In Docket No. 353977, plaintiff, Promote the Vote (PTV), appeals by right a June 24, 2020 order entered by the Court of Claims. In Docket No. 354096, plaintiffs, Priorities USA and Rise, Inc. (collectively, the Priorities USA plaintiffs), also appeal by right the June 24, 2020 order. The Court of Claims order denied PTV's motion for summary disposition, as well as the Priorities USA plaintiffs' motion for a preliminary injunction, and granted the motions for summary disposition of the Secretary of State (Secretary) and the Senate and House of Representatives (collectively, the Legislature). This Court consolidated the two cases and ordered that the appeals would be decided without oral arguments. *Promote the Vote v Secretary of State*, unpublished order of the Court of Appeals, entered July 8, 2020 (Docket Nos. 353977, 354096).

Priorities USA is a "voter-centric progressive advocacy and service organization," which spends resources, including in the state of Michigan, to register young individuals to vote. Rise, Inc., is a "nonprofit organization that runs statewide advocacy and voter mobilization programs" in Michigan and California, as well as on a number of campuses throughout the country. Part of its mission is to increase voting access for college students. PTV is "a ballot question committee" that drafted the language of Proposal 3, a 2018 ballot proposal to amend Michigan's Constitution, collected more than 400,000 signatures in order to get the proposal placed on the ballot, and led the campaign for the proposal's passage.

On appeal, PTV and the Priorities USA plaintiffs argue that the proof of residency requirements in MCL 168.497(2)-(4), the challenged ballot procedure in MCL 168.497(5), and the Secretary's automatic voter registration policy unduly burden the rights in 1963 Const, art 2, § (4)(1), and are therefore unconstitutional. PTV and the Priorities USA plaintiffs also argue that MCL 168.497 violates the Equal Protection Clause of the Michigan Constitution. For the reasons discussed below, we affirm.

## I. LEGAL BACKGROUND

In the 2018 general election, Michigan voters approved Proposal 3, which made changes to Michigan's election law. Specifically, Proposal 3 amended 1963 Const, art 2, § 4. The article now provides:

(1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

(a) The right, once registered, to vote a secret ballot in all elections.

\* \* \*

(d) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.

(e) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.

(f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies.<sup>[1]</sup> Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.

\* \* \*

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstances, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States[,], the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.<sup>[2]</sup>

<sup>1</sup> We will refer to the period "beginning on the fourteenth (14th) day before that election and continuing through the day of that election" as the "14-day period."

<sup>2</sup> Before the passage of Proposal 3, 1963 Const, art 2, § 4 consisted of one paragraph, which was very similar to the current paragraph in § 4(2). It provided:

The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when

Following the 2018 general election, the Legislature enacted 2018 PA 603, which amended MCL 168.497. The first five provisions of MCL 168.497 now provide:

(1) An individual who is not registered to vote but possesses the qualifications of an elector as provided in [MCL 168.492] may apply for registration to the clerk of the county, township, or city in which he or she resides in person, during the clerk's regular business hours, or by mail or online until the fifteenth day before an election.

(2) An individual who is not registered to vote but possesses the qualifications of an elector as provided in [MCL 168.492] or an individual who is not registered to vote in the city or township in which he or she is registering to vote may apply for registration in person at the city or township clerk's office of the city or township in which he or she resides from the fourteenth day before an election and continuing through the day of the election. An individual who applies to register to vote under this subsection must provide to the city or township clerk proof of residency in that city or township. For purposes of this subsection, proof of residency includes, subject to subsection (3), any of the following:

(a) An operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an enhanced driver license issued under the enhanced driver license and enhanced official state personal identification act, 2008 PA 23, MCL 28.301 to 28.308.

(b) An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.<sup>3]</sup>

(3) If an application for voter registration under subsection (2) does not have proof of residency as that term is defined in subsection (2), the applicant may provide as his or her proof of residency any other form of identification for election

required for identification of candidates for the same offense which have the same or similar surnames.

<sup>3</sup> A person registering to vote in the 14-day period does not provide proof of residency simply by presenting a Michigan driver's license or personal identification card. Because the individual "must provide to the city or township clerk proof of residency in that city or township," the Michigan driver's license or personal identification card must include an address located in either the city or township. Both the Priorities USA plaintiffs and the Secretary read MCL 168.497(2) in the same manner. We will refer to a Michigan's driver's license or personal identification card that can establish proof of residency under MCL 168.497(2) as a "current Michigan driver's license or personal identification card."

purposes as that term is defined in [MCL 168.2] and 1 of the following documents that contains the applicant's name and current residence address:

- (a) A current utility bill.
- (b) A current bank statement.
- (c) A current paycheck, government check, or other government document.

(4) If an application for voter registration under subsection (2) does not have identification for election purposes, the applicant may register to vote if he or she signs an affidavit indicating that the applicant does not have identification for election purposes and the applicant provides 1 of the following documents that contains the applicant's name and current residence address:

- (a) A current utility bill.
- (b) A current bank statement.
- (c) A current paycheck, government check, or other government document.

(5) Immediately after approving a voter registration application, the city or township clerk shall provide to the individual registering to vote a voter registration receipt that is in a form as approved by the secretary of state. If an individual registers to vote in person 14 days or less before an election or registers to vote on election day, and that applicant registers to vote under subsection (3) or (4), the ballot of that elector must be prepared as a challenged ballot as provided in [MCL 168.727] and must be counted as any other ballot is counted unless determined by a court of law under [MCL 168.747 or MCL 168.748] or any other applicable law.

MCL 168.2(k) defines "identification for election purposes" as the following: "[a]n operator's or chauffeur's license issued under the Michigan vehicle code . . . or an enhanced driver license issued under the enhanced driver license and enhanced official state personal identification card act"; "[a]n official state personal identification card . . . or an enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act"; a current operator's or chauffeur's license issued by another state; a current state personal identification card issued by another state; a current state government issued photo identification card; a current United States passport or federal government issued photo identification card; a current military photo identification card; a current tribal photo identification card; or "[a] current student photo identification card issued by a high school in this state, an institution of higher education in this state described in section 4, 5, or 6 of article VIII of the state constitution of 1963, a junior college or community college established under section 7 of article VIII of the state constitution of 1963, or another accredited degree[-] or certificate[-]granting college or university, junior college, or community college located in this state."

An election inspector must identify, as provided in MCL 168.745 and MCL 168.746, a challenged ballot. MCL 168.727(2)(a).<sup>4</sup> Under MCL 168.745, the election inspectors “shall cause to be plainly endorsed on said ballot, with pencil, before depositing the same in the ballot box, the number corresponding to the number placed after such voter’s name on the poll lists without opening the same[.]” To prevent the identification of challenged ballots, the election inspectors “shall cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper of the same color and appearance, as nearly as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement but not to injure or deface the same[.]” MCL 168.746.

MCL 168.747 provides:

In case of a contested election, on the trial thereof before any court of competent jurisdiction, it shall be competent for either party to the cause to have produced in court the ballot boxes, ballots and poll books used at the election out of which the cause has arisen, and to introduce evidence proving or tending to prove that any person named on such poll lists was an unqualified voter at the election aforesaid, and that the ballot of such person was received. On such trial, the correspondence of the number endorsed on a ballot as herein provided with the number of the ballot placed opposite the name of any person on the poll lists shall be received as prima facie proof that such ballot was cast by such person: Provided, That the ballot of no person shall be inspected or identified under the provisions of this chapter unless such person shall consent thereto in writing, or unless such person has been convicted of falsely swearing in such ballot, or unless the fact that

<sup>4</sup> Any voter may be challenged under MCL 168.727. *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich 1, 14 n 24; 740 NW2d 444 (2007). Under MCL 168.727(1), an election inspector shall challenge an applicant applying for a ballot if the inspector knows or has good reason to know that the applicant is not a qualified and registered elector of the precinct. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that the individual is not a registered elector in that precinct. *Id.* Additionally, an election inspector or other qualified challenger may challenge the right of an individual attempting to vote who has previously applied for an absent voter ballot and who on election day is claiming to have never received the absent voter ballot or to have lost or destroyed the absent voter ballot. *Id.* These challenges shall not be made indiscriminately or without good cause. MCL 168.727(3). If a person attempting to vote is challenged, the person shall be sworn by one of the election inspectors to truthfully answer the questions asked of the person concerning the person’s qualifications as an elector. MCL 168.729. If the person’s answers to the questions show that the person is a qualified elector in the precinct, the person “shall be entitled to receive a ballot and vote.” *Id.* The person’s ballot shall be marked as required by MCL 168.745 and MCL 168.746, but it is counted as a regular ballot. MCL 168.727(2)(a); *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 14 n 24.

such person was an unqualified elector at the time of casting such ballot has been determined.<sup>[5]</sup>

See also *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich 1, 14 n 24; 740 NW2d 444 (2007) (“The ballot cast by a challenged voter is marked (and the mark subsequently concealed) with a number corresponding to the voter’s poll list number, and is counted as a regular ballot. MCL 168.745; MCL 168.746. The marked ballot becomes relevant only in the event of litigation surrounding a contested election, where the challenged voter’s qualifications to vote are disputed.”).

According to the Priorities USA plaintiffs, following the passage of Proposal 3, the Secretary began to automatically register to vote those who conducted business with her regarding a driver’s license or personal identification card if they were at least 17½ years of age (the AVR Policy). To support this claim, the Priorities USA plaintiffs provide a press release from the Secretary that announced that she had instituted automatic voter registration.<sup>6</sup> But the press release says nothing about automatic voter registration only applying to those who are at least 17½ years of age. However, the Secretary does not dispute the Priorities USA plaintiffs’ claim.

## II. PROCEDURAL HISTORY

On November 22, 2019, Priorities USA filed suit against the Secretary in the Court of Claims. An amended complaint was filed on January 21, 2020, by the Priorities USA plaintiffs.

<sup>5</sup> MCL 168.748 provides:

After issue joined in any case of contested election, either party to the cause may present a petition to the court before which the said cause is to be tried, setting forth among other things that the petitioner has good reason to believe and does believe that 1 or more voters at the election out of which the cause has arisen, naming him or them, and stating his or their place of residence, were unqualified to vote at such election; that he believes the same can be established by competent testimony; that the ballot or ballots of such voter or voters were received after being challenged, as provided by law; and praying that the court may try and determine the question of the qualification of such voter or voters at said election, which petition shall be verified by the oath of the petitioner or some other person acquainted with the facts, and thereupon the court shall direct an issue to be framed, within a time to be fixed therefor, for the purpose of determining the question of the qualifications of the voter or voters named in said petition to vote at said election; and such issue shall stand for trial as in other cases, and the verdict of the jury or judgment of the court upon such issue so made shall be received, upon the trial of the principal issue in said cause, as conclusive evidence to establish or to disprove the said qualifications of said voter or voters.

<sup>6</sup> Secretary of State, *Secretary Benson Announces Modernized Voter Registration on National Voter Registration Day* <[https://www.michigan.gov/sos/0,4670,7-127-1640\\_9150-508246--,00.html](https://www.michigan.gov/sos/0,4670,7-127-1640_9150-508246--,00.html)> (accessed July 14, 2020).

On January 6, 2020, PTV filed suit against the Secretary in the Court of Claims. PTV's complaint and the Priorities USA plaintiffs' amended complaint both advanced similar allegations. PTV and the Priorities USA plaintiffs asserted that the Legislature's proof of residency definition in MCL 169.497 and the requirement that some voters be issued a challenge ballot unduly burdened the self-executing provisions in 1963 Const, art 2, § 4. Additionally, the proof of residency definition violated the Equal Protection Clause of the Michigan Constitution by burdening the right to vote, and by treating similarly situated voters differently: those who registered to vote within the 14-day period, but who could not show proof of residency with a current Michigan driver's license or personal identification card were issued a challenged ballot. The Priorities USA plaintiffs finally asserted that the Secretary's AVR Policy burdened and curtailed the right in 1963 Const, art 2, § 4(1)(d).

Following the consolidation of the two cases, and the Legislature's intervention, the Legislature filed a motion for summary disposition under MCR 2.116(C)(10).<sup>7</sup> The Legislature argued that the proof of residency amendment in MCL 168.497 was a constitutional exercise of its power to preserve the purity of elections, guard against abuses of the elective franchise, and provide for a system of voter registration and absentee balloting. The Legislature further argued that the Michigan Constitution, following the passage of Proposal 3, did not define proof of residency, which essentially required the Legislature to exercise its constitutional powers to define the phrase. The definition of proof of residency did not violate the Equal Protection Clause because the statute provided reasonable, nondiscriminatory restrictions; thus, it was subject to only rational basis review. The state's interest in preventing voter fraud justified the restrictions. Finally, the Legislature argued that the AVR Policy was consistent with 1963 Const, art 2, § 4 because the right to be automatically registered to vote only applies to those who are entitled to register to vote, namely individuals who are 17½ years of age or older.

The Secretary also moved for summary disposition under MCR 2.116(C)(10). Regarding the AVR Policy, the Secretary was automatically registering individuals to vote pursuant to the Michigan Constitution and statute, not a policy. The Secretary also argued that the definition of proof of residency did not impose an unconstitutional burden on the right to vote because the Legislature properly supplemented 1963 Const, art 2, § 4. Furthermore, an individual can register to vote in the 14-day period by signing an affidavit that the individual does not have a form of identification for election purposes and by presenting a document from a broad array of documents listed in the statute. Relatedly, an individual whose ballot must be marked as a challenged ballot casts either a regular ballot or an absent voter ballot. The ballot is merely marked so that it can later be identified if an election is contested. A challenged ballot does not require the individual to reveal the content of the ballot. Individuals who cannot produce a current Michigan driver's license or personal identification card and are required to vote a challenged ballot are not denied equal protection. Individuals who must vote a challenged ballot are not similarly situated to individuals who have a current Michigan's driver's license or personal identification card. The

<sup>7</sup> The Court of Claims granted the Legislature's motion to intervene in lower court no. 19-000191-MZ, and the Priorities USA plaintiffs do not challenge that order on appeal.

use of alternative, and sometimes less objective, forms of proof of residency reasonably warrants additional procedural requirements.

In PTV's motion for summary disposition under MCR 2.116(C)(10), PTV argued that MCL 168.497 imposed additional obligations on the self-executing rights of 1963 Const, art 2, § 4. The term "residence" is generally understood as the place where a person lives. In MCL 168.497, the Legislature defined proof of residency to mean more than simply proof of where one lives. It defined proof of residency to include proof of identity, i.e., a driver's license or personal identification card. Although MCL 168.497 did not require a person registering to vote in the 14-day period to provide a current Michigan driver's license or personal identification card, the Legislature narrowly limited the documents that it would accept as proof of residency, which curtailed and burdened the rights guaranteed by 1963 Const, art 2, § 4. Additionally, under MCL 168.497, only those who provide a current Michigan driver's license or personal identification card receive a regular or absent voter ballot. All others receive a challenged ballot, which is not a regular or absent voter ballot and which is also not a secret ballot.

PTV also argued that MCL 168.497 failed to provide equal protection of the law. The statute creates three classes of voters: (1) those who present a current Michigan driver's license or personal identification card, and who are allowed to vote a regular or absent voter ballot; (2) those who either submit other proof of identity, or who execute an affidavit attesting that they do not possess any of the acceptable forms of proof of identity, with one of a limited number of documents establishing residency, and who are required to vote a challenged ballot, and (3) those who do not have one of the limited number of documents establishing residency, and who are not allowed to vote. MCL 168.497 imposed a severe burden on the rights of the voters in the second class. Those voters had to vote a challenged ballot, which required extra time by the clerk's office, which required the voters to wait longer. MCL 168.497 also imposed a severe burden on the rights of the voters in the third class. These voters were deprived of their right to vote, and there was no compelling state interest justifying the deprivation, according to PTV.

The Priorities USA plaintiffs moved for a preliminary injunction, attaching three affidavits from two students at the University of Michigan and one student at Michigan State University that detailed their difficulties in registering to vote in the 14-day period. The Priorities USA plaintiffs also attached a report from Michael E. Herron, Ph.D., which detailed the results from two surveys he commissioned. In the first survey, 2,000 Michigan residents, who were eligible to vote and planned to vote in 2020, were asked about whether they had the documents listed in MCL 168.497. According to Dr. Herron, 1.6% of the participants answered that they did not have documentation that would satisfy the requirements of MCL 168.497. 1.6% of citizens of voting age in Michigan is 159,320 individuals. According to Dr. Herron, the survey also showed that approximately 6% of the participants who were younger than 25 years of age lacked documentation that would satisfy the requirements of MCL 168.497. The participants in the second survey were students at Michigan colleges or universities. According to Dr. Herron, of the students who were United States citizens and not registered to vote in Michigan, 16.9% of them did not have documentation that would satisfy the requirements of MCL 168.497. Dr. Herron believed that approximately 15,514 of the college and university students in Michigan would not be able to provide proof of residency under MCL 168.497. Dr. Herron also reviewed records provided by the Secretary, which indicated that, in the five elections following the passage of Proposal 3, 264 individuals (94



of whom were 21 years of age or younger) were not able to register in the 14-day period for the upcoming election because they lacked proof of residency.

On June 24, 2020, the Court of Claims issued an opinion and order granting the Legislature's and the Secretary's motions for summary disposition, denying PTV's motion for summary disposition, and denying the Priorities USA plaintiffs' motion for a preliminary injunction. The Court of Claims first addressed the claim that the amendments of 1963 Const, art 2, § 4, following the passage of Proposal 3, were "self-executing" and that the requirements of MCL 168.497(2)-(5) were unconstitutional because they unduly restricted the new rights recognized in the Michigan Constitution. The Court of Claims held that while the Legislature may not enact laws that impose additional burdens on self-executing constitutional provisions, it may enact laws that supplement those provisions, such as laws that provide clarity and safeguard against abuses. Because the phrase proof of residency was undefined in Const 1963, art 2, § 4, and the residence of a voter is essential for voting purposes, the Legislature properly supplemented the constitutional provision when it defined proof of residency.

Next, the Court of Claims rejected the argument that the AVR Policy unduly burdened and curtailed the rights in 1963 Const, art 2, § 4. The AVR Policy was not a policy, but "rather a restatement of state law, specifically MCL 168.493a and MCL 168.492, and is consistent with the right of 'electors qualified to vote' being entitled to automatically register to vote when doing business with the secretary of state offices." Further, the Michigan Constitution defines an elector qualified to vote as any resident who has reached the age of 18, and a qualified voter may be automatically registered to vote as a result of conducting business with the secretary of state. Under MCL 168.492, an elector qualified to vote is someone 17½ years of age or older, "and nowhere does the Constitution grant individuals under the age of [17½] the right to be automatically registered when conducting business with the secretary of state."

The Court of Claims then addressed whether MCL 168.497 placed an unconstitutional burden on voters. The court noted that, although the right to vote was not enumerated in either the federal or state constitutions, the United States Supreme Court has held that citizens have a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction. Furthermore, the court held, the right to vote is not absolute. A state has the power to impose voter qualifications and to regulate access to the franchise in many different ways. The court rejected the argument that the Legislature's definition of proof of residency in MCL 168.497 placed a severe burden on the constitutional right to register to vote in the 14-day period. The statute imposed some burden on voters—the statute requires an individual to bring to the election office or polling place some form of proof of residency. But, this was a reasonable, nondiscriminatory restriction, given the wide variety of documents that constituted acceptable ways to establish proof of residency. Additionally, if a voter did not have an acceptable proof of residency in the form of a driver's license or a personal identification card, "that person may vote with a challenged ballot that is counted that day, the same as all other ballots," so long as they produce one of the acceptable forms of proof of residency.

The Court of Claims also rejected the Priorities USA plaintiffs' suggestion that younger voters will be most harmed by MCL 168.497. First, because it was a facial challenge to MCL 168.497, there could not be a focus on any possible effects on a discrete population; the focus must be on the voting population as whole. Second, the argument "overlook[ed] the broad range of

documents that suffice under the statute, the majority of which are readily available to college students, and the fact that registration can be accomplished over the internet, something ‘younger voters’ are surely able to utilize.” Third, the argument gave no credence to the young voters’ ability to understand and follow clear voter registration procedures.

Finally, the Court of Claims rejected the argument that the requirement in MCL 168.497(5) that challenged ballots be issued to those who register to vote in the 14-day period without providing a current Michigan driver’s license or personal identification card violates equal protection because it denied those voters the right to a secret ballot. The court reasoned that challenged ballots were treated the same as any other ballot on election day. “[D]espite [the challenged ballot] being marked on the outside as challenged, upon presentment of identification, the voter was eligible to receive, and did receive, a regular ballot,” which complied with 1963 Const, art 2, § 4(1)(f). To the extent that any burden was placed on a voter’s right, it was minimal. A challenged ballot was a secret ballot because it was counted in the same way as a normal ballot, and the contents were not revealed to the public. The Court of Claims explained:

It is only in the event of a contested election, where the challenged ballot is at issue, that the ballot may be inspected or identified; however, this inspection may only occur with either: the voter’s written consent; or only *after* the individual has been convicted of falsely swearing the ballot; or the voter was deemed to be unqualified. MCL 168.474. Therefore, the only way for the vote to be revealed—absent express written consent—is under court order and even then, only in two limited circumstances that require a prior determination of falsehood. This is not a severe burden, and it places no burden on the voter at the time of voting, nor does it impact the tabulation of those particular votes cast on election day.

In contrast, the state has an interest in ensuring the integrity of ballots should it be needed. This specific interest is properly served by this regulation, as in the event of suspected voter fraud, the court may reveal the identity of the voter and a determination can be made. Overall, the burden imposed on voters’ rights is minimal, and the legislation is within the scope of the state’s interest in preserving the purity of elections.

Thus, the Court of Claims granted summary disposition in favor of the Legislature and the Secretary, and dismissed the complaints with prejudice. This appeal follows.

### III. DISCUSSION

On appeal in Docket No. 353977, PTV argues that the Court of Claims erred in concluding that there is no constitutional right to vote; MCL 168.497 impermissibly imposed additional obligations on the self-executing provisions of 1963 Const, art 2, § 4(1)(a) and § 4(1)(f)(2); the requirement of issuing a challenged ballot was burdensome, unconstitutional, and served no legitimate state interest. In Docket No. 354096, the Priorities USA plaintiffs similarly argue that the Court of Claims erred in concluding that MCL 168.497 did not violate the self-executing provisions of 1963 Const, arts 1, § 2 and 2, § 4; the AVR Policy did not violate the self-executing provision of 1963 Const, art 2, § 4; and they were entitled to a preliminary injunction. We disagree.

## A. STANDARD OF REVIEW

This Court reviews de novo a trial court’s decision on a motion for summary disposition. *Ellison v Dep’t of State*, 320 Mich App 169, 175; 906 NW2d 221 (2017). Summary disposition is proper under MCR 2.116(C)(10) if, “[e]xcept as to the amount of damages, there is no genuine issue as to any material fact, and the moving party is entitled to judgment or partial judgment as a matter of law.”

This Court also reviews de novo questions of constitutional law. *Bonner v Brighton*, 495 Mich 209, 221; 848 NW2d 390 (2014). “A statute challenged on a constitutional basis is ‘clothed in a presumption of constitutionality,’ and the burden of proving that a statute is unconstitutional rests with the party challenging it.” *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich 1, 11; 740 NW2d 444 (2007) (citation omitted).

A challenge to the constitutionality of a statute is either a facial challenge or an as-applied challenge. *Bonner*, 495 Mich at 223 nn 26-27; *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 11 & n 20. “A facial challenge is a claim that the law is invalid *in toto*—and therefore incapable of any valid application,” whereas an as-applied challenge “considers the specific application of a facially valid law to individual facts.” *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 11 & n 20 (quotation marks and citation omitted). The challenges to MCL 168.497 are facial challenges. PTV and the Priorities USA plaintiffs are asking that MCL 168.497(2)-(5) be declared unconstitutional in all circumstances. They do not claim the statute is unconstitutional only when applied in a specific circumstance.

“A party challenging the facial constitutionality of a [statute] ‘faces an extremely rigorous standard.’ ” *Bonner*, 495 Mich at 223 (citation omitted). A plaintiff “must establish that no set of circumstances exists under which the act would be valid” and “[t]he fact that the . . . act might operate unconstitutionally under some conceivable set of circumstances is insufficient” to render the act invalid. *Council of Orgs & Others for Ed About Parochial, Inc v Governor*, 455 Mich 557, 568; 566 NW2d 208 (1997) (quotation marks, alteration marks, and citation omitted). Indeed, “if any state of facts reasonably can be conceived that would sustain [a legislative act], the existence of the state of facts at the time the law was enacted must be assumed.” *Id.* (quotation marks, alteration marks, and citation omitted). “[B]ecause facial attacks, by their nature, are not dependent on the facts surrounding any particular decision, the specific facts surrounding plaintiffs’ claim are inapposite.” *Bonner*, 495 Mich at 223.

## B. CONSTITUTIONAL RIGHT TO VOTE

PTV and the Priorities USA plaintiffs argue that the Court of Claims erred by stating that the right to vote was not expressly enumerated in the Michigan Constitution. Before addressing this argument, we find it necessary to detail the history of the right to vote.

In the Court of Claims opinion and order, the court stated that “the right to vote is not enumerated in either the federal or state constitution . . . .” Although there are numerous provisions in the United States Constitution that prevent states from discriminating against specific groups by taking away their right to vote, there is no specific enumeration of the right to vote. See

*San Antonio Indep Sch Dist v Rodriguez*, 411 US 1, 35 n 78; 193 S Ct 1278; 36 L Ed 2d 16 (1973) (“[T]he right to vote, per se, is not a constitutionally protected right . . .”). For example, the Fifteenth Amendment states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” US Const, Am XV. Nearly identical language is used in the Nineteenth and Twenty-Sixth Amendments, which prohibit denying or abridging the right to vote on the basis of gender or age, respectively. See US Const, Ams XIX and XXVI.

Despite the lack of a positive right to vote, the United States Supreme Court, “[i]n decision after decision, . . . has made clear that a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn v Blumstein*, 405 US 330, 336; 92 S Ct 995; 31 L Ed 2d 274 (1972). Indeed, “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v Sanders*, 376 US 1, 17; 84 S Ct 526, 534-535; 11 L Ed 2d 481 (1964). However, “[t]his equal right to vote is not absolute; the States have the power to impose voter qualifications, and to regulate access to the franchise in other ways.” *Dunn*, 405 US at 336 (quotation marks and citation omitted).

Following the passage of Proposal 3 in Michigan, this state’s constitution now reads: “Every citizen of the Unites States who is an elector qualified to vote in Michigan shall have the following rights: The right, once registered, to vote a secret ballot in all elections.” 1963 Const, art 2, § 4(1)(a). Although decided before the passage of Proposal 3, and the relevant amendment of our state’s constitution, our Supreme Court stated in *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 16, that “the right to vote is an implicit fundamental political right that is preservative of all rights.” (Quotation marks and citation omitted). Our Supreme Court continued: “However, ‘[t]his equal right to vote is not absolute . . .’ ” *Id.*, quoting *Dunn*, 405 US at 336 (alteration in original; internal quotation marks omitted).

PTV and the Priorities USA plaintiffs assert that 1963 Const, art 2, § 4(1)(a) provides a constitutional right to vote. This section unambiguously provides that a qualified citizen has the “right, once registered, to vote a secret ballot in all elections.” 1963 Const, art 2, § 4(1)(a). However, this section does not provide that an individual has an absolute constitutional right to vote; the individual must first be a qualified elector who has registered to vote. *Id.* Although the Michigan Constitution now expressly provides for the right to vote, certain requirements must be met before an individual can exercise his or her fundamental political right to vote. Despite the Court of Claims’ quotation of caselaw predating the passage of Proposal 3, the court’s opinion recognized the constitutionally protected status of the right to vote. Thus, there is no error requiring reversal.

### C. SELF-EXECUTING CONSTITUTIONAL PROVISIONS

PTV and the Priorities USA plaintiffs argue that the Legislature’s definition of proof of residency in MCL 168.497 and the requirement in MCL 168.497(5) that a challenged ballot be issued to anyone who registers to vote in the 14-day period without providing a current Michigan driver’s license or personal identification card unduly burden the rights in 1963 Const, art 2, § (4)(1)(f). They claim that, because the rights in 1963 Const, art 2, § 4(1) are self-executing

rights, the statutory provisions are unconstitutional. The Priorities USA plaintiffs also argue that the Secretary's AVR Policy unduly burdens the right in 1963 Const, art 2, § (4)(1)(d). We disagree.

There is no dispute among the parties that the rights in Const 1963, art 2, § 4(1) are self-executing. "A constitutional provision is deemed self-executing, if it supplies a sufficient rule, by means of which the right given may be enjoyed and protected, or the duty imposed may be enforced[.]" *League of Women Voters of Mich v Secretary of State*, \_\_\_ Mich App \_\_\_, \_\_\_; \_\_\_ NW2d \_\_\_ (2020) (Docket Nos. 350938, 351073); slip op at 11 (quotation marks and citation omitted). While the Legislature may not impose additional obligations on a self-executing constitutional provision, *Wolverine Golf Club v Secretary of State*, 384 Mich 461, 466; 185 NW2d 392 (1971); *Durant v Dep't of Ed (On Second Remand)*, 186 Mich App 83, 98; 463 NW2d 461 (1990), it may enact laws that supplement a self-executing constitutional provision, see *Wolverine Golf Club*, 384 Mich at 466. Statutes that supplement a self-executing constitutional provision may not curtail the constitutional rights or place any undue burdens on them. See *id.*; *Durant*, 186 Mich App at 98. Additionally, the statutes must be in harmony with the spirit of the Michigan Constitution and their object must be to further the exercise of the constitutional rights and make them more available. *League of Women Voters of Mich*, \_\_\_ Mich App at \_\_\_; slip op at 11. Statutes that supplement a self-executing provision may be desirable, "by way of providing a more specific and convenient remedy and facilitating the carrying into effect or executing of the rights secured, making every step definite, and safeguarding the same so as to prevent abuses." *Wolverine Golf Club v Secretary of State*, 24 Mich App 711, 730; 180 NW2d 820 (1970) (opinion by LESINSKI, C.J.), *aff'd* 384 Mich 461 (1971) (quotation marks and citation omitted).

## 1. PROOF OF RESIDENCY

Under 1963 Const, art 2, § 4(1)(f)(2), a person who seeks to register to vote "beginning on the fourteenth (14th) day before that election and continuing through the day of that election" must submit "a completed voter registration application" and provide "proof of residency." A person's residence, for purposes of Michigan election law, is the "place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence . . . that place at which the person resides the greater part of the time shall be his or her official residence[.]" MCL 168.11(1). An individual may only vote in the township or city in which the individual resides. See MCL 168.491; MCL 168.492. Because an individual may only vote in the township where he or she resides, the individual's residence dictates which candidates and proposals the individual can vote for.

MCL 168.497(2) requires an individual who applies to register to vote in the 14-day period to provide proof of residency. This is not an additional requirement; 1963 Const, art 2, § 4(1)(f)(2) specifically provides that a person who registers to vote in the 14-day period must provide proof of residency. In MCL 168.497(2)-(5), the Legislature defined proof of residency. Because there is no definition of proof of residency in 1963 Const, art 2, § 4(1), the Legislature's definition of proof of residency is a law that supplements the constitutional provision.

A definition from the Legislature of proof of residency was desirable. *Wolverine Golf Club*, 24 Mich App at 730. Absent a statutory definition of proof of residency, confusion and disorder could arise during the 14-day period and on election day itself. Any person who wanted

to register to vote in the 14-day period would be left to wonder what documents would be accepted as proof of residency. Each city or township clerk would have to make his or her own determination regarding what is acceptable proof of residency. Under these individualized determinations, the documents that would be accepted as proof of residency could be different in each of Michigan's cities and townships. Consequently, a definition of proof of residency makes definite what documents an individual must bring to register to vote in the 14-day period and creates a uniform standard in each of Michigan's voting jurisdictions. *Id.* Furthermore, the Legislature has the constitutional authority under 1963 Const, art 2, § 4(2) to enact laws to preserve the purity of elections,<sup>8</sup> to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. Accordingly, a legislative definition of proof of residency, which makes definite what documents can be used as proof of residency, is in harmony with the Legislature's obligations under the Michigan Constitution concerning the administration of elections and furthers the exercise of voter registration in the 14-day period. *League of Women Voters of Mich*, \_\_\_ Mich App at \_\_\_; slip op at 11.

Additionally, even though the Priorities USA plaintiffs have presented evidence that the Legislature's definition of proof of residency in MCL 168.497 has prevented, and may prevent, individuals who are qualified to vote from registering in the 14-day period, the Legislature's definition of proof of residency does not unduly burden the right to register to vote in the 14-day period. Under MCL 168.497, a person provides proof of residency if the person presents either of the following: (1) a current Michigan driver's license or personal identification card, MCL 168.497(2); (2) "any other form of identification for election purposes," which includes driver's licenses and personal identification cards issued by other states and student photo identification cards, see MCL 168.2(k), along with a current utility bill, a current bank statement, or a current paycheck, government check, or other government document, MCL 168.497(3); or (3) an affidavit indicating that the individual does not have "identification for election purposes" and a current utility bill, a current bank statement, or a current paycheck, government check, or other government document, MCL 168.497(4).

The Legislature's definition of proof of residency allows a person to register to vote in the 14-day period with a broad array of common, ordinary types of documents that are available to persons of all voting ages. The Legislature did not provide a narrow list of documents that individuals who register to vote in the 14-day period must present as proof of residency. Moreover, 1963 Const, art 2, § 4(1)(f) requires an individual to provide proof of residency when registering to vote in the 14-day period, and MCL 168.497(2)-(4) defines what documents are acceptable to fulfill that constitutional requirement. Because the Legislature's definition does not unduly burden the right to register to vote in the 14-day period, the definition is a proper supplement to 1963 Const, art 2, § 4(1)(f).

<sup>8</sup> "The phrase 'purity of elections' does not have a single precise meaning. However, it unmistakably requires fairness and evenhandedness in the election laws of this state." *Barrow v Detroit Election Comm*, 305 Mich App 649, 676; 854 NW2d 489 (2014) (quotation marks and citation omitted).

## 2. CHALLENGED BALLOTS

We reject the claims of PVT and the Priorities USA plaintiffs that MCL 168.497(5), which requires that a challenged ballot be issued to anyone who registers to vote in the 14-day period without providing a current Michigan driver's license or personal identification card, unduly burdens the rights in 1963 Const, art 2, § 4(1)(a) and (f). Under 1963 Const, art 2, § 4(1)(f), a person who registers to vote in accordance with that subsection "shall be immediately eligible to receive a regular or absent voter ballot." Under 1963 Const, art 2, § 4(1)(a), a voter is entitled to "a secret ballot."

Michigan election law defines a "regular ballot" as "a ballot that is issued to a voter on election day at a polling place location." MCL 168.3(h). An "absent voter ballot" is "a ballot that is issued to a voter through the absentee voter process." MCL 168.2(b). A challenged ballot is not a third type of ballot. Rather, a challenged ballot is either a regular ballot or an absent voter ballot that is marked (and the mark subsequently concealed) with the number corresponding to the voter's poll list number. See MCL 168.745; MCL 168.746; MCL 168.761(6); *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 14 n 24. Notably, a challenged ballot is entered and tabulated with all the other ballots that are cast. See MCL 168.497(5); *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 14 n 24.

Furthermore, a challenged ballot is a secret ballot. Generally, a secret ballot is one that prevents anyone else from knowing how the individual voted. See *Helme v Bd of Election Comm'rs of Lenawee Co*, 149 Mich 390, 391-393; 113 NW 6 (1907); *People v Cicott*, 16 Mich 283, 297 (1868), overruled on other grounds by *Petrie v Curtis*, 387 Mich 436 (1972). The mark on a challenged ballot, either before or after it is concealed, does not indicate to anyone how the individual voted. Long before Proposal 3 was passed, the Supreme Court recognized that 1963 Const, art 2, § 4 provided a right to a secret ballot. *Belcher v Mayor of Ann Arbor*, 402 Mich 132, 134; 262 NW2d 1 (1978). This right is not absolute; upon a showing that the voter acted fraudulently, the right can be abrogated. *Id.* ("We hold that a citizen's right to a secret ballot in all elections as guaranteed by Const 1963, art 2, § 4, cannot be so abrogated in the absence of a showing that the voter acted fraudulently."). In a contested election, a challenged ballot may be inspected. See MCL 168.747. But, it may only be inspected if the person consents, the person has been convicted of falsely swearing in such ballot, or if it has been determined that such person was an unqualified elector at the time of casting the ballot. *Id.* Because the right to a secret ballot is not absolute, the fact that a challenged ballot may be inspected in a contested election, MCL 168.474, does not mean that it is not a secret ballot.

## 3. AVR POLICY

The Secretary's AVR Policy does not unduly burden the right in 1963 Const, art 2, § 4(1)(d). Under 1963 Const, art 2, § 4(1), "[e]very citizen of the United States who is an elector qualified to vote in Michigan shall have [certain] rights[.]" In other words, the rights listed in 1963 Const, art 2, § 4(1), including "[t]he right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card," are rights of "any citizen of the United States who is an elector qualified to vote in Michigan." An individual is not an elector qualified to vote in Michigan—and entitled to

the rights listed in 1963 Const, art 2, § 4(1)—until the individual reaches 18 years of age. See US Const, Am XXVI; 1963 Const, art 2, § 1; *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 at 47 n 1 (CAVANAGH, J., dissenting).

The AVR Policy, which allows those who are 17½ years of age or older to be automatically registered to vote as a result of conducting business with the Secretary regarding a driver’s license or personal identification card, is consistent with MCL 168.492. The statute provides:

Each individual who has the following qualifications of an elector is entitled to register as an elector in the township or city in which he or she resides. The individual must be a citizen of the United States; not less than 17-½ years of age; a resident of this state; and a resident of the township or city. [MCL 168.492.]

Because a person under the age of 18 is not an elector qualified to vote in Michigan, and because the AVR Policy is consistent with MCL 168.492, which allows an individual who is not less than 17½ years of age to register to vote, the argument that the AVR Policy unduly burdens the right in 1963 Const, art 2, § 4(1)(d) is without merit.

#### D. EQUAL PROTECTION

PTV and the Priorities USA plaintiffs argue that MCL 168.497 violates the Equal Protection Clause of the Michigan Constitution. 1963 Const, art 1, § 2 provides that “[n]o person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.” The Equal Protection Clause in the Michigan Constitution is coextensive with the Equal Protection Clause of the United States Constitution. *Shepherd Montessori Ctr Milan v Ann Arbor Charter Twp*, 486 Mich 311, 318; 783 NW2d 695 (2010). Equal protection applies when a state either classifies voters in disparate ways or places undue restrictions on the right to vote. *Obama for America v Husted*, 697 F3d 423, 428 (CA 6, 2012).

The Priorities USA plaintiffs argue that MCL 168.497(5) violates equal protection because it treats similarly situated voters differently. According to them, although Const 1963, art 2, § 4(1)(f) guarantees that all individuals who register to vote in the 14-day period shall receive a regular or absent voter ballot, under MCL 168.497(5), only those who submit a current Michigan driver’s license or personal identification card as their proof of residency receive a regular or absent voter ballot. PTV similarly argues that many people who register to vote in the 14-day period are denied the right to receive a regular or absent voter ballot. The basis for these arguments is that a challenged ballot does not constitute a regular or absent voter ballot. But, as previously discussed, a challenged ballot is a regular or absent voter ballot. As also laid out previously, a challenged ballot does not lose its character as a secret ballot unless the election is contested. Regardless how an individual provides proof of residency, as defined in MCL 168.497, the individual receives a regular or absent voter ballot that is also a secret ballot. Similarly situated voters are not treated differently under MCL 168.497(5).

The Priorities USA plaintiffs argue that the Legislature’s definition of proof of residency in MCL 168.497 severely burdens the right to vote because it has, and will, disenfranchise



hundreds, if not thousands, of individuals in Michigan who are qualified to vote. According to the Priorities USA plaintiffs, strict scrutiny should be applied to the definition.

Every election law, “whether it governs the registration and qualifications of voters, the selection and eligibility of candidates, or the voting process itself, inevitably affects—at least to some degree—the individual’s right to vote and his right to associate with others for political ends.” *Anderson v Celebrezze*, 460 US 780, 788; 103 S Ct 1564; 75 L Ed 2d 547 (1983).<sup>9</sup> Consequently, subjecting every voting regulation to strict scrutiny, thereby requiring that the regulation be narrowly tailored to advance a compelling state interest, would tie the hands of states seeking to assure that elections are operated equitably and efficiently. *Burdick v Takushi*, 504 US 428, 433; 112 S Ct 2059; 119 L Ed 2d 245 (1992). In *Burdick*, the United States Supreme Court held that “a more flexible standard” applies:

A court considering a challenge to a state election law must weigh the “character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate” against “the precise interests put forward by the State as justifications for the burden imposed by its rule,” taking into consideration “the extent to which those interests make it necessary to burden the plaintiff’s rights.”

Under this standard, the rigorousness of our inquiry into the propriety of a state election law depends upon the extent to which a challenged regulation burdens First and Fourteenth Amendment rights. Thus, as we have recognized when those rights are subjected to “severe” restrictions, the regulation must be “narrowly drawn to advance a state interest of compelling importance.” But when a state election law provision imposes only “reasonable, nondiscriminatory restrictions” upon the First and Fourteenth Amendment rights of voters, “the State’s important regulatory interests are generally sufficient to justify” the restrictions. [*Id.* at 434 (citations omitted).]

See also *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 21-22, where the Supreme Court, after quoting these two paragraphs, stated:

Thus, the first step in determining whether an election law contravenes the constitution is to determine the nature and magnitude of the claimed restriction inflicted by the election law on the right to vote, weighed against the precise interest identified by the state. If the burden on the right to vote is severe, then the

<sup>9</sup> Regardless whether the right to vote, following the passage of Proposal 3, is now an expressly enumerated right in the Michigan Constitution, the United States Supreme Court has recognized that the right to vote is a “ ‘a fundamental political right’ ” that “is preservative of other basic and civil political rights.” *Reynolds v Sims*, 377 US 533, 562; 84 S Ct 1362; 12 L Ed 2d 506 (1964) (citation omitted). A citizen has “a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn*, 405 US at 336. The right to vote, however, is not absolute; a state has the power to impose voter qualifications, and to regulate access to the franchise in other ways. *Id.*; see also 1963 Const, art 2, § 4(2).

regulation must be “narrowly drawn” to further a compelling state interest. However, if the restriction imposed is reasonable and nondiscriminatory, then the law is upheld as warranted by the important regulatory interest identified by the state. The United States Supreme Court has stressed that each inquiry is fact and circumstance specific, because “[n]o bright line separates permissible election-related regulation from unconstitutional infringements[.]” [Citation omitted.]

In resolving an equal protection challenge to an election law under the Michigan Constitution, this Court applies the *Burdick* test. *Id.* at 35.

The Legislature’s definition of proof of residency does not impose a severe burden on the right to vote. Because Const 1963, art 2, § 4(1) does not define proof of residency, the Legislature provided a definition in MCL 168.497, and the Legislature’s definition allows individuals to provide proof of residency with a broad array of ordinary, common documents that are available to persons of all voting ages. The Priorities USA plaintiffs have presented evidence that there are individuals who are qualified to vote and who could not provide proof of residency, as defined in MCL 168.497, in the 14-day period leading up to the March 2020 presidential primary.

However, in arguing that the Legislature’s definition of proof of residency has, and will, disenfranchise these individuals, the Priorities USA plaintiffs fail to recognize that an individual can register to vote in several ways. An individual can register to vote by mailing a completed voter registration application on or before the 15th day before the election. 1963 Const, art 2, § 4(1)(e). An individual can register to vote by appearing in person and submitting a completed voter registration application on or before the 15th day before the election. 1963 Const, art 2, § 4(1)(f)(1). See also MCL 168.497(1), which allows an individual to register to vote in person, by mail, or online until the 15th day before the election. Additionally, an individual can register to vote in the 14-day period by appearing in person, submitting a completed voter registration application, and providing proof of residency. 1963 Const, art 2, § 4(1)(f)(2).

The Priorities USA plaintiffs make no claim that any person who is unable to provide proof of residency, as defined in MCL 168.497, in the 14-day period would not be able to register to vote on or before the 15th day before the election. Notably, election days are set by the Michigan Constitution and by statute. See 1963 Const, art 2, § 5; MCL 168.641. Consequently, one should not be uninformed regarding when an election is to be held. Furthermore, it is not unreasonable to expect an individual who wishes to vote in an election, but who is not registered to vote or who has moved since registering to vote, to make inquiries or conduct research—in advance of the election—regarding how to register to vote. In doing so, an individual can learn the different options for registering to vote and the documents that are needed for each method. These inquiries are not a severe or substantial burden. Cf. *Crawford v Marion Co Election Bd*, 553 US 181, 198; 128 S Ct 1610; 170 L Ed 2d 574 (2008) (opinion by STEVENS, J.) (indicating that the inconvenience for those who need a photo identification to vote by gathering the required documents, making a trip to the bureau of motor vehicles, and posing for a photograph does not qualify as a substantial burden); *id.* at 205 (SCALIA, J., concurring) (stating that burdens are severe if they go beyond the merely inconvenient and that “[o]rdinary and widespread burdens, such as those requiring ‘nominal effort’ of everyone, are not severe”) (citation omitted). Furthermore, while the Priorities USA plaintiffs claim that the Legislature’s definition of proof of residency is narrow, they make no claim that a more expansive list of specific documents, such as those which the Secretary allows

to constitute proof of residency when one applies for a driver's license or personal identification card,<sup>10</sup> would allow a significant number of individuals who cannot provide proof of residency, as defined by MCL 168.497, to provide it.

The Legislature's definition of proof of residency in MCL 168.497 is a reasonable, nondiscriminatory restriction that applies to all individuals who seek to register to vote in the 14-day period. See *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 497 Mich at 25. It does not, therefore, violate equal protection of the laws.

Furthermore, the Legislature's definition of proof of residency is warranted by the state's regulatory interests. *Id.* at 22. The Legislature has constitutional authority to enact laws to preserve the purity of elections, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. 1963 Const, art 2, § 4(2). These obligations include ensuring that fraudulent voting does not dilute the votes of lawful voters. *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 497 Mich at 19-20. Because a person's residence dictates which candidates and proposals the person can vote for, see MCL 168.492, the Legislature has an interest in ensuring that only residents of a city or township vote in that city or township. By defining proof of residency, a phrase undefined by 1963 Const, art 2, § 4(1), the Legislature has enacted a statute that helps to preserve the purity of elections and aids in providing for a system of voter registration. The clerks of Michigan's cities and townships, as well as those qualified to vote in Michigan, now know what documents are needed to establish proof of residency in the 14-day period.

Furthermore, the Legislature's definition of proof of residency is a reasonable means to prevent voter fraud. By defining proof of residency as requiring either a current Michigan driver's license or personal identification or a utility bill, bank statement, paycheck, government check, or other government document with the person's name and current address, the Legislature has required the person to provide a document—created by a neutral, detached third party—that connects the person with their place of residence.

We reject the Priorities USA plaintiffs' claim that voter fraud does not justify the Legislature's definition of proof of residency because voter fraud is not a problem in Michigan and there is no reason to believe that voter fraud would be more prevalent during the 14-day period than in any preceding period. Recall that it is the Michigan Constitution that requires different treatment of persons who register to vote in person on or before the 15th day before the election and those who register in the 14-day period. See 1963 Const, art 2, § 4(1)(f).<sup>11</sup> Additionally, the

<sup>10</sup> These documents include a credit card bill, bank statement, Michigan school transcript, mortgage, lease, or rental agreement, insurance policy, and vehicle title and registration. See Michigan Secretary of State, *Driver's License or ID Requirements*, SOS-428 (June 2020).

<sup>11</sup> “[T]he primary objective of constitutional interpretation, not dissimilar to any other exercise in judicial interpretation, is to faithfully give meaning to the intent of those who enacted the law.” *Nat'l Pride at Work, Inc v Governor*, 481 Mich 56, 67; 748 NW2d 524 (2008). Under 1963 Const, art 2, § 4(1)(f), when a person registers to vote in person, the documents that the person must present to the election official depends on when the person registers to vote. If the person registers

Legislature was not required to wait until there was proven voter fraud during the 14-day period before it could enact a definition of proof of residency. See *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 26-27, where the Supreme Court rejected the argument that the state’s interest in preventing in-person voter fraud was illusory because there was no significant evidence of such fraud:

[T]here is no requirement that the Legislature “prove” that significant in-person voter fraud exists before it may permissibly act to prevent it. The United States Supreme Court has explicitly stated that “elaborate, empirical verification of the weightiness of the State’s asserted justifications” is *not required*. Rather, a state is permitted to take prophylactic action to respond to potential electoral problems:

To require States to prove actual [harm] as a predicate to the imposition of reasonable . . . restrictions would invariably lead to endless court battles over the sufficiency of the “evidence” marshaled by a State to prove the predicate. Such a requirement would necessitate that a State’s political system sustain some level of damage before the legislature could take corrective action. Legislatures, we think, should be permitted to respond to potential deficiencies in the electoral process with foresight rather than reactively, provided that the response is reasonable and does not significantly impinge on constitutionally protected rights.

Therefore, the state is not required to provide *any* proof, much less “significant proof,” of in-person voter fraud before it may permissibly take steps to prevent it. [Citations omitted.]

We also reject the Priorities USA plaintiffs’ claim that the Legislature’s definition of proof of residency was not justified because other statutes adequately prevent voter fraud. They point to MCL 168.933, which provides that “[a] person who makes a false affidavit or swears falsely while under oath . . . for the purpose of securing registration, for the purpose of voting at an election . . . is guilty of perjury.” In *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 28 n 69, the Supreme Court rejected a similar argument that the picture identification requirement of MCL 168.523(1) was not justified because there were statutes that imposed criminal penalties for those who impersonated another for voting purposes. It explained:

to vote on or before the 15th day before the election the person must submit “a completed voter registration application.” 1963 Const, art 2, § 4(1)(f)(1). But, if the person registers to vote during the 14-day period, the person must submit “a completed voter registration application” and provide “proof of residency.” 1963 Const, art 2, § 4(1)(f)(2). Consequently, it is apparent that the voters who enacted Proposal 3 intended that those who register to vote in the 14-day period must provide additional documentation than those who register to vote on or before the 15th day before the election—in addition to submitting a completed voter registration application, they must also provide proof of residency.

[T]hat Michigan criminalizes in-person voter fraud does not address Michigan's undisputed interest in *preventing* fraud in the first instance, nor do criminal sanctions provide a means of *detecting* fraud. Moreover, it is unclear how the imposition of criminal penalties could remedy the harm inflicted on our electoral system by a fraudulently cast ballot. [*Id.*]

Accordingly, MCL 168.933 does not dispel the Legislature's interest in preventing voter fraud during the 14-day period.

Finally, PTV, in arguing that MCL 168.497 violates equal protection, focuses on the burden that is caused by the actual issuance of challenged ballots. According to PTV, because it takes longer for a challenged ballot to be issued, which results in longer lines, the requirement that challenged ballots be issued to those who register in the 14-day period without a current Michigan driver's license or personal identification card burdens the right to vote.

The burden of long lines, which results in people having to wait longer to register to vote, is not a severe burden. Long lines are certainly an inconvenience, but a burden must go beyond mere inconvenience to be severe. *Crawford*, 553 US at 205 (SCALIA, J., concurring). Additionally, the burden is justified by the state's interest in preventing voter fraud. See *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich at 19-20. The challenged ballot provides a procedure, in a contested election, to identify a ballot that was cast by someone who engaged in voter fraud. See MCL 168.747; *Belcher*, 402 Mich at 132. It was reasonable for the Legislature to conclude that it was less likely that those persons who register to vote in the 14-day period with a current Michigan driver's license or identification card would be committing fraud than those who register without one. Those who register to vote with a current Michigan driver's license or personal identification card have a government issued identification that contains their picture and their current address. But someone who registers to vote by providing "any other form of identification for election purposes," may have picture identification with a noncurrent address, such as a driver's license or personal identification card issued by another state, or no address for the person, such as a student photo identification card, and someone who registers to vote by submitting an affidavit that he or she does not have "identification for election purposes" simply provides no photo identification at all.

#### IV. RESPONSE TO THE DISSENT

Our dissenting colleague concedes that the Legislature was within its rights to establish what constitutes "proof of residency" within the 14-day period. Indeed, the dissent states that the Legislature "can and should" provide guidance as to what is acceptable proof of residency. By making this concession, our colleague must also acknowledge that the legislative choice reflected in MCL 168.497 represents a considered policy judgment of the political branches of our government. That policy judgment is one with which our dissenting colleague clearly disagrees. Indeed, our colleague states that she might have upheld the statute had the Legislature enacted a definition of proof of residency more in line with what she considers to be its "well-understood

meaning.”<sup>12</sup> But in our view it is not part of the judicial role to second guess the Legislature’s policy judgment in this regard, so long as what has been enacted does not run afoul of the constitution. See *State Farm Fire & Cas Co v Old Republic Ins Co*, 466 Mich 142, 149; 644 NW2d 715 (2002) (“It is not the role of the judiciary to second-guess the wisdom of a legislative policy choice; our constitutional obligation is to interpret—not to rewrite—the law.”). We have laid out in painstaking detail why the statutory enactments at issue in this case are well within constitutional bounds.

Finally, the dissent posits that there is a well-accepted meaning of the term “proof of residency.” If so, why should the Legislature have need of defining the term, as the dissent concedes that it “can and should” have done? More fundamentally, we disagree that the Legislature has substituted “proof of identity” for “proof of residency.” In the context of this statute, a State of Michigan driver’s license or personal identification card is being used not as proof of identity, but as proof of residency. Indeed, the Legislature considers it to be the highest and best proof of residency, as a prospective voter need not supply any other documentation within the 14-day period so long as the voter presents either of those documents reflecting an address within the voting jurisdiction.

## V. CONCLUSION

We affirm the June 24, 2020 opinion and order of the Court of Claims. The Secretary and the Legislature were entitled to summary disposition. The Legislature’s definition of proof of residency in MCL 168.497 and the requirement in MCL 168.497(5) that a challenged ballot be issued to any person who registers to vote in the 14-day period without providing a current Michigan driver’s license or personal identification card does not unduly burden any of the rights in 1963 Const, art 2, § 4(1)(a) and (f). The Secretary’s AVR Policy also does not unduly burden the right in 1963 Const, art 2, § 4(1)(d). Additionally, the Legislature’s definition of proof of residency in MCL 168.497 and the requirement in MCL 168.497(5) concerning the issuance of challenged ballots do not violate equal protection.

Affirmed.

/s/ Patrick M. Meter

/s/ Michael F. Gadola

<sup>12</sup> The dissent lays out the list of documents the Secretary of State accepts as proof of residency when seeking to obtain a driver’s license or personal identification card, which is more expansive than the list in MCL 169.497. First, given the Legislature’s duty to preserve the purity of elections, and to ensure that the votes of qualified electors are not unfairly diluted, the Legislature was within its rights to require a higher standard of proof of residency for voting purposes than for driving purposes. As to the dissent’s argument that the list the Legislature chose discriminates on the basis of income, we note that the more expansive list the dissent appears to prefer includes items such as utility bills, bank statements, mortgages, pay stubs, life insurance policies, and other documents that presume a certain economic status. This appears unavoidable in any scheme designed to establish a person’s residency.