



MFEI Investigation into Michigan Elections (MIME)

Summary of MFEI's Elections Oversight Committee Findings

SUPPLEMENTAL INVESTIGATIVE REPORT

**Analysis: Secretary of
State Rule Set Changes
13 and 14**



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Analysis of Secretary of State Rule Set Changes 13 and 14

SUPPLEMENTAL INVESTIGATIVE REPORT

MFEI Investigation into Michigan Elections

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October 2025

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Introduction:

Michigan's electoral system faces an imminent and severe threat from the proposed adoption of two rule sets by the Secretary of State: 2025-13 ST, governing voter registration cancellation, challenges, and corrections, and 2025-14 ST, regulating the use of electronic pollbooks. These rules represent significant overreach, undermining the foundational principles of election integrity, transparency, and fairness. By introducing unauthorized requirements, such as a "personal knowledge" standard for voter challenges and a 20-year inactivity period for voter cancellations, Rule Set 2025-13 ST conflicts with federal laws like the National Voter Registration Act (NVRA) and Help America Vote Act (HAVA), while imposing prohibitive economic barriers—potentially exceeding \$1,500 for just 100 challenges—that echo discriminatory practices like poll taxes, disproportionately burdening low-income and minority communities.

Compounding this crisis, Rule Set 2025-14 ST mandates the deletion of electronic pollbook data merely seven days after certification, violating federal record retention mandates under 52 USC 20701 and eliminating essential audit trails needed to detect irregularities. This not only invites potential fraud and erodes public trust but also contravenes Title VI of the Civil Rights Act of 1964, as Michigan's reliance on federal HAVA funding subjects its election processes to anti-discrimination standards. The rules' procedural flaws under the Michigan Administrative Procedures Act, coupled with their potential to perpetuate over 800,000 ineligible registrations and hinder citizen oversight, demand immediate rejection to avert irreversible damage to democratic processes and civil rights.

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MICHIGAN FEDERAL ELECTION LAW VIOLATIONS

EXECUTIVE SUMMARY

Immediate Federal Enforcement Required - Documented Violations + Pending Rules
October 7, 2025

THE PROBLEM IN FIVE SENTENCES

State remedies have failed. Federal action is necessary now. Michigan has **800,000+ potentially ineligible voter registrations** (27.6% error rate), **175,000+ uninvestigated ballot discrepancies** (2020-2022), and systematically destroys election records within 7 days despite federal 22-month requirement. Secretary of State certified HAVA compliance to EAC despite these documented violations. Two pending rule sets will eliminate remaining oversight mechanisms and make federal compliance verification impossible.

DOCUMENTED VIOLATIONS (Independently Verified by MFEI)

HAVA Database Accuracy Crisis:

- **800,000+ potentially ineligible registrations** in Qualified Voter File
- **558,627 voters inactive 15+ years** (violates NVRA 4-year maximum by 500%)
- **27.6% error rate** (149,657 exceptions) in statistical sample
- **73.44% never voted or last voted 2009 or earlier**

Voting System Failures:

- **104,137 more ballots than recorded voters** (2020 federal election)
- **70,713 more ballots than recorded voters** (2022 federal election)
- **82,467 voter IDs linked to 125,428 duplicate votes** (October 2024)

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- **81.2% of overseas ballots** sent to unverified civilians (UOCAVA violations)

Federal Records Destruction:

- **7-day e-pollbook deletion** vs. 22-month federal requirement
- **Evidence of 175,000+ discrepancies permanently destroyed**
- **Voter history records falsely associate votes with current addresses** (misleading FOIA data)
- Michigan Attorney General prosecuting clerks who preserve federal records

Pattern of Exceeding Authority:

- **8 court rulings against Secretary of State** (2020-2024) for unlawful guidance
- Pattern establishes **willfulness** for Federal Records Act criminal prosecution

PENDING RULES WILL MAKE ISSUES WORSE

[Rule 2025-13 ST](#) (Voter Registration):

- Makes list maintenance **"optional"** when 800,000+ ineligible registrations exist
- Extends NVRA 4-year maximum to **20 years** when 558,627 already long-inactive
- Creates **\$1,500+ economic barriers** to citizen oversight (disparate impact on minorities)
- Designates **CheckMyVote.org "unreliable"** (eliminates only free oversight tool)
- **Increases FOIA costs** (destroys electronic data, forces expensive paper records)

[Rule 2025-14 ST](#) (E-Pollbook):

- Mandates **7-day deletion** vs. 22-month federal requirement
- **Eliminates audit capacity** for 175,000+ documented discrepancies
- Makes future violations **undetectable and uninvestigable**

FEDERAL STATUTES VIOLATED

Statute	Violation	Authority
<u>52 USC § 21111(a)</u>	HAVA database accuracy (800,000+ ineligible)	AG civil action

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<u>52 USC § 21081</u>	HAVA voting system standards (175,000+ discrepancies)	AG civil action
<u>52 USC § 20701</u>	Federal Records Act (7 days vs. 22 months)	Criminal penalties
<u>52 USC § 20702</u>	Willful destruction of election records	Fines + imprisonment
<u>52 USC § 20507</u>	NVRA list maintenance (20 years vs. 4 years)	AG civil action
<u>52 USC § 10308</u>	VRA pattern-or-practice (evidence destruction)	AG civil action
<u>42 USC § 2000d-1</u>	Title VI (discriminatory barriers in HAVA-funded system)	Fund termination
<u>5 USC § 552</u>	FOIA (inaccurate voter history records)	Federal compliance

RECOMMENDED ACTIONS (In Priority Order)

1. IMMEDIATE INJUNCTIVE RELIEF ([52 USC § 21111](#))

- Enjoin implementation of Rule Sets 2025-13 ST and 2025-14 ST
- Require 22-month e-pollbook data preservation
- Mandate HAVA database accuracy compliance

2. CIVIL ENFORCEMENT - HAVA DATABASE ACCURACY ([52 USC § 21083](#))

- Declare 27.6% error rate violates “accurate” requirement
- Order systematic correction of 800,000+ ineligible registrations
- Require accurate voter history records (not false address associations)

3. CIVIL ENFORCEMENT - NVRA LIST MAINTENANCE ([52 USC § 20510\(b\)](#))

- Declare 20-year retention violates 4-year federal maximum
- Order removal of 558,627 long-inactive registrations

4. CRIMINAL INVESTIGATION - FEDERAL RECORDS ACT ([52 USC § 20702](#))

- Investigate willful 7-day deletion (vs. 22-month requirement)
- Investigate provision of inaccurate FOIA records
- 8 court findings establish pattern showing willfulness

5. PATTERN-OR-PRACTICE INVESTIGATION - VRA ([52 USC § 10308](#))

- Whether 175,000+ discrepancies disproportionately affected minorities

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- Evidence destruction preventing VRA Section 2 enforcement

6. TITLE VI COMPLIANCE REVIEW ([42 USC § 2000d-1](#))

- Economic barriers (\$1,500+) creating disparate impact
- Transparency elimination harming communities of color

7. FIRST AMENDMENT INVESTIGATION

- CheckMyVote.org designation as “unreliable” (government targeting oversight organization, an individual, and obstructing citizen oversight)
 - Increased FOIA costs restricting access to public information
-

WHY IMMEDIATE ACTION IS CRITICAL

 **Rules may take effect within WEEKS** - Michigan JCAR cannot permanently block

 **2026 federal elections at stake** - Congressional/Senate races affected

 **Evidence destruction is IRREVERSIBLE** - Once deleted, 175,000+ discrepancies can never be investigated

 **State remedies insufficient** - 8 court rulings haven't stopped pattern; federal enforcement required

 **Criminal liability** - Clerks face prosecution for complying with federal law vs. state rules

SUPPORTING DOCUMENTATION

 [MFEI Investigation \(MIME Report\)](#) - 14 priority violations documented

 [Voter Roll Analysis](#) - Statistical analysis: 27.6% error rate

 [EAC August 2024 Audit](#) - Examined only financial compliance, missed all substantive violations

 **8 Court Cases** - All rulings against SOS for exceeding authority (2020-2024)

Full 45-page legal memorandum with comprehensive analysis available

BOTTOM LINE

Michigan's violations are **extensive** (800,000+ registrations), **systematic** (pattern over 4+ years), **documented** (independent statistical analysis), and **ongoing** (pending rules will eliminate remaining oversight). Federal law supremacy requires federal enforcement. The federal government has clear statutory authority under HAVA, NVRA, Federal Records Act, VRA, and Title VI.

State remedies have failed. Federal action is necessary now.

Analysis: Federal Election Law Violations in Michigan

Pending State Rules Will Exacerbate Systematic Non-Compliance

October 7, 2025

I. EXECUTIVE SUMMARY

This memorandum presents documented violations of federal election law in Michigan requiring immediate enforcement action. The violations fall into three categories:

A. Existing Documented Violations (2020-Present)

Independent investigations by MFEI, an independent 501(c)(3) organization, have documented systematic violations including:

- **104,137 more ballots than recorded voters** (2020 Federal Election)
- **70,713 more ballots than recorded voters** (2022 Federal Election)
- **800,000+ potentially ineligible voter registrations** (27.6% error rate)
- **558,627 long-inactive voters** (15+ years, violating NVR A 4-year maximum)
- **82,467 voter IDs linked to 125,428 duplicate votes** (October 2024)
- **81.2% of overseas ballots** sent to unverified civilians (UOCAVA violations)
- **Premature destruction of election records** (7-day deletion vs. 22-month requirement)

B. False Certification of HAVA Compliance

Despite these documented violations, Michigan Secretary of State certified HAVA compliance to the Election Assistance Commission. The [EAC's August 2024 audit \(Report No. G23MI0031-24-13\)](#) examined only financial compliance and failed to identify any of the systematic violations documented by MFEI and other organizations.

C. Pending Rules Will Exacerbate Violations

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Two Michigan Secretary of State rule sets currently pending implementation will compound existing violations:

Rule Set 2025-13 ST: Voter Registration

- Makes list maintenance “optional” when 800,000+ ineligible registrations exist
- Extends NVRA’s 4-year maximum to 20 years when 558,627 already long-inactive
- Violates [52 USC § 20507](#) (NVRA)
- Violates [52 USC § 21083](#) (HAVA database accuracy)

Rule Set 2025-14 ST: Electronic Pollbook

- Mandates 7-day deletion vs. 22-month federal requirement
- Eliminates audit capacity for 175,000+ documented discrepancies
- Violates [52 USC § 20701](#) (Federal Records Act)
- Violates [52 USC § 21081](#) (HAVA voting system standards)

D. Enforcement Authority

The federal government has clear statutory authority to enforce:

- **HAVA violations:** [52 USC § 21111\(a\)](#) - Attorney General may bring civil action for violations of voting system standards and database accuracy requirements
 - **NVRA violations:** [52 USC § 20510\(b\)](#) - Attorney General may bring civil action
 - **Federal Records Act violations:** [52 USC § 20702](#) - Criminal penalties for willful destruction
 - **Voting Rights Act violations:** [52 USC § 10308](#) - Attorney General may institute civil action
 - **Civil Rights Act violations:** [42 USC § 2000d-1](#) - Federal funding enforcement
-

II. DOCUMENTED VIOLATIONS: MFEI INVESTIGATION FINDINGS

A. MFEI Investigation into Michigan Elections (MIME Report)

Source: [MFEI Investigation into Michigan Elections](#) (September 2025, 71 pages)

1. More Ballots Than Recorded Voters (MIME pages 7-12)

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Documented Facts:

- **2020 Federal Election:** 104,137 more ballots cast than voters recorded in pollbooks
- **2022 Federal Election:** 70,713 more ballots cast than voters recorded in pollbooks
- Numbers increased from initial certification (17,974 in 2022 grew to 70,713 after revisions)
- Vote histories altered monthly: 270,559 votes removed, 103,128 added for 2020

Federal Law Violations:

- [52 USC § 21081\(a\)\(2\)\(A\)](#): HAVA requires voting systems to produce auditable records of all votes cast
- [52 USC § 20507\(a\)\(4\)](#): NVRA requires accurate voter lists preventing unauthorized voting
- [52 USC § 20701](#): Federal Records Act requires preservation of voting records to enable verification

Enforcement Implications: These discrepancies indicate either:

- Systematic failure of voter verification systems
- Unauthorized ballots being counted
- Manipulation of vote history records

All three scenarios violate federal election law and require investigation.

2. Premature Destruction of Election Records (MIME pages 13-15)

Documented Facts:

- Secretary of State ordered electronic pollbook (EPB) data deletion within 7 days post-certification (2020 and ongoing)
- Michigan Attorney General currently prosecuting Kalamazoo County clerk who refused to destroy records
- Monthly vote history alterations documented (270,559 removed, 103,128 added)
- No audit trail preserved for 104,137 (2020) and 70,713 (2022) ballot discrepancies

Federal Law Violations:

- [52 USC § 20701](#): Requires 22-month retention of “all records and papers... relating to any application, registration... or other act requisite to voting”
- [52 USC § 20702](#): Criminal penalties for “willfully” destroying election records
- [52 USC § 21081\(a\)\(2\)\(B\)](#): HAVA requires auditable paper records

Enforcement Implications:

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- State officials are systematically destroying federal election records
- Attorney General is prosecuting officials who comply with federal law
- Evidence of 175,000+ ballot discrepancies permanently lost
- Criminal prosecution under § 20702 may be warranted

2A. Inaccurate Voter History Records Violate Federal Requirements

Federal Law Requirements:

[52 USC § 20701](#) requires retention of voter history for 22 months.

Michigan law requires voter history retention for 5 years minimum.

[5 USC § 552](#) (FOIA) requires accurate public records. Federal law categorizes both the Qualified Voter File (QVF) and voter history as data obtainable via FOIA. **It is illegal to return inaccurate information in response to FOIA requests.**

The Current System Creates Inherently Misleading Records:

How Michigan Stores Voter History:

- Voter history stored in QVF alongside **current registration address only**
- When voter moves within Michigan, registration updated to new address
- Historical votes remain associated with voter ID
- **But no location data preserved showing WHERE votes were actually cast**

Result: False Implication

QVF data structure creates false impression that:

- All votes associated with a registration were cast from **current** address
- Voter has lived at current address for entire voting history
- Historical votes are tied to current registration location

Example:

- Voter registers in Detroit (2018), votes in 2018, 2020
- Voter moves to Grand Rapids (2022), updates registration
- 2024 QVF shows: Grand Rapids address + vote history (2018, 2020, 2022, 2024)
- **False Implication:** All four votes cast from Grand Rapids

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- **Reality:** 2018 and 2020 votes cast from Detroit (but location data destroyed)

Documented Pattern of Data Removal by Secretary of State:

Historical QVF Data Provided via FOIA (obtained by Phani Mantravadi, CEO and Founder of CheckMyVote):

Previously Included:

1. ☒ Fact that voter voted (Yes/No for each election)
2. ☒ Method of voting (absentee, early, election day)
3. ☒ Location of voting (precinct information)

Recently Removed:

1. ☒ Fact that voter voted - **STILL PROVIDED**
2. ☒ Method of voting - **REDACTED** (claimed privacy concerns for small precincts, but redacted for ALL precincts regardless of size)
3. ☒ Location of voting - **REMOVED ENTIRELY**

Current Status (subject of ongoing lawsuit):

- Only “yes/no voted” information provided
- No method of voting
- No location of voting
- **Combined with moves: Creates false address associations**

Federal Law Violations:

1. Inaccurate Federal Records ([52 USC § 20701](#))

Federal law requires **accurate** retention of voting records. Michigan’s system creates records that are:

- **Misleading:** Historical votes falsely associated with current address
- **Incomplete:** No location data showing where votes were actually cast
- **Unverifiable:** Cannot determine if votes were cast from legitimate registration addresses

This violates the Federal Records Act’s requirement to preserve accurate election records.

2. FOIA Compliance Failure ([5 USC § 552](#))

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Federal FOIA law prohibits agencies from providing inaccurate information in response to FOIA requests.

Current Violation:

- QVF obtained via FOIA shows voter history linked to current address
- This creates false impression about voting location
- **No alternative form of voter history available via FOIA** that shows actual voting locations
- This represents failure to provide accurate public records as required by federal law

3. HAVA Database Accuracy ([52 USC § 21083](#))

HAVA requires “accurate” statewide voter registration database. A database that creates false associations between votes and addresses is not “accurate.”

Why This Matters for Oversight:

Cannot Verify Legitimacy of Votes:

- Cannot determine if historical votes were cast from legitimate registration addresses
- Cannot investigate whether moves were properly reported at time of voting
- Cannot detect patterns of fraudulent address usage
- Cannot verify residency requirements were met when votes were cast

Example Investigation Made Impossible:

- 2020: Voter registered in Detroit, claims Detroit residency
- 2022: Voter updates to Grand Rapids address
- **Question:** Was voter actually resident of Detroit in 2020?
- **Current QVF:** Shows Grand Rapids address with 2020 vote - falsely implies Grand Rapids connection
- **Cannot Verify:** No location data preserved showing vote was cast from Detroit precinct in 2020

Pending Rules Exacerbate This Violation:

Rule 2025-14 ST (7-day e-pollbook deletion):

- E-pollbook data would show **actual precinct where vote was cast**
- 7-day deletion ensures this verification data is permanently destroyed
- Makes the inaccurate QVF voter history the **only** available record
- Eliminates any possibility of correcting the misleading address associations

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Rule 2025-13 ST (CheckMyVote “unreliable” designation):

- CheckMyVote analyzes QVF data to identify potential irregularities
- Despite using government’s own data obtained via FOIA, designated “unreliable”
- Prevents citizen access to the only tool available capable of analyzing voter history patterns (MFEI, as a founding sponsor, helps fund this user-friendly, free public service)
- Eliminates citizen ability to identify false address associations

Federal Enforcement Implications:

This is a Two-Front Federal Violation:

Front 1: Inaccurate Records

- Federal law requires accurate voter history (22-month minimum)
- Michigan’s QVF creates false associations between votes and current addresses
- Location data has been systematically removed
- Records are inherently misleading

Front 2: FOIA Compliance Failure

- Federal FOIA requires accurate information
- Michigan’s official voter roll database, the Qualified Voter File (QVF), is the only voter history record available via FOIA
- No alternative source preserves actual voting locations
- Government cannot satisfy FOIA with misleading data

Action Required:

- Declare Michigan’s voter history record-keeping violates [52 USC § 20701](#)
- Require preservation of voting location data (precinct/jurisdiction where vote cast)
- Order restoration of “method of voting” and “location of voting” to QVF FOIA responses
- Mandate that e-pollbook data (showing actual voting location) be preserved for 22 months minimum
- Ensure FOIA responses provide accurate, complete voter history information
- Require SOS to take a snapshot/backup of Election Day or Certified Election QVF data, to preserve voter and election Day history. Instead voter histories change every month.
- The SOS also assigns multiple IDs to voters. This is a violation of law and must stop.

3. Duplicate Voting and Vote History Manipulation (MIME pages 15-22)

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Documented Facts:

- **October 28, 2024:** Secretary of State's voter file showed 82,467 voter IDs linked to 125,428 unauthorized duplicate votes
- Secretary of State removed duplicates, called it "glitch" without investigation
- Vote histories altered monthly, violating retention laws
- 47 Detroit voters documented voting twice (early voting, absentee, and in-person on same election)
- No prosecution or investigation of duplicate voting incidents

Federal Law Violations:

- [52 USC § 21083\(a\)\(4\)](#): HAVA requires systems to prevent duplicate voting
- [52 USC § 20507\(a\)\(3\)](#): NVRA prohibits duplicate registration and voting
- [52 USC § 10307\(c\)](#): VRA prohibits fraudulent voting

Enforcement Implications:

- 125,428 duplicate votes represent systematic failure
- "Glitch" explanation inadequate for 82,467 voter IDs affected
- Vote history manipulation destroys evidence
- Pattern suggests inadequate duplicate prevention systems

4. UOCAVA Verification Failures (MIME pages 41-47)

Documented Facts:

- **81.2% of 2024 overseas ballots** sent electronically to non-military civilians abroad
- Secretary of State granted "protected status" to civilians, waiving verification requirements
- No citizenship verification for civilian overseas voters
- No identity verification for civilian overseas voters
- No residency verification for civilian overseas voters
- Ballots accepted 6 days post-election without postmarks
- Military members comprise only 18.8% of overseas ballot recipients despite being statutory focus

Federal Law Violations:

- [52 USC § 20302](#): UOCAVA requires verification of voter eligibility
- [52 USC § 20901](#): HAVA requires accuracy and security standards
- [52 USC § 21083\(a\)\(5\)\(B\)](#): HAVA requires verification for voters who register by mail

Enforcement Implications:

- Unverified ballots undermine election integrity
- “Protected status” has no statutory basis
- Civilians receiving military voting accommodations
- Pattern of waiving verification requirements

5. Summary of 14 Priority MIME Violations

The [MIME Report](#) documented 14 priority violations. **MIME Part B (pages 64-69)** specifically requested federal audit expansion, documenting how the EAC’s August 2024 audit failed to examine these critical compliance areas.

The federal government certified Michigan’s HAVA compliance despite these documented violations.

B. Voter Roll Analysis: Database Accuracy Crisis

Source: [Ensuring Electoral Integrity: Voter Roll Analysis](#) (September 2025, 28 pages)

Methodology

- Random sample: 384 registrations from 542,121 long-inactive voters
- 95% confidence level, 5% margin of error
- Stratified across Michigan’s 83 counties
- Confirmation letter campaign to verify residency

Key Statistical Findings

1. Exception Rate: 27.6% (149,657 scaled statewide)

Categories of exceptions:

- **21,141 deceased voters** still registered (3.91%)
- **53,702 moved out-of-state** dual registrations (9.90%)
- **38,119 in-state dual registrations** (7.03%)
- **26,811 likely nonresident** (4.95%)
- **4,225 invalid addresses** (0.78%)

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- **5,650 other (1.04%)**

2. Long-Inactive Voters: 558,627 total

Voting activity analysis:

- **141,178 (26.04%) never voted**
- **256,943 (47.40%) last voted 2009 or earlier**
- **Combined: 398,121 (73.44%) never voted or inactive 15+ years**

3. Indeterminate Residency: 173,399 (32.03%)

- Cannot confirm eligibility with public data
- Highest in Wayne County-Detroit: 57.14%
- Major counties (Oakland, Macomb, Genesee): 35.71%

4. Confirmation Letter Campaign

- 384 letters sent to verify residency
- **35 undeliverable (9.11%)**
- Reclassified 19 as likely nonresident
- Confirmed existence of verification gaps

Federal Law Violations

52 USC § 21083 - HAVA Database Accuracy:

“Each State... shall implement... a single, uniform, official, centralized, interactive computerized statewide voter registration list... that contains the name and registration information of **every legally registered voter**... [and shall be] **accurate**”

Question: Does 27.6% error rate satisfy HAVA’s “accurate” database requirement?

52 USC § 20507 - NVRA List Maintenance:

States must conduct “reasonable effort” to remove ineligible voters with maximum 4-year inactive period

Violations:

- 558,627 voters inactive 15+ years (far exceeding 4-year NVRA maximum)
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- 398,121 (73.44%) never voted or last voted 2009 or earlier
- No evidence of “reasonable effort” to remove ineligible voters
- 800,000+ potentially ineligible registrations (9.7% of all registrations)

Enforcement Implications

Michigan’s voter registration database violates federal accuracy and maintenance requirements. The scale of violations (800,000+ registrations, 27.6% error rate) indicates systematic failure, not isolated errors.

III. FALSE CERTIFICATION OF HAVA COMPLIANCE

A. Secretary of State’s Certification

Michigan Secretary of State certified HAVA compliance to the Election Assistance Commission, claiming Michigan’s voter registration system and voting systems meet federal standards.

B. EAC Audit Failed to Examine Compliance

The [EAC’s August 2024 audit \(Report No. G23MI0031-24-13\)](#) examined:

- Grant expenditure compliance ✓
- Administrative procedures ✓
- Financial controls ✓

The audit did NOT examine:

Database Accuracy ([52 USC § 21083](#)):

- ✗ No assessment of 800,000+ potentially ineligible registrations
- ✗ No review of 558,627 long-inactive voters
- ✗ No statistical sampling to determine error rates
- ✗ No verification of “accurate” database claim

Voting System Integrity ([52 USC § 21081](#)):

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-  No review of 104,137 (2020) and 70,713 (2022) ballot discrepancies
-  No assessment of e-pollbook audit capacity
-  No examination of 7-day deletion practice
-  No verification of error detection capability

NVRA Coordination ([52 USC § 21083\(a\)\(2\)\(A\)](#)):

-  No review of 20-year retention vs. NVRA 4-year timeline
-  No assessment of list maintenance procedures
-  No examination of duplicate voting issues
-  No verification of interstate data coordination

Federal Records Compliance ([52 USC § 20701](#)):

-  No review of premature record destruction
-  No assessment of 22-month retention compliance
-  No examination of chain of custody issues
-  No verification of audit trail preservation

UOCAVA Compliance ([52 USC § 20302](#)):

-  No review of civilian vs. military verification
-  No assessment of “protected status” practices
-  No examination of citizenship verification
-  No verification of 81.2% civilian ballot transmission

C. Enforcement Implications

Michigan received \$49.88 million in federal HAVA grant monies since _____ based on false certification of compliance. The violations documented by MFEI ([Request for EAC OIG Assessment of Audit Risk](#)) were occurring when the Secretary of State certified compliance.

This raises questions of:

- False statements to federal agency
- Misuse of federal funds
- Fraudulent certification

IV. PENDING RULES WILL EXACERBATE EXISTING VIOLATIONS

A. Rule Set 2025-13 ST: Voter Registration Violations

Full text: <https://ars.apps.lara.state.mi.us/Transaction/REFRTransaction?TransactionID=1586>

1. Makes List Maintenance Optional (R 168.253(1))

Rule Language:

“A clerk **may** conduct an investigation to determine if a registered voter is ineligible...”

Current Problem:

- 800,000+ potentially ineligible registrations exist
- 558,627 long-inactive voters (15+ years)
- 149,657 confirmed exceptions (27.6% error rate)
- 398,121 never voted or last voted 2009 or earlier

How Rule Makes It Worse:

- Makes investigations “optional” when proactive maintenance desperately needed
- No requirement to act on reliable information
- Inconsistent application across 1,520 jurisdictions

Federal Law Violations:

[52 USC § 21083](#) - HAVA:

Requires “accurate” database

Making maintenance optional when 27.6% error rate exists cannot satisfy “accurate” requirement.

[52 USC § 20507\(a\)\(4\)](#) - NVRA:

Requires “reasonable effort to conduct a general program that makes a reasonable effort to remove the names of ineligible voters”

“May conduct” is not “reasonable effort.” Optional maintenance violates NVRA’s mandatory requirements.

2. Extends NVRA 4-Year Maximum to 20 Years (R 168.252(2)(a))

Rule Language:

“A voter’s failure to vote for 20 years or more” is reliable information

Current Problem:

- 558,627 voters already inactive 15+ years
- 73.44% never voted or last voted 2009 or earlier
- Far exceeds NVRA 4-year maximum

How Rule Makes It Worse:

- Formalizes 20-year retention in administrative rule
- Creates 500% excess over federal maximum
- Ensures database accuracy deteriorates further

Federal Law Violation:

52 USC § 20507(d)(1)- NVRA:

Maximum 4-year inactive period before removal

20-year retention directly contradicts federal statute’s maximum timeline. This is not a state prerogative - NVRA establishes ceiling.

3. Creates Subjective, Non-Uniform Standards (R 168.252)

Rule Language:

Whether information is reliable is considered on “individual, case-by-case basis”

Problems:

- Inconsistent application across 1,520 jurisdictions
- Excludes public databases (CheckMyVote.org uses SOS’s own data)
- “Personal knowledge” requirement prevents systematic verification

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Federal Law Violations:

52 USC § 21083(a)(1)(A) - HAVA:

Requires “uniform and nondiscriminatory manner”

Case-by-case determinations violate uniformity requirement.

52 USC § 20507(b)(1) - NVRA:

Requires “uniform, nondiscriminatory” procedures

Subjective standards violate NVRA’s uniformity mandate.

4. Imposes Economic Barriers to Oversight (R 168.256)

Rule Requirements:

- Notarization required for each challenge
- Certified mail required
- Separate affidavit for each voter
- “Personal knowledge” standard

Documented Costs:

- \$15+ per challenge minimum
- \$1,500+ for monitoring 100 voters
- Eliminates free electronic oversight tools

Federal Law Implications:

42 USC § 2000d - Civil Rights Act Title VI: Michigan receives federal HAVA funds, triggering Title VI. Economic barriers create disparate impact on communities of color with lower median household incomes.

52 USC § 10308 - Voting Rights Act: While challenges are not voting itself, economic barriers to election oversight may violate VRA principles against economic discrimination.

5. Eliminates Transparency and Citizen Oversight Tools (R 168.252(3))

Rule Language - R 168.252(3)(a):

“Information pulled from online databases that list individual names and birthdays, including, but not limited to, Ancestry.com, Findagrave.com, and **Checkmyvote.org**” are NOT reliable information”

Specifically Targets CheckMyVote.org:

[CheckMyVote.org](https://checkmyvote.org) is Michigan’s only user-friendly, publicly accessible voter roll analysis tool, created by Phani Mantravadi. CheckMyVote uses:

- **Data obtained via FOIA from Michigan Secretary of State’s own Qualified Voter File**
- **Data obtained via FOIA from US Postal Service National Change of Address (NCOA) database**
- Public records to enable citizen oversight

By designating CheckMyVote as “unreliable,” Rule 2025-13 ST:

1. **Contradicts SOS’s Own Data:** CheckMyVote uses data from the Secretary of State’s own voter file, obtained through FOIA
2. **Eliminates Free Oversight:** No cost alternative exists for citizens to verify registrations
3. **Harms Specific Organizations:** Directly targets Michigan Fair Elections Institute’s (MFEI) primary research tool
4. **Harms Individuals:** Damages CheckMyVote founder Phani Mantravadi’s reputation and organization
5. **Prevents Statistical Analysis:** Citizens cannot conduct the type of analysis that revealed 800,000+ potentially ineligible registrations. Clerks discouraged from acting upon citizen-initiated investigations and findings.

Pattern of Reducing Transparency:

This is not an isolated action. Secretary of State has systematically reduced transparency:

Data No Longer Provided:

- **Method of voting** (absentee, early, election day) removed from publicly available data
- **Location of voting** (precinct information) removed from publicly available data
- **E-pollbook data** deleted within 7 days (Rule 2025-14 ST)

Result: Citizens cannot:

- Verify how votes were cast

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- Analyze patterns by voting method
- Investigate discrepancies by precinct
- Conduct meaningful oversight

Federal Law Implications:

First Amendment Concerns: Citizen engagement in electoral process is protected speech and association. Creating barriers to accessing public information for oversight purposes may violate First Amendment rights.

Title VI - Disparate Impact: Eliminating free oversight tools forces citizens to use expensive alternatives (\$1,500+ for less meaningful, less thorough, and less effective oversight). This creates discriminatory barriers for communities of color with lower median incomes.

HAVA Transparency Requirements ([52 USC § 21081](#)): HAVA-funded systems must maintain transparency for error detection. Eliminating audit trails and oversight tools undermines HAVA's transparency mandate.

6. Increases FOIA Costs and Discourages Transparency

Combined Effect of Rule Sets 2025-13 ST and 2025-14 ST:

Before Rules:

- E-pollbook data exists electronically
- Can be provided via electronic files (minimal cost)
- Citizens can verify registrations using CheckMyVote (free)

After Rules:

- E-pollbook data deleted after 7 days (Rule 2025-14 ST)
- CheckMyVote designated “unreliable” (Rule 2025-13 ST)
- Citizens must FOIA paper records if available
- Clerks must make physical copies/printouts to fulfill FOIAs
- **Increased FOIA costs passed to citizens**
- Time delays discourage FOIA requests

Harm to Transparency:

Economic Barriers to FOIA:

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- Paper records more expensive to produce than electronic files
- Copying costs passed to requesters
- Small jurisdictions may lack resources to fulfill large requests
- Delays of weeks or months for paper record production

Chilling Effect on Oversight:

- Citizens discouraged by costs and delays
- Organizations like MFEI face higher research costs
- Statistical analysis becomes prohibitively expensive
- Only well-funded organizations can afford meaningful oversight

Disparate Impact:

- Wealthy organizations can afford FOIA costs
- Grassroots citizen groups cannot
- Communities of color disproportionately excluded from oversight
- Two-tier transparency system based on wealth

Federal Law Implications:

Title VI - Discriminatory Access to HAVA-Funded Systems: Creating economic barriers to accessing information about HAVA-funded election systems violates Title VI when it creates disparate impact on protected classes.

First Amendment - Right to Receive Information: Government cannot create unreasonable barriers to accessing public information. Deliberate destruction of electronic records combined with elimination of free oversight tools may violate First Amendment.

HAVA Transparency ([52 USC § 21081](#)): Federal funds support transparent, auditable systems. Creating barriers to transparency undermines federal investment.

B. Rule Set 2025-14 ST: Electronic Pollbook Violations

Full text: <https://ars.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1587>

1. Mandates 7-Day Deletion (R 168.48(1))

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Rule Language:

“The electronic pollbook software and associated files must be deleted from all devices by the seventh day following the final canvass and certification of the election...”

Current Problem:

- 104,137 ballot discrepancies (2020) uninvestigated
- 70,713 ballot discrepancies (2022) uninvestigated
- Vote history manipulation documented
- No audit capacity for reconciliation

How Rule Makes It Worse:

- Formalizes 7-day deletion in administrative rule
- Makes investigation of existing discrepancies impossible
- Prevents detection of future violations
- Destroys evidence systematically
- Usurps local clerk authority and makes citizens dependent on SOS to fulfill FOIAs

Federal Law Violation:

52 USC § 20701 - Federal Records Act:

“Every officer of election shall retain and preserve, for a period of **twenty-two months**... all records and papers which come into his possession relating to any application, registration, payment of poll tax, or **other act requisite to voting** in such election”

Direct conflict: 7 days vs. 22 months

E-pollbook data constitutes “records relating to registration” and “other act requisite to voting”:

- Voter check-in records
- Real-time registration updates
- Voter history
- Signature verification data
- Provisional ballot tracking
- Discrepancy documentation

Criminal Liability - [52 USC § 20702](#):

“Whoever **willfully** steals, destroys, conceals, mutilates, or alters any record, document, or paper as required by section 20701... shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

Michigan officials implementing 7-day deletion face potential federal prosecution.

2. Eliminates Audit Capacity (Violates HAVA Voting System Standards)

Federal Law:

[52 USC § 21081\(a\)\(2\)](#) - HAVA:

Voting systems must:

- Permit voter to verify votes before casting
- Provide opportunity to correct errors
- Produce auditable record

How 7-Day Deletion Violates:

With 175,000+ documented discrepancies (104,137 in 2020 + 70,713 in 2022):

- Cannot verify whether more ballots than voters indicates system failure
- Cannot investigate causes of discrepancies
- Cannot correct errors after data deleted
- Cannot audit HAVA-funded systems

E-pollbook audit trails are essential for:

- Reconciling ballot counts to voter check-ins
- Investigating duplicate voting (82,467 voter IDs documented)
- Verifying voter history accuracy
- Verifying time stamps and other “meta data” that the SOS has failed to share (and which showed Ann Arbor satellite clerk’s offices allowed people to register and vote as late as 2 AM the morning AFTER Election Day. (See MFEI [Report: Ann Arbor Compromises Election Integrity during 2022 Election, July 2023](#))
- Detecting systematic problems

After 7-day deletion, HAVA compliance verification becomes impossible.

V. VOTING RIGHTS ACT IMPLICATIONS

A. VRA Section 2 and Evidence Destruction

[52 USC § 10301\(b\)](#) - VRA Section 2:

Prohibits voting practices with discriminatory results

Proving discrimination requires:

- Statistical analysis of voting patterns
- Comparison across demographic groups
- Documentation of irregularities in minority precincts

How 7-Day Deletion Impairs VRA Enforcement:

With 175,000+ documented ballot discrepancies:

- **Cannot investigate** whether discrepancies affected minority voters disproportionately
- **Cannot analyze patterns** across precincts with different racial demographics
- **Cannot conduct statistical analysis** required under Section 2
- **Cannot prove discriminatory results** even if they occurred

Historical context: Were minority precincts disproportionately affected by the discrepancies? **We can never know because the data was deleted.**

B. Economic Barriers Create Disparate Impact

Rule 2025-13 ST's Requirements:

- \$1,500+ cost for monitoring 100 voters
- Notarization, certified mail for each challenge
- Imposes legally unauthorized "Personal knowledge" standard preventing systematic oversight

Disparate Impact on Communities of Color:

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- Michigan minority communities have lower median household incomes
- Economic barriers prevent participation in election oversight
- Two-tier system: wealthy can monitor, poor cannot

From Voter Roll Analysis:

- Wayne County-Detroit has highest indeterminate residency rate: 57.14%
- Economic barriers prevent verification in these communities
- If discriminatory purges occur, minority communities cannot afford to challenge them

This violates VRA Section 2 when combined with HAVA-funded systems.

VI. CIVIL RIGHTS ACT TITLE VI VIOLATIONS

A. Title VI Applicability

[42 USC § 2000d:](#)

“No person... shall, on the ground of race, color, or national origin, be excluded from... or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Michigan receives federal HAVA funds for election administration, making Title VI applicable.

B. How Rules Create Discriminatory Impact

Rule 2025-13 ST - Economic Barriers:

- \$1,500+ for monitoring 100 registrations
- Disproportionately excludes minority participation
- Creates two-tier oversight system based on wealth

Rule 2025-14 ST - Audit Elimination:

- Cannot investigate whether 175,000+ discrepancies disproportionately affected minority voters
- Eliminates transparency essential for detecting discrimination
- Removes accountability mechanisms protecting minority rights

Title VI requires showing discriminatory effect, not intent.

C. Enforcement Authority

42 USC § 2000d-1:

Federal agencies administering financial assistance shall effectuate Title VI provisions by issuing rules, or by termination of assistance, or by any other means authorized by law.

The government has authority to:

- Investigate Title VI complaints
 - Initiate fund termination proceedings
 - File federal lawsuits for injunctive relief
-

VII. ADMINISTRATIVE PROCEDURES ACT VIOLATIONS

A. Michigan State APA Violations

Both rule sets violate Michigan's [Administrative Procedures Act](#):

MCL 24.245(2) - Agency Report Required:

“After notice is given... the agency shall prepare an **agency report** containing a synopsis of the comments... and **describe any changes** in the proposed rules”

Rule Set 2025-13 ST:

- Public hearing: September 5, 2025
- Agency report in [regulatory filing record](#): **MISSING**
- No synopsis of public comments provided
- No description of post-hearing changes

Rule Set 2025-14 ST:

- Public hearing: July 15, 2025
- Attendees: **ZERO**
- Agency report in [regulatory filing record](#): **MISSING**

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- Notice published only in niche newspapers (June 14-15)
- Inadequate public awareness for rules affecting 8+ million registrations

MCL 24.245(3) - Regulatory Impact Statement:

Rule 2025-13 ST lacks:

- Cost estimates for 20-year retention
- Comparison to NVRA 4-year federal maximum
- Empirical justification for policy changes
- Analysis of impact on database accuracy

B. Significance for Federal Enforcement

While state procedural violations are typically state matters, they are relevant here because:

1. **Procedurally deficient rules may indicate inadequate consideration of federal compliance**
 2. **Federal agencies should not rely on potentially invalid state rules**
 3. **Lack of public participation means federal concerns were not raised during rulemaking**
 4. **Michigan courts may invalidate rules** (precedent: [*Clonlara, Inc. v. State Bd. of Educ.*](#), 442 Mich. 230 (1993))
-

VIII. PATTERN OF UNLAWFUL GUIDANCE: EVIDENCE OF WILLFUL DISREGARD FOR STATUTORY LIMITS

A. Eight Court Rulings Against Secretary of State Benson

Michigan state and federal courts have repeatedly found Secretary of State Jocelyn Benson's election guidance to exceed her statutory authority or violate procedural requirements. This pattern is directly relevant to:

1. **Willfulness element** for Federal Records Act criminal liability ([52 USC § 20702](#))
2. **Pattern-or-practice** analysis under VRA ([52 USC § 10308](#))
3. **Need for federal enforcement** when state remedies prove ineffective

B. Documented Court Findings

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1. [RNC v. Benson, Case No. 24-000148-MZ](#) (Court of Claims, Oct. 10, 2024)

Judge Brock Swartzle ruled to ensure mail ballots are cast and counted properly, requiring ballot serial number matching.

2. [RNC v. Benson, Case No. 24-000143-MX](#) (Court of Claims, Sep. 27, 2024)

Court ruled that registrant signature on absentee ballot envelope must match signature on file, contrary to Benson's guidance.

3. [RNC v. Benson, Case No. 24-000041](#) (Court of Claims, July 30, 2024)

Judge Christopher Yates ruled: "The 'initial presumption' of validity in signature verification of absentee-ballot applications and envelopes mandated by the December 2023 guidance manual issued by Defendants is **incompatible with the Constitution and laws of the state of Michigan.**"

4. [Genetski v. Benson, Case No. 20-000216-MM](#) (Court of Claims, Mar. 9, 2021)

Judge Christopher Murray: "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.**"

5. [Davis v. Benson, Case No. 20-000207-MZ](#) (Court of Claims, Oct. 27, 2020)

Judge Christopher Murray issued injunction against Secretary of State's directive to ban open carry of firearms in polling places, finding it exceeded her authority.

6. [Carra v. Benson, Case No. 20-000211-MZ](#) (Court of Claims, 2020)

Judge Cynthia Stephens issued preliminary injunction against Benson and Bureau of Elections Director Jonathan Brater's for "legally unauthorized poll challenger directives."

7. [Johnson v. Benson, Civil Action No. 1:20-cv-948](#) (U.S. District Court, Oct. 19, 2020)

Federal Judge Paul Maloney ordered Benson to revise guidance to comply with statute regarding time and manner of election processes.

8. [O'Halloran v. Benson, Case No. 22-000162-MZ](#) (Court of Claims, Oct. 20, 2022)

Judge Brock Swartzle ordered Benson to revise poll challenger guidelines to comply with Michigan Election Law.

Source: [MFEI compilation of court rulings](#)

C. Pattern Analysis: Implications for Federal Enforcement

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Common Themes Across Eight Rulings:

1. **Exceeding Statutory Authority:** Courts repeatedly found guidance went beyond delegated powers
2. **APA Violations:** At least one ruling explicitly cited Administrative Procedures Act violations
3. **Unauthorized Directives:** Courts found guidance “legally unauthorized” multiple times
4. **Need for Revision:** Courts ordered compliance with actual statutes, not Secretary’s interpretation
5. **Reducing Transparency:** Pattern of eliminating oversight mechanisms and public access to information

Significance for Pending Rule Sets:

The eight court findings establish that:

- Secretary of State has **pattern of issuing guidance exceeding statutory authority**
- Secretary of State has **pattern of reducing transparency and eliminating oversight**
- **State judicial intervention has not deterred** the pattern (rulings span 2020-2024)
- Current rule sets (2025-13 ST and 2025-14 ST) **follow the same pattern:** exceeding authority, violating procedures, conflicting with statutes, **and systematically eliminating transparency**

Transparency Elimination Pattern:

In Court Cases:

- Courts repeatedly found Secretary’s guidance exceeded authority
- Guidance consistently sought to reduce oversight and verification

In Pending Rule Sets:

- Rule 2025-13 ST: Designates CheckMyVote.org “unreliable” (eliminates free oversight tool)
- Rule 2025-14 ST: Mandates 7-day deletion (eliminates audit trails)
- Combined effect: Increases FOIA costs, discourages transparency, prevents citizen analysis

In Data Availability:

- Secretary of State removed “method of voting” from public data
- Secretary of State removed “location of voting” from public data
- Secretary of State deletes e-pollbook data within 7 days

This is a documented pattern of systematically reducing transparency in Michigan’s federally-funded election system.

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D. Relevance to Federal Enforcement Elements

1. “Willfulness” Under Federal Records Act ([52 USC § 20702](#))

For criminal prosecution, plaintiff must prove defendants “willfully” violated federal law. The pattern of eight court findings shows:

- **Knowledge:** Secretary of State knows courts repeatedly find her guidance unlawful
- **Deliberate Action:** Despite repeated judicial correction, pattern continues
- **Disregard of Legal Limits:** Pattern shows intentional exceeding of authority, not inadvertent error

When 7-day deletion violates 22-month federal requirement, and Secretary has pattern of disregarding statutory limits, “willfulness” element is satisfied.

2. Pattern-or-Practice Under VRA ([52 USC § 10308](#))

VRA authorizes action when a “pattern or practice” of violations exists. Eight court rulings over four years establish clear pattern:

- **Repeated behavior** despite judicial intervention
- **Systematic approach** to exceeding authority
- **Ongoing violations** (most recent ruling October 2024)

3. Need for Federal Intervention

State court remedies have proven insufficient:

- **Eight rulings** have not changed the pattern
- **Repeated violations** continue despite judicial correction
- **New rule sets** exhibit same problems courts previously identified
- **Federal enforcement necessary** when state remedies fail

E. Connection to Current Violations

The pattern documented by state courts predicts federal violations:

If Secretary of State:

- Issues guidance exceeding state statutory authority (8 court findings)
- Violates state Administrative Procedures Act (explicit court finding)

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- Continues pattern despite repeated judicial correction

Then it is entirely consistent that Secretary would:

- Issue rules exceeding federal statutory authority (NVRA, HAVA)
- Violate federal statutory requirements (Federal Records Act)
- Continue pattern despite documented violations

This is not speculation - it is pattern analysis based on established judicial record.

IX. ENFORCEMENT AUTHORITY AND REQUESTED ACTIONS

A. Statutory Authority for Action

1. Help America Vote Act ([52 USC § 21111\(a\)](#))

“The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under sections 21081, 21082, and 21083 of this title.”

This gives the federal government direct authority to enforce:

[52 USC § 21081](#) - Voting System Standards:

- Michigan’s 7-day e-pollbook deletion violates HAVA voting system standards
- Elimination of audit capacity for 175,000+ documented discrepancies
- Inability to detect errors or verify system accuracy

[52 USC § 21083](#) - Computerized Voter Registration List Requirements:

- Michigan’s database with 800,000+ potentially ineligible registrations violates “accurate” requirement
- Optional list maintenance vs. required accuracy standards
- 20-year retention conflicting with HAVA-NVRA coordination requirement

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Violations requiring enforcement:

- Database accuracy crisis (27.6% error rate documented)
- 800,000+ potentially ineligible registrations
- Voting system audit trail elimination (7-day deletion)
- 175,000+ ballot discrepancies uninvestigated

2. National Voter Registration Act ([52 USC § 20510\(b\)](#))

“The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is appropriate to carry out this subchapter.”

Violations requiring enforcement:

- 20-year retention vs. 4-year NVRA maximum
- Optional list maintenance vs. “reasonable effort” requirement
- 558,627 long-inactive voters exceeding federal limits
- No uniform, nondiscriminatory procedures

3. Federal Records Act ([52 USC § 20702](#))

“Whoever willfully steals, destroys, conceals, mutilates, or alters any record, document, or paper as required by section 20701... shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

Violations requiring enforcement:

- 7-day deletion vs. 22-month requirement
- Systematic destruction of election records
- Evidence of 175,000+ ballot discrepancies permanently lost
- State Attorney General prosecuting clerks who preserve records

4. Voting Rights Act ([52 USC § 10308](#))

“Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice... of resistance to the full enjoyment of any of the rights secured by this Act, the Attorney General may institute for the United States... a civil action...”

Violations requiring enforcement:

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- Evidence destruction preventing VRA Section 2 enforcement
- Economic barriers creating disparate impact
- Cannot investigate whether 175,000+ discrepancies discriminatory

5. Civil Rights Act Title VI ([42 USC § 2000d-1](#))

Federal agencies shall effectuate Title VI provisions by termination of assistance or any other means authorized by law.

Violations requiring enforcement:

- Economic barriers in HAVA-funded system
- Audit elimination disproportionately harming minority communities
- Federal funds supporting discriminatory practices

B. Requested Actions

1. Immediate Injunctive Relief Under HAVA

[52 USC § 21111\(a\)](#) authorizes Attorney General to bring civil action for declaratory and injunctive relief.

File for preliminary injunction in federal district court to:

A. Enjoin Implementation of Rule Sets 2025-13 ST and 2025-14 ST

- Rules violate HAVA voting system standards ([52 USC § 21081](#))
- Rules violate HAVA database accuracy requirements ([52 USC § 21083](#))
- Implementation will cause irreparable harm to federal election integrity
- Evidence of existing violations will be permanently destroyed
- Balance of equities favors federal law enforcement

B. Require Preservation of E-Pollbook Data

- Mandate 22-month retention per [52 USC § 20701](#)
- Cease 7-day deletion immediately
- Preserve evidence for investigation of 175,000+ documented discrepancies
- Maintain audit capacity for federal elections as required by HAVA

C. Mandate Compliance with HAVA Database Accuracy Standards

- Declare Michigan's 27.6% error rate violates [52 USC § 21083](#) "accurate" requirement
- **Declare Michigan's voter history record-keeping violates accuracy standards by falsely associating historical votes with current addresses**
- Order systematic review and correction of 800,000+ potentially ineligible registrations
- **Require preservation and public availability of voting location data (precinct/jurisdiction where vote was cast)**
- **Order restoration of "method of voting" and "location of voting" to QVF FOIA responses**
- Require uniform, nondiscriminatory procedures
- Implement verification systems to prevent 175,000+ ballot discrepancies

2. Civil Enforcement Action Under HAVA for Database Accuracy

[52 USC § 21111\(a\)](#) **authorizes civil action** for declaratory and injunctive relief to enforce [52 USC § 21083](#).

Request:

- Declare Michigan's voter registration database violates HAVA accuracy requirements
- Declare 800,000+ potentially ineligible registrations exceed acceptable error rates
- Declare optional list maintenance incompatible with HAVA "accurate" database mandate
- Order Michigan to implement systematic accuracy verification
- Require compliance reporting to federal agencies and federal court

3. Civil Enforcement Action Under NVRA

[52 USC § 20510\(b\)](#) **authorizes civil action** for declaratory and injunctive relief.

Request:

- Declare Michigan's 20-year retention violates NVRA 4-year maximum
- Declare optional maintenance violates "reasonable effort" requirement
- Order Michigan to comply with NVRA list maintenance standards
- Require systematic review and removal of 558,627 long-inactive voters
- Mandate uniform, nondiscriminatory procedures across all 1,520 jurisdictions

Precedent: DOJ has successfully enforced NVRA against:

- Ohio (Husted v. A. Philip Randolph Institute)

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email: contact@mifairelections.org

- Georgia (lawsuit re: list maintenance)
- Texas (lawsuit re: voter purges)

Michigan's violations are more egregious than any of these cases.

4. Criminal Investigation Under Federal Records Act

4. Criminal Investigation Under Federal Records Act

[52 USC § 20702](#) provides criminal penalties for willful destruction of election records.

Request:

- Investigate systematic destruction of e-pollbook data
- **Investigate systematic provision of inaccurate voter history records via FOIA (votes falsely associated with current addresses)**
- Determine whether destruction is “willful” under statute
- **Determine whether provision of misleading records violates federal record-keeping requirements**
- Assess criminal liability for state officials ordering 7-day deletion
- **Assess liability for state officials who removed “method of voting” and “location of voting” data**
- Review Attorney General's prosecution of clerks who preserved records

Evidence of willfulness:

- State officials know federal law requires 22-month retention
- Destruction is systematic, not inadvertent
- Evidence of violations is being intentionally eliminated
- Attorney General prosecuting compliance with federal law
- Eight court findings show pattern of disregarding statutory limits
- **Systematic removal of location data creates false/misleading records**
- **No alternative accurate voter history record provided via FOIA**

5. Pattern-or-Practice Investigation Under VRA

[52 USC § 10308](#) authorizes pattern-or-practice investigations.

Request:

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email: contact@mifairelections.org

- Investigate whether 175,000+ ballot discrepancies disproportionately affected minority voters
- Assess whether evidence destruction prevents VRA enforcement
- Review economic barriers' disparate impact on communities of color
- Investigate pattern of eliminating transparency mechanisms (CheckMyVote designation, data removal, FOIA cost increases)
- Determine whether pattern of violations requires comprehensive relief

6. Title VI Compliance Review and Fund Termination

[42 USC § 2000d-1](#) requires agencies to enforce Title VI.

Request:

- Initiate Title VI compliance review of Michigan's HAVA-funded systems
- Investigate discriminatory impact of economic barriers and audit elimination
- **Investigate elimination of free oversight tools (CheckMyVote) and increased FOIA costs creating disparate impact**
- **Review pattern of transparency reduction disproportionately harming communities of color**
- Coordinate with EAC on potential fund termination proceedings
- File federal lawsuit if voluntary compliance not achieved

7. First Amendment Investigation of Transparency Violations

Request:

- Investigate whether designating CheckMyVote.org as "unreliable" violates First Amendment rights of:
 - Michigan Fair Elections Institute (MFEI)
 - CheckMyVote founder and CEO Phani Mantravadi
 - Citizens conducting election oversight
 - Clerks working with the public to maintain accurate voter rolls
- Assess whether elimination of free oversight tools + increased FOIA costs creates unconstitutional barriers to accessing public information
- Review pattern of data removal (method of voting, location of voting) for First Amendment implications
- Determine whether government is impermissibly restricting citizen oversight of government operations

X. URGENCY: TIMELINE FOR ACTION

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A. Rules May Take Effect Within Weeks

Michigan JCAR Limited Authority:

- Michigan's [Joint Committee on Administrative Rules](#) (JCAR) lost veto power in 2000
- Can only delay, not permanently block rules
- Secretary of State may implement rules despite objections

State Court Limitations:

- State litigation estimated 12-18 months
- Michigan courts may defer to voter-approved [Prop 2 \(2022\)](#)
- Federal law supremacy questions require federal enforcement

B. 2026 Federal Elections at Stake

Congressional and Senate Races:

- 2026 federal elections will be conducted under these rules if implemented
- Michigan is battleground state for U.S. House and Senate control
- 800,000+ potentially ineligible registrations will affect federal races
- No audit capacity for 2026 discrepancies once evidence destroyed and data is corrupted

C. Evidence Destruction Is Irreversible

Once E-Pollbook Data Deleted:

- 175,000+ existing discrepancies can never be investigated
- Pattern analysis impossible
- VRA Section 2 enforcement permanently impaired
- Future compliance verification impossible

The choice is binary:

- Act now: Preserve evidence, enforce federal law, maintain audit capacity
- Delay: Evidence destroyed, violations permanent, federal law nullified

XI. SUPPORTING DOCUMENTATION

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Primary Evidence of Violations

1. [MFEI Investigation into Michigan Elections \(MIME Report\)](#) (September 2025, 71 pages)
 - Executive Summary (pages 1-6)
 - Part B: Inadequate Federal Audits (pages 64-69) - specifically requested EAC audit expansion
 - Documents 14 priority violations including:
 - 104,137 (2020) and 70,713 (2022) ballot discrepancies
 - 82,467 voter IDs linked to 125,428 duplicate votes
 - 81.2% overseas ballots sent to unverified civilians
 - Premature destruction of election records
2. [Ensuring Electoral Integrity: Voter Roll Analysis](#) (September 2025, 28 pages)
 - Executive Summary, Methodology, Key Findings (pages 1-9)
 - Statistical analysis: 149,657 exceptions (27.6% error rate)
 - 558,627 long-inactive voters (15+ years)
 - 398,121 never voted or last voted 2009 or earlier

Pending Rule Sets

3. [Michigan SOS Rule Set 2025-13 ST](#) (Voter Registration)
 - Makes list maintenance optional
 - Extends NVRA 4-year maximum to 20 years
 - Imposes economic barriers to oversight
4. [Michigan SOS Rule Set 2025-14 ST](#) (Electronic Pollbook)
 - Mandates 7-day deletion vs. 22-month requirement
 - Eliminates audit capacity
 - Destroys evidence of violations

Federal Audit Documentation

5. [EAC August 2024 Audit Report \(No. G23MI0031-24-13\)](#)
 - Examined only financial compliance
 - Failed to identify any violations documented by MFEI/PIME
 - Michigan certified HAVA compliance despite systematic violations

Additional Materials Available

- Complete MIME Report (71 pages documenting all 14 priority violations)
 - Complete Voter Roll Analysis (28 pages with full statistical methodology)
 - Michigan APA procedural violation documentation
 - State-by-state comparison of list maintenance practices
 - Legal analysis of federal law conflicts
-

XII. CONCLUSION

The Fundamental Questions

- 1. Can Michigan maintain 800,000+ potentially ineligible registrations and claim federal compliance?**
- 2. Can Michigan make list maintenance “optional” when NVRA requires “reasonable effort”?**
- 3. Can Michigan extend NVRA’s 4-year maximum to 20 years when 558,627 are already long-inactive?**
- 4. Can Michigan mandate 7-day deletion when federal law requires 22-month retention?**
- 5. Can Michigan provide voter history records via FOIA that falsely associate historical votes with current addresses, creating inherently misleading federal election records?**
- 6. Can Michigan destroy evidence of 175,000+ ballot discrepancies and avoid accountability?**
- 7. Can Michigan certify HAVA compliance when independent investigations document systematic violations?**

The answer to all these questions is NO.

Federal Law Supremacy

[U.S. Constitution, Article VI, Clause 2 - Supremacy Clause:](#)

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof... shall be the supreme Law of the Land... any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

Michigan cannot:

- Override federal statutes through state administrative rules
- Claim voter-approved Prop 2 authorizes federal law violations
- Make state cost concerns override federal mandates
- Certify false compliance to obtain federal funds

Responsibility

The federal government has both the **authority** and **responsibility** to enforce federal election law. The violations documented in this memorandum are:

- **Extensive:** 800,000+ registrations, 175,000+ discrepancies, 558,627 long-inactive voters
- **Systematic:** Not isolated errors, but pattern of non-compliance
- **Documented:** Independent investigations with statistical rigor
- **Ongoing:** Violations continue; pending rules will exacerbate
- **Urgent:** Rules may implement soon; evidence being destroyed; 2026 federal elections at stake

State Remedies Are Insufficient

- Michigan JCARE cannot permanently block rules
- State courts may defer to voter-approved Prop 2
- State litigation takes 12-18 months
- Federal law supremacy requires federal enforcement

The Stakes

This is not about partisan advantage. It's about:

- **Federal law compliance** in a federally-funded system
- **Election integrity** for federal House and Senate races
- **Evidence preservation** for investigating documented violations
- **Civil rights protection** in HAVA-funded programs
- **Accountability** when state officials violate federal law

We respectfully request that the federal government exercise its statutory enforcement authority to:

1. **Seek immediate injunctive relief under HAVA ([52 USC § 21111](#))** enjoining implementation of Rule Sets 2025-13 ST and 2025-14 ST
2. **File civil enforcement action under HAVA** requiring compliance with database accuracy standards ([52 USC § 21083](#))
3. **File civil enforcement action under NVRA** requiring compliance with list maintenance standards ([52 USC § 20510\(b\)](#))
4. **Initiate criminal investigation under Federal Records Act** for willful destruction of election records ([52 USC § 20702](#))
5. **Conduct pattern-or-practice review under VRA** of discriminatory impact and evidence destruction ([52 USC § 10308](#))
6. **Coordinate Title VI enforcement** with HAVA funding agencies to address discriminatory barriers ([42 USC § 2000d-1](#))

Michigan's violations of federal election law are clear, documented, and ongoing. **Action under HAVA, NVRA, and other federal statutes is necessary to enforce federal law supremacy and protect the integrity of federal elections.**

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Michigan SOS Rule Set 2025-13 ST (full text)--DRAFT LANGUAGE

Full details for Rule Set 2025-13 ST:

<https://ars.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=1586>

DEPARTMENT OF STATE

ELECTIONS & CAMPAIGN FINANCE

VOTER REGISTRATION CANCELLATION, CHALLENGE, AND CORRECTION

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the secretary of state by section 31(1)(a) of the Michigan election law, 1954 PA 116, MCL 168.31)

R 168.251, R 168.252, R 168.253, R 168.254, R 168.255, R 168.256, R 168.257, R 168.258, R 168.259, R 168.260, R 168.261, and R 168.262 are added to the Michigan Administrative Code, as follows:

R 168.251 Definitions.

Rule 1. (1) As used in these rules:

(a) “Act” means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(b) “Cancellation notice” means the notice that is sent to a voter when the clerk receives reliable information that the voter has moved to a new jurisdiction or reliable information that the voter has moved to an unknown address, as described in section 509aa(3) and (5) of the act, MCL 168.509aa. Sending this notice begins the cancellation countdown.

(c) “Challenge” means the process by which a registered voter may challenge the validity of another registered voter’s registration status.

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(d) “Confirmation notice” means the notice that is sent to a voter when the clerk receives reliable information that the voter has moved within the clerk’s jurisdiction, as described in section 509aa(2) of the act, MCL 168.509aa.

(e) “Election activity” means any voter transaction, including, but not limited to, requesting an absentee voter ballot, returning a voted absentee ballot, voting in person during early voting or on election day, confirmation in the voter registration database of the individual signing a petition, or other voter-initiated transaction, such as notice of a move.

(f) “Reliable information” means information that election officials can trust confidently, is specific to a voter, and is objectively verifiable supporting the conclusion that the voter has permanently changed their address.

(g) “Returned election mail” means mail, such as voter information cards, notices, absentee ballot applications, and absentee ballots, that is returned by the post office either as undeliverable or with an updated address.

(h) “Voter registration database” means the qualified voter file as defined in section 509m of the act, MCL 168.509m, or its successor.

(i) “Waiting period” means the requirement in section 8 of the national voter registration act of 1993, 52 USC 20507, that an individual’s registration must not be cancelled until that individual has failed to respond to a notice and has not voted or engaged in any election activity in 2 successive federal November general election cycles. The waiting period is also referred to as the cancellation countdown.

(2) Unless otherwise defined in these rules, a term defined in the act has the same meaning when used in these rules.

R 168.252 Reliable information.

Rule 2. (1) Whether information is reliable information is considered on an individual, case-by-case basis.

(2) The following sources of information are examples of reliable information:

(a) A voter’s failure to vote for 20 years or more, or for a timeframe as provided in the act.

(b) United States Postal Service returned election mail.

(c) A voter appears on a United States Postal Service national change of address list and the entry on the list is checked against the voter record and they match.

(d) During a house-to-house canvass, the clerk speaks to an individual who lives at the voter’s registration address, and the individual has personal knowledge that a voter has moved.

(e) The voter surrendered their driver license from this state to a different state.

(f) Utility bills with an address that is different than the voter’s registration address.

(g) City income tax records with an address that is different than the voter’s registration address.

(h) An individual claims a voter is registered at an address that is not their residence, and the clerk independently finds supporting evidence of the claim.

(i) A statement or communication indicating a permanent change of address made by a voter that does not include the voter’s signature.

(3) The following sources of information are not reliable sources of information sufficient to trigger sending either a confirmation or cancellation notice to a registered individual:

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(a) Information pulled from online databases that list individual names and birthdays, including, but not limited to, Ancestry.com, Findagrave.com, and Checkmyvote.org.

(b) Word-of-mouth claims about a registered individual that are not based on personal knowledge of the individual making the claim.

(4) A clerk is not obligated to begin an investigation of an individual's registration status after receiving information from the sources identified in subrule (3) of this rule.

(5) If a clerk chooses to investigate an individual's registration status based on information from the sources identified in subrule (3) of this rule, the clerk shall independently verify the information from a source listed in subrule (3) of this rule with reliable information before sending a confirmation or cancellation notice to a registered individual.

R 168.253 Required notice procedure after receiving reliable information.

Rule 3. (1) After a clerk receives reliable information that an individual has moved, the clerk shall take the following steps:

(a) Verify that the voter is not entitled to protections under the military and overseas voter empowerment (MOVE) act, Public Law 111-84, or under the uniformed and overseas citizens absentee voting act (UOCAVA), Public Law 99-410. If the voter is entitled to protections under the MOVE act or UOCAVA, the clerk shall not send a notice. If the voter is not subject to protections under the MOVE act or UOCAVA, proceed to subrule (1)(b) of this rule.

(b) Update the individual's status in the voter registration database, but not cancel the voter's registration.

(c) Send the individual either a cancellation or confirmation notice using the following criteria:

(i) When a clerk receives reliable information that the voter has moved within the clerk's jurisdiction, the clerk shall send the individual a confirmation notice.

(ii) When a clerk receives reliable information that a voter has moved outside of the clerk's jurisdiction or if election mail is returned by the post office as undeliverable with no new address information, the clerk shall send the individual a cancellation notice.

(2) The cancellation or confirmation notice must be sent by forwardable mail. The notice must comply with the following:

(a) Include a postage prepaid and preaddressed return card for the individual to verify or correct the address information or verify their registration status.

(b) Be sent to all addresses that the clerk is aware of for the individual.

(c) Contain the information required by section 509aa of the act, MCL 168.509aa, and section 8 of the national voter registration act of 1993, 52 USC 20507.

R 168.254 Actions following confirmation notice.

Rule 4. (1) If the voter returns the notice, depending on the response, the clerk shall take 1 of the following actions:

(a) If the individual confirms they reside at their registration address, the clerk shall indicate the individual confirmed their residency in the voter registration database. The individual is returned to active status.

(b) If the individual confirms a new address that is still within the same jurisdiction, the clerk shall update the individual's address in the voter registration database, update the individual's

master card as required by the act, and send the individual a new voter information card. The individual is returned to active status.

(c) If the individual confirms a new address that is outside of the jurisdiction, the clerk shall cancel the individual's registration and update the individual's master card as required by the act.

(2) If the voter fails to return the notice but engages in election activity, the individual is returned to active status in the voter registration database.

(3) If the notice is returned by the post office as undeliverable, the clerk shall update the voter's status in the voter registration database but take no registration cancellation action. If after the expiration of the waiting period the individual has not engaged in any election activity, the individual's registration shall be cancelled by the secretary of state in the voter registration database. The clerk shall update the voter's master card as required by the act.

R 168.255 Actions following cancellation notice.

Rule 5. (1) If the voter returns the notice, depending on the response, the clerk shall take 1 of the following actions:

(a) If the individual confirms they reside at their registration address, the clerk shall indicate the individual confirmed their residency in the voter registration database. The individual is returned to active status.

(b) If the individual confirms a new address that is still within the jurisdiction, the clerk shall update the individual's address in the voter registration database, update the individual's master card as required by the act, and send the individual a new voter information card. The individual is returned to active status.

(c) If the individual confirms a new address that is outside of the jurisdiction, the clerk shall cancel the individual's registration and update the individual's master card as required by the act.

(2) If the voter fails to return the notice but engages in election activity, the individual is returned to active status in the voter registration database.

(3) If there is no response to the cancellation notice or the notice is returned by the post office as undeliverable, the clerk shall take no registration cancellation action. If after the expiration of the waiting period the individual has not engaged in any election activity, the individual's registration shall be cancelled by the secretary of state in the voter registration database. The clerk shall update the voter's master card as required by the act.

R 168.256 Challenges to voter registration; requirements for a valid challenge.

Rule 6. (1) A challenge to an individual's registration is a specific process that is distinct from the notice process that follows the receipt of reliable information.

(2) A challenge to an individual's registration must comply with the requirements of section 512 of the act, MCL 168.512, and is valid only if it meets all the following requirements:

(a) The challenge must be submitted by a registered voter in the same municipality as the challenged voter.

(b) The challenge must be submitted to the city or township clerk for the relevant municipality.

(c) The challenge must be made through a written and notarized affidavit. A separate written and notarized affidavit is required for each individual voter whose registration is being challenged.

(d) The challenger must swear that they have personal knowledge that the challenged voter is ineligible and must specify the grounds for ineligibility.

(e) The challenge cannot be made indiscriminately and without good cause, or for the purpose of harassment. A challenge is made indiscriminately and without good cause if the challenger does not know or have a reasonable belief that the challenged individual is ineligible. Improper reasons for making a challenge to a voter's eligibility include, but are not limited to, the following:

- (i) The voter's race or ethnic background.
- (ii) The voter's sexual orientation or gender identity.
- (iii) The voter's physical or mental disability.
- (iv) The voter's inability to read, write, or speak English.
- (v) The voter's need for assistance in the voting process.
- (vi) The voter's manner of dress.
- (vii) The voter's support for or opposition to a candidate, political party, or ballot question.
- (viii) The appearance or the challenger's impression of any of the traits listed in paragraphs (i) to (vii) of this subdivision.
- (ix) Other characteristics or appearance of characteristics that are not relevant to an individual's qualification to cast a ballot.

(3) An individual's voter registration may be cancelled pursuant to section 512 of the act, MCL 168.512, only for the following reasons:

(a) The individual is not old enough to register to vote. An individual may preregister to vote when they are 16 years of age, and is qualified to be registered to vote when they are 17.5 years of age or older.

(b) The individual is not a United States citizen.

(c) The individual does not reside within the jurisdiction where they are registered.

(d) The individual is deceased.

(4) The requirement that the challenger have personal knowledge that the challenged voter is ineligible is not satisfied when the challenger's basis for their claim is third-hand information such as an online database, United States Postal Service information, or other information from a third-party such as another resident contacted during a house-to-house canvass.

R 168.257 Independent verification; applicability of notice and waiting period procedure.

Rule 7. (1) If the challenger fails to properly assert personal knowledge of a voter's ineligibility as required by R 168.256(2)(d), the clerk may attempt to independently verify the information but is not required to conduct an independent investigation before rejecting the challenge for failure to meet the statutory requirements for a valid challenge.

(2) If a clerk exercises their discretion to independently verify a challenge that failed to satisfy the statutory challenge requirements under section 512 of the act, MCL 168.512, and their investigation reveals reliable information to support the conclusion that the challenged voter

may have moved, that reliable information must be used to initiate the sending of a confirmation or cancellation notice.

(3) The challenge cancellation timeline of 30 days that applies after receiving a valid challenge under section 512 of the act, MCL 168.512, does not apply when a clerk investigates in response to an invalid challenge and independently finds reliable information.

R 168.258 Challenges asserting individual voter is deceased.

Rule 8. If the clerk receives a challenge on the basis that the challenged individual is deceased, and the clerk independently verifies that the challenged individual is deceased, the clerk shall immediately process a cancellation based on the individual's death instead of following the challenge procedure.

R 168.259 Procedure after receiving a challenge to voter registration.

Rule 9. (1) If a challenge to an individual voter's registration does not satisfy any 1 of the requirements in R 168.256 and section 512 of the act, MCL 168.512, the challenge must be rejected.

(2) If a challenge to an individual voter's registration does satisfy the requirements in R 168.256 and section 512 of the act, MCL 168.512, the clerk shall do the following:

(a) Update the individual's status in the voter registration database.

(b) Send notice of the challenge to the challenged individual.

(3) The notice required under subrule (2)(b) of this rule must comply with the following:

(a) Be sent by registered or certified mail to the last registered or known address for the challenged individual.

(b) Include the grounds for the challenge.

(c) Inform the challenged individual that they have 30 days after the day immediately following the date of mailing the notice to respond to the challenge.

(4) To respond to a challenge, a challenged individual may do any 1 of the following:

(a) Appear in person before the clerk to take an oath and answer questions confirming that the challenged individual is qualified to be a registered voter where they are currently registered.

(b) Submit a notarized affidavit to the clerk confirming that the challenged voter is qualified to be a registered voter where they are currently registered.

(c) Respond to the notice and confirm that the challenged individual is not qualified to vote and that their voter registration must be cancelled.

(5) If a challenged individual fails to respond to the challenge as explained in subrule (4) of this rule within 30 days after the day immediately following the date of mailing the notice, the clerk shall cancel the individual's registration.

(6) If a challenged individual responds to the challenge to confirm that their voter registration must be cancelled, the clerk shall cancel the individual's registration.

(7) If the challenged voter appears in person as specified under subrule (4)(a) of this rule or submits a notarized affidavit as specified under subrule (4)(b) of this rule and indicates that they are qualified to be a registered voter, the challenge process is complete, the challenge flag in the voter registration database is removed, and the individual remains registered.

R 168.260 Registration cancellation not requiring notice and waiting period.

Rule 10. A voter's registration must be cancelled immediately without sending a confirmation or cancellation notice only when any of the following occur:

(a) The individual voter requests cancellation. An individual's request to cancel their registration to vote must be in writing and signed by the individual.

(b) The individual voter confirms their move out of the jurisdiction. This confirmation could be in the form of a letter from the voter, a registration application for another jurisdiction, or a response to a confirmation notice.

(c) An election official from a jurisdiction outside of this state informs the clerk that the individual voter has registered to vote in another state.

(d) An individual voter is challenged and questions directed to that individual voter at the polls on election day or during early voting reveal that the individual voter is not qualified to vote in the jurisdiction.

(e) The clerk has personal knowledge that the individual voter has died, such as an obituary or notification from the county clerk.

R 168.261 Duplicate voter registrations.

Rule 11. When an individual's registration is identified as duplicate, the clerk shall submit a merge request through the voter registration database to merge the voter registrations. This merge combines the records into 1 record and maintains the individual voter's registration to vote.

R 168.262 Correcting voter registration records.

Rule 12. (1) A clerk shall take steps to notify a registered individual if the clerk becomes aware of a deficiency in their voter registration record.

(2) If a deficiency is the result of an administrative error, such as a registration that is submitted with both a mailing address and a residential address, but the mailing address is erroneously entered into the voter registration database as the residential address, the clerk shall correct the individual's voter registration record.

Michigan SOS Rule Set 2025-14 ST (full text)

FINAL RULE LANGUAGE

Full details for Rule Set 2025-14 ST:

<https://ars.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1587>

DEPARTMENT OF STATE

BUREAU OF ELECTIONS

USE OF ELECTRONIC POLLBOOK

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the secretary of state by section 31 of the Michigan election law, 1954 PA 116, MCL 168.31)

R 168.41, R 168.42, R 168.43, R 168.44, R 168.45, R 168.46, R 168.47, and R 168.48 are added to the Michigan Administrative Code, as follows:

R 168.41 Definitions.

Rule 1. (1) As used in these rules:

(a) “Act” means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(b) “Approved form of transmission” means an encrypted or password protected, or both, flash drive or other electronic media used to store election files and transfer files between the electronic pollbook and qualified voter file, or another form of secure storage and transmission if approved by the bureau of elections.

(c) “Department” means the department of state.

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(d) “Electronic pollbook” means computer software that receives information from the qualified voter file and is used during elections to process voters and generate reports. Electronic pollbook includes, but is not limited to, the early voting electronic pollbook, the election day vote center electronic pollbook, and the election day electronic pollbook, or any combination of those electronic pollbooks.

(e) “Secretary of state’s duly authorized agent” includes bureau of elections staff, other necessary department staff, county, city, and township clerks or their designees, election inspectors, and relevant department of technology, management, and budget staff as determined by the director of elections.

(2) Unless otherwise defined in these rules, a term defined in the act has the same meaning when used in these rules.

R 168.42 Access to electronic pollbook data and software.

Rule 2. (1) The voter data contained in the electronic pollbook are public records subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Voter data that is exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243, must not be released.

(2) Records regarding electronic pollbook software programming are confidential and must not be released if disclosure of the records may compromise the confidentiality, integrity, or availability of cybersecurity of election information systems.

(3) The secretary of state’s duly authorized agents shall have access to the electronic pollbook software and complete the security verification required by the department to access the electronic pollbook software.

R 168.43 Download and backup.

Rule 3. (1) For the early voting period, if a jurisdiction conducts early voting, the clerk designated in the early voting agreement shall access the early voting electronic pollbook software as instructed by the department.

(2) For election day, the clerk conducting the election shall download the electronic pollbook software as instructed by the department.

(3) If the electronic pollbook software as described in section 668b(1) of the act, MCL 168.668b, has a secure live connection to the qualified voter file software at a polling place or early voting site, the electronic pollbook software with the secure live connection must be used to process voters and to generate election precinct reports, and the downloaded electronic pollbook software, or a paper copy of the downloaded electronic pollbook software, serves as a backup.

R 168.44 Electronic pollbook during the early voting period.

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Rule 4. (1) If an early voting site has internet access, the electronic pollbook software used during the early voting period must have a secure live connection to the qualified voter file software to allow real-time updates to voter history and ballot issuance.

(2) At the conclusion of each day of early voting, election inspectors at an early voting site shall print from the electronic pollbook a list of voters who voted that day at the early voting site and include the list in the physical pollbook.

R 168.45 Electronic pollbook on election day.

Rule 5. If a polling place has internet access and the bureau of elections has established live connectivity functionality with the qualified voter file, the electronic pollbook software used on election day must have a secure live connection to the qualified voter file software to allow real-time updates to voter history and ballot issuance.

R 168.46 Production of reports.

Rule 6. (1) If the polling place produces required reports after the close of polls on election day, election inspectors at the polling place shall print from the electronic pollbook the required reports and include the reports in the physical pollbook.

(2) If the receiving board produces reports after the close of polls on election day, election inspectors shall download the required reports to the approved form of transmission, seal it in a transfer case, and 2 election inspectors representing each of the major political parties shall deliver it to the receiving board. The receiving board shall print from the approved form of transmission the required reports for the election day polling place, early voting site, or vote center and include the list in the physical pollbook.

R 168.47 Upload of electronic pollbook files to the qualified voter file.

Rule 7. If the electronic pollbook is not connected via secure live connection to the qualified voter file while voting takes place, within 7 days after an election, the clerk responsible for administering the election shall upload the voting history and other required files from the electronic pollbook to the qualified voter file using the approved form of transmission.

R 168.48 Data retention.

Rule 8. (1) Subject to subrule (2) of this rule, the electronic pollbook software and associated files must be deleted from all devices by the seventh day following the final canvass and certification of the election, unless a petition for recount has been filed and the recount has not been completed, a post-election audit has been scheduled, or the deletion of the data has been stayed by an order of the court or the secretary of state. If a precinct is selected for an audit, the electronic pollbook software and associated files must be deleted from all devices by the seventh day following completion of the audit.

(2) The electronic pollbook software and associated files must not be deleted from devices until the bureau of elections or county clerk, as applicable, issues the release of security memorandum pertaining to that election.

Conclusion

Rule Sets 2025-13 ST and 2025-14 ST stem from procedural APA deficiencies under [MCL 24.245\(2\)](#), [MCL 24.245\(3\)](#), [MCL 24.239\(1\)](#), and additional concerns for public engagement. Combined with federal (NVR A, HAVA), state, constitutional, and civil rights violations, these rule sets offer legal grounds for opposition and halting implementation.

JCAR has clear statutory authority under MCL 24.245a to disapprove both rule sets based on:

- Substantial non-compliance with APA procedural requirements
- Rules exceeding statutory agency authority
- Lack of support in the rulemaking record
- Conflicts with federal law
- **Violations of Title VI of the Civil Rights Act creating discriminatory voting barriers**

Supporting resources:

- [Michigan Legislature](#)
- [Michigan Secretary of State](#)
- [Michigan Office of Administrative Hearings and Rules \(MOAHR\)](#)
- [Election Assistance Commission](#)
- [U.S. Department of Justice - Civil Rights Division](#)
- Federal frameworks under [52 USC Chapter 207](#)



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