

Request for EAC OIG Assessment of Audit Risk

Submitted to:
U.S. Election Assistance Commission
Office of Inspector General
Attn: Ms. Brianna Schletz, Inspector General
633 3rd Street NW, Suite 200
Washington, DC 20001

by
MFE Audit Committee
Michigan Fair Elections
Mifairelections.org
contact@mifairelections.org
P.O. Box 41
Stockbridge, Michigan 49285

January 29, 2024
Revised March 15, 2024

Table of Contents

Acknowledgments	3
Executive Summary	4
□ Largely as a result of the SoS joining Michigan in ERIC, the state’s Qualified Voter File (QVF) shows, as Figure 3 below illustrates, more voter registrations than the state’s voting age population (VAP). (See GAGAS 8.102e Trend Information.)	6
I. Generally Accepted Government Auditing Standards (GAGAS) 8.98 Accessing the sufficiency and appropriateness of computer-processed information.	11
II. GAGAS 8.102e. Trend Information	21
III. GAGAS 8.68 to 8.70 Provisions of Laws, Regulations, Contracts & Grant Agreements 25	
IV. GAGAS 8.71 to 8.76 Risk of Fraud.....	47
V. GAGAS 8.104e. Testimonial evidence.....	50
VI. GAGAS 8.59 to 8.67 Information Systems Controls Considerations	54
VII. GAGAS 8.104 Documentary evidence like database extracts.....	57
VIII. GAGAS 8.104f Evidence from a third party	57
IX. GAGAS 8.37 Legislator Input	61
X. Voter Suppression.....	63
XI. Conclusion	65
XII. Exhibits	65
A. Signed Electronic Registration Information Agreement, ERIC	
B. RNC Consovoy McCarthy Demand Letter	
C. Ann Arbor November 2022 Election Irregularities Report	
D. Grand Valley State University FREEDOM OF INFORMATION ACT response	
E. Grand Valley State University HAVA complaint	
F. Michigan State Police Muskegon Police Report (redacted)	
G. Letter to Clerks from Director of Elections Jonathan Brater	
H. Affidavits of invalid registrations in QVF	
I. Check My Vote Presentation to Monroe County, Mich.	
J. FOIA request delay Ann Arbor, Mich.	
K. Ottawa County assessment of costs for nine days early voting	
L. Halderman Report	

Acknowledgments

MFE wishes to express appreciation to the many talented volunteers who contributed to the research and creation of this report. Thank you to those who were willing to be named as contributors and also to those who wished to remain anonymous. We apologize in advance for anyone who should have been acknowledged and was inadvertently overlooked.

Judi Bennett, investigator, was a contractor to Ford Motor Company. She is also currently involved with the Washtenaw County Michigan Election Integrity Task Force.

CheckMyVote.org - Volunteer Digital Researchers and Election Patriots are a structured network of private un-named individuals reviewing and flagging voter registrations in Michigan's voter rolls to support local Clerks with voter roll maintenance.

Patrick Colbeck is a former Michigan State Senator and Vice Chair of Michigan Senate Elections and Government Reform Committee, Certified Microsoft Small Business Specialist, B.S. and M.S. in Aerospace Engineering from the University of Michigan.

Janine Iyer serves as MFE trainer; President, Livingston chapters of Stand Up Michigan (SUM) and We the County (WTC). Janine holds a Bachelor of Science degree in engineering.

Patrice Johnson, chairs Michigan Fair Elections (MFE) and Pure Integrity Michigan Elections (PIME). Patrice has founded five successful companies and served as their president, COO or CEO until they became self-sufficient. She was a senior executive with a Fortune 50 technology company, and her book, the *Fall and Rise of Tyler Johnson*, is the basis of a PBS documentary film, *Finding Tyler*. She holds a master's degree in English literature.

Phani Mantravadi is an independent election data analyst and full-stack IT Developer. He conceptualized, designed, and developed www.checkmyvote.org, and is founder and Chief Executive Officer of Election Eagle, QC, LLC. Mantravadi graduated with a Bachelor of Technology Honors degree in Electrical Engineering from Indian Institute of Technology, Kharagpur, India. He works as a senior software solutions designer with a financial services company, based in Lansing, Michigan.

Frederick Nienstedt serves as a recent member of MFE's Communications and Litigation teams. He is an automotive tool design/engineer with a technical degree (BSET). As a lifelong observer of elections (rhetorician) and community activist, he has helped guide discussion with strategic insight for election integrity.

Jeffery Schaeper chairs MFE's audit committee. He is a certified public accountant (CPA) and holds a degree in Master of Business Administration (MBA). Jeff is a retired Internal Controls Manager and Strategic Planner for Automotive with General Motors and Delphi.

Mark Vaeth serves as a member of MFE's audit committee. He is a certified public accountant (CPA) and holds a Master of Business Administration (MBA) degree. Mark was the former Supervisory Auditor for Defense Contract Audit Agency and Corporate Support Coordinator and Financial Analyst at DTE Energy.

Executive Summary

The U.S. Election Assistance Commission (EAC) and its Office of Inspector General (OIG) are currently conducting an audit of Michigan's usage of HAVA funds. Michigan Fair Elections (MFE) is submitting this *Request for EAC OIG Assessment of Audit Risk* due to concern that the State of Michigan appears to be mis-spending portions of the \$57.6 million in Help America Vote Act (HAVA) funding that Congress appropriated to the state from 2015 through 2022. These suspected violations run the risk of voter suppression through the dilution and nullification of eligible votes.

It appears that Michigan is failing to make the required *reasonable efforts* to adhere to HAVA requirements and the state is noncompliant with Generally Accepted Government Auditing Standards (GAGAS), HAVA Title III requirements, and other federal voting rights laws. This *Request for EAC OIG Assessment of Audit Risk (Request)* provides input to the auditors and explains MFE's concerns as an interested party per GAGAS Section 8.37.

The issues documented in this request for assessment of audit risk include, but are not limited to, the following:

- Multiple Michigan election practices and procedures are not compliant with federal election laws.
- The Secretary of State's official number of reported voters is short by thousands from the number of counted ballots for the past two federal elections. The first available QVF after the 2022 election showed 17,974 more counted ballots than were attributed to recorded voters. After the Nov. 3, 2020, presidential election, the state reported 104,137 more counted ballots than voters. The state has never reconciled these discrepancies.

**Difference between Official Vote Count
and Official Number of Voters
Federal Election 2022**

QVF Dates	<u>11/8/2022</u> <u>Official Vote</u> <u>Totals per SOS</u>	Total QVF votes	Missing VoterIDs Votes
12/1/2022	4,500,400	4,482,426	17,974
1/1/2023	4,500,400	4,481,289	19,111
2/1/2023	4,500,400	4,477,556	22,844
3/1/2023	4,500,400	4,474,045	26,355
4/1/2023	4,500,400	4,469,659	30,741
5/1/2023	4,500,400	4,466,226	34,174
6/1/2023	4,500,400	4,461,222	39,178
7/1/2023	4,500,400	4,456,940	43,460
8/1/2023	4,500,400	4,453,010	47,390
9/1/2023	4,500,400	4,448,087	52,313
10/1/2023	4,500,400	4,444,635	55,765
11/1/2023	4,500,400	4,439,354	61,046
12/1/2023	4,500,400	4,434,954	65,446
1/1/2024	4,500,400	4,429,687	70,713

Figure 1. Source Michigan SoS Qualified Voter File. Chart by CheckMyVote.org

**Difference between Official Vote Count
and Official Number of Voters
Federal Election 2020**

QVF Dates	<u>11/3/2020</u> <u>Official Vote</u> <u>Total per SOS</u>	Total QVF votes	Missing VoterIDs Votes
12/1/2020	5,579,317	5,475,180	104,137
1/1/2021	5,579,317	5,476,095	103,222
4/1/2021	5,579,317	5,511,303	68,014
10/1/2023	5,579,317	5,321,429	257,888
11/1/2023	5,579,317	5,314,009	265,308
12/1/2023	5,579,317	5,307,751	271,566

**QVF never had a total equaling
the 2020 reported results**

Figure 2. Source Michigan SoS Qualified Voter File. Chart by CheckMyVote.org

When CheckMyVote questioned the SoS office about the discrepancies, the SoS office faulted local clerks for failing to upload vote history data. However, the discrepancies between counted ballots and recorded voters have widened over time, and histories that should have been carved in stone keep undergoing inexplicable changes, indicating the SoS is changing voter history. See Figures 1, 2, 29, 30, and 31.

Four factors appear to have contributed to the unacceptable and non-credible discrepancies arising between the lower number of voters compared to the larger number of counted ballots in 2022 and 2020. These two contributing factors may be summarized as follows:

- 1) Secretary of State Jocelyn Benson, as Michigan’s top election official, signed an agreement with the Electronic Registration Information Center (ERIC) in 2019.
- 2) Secretary Benson issued inaccurate and unlawful guidance, as determined by different judges in five or more separate legal proceedings (cited below).
- 3) Missing vote history in the statewide files not in sync with local vote history.
- 4) Changed vote history locations which make audits against local vote records impossible.

Largely as a result of the SoS joining Michigan in ERIC, the state’s Qualified Voter File (QVF) shows, as Figure 3 below illustrates, more voter registrations than the state’s voting age population (VAP). (See GAGAS 8.102e Trend Information.)

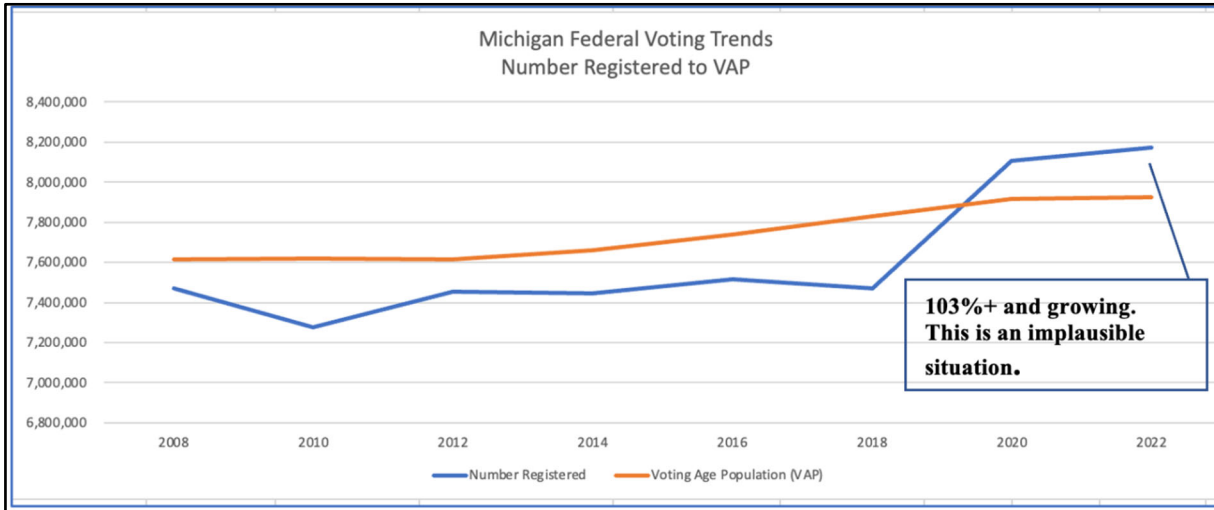


Figure 3. Created by Mark Vaeth. Source Figure 8: Michigan Federal Voting Trends.

- Section IA of this report raises the issue of the QVF having multiple voter IDs in direct contravention to HAVA requirements. HAVA (Section 303(a)(1)(A) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS / IMPLEMENTATION) requires “a single, uniform, official, centralized...voter registration list...that assigns a unique identifier to each legally registered voter in the state.”
- Recent changes to Michigan’s Constitution and state laws fail to make reasonable efforts to comply with federal election laws. Portions of Michigan’s recently enacted elections laws run contrary to federal laws that require verification of identity and citizenship checks before registering a person to vote. As an example, Michigan’s automatic voter registration laws fail to verify citizenship and automatically register holders of state IDs that bear no distinguishing marks from citizen IDs (Public Act 268). HAVA, the Driver’s Privacy Protection Act, the National Voting Rights Act, and other federal voting rights laws are at risk of violation as discussed in Section III. GAGAS 8.68 K and L of this report.
- Events, court cases, and revelations demonstrate that the potential for fraud is real and present.

MFE requests the auditors assess the audit risk of the issues above in light of their potential to lead to Voter Suppression in which false ballots are counted, thereby canceling the vote of legitimate voters.

HAVA grants require each recipient state to certify compliance with the requirements of Sections 101 and 251, HAVA Title III, other laws cited in HAVA Sec. 906, and 2 CFR (Code of Federal Regulations) 200. HAVA, 52 U.S.C. § 21083, imposes 14 legal requirements on the state's voter registration system.

1. The chief state election official implements the voter registration system.
2. The implementation shall be in a uniform and nondiscriminatory manner.
3. The voter registration system shall be a single, uniform, official, centralized, interactive statewide voter registration list.
4. The statewide voter registration list shall be maintained and administrated at the State level.
5. The statewide voter registration list shall contain the name and registered information of every legally registered voter in the state.
6. The statewide voter registration system shall assign a unique identified to each legally registered voter.
7. The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.
8. The computerized list contains the name and registration information of every legally registered voter in the state.
9. Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.
10. The computerized list shall be coordinated with other agency databases within the state.
11. Any election official in the state, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
12. All voter registration information obtained by any local election official in the state shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.
13. The chief state election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).
14. The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the state.

MFE's *Request for EAC OIG Assessment of Audit Risk* examines Michigan's noncompliance with several of the above-listed HAVA requirements and requests that the EAC OIG assess the audit risk of the following areas:

- I. GAGAS 8.98 Assessing the sufficiency and appropriateness of computer-processed information:
 - A. For the past two federal elections the number of voters has fallen significantly short of the number of ballots counted, and the state has failed to reconcile the discrepancies.
 - B. Michigan’s participation in the Electronic Registration Information Center is a violation of HAVA and the DPPA because ERIC has access to inappropriate, computer-processed information. While ERIC declares on its website that it does not share information, evidence shows ERIC is sharing personal identifying information with undisclosed and anonymous third parties. Michigan’s agreement with ERIC (Exhibit A) allows ERIC to share information at its discretion with its “agents, contractors, and subcontractors,” and the agreement requires the state to indemnify ERIC from liability. Contrary to its marketing pitch, ERIC is a self-confessed get-out-the-vote (GOTV) operation that bloats the voter rolls. Notably, HAVA prohibits its funds from being used for GOTV purposes. As a private corporation ERIC is not transparent or subject to FOIA. It is an obsolete, ineffective system subject to biased influence with fewer than half of the states, only 24, currently participating.
- II. GAGAS 8.102e Trend Information: The number of registered voters exceeds the voting age population (VAP) and this implausible gap is forecast to continue to widen.
- III. GAGAS 8.68 to 8.70 Provisions of Laws, Regulations, Contracts and Grant Agreements.

Multiple provisions of law are at risk of noncompliance per GAGAS 8.68. For ease of reference, this report itemizes these noncompliant provisions from A to P.

- A. Failure to verify the identities of non-military overseas voters.
- B. Accepting late voter registrations and counting late-cast ballots.
- C. Accepting late arrival absentee ballots.
- D. Accepting late arriving absentee ballots with missing or unclear postmarks
- E. Accepting “any type of mark” including “a bar code or any tracking marks that indicate when a ballot was mailed” on overseas ballots.
- F. Violation of HAVA-compliant ballot delivery services.
- G. Allowing the county clerk to count late-arriving overseas absentee ballots without postmarks.
- H. Legally unauthorized early voting procedures and undisclosed costs
- I. Verifying voter identity for provisional ballots

- J. In violation of HAVA and the NVRA, Michigan accepts online absentee ballot applications without signature verification.
 - K. Michigan recently enacted automatic voter registration, so when an individual interacts with the Department of Motor Vehicles or other state agencies that person is automatically registered to vote. However, the state failed to institute effective processes to verify the registrant's identity via valid state ID or verify the registrant's citizenship status.
 - L. HAVA has an express preemption clause that prohibits government-sponsored student voter registration drives and student get-out-the-vote drives.
 - M. HAVA authorizes and regulates the sharing of driver data for voter registration purposes. HAVA does not authorize the sharing of private student data for voter registration purposes.
 - N. State-funded universities in Michigan are and were exchanging private student voter data in violation of HAVA's 14 requirements.
 - O. Judges in six different court cases found the Secretary of State guilty of issuing legally unauthorized 2020 election guidance.
 - P. Michigan's agreement with ERIC has entered the state into a partisan get out the vote system (in violation of HAVA) that is obsolete, nontransparent, forces the state to indemnify ERIC, and, likely violates the Driver's Privacy Protection Act (DPPA). (This issue is examined in Section I (GAGAS 8.98 Assessing the sufficiency and appropriateness of computer-processed information.)
- IV. GAGAS 8.71 to 8.76: Risk of fraud

An out-of-state, get-out-the-vote operative for a multistate organization dropped off 8,000 to 10,000 voter registrations to a clerk in a Muskegon Michigan. Tucked among the piles were a number of fraudulent voter registrations. Auditors are requested to consider issues related to the unlawful ignoring of signature verification on absentee ballots. Other fraud risks include the legally unauthorized destruction of election records before the 22-month retention period; the state-advised resistance to fulfillment of, and clerks' subsequent ignoring of, FOIA requests for election records from residents.

- V. GAGAS 8.104e Testimonial evidence from the Livingston County team
- VI. GAGAS 8.59 to 8.67 Information Systems Controls Considerations

A significant court case is underway in Georgia in which plaintiffs are presenting evidence showing that Dominion voting machines, used in Georgia have multiple vulnerabilities and security deficiencies. The outcome of this case may have substantial impact on states, including Michigan, that use Dominion and other electronic voting systems.

VII. GAGAS 8.104 Documentary evidence like database extracts

Large database manipulation is disrupting the integrity of extremely large data extract files.

VIII. GAGAS 8.104f Evidence from a third party

Election Eagle LLC and Check My Vote.org (CMV) document irregularities in voter registration controls and systems, reasons for structural changes to the QVF, failures of vote tallies to match; changes to fixed voting histories; changes in individuals' voting histories; the inability to print displayed information; opaque electronic voting machines; incomplete and misrepresentative public accuracy tests; denial and slow-walking of statutory requirements regarding digital audit trails; and the obstruction of county canvassers from doing their duties.

IX. GAGAS 8.37 Legislator Input.

State Senator Jonathan Lindsey, State representative Stephen Carra, and former State Senator Patrick Colbeck express their concerns regarding HAVA violations.

X. Voter Suppression through the nullification of legitimate votes

XI. Conclusions

Myriad indicators suggest significant noncompliance with HAVA and other federal voting rights laws. MFE appreciates the EAC OIG's consideration for assessment of audit risk.

XII. Exhibits

###

Request

I. Generally Accepted Government Auditing Standards (GAGAS) 8.98 Accessing the sufficiency and appropriateness of computer-processed information.

A. For the past two federal elections the number of voters has fallen far short of the number of counted ballots, and the state has failed to reconcile the discrepancies.

The first available QVF after the 2022 election showed 17,974 more counted ballots than were attributed to recorded voters. After the Nov. 3, 2020, presidential election, the state reported 104,137 more counted ballots than voters. The state has never reconciled these discrepancies.

**Difference between Official Vote Count and Official Number of Voters
Federal Election 2022**

QVF Dates	<u>11/8/2022</u> Official Vote Totals per SOS	Total QVF votes	Missing VoterIDs Votes
12/1/2022	4,500,400	4,482,426	17,974
1/1/2023	4,500,400	4,481,289	19,111
2/1/2023	4,500,400	4,477,556	22,844
3/1/2023	4,500,400	4,474,045	26,355
4/1/2023	4,500,400	4,469,659	30,741
5/1/2023	4,500,400	4,466,226	34,174
6/1/2023	4,500,400	4,461,222	39,178
7/1/2023	4,500,400	4,456,940	43,460
8/1/2023	4,500,400	4,453,010	47,390
9/1/2023	4,500,400	4,448,087	52,313
10/1/2023	4,500,400	4,444,635	55,765
11/1/2023	4,500,400	4,439,354	61,046
12/1/2023	4,500,400	4,434,954	65,446
1/1/2024	4,500,400	4,429,687	70,713

Figure 1. Source Michigan SoS Qualified Voter File. Chart by [CheckMyVote.org](https://checkmyvote.org)

**Difference between Official Vote Count and Official Number of Voters
Federal Election 2020**

QVF Dates	<u>11/3/2020</u> Official Vote Total per SOS	Total QVF votes	Missing VoterIDs Votes
12/1/2020	5,579,317	5,475,180	104,137
1/1/2021	5,579,317	5,476,095	103,222
4/1/2021	5,579,317	5,511,303	68,014
10/1/2023	5,579,317	5,321,429	257,888
11/1/2023	5,579,317	5,314,009	265,308
12/1/2023	5,579,317	5,307,751	271,566

QVF never had a total equaling the 2020 reported results

Figure 2. Source Michigan SoS Qualified Voter File. Chart by [CheckMyVote.org](https://checkmyvote.org)

When CheckMyVote questioned the Secretary of State’s office about the discrepancy, the SoS office faulted local clerks for failing to upload vote history data. However, the discrepancies have continued unresolved for years, and evidence indicates the SoS is changing voter history, as shown in Figures 1, 2, 29, 30, and 31.

Two factors appear to have contributed to the unacceptable and non-credible discrepancies arising between the lower number of voters and the larger number of votes (based on the SoS's Official Reports and the SoS's official Qualified Voter Files):

- 1) Secretary of State Benson, as Michigan's top election official, signed an agreement with the Electronic Registration Information Center (ERIC)
- 2) Secretary Benson issued inaccurate and unlawful guidance, as determined by different judges in five or more separate court proceedings (cited below).

Remedy: MFE requests the EAC OIG assess the audit risk of non-reconciled vote counts to number of voters. MFE requests auditors work with the SoS to remedy the unacceptable voters-to-votes issue before the 2024 election and future elections. HAVA funds should be repaid and withheld from disbursement until Michigan rectifies its past noncompliance and demonstrates its compliance, thereby ensuring the ballots of registered voters are counted one time each.

B. Assigning multiple voter IDs.

Single voter identifiers are required by federal law and necessary to enable safe, secure, and fair elections. The Secretary of State is responsible for administering the accuracy and transparency of Michigan's official voter roll list, the Qualified Voter File, or QVF. She is also responsible by law for issuing a single identifier per voter.

The Federal Help America Vote Act (HAVA) Requirement 9 explicitly prohibits multiple identifiers. It states, "Under the computerized list, a unique identifier is assigned to each legally registered voter in the state." HAVA Section 303(a)(1)(A), "Computerized Statewide Voter Registration List Requirements / Implementation," requires a single and uniform identifier on an official, centralized and computerized list.

The issue at hand is that the voter ID for *every* registered voter on the SoS's official list is *always* a different number than the voter identifier in the local clerk's jurisdiction.

Why voter IDs matter

Multiple identifiers open the door to duplicate voting. They make reconciling voter registrants and auditing election results next to impossible. Multiple identifiers obfuscate public transparency. They make checking to see if one eligible registrant voted one time per election a nightmare and quagmire. Multiple identifiers effectively erase ballot chain of custody. They may be used to add special codes for nefarious actors to target specific voters. In addition, multiple identifiers are sometimes used to cloak the manipulation of data.

Given that they violate federal and state law and open the door to fraud, the alleged existence of multiple identifiers in Michigan begs the question: Why would the Secretary of State knowingly and deliberately take such extreme measures?

Evidence of the existence of multiple identifiers

Examples of the voter list with multiple identifiers are provided below. The red-rimmed columns show VOTERIDs in a local clerk’s voter roll list, the voter ID assigned by the state in its official QVF, and a third ID for the same people in the Daily Absentee Ballot Report. Three different identifiers are assigned to each registrant in the Qualified Voter File (QVF).

Reports indicate the SoS knows of the multiple voter IDs and creates links to them

The Secretary of State claims to have no access to the locally assigned voter IDs, and this claim is concerning because the Daily Absentee Ballot Report makes clear that the SoS must in fact know the local jurisdiction’s voter IDs. The SOS creates the form and format for the Daily Absentee Ballot Report. The clerks provide the content. Both are available to the public, but two of the local clerk reports contain different voter identifiers for the same voter. The same report, when produced by the State, contains a third voter identifier per voter.

This conversion could not occur unless the State knew the identifiers and linked them to generate its report.

The same conversion occurs when one receives a QVF report from the local clerk or from the Secretary of State. A comparison of the two reports makes apparent the multiple, duplicate IDs per registrant.

Below are actual numbers and examples of three IDs per voter from three different types of reports: one from a local clerk and the second from the State. The third from the local clerk affixes a prefix number of 695 to the local voter ID—and all are produced on the SoS system.

Three Voter IDs per Voter														
Local ID								State ID					Absentee Ballot Daily Report ID	
LOCAL VOTERID	COUNTYN AME	JURISNAME	WARD PRECI NC	LASTNAME	FIRSTNAM E	MIDDLENA ME	YOB	SOS MATCH VID	VOTERID	T	FULLNAME			
26001603237	OAKLAND	ROYAL OAK CITY	4	AARDAL	ROBERTA	JEAN	194	7340908	69526001603237		AARDAL, ROBERTA JEAN			
26000343915	OAKLAND	ROYAL OAK CITY	23	AARON	CAROL	LYNN	195	2874484	69526000343915		AARON, CAROL LYNN			
26015070345	OAKLAND	ROYAL OAK CITY	11	ABBASSE	KIRSTYN	MARIE	199	160228057	69526015070345		ABBASSE, KIRSTYN MARIE			
26000346791	OAKLAND	ROYAL OAK CITY	19	ABBEY	ARTHUR	PERRY	196	2874154	69526000346791		ABBEY, ARTHUR PERRY III			
26010428304	OAKLAND	ROYAL OAK CITY	19	ABBEY	JOSHUA	DOUGLAS	198	159239692	69526010428304		ABBEY, JOSHUA DOUGLAS			
26010227164	OAKLAND	ROYAL OAK CITY	19	ABBOTT	LORI	JEAN	195	34335916	69526014962610		ABBOTT, LAINEY LOU			
26014962610	OAKLAND	ROYAL OAK CITY	2	ABBOTT	LAINIEY	LOU	200	160854603	69526010227164		ABBOTT, LORI JEAN			
26014206336	OAKLAND	ROYAL OAK CITY	2	ABBOTT	NOLAN	ROBERT	200	160643816	69526014206336		ABBOTT, NOLAN ROBERT			
26014404394	OAKLAND	ROYAL OAK CITY	2	ABDILLA	SARAH	RACHEL	199	1165009449	69526014404394		ABDILLA, SARAH RACHEL			
26005251901	OAKLAND	ROYAL OAK CITY	21	ABDOO	THERESE	MARIE	195	105179837	69526005251901		ABDOO, THERESE MARIE			
26013833009	OAKLAND	ROYAL OAK CITY	9	ABDULLATIF	YESMEEN	JAMILEH	198	33940483	69526013833009		ABDULLATIF, YESMEEN JAMILEH			
26006829553	OAKLAND	ROYAL OAK CITY	7	ABEJEAN	BRITTANY	ALIX	198	108853190	69526006829553		ABEJEAN, BRITTANY ALIX			

Figure 4. Source: [CheckMyVote.org](https://www.checkmyvote.org).

Tim Vetter submitted a FOIA for the November 2022 voters list and requested both voter IDs. In response, the Bureau of Elections claimed they “do not have record of “VoterID” that is given out by jurisdictions.”

From: [McMillan, Sarah \(MDOS\)](#)
Sent: Wednesday, April 26, 2023 11:08 AM
To: [Tim Vetter](#)
Cc: [Patrice Johnson](#); [Patrick Colbeck](#); [Janice Daniels](#); [Talsma, Stuart \(MDOS\)](#)
Subject: RE: FOIA request - Tim Vetter - Jan. Feb. 2023

Hi Tim,

Sorry for delay. We have a couple things that we need you to clarify.

We can get you the entire state voter files from Jan 1, 2023 and Feb 1, 2023. Did you also want the complete voting history files with these? These files will not include any voters that have been cancelled, moved out of state, etc.

- Are you looking for a file of just who voted in the Nov 2022 election or are you looking for all past voting history for every voter?
- We can include the “Voter_Identification_Number” , however we do not have record of “voterID” that is given out by jurisdictions so we will not be able to provide that

Thank you

Sarah McMillan

Data & Programs Analyst/FOIA Coordinator
Michigan Department of State – Bureau of Elections
Register to vote or get important voter information at Michigan.gov/vote

The SOS does NOT have any record of the voterIDs reported on the local QVFs!

Michigan’s Director of the Bureau of Elections, Jonathan Brater, confirmed the existence of multiple voter identifiers in a memo he circulated to clerks throughout the state on July 10, 2023. On page six Director Brater stated, “Some individuals have claimed the fact that there are multiple identifying numbers corresponding to voter records in the QVF suspicious. In reality there are multiple identifiers for security reasons.” (To view the full Brater letter, see Exhibit G.)

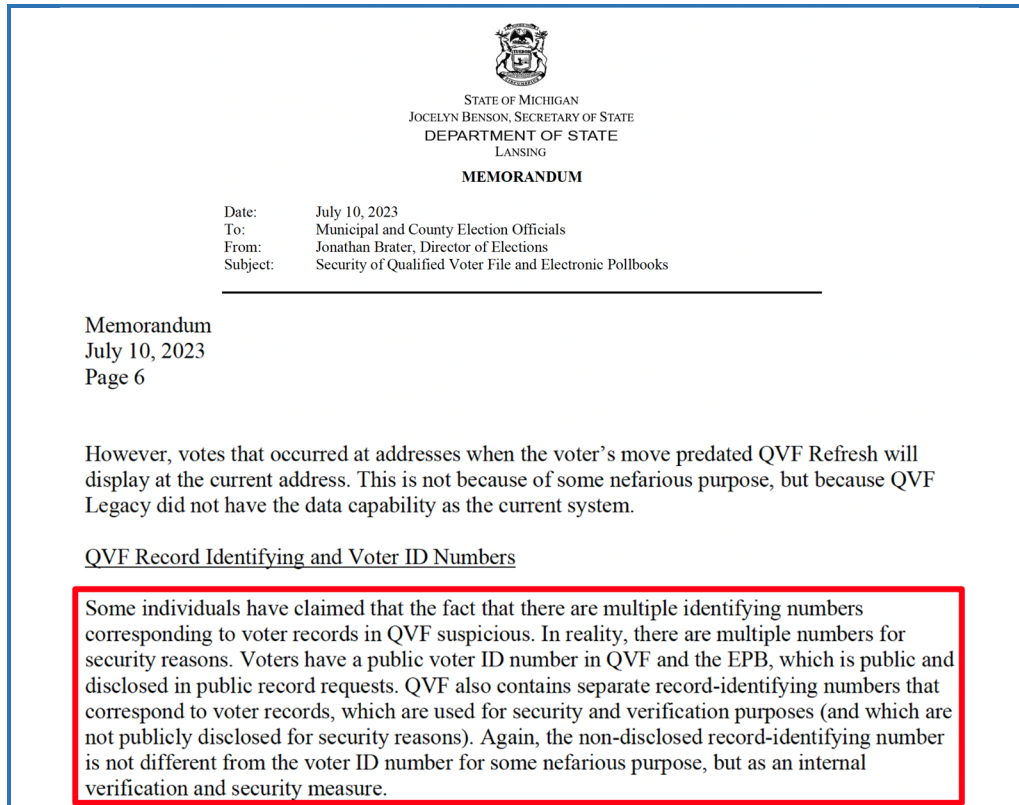


Figure 5. Source: Jonathan Brater, Director, Michigan Bureau of Elections.

Remedy: MFE requests the EAC OIG assess the audit risk of multiple QVF identifiers per registered voter. Duplicate identifiers open the door to duplicate voting and voter manipulation. They may be used to add special codes for nefarious actors to use in targeting specific voters. Duplicate identifiers also render valid audits difficult if not impossible. MFE requests the auditors work with the SoS to remedy forthwith the multiple voter identifier issue for the 2024 election and future elections. HAVA funds should be repaid and withheld from disbursement until Michigan rectifies its past noncompliance and demonstrates its compliance with assigning a single voter identifier per voter.

C. Michigan’s agreement with ERIC gives ERIC access to inappropriate, computer-processed information.

The ERIC agreement allows ERIC to have inappropriate access to voters’ personal identifying information (PII)—even the information of minors under the age of 21 and eligible-but-unregistered voters. Further, the agreement also allows ERIC to share this information with its “contractors, subcontractors and agents.” Evidence indicates ERIC is sharing Michigan residents’ PII with anonymous and undisclosed third parties. (See Exhibit A, ERIC agreement signed by SoS Jocelyn Benson.)

The problem began in 2019, when Michigan Secretary of State Joselyn Benson joined Michigan in the Electronic Registration Information Center. ERIC was promoted as a tool for

state officials to use to identify duplicate or voters who had moved out of state, in order to remove ineligible registrants from the voter rolls, QVF.

However, the ERIC agreement states that ERIC was founded, “for the reform of the election system in the United States.”

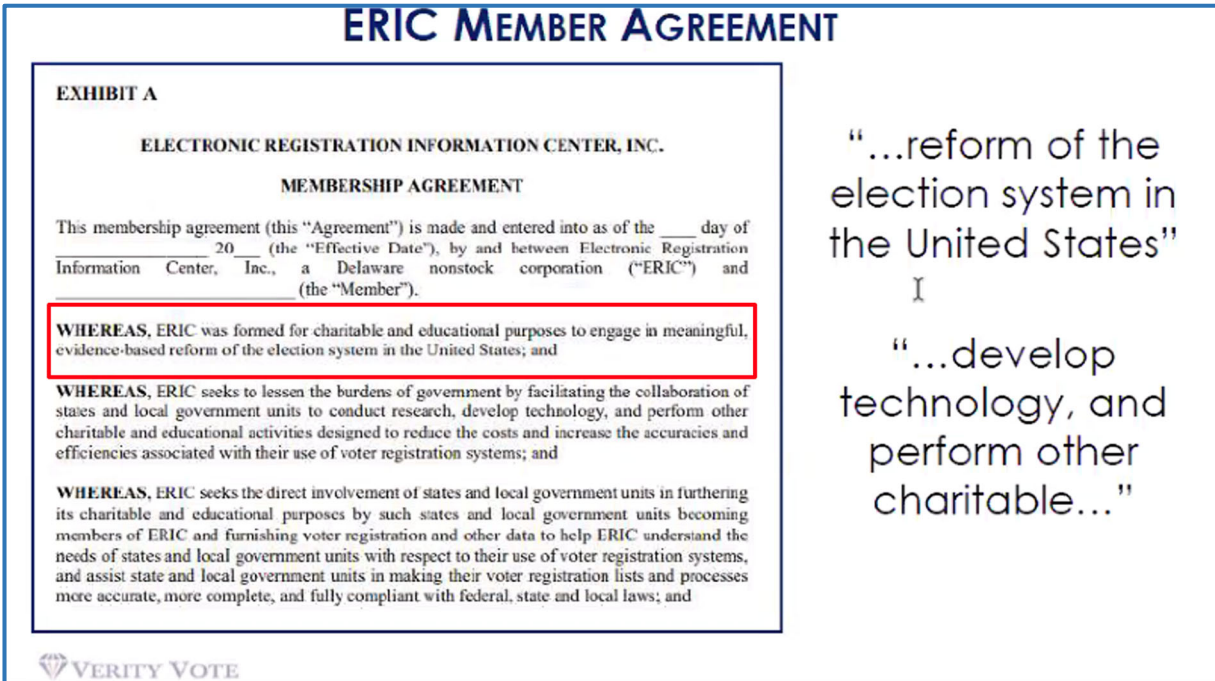


Figure 6. SoS Benson’s Signed Agreement with ERIC (Exhibit A).

D. ERIC is a private nonprofit organization, and as such, is not subject to Freedom of Information Act (FOIA) transparency and has questionable ties to leftist organizations.

Hayden Ludwig of Restoration America wrote one of the most in-depth and comprehensive analyses of the issues surrounding the Electronic Registration Information Center. In “[ERIC: The Best Data Money Can’t Buy](#),” Ludwig wrote, “ERIC membership requires that states transmit all inactive and active voter files in their registration databases and “all licensing or identification records contained in” their Department of Motor Vehicle databases “at least every sixty (60) days.” These files must include “a given individual’s name, address, date-of-birth, driver’s license or state ID number, Social Security Number (last four digits), phone number, and email address—private information no data vendor in America has access to.”

“In a single stroke, ERIC had succeeded in building the most comprehensive, widespread, and valuable voter file the country had ever seen—updated practically in real-time. With it, a campaign could become unbeatable. Amazingly, this feat had been achieved with a tremendous lie, yet Republican lawmakers were only too happy to play along.”

As evidence of ERIC’s porous security and its transactional relationship with partisan organizations, Ludwig provided evidence as obtained by professional investigators at Verity Vote:

“A September 2020 email from CEIR researcher Jenny Lovell to Georgia elections officials describes a complex process: ERIC data is transferred to CEIR, which generates a list of eligible-but-unregistered individuals to target with registration mailers (paid for by states); that list is then transmitted from CEIR back to ERIC, and finally on to the states.

“Put another way, a partisan third party is directing taxpayer-funded registration drives using sensitive voter data acquired from ERIC, with no public oversight or accountability. It’s difficult to imagine the Left tolerating such a unique scheme if CEIR was a *conservative* organization, yet ERIC would have the public believe this is perfectly acceptable.

“More concerning still is that we don’t know with whom CEIR shares this voter data. Catalist? Left-wing voter registration nonprofits? That lawmakers cannot answer these questions draws ERIC’s trustworthiness into serious doubt.”

From: Jenny Lovell <jlovel[REDACTED]>
Sent: Friday, September 4, 2020 3:28 PM
To: Alligood, Mak; Phifer, Brandon; Hill, Brian; Matthews, Jason; Evans, Blake; Gabriel Sterling; Harvey, Chris
Cc: Erica Frazier; Jacob Kipp; Haas, Ericka
Subject: EBU Randomization Complete

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi there!

I’ve just finished randomizing your EBU list. I will be giving you a handful of files which I will describe below. To get them to you, we’ll simply reverse the transfer process: I’ll send the files to ERIC and they’ll get them to you. Your list has been divided into two groups: the treatment group and the control group. Mailers will go out to the treatment group first. Mailers should be sent to the control group at least *two weeks after* the initial mailing.

Credit: Verity Vote, 2022.

Figure 7. Source: Hayden Ludwig and Verity Vote, “[The Best Data Money Can’t Buy](https://www.restorationofamerica.com/restoration-news/eric/eric-the-best-data-money-cant-buy-pt-2/).” Parts 1 and 2 are available at <https://www.restorationofamerica.com/restoration-news/eric/eric-the-best-data-money-cant-buy-pt-2/>

Ludwig wrote, “Hidden in ERIC’s membership agreement is a provision requiring states to attempt to register the eligible-but-unregistered individuals uncovered by the data it accumulates, or else risk being booted from the compact—hence the list generated by CEIR.”

If ERIC were acting as an agent of the government, then perhaps one could argue it was legally authorized to access voters’ PII. However, by its own admission in its agreement with Michigan, ERIC is not performing a “government function,” and ERIC is not a government agent. Therefore, the state’s sharing its residents’ private personal identifying information with ERIC is not an allowable function or a valid expenditure of HAVA funds.

In sharing data with ERIC, the secretary of state appears to be in violation of the Driver’s Privacy Protection Act (DPPA). DPPA, 18 U.S. Code § 2721, et seq. (1994). The disclosure of personal information under Michigan Statute § 257.208c does not allow for the sharing of personal driver information for voter roll purposes.

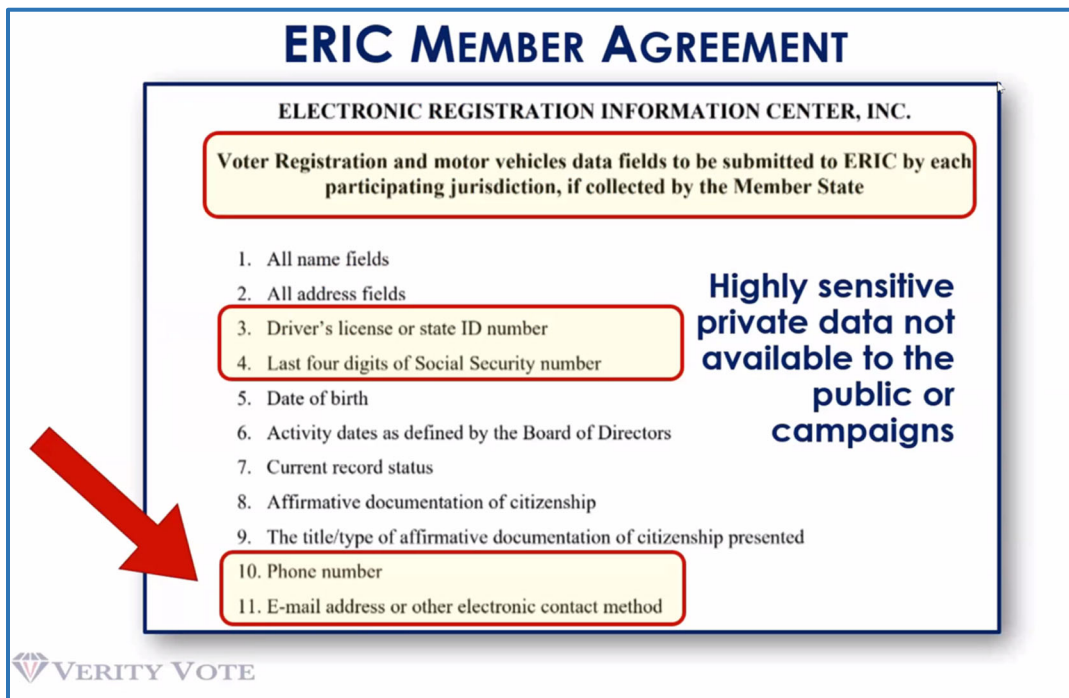


Figure 8. Source: SoS Benson’s Signed Agreement with ERIC (Exhibit A)

By no means does the DPPA allow the sharing of personal driver information with additional third parties like ERIC or with ERIC’s undisclosed “contractors, subcontractors and agents,” none of whom are subject to FOIA.

Kaardal Decl., Ex 1 (Ex A., ¶ 2), Ex. 2 (Ex A., ¶ 2). ERIC is not covered by the DPPA’s “government function” exception (18 U.S. Code § 2721(b)(1)) for the following reasons: (1) ERIC is not performing a government function because the SoS-ERIC contract states that ERIC is not an agent, partner, nor joint venture of SoS. (2) ERIC is not performing a government function because the SoS disclosure of private driver data to ERIC monthly and at least every 60 days is unnecessarily frequent to support ERIC in producing its reports. (3) “Improve the accuracy of the voter registration records in the statewide voter registration system (SVRS)” can’t be the government function of the SoS-ERIC contract because SoS and DMV are using

the private driver data to do it every day. (4) Other states are leaving ERIC and performing the same functions without disclosing private driver data to non-governmental parties. (5) SoS’s argument for the DPPA “government function” exception covering the SoS-ERIC contract is unpersuasive because such a state government function is preempted under HAVA. Specifically, because the SoS-ERIC contract, which authorizes the use of private driver data for the legally impermissible government-sponsored eligible, but unregistered, persons (EBU) voter registration drives, is inconsistent with HAVA and is preempted under HAVA’s express preemption provision, 52 U.S. Code § 21084. (See Kaardal Decl., Ex 1 (Ex A., ¶ 5), Ex. 2 (Ex A., ¶ 4)).

E. *Citizenship is a HAVA requirement for registering to vote. However, ERIC specifically excludes the receipt of information that would require or enable the verification of citizenship.*

b. Within sixty (60) days of the Certification Date, and at least every sixty (60) days thereafter, the Member shall transmit: (1) all inactive and active voter files (excluding those records that are confidential or protected from disclosure by law), including those fields identified in Exhibit B, and (2) all licensing or identification records contained in the motor vehicles database (excluding those fields unrelated to voter eligibility, such as fields related to an individual’s driving record), including those fields identified in Exhibit B. Under no circumstances shall the Member transmit an individual’s record where the record contains documentation or other information indicating that the individual is a non-citizen of the United States. Should Member believe it has an alternative source of data that is equivalent to or better than the motor vehicle database (“Alternative Data Source”), Member

Figure 9: ERIC Agreement (Exhibit A)

Pursuant to HAVA’s express preemption provision, 52 U.S. Code § 21084, the SoS-ERIC contract is preempted because it is “election technology and administration requirements” “inconsistent” with federal election laws including 52 U.S. Code § 21083.

In general, federal law reigns supreme over state law, so the Michigan Statute § 168.509o(5), which allows for participation multistate programs or services at the SoS’s discretion, does not stand. It has long been settled that state laws that conflict with federal are “without effect.” *Mutual Pharmaceutical Co., Inc. v. Bartlett*, 570 U.S. 472, 479–80 (U.S., 2013), quoting *Maryland v. Louisiana*, 451 U.S. 725, 746, and *McCulloch v. Maryland*, 4 Wheat. 316, 427 (1819).

“[U]nder the Supremacy Clause, from which our pre-emption doctrine is derived, any state law, however clearly within a State’s acknowledged power, which interferes with or is contrary to federal law, must yield.” *Gade v. National Solid Wastes Management Assn.*, 505 U.S. 88, 108 (1992) (internal quotation marks omitted).

F. *ERIC is more of a get out the vote (GOTV) operation than one devoted to voter roll maintenance.*

David Becker, founder and former CEO of ERIC, described ERIC as “The most effective voter registration drive in history.” <https://www.facebook.com/IAPPprivacypros/videos/during-their-keynote-panel-at-privacy-security-risk-2018-in-austin-texas-david-b/322920881634896/>

GOTV efforts are inherently biased, and HAVA Sec. 241 (b) states:

“with the goal of promoting methods of voting and administering elections which-
-will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted;”

The Elections Assistance Commission has determined that get out the vote costs are unallowable based on its “Guidance on Use of HAVA Funds for Expenses Related to COVID-19.” The EAC determined, “Keep in mind that HAVA funds can be used to provide information on voting procedures, rights or technology.” However, the EAC went on to specify: “Items intended to ‘get out the vote’ or merely encourage voting do not meet this requirement.” ([https://www.eac.gov/sites/default/files/paymentgrants/Guidance On Use Of HAVA Funds for Expenses Related to COVID.pdf#:~:text=A%3A%20Yes%2C%20costs%20to%20communicate%20changes%20in%20voting,merely%20encourage%20voting%20do%20not%20meet%20this%20requirement](https://www.eac.gov/sites/default/files/paymentgrants/Guidance%20On%20Use%20Of%20HAVA%20Funds%20for%20Expenses%20Related%20to%20COVID.pdf#:~:text=A%3A%20Yes%2C%20costs%20to%20communicate%20changes%20in%20voting,merely%20encourage%20voting%20do%20not%20meet%20this%20requirement))

Remedy: Any and all ERIC costs determined to be associated with GOTV should be considered unallowable under HAVA, as they run the risk of inserting bias and discrimination into the voter registration process that HAVA prohibits.

G. New technologies and too few participants have made ERIC costly, ineffective and obsolete.

MFE does not know how much of Michigan’s costs for participating in the Electronic Registration Information Center (ERIC) were included in Michigan’s 2018 and 2020 HAVA Election Security Plan and Grant Narratives or its claimed costs over the years. The ERIC-related costs are HAVA Sec 101 costs that are required to follow 2 CFR 200 Subpart E Cost Principles.

“A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.... In determining reasonableness of a given cost, consideration must be given to:

- (a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-federal entity or the proper and efficient performance of the federal award.
- (b) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; federal, state, local, tribal, and other laws and regulations; and terms and conditions of the federal award.
- (c) Market prices for comparable goods or services for the geographic area.

(d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-federal entity, its employees, where applicable its students or membership, the public at large, and the federal government.

(e) Whether the non-federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost.”

In addition, new and more effective technologies since ERIC’s inception in 2012 render the system obsolete.

As of this writing, nine states have exited ERIC, bringing the number of ERIC-participating states to 24, less than half of the states. Because a majority of states do not currently participate in ERIC, the incomplete system cannot be reliable or effective in helping states identify out-of-state voter registrants. Its support is trending downward. [THE GREAT EXIT: Why States are Leaving Politically Driven ERIC and Why More States Should Follow. \(thefga.org\)](#)

If Michigan joined ERIC to help maintain clean voter rolls, the change has proven an abysmal failure. If anything, membership in ERIC appears to have contributed to the ever-increasing number of ineligible registrations on the voter rolls in violation of HAVA.

In conclusion, after due consideration of the reasons stated above, a prudent person would conclude that continuing to pay for ERIC is an unreasonable and unjustifiable expenditure of HAVA funds.

Remedy: MFE requests the EAC OIG to audit the state’s participation in ERIC and determine whether the claimed ERIC costs and functions are unreasonable per 2 CFR 200.404 Reasonable costs. We urge the EAC OIG to consider the information discussed in this section and examine the agreement between ERIC and Michigan. We suggest the EAC OIG examine communications between ERIC and Michigan to determine the exact requirements of their arrangement. Michigan should be requested to provide a yearly breakdown of claimed ERIC costs incurred to date and a determination should be made as to whether these expenses were paid with HAVA funds. If so, and if the EAC OIG determines some or all of the ERIC costs to be unallowable, then 2 CFR 200.410 requires the following:

“Payments made for costs determined to be unallowable by either the federal awarding agency, cognizant agency for indirect costs, or pass-through entity, either as direct or indirect costs, must be refunded (including interest) to the federal government in accordance with instructions from the federal agency that determined the costs are unallowable unless federal statute or regulation directs otherwise.”

II. GAGAS 8.102e. Trend Information

Disturbing Trends: The number of registered voters exceeds the Voting Age Population (VAP)

As of year-end December 2023, Michigan’s official voter rolls (QVF) (<https://mvic.sos.state.mi.us/VoterCount/Index>) reported the state’s registered voters at 8,250,060. However, the state’s voting age population (VAP), based on 2022 U.S. [Census data](#), was listed as 7,924,418, so Michigan’s registered voters outnumbered its voting age population by 325,642 (assuming no change to the VAP in 2023), an Implausible 104.1 percent. The maximum percentage of 100 percent would itself be implausible.

The issue began in 2019 after the newly elected Secretary of State, Jocelyn Benson, joined Michigan in the Electronic Registration Information Center (ERIC). In 2020 and 2022, the number of registered voters rose to 102.4 percent and 103.1 percent, respectively, of the VAP. Since then, the inverted gap has steadily widened. (See chart below.)

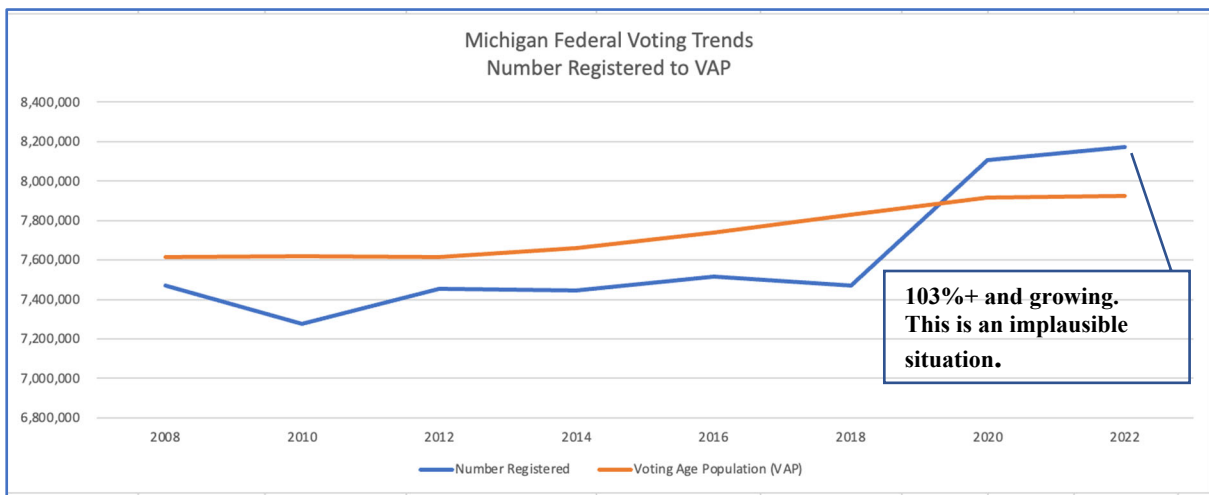


Figure 3. Created by Mark Vaeth. Source: Figure 8: Michigan Federal Voting Trends. CVAP 2017-2021 5-Year ACS Data - CSV Format. <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>.

Other Census methodology shows the current number of registered voters exceeds the VAP at 107%. MFE decided to show the more conservative view, but the irrational discrepancy in any amount compromises the integrity of the voter rolls. Also, most counties are experiencing bloated voter rolls. (See [CVAP 2017-2021 5-Year ACS Data - CSV Format](https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html). <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>).

The state’s slow growth makes the discrepancy even less explicable. U.S. Census data has consistently shown Michigan to be one of the slowest growing states in the nation with its population increasing from 9.9 to 10.1 million, or 1.4 percent, during the ten-year period from 2012 to 2022.

Michigan Federal Voting Trends

Year	Michigan Population	Number of Michigan Registered Voters	Voting Age Population (VAP)	% of Voters Registered Compared to VAP
2008	9,946,889	7,470,764	7,613,000	98.1%
2010	9,877,510	7,276,237	7,620,000	95.5%
2012	9,897,145	7,454,553	7,616,490	97.9%
2014	9,929,848	7,446,280	7,660,000	97.2%
2016	9,950,571	7,514,055	7,737,250	97.1%
2018	9,984,072	7,471,088	7,831,250	95.4%
2020	10,077,325	8,105,524	7,914,600	102.4%
2022	10,033,281	8,170,893	7,924,418	103.1%
2023	10,037,261	8,250,060	N/A	

Figure 10. Chart by Mark Vaeth. Sources: 2008 to 2020 Cols C & D:

<https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Results-and-Statistics/General-Voter-Reg-Turnout-Stats.pdf>;

Est. VAP 2022: <https://www.federalregister.gov/documents/2023/03/31/2023-06717/estimates-of-the-voting-age-population-for-2022>

Daily Registered Voters Statistics: <https://mVIC.sos.state.mi.us/VoterCount/Index>

2020 & 2022 Population: <https://www.census.gov/quickfacts/fact/table/MI/PST045222>

Based on the SoS Daily Register Voter Statistics from December 8, 2023, through January 19, 2024, the seemingly unending weekly growth of the QVF is continuing. (<https://mVIC.sos.state.mi.us/VoterCount/Index>). If one projects the seven-week-ending totals during that period to election day, November 5, 2024, the number of QVF voter registrants will grow to 8,328,075, or 105.1 percent more registered voters than voting age population (using the 2022 VAP of 7,924,418).

The following table and graph show this forecast:

Date	Daily Voter Registration Per MI SOS	Forecast (Daily Voter Registration Per MI SOS)	Lower Confidence Bound (Daily Voter Registration Per MI SOS)	Upper Confidence Bound (Daily Voter Registration Per MI SOS)
12/8/2023	8,245,029			
12/15/2023	8,246,383			
12/22/2023	8,247,237			
12/29/2023	8,250,060			
1/5/2024	8,251,764			
1/12/2024	8,253,467			
1/19/2024	8,255,171	8,255,171	8,255,171	8,255,171
11/5/2024		8,328,075	8,326,184	8,329,96

Figure 11. Source: <https://mVIC.sos.state.mi.us/VoterCount/Index>

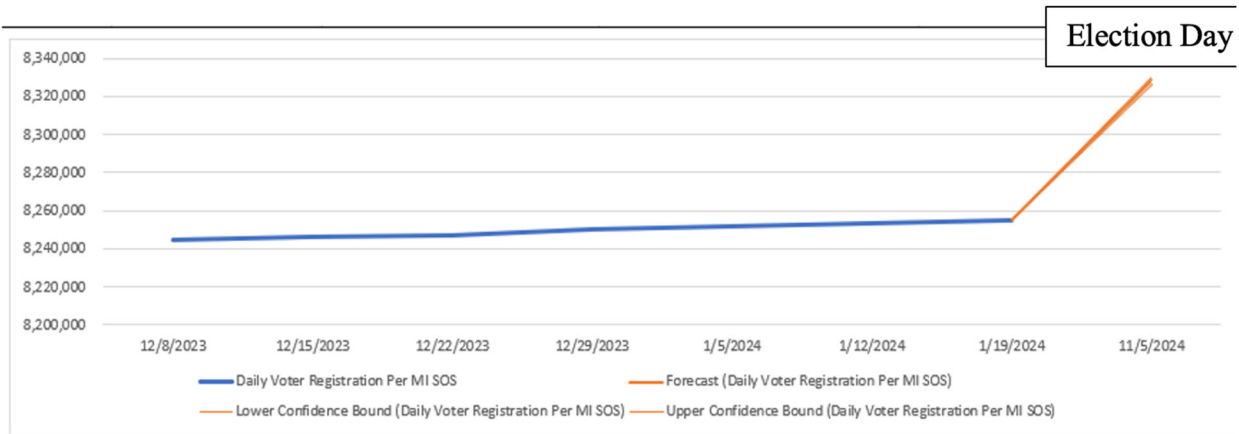


Figure 12. Chart by Mark Vaeth. Source: <https://mvic.sos.state.mi.us/VoterCount/Index>.

HAVA Title III Section 303(a)(4)(A) requires states to have the following:

“A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.”

Section 8 of the National Voting Rights Act (NVRA) of 1993 (42 U.S.C. 1973gg et seq.). Section 2(b)(4) requires states “to ensure that accurate and current voter registration rolls are maintained.” NVRA Section 8(a)(4) requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.” MFE believes Michigan is in violation.

The continued growth of the registration rolls in excess of the voting age population of citizens indicates that Michigan is not making a reasonable maintenance effort as required by the cited laws.

We also note that Consovoy McCarthy PLLC, representing the Republican National Committee, sent a letter dated Dec. 8, 2023, (Exhibit B) to the SoS Jocelyn Benson and Jonathan Brater, Director of the Michigan Bureau of Elections. The demand letter stated: “As you are aware, the National Voter Registration Act (NVRA) requires states to maintain an accurate and current voter registration roll for elections for federal office.”

“Based on our analysis, Michigan is in violation of Section 8 of the NVRA. By comparing publicly available voter registration records with the U.S. Census Bureau’s

2021 citizen voting age population data, we have determined that 55 counties have more registered active voters than adult citizens over the age of 18.

“We have identified another 23 counties that have voter registration rates that exceed 90 percent of adult citizens over the age of 18, a figure that far eclipses the voter registration rate nationwide in recent elections. This evidence shows that your office and county, city, and township clerks in these counties are not conducting appropriate list maintenance to ensure that the voter registration roll is accurate and current, as required by federal law.”

The RNC Consovoy McCarthy letter provides similar details from the state level to the county level, and it cites legal case history supporting its assertions. The requests that Michigan begin the process of cleaning the voter rolls immediately or “be subject to a lawsuit seeking declaratory and injunctive relief.” [Republicans say most Michigan counties have more voters than voting-age people \(msn.com\)](https://www.msn.com)

Upon request, Michigan Fair Elections and Check My Vote, an organization that analyzes QVF data, will provide questionable registrations down to the jurisdiction level. More information on this issue is discussed in GAGAS 8.104f. Evidence from a third party.

It is important to note that registrations are scheduled to be cancelled after the 2024 election. However, MFE contends that HAVA rules dictate the cancelations be done on a timely, not an arbitrary and capricious, basis. See schedule of registrations to be canceled: [Voter registration statistics \(state.mi.us\)](https://www.state.mi.us)

Remedy: MFE requests the EAC OIG examine the risk of Michigan’s noncompliance with Section 8 of the National Voting Rights Act (NVRA) of 1993 (42 U.S.C. 1973gg et seq.) and with HAVA Title III Section 303(a)(4)(A). If the examination concurs in full or in part with the issues cited above, MFE requests the EAC OIG require the Michigan SoS to comply and make a reasonable effort to maintain accurate voter rolls. Failure to comply forthwith should result in immediate holds on HAVA grant funding and demands for repayment of past grants.

III. GAGAS 8.68 to 8.70 Provisions of Laws, Regulations, Contracts & Grant Agreements

GAGAS 8.68 requires the following:

“Auditors should identify any provisions of laws regulations, contracts, and grant agreements that are significant within the context of the audit objectives and assess the risk that noncompliance with provisions of laws, regulations, contracts, and grant agreements could occur. Based on that risk assessment, the auditors should design and perform procedures to obtain reasonable assurance of detecting instances of noncompliance with provisions of laws, regulations, contracts, and grant agreements that are significant within the context of the audit objectives.”

MFE herein identifies multiple provisions of law at risk of noncompliance per GAGAS 8.68. For ease of reading, these provisions are organized below from A to P. Violations are summarized in this report, and the Executive Summary provides an overview of the noncompliance items cited.

A. Failure to verify the identities of non-military overseas voters.

HAVA Section 303 (5) requires states to validate voter eligibility and residency before issuing a ballot, and many states have verification requirements far beyond the low minimum standard set by HAVA. Michigan, however, neither validates voter eligibility nor residency before issuing a ballot. States are prohibited from implementing a lesser standard to federal law. Unfortunately, the Michigan SoS has done just that. Through unlawful guidance, the SoS is instructing election officials to violate HAVA, and this violation risks the suppression of military votes by allowing ineligible individuals to receive and vote an absentee overseas ballot.

Michigan’s Department of State is noncompliant with HAVA due to the SoS following a process that does not require overseas voters to verify their identities or eligibility to vote. Incredible as it sounds, an online applicant, alleging to be a citizen who resides overseas, may complete the online Federal Post Card Application (FVAP) without verifying identity. No social security number, driver’s license, state ID, passport, or even a utility bill are required. Then, no Michigan elections administrator verifies the applicant’s identity or eligibility to vote. In addition, applicants need never to have resided in Michigan, and no one checks the addresses that the applicants select.

1) No identity verification required:

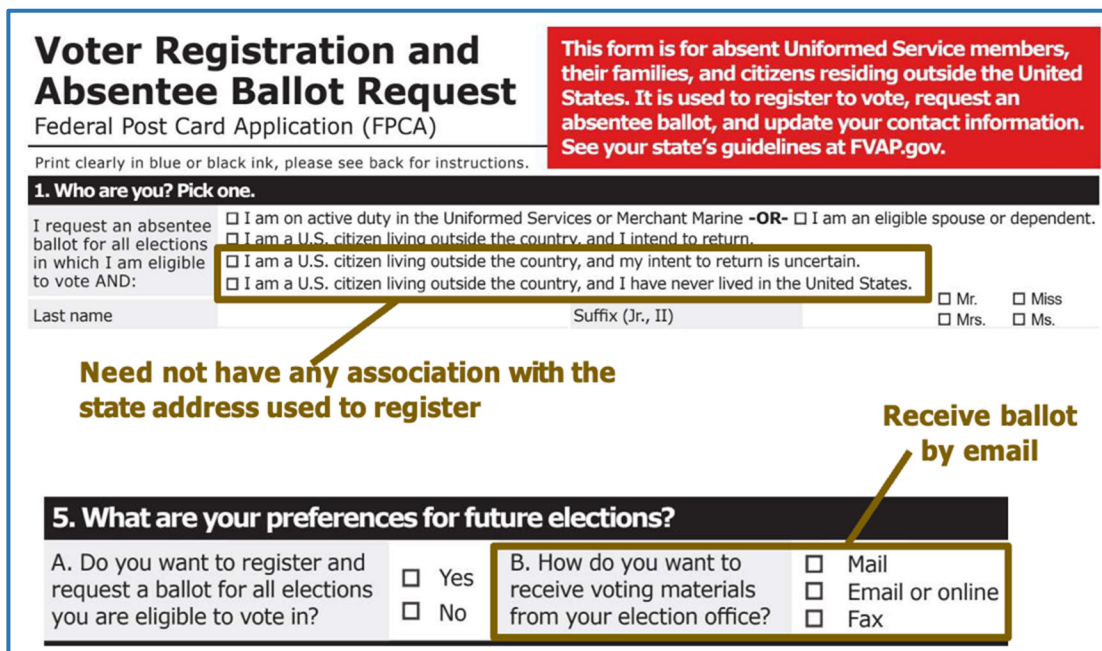


Figure 13. Source: Federal Voting Assistance Program <https://www.fvap.gov/r3/fpca/my-information>.

Personal Identification*

You must provide **either** a Michigan-issued ID number **or** the last four digits of your Social Security Number. If you do not have either of these numbers select the "NONE" option.

Social Security Number (last 4 digits only)

OR

Driver's License or ID Number

Enter "NONE" on Form

Figure 14. Source: <https://www.fvap.gov/r3/fpca/my-information>.

2) The audit risk in Michigan is larger than in most other states, and the issue is growing.

As the chart below shows, the percentage of UOCAVA ballots transmitted to overseas voters is increasing, while the percentage transmitted to uniformed overseas services members is decreasing:

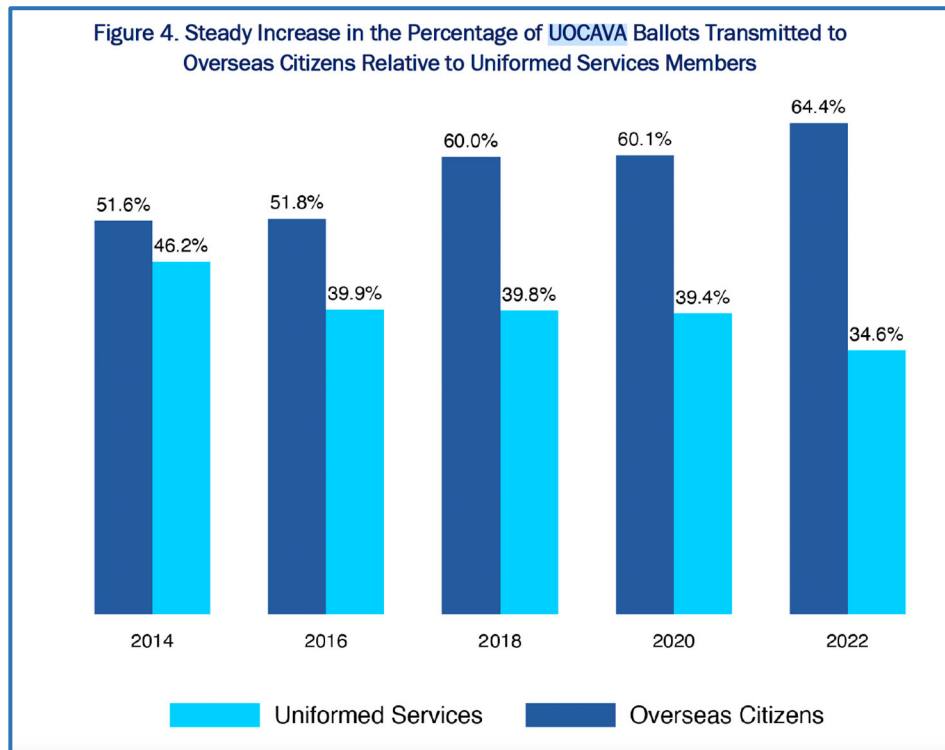


Figure 15. Election Administration and Voting Survey, 2022, A report by the EAC to the 118th Congress, p. 201, https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf.

The imbalance and audit risk to Michigan are larger than with most other states. A full 83.3 percent of Michigan’s UOCAVA voters were non-military. Only a shrinking 16.7 percent were uniformed service members. As of the non-presidential election year 2022, the state ranked tenth in the nation for the percentage of ballots transmitted to overseas, non-uniformed (non-military) voters.

UOCAVA Table 1: Registered and Eligible UOCAVA Voters

State	Registered UOCAVA Voters						
	All UOCAVA Voters	Uniformed Services Members		Overseas Citizens		Not Categorized by Voter Type	
		Total	%	Total	%	Total	%
Michigan	7,777	1,297	16.7%	6,480	83.3%	0	0.0%

Figure 16: Source: Election Administration and Voting Survey 2022 Comprehensive Report: A Report from the U.S. Election Assistance Commission to the 118th Congress, page 211, Appendix A: Descriptive Tables. https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf

Figure 5. Twenty-Four States Transmitted More UOCAVA Ballots to Uniformed Services Members Than to Overseas Citizens

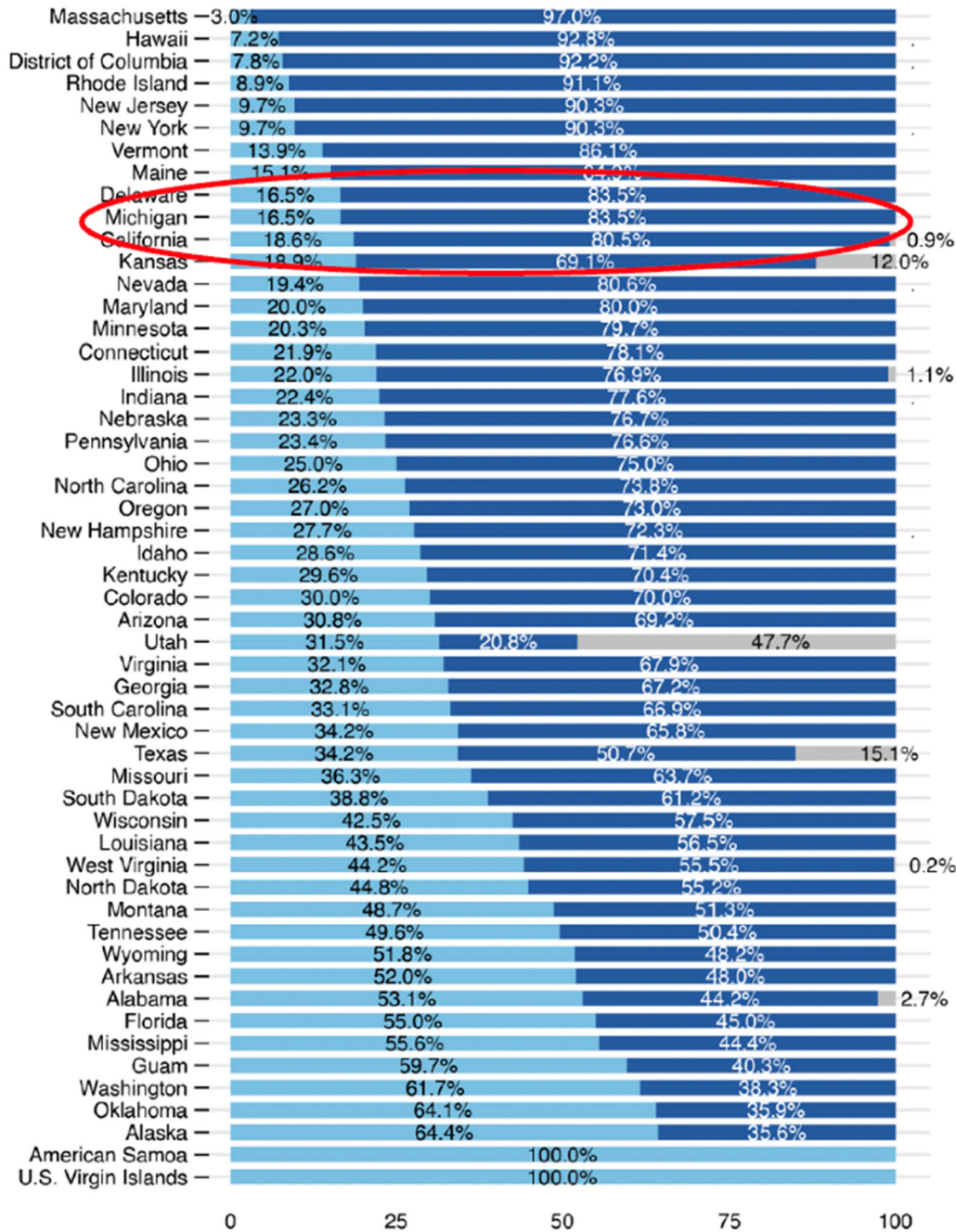


Figure 17. Election Administration and Voting Survey, 2022, A report by the EAC to the 118th Congress, p. 203.

Compounding the audit risk is the bizarre fact that overseas applicants never need to have resided in Michigan, and no one—neither the SoS nor the local clerks—verifies the legitimacy of the address claims.

UOCAVA Votes per the Election Assistance Commission (EAC)

State	2020 Total Received	2020 Received Non Military	2016 Total Received	2016 Received Non Military	Non Military Change 2016-2020	Electronic Return (email, fax, portal)	Never Resided (FVAP)
NY	69,585	62,781	41,519	35,212	27,569	No	Yes
CA	97,301	79,146	71,698	51,773	27,557	Yes	Yes
FL	117,965	49,658	80,690	28,682	20,988	Yes	No
VA	33,045	25,634	11,962	7,644	19,869	No*	Yes
TX	62,651	28,699	41,649	14,331	14,528	No*	No
OR	16,751	12,054	12,396	8,247	6,991	Yes	Yes
MA	24,890	23,660	18,702	17,430	6,230	Yes	Yes
MI	22,492	17,132	16,877	11,306	5,826	No*	Yes
PA	26,952	19,377	20,842	13,635	5,742	No	No
WA	64,632	26,874	57,853	24,797	5,653	Yes	Yes
CO	29,631	21,095	23,090	16,386	4,709	Yes	Yes
AZ	18,483	11,997	11,666	7,485	4,584	Yes	Yes
WI	14,057	7,005	6,575	3,697	3,308	No	Yes
OH	21,601	14,083	17,675	10,856	3,227	No	Yes

Figure 18. Source: Election Administration and Voting Survey, 2022, A report by the EAC to the 118th Congress.

MFE is not alone in expressing concerns. The PEW Initiative said the UOCAVA process creates an “extraordinary vulnerability.” The Journal of Cybersecurity (16 February 2021) stated that this method “greatly increases the risk of undetectable” failures in the voter security system.

Journal of Cybersecurity, Feb. 16, 2021:

“Online voting systems are vulnerable to serious failures: attack that are larger scale, harder to detect, and easier to execute than analogous attacks against paper-ballot-based voting systems.”

“Internet voting, electronic ballots and even blockchain voting “greatly increase the risk of undetectable, nation-scale election failures.”

U.S. Senate Select Committee on Intelligence, July 25, 2019

“States should resist pushes for online voting. One main argument for voting online is to allow members of the military easier access to their fundamental right to vote while deployed. While the Committee agrees states should take great pains to ensure members of the military get to vote for the elected officials, no system of online voting has yet established itself as secure.”

“Risk Management for Electronic Ballot Delivery, Marking, and Return,” National Institute of Standards and Technology, May 2020:

“If election officials choose or are mandated by state law to employ this high-risk process, its use should be limited to voters who have no other means to return their ballot.”

Regarding email return of ballots:...“election officials should be aware...email may be viewed or tampered with at multiple places in the transmission process, and emails can also be forged to appear as if they were sent from a different address.”

HAVA Requirements: HAVA Sec. 303 (5) requires states to validate voter eligibility and residency before issuing a ballot:

“(5) Verification of voter registration information.—

(A) Requiring provision of certain information by applicants.--

(ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes--

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) Special rule for applicants without driver's license or social security number.--If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

* * *

(C) <<NOTE: Procedures.>> The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.

* * *

(b) Requirements for Voters Who Register by Mail, (2)(A)(ii) in the case of an individual who votes by mail, submits with the ballot--

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

In addition, HAVA SEC. 241 states as follows:

(a) In General.--On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which--

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities,

including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

UOCAVA and the Military and Overseas Voter Empowerment (MOVE) Act require all states to deliver blank ballots electronically upon request. However, the email delivery of ballots eliminates the ability to verify overseas addresses and voter status. In contrast, U.S. Postal Service delivery of election mail is prohibited from forwarding. These factors set up a scenario whereby illegitimate votes may be cast and counted without detection.

UOCAVA Title I, Sec. 102. STATE RESPONSIBILITIES states:

(a) IN GENERAL.--Each state shall --

- (1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office;
- (2) accept and process, with respect to any election for federal office, any otherwise valid voter registration application and absentee ballot application.

Remedy: MFE requests the auditors conduct risk assessment and potential examination of UOCAVA using GAGAS Yellow Book Chapter 8: Field work Standards regarding the verification of non-uniformed overseas voter identities and their eligibility to vote in U.S. elections. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA and MOVE sections that provide criteria for the state to verify the identity, citizenship, and overall eligibility of overseas voters and their ballots.

B. Unlawful acceptance of late voter registrations and the counting of late-cast ballots.

The City of Ann Arbor Clerk in Washtenaw County did not comply with federal and state laws during the 2022 General Election. The clerk allowed individuals to vote absentee and even to register and vote absentee after 8:00 p.m. on election day, November 8, and into the early morning hours of Nov. 9, 2022, the day after the close of the election at two University of Michigan satellite clerk registration offices.

Only when a federal or state court order is in effect may a clerk allow individuals to vote absentee or register and vote after the 8:00 p.m. closing of polls. No such order was in effect, and the city clerk's action was a blatant violation of HAVA Section 302(c), VOTERS WHO VOTE AFTER THE POLLS CLOSE. These and other Ann Arbor actions appear to violate Requirement 2 – The implementation shall be in a uniform and nondiscriminatory manner. See the MFE report [*Ann Arbor Compromises Election Integrity during 2022 Election*](#), Exhibit 3.

To date, there have been no consequences for the Ann Arbor clerk for violating federal and state election law. This lack of accountability creates a high risk that clerks across Michigan can commit, without penalty, these same or other violations in the 2024 election.

Remedy: MFE respectfully requests the auditors require GAGAS Yellow Book Chapter 8: Field work Standards be applied to determine what constitutes an eligible, timely-cast ballot. HAVA funds should be repaid and withheld until Michigan rectifies its past noncompliance and demonstrates that it has come into compliance for current and future elections.

C. Accepting late arrival absentee ballots.

HAVA Section 701(b) requires the state SoS to take measures to ensure the delivery of absentee ballots before the end of election day. The MOVE Act requires ballots to be mailed at least 45 days in advance of an election in order to enable the ballots' timely return.

However, when Michigan enacted Public Act 25 of 2023, which provides for overseas ballots to arrive up to six (6) days after the close of an election, it became noncompliant with HAVA. The violation increases the risk of foreign and domestic interference with U.S. elections, thereby posing a significant risk to election integrity.

HAVA Section 701(b) places the responsibility on the state's Secretary of State for ensuring, "that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for federal office is held." (HAVA Section 701. VOTING ASSISTANCE PROGRAMS. (b) <<NOTE: Procedures.>> Postmarking of Overseas Voting Materials.--Subsection (g)(2))

MOVE (PL 111-84 of 2009) was passed to require states to send absentee ballots to UOCAVA voters at least 45 days before an election, in order to ensure the ballots' timely return.

Remedy: MFE requests the auditors assess the risk of the noncompliance with HAVA Section 701(b) and require Michigan to come into compliance before the 2024 election. MFE requests that Michigan apply GAGAS Yellow Book Chapter 8: Field Work Standards to safeguard the Secretary of State's satisfaction of her responsibility to ensure the timely receipt of eligible overseas ballots. HAVA funds should be withheld from disbursement until Michigan brings its laws and practices into compliance with HAVA Section 701(b) in regard to the timely receipt and eligibility to count overseas ballots. This portion of Michigan PA 25 should be rescinded in its entirety as null and void. Federal law overrules state law.

D. Accepting late arriving absentee ballots with missing or unclear postmarks.

Michigan became noncompliant with federal law due to its enactment of Public Act 25 of 2023, which provides for the counting of overseas absentee ballots that arrive up to six days late with missing or unclear postmarks.

"If the absent voter ballot return envelope containing a marked absent voter ballot for an absent uniformed services voter or overseas voter is received by mail by the city or township clerk within 6 days after the election and the **postmark on the absent voter**

ballot return envelope is missing or unclear, the city or township clerk shall deliver that absent voter ballot return envelope to the clerk of the county in which the city or township is located as provided in this subsection and that county clerk shall determine whether that absent voter ballot was timely received. Not later than the seventh day after election day, each city or township clerk shall, without opening the absent voter ballot return envelopes, deliver the absent voter ballots received within 6 days after the election as provided under this subsection to the clerk of the county in which the city or township is located. **If the postmark on the absent voter ballot return envelope is missing or unclear**, and if the county clerk determines that the absent voter ballot return envelope or the voter certificate inside the absent voter ballot return envelope is dated on or before election day by the absent uniformed services voter or overseas voter, the county clerk shall consider that absent voter ballot as timely received. The absent voter ballots considered timely received as provided under this subsection shall be tabulated by the county clerk in a meeting of the board of county canvassers.”
--Public Act 25 of 2023, [MCL 168.759a\(18\)](#)

This state law violates HAVA Section 701(b), as referenced above because it allows late ballots with missing or unclear postmarks to be counted. Michigan’s Public Act 25 of 2023 ([MCL 168.759a\(18\)](#)) makes it impossible for a clerk to check the postmark and validate the eligibility of a late-arriving overseas ballot.

The state law also violates the federal HAVA Requirement 2-The implementation shall be in a uniform and nondiscriminatory manner.

These violations carry the risk of severely compromising election integrity.

Remedy: MFE requests the auditors apply GAGAS Yellow Book Chapter 8: Field Work Standards to determine what constitutes clear and present postmarks on late-arriving overseas ballots and require compliance with HAVA Section 701(b). Without clear and present postmarks denoting timely mailing, the ballots should be designated ineligible. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA Section 701(b) and forthwith implements policies and laws to disqualify the counting of late arriving ballots with missing or unclear postmarks.

E. Accepting “any type of mark” including “a bar code or any tracking marks that indicate when a ballot was mailed” on overseas ballots.

Michigan is and was noncompliant with federal law when it enacted state law to accept and count late overseas absentee ballots bearing, but not limited to **a bar code or any tracking marks** that indicate a ballot was mailed in a timely manner before an election. Michigan’s Public Act 25 of 2023 ([MCL 168.759a\(18\)](#)) provides for the counting of overseas absentee ballots whose postmark, defined as **“any type of mark”** and includes, but is **“not limited to, a bar code or any tracking marks that indicate when a ballot was mailed.”**

However, HAVA requires, “The Secretary shall, to the maximum extent practicable, implement measures to ensure that **a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location** or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States.” (10 U.S. Code § 1566 - Voting assistance: compliance assessments; assistance, last amended 2021, HAVA Section 701(b) <<NOTE: Procedures.>> Postmarking of Overseas Voting Materials.--Subsection (g)(2))

This new law also violates Requirement 2 - The implementation shall be in a uniform and nondiscriminatory manner.

Remedy: MFE requests the auditors apply GAGAS Yellow Book Chapter 8: Field Work Standards and note Michigan’s noncompliance with HAVA Section 701(b). This section of HAVA requires clear and present official postmarks denoting timely mailing before the close of the election. Late-arriving ballots that do not meet the HAVA standard for postmarks should be designated ineligible. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA Section 701(b) in regard to instituting HAVA compliant postmark verification standards for a township, municipal, or county clerk to validate the timely mailing and eligibility of late-arriving overseas ballots.

F. Violation of HAVA-compliant ballot delivery services.

HAVA does not recognize any carrier other than the U.S. Postal Service (U.S.P.S) as an agent or department of the government in delivering ballots. Nor does HAVA grant any non-U.S.P.S. carrier the power to serve as an alternative overseas ballot delivery system or to operate in the same manner and under the same conditions as the U.S.P.S. as a department and agency of the federal government.

HAVA clearly intended for the U.S. Postal Service to serve as the sole delivery system for overseas ballots within the United States. However, MCL 168.759a(18) states,

As used in this subsection, "postmark" means any type of mark applied by the United States Postal Service or **any delivery service** to the absent voter ballot return envelope, including, but not limited to, a bar code or any tracking marks that indicate when a ballot was mailed.

Remedy: MFE requests the auditors apply GAGAS Yellow Book Chapter 8: Field work Standards and specify what constitutes an authorized delivery service. HAVA funds should be withheld from disbursement until Michigan demonstrates compliance with HAVA sections that provide criteria for HAVA-compliant ballot delivery services, including SEC. 205. <<NOTE: 42 USC 15325.>> POWERS, (c) Postal Services; and SEC. 246. <<NOTE: 42 USC 15386.>> STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE”; and Sec. 201 of title 39, United States Code, [Page 116 STAT. 1692].

G. By allowing the county clerk to count late-arriving overseas absentee ballots without postmarks, Michigan is noncompliant with HAVA.

Michigan is and was noncompliant with federal laws when it enacted Public Act 25 of 2023, which allows the county clerk in a meeting of the board of county canvassers to count ballots not counted or accounted for in their local jurisdictions. This state law violates HAVA Section 701(b), as referenced above because it allows late ballots with missing or unclear postmarks to be counted. Michigan's Public Act 25 of 2023, MCL 168.759a(18) makes impossible a clerk's—or county's—attempt to check the postmark and validate the eligibility of a late-arriving overseas ballot.

Michigan Public Act 25 of 2023, Section 18 states:

Not later than the seventh day after election day, each city or township clerk shall, without opening the absent voter ballot return envelopes, deliver the absent voter ballots received within 6 days after the election as provided under this subsection to the clerk of the county in which the city or township is located. If the postmark on the absent voter ballot return envelope is missing or unclear, and if the county clerk determines that the absent voter ballot return envelope or the voter certificate inside the absent voter ballot return envelope is dated on or before election day by the absent uniformed services voter or overseas voter, the county clerk shall consider that absent voter ballot as timely received.

In contrast, HAVA is clear. HAVA Section 701(b) places the responsibility on the state's Secretary of State for ensuring, "that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for federal office is held." (HAVA Section 701. VOTING ASSISTANCE PROGRAMS. (b) <<NOTE: Procedures.>> Postmarking of Overseas Voting Materials.-- Subsection (g)(2))

MOVE (PL 111-84 of 2009) requires states to send absentee ballots to UOCAVA voters at least 45 days before an election in order to ensure their timely return.

This state law also violates the federal HAVA Requirement 2--The implementation shall be in a uniform and nondiscriminatory manner. The violation puts election integrity at risk and increases the risk of fraud.

Remedy: MFE requests the auditors apply GAGAS Yellow Book Chapter 8: Field work Standards regarding election administration jurisdiction. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA sections that provide criteria and protect local precinct responsibilities.

H. Legally unauthorized early voting procedures and undisclosed costs

Early voting allows voters to cast their ballots in person at designated polling locations before the scheduled election day. This period can range from a minimum of nine (9) days to several weeks, depending on the jurisdiction’s choice. Different jurisdictions may make voting easier to select voter segments, so this nine day or more window should be standardized on one timeframe.

In Michigan, early voting was implemented via a ballot referendum of the state constitution, initiated primarily by outstate monies.

Top Out-of-State Donors to Michigan Proposal 2, Voting Policies in Constitution Amendment (2022)

Donor	Cash Contributions	In-Kind Contributions	Total Contributions	Based in
Sixteen Thirty Fund	\$10,500,000.00	\$761,370.00	\$11,261,370.00	Washington, DC
Voters Not Politicians	\$125,000.00	\$1,694,750.67	\$1,819,750.67	Lansing, MI,
Lynn Schusterman	\$1,500,000.00	\$0.00	\$1,500,000.00	Tulsa, Oklahoma,
Open Society Foundation	\$1,200,000.00	\$0.00	\$1,200,000.00	New York, NY
Hopewell Fund	\$675,000.00	\$0.00	\$675,000.00	Washington, DC

Figure 19. Source: Ballotpedia. [https://ballotpedia.org/Michigan_Proposal_2_Voting_Policies_in_Constitution_Amendment_\(2022\)](https://ballotpedia.org/Michigan_Proposal_2_Voting_Policies_in_Constitution_Amendment_(2022))

The legislature, prescribed by the U.S. Constitution to determine the times, places, and manner of elections was bypassed in its entirety. MFE is currently sponsoring a legal challenge to the process in U.S. District Court for the Western District of Michigan Southern Division (Jonathan Lindsey et al v Gretchen Whitmer et al, Case No. 1:23-cv-01025-JMB-PJG).

The passage of this constitutional amendment to require nine (9) days of early voting was one step to changing the execution of elections. The Michigan legislature then passed a [series of bills](#) that were enacted into law to implement the changes to the state constitution. These new laws went even further and made the counties the effective centers for the execution of early voting instead of the local jurisdiction like a city or township.

County agreements

Another change that appears to represent a misuse of HAVA funds stems from Michigan’s creation of early voting centers. The costs of this change, though substantial, were never disclosed to voters.

For the purpose of illustration, Michigan’s Ottawa County estimates the cost of early voting and transitioning to county control will cost \$769,094, roughly \$3.29 per registered voter. Given that Michigan has 83 counties and 8,248,385 registered voters as of December 19, 2023 (<https://mvic.sos.state.mi.us/VoterCount/Index>) the costs of this transition may reasonably be estimated at \$27,137,187 (8,248,385 x \$3.29).

Given Michigan’s receipt of \$57.6 million of HAVA grant funding between 2015 and 2022, the previously undisclosed costs and legal questions overshadowing these changes to election processes create a potential audit risk and warrant an EAC OIG assessment of HAVA violations.

Michigan’s receipt of HAVA funds

The Michigan Single Audit Reports prepared by the Michigan Office of Auditor General reported a total of \$57,574,047 in HAVA grant costs between 2015 and 2022 (See Table, page 8)

Year	EAC HAVA Requirements Payments 90.401	EAC HAVA Election Security Grants 90.404	EAC HAVA Election Reform Payments 30.011	Grand Total
2015	\$ 849,371			\$ 849,371
2016	\$ 833,308			\$ 833,308
2017	\$ 15,076,939		\$ 970,120	\$ 16,047,059
2018	\$ 6,140,908		\$ 6,719,947	\$ 12,860,855
2019	\$ 2,533,443	\$ 300,615		\$ 2,834,058
2020	\$ 1,405,275	\$ 13,233,086	\$ 248,174	\$ 14,886,535
2021		\$ 3,362,045	\$ 775,628	\$ 4,137,673
2022		\$ 5,125,188		\$ 5,125,188
Grand Total	\$ 26,839,244	\$ 22,020,934	\$ 8,713,869	\$ 57,574,047

Figure 20: Information derived from Michigan Auditor General reports issued between 2015 and 2022 as listed on completed project webpage. <https://audgen.michigan.gov/complete-projects/>

The entire proposal as presented to the Ottawa County Board of Commissioners on September 5, 2023, for approval is available at this link: [9/5/23 Ottawa County Finance and Administration Committee meeting](#). A section-by-section breakdown of the agreement is available in Exhibit K.

It should be noted that the oppressive costs to local government are forcing many townships and municipalities to cede their authority and consolidate their jurisdictions at the county level—all without prior awareness or consent from either voters or the state legislature.

Remedy: MFE respectfully requests the EAC OIG assess the risk of compromise to audit trails across all of these canvassing boards. MFE asserts that the unprecedented extra costs were

not disclosed to the public or approved by the legislature. MFE requests the EAC OIG assess the audit risk of these changes and determine if they comprise a misuse of HAVA funds.

I. Verifying voter identity for provisional ballots.

Michigan became noncompliant with federal laws in 2023 when it removed the requirement to treat an absentee voter ballot as a provisional ballot if the voter fails to provide proof of identity. The new law, Michigan Public Act 184 of 2023, became effective November 7, 2023 and removes the provisional aspect. Instead it declares, “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.”

However, HAVA Section 302(a) PROVISIONAL VOTING REQUIREMENTS specifies a process for determining whether an individual’s provisional ballot should be counted based on proof of eligibility. Although HAVA Section 302 refers to situations at polling locations, the same determination should apply to ballots cast absentee at clerk and campus satellite offices. The HAVA requirements are as follows:

- (A) In general: An individual meets the requirements of this paragraph if the individual—
 - (i) in the case of an individual who votes in person—
 - (I) presents to the appropriate state or local election official a current and valid photo identification; or
 - (II) presents to the appropriate state or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
 - (ii) in the case of an individual who votes by mail, submits with the ballot—
 - (I) a copy of a current and valid photo identification; or
 - (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.”

In *Florida Democratic Party v. Hood* (U.S. District Court FL 2004), HAVA required that voters believing they were registered be given opportunity to cast provisional ballots, subject to disallowance if voters were wrong; and requirements for issuance of preliminary injunction requiring distribution of provisional ballots were satisfied.

Remedy: MFE requests that auditors apply GAGAS Yellow Book Chapter 8: Field Work Standards and specify that HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA sections that require voter proof of identity and provisional balloting as required by law.

J. Michigan accepts online absentee ballot applications without signature verification in violation of HAVA and the NVRA,.

Michigan is and was noncompliant with federal laws when it enacted laws to allow voters to apply for absentee ballots online without signature verification. Michigan Public Act 270 of 2023, which became effective December 1, 2023, violates the National Voter Registration Act which (iii) “requires the signature of the applicant, under penalty of perjury.” (1993, 52 USC Chapter 205. Section 20503(a) identifies “other methods of voter registration provided for under State law,” which would include online registration. Section 20504(c) (REGISTRATION) FORMS AND PROCEDURES (C))

However, an image of the Michigan Secretary of State online absentee ballot application shows the state is noncompliant with the law:

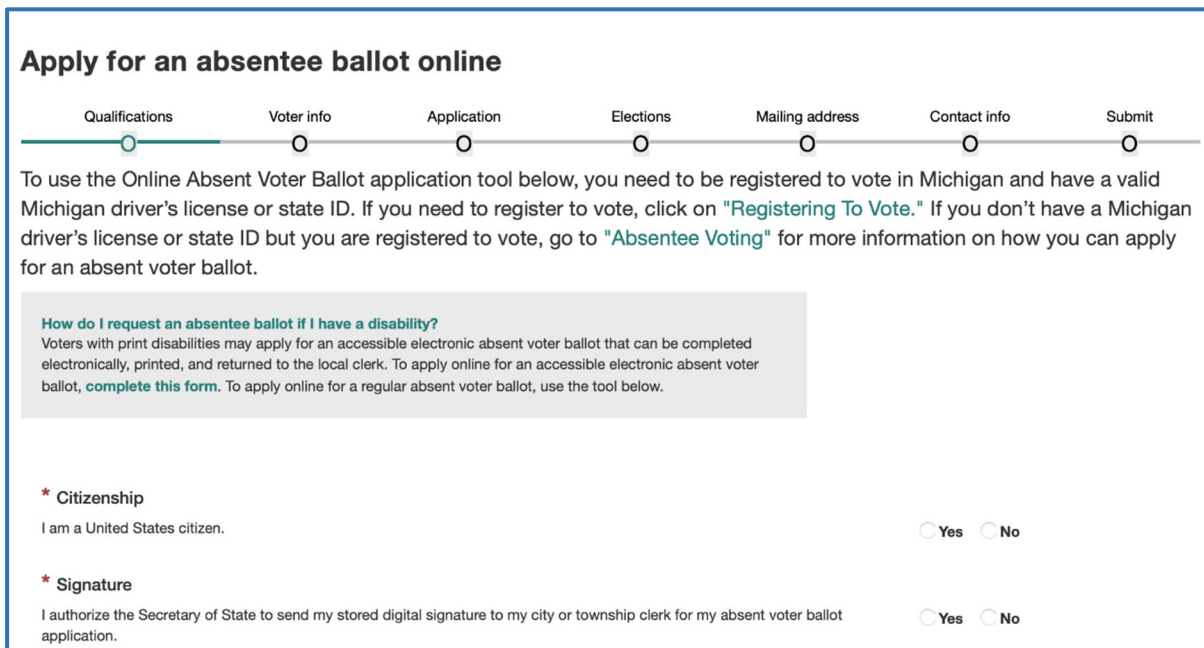


Figure 21. <https://mVIC.sos.state.mi.us/avapplication>

Remedy: MFE requests the auditors apply GAGAS Yellow Book Chapter 8: Field work Standards regarding Michigan’s acceptance of online absentee ballot applications without signature verification. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA sections that provide criteria local precinct responsibilities.

K. Michigan recently enacted automatic voter registration, so when an individual interacts with the Department of Motor Vehicles or other state agencies that person will be registered to vote. However, the state ID issued to non-citizens looks the same as the state ID issued to citizens, so Public Act 268 of Michigan will automatically register all state ID holders regardless of citizenship status.

When the state enacted [HB4983](#), [HB4984](#), [HB4985](#), [HB4986](#) as Public Act 268 of 2023 and MCL 168.493a, the state may have intended to institute effective processes to verify a registrant’s identity and citizenship status via a valid state ID. However, the practices put in

place by the SoS appear to fail to make reasonable efforts to verify eligibility and citizenship. Therefore, the state is noncompliant with HAVA and the NVRA.

Further, although Michigan enacted Public Act 268, effective June 30, 2025, to institute automatic voter registration (AVR), the practice appears to have gone into effect already. As the excerpt below indicates, ineligible registrants will suffer no consequences:

(5) An individual who is not eligible to vote and who, without intending to register to vote, becomes registered to vote through human or mechanical error is not considered to have knowingly intended to register to vote in violation of section 519.

MCL 168.493 and the SoS's implementation of it amount to an open invitation to violate the law.

Mich. Compiled Law 168.493a: Automatic voter registration; qualifications; option to opt-out; information added to Qualified Voter File; erroneous registration not a violation.

Sec. 493a.

(1) Subject to subsections (2) and (3), the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits an application for an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or 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. In addition, subject to subsections (2) and (3), the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits a change of address application for an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or 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.

(2) For purposes of subsection (1), the secretary of state shall only automatically register to vote an individual who indicates on his or her operator's or chauffeur's license application, official state personal identification card application, or change of address application that he or she is a citizen of the United States.

(3) The secretary of state shall not automatically register to vote an individual who indicates on the operator's or chauffeur's license application, official state personal identification card application, enhanced driver license application, enhanced official state personal identification card application, or change of address application that he or she declines to use the application as a voter registration application. The secretary of state shall not transmit any information to the Qualified Voter File regarding any

individual who declines to use an application described in this section as a voter registration application.

(4) The secretary of state shall add any information required under section 509q to the Qualified Voter File for each elector registered under subsection (1) and shall forward the name of each elector registered under this section to the clerk of the city or township in which each elector registered resides.

(5) An individual who is not eligible to vote and who, without intending to register to vote, becomes registered to vote through human or mechanical error is not considered to have knowingly intended to register to vote in violation of section 519.

In contrast, HAVA Section 302(b)(4) CONTENTS OF MAIL-IN REGISTRATION FORM (A) states the form shall include the following: (i) The question: “Are you a citizen of the United States?”

The state’s failure to verify citizenship is in noncompliance with the National Voter Registration Act (NVRA) of 1993, 52 USC Chapter 205, Section 20504(c) (REGISTRATION) FORMS AND PROCEDURES (C). The NVRA requires a registration forms that (i) “states the eligibility requirement (including citizenship).”

Remedy: MFE requests the auditors apply GAGAS Yellow Book Chapter 8: Field work Standards to assess the risk of Michigan failing to determine a registrant’s citizenship before registering that person to vote. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with applicable HAVA and NVRA sections.

L. HAVA has an express preemption clause that prohibits government-sponsored student voter registration drives and student get-out-the-vote drives.

Grand Valley State University (GVSU), a state agency or political subdivision of the state located in Michigan, and Tufts University, a state agency or political subdivision of the State of Massachusetts, with its Jonathan M. Tisch College of Civic Life and National Study of Learning, Voting and Engagement (NSLVE) have violated and are violating HAVA, 52 U.S.C. § 21083, by engaging in a public-private exchange of student registration and voting data for the purpose of increasing the student voter registration and voting rates.

HAVA, 52 U.S.C. § 21083, preempts government-sponsored student voter registration drives and student get-out-the-vote drives. The University’s government-sponsored student voter registration drives and student get-out-the-vote drives have failed and are failing to comply with HAVA’s legal requirements. (See Exhibit D for the Grand Valley State University FOIA response.)

The U.S. Election Assistance Commission has issued an advisory opinion that state election officials are prohibited from using federal funds to conduct “voter registration drives”:

3. Neither Section 101 nor 251 funds may be used to conduct voter registration drives or get out the vote efforts; including advertising for the event, setting up booths, and paying salaries of employees who register new voters.

--U.S. Election Assistance Commission Funding Advisory Opinion FAO-08-005.

Since fiscal year 2006, the Office of Inspector General (OIG) audits of HAVA grants have resulted in 19 recommendations and just over \$1 million dollars in questioned costs related to government-sponsored voter registration drives and GOTV activities. The exhibit lays out the specific instances of non-allowable costs.

Further, federal campaign finance laws are premised on voter registration drives being conducted by private parties, not by the government. See 11 C.F.R. § 100.133.

Remedy: MFE requests the auditors conduct an examination of public-university/government sponsored get out the vote activities using GAGAS Yellow Book Chapter 8: Field work Standards. HAVA funds should not be disbursed until Michigan complies with HAVA sections that requires government-sponsored entities not to engage in GOTV efforts.

M. HAVA authorizes and regulates the sharing of driver data for voter registration purposes. HAVA does not authorize the Department of Motor Vehicles (DMV) to share students and minors' personal identifying information for voter registration purposes.

HAVA, 52 U.S.C. § 21083(a)(5)(B), authorizes and regulates sharing private driver data for voter registration purposes. Nowhere does HAVA authorize the sharing the personal identifying information of underaged voters or of drivers who decline to register to vote with third parties or voter registration drives.

Remedy: MFE requests the auditors use GAGAS Yellow Book Chapter 8: Field work Standards to conduct an examination of the Michigan DMV's sharing of minors' data and drivers who decline to register to vote. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA and stops sharing the personal identifying information of minors and drivers who decline to register to vote with third-party voter registration organizations.

N. State-funded universities in Michigan are and were exchanging private, personal identifying information on students violation of HAVA's 14 requirements.

In Michigan, Grand Valley State University (GVSU), by way of example, and Massachusetts' Tufts University with its Jonathan M. Tisch College of Civic Life and its National Study of Learning, Voting and Engagement (NSLVE) have violated and are violating the Help America Vote Act, 52 U.S.C. § 21083 by engaging in a public-private exchange of registration and voting data for the purpose of increasing the student voter registration and voting rates.

GVSU is a state agency or political subdivision of the State of Michigan. As such, GVSU is subject to HAVA. Other public universities appear to be engaged in the same activities, indicating this potential misuse of HAVA funds is a statewide audit risk.

On January 11, 2024, Pure Integrity Michigan Elections (PIME), a nonprofit 504(c)4 organization, filed a HAVA complaint (Exhibit E) requesting a cessation of these legally unauthorized government activities.

Remedy: MFE requests the auditors conduct an examination of government sponsored get out the vote activities using GAGAS Yellow Book Chapter 8: Field work Standards. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA sections that government entities are not engaged in GOTV efforts.

O. Judges in six different court cases found the Secretary of State guilty of issuing legally unauthorized 2020 election guidance.







 Courts ruled against Secretary of State Jocelyn Benson in Different Cases				
				
Genetski Case <ul style="list-style-type: none"> • Signature Verification Relaxation 	Davis Case <ul style="list-style-type: none"> • Restriction of open carry rights 	Carra Case <ul style="list-style-type: none"> • <u>6 foot</u> separation from poll workers 	Johnson Case <ul style="list-style-type: none"> • Acceptance of ballots after 8pm on election day 	O'Halloran Case <ul style="list-style-type: none"> • Poll Challenger manual infringing rights of poll challengers

Figure 22. Source: [Letsfixstuff.org](https://letsfixstuff.org)

Judges in multiple different court cases have ruled against Michigan’s SoS Benson for violating election law, according to former state Senator Patrick Colbeck in his article, [Five Courts Have Concluded That MI SoS Jocelyn Benson Conducts Legally unauthorized Elections](#). Individually, each of these cases would be concerning. Collectively, they appear to indicate a pattern of irregularity that warrants investigation before residents will have confidence in their state’s elections.

#1: [Genetski v Benson](#). Case No. 20-000216-MM

On January 20, 2021, Robert Genetski, Allegan County Clerk, and the Michigan Republican Party filed a lawsuit alleging that Michigan Secretary of State Jocelyn Benson issued legally unauthorized guidance regarding signature verification requirements for absentee ballot return envelopes.

On March 9, 2021, Court of Claims Judge Christopher Murray issued the following ruling against SoS Benson and co-defendant Jonathan Brater, Director of Michigan Bureau of Elections.

IT IS HEREBY ORDERED that pursuant to MCR 2.116(C)(10), plaintiffs' cross-motion for summary disposition is GRANTED in part with respect to Count II of the amended complaint because the guidance issued by the Secretary of State on October 6, 2020, with respect to signature-matching standards was issued in violation of the Administrative Procedures Act.

Figure 23. Source: <https://www.scribd.com/document/498855479/Genetski-v-Benson-No-20-216-MM-in-the-Court-of-Claims-for-the-State-of-Michigan>

#2: [Davis v Benson](#). Case No. 20-000207-MZ

On October 22, 2020, Robert Davis filed a lawsuit against Michigan Secretary of State, Jocelyn Benson, Michigan Attorney General Dana Nessel, and Michigan State Police Colonel Joe Gasper seeking an injunction against their directive to ban the open carry of firearms in polling places.

On October 27, 2020, Judge Christopher Murray issued an injunction against the legally unauthorized directive issued by Michigan's head election official.

For these reasons, plaintiffs' motions for preliminary injunction are GRANTED in part, and defendant's October 17, 2020 directive is ENJOINED to the extent it prohibits the open-carry of firearms in places not prohibited by MCL 750.234d or concealed weapons by MCL 28.425o.

Figure 23A: [Davis v Benson](#)

#3: [Carra v Benson](#). Case No. 20-000211-MZ

On October 29, 2020, Stephen Carra and Robert Cushman filed for an injunction against Secretary Benson and Director Jonathan Brater, asserting that their directives to election officials violated poll challenger rights to oversee election processes. That day, Judge Cynthia Stephens issued a preliminary injunction against Benson and Brater's legally

unauthorized poll challenger directives. The judge ordered the SoS to issue immediate amended written guidance that did comport with Michigan law.

#4: [Johnson v Benson](#). Civil Action No. 1:20-cv-948

On September 29, 2020, former Michigan Secretaries of State Ruth Johnson and Terri Lynn Land along with Marian Sheridan filed suit against current Michigan Secretary of State Jocelyn Benson asserting that she issued legally unauthorized guidance regarding the time and manner of election processes.

On October 19, 2020, United States District Judge Paul Maloney ordered Benson to revise her guidance to comply with statute regarding the time and manner of election processes.

Case 1:20-cv-00948-PLM-PJG ECF No. 37 filed 10/19/20 PageID.3854 Page 2 of 2

2. When Defendant Benson finalizes the new guidance to local election officials concerning absentee ballots, Benson **MUST FILE** the new guidance statement in this action.

3. Counsel for Defendant Benson indicated that Defendant Benson intended to follow the relevant Michigan statutes concerning absentee ballots consistent with the latest ruling from the Michigan Court of Appeals, absent an order from the Michigan Supreme Court. Defendant Benson **MUST FILE** a statement to that effect in this action.

IT IS SO ORDERED.

Date: October 19, 2020

/s/ Paul L. Maloney

Paul L. Maloney

United States District Judge

Figure 24. Source: https://letsfixstufforg-my.sharepoint.com/:b/g/personal/patrick_letsfixstuff_org/Ef8v4z91XVNUcidFx4Dq2UBLXQahAUd4PiDXjU4wjtTtA?e=8O5VdR

#5: [O'Halloran v Benson](#). Case No. 22-000162-MZ.

On September 28, 2022, Phil O'Halloran, Braden Giacobazzi, Robert Cushman, Penny Crider, and Kenneth Crider sued Michigan Secretary of State Jocelyn Benson and

Director of the Bureau of Elections Jonathan Brater. Their suit asserted that the SoS issued poll challenger guidelines to election officials that violated Michigan law.

On October 20, 2022, Court of Claims Judge Brock Swartzle ordered Benson to revise her poll challenger guidelines to comply with Michigan Election Law.

IT IS ORDERED that the relief sought by the DeVisser Plaintiffs on Counts I and II of their complaint is **GRANTED IN PART** and **DENIED IN PART**. Under MCR 2.116(I) and MCR 2.605, the Court concludes that the DeVisser Plaintiffs' claims set forth in Paragraph 30 of their complaint are well-founded in fact and law, and, as a result, the Court declares that defendants have violated the Michigan Election Law and the APA, as explained in this Opinion and Order. The May 2022 Manual, in and of itself, does not have the force and effect of law and defendants are enjoined from using or otherwise implementing the current version of the May 2022 Manual

Figure 25. Source: [Letsfixstuff.org](https://letsfixstuff.org)

#6: [PILF-v.-Benson](#)

Secretary Benson has refused to remove deceased voters per a court directed order 1:2021-cv-00929.

- A. [Doc-1-PILF-v.-Benson-Complaint.pdf \(publicinterestlegal.org\)](#)
- B. [PILF v. Benson | Public Interest Legal Foundation](#)
- C. Hans von Spakovsky: [Lawsuit continues against Benson over dead on voter rolls | Opinion \(mifairelections.org\)](#)

Remedy. MFE requests the auditors examine the risk of Michigan's noncompliance with HAVA legal requirements as well as with other federal laws, including the Driver Privacy Protection Act (DPPA) and the National Voter Registration Act (NVRA), following sections of GAGAS Yellow Book Chapter 8: Field work Standards for Performance Audits.

Q. For ease of auditor reference and avoid duplication, MFE included its request for audit risk assessment regarding Michigan's agreement with the Electronic Registration Information Center (ERIC) in section one of this Request, "I. GAGAS 8.98 Assessing the sufficiency and appropriateness of computer-processed information." (Exhibit A contains the Signed Electronic Registration Information Agreement, ERIC).

IV. GAGAS 8.71 to 8.76 Risk of Fraud

8.71 Auditors should assess the risk of fraud occurring that is significant within the context of the audit objectives. Audit team members should discuss the fraud risks, including factors such as individuals' incentives or pressures to commit fraud, the opportunity for fraud to occur, and rationalization or attitudes that could increase the risk of fraud.

8.75 In some circumstances, conditions such as the following could indicate a heightened risk of fraud:

- g. the entity has a history of impropriety, such as previous issues with fraud, questionable practices, or past audits or investigations with findings of questionable or criminal activity.

Example One:

In the lead up to the 2020 election, an out-of-state GOTV organization, GBI Strategies, LLC., dropped off 8,000 to 10,000 voter registrations at a Muskegon clerk's office. Among the piles were obviously fraudulent registrations. The clerk contacted the police who conducted an investigation and found a systematic scheme to have invalid registrations put into the QVF statewide and in other states.

A police report was written and provided to the Michigan State Police and Michigan Attorney General (AG) Dana Nessel. The Michigan AG sounded no warnings to local clerks to be on the lookout for similar shenanigans. AG Nessel turned the case over to the FBI. More than two years have passed since then, and no further action has been reported.

A FOIA request two years later uncovered the State Police Report. (See Exhibit F, redacted Police Report.)

Articles written about the possibility of fraudulent activity include:

- [Chronology of the State Police Election Crimes Investigation in Muskegon Raises Unanswered Questions \(mifairelections.org\)](https://mifairelections.org)
- [NEW EVIDENCE REVEALED... GBI Strategies Employee Who Turned In Fraudulent Muskegon Voter Registrations Gives STUNNING Interview -- Lists Urban Cities Where Organization Operates In Michigan and Nationwide \[VIDEO\] | The Gateway Pundit | by Patty McMurray](#)
- ["The Report Speaks for Itself" - Michigan State Police Officer Stands By His Explosive Report on the Massive GBI Strategies Registration Scandal | The Gateway Pundit | by Jim Hoft](#)
- [EXPOSED: Whistleblower Steps Forward - Reveals Private Facebook Group Where MI Clerks Discuss STUNNING Evidence of Organized Fraud in 2020 Election | The Gateway Pundit | by Benjamin Wetmore, Patty McMurray, and Jim Hoft](#)

The Michigan AG investigates and prosecutes individuals for election fraud. [Trenae Myesha Rainey, Others Charged with Voter Fraud \(lawandcrime.com\)](#) Her failure to pursue larger voting schemes is concerning and leads to heightened concerns regarding risk for fraud.

GBI's suspicious voter registration activity could explain why the QVF contains more registrations than voting aged adults.

Example Two:

As stated in section II. GAGAS 8.68 to 8.70 Provisions of Laws, Regulations, Contracts and Grant Agreements Part U Court Rulings, the SoS has been sued and lost multiple election lawsuits challenging questionable election practices.

The SoS is alleged to have pressured local clerks to:

- *Ignore signature verification of absentee ballots, ruled illegal in the court case [Genetski v Benson](#) discussed above.*
 - [Judge rules Secretary of State Benson's ballot signature verification guidance 'invalid' \(detroitnews.com\)](#)
- *Destroy records before the 22-month period required to keep election records.*
 - [Michigan Secretary of State Issues Order to Delete Election Data Amid Audit Calls - National File](#)
- *Resist or ignore FOIA requests from residents of election records.*
 - A memorandum dated July 10, 2023, from Director Brater cautions clerks about cooperating with local citizens and advises them to consult legal authorities before fulfilling FOIA requests. See Exhibit G.
 - MFE submitted two FOIA requests to University of Michigan, Attn: Patricia Sellinger. FOIA 0218-23, FOIA 0235-23. See Exhibit J. The two FOIAs requested, “A list of names of non-profits, 501(c)(3) and 501(c)(4), NGOs and value of grant money, contributions, or donations received or accepted between 1/1/20 – 3/28/23 to fund” 10 named organizations. Timeline of the non-fulfillment is as follows:
 - FOIA 0218-23 Submitted March 2023. FOIA 0235-23 April 2023
 - Sellinger replied to both, notifying of 10-day extension
 - Check #0218 for \$127 cashed on April 18, 2023. Check #0235 for \$95 cashed on May 2, 2023, respectively.
 - Initial estimate for fulfillment of both FOIAs: 55 days from date of cashed check
 - Multiple promises and multiple delays, almost on a monthly basis
 - As of January 21, 2024, the expected response was Jan. 15, 2024. Overdue, again, on Jan 17. New delayed date is now February 5—ten months overdue and the MFE volunteer is still waiting.

Remedy: MFE requests the auditors assess the risk of significant fraud occurring within the context of the audit objectives. MFE requests the auditors consider issues related to suspected voter registration fraud; ignoring signature verification of absentee ballots, which was ruled illegal; the legally unauthorized destruction of election records before the 22-month retention period; and the state-advised resistance to fulfillment of, and clerks' subsequent ignoring of, FOIA requests for election records from residents. Audit team members are requested to discuss the fraud risks, including factors such as individuals' incentives or pressures to commit fraud, the opportunity for fraud to occur, and rationalization or attitudes that could increase the risk of fraud.

V. GAGAS 8.104e. Testimonial evidence

MFE sponsors a program, Soles to Rolls, in which volunteer investigators analyze the state's voter rolls (Qualified Voter File, QVF), verify and report their findings, and work with election administrators to resolve issues. The statement below from the Livingston County team of MFE Soles to Rolls investigators sheds light on issues, potential HAVA violations, and audit risks:

HAVA Section 303(a)(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS states: "The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following: H. R. 3295—45 (A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters."

Outdated and invalid registrations at residential addresses

Based on door-to-door interviews of registered voters in Livingston County, Michigan, to check the accuracy of the Qualified Voter File, QVF, at each residence, the team found that previous occupants are often not removed from being registered at the residence. Rather, they are still listed at the residence at which they no longer reside and with an Active (A) voter status. Refer to the table below. Among the 184 registration addresses at which volunteers talked to registered voters during summer/fall 2023, volunteers found 383 registrants had permanently moved away but were still registered at the address. Many registrations are maintained beyond the legally required retention period.

HAVA Section 903 clarifies the local clerk's ability to remove a permanently relocated registrant from active voter status. Exhibit H provides documentation of the door-to-door interviews.

Results from the canvassing team in Michigan Counties

**Field Investigation: Canvassing Report
Summer/Fall 2023 Livingston County, Michigan**

Jurisdiction	Doors Knocked	People Talked To	Number of People that DID NOT RESIDE at the Address
Jurisdiction 1	28	23	52
Jurisdiction 2	53	46	87
Jurisdiction 3	70	58	120
Jurisdiction 4	84	57	124

Figure 26. Source Livingston County Soles to the Rolls team

The two screen shots below depict a single dwelling with an impossible number of registrations, and those numbers continue to grow. MFE would be pleased to provide numerous other examples.

Figure 27. Source: CheckMyVote.org, November 2023.

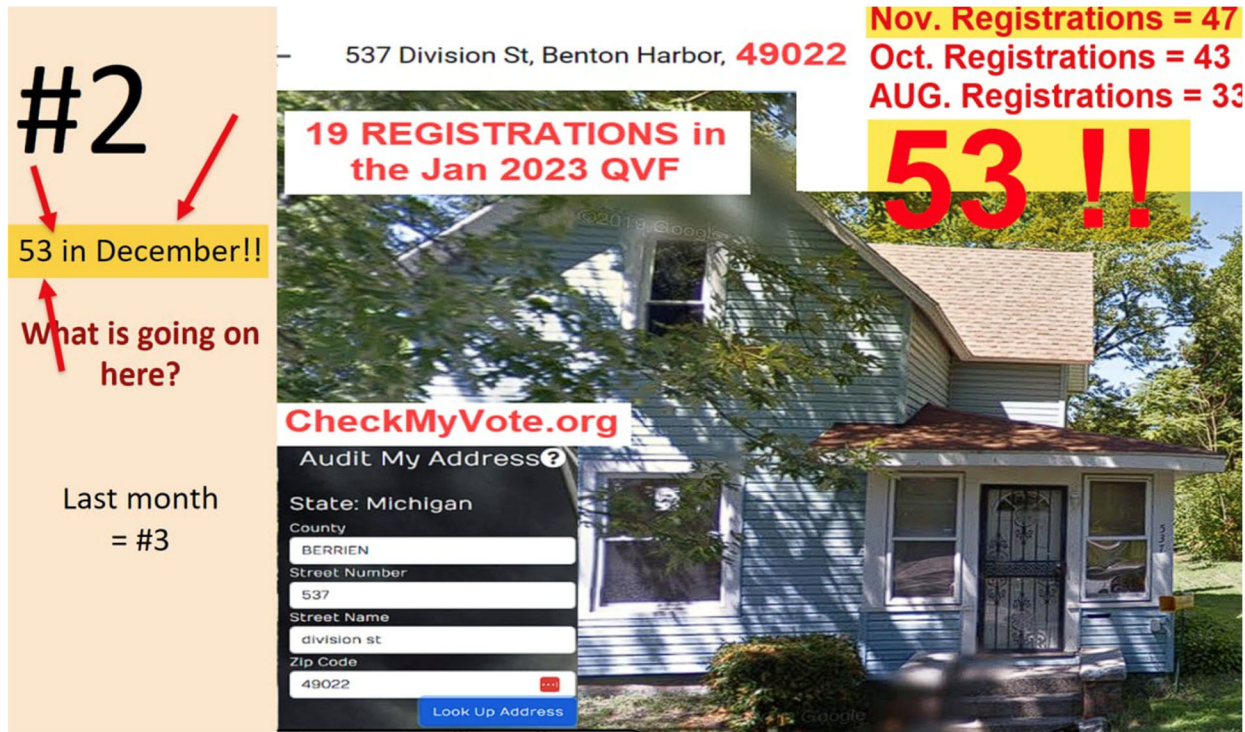


Figure 28. Source: [CheckMyVote.org](https://www.checkmyvote.org), December 2023.

Outdated and invalid registrations at apartment buildings and nursing homes

Single dwelling residences are not the only types of housing that appear to undergo no regular and systematic program of voter file list maintenance. Apartments, college dorms, and nursing homes are even more prone to high turnover and appear to be overlooked as well. For example, CMV observes a high registration-to-apartment-unit ratio in apartments across Michigan. [LINK to apartments with 2 or more voter registration per unit.](#)

In December 2023, Michigan had 5,084 apartments with double (or greater) the number of voter registrations per unit than bedrooms. December’s numbers jumped 73 percentage points from October’s 3,710 apartments statewide with excess voter registrants per apartment.

Ratio of Registrations per Unit according to Michigan’s SoS Qualified Voter File (QVF)

Street Name	Jurisdiction	County	Multi Unit Type	Multi Unit Name	Units or Lots per Address	Dec. 2023 Registrations per Address	Ratio
BRIDGE	GRAND RAPIDS CITY	KENT	Apartment	Bridge Street Lofts	2	30	15.00
HILL	ANN ARBOR CITY	WASHTENA W	Apartment		3	42	14.00
FOREST	ANN ARBOR CITY	WASHTENA W	Apartment		2	27	13.50
MIDDLE	CHELSEA CITY	WASHTENA W	Apartment	CHELSEA RETIREMENT COMMUNITY	5	66	13.20
HILL	ANN ARBOR CITY	WASHTENA W	Apartment	Bartonbrook APT Properties	4	42	10.50
STATE	ANN ARBOR CITY	WASHTENA W	Apartment	multifamily home	2	21	10.50

Request for EAC OIG Assessment of Audit Risk

MAIN	LIVINGSTON TOWNSHIP	OTSEGO	Apartment	Multi-family Residence	2	20	10.00
JEFFERSON	ANN ARBOR CITY	WASHTENA W	Apartment	Multi family house	2	20	10.00
16TH	HOLLAND CITY	OTTAWA	Apartment		2	15	7.50
BALLARD	YPSILANTI CITY	WASHTENA W	Apartment	Multi family house	2	15	7.50
SCHOOL	SILVER CREEK TOWNSHIP	CASS	Trailer Park		2	14	7.00
JEFFERSON	TRENTON CITY	WAYNE	Trailer Park	Parkview Estates North	2	13	6.50
LAPEER	KIMBALL TOWNSHIP	ST CLAIR	Trailer Park		3	14	4.67
DECATUR	PENN TOWNSHIP	CASS	Trailer Park		9	35	3.89
WASHTENAW	ANN ARBOR CITY	WASHTENA W	Apartment	carriage house apartments	22	83	3.77
CHURCH	ANN ARBOR CITY	WASHTENA W	Apartment		19	70	3.68
UNIVERSITY	ANN ARBOR CITY	WASHTENA W	Apartment	Landmark apartments	173	585	3.38
UNIVERSITY	ANN ARBOR CITY	WASHTENA W	Apartment	Vic Village North	59	166	2.81
DICK	HOWARD TOWNSHIP	CASS	Trailer Park	Barren Lake Mobile Home Park	23	56	2.43
STAEBLER	SCIO TOWNSHIP	WASHTENA W	Trailer Park		60	130	2.17
DRAGONFLY	OSHTEMO TOWNSHIP	KALAMAZOO	Apartment	Canterbury House Apartment	24	51	2.13
SHADY RIDGE	SPRING LAKE TOWNSHIP	OTTAWA	Apartment	Woodlands Ridge Apartments	24	50	2.08
CLARK	YPSILANTI CITY	WASHTENA W	Apartment	Arbor Apartments	24	50	2.08
HAGGERTY	CANTON TOWNSHIP	WAYNE	Trailer Park	Glen Ridge- Mfg Homes	51	106	2.08
OLD MICHIGAN	CANTON TOWNSHIP	WAYNE	Trailer Park	Academy Point	271	558	2.06
FRANKLIN	SOUTHFIELD CITY	OAKLAND	Apartment	Weatherstone Townhomes	70	142	2.03

Figure 29. Source: [CheckMyVote.org](https://www.checkmyvote.org), December 2023.

Incarcerated felons remain active on the voter rolls

In Michigan, incarcerated (imprisoned) persons convicted of a felony lose their rights to vote while incarcerated. Once released, they are automatically registered to vote. However, MFE’s team of investigators observed that incarcerated felons remain on the QVF with active voter status. This active status violates HAVA Section 303(a)(2) Computerized List Maintenance (A)(ii)(I) which states, “under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status.” The results are as follows:

***Prisoners Who Voted in 2022: Wayne, Genesee, and Oakland Counties
Incarcerated Felons and Prisoners Found Guilty of Misdemeanors***

	Confirmed Prisoner	Probation	Parolee	Absconded from probation	No Information Available	Total Absentee Votes 2022
Genesee	9	1			3	13
Oakland	1				11	12

Wayne	55	8	5	2	60	130
Wayne Med	Not Available				119	119
Total	65	9	5	2	193	274

Figure 30: Livingston County Soles to Rolls Canvassing team.

Remedy: The state of Michigan exhibits many instances of HAVA noncompliance. A plan to come into compliance for all noted deficiencies should be developed and implemented according to a strict timetable. Milestones should be established for the correction of deficiencies. Tracked progress should be included in Michigan’s compliance reports to the EAC OIG. HAVA funds should be withheld from disbursement until Michigan demonstrates its compliance with HAVA Section 701(b) and forthwith implements policies and laws to disqualify the counting of late arriving ballots with missing or unclear postmarks.

VI. GAGAS 8.59 to 8.67 Information Systems Controls Considerations

Court evidence shows Dominion voting machines to have multiple vulnerabilities and security deficiencies. This is applicable here because the machines used in Georgia are also used in Michigan.

After a federal judge awarded J. Alex Halderman, Ph.D., court-ordered access to a Dominion machine, the computer scientist professor at the University of Michigan and team conducted extensive examination of the system. As evidence for the federal *Curling v. Raffensperger* case ([Case 1:17-cv-02989-AT](#)), the professor concluded:

My technical findings leave Georgia voters with greatly diminished grounds to be confident that the votes they cast on the ICX BMD are secured, that their votes will be counted correctly, or that any future elections conducted using Georgia's universal-BMD system will be reasonably secure from attack and produce the correct results. No grand conspiracies would be necessary to commit large-scale fraud, but rather only moderate technical skills of the kind that attackers who are likely to target Georgia's elections already possess. Unfortunately, even if such an attack never comes, the fact that Georgia's BMDs are so vulnerable is all but certain to be exploited by partisan actors to suppress voter participation and cast doubt on the legitimacy of election results. (page 7)

Transcriptions of the court hearing, in-process at the time of this writing, may be viewed here: <https://thefederalist.com/2024/01/23/read-the-court-transcripts-from-the-major-election-integrity-trial-in-georgia/>

Halderman’s *Security Analysis of Georgia's ImageCast X Ballot Marking Devices* was published on July 1, 2021, but the U.S. District Court for the Northern District of Georgia, Atlanta Division, kept the report under seal for two years. In June 2023, the *Halderman Report*, as it is commonly called, became available to the public. The findings are significant because Michigan offers elections clerks the option of using Dominion, ES&S, and Hart machines. (See Exhibit L <https://www.documentcloud.org/documents/23846675-halderman-report.>)

Professor Halderman wrote in section 1.2 Main Conclusions, “On the basis of the technical findings described in this report, I reach the following conclusions:

-- The ICX BMDs are not sufficiently secured against technical compromise to withstand vote-altering attacks by bad actors who are likely to attack future elections in Georgia. Adversaries with the necessary sophistication and resources to carry out attacks like those I have shown to be possible include hostile foreign governments such as Russia, which has targeted Georgia's election system in the past [49] and domestic political actors whose close associates have recently acquired access to the same Dominion equipment that Georgia uses through audits and litigation in other jurisdictions.

-- The ICX BMDs can be compromised to the same extent and as or more easily than the AccuVote TS and TS-X DREs they replaced.³ Both systems have similar weaknesses, including readily bypassed user authentication and software validation, and susceptibility to malware that spreads from a central point to machines throughout a jurisdiction. Yet with the BMD, these vulnerabilities tend to be even easier to exploit than on the DRE system, since the ICX uses more modern and modular technology that is simpler to investigate and modify.

-- Despite the addition of a paper trail, ICX malware can still change individual votes and most election outcomes without detection. Election results are determined from ballot QR codes, which malware can modify, yet voters cannot check that the QR codes match their intent, nor does the state compare them to the human-readable ballot text. Although outcome-changing fraud conducted in this manner could be detected by a risk-limiting audit, Georgia requires a risk-limiting audit of only one contest every two years, so the vast majority of elections and contests have no such assurance. And even the most robust risk-limiting audit can only assess an election outcome; it cannot evaluate whether individual votes counted as intended.

-- The ICX's vulnerabilities also make it possible for an attacker to compromise the auditability of the ballots, by altering both the QR codes and the human readable text. Such cheating could not be detected by an RLA or a hand count, since all records of the voter's intent would be wrong. The only practical way to discover such an attack would be if enough voters reviewed their ballots, noticed the errors, and alerted election officials, and election officials identified the problem as a systemic hack or malfunction; but human-factors studies show that most voters do not review their ballots carefully enough, and election officials likely would consider such reports the product of voter error. This means that in a close contest, ICX malware could manipulate enough ballots to change the election outcome with low probability of detection. In contrast, risk-limiting audits of hand-marked paper ballots, when used with appropriate procedural precautions, provide high confidence that individual votes are counted as intended and election outcomes are correct even if the election technology is fully compromised.

--Using vulnerable ICX BMDs for all in-person voters, as Georgia does, greatly magnifies the security risks compared to jurisdictions that use hand-marked paper ballots

but provide BMDs to voter upon request. When use of such BMDs is limited to a small fraction of voters, as in most other states, they are a less valuable target and less likely to be attacked at all. Even if they are successfully compromised, attackers can change at most a small fraction of votes, which, again, creates a strong disincentive to undertake the effort and risk to change any such votes.

--The critical vulnerabilities in the ICX, and the wide variety of lesser but still serious security issues, indicate that it was developed without sufficient attention to security during design, software engineering, and testing. The resulting system architecture is brittle; small mistakes can lead to complete exploitation. Likewise, previous security testing efforts as part of federal and state certification processes appear not to have uncovered the critical problems I found. This suggests that either the ICX's vulnerabilities run deep or that earlier testing was superficial. In my professional experience, secure systems tend to result from development and testing processes that integrate careful consideration of security from their inception. In my view, it would be extremely difficult to retrofit security into a system that was not initially produced with such a process.

[Georgia won't update vulnerable Dominion software until after 2024 election | CNN Politics](#)

[Constitutional Challenge to Georgia Voting Machines Set for Trial Early Next Year \(usnews.com\)](#)

[BREAKING: Georgia Sec. of State Raffensperger Refuses Oath Testimony on Dominion Machines, Delaying Security Patches - County Local News](#)

However, per HAVA: Title III, Sec. 301. VOTING SYSTEMS STANDARDS

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

- (i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
- (ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office—

1. notify the voter that the voter has selected more than one candidate for a single office on the ballot;
2. notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

3. provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

- (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and
- (ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.- The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.

- (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

Remedy: The purpose of the HAVA audit is to verify the security of the electronic machines purchased and the system updates. The audit should take into consideration the evidence as provided in the *Halderman Report* ([*Security Analysis of Georgia's ImageCast X Ballot Marking Devices*](#)) in Georgia and any court rulings. Alex Halderman, a computer scientist located in Michigan and a professor at the University of Michigan, could likely confirm MFE's concerns if and EAC-OIG auditor would like to consult him. See also Patrick Colbeck's legislator input in IX. GAGAS 8.37 Legislator Input.

VII. GAGAS 8.104 Documentary evidence like database extracts

The QVF is a large database, and manipulation disrupts the integrity of extremely large data extract files. All data cited in this complaint have been saved and summarized. The output is available for review upon request.

VIII. GAGAS 8.104f Evidence from a third party

Election Eagle LLC created Check My Vote.org (CMV) and takes the output from the QVF and checks for data changes and irregularities month to month. CMV highlights changes such as adds and deletes as shown below. CMV also tracks excess registrations at numerous addresses, and CMV tracks and records volumes of addresses that are not compliant with postal

address, as well as type of building (residential, hotel, business, etc.) at that address. CMV, constantly enhanced, generates report cards by jurisdiction rating the quality of voter registration maintenance and needed actions. CMV recently expanded its service program to Ohio, and other states are slated soon.

CMV has developed a robust process to check questionable registrations to either bring them into compliance with federal election law or submit a challenge to the registrations' status. Exhibit Nine is a presentation of the process to Monroe County, Mich.

Election Eagle would be happy to demonstrate the CMV program and its features. See [Check My Vote](#), the header page about this company and database program.

A. Voter Registration Controls and Systems

HAVA grants require recipients to certify that their state is complying with the requirements of both Sections 101 and 251, HAVA Title III, the other laws cited in HAVA Sec. 906, and 2 CFR (Code of Federal Regulations) 200. HAVA, 52 U.S.C. § 21083, imposes 14 legal requirements on the state's voter registration system.

B. Constant adjustments to the QVF obstruct effective analysis

The QVF, the central file holding voter registration and history, undergoes constant adjustments that make tracking the specific results of prior elections highly difficult. Traceability is lost. Below is a table showing adjustments to the QVF of the voter population that cast ballots in the November 2020 election. Auditors will note the multiple deletes and adds.

Changes in Voting History. Below is a table of reported QVF totals of the first three months after the election and the last three reported months. CMV leadership would be willing to meet and discuss the methodology for this output and other issues identified below.

C. Voter Histories Removed and Delayed Votes Added 2020

QVF Dates	11/3/2020 Official Vote Total per SOS	VoterIDs that voted on 11/3/2020 per QVF date		Unique Votes REMOVED and ADDED per QVF date that voted on 11/3/2020.		
		Total QVF votes	Missing VoterIDs Votes	Common Votes & VoterIDs	History Votes REMOVED	DELAYED Votes ADDED
12/1/2020	5,579,317	5,475,180	104,137	0	0	0
1/1/2021	5,579,317	5,476,095	103,222	5,453,624	21,556	22,471
4/1/2021	5,579,317	5,511,303	68,014	5,462,409	13,686	48,894
10/1/2023	5,579,317	5,321,429	257,888	5,321,219	5,201	210
11/1/2023	5,579,317	5,314,009	265,308	5,313,911	7,519	98
12/1/2023	5,579,317	5,307,751	271,566	5,307,624	6,385	127
				SUM---->	270,559	103,128

Figure 31. Source: [CheckMyVote.org](https://www.checkmyvote.org), December 2023.

Per HAVA, the voter registration system shall be a single, uniform, official, centralized, interactive statewide voter registration list. The discrepancy illustrated above violates Title III-- Uniform and Nondiscriminatory Election Technology and Administration Requirements. Sec. 303. Subtitle A—Requirements. Sec. 241 states:

(b) Election Administration Issues Described.--For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a **centralized, interactive, statewide voter registration list** linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

Changes in individuals' voting histories – Month to month CMV obtains an extract from the QVF. CMV has found that a person's voting history can disappear and then come back several months later. Often with a different vote history total. Attached are two examples: Michigan Governor Gretchen Whitmer and 2020 SoS candidate. In addition, Karamo has proof from her local clerk that she voted on the missing dates.

**Michigan Governor Gretchen Whitmer's
Voting History MISSING for OVER 3 YEARS**

		Gretchen Whitmer's - Voting History per QVF Dates																														
34618277		11/3/2009	8/3/2010	11/2/2010	11/8/2011	2/28/2012	8/7/2012	11/6/2012	2/26/2013	11/5/2013	8/5/2014	11/4/2014	5/5/2015	11/3/2015	3/8/2016	8/2/2016	11/8/2016	5/2/2017	11/7/2017	8/7/2018	11/6/2018	5/7/2019	8/6/2019	11/5/2019	3/10/2020	8/4/2020	11/3/2020	8/3/2021	11/2/2021	# of votes		
QVF Dates	1/15/2019																															0
	10/1/2019		I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I								21
	3/1/2020																								A	I	A					3
	6/1/2020																								A	I	A	A				4
	10/1/2020																								A	I	A	A	A			5
	11/1/2020																								A	I	A	A	A			5
	12/1/2020																								A	I	A	A	A	A		6
	1/1/2021																								A	I	A	A	A	A		6
	4/1/2021	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A		25
	10/1/2021	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A		26
	12/1/2021	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A	A	27
	1/1/2022	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A	A	27
	2/1/2022	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A	A	27
	3/1/2022	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A	A	27
	4/1/2022	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A	A	27
	5/1/2022	I	I	I	I	I	I	I	I	I	I	I	A	I	I	I	I	I	I	A	I	I	A	I	A	A	A	A	A	A	A	27

Figure 32. Source: CheckMyVote.org

**Michigan ' 2020 Secretary of State Candidate Kristina Karamo's
Voting History MISSING 2020 - 2021**

		Kristina Karamo - Voting History per QVF Dates														
34394138		8/3/2010	11/2/2010	11/6/2012	11/4/2014	3/8/2016	11/8/2016	11/7/2017	8/7/2018	11/6/2018	3/10/2020	8/4/2020	11/3/2020	11/2/2021	# of votes	
QVF Dates	1/15/2019	I	I	I	I	I	I	I	I	I					9	
	10/1/2019	I	I	I	I	I	I	I	I	I					9	
	3/1/2020														1	
	6/1/2020														2	
	10/1/2020														3	
	11/1/2020														3	
	12/1/2020														3	
	1/1/2021														3	
	4/1/2021														11	
	10/1/2021														11	
	12/1/2021														12	
	1/1/2022														12	
	2/1/2022														13	
3/1/2022														13		
4/1/2022														13		
5/1/2022														13		

Scrubbed Voting History. How many and to whom?

Delayed Voting History! How many and to whom?

Governor Whitmer, SoS candidate Kristina Karamo and over 900,000 other Michigan registrants were victims of having their voter histories changed between 2020 and 2021

Karamo's precinct, along with 130 other precincts across the state did not report any in-person votes on election day.

Violating MCL 168.932 AND 168.813

Figure 33. Source: CheckMyVote.org

Additional examples are available. MFE believes that these manipulations of voter histories constitute violations of Requirement 2, "The implementation shall be in a uniform and nondiscriminatory manner," and Requirement 3, "The voter registration system shall be a single, uniform, official, centralized, interactive statewide voter registration list."

Unable to print displayed information. When looking at a voter history online on a local clerk terminal, one set of data is displayed. When printed, however, some data fields are suppressed. The state controls the report output of the QVF. Check My Vote believes that this violates Requirement 11 – Any election official in the state, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

What you can see it on the screen you cannot output for a voter to review.

Based on these and other issues, Michigan's QVF appears to be in violation of the requirements listed above.

Incomplete and misrepresentative public accuracy testing. In order to assuage concerns, statutory requirements provide for [public accuracy tests to be conducted prior to every election \(MCL 168.794a\)](#). These tests are supposed to serve as safeguards against machines switching votes. According to former state Senator Patrick Colbeck, however, large municipalities like to test only a subset of their voting systems, and this subset rarely features any of the actual equipment to be deployed during election operations.

Statutory requirements are denied re: digital audit trails. Statutory requirements exist to provide safeguards to the use of electronic voting machines. MCL 168.795 requires the machines to provide an audit trail. But these safeguards do not appear to be practiced.

Remedy: MFE requests the EAC OIG auditors conduct an assessment of audit risk of the Michigan QVF in regard to its data processes and utilization standards per GAGAS Yellow Book Chapter 8: Field work Standards. We request assessment of the changes to the QVF, failure of vote tallies to match, inexplicable changes in voting history, changes in an individual's voting history, reasons for the inability to print displayed information, opaque electronic voting machines, incomplete and misrepresentative public accuracy testing, denial of the statutory requirement for digital audit trails, and opaque electronic election machines.

IX. GAGAS 8.37 Legislator Input

GAGAS Yellow Book Section 8.37 also identifies legislators as potential users of the report. Therefore, MFE reached out to current and former Michigan legislators for their input. We were provided the comments discussed below.

(1) Current Michigan State Senator Jonathan Lindsey responded as follows:

“Re: audit reviews to request: My suggestion would be to audit the absentee ballot signature verifications on absentee ballot envelopes to identify any potential deficiencies in current practices used to match signatures.”

Michigan law allows for a 22-month retention of election records. MCL 168.615c states: “...The secretary of state and county, city, and township clerks shall destroy the information indicating which political party ballot each elector selected at the presidential primary election as recorded in subsection (2) immediately after the expiration of the 22-month federal election records retention period.”

The Michigan Bureau of Elections May 2019 retention policy for city and township absentee ballot envelopes is “Until the election is held + 2 years”.
(<https://www.michigan.gov/>-

/media/Project/Websites/sos/01vanderroest/Document_Retention_Schedule.pdf?rev=6bd623d6759340a394711f2552dc5087)

Therefore, an examination of a statistical sample selection of absentee ballot envelopes in high-risk jurisdictions could be performed for the November 2022 election. This approach is realistic and would help prove or disprove whether there are signature match problems with absentee ballots.

(2) Current Michigan State Representative Steve Carra responded as follows:

“I’d like to audit the 5000 oldest and 5000 youngest voters in the state. 112-year-old voting? Maybe don’t knock on their door and bother them - but deserves some scrutiny, I believe. Same with young college students, particularly those voting AV. Did they really? Or could their mother have filled out their absentee ballot for them with a relaxed signature verification process and av applications floating around like candy.”

(3) Patrick Colbeck, a former Michigan State Senator, responded to MFE’s request for comment by describing how Michigan is noncompliant with specific excerpts from HAVA Title III, Sec. 301. His comments, in quotation marks, are below.

Colbeck cited Sec. 301. VOTING SYSTEMS STANDARDS (as referenced above in GAGAS 8.59 to 8.67), and he stated, “Absentee voters have no means of verifying the votes selected prior to the ballot being cast and counted using adjudication workstations provided by voting system vendors (See Exhibits C, D, E).”

“Absentee voters are provided with no mechanism to change the ballot or correct any error before the ballot is cast and counted.”

“There is no evidence that all absentee voters whose ballots exhibited these conditions and were thereby routed to adjudication workstations were provided with instructions on how to correct their ballot before its cast. In fact, third parties were used in conjunction with adjudication workstations to determine voter intent without notification of the voter as to their conclusions.”

Colbeck then cited audit (2) AUDIT CAPACITY in which (A) IN GENERAL.- The voting system shall produce a record with an audit capacity for such system, and (B) MANUAL AUDIT CAPACITY, calls for (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

“Voting systems such as those provided by Dominion Voting Systems to large cities such as Detroit do not have a permanent paper record that would support a manual audit of the vote tabulation process in such jurisdictions. All vote tabulation was performed in four stages with no paper records that would support an audit of the vote count as it progressed from stage to stage.”

- “Stage one features the tabulation of absentee votes by Dominion ImageCast Central (ICC) workstations. While evidence of paper zero tapes for each ICC have been displayed at AVCB’s such as Detroit, printouts of the closing tapes were never provided. This results in an audit trail paper gap for the votes tallied at each ICC as well as any ballot images which may have been transferred to adjudication workstations.
- “Stage two features the transfer of ballot images that ostensibly could not be read by the ICC scanner to what are referred to as adjudication workstations (See Exhibits C, D, E). There is no paper record of which ballots from which ICC were transferred to which adjudication workstation. Per comments of Detroit election officials, this transfer is conducted in a random manner once again without any paper trail. There is no paper record of what vote tallies were subsequently transferred to the next stage of the vote tally process.
- “Stage three was the counting of absentee votes across all Dominion ICC workstations using a Results Transfer Management (RTM) laptop (See Exhibit B). There is no paper record of the vote data received by the RTM laptop nor is there any paper record for the vote data sent by the RTM laptop to the next stage in the vote tally process.
- “Stage 4 features the transfer of absentee vote tallies and in-person vote tallies to an Election Management System (EMS) server where they are ostensibly combined into precinct-specific vote tallies and reported to the county. Once again, there is no paper record of the vote data received by the EMS server or sent by the EMS server. Furthermore, a FOIA request asking for precinct-level results for both in-person and absentee votes for the City of Detroit in the 2020 election resulted in the City of Detroit providing a filtered copy of the Wayne County election results notably absent of precinct-level vote tallies for absentee votes (See Exhibits F, G). The City of Detroit appears to have no such records paper or otherwise. Wayne County provides in-person vote tallies by precinct but provides absentee vote tallies by AVCB. Typically, each AVCB features 3-5 precincts. The paper trail for such mapping was not available at the time of vote tabulation making real-time oversight of the vote tally records impossible.”

“In summary, there is no paper trail sufficient to conduct a professional audit of the voting system vote tally process as it progresses from stage 1 to stage 2 to stage 3 to stage 4 in large cities such as Detroit,” Colbeck concluded.

The exhibits Mr. Colbeck referenced are located at the following link: [EAC Audit](#).

X. Voter Suppression

Two types of voter suppression may offset honest votes in an election. The first type prevents a legal person from voting. The second occurs when an ineligible yet counted ballot nullifies a legitimate vote. The issue of interfering with a person’s right to vote tends to attract more attention. However, illegitimate votes infused into the ballot stream are equally damaging.

Supreme Court Justice Thurgood Marshall summarized the problem in *Anderson vs. US 417 U.S. 211 (1974)* when he cited another judge's words.

“The deposit of forged ballots in the ballot boxes, no matter how small or great their number, dilutes the influence of honest votes in an election, and whether in greater or less degree is immaterial.” (*Prichard v. United States*, 181 F.2d 326, [417 U.S. 211, 227] 331 (CA6), *aff'd* due to absence of quorum, 339 U.S. 974 (1950)).

The potential for voter suppression due to ballot dilution poses a clear and present danger to Michigan's elections in 2024. The chart as shown in prior sections above depicts the effects of Jocelyn Benson's instituting HAVA-noncompliant processes and procedures after her election and installation as Michigan's Secretary of State in January 2019.

One of Secretary Benson's first acts in office was to enroll Michigan in the Electronic Registration Information Center (ERIC). Since then, the number of registrations in the state's official Qualified Voter File (QVF) has grown to exceed the state's total voting age population (VAP). This implausible inversion poses a serious risk of voter suppression through nullification of legitimate votes. As Justice Thurgood Marshall stated in *Anderson vs. US 417 U.S. 211 (1974)*.

In our view, petitioners err in seeking to attach significance to the fact that the primary motive behind their [417 U.S. 211, 226] conspiracy was to affect the result in the local rather than the federal election. A single conspiracy may have several purposes, but if one of them - whether primary or secondary - be the violation of a federal law, the conspiracy is unlawful under federal law. See *Ingram v. United States*, 360 U.S., at 679 -680. It has long been settled that 241 embraces a conspiracy to stuff the ballot box at an election for federal officers, and thereby to dilute the value of votes of qualified voters; see *United States v. Saylor*, 322 U.S. 385 (1944). See also *United States v. Mosley*, 238 U.S. 383 (1915). This applies to primary as well as general elections. See *United States v. Classic*, 313 U.S. 299 (1941).

That petitioners may have had no purpose to change the outcome of the federal election is irrelevant. The specific intent required under 241 is not the intent to change the outcome of a federal election, but rather the intent to have false votes cast and thereby to injure the right of all voters in a federal election to express their choice of a candidate and to have their expressions of choice given full value and effect, without being diluted or distorted by the casting of fraudulent ballots. See *United States v. Saylor*, *supra*, at 386. As one court has stated:

The deposit of forged ballots in the ballot boxes, no matter how small or great their number, dilutes the influence of honest votes in an election, and whether in greater or less degree is immaterial. The right to an honest [count] is a right possessed by each voting elector, and to the extent that the importance of his vote is nullified, wholly or in part, he has been injured in the free exercise of a right or privilege secured to him by the laws and

Constitution of the United States." Prichard v. United States, 181 F.2d 326, [417 U.S. 211, 227] 331 (CA6), aff'd due to absence of quorum, 339 U.S. 974 (1950).

Every voter in a federal primary election, whether he votes for a candidate with little chance of winning or for one with little chance of losing, has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes. And, whatever their motive, those who conspire to cast false votes in an election for federal office conspire to injure that right within the meaning of 241.

[ANDERSON v. UNITED STATES, 417 U.S. 211 \(1974\) | FindLaw](#)

Excess invalid registrations allow for voter suppression through nullification to happen per GAGAS 8.71 to 8.76: Risk of fraud “the opportunity for fraud to occur” with 103 percent plus of registrations to eligible voters.

XI. Conclusion

Based on the issues discussed, MFE has concluded that Michigan appears to be in noncompliance with multiple GAGAS requirements, HAVA, and other federal laws. An audit of the issues described above is warranted and hereby requested. MFE investigators will gladly provide and/or discuss additional data and supporting information upon request and at the auditors’ convenience.

Contact: Telephone (517) 299-8002; email Contact@mifairelections.org.
We look forward to your response and request it by xx/xx/xxxx

XII. Exhibits (to request an Exhibit, please email: contact@mifairelections.org)

- A. Signed Electronic Registration Information Agreement, ERIC
- B. RNC Consovoy McCarthy Demand Letter
- C. Ann Arbor November 2022 Election Irregularities Report
- D. Grand Valley State University FREEDOM OF INFORMATION ACT response
- E. Grand Valley State University HAVA complaint
- F. Michigan State Police Muskegon Police Report (redacted)
- G. Letter to Clerks from Director of Elections Jonathan Brater
- H. Affidavits of invalid registrations in QVF
- I. Check My Vote Presentation to Monroe County, Mich.
- J. FOIA request delay Ann Arbor, Mich.
- K. Ottawa County assessment of costs for nine days early voting