



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

-- NOTICE --

**YOU ARE HEREBY NOTIFIED THAT THE BOARD OF STATE CANVASSERS  
WILL CONDUCT A REMOTE MEETING ON NOVEMBER 23, 2020 AT 1:00 P.M.**

**--Posted November 20, 2020--**

The Board of State Canvassers (Board) will conduct a meeting on November 23, 2020 at 1:00 p.m. which will be held remotely due to the COVID-19 pandemic. A link to observe the meeting will be posted at: [www.Facebook.com/MichiganSOS](http://www.Facebook.com/MichiganSOS).

Members of the public wishing to speak may do so in two different ways: (1) written comments which will be entered into the permanent public record for the meeting; and (2) speaking live to the Board.

Both written comments and requests to speak must be submitted via a signup form made available on the Department's website here: [https://www.michigan.gov/sos/0,4670,7-127-1633\\_41221---,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_41221---,00.html). **The link will become live at 1:00 p.m. on Sunday, November 22, 2020.**

Members of the public who wish to address the Board live will be invited to speak virtually based on the order in which the request is received. Each person who chooses to speak live will have up to 3 minutes to address the Board. These individuals can expect to receive information about how to log-on to the webinar via the email they provide in the sign-up form.

Included on the Agenda will be:

- Consideration of meeting minutes for approval (October 15, 2020 meeting).
- Canvass and Certification of the November 3, 2020 general election.
- Recording the results of the November 3, 2020 special election for the Michigan House of Representatives, 4<sup>th</sup> District, partial term ending 1/1/2021.
- Such other and further business as may be properly presented to the Board.

*/S/ Jonathan Brater*

Jonathan Brater, Secretary  
Board of State Canvassers

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People with disabilities needing accommodations for effective participation in this meeting should email [MDOS-Canvassers@Michigan.gov](mailto:MDOS-Canvassers@Michigan.gov) or contact the BOE at (517) 335-3234.



STATE OF MICHIGAN  
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**Meeting  
of the  
Board of State Canvassers**

**October 15, 2020**

**Called to order:** 1:03 p.m.

**Members present:** Jeannette Bradshaw - Chairperson  
Aaron Van Langevelde – Vice Chairperson  
Julie Matuzak

**Members absent:** Norman Shinkle

**Agenda item:** Consideration of meeting minutes for approval (September 24, 2020).

**Board action on agenda item:** The Board approved the minutes of the September 24, 2020 meeting as submitted. Moved by Matuzak; supported by Van Langevelde. Ayes: Bradshaw, Van Langevelde, Matuzak. Nays: None. Motion carried.

**Agenda item:** Consideration of recall petition submitted on September 25, 2020, Attorney General Dana Nessel by Chad Baase. The reason for recall printed in the heading of the petition is as follows:

Dana Nessel, on Thursday, August 06, 2020, Announced plans ramping up efforts to enforce Gov. Gretchen Whitmer's Executive Order 2020-148.

**Board action on agenda item:** The Board determined that the recall petition filed by Chad Baase on September 25, 2020, did factually and clearly state each reason for the recall of Attorney General Nessel. Moved by Van Langevelde; supported by Matuzak. Ayes: Bradshaw, Van Langevelde, Matuzak. Nays: None. Motion carried.

**Adjourned:** 1:49 p.m.

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Chair Bradshaw

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Vice-Chair Van Langevelde

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Member Matuzak

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Member Shinkle

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Date



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 20, 2020

**CANVASS AND CERTIFICATION OF THE  
NOVEMBER 3, 2020 GENERAL ELECTION**

**STAFF RECOMMENDATION:** Staff recommends that the Board of State Canvassers certify the results of the November 3, 2020 general election. Staff's recommendation is based on the fact that all 83 counties in Michigan have certified their official results.

This memorandum also includes discussion of additional issues that have gained public attention before and during the county canvass process.

Unofficial Reporting Errors

As in past elections, some jurisdictions made errors in reporting unofficial results on Election Night. These errors are all attributable to human error in the operation of tools used to report unofficial results, did not affect the actual tabulation of votes, and were identified and corrected either prior to or during the county canvass.

Unofficial reporting errors occur when tabulator results – which are the totals scanned from hand-marked, paper ballots, and which are accurate – are not correctly or completely reported on unofficial election night reporting websites. These errors are always caught in the county canvass if not before, because the county canvass process involves reviewing all printed totals tapes from tabulators and comparing them to the unofficial results to identify any discrepancies.

These errors can happen for various reasons:

- (1) Local jurisdiction errors in transmitting unofficial data from tabulators to election management systems. For example, if a local jurisdiction accidentally did not transmit the unofficial results from one precinct or tabulator, or transmitted a precinct total twice.
- (2) County errors in adding results to unofficial reporting sites. For example, if a county did not properly export the unofficial results file received from a local jurisdiction, causing some precincts to not be included; or a made a data-entry error in reporting unofficial results.
- (3) In one case in Antrim County, a clerk made an error in programming election software that did not affect tabulation, but did cause candidate vote totals to be transposed in unofficial reported totals. All tabulators properly counted ballots. A fuller explanation of this incident is provided in the attached documents.

The Bureau of Elections did not identify unusual patterns in unofficial reporting; the examples identified were typical human error similar to that which has occurred in past elections. Nor did the Bureau determine that these human errors occurred only with the use of one voting system in Michigan. For example, in addition to the error in Antrim County, which uses Dominion Voting Systems, there were also publicly reported issues which occurred in Bay County,<sup>1</sup> which uses Election Systems & Software, and Oakland County,<sup>2</sup> which uses Hart Intercivic.

### Detroit Out-of-Balance Precincts

During the canvass of the August 2020 Primary Election, which the Board of State Canvassers certified, the Board discussed the Wayne County Canvass of election precincts in Detroit and noted that a significant number of precincts were out of balance.

If a precinct is in balance, meaning the number of ballots counted equals the number of names on the pollbook (or if the reason for the imbalance can be identified), the precinct can be recounted. A precinct can also be recounted even if it is not in balance, as long as the number of ballots in the ballot container matches the number ballots tabulated according to the tabulator tape.

A review of data from the November 2020 Wayne County Canvass showed a substantial improvement in the percentage of precincts that were in balance and recountable as compared both to the August 2020 Primary and the November 2016 General Election.

The Bureau of Elections compared out-of-balance precincts from August and November 2020 and determined both that a significantly higher percentage of precincts were recountable and, when precincts were out of balance, the imbalances were smaller in magnitude.

#### **Percentage of Precincts Balanced or Explained:**

August 2020: 53.6 % (539/1,006)

November 2020: 71.9% (458/637)

As noted above, balanced precincts or precincts where an imbalance can be explained<sup>3</sup> can be recounted. Additionally, precincts with unexplained imbalance between the vote total and the poll book can be recounted if the number of ballots in the container matches the number recorded. The additional number of out-of-balance but recountable precincts is typically not known until recounts occur and all containers are opened. Accordingly, in August 2020 at least 53.6% of precincts were recountable, whereas in November 2020 at least 71.9% are recountable.

The Bureau also reviewed out of balance precincts to determine how out of balance the precincts were. The Bureau found that the percentage of significantly out-of-balance precincts – those with an imbalance of 5 or more – was also lower in November 2020 than August 2020.

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<sup>1</sup> <https://www.abc12.com/2020/11/06/michigan-election-numbers-will-change-after-bay-county-ballots-werent-counted-properly/>

<sup>2</sup> <https://www.detroitnews.com/story/news/local/oakland-county/2020/11/06/oakland-county-commissioner-wins-technical-glitch-vote-totals/6186062002/>

<sup>3</sup> There are many legitimate reasons why the numbers may not match. For example, a voter may appear in the poll book but have voted a provisional envelope ballot that was not tabulated.

### **Percentage of Precincts with a Difference of 5 or More:**

August 2020: 8.1% (81/1,006)

November 2020: 5.7% (36/637)

Together, these figures indicate that Detroit did a substantially better job of balancing precincts in November when compared to August, and also that the recordkeeping errors related to out of balance precincts were of smaller scale in the November election when compared with August. This improvement is particularly notable given that:

- (1) Overall turnout in Detroit approximately doubled in November when compared with August.
- (2) The number of absent voter ballots approximately doubled when compared with August.
- (3) Multiple precincts were combined into absent voter counting boards in November (meaning poll books and vote totals were larger).

Collectively, these factors meant more ballots were cast, collected, and counted; more names had to be kept track of in poll books; and precincts were more difficult to balance. Despite these factors, Detroit improved on both of these metrics compared to November 2020.

The Bureau also compared November 2020 to November 2016 and found a substantial increase in the percentage of balanced or explained precincts compared to 2016, when there was a much closer margin in the Presidential race.

### **Percentage of precincts balanced or explained:**

November 2016: 41.8% (270/662)

- Presidential election margin: 10,704

November 2020: 71.9% (458/637)

- Presidential election margin: 154,187

### Detroit Turnout and Claimed Irregularities

The Bureau of Elections also examined Detroit's overall turnout and Presidential and Senate Election vote totals to determine if any of the claimed irregularities regarding Detroit's elections, even if verified, could have significantly impacted the outcome.

In litigation seeking to prevent Wayne County from certifying election results, allegations were made of irregularities in the processing of ballots in Detroit. Although the Wayne County Circuit Court determined that these claims did not give a credible overall account of the processing of ballots in Detroit,<sup>4</sup> the Bureau reviewed overall turnout data for Detroit to determine if any anomalous data tended to suggest irregularities in the outcome that would affect the Presidential election.

The Bureau found that turnout in Detroit increased less than other parts of the state when compared to 2016, that President Trump gained a higher percentage of votes in Detroit compared

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<sup>4</sup> <https://www.freep.com/story/news/local/michigan/detroit/2020/11/13/judge-rules-against-separate-audit-wayne-county-election/6272704002/>

to 2016, and that John James' performance in Detroit compared to Trump was similar to their relative performance statewide, tending to undermine the suggestion that irregularities affecting the outcome of the election occurred on any significant scale.

Overall, turnout in Detroit increased less than turnout statewide, which tends to undermine suggestions that an unusually large number of ballots were counted in Detroit. In Detroit, 256,514 votes were cast in the presidential race,<sup>5</sup> an increase of 9,145 compared to 247,369 in 2016.<sup>6</sup> Statewide, 5,538,212 votes were cast in the Presidential Election,<sup>7</sup> an increase of 738,928 compared to 2016<sup>8</sup> (Nationally, turnout increased by approximately 20 million votes).

**Increase in Presidential Election Votes as a Percentage of 2016 Votes:**

Detroit: 3.7% (9,145/247,369)

Statewide: 15.4% (738,928/4,799,284)

Additionally, when compared to 2016, President Trump gained a higher percentage of votes in Detroit in 2020, which tends to undermine suggestions that Trump votes were treated irregularly or not counted.

**Percentage of Trump Votes in Detroit:**

2016: 3.1% (7,682/247,369)

2020: 5.0% (12,889/256,514)

The Bureau also did not identify any anomalous differences in vote totals regarding James votes relative to Trump votes in Detroit in comparison to the rest of the state; as was the case statewide, James received a slightly higher percentage of votes than Trump in Detroit.

**Percentage of Votes in Detroit/Statewide:**

Trump Detroit: 5.0% (12,889/256,514)

Trump Statewide: 47.9% (2,649,852/5,538,212)

James Detroit: 5.1% (12,970/254,941)

James Statewide: 48.2% (2,642,222/5,479,687)

Additional Materials and Correspondence

The Board of State Canvassers received additional submissions from interested parties. These documents are enclosed in the Board Members packets.

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<sup>5</sup> <https://www.waynecounty.com/elected/clerk/election-results.aspx>

<sup>6</sup> <https://detroitmi.gov/sites/detroitmi.localhost/files/2018-05/official-results-nov-8-2016.pdf>

<sup>7</sup> [https://mielections.us/election/results/2020GEN\\_CENR.html](https://mielections.us/election/results/2020GEN_CENR.html).

<sup>8</sup> [https://mielections.us/election/results/2016GEN\\_CENR.html](https://mielections.us/election/results/2016GEN_CENR.html). Differences in reporting of write-in votes may affect these numbers slightly, but not on any significant scale.

The following persons nominated by the Democratic Party, each having received **2,804,039 votes** at the November 3, 2020 general election, were duly elected as Electors of the President and Vice President of the United States of America:

**Democratic Party Nominees: Joseph R. Biden, Kamala D. Harris**

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Chris Cracchiolo	5140 Arrowhead Ct., Williamsburg, MI 49690;
Timothy E. Smith	14883 Crescent St., 105, Grand Haven, MI 49417;
Blake Mazurek	3458 Olderidge Dr. NE, Grand Rapids, MI 49525;
Bonnie J. Lauria	3931 Mines Rd., West Branch, MI 48661;
Bobbie Walton	8412 Mapleview Dr., Davison, MI 48423;
Mark Edward Miller	122 Sydelle Ave., Kalamazoo, MI 49006;
Connor Wood	319 N. Bowen St., Jackson, MI 49202;
Robin Smith	3004 Andrea Dr., Lansing, MI 48906;
Walter C. Herzig III	320 Stratford Rd., Ferndale, MI 48220;
Carolyn Holley	727 White St., Port Huron, MI 48060;
Susan Nichols	44099 Deep Hollow Cir., Northville, MI 48168;
Steven Rzeppa	2985 Anna Ct., Trenton, MI 48183;
Helen Moore	8335 Indiana, Detroit, MI 48204;
Micheal Kerwin	17517 Birchcrest, Detroit, MI 48221;
Chuck Browning	20091 Herzog Dr., Rockwood, MI 48173; and
Marseille Allen	4442 Jena Ln., Flint, MI 48507.

Votes received by other candidates for the office of Elector of the President and Vice President of the United States of America are as follows.

The following persons nominated by the Republican Party each received **2,649,852 votes**:

**Republican Party Nominees: Donald J. Trump, Michael R. Pence**

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John Haggard	9375 Pearl Ave., Charlevoix, MI 49720
Kent Vanderwood	5183 Olsen Springs Ct., Wyoming, MI 49509
Terri Lynn Land	7955 Byron Station Ct., Byron Center, MI 49315
Gerald Wall	10581 Eastridge Ct., Roscommon, MI 48653
Amy Facchinello	8351 Oxford Ln., Grand Blanc, MI 48439
Rose Rook	50842 County Road 665, Paw Paw, MI 49079
Hank Choate	11670 Culver Rd., Cement City, MI 49233
Mari-Ann Henry	895 Pinery Blvd., Lake Orion, MI 48362
Clifford Frost	2629 Irma, Warren, MI 48092
Stanley Grot	11927 Hiawatha Dr., Shelby Twp., MI 48315
Marian Sheridan	7259 White Oak Dr., West Bloomfield, MI 48234
Timothy King	1573 Mollie St., Ypsilanti, MI 48198
Michele Lundgren	55 Peterbro, Apt. 101, Detroit, MI 48201
Mayra Rodriguez	8 Carmel Ln., Grosse Pointe Farms, MI 48236
Meshawn Maddock	1150 S. Milford Rd., Milford, MI 48381
Kathy Berden	4040 Mushroom Rd., Snover, MI 48472



The following persons nominated by the Libertarian Party each received **60,381 votes**:

**Libertarian Party Nominees: Jo Jorgensen, Jeremy Cohen**

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David Holmer	909 High St., Manistee, MI 49660
Alexander Avery	613 Cricklewood St. SW, Wyoming, MI 49509
Vicki Hall	11002 Stegman Forest Ct. NE, Rockford, MI 49341
Richard Hewer	13449 190 <sup>th</sup> St., Big Rapids, MI 49307
Angela Thornton	15223 Ripple Dr., Linden, MI 48451
Rafael Wolf	1418 Elkerton Ave., Kalamazoo, MI 49048
James Lewis Hudler	17165 Fahrner Rd., Chelsea, MI 48118
Jon Elgas	5533 Shady Knoll Ct., Howell, MI 48843
Greg Stempfle	2615 Hyland St., Ferndale, MI 48220
Jim Fulner	22100 Armada Ridge Rd., Armada, MI 48005
Joseph LeBlanc	14425 Robinwood Dr., Plymouth, MI 48170
Claranna Gelineau	264 Dwight St., Trenton, MI 48183
Andrew Chadderton	30005 Malvern St., Westland, MI 48185
Scott Avery Boman	4877 Balfour Rd., Detroit, MI 48224
Connor Nepomuceno	6 S. Main St., Apt. 1, Clarkston, MI 48346
Andy Evans	7770 Galbrath Rd., Cheboygan, MI 49721

The following persons nominated by the Green Party each received **13,718 votes**:

**Green Party Nominees: Howie Hawkins, Angela Walker**

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Stephen Boyle	1 E. Montana, Apt. 9, Detroit, MI 49203
Destiny Clayton	24346 Cloverlawn St., Oak Park, MI 48237
Jean-Michel Creviere	2951 Riley Ridge Rd., Holland, MI 49424
Frank Foster, Jr.	3443 E. Pierson Rd., Flint, MI 48506
Jennifer Kurland	19207 Five Points, Redford, MI 48240
Melissa Noelle Lambert	1333 E. Gaylord, Mt. Pleasant, MI 48858
John Anthony La Pietra	611 N. Linden St., Marshall, MI 49068
Robin Laurain	4106 Bridgeport St., Lansing, MI 48911
Daniel Martin-Mills	1817 Mills Ave., N. Muskegon, MI 49445
Jessica McCallie-Arquette	7408 Hungerford Lk. Dr., Big Rapids, MI 49307
Louis Novak	3926 Clippert St., Dearborn Hts., MI 48125
Jeffery Jon Rubley II	3936 Rivers Point, Monroe, MI 48161
Rick Sauermilch	134 Curry St., Ironwood, MI 49938
Amanda Slepr	2903 S. Meadowlark Dr., Mt. Pleasant, MI 48858
N. J. Sparling	28539 Grobbel, Warren, MI 48092
Marcia Squier	22935 Lake Blvd., St. Clair Shores, MI 48082

The following persons nominated by the U.S. Taxpayers Party each received **7,235 votes**:

**US Taxpayers Party Nominees: Don Blakenship, William Mohr**

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Mary Sears	53410 Pontiac Rd., Hancock, MI 49930
Christine Schwartz	1924 Elizabeth Ln. W, Jenison, MI 49428
William Mohr II	1665 Twenty Mile Rd., Kent City, MI 49335
Doug Levesque	1525 Alta Vista Dr., Owosso, MI 48867
Patrick Lambert	5630 Cedar Lk. Rd., Oscoda, MI 48750
Aaron Nichols	33298 US 12, Burr Oak, MI 49030
Edward J. Sanger	4119 Thackin Dr., Lansing, MI 48911
Victoria Monroe	6384 Woodcrest Ridge, Clarkston, MI 48346
Lester Townsend	15264 Rudland, Roseville, MI 48066
Christopher Rudy	3225 S. Shoreview Dr., Ft. Gratiot, MI 48059
William A. Kohn, Jr.	43656 Laurelwood Dr., Canton, MI 48187
Paul Stahl	2161 Strohm, Trenton, MI 488183
Marc Sosnowski	8488 Kinloch St., Dearborn Hts., MI 48127
Cecile A. Harrity	176 Vendome Rd., Grosse Pte. Farms, MI 48236
Robert Gale	5003 Sheffield Ct., Sterling Hts., MI 48310
Gerald Van Sickle	31 N. Tippy Dam Rd., Wellston, MI 49689

The following persons nominated by the Natural Law Party each received **2,986 votes**:

**Natural Law Party Nominees: Rocky De La Fuente, Darcy Richardson**

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Connie Tewes	7720 6 Mile Bridge Rd., Manistee, MI 49660
Mary Schutt	3355 Lake Shore Dr., Muskegon, MI 49441
Dan Royer	4861 Ridgeline Dr. NE, Grand Rapids, MI 49525
Paul A. Natke	4050 S. Meridian Rd., Mt. Pleasant, MI 48858
Shelly L. Reynolds	5501 S. Belsay Rd., Grand Blanc, MI 48439
Donald Meyer	2701 Hemlock Ave., Portage, MI 49024
Gene Capatina	8719 Wellington, Northville, MI 48168
Ramzi Masri-Elyafaoui	505 Albert Ave., E. Lansing, MI 48823
Jacob Schlau	1907 Rosemont Rd., Berkeley, MI 48072
James Radatz	3542 N. River Rd., Ft. Gratiot, MI 48059
Daniel S. Smith	960 McDonald Dr., Northville, MI 48167
Mark Moylan	4501 Helen St., Dearborn, MI 48126
Guy Purdue	6980 N. Farmington Rd., Westland, MI 48185
Nicholas Malzone	38010 Eric Ct., Farmington Hills, MI 48355
Robert Forreider	4965 Draper Cir., Plymouth, MI 48170
Daniel B. Smith	960 McDonald Dr., Northville, MI 48167

The following persons nominated by write-in candidates Brian T. Carroll and Amar Patel each received **947 votes**:

**Write-Ins: Brian T. Carroll, Amar Patel**

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Michael Maturen	3296 E. Clemens Rd., Harrisville, MI 48740
Robert Clark II	3705 Whispering Woods, Muskegon, MI 49444
Jason Kennedy Duncan	1741 NE Lyon St., Grand Rapids, MI 49503
Paul L. DuBois	1570 Arrowhead Tr., W. Branch, MI 48661
Timothy Doublestein	5007 Cedar Lk. Rd., Apt. 5, Oscoda, MI 48750
Jason Gatties	57556 Nishnabe Myewen St., Dowagiac, MI 49047
Lucy Ellen Moyer	14 Foxtail Ln., Hillsdale, MI 49242
Lloyd A. Conway	726 Ridgewood Ave., Lansing, MI 48910
Linnaea Joyce Licavoli	22225 Alexander St., St. Clair Shores, MI 48081
Tsai-Yi Watts	21543 Tangel Dr., Macomb, MI 48044
John Henry Svoboda	587 Trombley Dr., Troy, MI 48083
Benjamin Setterholm	2812 Page Ave., Ann Arbor, MI 48104
Brandon Barry Mullins	30505 Louise St., Westland, MI 48185
Daniel Patrick Meloy	560 Parkview Dr., Apt. B4, Detroit, MI 48214
Elisa J. Kolk	237 Roland St., Belleville, MI 48111
Matthew James Williams	210 Hoehn Ct., Dimondalee, MI 48821

The following persons nominated by write-in candidates Jade Simmons and Claudeliah J. Roze each received **88 votes**:

**Write-Ins: Jade Simmons, Claudeliah J. Roze**

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Cecilia Lester	122 Sibben St., Apt. B, Manistee, MI 49660
Tyler Prough	5870 Kalamazoo Ave. SE, Kentwood, MI 49508
James Ryans	2001 Village, Grand Rapids, MI 49506
Chelsea Slocum	1705 Chestnut St., Cadillac, MI 49601
Raymond Hall	229 Crosby St., Flint, MI 48503
Dana Morris	111 Mary St., Hartford, MI 49057
Janasia Johnson	8821 Mikado Dr., New Port, MI 48166
Terrel Boyd	900 Long Blvd., No. 339, Lansing, MI 48911
Constance Clay	26555 Rosewood St., Roseville, MI 48066
Erika Couch	23206 Merlene, Macomb, MI 48042
Tyrone Pickens	17495 Cedar Lk. Cir., Northville, MI 48168
Karalyn Schubring	2503 Packard St., Apt. R, Ann Arbor, MI 48104
Michele Coleman	3790 Sturtevant St., Detroit, MI 48206
Grant Philson	9900 Yorkshire, Detroit, MI 48224
Jherrard Hardeman	31190 Huntley Sq. W, Apt. 512, Beverly Hills, MI 48025
Gertrude Taylor	6065 30 <sup>th</sup> St., Detroit, MI 48210

The following persons nominated by write-in candidates Tom Hoefling and Andy Prior each received **32 votes**:

**Write-Ins: Tom Hoefling, Andy Prior**

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Mark A. Aungst	6848 County Rd. 612, Grayling, MI 49738
Scott Suchecki	1321 Kinney Ave. NW, Grand Rapids, MI 49534
Richard Nagel	9299 Pheasant Trl. NE, Rockford, MI 49341
Mark Zimmerman	1345 E. Monroe Rd., Apt. E, Midland, MI 48642
Justin Phillips	9105 Burning Tree Dr., Grand Blanc, MI 48439
Kimberly Cleveland	229 E. State St., Mendon, MI 49072
Daniel Richard Cleveland	433 Pioneer Dr., Litchfield, MI 49252
Kurt Richards	308 North Ct., Howell, MI 48843
Georgia S. Halloran	25702 Crimson Ct., Warren, MI 48089
Dawne Worden	4597 Millis Rd., N. Branch, MI 48461
Kim Millard	18345 University Park Dr., Livonia, MI 48152
Alan G. Sides	23345 Redman Ct., Brownstown, MI 48183
DaWone Allison	Cowan Rd. Apt. 108, Westland, MI 48185
Samuel Denson	1601 Robert Bradby Dr., Apt. 1208, Detroit, MI 48207
Joshua Ohlman	31 Oak Opening, Delton, MI 49046
Suzanne M. Stuat	123 Bonny St., Battle Creek, MI 49037

The following persons nominated by write-in candidates Kasey Wells and Rachel Marie Wells each received **5 votes**:

**Write-Ins: Kasey Wells and Rachel Marie Wells**

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Sandra Murrell	50 Larry Joe Dr., Mio, MI 48647
Ronald Klett	11166 Winter Dr., Zeeland, MI 49464
Andrew Colclasure	627 W. Hanover St., Marshall, MI 49068
Charity Archer	11130 215 <sup>th</sup> Ave., Big Rapids, MI 49307
Paul Atkins	2352 Elm Rd., Flint, MI 48473
Shiquita Reed	1318 March St., Kalamazoo, MI 49001
Mark Jeffrey	7451 Eckert Rd., Concord, MI 49237
Brian W. Gibbs, Jr.	835 N. Chestnut, Lansing, MI 48906
William W. Brown	4634 Parent, Warren, MI 48092
Patricia Gorzelski	1025 Park Dr., Columbiaville, MI 48421
Anthony Jackson	P.O. Box 871, Canton, MI 48187
Jeremy Mortensen	6 Rockland Ct., Ann Arbor, MI 48108
Justen Grieve	5905 Globe, Westland, MI 48189
Shiesha Davis	5236 Kensington, Detroit, MI 48224
Matthew Shepard	2264 Ellsworth Rd., Perry, MI 48872
Miranda Ames	835 N. Chestnut, Lansing, MII 48906



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 7, 2020

**Isolated User Error in Antrim County Does Not Affect Election Results,  
Has no Impact on Other Counties or States**

The error in reporting unofficial results in Antrim County Michigan was the result of a user error that was quickly identified and corrected; did not affect the way ballots were actually tabulated; and would have been identified in the county canvass before official results were reported even if it had not been identified earlier. This further explanation of the issue is based on the Bureau of Elections' preliminary review of the issue. The County Clerk and County Board of Canvassers will be able to provide any further detail during the ongoing county canvass.

Antrim County uses the Dominion Voting Systems election management system and voting machines (tabulators), which count hand-marked paper ballots. Counties use election management systems to program tabulators and also to report unofficial election results.

After Antrim County initially programmed its election software for the November Election, the county identified in October two local races where the ballot content had to be updated. The county received updated programming from its election programming vendor, Election Source. The updated programming correctly updated the election software for the county.

When the software was reprogrammed, the County also had to update the software on all of the media drives that are placed in tabulators to ensure tabulators communicate properly with the election management system. The county did update the media drives that went into the tabulators with the corrected local races, but did not update the media drives on the tabulators for the rest of the county. Because the Clerk correctly updated the media drives for the tabulators with changes to races, and because the other tabulators did not have changes to races, all tabulators counted ballots correctly.

However, because the county did not update the media drives for the tabulators that did not have changes to races, those tabulators did not communicate properly with the County's central election management system software when the county combined and reported unofficial results. Every tabulator recorded ballots correctly but the unofficial reports were erroneous.

These errors can always be identified and corrected because every tabulator prints a paper totals tape showing how the ballots for each race were counted. After discovering the error in reporting the unofficial results, the clerk worked diligently to report correct unofficial results by reviewing the printed totals tape on each tabulator and hand-entering the results for each race, for each precinct in the county.

Again, all ballots were properly tabulated. The user error affected only how the results from the tabulators communicated with the election management system for unofficial reporting. Even if the error had not been noticed and quickly fixed, it would have been caught and identified

during the county canvass when printed totals tapes are reviewed. This was an isolated error, there is no evidence this user error occurred elsewhere in the state, and if it did it would be caught during county canvasses, which are conducted by bipartisan boards of county canvassers. The Antrim County Canvass is currently ongoing, and the Board of County Canvassers and County Clerk will be able to provide any further necessary details during the course of the county canvass.

As with other isolated user errors that have occurred in the reporting of unofficial results both in this and previous elections, this is not the result of any intentional misconduct by an election official or because of software or equipment malfunctioning or failing to work properly. Municipal and county clerks are dedicated public servants who work hard and with integrity. Sometimes they make honest mistakes, and when they do there are many checks and balances in the election system to ensure they can be identified and corrected so that the official results reflect the complete, accurate count of all votes.

#### Additional information

<https://www.dominionvoting.com>

<https://www.cisa.gov/rumorcontrol>

# CORRESPONDENCE

Board of State Canvassers Meeting  
November 23, 2020



201 TOWNSEND STREET, SUITE 7400  
P.O. BOX 30036  
LANSING, MI 48909-7536  
PHONE: (517) 373-2420  
TOLL-FREE: (866) DIST-022  
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SenLTheis@senate.michigan.gov

MICHIGAN STATE SENATOR

**LANA THEIS**

22ND DISTRICT

November 13, 2020

COMMITTEES:  
INSURANCE AND BANKING, CHAIR  
EDUCATION AND CAREER READINESS, CHAIR  
REGULATORY REFORM, VICE CHAIR  
HEALTH POLICY AND HUMAN SERVICES  
OVERSIGHT  
ECONOMIC AND SMALL BUSINESS DEVELOPMENT  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Michigan Board of Canvassers  
Michigan Department of State  
Lansing, MI 48918

**\*\*HAND DELIVERED\*\***

The Michigan Board of Canvassers,

As you are aware, the General Election currently being conducted in the State of Michigan has generated a great deal of interest and concern among the people of Michigan, with a record number of over 5.4 million Michiganders participating in the electoral process.

Every citizen deserves to have faith in the integrity of the election process and its outcome. It is our responsibility, as elected public servants, to assure the people of Michigan of the process's integrity through complete transparency and the faithful investigation of any allegations of wrongdoing, fraud, or abuse.

Unfortunately, a number of serious allegations have been made which cannot and should not be ignored.

First, in Antrim County, a "glitch" caused thousands of Michigan ballots that were meant for some candidates to be wrongly counted for their opposing candidates. While this issue was identified and corrected after observers flagged the unlikelihood of the outcome, it is unclear whether this issue replicated itself elsewhere. Antrim is just one of 47 counties in Michigan that used the software system at issue, Dominion Voting Systems, to process their ballots. This is particularly concerning when at least one other Secretary of State, specifically in Texas, refused to certify Dominion Voting Systems for use because the examiner could not verify that the system was "safe from fraudulent or unauthorized manipulation." This raises questions over whether there are fundamental flaws in the software itself.

Second, there are allegations that election officials critically mishandled numerous ballots, including:

- ◆ counted ineligible ballots;
- ◆ counted the same batches of ballots multiple times;
- ◆ instructed poll workers to backdate absentee ballots;
- ◆ counted late ballots after illicitly pre-dating them;
- ◆ used false information to process ballots, such as using incorrect or false birthdays and inserted new names into the QVF and recorded these new voters as having a birthdate of 1/1/1900;
- accepted ballots deposited in drop boxes after the deadline;
- duplicated ballots illegally;
- counted ballots even though the voter's name did not appear in the official voter rolls;
- ordered election workers to not verify voters' signatures on absentee ballots;



- ordered election workers to not verify voters' signatures on absentee ballots;
- barred poll challengers from observing the transposition and certification of absentee ballots that need to be transposed, including military ballots; and
- coached voters to vote for a particular candidate and party.

Third, there are allegations that unsecured ballots arrived at the TCF Center loading garage, outside of sealed ballot boxes, without any chain of custody, and without envelopes. According to the allegation, this included a batch of 40,000 ballots that arrived early Wednesday morning from out-of-state vehicles after officials said all ballots had already arrived. All of these new ballots were allegedly for one candidate.

Finally, there are allegations of illegal and official intimidation and interference with lawful election challengers and poll watchers, which is an essential aspect of election integrity. With limited audio or visual recordings in place, to protect the eyes and ears of poll watchers and challengers from both sides of the aisle are the on the ground accountability mechanism. Disrupting their access and preventing them from fulfilling their legal right and responsibilities is an infringement on the election process. The allegations include:

- harassment of challengers tolerated or perpetrated by election officials;
- arbitrary and unequal treatment of challengers;
- refusal to record challenges to their processes; and
- removal of challengers from the site if they politely voiced a challenge.

Each of these allegations is backed up by sworn affidavits of over 100 Michigan citizens, real people, willing to face legal consequences to their lives and livelihoods to stand by their assertions.

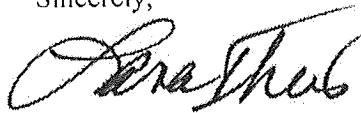
These claims deserve our full attention and diligent investigation to ensure fairness and transparency in our election process.

**As such, and due directly to these issues, we are requesting a full audit be conducted of the 2020 General Election prior to the certification of any results.**

Now, we must take every possible step to ensure that all Michiganders, and all Americans, have confidence that the State of Michigan conducted this election with integrity and accuracy. That can be best accomplished by a thorough audit and a verification that our election law and processes were correctly administered. Any fraudulently processed votes and unfair obstacles placed in front of legal poll challengers and watchers disenfranchise lawful voters of every citizen of Michigan, regardless of their political affiliation.

Every legal vote must be counted.

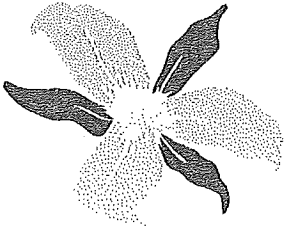
Sincerely,



Lana Theis  
State Senator  
22<sup>nd</sup> District



Tom Barrett  
State Senator  
24<sup>th</sup> District



2020 NOV 19 AM 9:25

**SHERYL A. GUY**  
Antrim County Clerk  
P.O. Box 520  
Bellaire, Michigan 49615  
Phone (231) 533-6353  
Fax (231) 533-6935  
guys@antrimcounty.org

November 16, 2020

State of Michigan Board of Canvassers  
Honorable Chair: Jeannette Bradshaw ✓  
Honorable Vice-Chair: Aaron Van Langevelde  
Honorable Member: Norman D. Shinkle  
Honorable Member: Julie Matuzak

**Letter sent on November 9, 2020**

RE: Antrim County November 3, 2020 Unofficial Election Results submitted via elearning	
MI Disclose-eENR on or about:	<b>Detail of human errors during reporting process.</b>
4:20 a.m. November 4, 2020	Cards Cast & Voters Cast 16,047
3:39 p.m. November 5, 2020	Cards Cast & Voters Cast 18,059
6:35 p.m. November 7, 2020	Hand Entered, Canvassers Certified, Cards Cast & Voters Cast 16,044

November 4, 2020

Report totals entered off reports into the e-ENR Unofficial Reporting program. We did not know that an error had occurred uploading Tabulator Cards from precincts into program and numbers we reported into the County Election Night Unofficial Results keying Report.

November 5, 2020

Report totals once again after entering votes from the Tabulator tapes by hand into the Election Source Program used to report unofficial results. This event due to Human Error we failed to reject initial results from two (2) precincts: Custer 776 and Echo 602 and one (1) Absentee Ballot Counting Board 634 totaling 2,012 Cards and Voters Cast causing numbers to double and be inflated.

November 7, 2020

Report totals of Cards Cast and Voters Cast after correcting the report dated November 5, 2020 and after the Board of Canvassers had certified Antrim County Results.

Please note the Board of Canvassers observed the re-tabulation of Central Lake Township with three (3) ballot styles began at 9:30 a.m. until 9:38 p.m.

The Board of Canvassers determined that one (1) ballot was defective and two (2) ballots accounted for in their remarks. Central Lake Township reported 1494 after re-tabulation 1491

Custer Township -776 double published 11/5/2020

Echo Township - 602 double published 11/5/2020

Elk Rapids AV Counting Board – 634 double published 11/5/2020 totals over 2,012

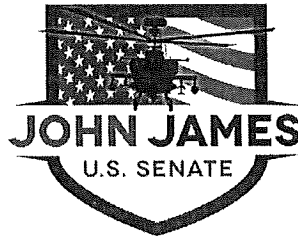
Human error we did not remove the published numbers in the reports for (3) precincts as uploaded election night and re-entered by hand.

November 16, 2020

Village of Bellaire ballot style for Kearney Township (2) races not manually keyed into report Election Night. United States Senator 6 Year Term (1) Position and Regent of the University of Michigan 8 Year Terms (2). All other Poll Book Total/Voter Turnout and other races are correct.

Sincerely yours,

Sheryl Guy  
Antrim County Clerk



2020 NOV 20 PM 2:45

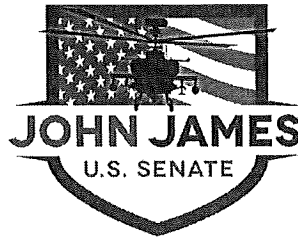
To The Members of the State Board of Canvassers:

First, thank you for your careful attention to the integrity of our state's most recent election. Enclosed you will find documentation detailing what I believe to be credible and concerning irregularities in the vote counting process that took place, particularly in Wayne County. I respectfully request that you review the enclosed and abstain from certifying the results of the November 3, 2020 election and, instead, elect to extend the review process fourteen days to December 7 to provide a more complete review before certification.

**I submit this request because I am interested in the truth and protecting the integrity of our elections.** Sometimes the truth takes time to surface, and it's rarely easy to get to. Time is the most valuable asset we have at this stage and I ask that we take all the time reasonable and allowed-- not to undermine our elections -- but to improve them and boost public confidence in the results of the election.

I put my life the line in the US Army to defend democracy at home and abroad. Every vote matters to me, whether it was cast for me or not, because free and fair elections are the bedrock of our democracy. This isn't about me, and it has never been about me. It's been about our country and making sure the country we pass on to our children is free and one that we can be proud of.

We agree: The people of the state of Michigan deserve election outcomes that they can trust. In order to maintain that trust, the state owes both ballot access and ballot integrity. If both are not provided in balanced proportion, then the



one side will always feel that they have not only lost but that they have been cheated. This is a danger to Democracy.

We agree: This board has a responsibility to people, not party. It has an obligation to not bow to political pressure or incendiary rhetoric but to keep emotions in check and dispassionately execute their duties.

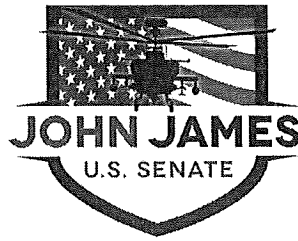
We agree: This board has a constitutional duty to those whom they serve to ensure that the results of every election certified are both accurate and in accordance with election legislation.

I will, of course, accept the will of the people once the will of the people – not the will of the power – has been established.

On election night, there were widespread reports of irregularities and abnormalities coming from the TCF Center. Challengers reported feeling harassed and unable to do their jobs. Poll workers reported the same. I think that means we can all agree: the process broke down. Things did not proceed with the measured protocol they should have.

We know this because earlier this week, the Wayne County staff described to the Wayne County Board of Canvassers a situation in which three counting boards initially reported zero when thousands of ballots were actually cast. This clearly inaccurate report was then signed by the election inspectors. At Tuesday's Canvassers' meeting, Wayne County staff also described their extraordinary efforts to rebuild those counting boards by bringing in the envelopes to match to the poll books to match to the ballots to make sure the 6,000 ballots matched up. This is more than a clerical error.

**Despite their efforts, at the end of the day, just over 70% of Detroit absent vote counting boards did not balance.**



I do not believe that 30% accuracy is acceptable. A 30% accuracy rate in any industry, whether its business, education, healthcare or manufacturing scores as failure. While I don't doubt that many of our poll workers and volunteers worked hard, we need to do better for our elections.

**Unfortunately, this problem is not new to us.** Back in August we saw this same problem in Detroit. Each of you, along with the Bureau of Elections agreed it was a problem, and the Secretary provided resources, but did not investigate and did not formally respond to the board. We need to take actions to fix this and that is the intention that is at the heart of the enclosed.

We believe the implication that Detroit can't and shouldn't be expected to get its vote count correct is both offensive and minimizes the serious systemic problems in Detroit's count that were brought to light during absentee ballot processing at the TCF Center, and then, later, with the canvass. Black Votes Matter. The law needs to be followed in Detroit, and these problems need to be fixed so no legal voters in Detroit are disenfranchised and all of Michigan can have confidence in the electoral system

I sincerely appreciate your consideration of this request and your diligent commitment to our great democracy through your public service.

Regards,

A handwritten signature in black ink, appearing to read "John E. James". The signature is stylized and cursive.

John E. James

## BEFORE THE MICHIGAN BOARD OF CANVASSERS

“Complete Catastrophe”

- Lt. Gov. Garlin Gilchrist describing Detroit Clerk Janice Winfrey’s administration of elections.<sup>1</sup>

“Make sure this gets fixed immediately”

- Detroit Mayor Mike Duggan’s request to Secretary of State Jocelyn Benson.<sup>2</sup>

The people of Michigan deserve to have confidence in the integrity of elections in Michigan and how votes are counted, and the John James for US Senate campaign believes that this Board has a unique opportunity to answer the cries for help from Wayne County and conduct the complete pre-certification audit of Wayne County’s 2020 election results as agreed to by the Wayne County Board of Canvassers (“WCBC”). Unfortunately Secretary Benson has suggested<sup>3</sup> a limited post-certification process that will be a post-canvass rubber stamp, and is not a serious effort to audit or improve Wayne County’s system. This Board should now meet WCBC’s bi-partisan request by conducting<sup>4</sup> a full pre-certification audit to ensure that the results you certify are accurate. By definition, to “certify” the canvass means that you are attesting to the truth of the underlying information,<sup>5</sup> and we respectfully request that the Board abstain from certifying the statewide canvass on November 23<sup>rd</sup>, and take the time necessary – up to fourteen days, but finished by December 7<sup>th</sup> – to audit and then certify Wayne County results along with statewide election results when the public can be confident that they are accurate.

The process employed at the TCF Center to count Detroit absent voter ballots did not comply with Michigan law. Irregularities occurred at each step in the process—from absent voter ballot storage in anticipation of the election, to the sealing of the ballot boxes on November 5. Ultimately the majority of Detroit precincts were out of balance. This submission details those irregularities and provides insights in the form of declarations from individuals present during the count.

### Wayne County’s History of Election Problems

Problems with vote counts in Wayne County are not new. In the November 2016 election, election officials could not reconcile vote totals for 59% of precincts during the county canvass.<sup>6</sup>

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<sup>1</sup> Niquel Terry, Challenger hits Detroit’s clerk on election mishaps, Detroit News (Nov. 2, 2017), <https://www.detroitnews.com/story/news/local/detroit-city/2017/11/02/detroit-winfrey-gilchrist-election-mishaps/107267124/>.

<sup>2</sup> Craig Mauger, *Canvassers demand answers after 72% of Detroit’s absentee ballot counts were off*, Detroit News (Aug. 20, 2020), <https://www.detroitnews.com/story/news/politics/2020/08/20/benson-asked-investigate-detroit-perfect-storm-voting-problems/5616629002/>.

<sup>3</sup> Secretary Benson’s press release on Nov. 19, 2020 makes clear that she will not conduct an actual audit of Wayne County’s election results, but is instead planning a series of what she is calling “risk-limit audits” in order to reinforce her view that election irregularities are “mythical.” See *Statement from Secretary of State Jocelyn Benson on post-election audits* Press Release. 12:03 PM November 19, 2020

<sup>4</sup> Ideally a respected neutral party would be appointed to conduct this audit. We suggest former Sen. Joe Lieberman as someone who, while a partisan Democrat, is nonetheless a senior statesman who has experience with recounts and the election process.

<sup>5</sup> “Certify” defined, Black’s Law Dictionary (11<sup>th</sup> ed. 2019).

<sup>6</sup> *Supra*, note 2.

More recently, the books did not balance in the August 2020 primary. According to the meeting minutes from the August 18, 2020 WCBC meeting, the use of both the QVF and handwritten poll books caused the AV books to be severely out of balance, with an astounding 72% of Detroit's absentee voting precincts out of balance.<sup>7</sup> In fact, Detroit had to go back through returned absentee ballot envelopes because many were not scanned on election night. According to Gregory Mahar, Wayne County Director of Elections, ballots from multiple precincts had been scanned in a single batch—making it impossible to re-tabulate a precinct. There were missing ballots and absentee ballot applications. Nonetheless, the WCBC voted to certify the August results despite the unbalanced books, with the understanding that immediately after that vote the Board would pass a resolution “Requesting a State Election Monitor and Investigation” urging Secretary of State Benson to appoint someone to oversee the administration of the election in Detroit in November 2020.<sup>8</sup>

Prominent Democrat leaders expressed concerns over the process that resulted in 72% of absentee precincts out of balance in August. WCBC Vice-Chairman Jonathan Kinloch stressed that something clearly went wrong with the process of tracking ballots precinct by precinct.<sup>9</sup> And Detroit Mayor Duggan vowed "We cannot have a recurrence of these problems in November," Duggan said he would personally reach out to the Secretary of State "to make sure this gets fixed immediately."<sup>10</sup>

Despite virtually unanimous bi-partisan agreement that it was unacceptable for 72% of precincts out to be of balance, and despite Mayor Duggan's and the WCBC's express requests for assistance to prevent the problem from recurring, Secretary Benson did not answer those cries for help.

### **The 2020 General Election in Wayne County**

WCBC Vice-Chairman Kinloch has vacated his concerns expressed in August, and now argues<sup>11</sup> that extensive mistakes happen every election cycle in Detroit, and are not a cause for concern, stating that “this happens every election cycle.”<sup>12</sup> This is the soft bigotry of low expectations and he should know better than to perpetuate this damaging argument. We believe the implication that Detroit can't, and shouldn't be expected to, get its vote count correct is both offensive and minimizes the serious systemic problems in Detroit's count brought to light during absentee ballot processing at the TCF Center, and then with the canvass. The law needs to be followed in Detroit, and these problems need to be fixed so no legal voters in Detroit are disenfranchised, and all of Michigan can have confidence in the electoral system.

The Michigan Legislature adopted a statutory process for counting ballots which all counties are required by law to observe. This process was carefully designed to prevent malfeasance and ensure each vote is accounted for; deviation from that process is unlawful.

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<sup>7</sup> *Id.*

<sup>8</sup> Meeting Minutes, Wayne County Board of Canvassers (August 18, 2020).

<sup>9</sup> *Supra*, note 2.

<sup>10</sup> *Id.*

<sup>11</sup> Meeting Minutes, Wayne County Board of Canvassers (Nov. 17, 2020).

<sup>12</sup> Wayne County Board of Canvassers Meeting (Nov. 17, 2020).

Nonetheless, there was deviation from every single step in the statutory process at the TCF Center in Detroit, where all absent voter ballots for the City of Detroit were counted.

Step 1 – Signature Verification and Ballot Storage. Under Michigan law, poll challengers are allowed to observe the containers and location in which absent voter ballots are stored. MCL 168.732-733. Declarant Phillip O’Halloran and his wife, Cindy attempted numerous times to observe the absent voter ballot containers and signature verification process in Detroit and were repeatedly denied access (Exhibit A – Declaration of Phillip O’Halloran). This occurred even before Secretary Benson released unlawful guidance instructing clerks to forego the verification of signatures and presume such signatures were valid. It is unclear whether signatures in Detroit were actually verified, and where or how absent voter ballots were stored in anticipation of the election.

Step 2 – Transport of Absent Voter Ballots to the TCF Center. Absent voter ballots arrived at the TCF Center for processing in plastic US Postal Service trays. (Exhibit C). Michigan law requires that absent voter ballots be stored, secured and transported in specific containers. MCL 168.765(6), MCL 168.14a(a) defines “ballot container” as “a container that is used for *transporting* and storing voted ballots, as described and approved under section 24j” [emphasis added]. MCL 168.24j sets forth the requirements of a “ballot container.” In pertinent part, MCL 168.24j requires ballot containers be: 1) made of metal, plastic, fiberglass or other material that provides resistance to tampering; and 2) are capable of being sealed with a metal seal. Further, any ballot containers which are not made of metal must be approved by the Secretary of State and county board of canvassers. MCL 168.765a(11) requires that all voted absent voter ballots be placed in a sealed, approved ballot container. US Postal Service trays certainly do not comport with the statutory requirements for ballot containers.

Step 3 – Distribution of Absent Voter Ballots to Counting Boards. According to multiple individuals present at the TCF Center, including an election inspector, outer envelopes frequently would not populate in the electronic poll book upon scanning and would not appear in the supplemental poll books.<sup>13</sup> (Exhibit B – Declaration of Ann Capela). Upon information and belief, this was likely due to absent voter ballots being distributed to the wrong counting board or precinct. Ballots which did not appear in any poll books should have been placed in the problem ballot box for a supervisor to address. Upon information and belief, some of the problem ballots were processed in the wrong precinct, others were delivered to the correct precinct for processing. Because the ballot tabs were removed from these ballots, they are now indistinguishable unless they contained different down ballot candidate choices. According to Director Mahar, the City of Detroit did not scan a single precinct within a batch. When multiple precincts are scanned within a batch it makes it nearly impossible to re-tabulate a precinct without potentially disrupting a perfectly balanced precinct.<sup>14</sup> Upon information and belief, the wrong ballots were delivered to the wrong counting boards, but counted there regardless. This presented problems later when balancing the vote count for each counting board during the Wayne County canvass when over 70% of Detroit absent voter precinct counts did not balance.<sup>15</sup>

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<sup>13</sup> Affidavit of Daniel Gustafson as filed in *Constantino v. City of Detroit* No. 20-014780-AW.

<sup>14</sup> *Supra*, note 9.

<sup>15</sup> Affidavit of Monica Palmer, Nov. 18, 2020, <https://justthenews.com/sites/default/files/2020-11/img-201118215108%20%281%29.pdf>.



Step 4 – Pre-Processing. On October 6, 2020 the Michigan legislature passed Public Act 177, which in part allowed for pre-processing of absent voter ballots on the Monday before election day for cities and townships with populations greater than 25,000. Pre-processing of absent voter ballots occurred at the TCF Center on Monday, November 2 at which time absent voter ballot outer envelopes were scanned into the electronic poll book and opened. A different shift of election inspectors conducted the pre-processing. While it is apparent the Monday shift of election inspectors signed in and out, the chain of custody of pre-processed ballots is in question. For example, Ms. Capela was told the pre-processed ballots were stored in a sealed metal box overnight, but when these pre-processed ballots arrived at her counting board on November 3rd, they were held in US Postal Service trays. It is unclear, however whether those ballots were securely stored in accordance with MCL 168.24k. The envelopes had already been opened—creating the opportunity for someone to look through those ballots and violate their secrecy—if not something worse—if those ballots were not properly stored. There is no chain of custody from if and when those pre-processed ballots were removed from the counting board on November 2 until they arrived back at the counting board on November 3.

Step 5 – Processing. A slew of issues occurred on November 3 and 4 when ballots were actually processed and counted. Improperly filled out ballots (with only check marks rather than a fully bubbled in choice or use of colored ink) were numerous. No one on the floor at the TCF Center could provide answers to simple questions like “What do I do with these ballots with check marks?” (Exhibit B). Election inspectors were told by supervisors not to question a ballot’s validity or completeness, and that ballots had already been verified on November 2 when the outer envelopes were supposedly merely opened for the first time. (Exhibit B). How could a ballot that no one should have ever laid eyes on (with the exception of the voter) have been previously verified?

Election inspectors were left in the dark as to the actual count of the ballots they had processed. (Exhibit B). Election inspectors were told irregularities did not matter and to keep processing and counting. (Exhibit B).

Ann Capela found multiple times that the ballot number in the secrecy envelope did not match the number on the outer envelope. (Exhibit B). There were instances when a voter was not in the electronic or supplemental poll books. (Exhibit B). Those ballots were placed in the problem ballot box, then later added to the computer system manually. (Exhibit B). Ms. Capela was instructed to enter 01/01/1900 as the date of birth for all problem ballots to “manually override” the system. (Exhibit B). Poll challenger Daniel Gustafson also witnessed the practice of manually entering voters with the date of birth 01/01/1900.<sup>16</sup> Zach Larsen, a poll challenger at the TCF Center on November 4 also observed this same dynamic. Mr. Larsen witnessed an election inspector search in the computer for a voter’s name when the outer envelope would not scan. Those ballots were then processed and counted. At times, Mr. Larsen also observed that no voter was associated with an outer envelope. He observed that ballot was assigned a different name and number in the electronic poll book. Mr. Larsen saw that this was the case for a majority of the ballots he observed being scanned.<sup>17</sup>

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<sup>16</sup> *Supra*, note 10.

<sup>17</sup> Affidavit of Zachary Larsen as filed in *Constantino v. City of Detroit* No. 20-014780-AW.

Mr. Larsen also witnessed election inspectors dishonor the secrecy of ballots. He repeatedly saw the inspectors peek into the ballot before it was removed from the secrecy sleeve. Mr. Larsen witnessed election inspectors selectively place ballots in the problem ballot box for lack of secrecy sleeve.<sup>18</sup> Article II § 4 of the Michigan Constitution affords voters the right to vote a secret ballot. This right was violated.

Step 6 – Duplication. When a duplication occurs the proper procedure requires one election inspector to read off the voter choices to another election inspector who then records the voter choices on the duplicate ballot. Once all choices are recorded the inspectors swap ballots and the inspector who physically duplicated the ballot reads the voter choices on the problem or military ballot back to the other inspector who confirms it was properly duplicated. Mich. Admin. Code R. 168.785, Mich. Election Officials Manual Ch. 8, p. 6-15. Michigan law requires the two election inspectors who participate in this process to have a different political party preference. Mich. Admin. Code R. 168.785(1). This law was not just ignored at the TCF Center, but when it was brought to supervisors' attention by challengers the supervisors adamantly denied any such requirement existed. (Exhibit C – Declaration of Brett Kinney) Blank ballots to be used in the duplication process were left in stacks on a table with no supervision. (Exhibit A). Anyone could have grabbed blank ballots and filled them out.

Step 7 – Tabulation. Once ballots were processed at the counting boards, they were walked over to tabulation machines in the center of the room. (Exhibit B). In addition to the chain of custody issues this presents, the tabulators consistently malfunctioned. On November 3 and 4, 2020, a woman named Melissa Carone was present at the TCF Center. Ms. Carone was hired by Dominion Voting Services to complete IT work at the TCF Center. Ms. Carone witnessed a number of concerning actions occur on November 3 and 4. According to Ms. Carone six workers who were tasked with running the tabulators admitted to Ms. Carone they had no training at all. Ms. Carone stated she witnessed tabulators become jammed four to five times per hour. Ballots were run through the tabulators in batches of fifty. Ms. Carone stated that when a tabulator jammed, the user was prompted with the option to either discard the batch or continue scanning. When a tabulator jams, the correct procedure is to discard the batch, place the problem ballot at the top of the batch and rescan the entire batch. Ms. Carone witnessed numerous workers rescan batches of ballots without first discarding them. These extra votes were detected when there were more votes cast than voters in Wayne County; consequently, due to this, among other reasons, the Wayne County Board of Canvassers did not initially vote to certify the canvass. When Ms. Carone presented these problems to her supervisor she was told she was there to assist with IT work—not run the election.<sup>19</sup>

Step 8 – Sealing. On November 4 election inspectors were only paid through 9:00 PM; many left at that time, before the returns were finalized or the ballot transfer cases were sealed. (Exhibit B). MCL 168.806a outlines the procedures for sealing ballot boxes and voting equipment. The statute provides that one election inspector from the counting board shall affix the seal and certify the seal on a form provided by the Secretary of State. Another election inspector, from the other major political party must then verify the seal is properly affixed and certify the verification on the form.

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<sup>18</sup> *Id.*

<sup>19</sup> Affidavit of Melissa Carone as filed in *Constantino v. City of Detroit* No. 20-014780-AW.

The completed form should then be securely attached to the outside of the ballot box. This never happened at counting board 46, where Ms. Capela was stationed. (Exhibit B). Three members of counting board 46 left before or at 9:00 PM. (Exhibit B). Two left at 12:00 AM. (Exhibit B). One remained, although it is unclear for how long. (Exhibit B). The statutory sealing process requires that two election inspectors participate in the sealing of the ballot box, and that those two individuals are members of different major political parties. Upon information and belief, it is highly unlikely the statutory process was observed elsewhere in the TCF Center; as the counting and sealing process continued until 5:00 AM on November 5 despite the fact that a majority of the inspectors were long gone.

At one point when election inspectors were leaving, supervisors scrambled to get their signatures on the write-in sheets. (Exhibit B). Write-in votes must be manually tabulated and certified by election inspectors because the tabulator machines do not recognize write-in votes. Each counting board is supplied with a write-in sheet which must be signed by all election inspectors at that counting board. The write-in sheet lists the number of write-in votes counted at that counting board. The write-in sheet is filled out in triplicate with one copy for the city clerk, one copy for the board of county canvassers and one copy for the Secretary of State. On November 3, supervisors at the TCF Center instructed election inspectors to sign blank write-in sheets, and according to Ms. Capela, three election inspectors at counting board 46 did just that. (Exhibit B).

The Perfect Storm - Finally, the atmosphere inside Hall E of the TCF Center was hostile. Everyone inside was working under difficult conditions. Many supervisors, election inspectors, city staff and challengers had been there for multiple days, enduring long shifts under fluorescent lights. The people inside Hall E wore masks the entire time. They sat in hard plastic chairs or worse yet were on their feet for hours on end. The sheer number of people inside the room created reasonable fears of COVID exposure. Windows were covered up as people on the outside shouted and banged on the glass—creating reasonable fears of physical danger. There were long periods of time when counting boards were completely inactive. When counting boards were counting ballots, challengers were watching over their shoulder—while being badgered by challengers from a different party. No one inside seemed to have answers to simple questions and ballots just kept arriving, with no end to the counting in sight. The process broke. The goal of supervisors and election inspectors shifted from counting the ballots accurately and according to Michigan law, to instead just counting the ballots and getting out, with no regard for the law. An avalanche of factors erupted creating a vitriolic environment that resulted in the breakdown of protocol and chilled the transparency and legitimacy of the process.

Ballots from Detroit were not processed or counted in accordance with the statutorily mandated process designed by the legislature to prevent malfeasance. This Board, however, now has the opportunity to demand an audit of such results to not only increase confidence in the 2020 results, but also provide a roadmap for future process reforms. When over 70% of the precincts in Detroit are out of balance, the people of Detroit deserve such reforms to ensure their votes are accurately counted.

## Nov 17, 2020 Wayne County Board of Canvassers Meeting

The results were from the canvass were so incomplete and incorrect that the WCBC (at least initially) was unable to certify their results. Notwithstanding whether the WCBC actually eventually certified their election results,<sup>20</sup> what is not in dispute is that the full WCBC demanded that the state conduct a comprehensive audit of the “unexplained” precincts in Wayne County. In fact, both Republican members have since signed sworn affidavits attesting that they only voted to certify under the condition that such audit would be conducted.<sup>21</sup> Secretary Benson has once again refused to assist, instead referring to “clerical errors”<sup>22</sup> and stating that it is common for some precincts in Michigan and across the country to be “out of balance by a small number of votes” and that this “is not an indication that any votes were improperly cast or tabulated.”<sup>23</sup> Secretary Benson has suggested an incomplete audit *after* certification rather than a complete, full audit prior to certification. The Wayne County audit was agreed upon by the full bi-partisan WCBC and this Board should take up their call and conduct the requested pre-canvass audit.

### **This Board May take up to 20 Additional Days to Complete the Canvass**

The duty of this Board is not simply to “bless this mess.” It is higher than that ministerial function, and the James campaign’s request is that this Board conduct a thorough pre-canvass audit of Wayne County, and take up to 14 days to do so, completing your work by December 7, 2020 so that the certification of Presidential electors is not impacted by this audit. While we believe this work can and should be completed in those 14 days, under Michigan law you have up to 40 days after the election to conduct an audit before you are required to certify the statewide canvass.

To that end, while Michigan law requires the board of state canvassers to meet “for the purpose of canvassing the returns and ascertaining and determining the result of an election . . . on or before the twentieth day after the election,” MCL 168.842(1), the law does not require the board to certify the statewide canvass in that same timeframe. Rather, Michigan law expressly grants this board the “power to adjourn from time to time to await the receipt or correction of returns, or for other necessary purposes,” so long as it “complete[s] the canvass and announce[s] their determination not later than the fortieth day after the election.” *Id.* In this instance, “the fortieth day after the election” falls on December 13, 2020. “The board may at the time of its meeting, or an adjournment of its meeting, canvass the returns for any office for which the complete returns have been received.” *Id.* Consequently, our request for an adjournment of up to 14 days for the purpose of an audit is well within those guidelines.

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<sup>20</sup> It is an open legal question whether Chairman Palmer’s and Mr. Harman’s votes were valid. They have recanted their votes and their lack of signatures on the certification may render it inoperative.

<sup>21</sup> Affidavit of William C. Hartmann, Nov. 18, 2020, <https://justthenews.com/sites/default/files/2020-11/20201118184530537.pdf>. *See also, supra*, note 12.

<sup>22</sup> *Supra* at 3.

<sup>23</sup> TWITTER, @JocelynBenson, Nov. 17, 2020, <https://twitter.com/JocelynBenson/status/1328849110619840513>.

## **A Fourteen-Day Audit of Wayne County Will Instill Confidence in Electoral Results**

John James is a combat veteran who put his life on the line to help secure free and fair elections for the people of Iraq. A 30% success rate (with 70% of precincts out of balance) wouldn't have been accepted for elections in Iraq, and the people of Detroit, and Michigan, shouldn't accept it either. The Wayne County Board of Canvassers stood up to immense political pressure by not certifying their canvass in order to send it to this Board for audit and review. The subsequent vote by the full bi-partisan WCBC reiterated their cry for help from August, and requested an audit. This Board now has the time and power to review the processes used in Detroit and audit the count in order to fix these problems for future elections. Lt. Gov. Gilchrist was correct when he called the administration of elections in Detroit a complete catastrophe – how else could a 30% success rate be described? Unfortunately Mr. Gilchrist has not been able to get Sec. Benson to assist with this problem, so now it falls upon this Board to take action. A full Wayne County audit completed within 14 days will not delay the certification of Presidential electors and will create a lasting legacy of transparency and potential reform that will increase voter engagement and confidence in the system. Michigan deserves no less.

Respectfully Submitted,



Charles R. Spies

Robert Avers

Jessica Brouckaert

*Counsel to John James for Senate, Inc.*

# EXHIBIT A

## DECLARATION OF PHILIP O'HALLORAN

I, Philip O'Halloran, under penalty of perjury, declare as follows:

1. I am at least 18 years of age, and I have personal knowledge of the facts as stated in this Declaration.
2. I am registered to vote in the state of Michigan.
3. On or around October 8th my wife Cynthia O'Halloran and I went to the Detroit Department of Elections on West Grand Blvd. in Detroit. I wanted to participate in the political process and exercise my rights as poll challenger during the signature verification and ballot handling process, which was being done differently than in prior elections in which I had volunteered. I was also concerned about the possible use of the Relia-vote ballot processing system. My wife signed up as a poll worker and shared my concerns. We also wanted to learn about other opportunities, namely when and where we could observe the processing of absentee ballots and learn about the entire procedure, including the camera monitoring of the thirty or so drop boxes located throughout the city. We met Mr. Caven West, Deputy Director to the Detroit City Clerk. Mr. West was either unable or unwilling to provide us access to observe the signature verification process and procedure regarding ballot security. Mr. West was either unwilling or unable to answer many of our questions related to other opportunities to participate in the process. Mr. West gave me his email address and offered to track down the information we were seeking if I sent him a follow up email detailing our requests. He refused to provide us with his phone number.
4. On October 12, 2020 I sent an email to Mr. West. The email (a copy of which is attached hereto) outlined our request to observe the processing of absentee ballots and view the ballot storage procedure. Mr. West still has not responded to that email.
5. On October 22, 2020 my wife, Steve Potter, Georgia Dixon and myself again went to the Detroit Department of Elections for answers. We were told Mr. West was out sick. We met with Mr. George Azzouz and Mr. Daniel Baxter. Here again, they were either unable or unwilling to provide us with many answers or meaningful access. Again, we were told to memorialize our requests via email and they assured us they would respond.

## EXHIBIT A

- Specifically, they stated they would provide the detailed written procedure, followed by the Department of Elections in the processing of absent voter ballots.
6. On October 26, 2020 I forwarded the email I had sent Mr. West to Mr. Azzouz and Mr. Baxter and again, emphasized our concerns and requests for access (also attached).
  7. On October 27, 2020 I received a less than fulsome response from Mr. Azzouz. It was still unclear how the signatures were being verified and we were still not able to ascertain when and where we could observe the signature verification process and ballot security and storage.
  8. My wife and I were repeatedly denied access to observe the signature verification process and to observe the storage and security procedure for absentee ballots.
  9. On November 1<sup>st</sup> Steve Potter and I again visited the Department of Elections and met with a supervisor, who, after we showed our challenger credentials, did permit us to view a single signature verification. When Mr. Azzouz and Mr. Baxter saw this, they were unhappy with the supervisor and Mr. Azzouz let her know this. Upon further questioning, Mr. Azzouz did inform us, finally, that all ballots were stored in a locked room and that it was under 24/7 camera surveillance.
  10. On November 3, 2020 I was present at the TCF Center located at 1 Washington Blvd., Detroit, Michigan 48226.
  11. TCF Center was used as the Detroit Department of Elections Central Counting Board, where absentee ballots are processed and counted.
  12. I was duly authorized and eligible to serve as a poll challenger at the TCF Center.
  13. I was given several blank incident reports and told to fill them out should I witness anything irregular.
  14. I was told during my training by the Republican party not to aggressively engage anyone verbally and to avoid speaking directly to poll workers but to direct questions and concerns to their supervisors.
  15. On November 3<sup>rd</sup>, at 2:45 p.m., a man knocked on the outside door next to the garage at the back of the TCF AV Counting Board. Several moments later, Daniel Baxter arrived and opened the door for him and two people entered with a Dodge Caravan (IL plates 118078). They brought in ten USPS trays of ballots. There were no signatures or hand-off paperwork at the ballot receiving table.

## EXHIBIT A

16. At 3:25 p.m., four men walked in carrying two USPS trays from a Department of Elections van, plates 090490. They would not answer questions about where the ballots were from.
17. At 5:10 p.m., five USPS trays arrived at the back entrance, side door, DOE van plate 118078.
18. On either November 3<sup>rd</sup> or 4<sup>th</sup> (I can't recall for certain which day). I asked a supervisor a mundane procedural question, but our conversation was almost immediately interrupted by at least two loud and intrusive Democrats (lawyers or challengers – I did not see visible credentials) who stated that I could not ask her this question. I found such antagonistic behavior to be a frequent occurrence. Poll workers were told by Democrat operatives, some of whom refused to provide credentials on request, that their six-foot separation privileges or other rules were being violated (they were not). The poll worker would then protest loudly against the false injustice and I, or a GOP colleague, would soon look for a counting board with more cooperative workers.
19. On a later occasion, I was performing my duties as a challenger watching a poll worker compare the numbers on the ballot envelope and identification tab. I would lean in for about 1-2 seconds to match the numbers and then would swiftly step back to a six-foot separation. I did this with extreme deference to the poll worker, probably at the cost of accuracy in my observations. At one point, a heavy-set black male came walking very fast toward me and yelled “get back SIX FEET!” I told him I already was approximately six feet back but he loudly insisted I had to get back further and used his own height as a visual guide. I took a step back and was about to resume my duties when the poll worker – a large man in his thirties – whose work I had been observing, turned to the first man and said “THANK you. I was about to ELBOW him!” and he made a motion to me with his elbow. He then turned to me and said angrily: “you ‘bout to get an elbow!” I left that counting board not long afterward.
20. At the October 29<sup>th</sup> challenger conference on the floor of the counting board at TCF hosted by the chief election contractor for the City of Detroit, Chris Thomas, I had asked him if we would be permitted to challenge from the raised platform in the center of the counting board known as “the stage”. He had responded that he would “take that under advisement”. He never got back to me. On either November 3<sup>rd</sup> or 4<sup>th</sup> I asked fellow GOP



## EXHIBIT A

challenger, Bob Cushman to join me in going up onto the stage. On it were maybe a dozen computers, apparently used to monitor the vote counts coming in from dozens of tabulators below. We asked a few of the half a dozen or so staff on the stage to explain the process to us but they declined. I then approached Mr. Thomas, seated at the back corner of the stage. He looked up and before I could complete a sentence angrily yelled “you get the hell down offa here!” I protested briefly that we should have a right as challengers to view this aspect of the vote count but then complied with his instructions.

21. On November 4<sup>th</sup> in the afternoon I was monitoring the transfer of the military ballots when we noted that a poll worker approached the tables adjacent to the ballot receiving tables, where large stacks of blank ballots were laying in several open postal trays. The worker picked up at about 3 blank ballots, without signing them out to anyone or logging them anywhere and walked back to her counting board. I followed her and then spoke with her supervisor despite loud objections from Democrats (whether challengers, lawyers or uncredialled operatives, I don't know). I showed the supervisor that this worker had simply laid the ballots on the table in a haphazard, insecure fashion and I asked if there were several duplications that she was about to perform. She stated that there were not and that she was merely saving steps by pre-positioning the blank ballots in the event she needed them for a duplication. I alerted a GOP lawyer who took over the situation.
22. On November 4<sup>th</sup>, several GOP challengers chanted “Stop the count” to alert the Department of Elections management to our exasperation at being unable to perform our duties, even despite our lawyers pleadings. The chanting ended in less than two minutes. I then heard multiple loud hostile comments from poll workers and Dem operatives such as “throw ‘em all out!” and “call the police!” About 20 police officers subsequently arrived. There were no scuffles that I could see.
23. My firm impression, based on multiple interactions involving both myself and my observations of other GOP challengers, between poll workers -- including several wearing “BLM” masks and/or tee shirts -- Democrat operatives, including lawyers and many uncredialled persons acting in a thuggish manner, is that there was coordination of their actions and that the tactic of working together to make and support specious

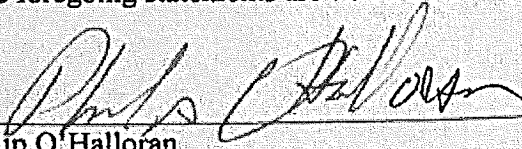
EXHIBIT A

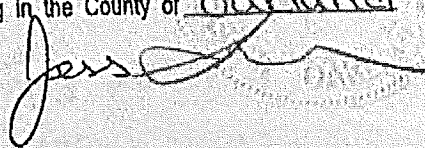
accusations against GOP challengers was deliberate and designed to intimidate, with the threat of police action against us, which was successful in several instances.

24. I also affirm that in many previous elections, in which I served as a challenger for the GOP, dating back to the mid 1990's and in jurisdictions as diverse as Southfield, Rochester and Detroit, I have NEVER seen hostile, orchestrated obstruction of my ability to perform my lawful duties as a Republican challenger. In fact, as recently as August 4<sup>th</sup> of this year at the primary on the same TCF floor in Detroit, I was always treated with respect and was never hampered in any way in doing my job. Until November 3<sup>rd</sup> my interactions with poll workers, supervisors and election officials have always been cordial and professional.

25. I declare under penalty of perjury, that the foregoing statements are true and correct.

DATED this 17<sup>th</sup> day of November 2020.

  
Philip O'Halloran

Jessica Smithling  
Notary Public  
State of Michigan County of Oakland  
My Commission Expires: 02/07/2025  
Acting in the County of Oakland  


## EXHIBIT B

### DECLARATION OF ANN CAPELA

I, Ann K. Capela, under penalty of perjury, declare as follows:

1. I am at least 18 years of age, and I have personal knowledge of the facts as stated in this Declaration.
2. I am a registered voter in the state of Michigan.
3. I was retained by the City of Detroit and paid to serve as an Inspector for Counting Board No. 46 at the TCF Center to process and count absentee ballots for the November 3, 2020 general election.
4. Once retained, I was trained for two hours at the TCF Center on the process and recording of votes for the absentee ballots cast in the November 3 election as well as all duties related to a Ballot Inspector in execution of recording and processing and closing of Counting Board 46. I was given instructions to study on how to arrive, and what to do. I was told no cell phones or any type of electronic device would be permitted. The same as well as other instructions were provided to all Counting Board Members (CBM) in written format.
5. During training, I trained as Job 1, there were 5 official jobs listed in the instructions (Exhibit #1). Job 1 was the first person that would be opening envelopes and also scanning that envelope in to a central computerized system and then verifying the ballot number assigned to this voter as well as the voter number assigned to the voter – this was located on the outer envelope. I was instructed to ensure I knew the difference between the ‘voter number’ and ‘ballot number’. During the ballot counting process I would need to check that the voter number as well as ballot number matched on the outer envelope to the scanned record in the electronic voter records.

Tuesday, November 3, 2020

6. I arrived at the TCF Center on Tuesday, November 3<sup>rd</sup> at 5:30 a.m. as specified in my agreement with the City of Detroit.
7. All Counting Board 46 members took an oath to uphold the Constitution.

## EXHIBIT B

8. When I arrived on November 3<sup>rd</sup> all six (6) members of Counting Board 46 signed in to a time sheet to verify we were present. The names and positions of members of Counting Board 46 are as follows: Job Number 1: Ann Capela; Job Number 2: Mildred; Job Number 3: Fannie, Job Number 4: Claudia; Job Number 5: Emily; Job Number 6: Larry. I found it odd that our Counting Board had 6 members because the instructions only included positions for five (5) members. We were instructed that Larry in Job No. 6 would be the only Member that could take the bundled ballots to the ICC, which was the ballot tabulating station. The vote tabulators were separate and apart from Counting Boards and were located in the middle of the floor, far away from Counting Board 46. The tabulator station for Counting Board 46 was identified as ICC #10.
9. This process was starkly different from my two previous experiences at the TCF center in 2016 and 2018 where I served as a poll watcher during the counting process. I commented to Job 2 (Mildred) how different the process was this year and that the process this year was very segmented. I was the only member of Counting Board 46 who had ever participated in ballot counting before.
10. I noticed some other signatures for our Counting Board where other individuals who were not present had signed in. I was told that the day before, Monday, November 2<sup>nd</sup> there were other individuals who were present in initial processing of ballots and that these individuals only opened or slit open the envelopes, scanned the envelope and verified that the voter was in the system. I was told they reassembled the envelopes (did not separate the outer and secrecy envelope) and placed them in a tray and then placed them in a storage room overnight in a large metal box which had a lock or a seal. I never saw a large metal box where these ballots had supposedly been contained.
11. Early in the day, each member of Counting Board 46 reviewed the opening tape. This contained approximately six (6) to seven (7) pages of zeros. We each certified that there were zero ballots counted in our machine at the beginning of the day. We all passed that sheet around to say there was zero and we all said "yes there's zero." We all inspected the pages but at this time I don't specifically recall if we signed any documents. I do recall discussing that those "0" pages were to be placed in the Ballot Book and at the end of the vote count all Counting Board Members were to sign that the starting balance was

## EXHIBIT B

0 and the ending balance was the same as what we had counted and reconciled with the ballot counting machine.

12. From about 5:30 A.M. until about 10:00 AM in the morning on November 3<sup>rd</sup> we did nothing. We kept busy chatting and at one point I got up and stated that we should inventory the supply box that each Counting Board was provided. We could not even bring pencils with us because all supplies needed for this process were in the big black cardboard box.
13. I proceeded to take all supplies in this box and lay them out on the table to go through and identify to ensure our Board has the necessary supplies as well as materials were in there according to our written and spoken instructions during training.
14. I was in the process of identifying the inventory when a woman who identified herself as our "Lead," came over and firmly asked me what I was doing. I told her that I was simply taking inventory of the supplies to ensure we had the necessary tools to do our jobs. She took the materials that I laid out on the table and very briskly put all the supplies back in the black box. At that point I put my hands up in a manner of surrender and said "you are the boss and we do as we are told." I told her I had years of experience of ballot counting but this did not matter to her. She put everything back into the box and closed the box.
15. We sat around. There were no ballots to be counted for at least four hours.
16. When the ballots arrived to begin counting, the outer envelopes had already been opened, and we were told, had already been scanned. We were told there was no need to verify ballot number or voter number in the electronic poll book because of this task was completed on the previous day. As Job 1 was completed, I was instructed to move over to sit between Job 2 and Job 3 persons and I was to assist with tearing off the tabs from secrecy ballots, place the tabs into an envelope that was taped to the table, take the ballot out of the secrecy envelope, unfold the ballot, not inspect the ballot but rather press and straighten them out and hand them over to Job. 4. Job 4 was to press the ballot again to ensure the ballot would be smoothly put in the ballot counter. Job 5 placed the ballots into bundles of 25 to be placed in a set of 200. Larry (who had no Job number was to take the ballots in a box to the ballot tabulator across the room and wait to hand in the ballots to the two (2) individuals (no names or introductions were given to these two people) who would run the ballots through the ballot counter and place the counted ballots back

## EXHIBIT B

- in the metal ballot box which was to be brought back to Counting Board 46 at the conclusion of the ballot counting process. Each Counting Board was to verify the content of this box full of ballots and seal this box at the conclusion of the process.
17. A woman named Mildred was assigned to Job 2 at Counting Board 46. Job 2 required the assignee to take the secrecy envelope out of the outer envelope and to check that the ballot number on the upper tab matched the ballot number on the outer envelope. Mildred then separated the two envelopes. She placed the outer envelope in the bin below the table and handed the secrecy envelope to Job 3 (Fannie) who would remove the tab from the secrecy envelope, place the tab in the envelope and unfold the ballot.
  18. Myself and Fannie removed the ballots from the envelopes and the tabs from the ballots. The tabs were placed in a separate yellow 9x14 inch envelope and the ballots were unfolded and straightened out. We separated in the ballots into piles of twenty-five (25). We handed the piles of twenty-five (25) ballots to Claudia.
  19. On several occasions, Claudia asked me "What do I do with these ballots? These are just check marks and will not be read by the machine?"
  20. I observed many ballots with blue and green check marks rather than filled in.
  21. I do not know if the ballots with check marks were processed.
  22. We were told by the section supervisor that those ballots had been approved and certified and we were not to verify or question their validity.
  23. We were told not to do anything except tear the tabs off, process, and bundle the ballots into piles of twenty-five (25). Job 6, Larry, took them over to be counted by the machine.
  24. We processed 600 ballots, according to our section supervisor, Ryan. Ryan told me, at the start of this process, to open up the computer and enter in the general remarks section that Counting Board 46 received 600 processed ballots. I followed his instructions. I do not know how many ballots we actually received.
  25. We were told it did not matter if there was an irregularity just to keep processing, because the individuals did all this on the previous day. I gave all the ballots to Claudia, as directed, who straightened the ballots. We were told not to look at the ballots and not to make any judgements regarding their validity. We followed this process for the ballots we received which had already been opened.

## EXHIBIT B

26. After processing the ballots (I was told 600 ballots by Ryan, however, I cannot verify this count), in a few hours, we waited until 7:00 PM doing absolutely nothing. We were told to go get a box lunch. At one point all Members of the Counting Board got up to leave but I told the group I would stay behind to watch our table.
27. Many of the Counting Members remarked as to why there was nothing going on. No ballot counting was done all day except for the few hours of a very long 14 hour day. We asked Ryan our Section Supervisor as to what was going on but he said he did not know.
28. We were told to tidy up our tables and to leave everything as is and we could go home.
29. We were instructed that same rules and regulations would apply the next day.
30. We were dismissed at 8:00 PM on November 3, 2020. We only processed ballots on November 3<sup>rd</sup>. I do not know what happened to those ballots after we processed them.

### Wednesday, November 4, 2020

31. On November 4, 2020 I arrived at the TCF Center at approximately 5:30 AM. From the time I arrived to around 10:00 AM, we again sat around, doing nothing. No ballots were forthcoming and no one knew what was going on.
32. Finally around 10:00 AM they began calling Counting Boards to retrieve the ballots. Ryan, the Section Supervisor, asked all Counting Board Members to remain seated and stated that he was going to pick up the ballots to be counted. The ballots were being distributed from a central location table in the middle of the counting floor. I believe Ryan picked up the ballots as the announcer was calling various tables to pick up their ballots. The ballots Ryan retrieved arrived to our Counting Board in open USPS trays.
33. Larry, Job 6 used a letter opener to open the outer envelopes. I was then given the outer envelopes to scan and make sure the voter file appeared when the envelope scanned. If the voter file did not populate my instructions were to set the ballot aside as a problem ballot and keep going. I followed those instructions. We placed problem ballots in a bin, our section supervisor, Ryan would review the problem ballots and tell us what to do with them.
34. We went through the process where I had a ballot that was opened for me by Job 6, Larry, then I scanned it. If it appeared I pronounced and stated the name of the absentee voter and I gave the envelope to Job 2, Mildred, and Mildred then took secrecy envelope

## EXHIBIT B

out and called out the ballot number to me and I confirmed the name in the electronic poll book with the name on the outer envelope. If it did not match, which occurred several times, it's hard to remember how many, I had to go in to the computer system and note that the ballot number in the secrecy envelope did not match the ballot number on the outer envelope.

35. There were instances where the voter wasn't in the e-poll book or supplemental poll book. I was given 2 (two) supplemental voter lists. If the name of the voter was not in the electronic poll book, I checked the first supplemental list and if it was not on that list I checked the 2<sup>nd</sup> supplemental list. If the voter was not in any of the 3 lists, the ballot was set aside in the "problem ballot" box to be dealt with by Ryan.
36. Because I was Job 1, I controlled the computer. I was instructed on several occasions by the section supervisor to turn off the computer monitor because there were poll challengers watching. I was also told to exit out of the program because the poll challengers were watching.
37. Next, Mildred, Job 2, handed the inner envelope to Job 3 and Job 3 took the tab off in the secrecy envelope, put the tab in the 9x14 envelope, took the ballot out and gave it to Job 4.
38. Job 4 unfolded and straightened the ballot, looked at it and gave it to Job 5 who then counted twenty-five (25) ballots in a bunch, bundled them in bundles of fifty (50) and when we reached two-hundred (200) Larry, Job 6 walked the ballots over to Counting Machine Number 10 and that machine counted the ballots. The ballots remained there and we were told we would be required to go retrieve them at the end of the night to seal in the ballot boxes.
39. We did this for approximately 150 ballots and we were done at approximately 1:30 P.M.
40. Following this, we began to work on problem ballots. The problem ballots had to be added to the computer system manually. We were instructed to enter the date of birth for all problem ballots as 01/01/1900 in order to override the system. I did this for approximately six (6) problem ballots. I also entered the address as it appeared on the outer envelope. After each problem ballot was manually entered it went through the processing steps described above and all were eventually brought over to the counting machines.



## EXHIBIT B

41. At the end of the counting day on November 4, 2020 – I was asked to print out three (3) reports from the electronic poll book: (1) a final list of voters who had cast ballots; (2) remarks associated with each ballot cast that did not match what was on the ballot; and (3) the electronic poll book and general remarks section (this was the statement we had 600 ballots processed one day prior to election day).
42. The environment in the TCF Center was hostile on November 4, on the floor there was mass confusion. I observed a lot of aggressive young people wearing green stickers. They were recording, taking pictures, and a young woman – maybe in her 20s – came near our table and I asked her to leave because she couldn't take pictures and record or use a phone and she says “no we can use our phone if we want to.”
43. The young woman was pretty brisk and very combative and I watched her after that. She would go from table to table and she was signaling to another young man there and they were very aggressive and hostile. They were texting constantly, signaling to someone in the room and walking and milling around. I observed a number of those people. They were all white, generally younger, college-aged individuals wearing green stickers. In my observations and opinion they were there to agitate.
44. Shortly thereafter I noticed a slew of new people – probably a dozen individuals with very bright yellow sweatshirts that said “defender” and they had yellow hats and they were really aggressive. When we went to get our food they were aggressive. They were talking, texting, walking around and I went over back to one of my co-workers Mildred and I said “Mildred, this is really bad. These are agitators. This is not good. There's something going on.” Mildred agreed. We were both concerned for our personal safety.
45. For the rest of the day after we counted those 150 ballots we did nothing. There were a lot of television crews there and it was chaotic and tense.
46. Later on in the evening I noticed that all my Counting Board members took out their phone, except for Larry and Mildred. The Counting Board next door all had phones out. Everyone was on their phones. So I said “what happened to the violations or not having phones at the Counting Board table” but it was permitted as the day went on. There was no enforcement of it. There was definitely information being exchanged with the outside. There was no sequestration.

## EXHIBIT B

47. At one point, an African-American woman started getting loud and she accused a white man of photographing her; police came and ejected or arrested that man. I was shocked when other election inspectors and agitators clapped and cheered as this man was removed from the floor.
48. Outside the doors, which had been locked, there were people chanting "Stop the Count." The doors were locked for a very long time.
49. At approximately 8:00 PM, Claudia, Job 4 could not go on. She felt ill so she gathered her things and left. She was exhausted. It was our second day working really long shifts.
50. We were paid through 9:00 PM. At that time we were told we could leave and that we would not be paid extra if we stayed overtime to complete the counting of the ballots. I personally confirmed this with Mr. Baxter, the head supervisor. At 9:00 PM, two more members of Counting Board 46 left. Only me, Mildred and Larry remained.
51. Shortly after we looked at our sign in and sign out sheet which we were told we must sign in order to get paid. Our board supervisor, a young woman – I can't remember her name – was telling everyone to sign out at 9:00 P.M. I went to her and I said "I did not sign that. I didn't sign out. I'm not signing until 12 midnight. I was asked to stay until midnight. I'm not going sign a false statement of information because I did not leave at 9:00 P.M." Two other people, including Mildred, said same thing, "We didn't leave at 9:00 P.M. I'm not signing that. I'm leaving at midnight." I witnessed woman sign people out herself.
52. In the following hours we completed a number of functions. I was asked to print out a final report of all the absentee voters from Counting Board 46. I also printed out the remarks, attached them and added the ballots processed to determine how many absentee ballots were recorded in the system. Then we had to manually add all the problem ballots we processed.
53. We also were asked to sign a sheet in triplicate about any write in ballots. The three people who left at or before 9:00 P.M. were asked to sign a blank sheet in triplicate. They signed the blank sheet. I recall that this sheet had something to do with write-in ballots and a copy would go to the state, county and board of canvassers.
54. We didn't see any write-in ballots. We were never asked to look at the ballots. We were told that we had processed 600 ballots—however I cannot confirm this as true. Not one

## EXHIBIT B

- time did we note there was a write in ballot. I asked the section supervisor whether we were going to be able to see the write in ballots. He didn't know. Our supervisor said "just sign it on the sheet" and I said "I am not going to sign a blank sheet. You can't ask us to sign a blank sheet. Show us what it is that we are certifying to and I'll be happy to sign it. I want to see the list. I want to see the write in ballots or whatever it is you're asking me to certify." She did not show me anything and she said "Fine. If you don't want to sign a blank sheet or document then you don't have to sign it." So I did not.
55. We then proceeded to close out. There was a large box with all sorts of equipment – pencils, rulers and envelopes in which we were to put our poll book and supplemental voting list.
56. I proceeded to ask the supervisor when we would certify the closing tapes because that was the most important part of the process. We needed to confirm that the ballots counted in the machine matched to the total ballots cast in the computer system. We did not balance the ballots and the count. We never signed the balancing sheet.
57. At one point the supervisor of the section told me that he does not need all of us to sign this or all of us at the Counting Board to sign. This confused me and was contradictory to our training. He said that he could submit everything with two inspectors and himself.
58. When I challenged and asked him about this, he told us we all have to sign it in order to validate the numbers. We never saw the numbers. We didn't balance the numbers and we never saw the printout of the tapes.
59. Around 10:30-11:00 PM I asked the supervisor again "when are we going to get the ballots?" I received no response.
60. From my experience it seemed there was a lot more work to be done as far as closing up at this point, including signing all the paperwork and sealing the ballot boxes.
61. At around 11:30 PM they announced that if we would stay beyond midnight for four (4) more hours we would be paid an additional \$300.
62. By midnight a majority of the inspectors walked out because they could not sustain the physical toll. We had arrived at 5:30 AM the day before. It was not physically possible to have good judgment after being there for so long.
63. I left at 12:00 AM. Larry is the only member of Counting Board 46 who stayed.

## EXHIBIT B

64. Every member of our Counting Board was supposed to sign the paper certifying that the ballots processed and counted balanced. Our Counting Board never signed anything. We left and we were not asked to stay and sign.
65. There was at least one Counting Board that I saw, which, at close to midnight was still duplicating ballots.
66. The entire process did not line up with the training or the study materials we received.
67. In the 2016 and 2018 elections I worked as a poll watcher in the TCF Center.
68. There were some differences from 2018 to 2020; the main difference is that each Counting Board in the past had their own counting machine in the middle of the Board. Not this time. We did not control the process. We did not have chain of custody of the ballots and did not know what happened to them after they were taken to the counting machine. We never saw them again.
69. Another key difference is that there were two sets of teams processing and counting the ballots—a team on November 2 and a team on November 3-4. There was a long break between when the processing ended at 8:00 PM on November 3 and when it picked back up again on November 4. There was no chain of custody from the person who opened the outer envelope to the person who sealed the ballot boxes. The segmented process and lack of transparency denied me the ability to certify exactly how many ballots were processed and counted at Counting Board 46. I do not believe anyone in any other Counting Board could verify this either.
70. The supply election box, as well as original instructions has several red sticker 'seals.' We were informed that these seals were to be placed on the various envelopes. Each seal was to be signed. None of the Counting Board Members to my knowledge and before I left at midnight signed any of the seals as instructed. There was no completion of the documentation of what we as the Counting Board had accomplished in the written poll book.
71. I printed the report from the computer which showed final count, then I was asked to add up the checkmarks on the two (2) supplemental voter lists. I manually entered seventy-two (72) votes (to my best recollection) from the supplemental lists.
72. There was mass confusion and what to do next and extensive waiting time between various instructions from Mr. Baxter at the main podium.

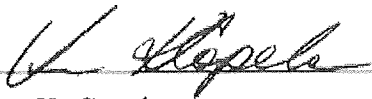
## EXHIBIT B

73. As a Counting Board we never finished the full counting process.
74. The Team Leader of our Section (young lady that I can't recall her name) started to fill out the green seal to seal the ballot box (metal one). I asked her why was she filling out the seal since we have not completed our work. I thought that the Counting Board Members were to do this job. After all we were the people who counted the ballots.
75. In my years of experience it was the actual Counting Board Members, who were directly involved in counting, not the Section or Team Supervisors who signed and sealed the ballots and ballot count.
76. I posed the question to the Team Leader how she could sign something that was blank? This is the same Team Leader who filled out the time out sheets for everyone at 9:00 PM. Myself and Mildred crossed out where she signed for us and wrote in 12:00 AM as our departure time.
77. The process at TCF center was segmented into three (3 days) and each day was segmented by functions between various Counting Board Members. Counting Board 46 and all other Counting Boards at the TCF Center had no chain of custody for the ballots counted or completed the work when all Counting Board Members were present.
78. Approximately two-thirds of the Counting Board Members left at 9:00 PM and many more left at 12:00 AM.
79. Approximately every two (2) hours Mr. Baxter would call a 'huddle' for all Section Supervisors to give instructions. It appeared to me that the people in charge were 'flying by the seat of their pants'.
80. At one point after 9:00 PM I approached Mr. Baxter and told him I had been at the TCF Center in 2016 and 2018 during ballot counting and I have never seen anything like this process. Mr. Baxter told me this was his first time at TCF Center for absentee ballot counting.
81. The process was waiting and waiting with no Counting Boards working, then we'd work for a while, stop the process for a long time, then go home. We came back the next day only to count 150 ballots--the process broke down completely.
82. We as Counting Board Members never reconciled the number of ballots cast or certified what was in the ballot box or it sealed it before it was taken away.

## EXHIBIT B

83. We as Counting Board Members never signed the required seal to ensure the chain of custody of documents or the accuracy of documents containing the ballot count or number of ballots processed.
84. Counting Board 46 did not reconcile the final numbers.
85. I have worked in public administrations for over 20 years. I believe the absentee ballot counting process at the TCF Center was designed for a specific outcome.
86. I declare under penalty of perjury, that the foregoing statements are true and correct

DATED this 16 day of November 2020.

  
Ann K. Capela

## EXHIBIT C

### DECLARATION OF BRETT KINNEY

I, Brett Kinney, under penalty of perjury, declare as follows:

1. I am at least 18 years of age, and I have personal knowledge of the facts as stated in this Declaration.
2. On November 3, 2020 at approximately 1:20 PM I was present at the TCF Center located at 1 Washington Blvd., Detroit, Michigan 48226.
3. TCF Center was used as the Detroit Department of Elections Central Counting Board where absentee ballots are processed and counted.
4. I was duly authorized and eligible to serve as a poll challenger at the TCF Center.
5. I was told during my training by the Republican party not to aggressively engage anyone verbally as tensions were high.
6. I was given several blank incident reports and told to fill them out should I witness anything irregular.
7. The environment in the TCF Center was hostile, on the floor there was mass confusion.
8. I was repeatedly intimidated and yelled at by election inspectors, democrat and non-partisan poll watchers move when I attempted to observe the absentee ballot counting process.
9. Election inspectors at table 37 refused to mark ballots I verbally challenged as challenged ballots. I made a list of those ballots and it is attached hereto.
10. I also witnessed election inspectors at table 37 improperly duplicate ballots.
11. I asked the elections supervisor if there was a Republican witness present to witness the ballot duplication, the supervisor told me that it was "not required."
12. I witnessed election inspectors tabulate the duplicated ballots despite the fact that they were being challenged.
13. I completed reports for some of the irregularities listed in this declaration at the TCF center. A copy is attached hereto.
14. I declare under penalty of perjury, that the foregoing statements are true and correct.

DATED this 15 day of November 2020.

  
Brett Kinney

Brett Kinney 754 212 1107  
Detroit  
CANVASS  
TCF Center

EXHIBIT C  
TCF Center - Detroit

NOV. 3 - 2020

I'm at station #37 to overheard  
election worker at job function  
# 2 say that we are getting a  
new President on TUESDAY NOV. 3.

Table # 37 1832 ballots

# 01439 SCAN does NOT match  
ballot # + NAME - challenge issued

# 1556 Ballot does NOT match #  
# on the envelope - challenge issued

# 00179 numbers don't match  
challenge on 2 different parts  
of envelope + E poll book - challenge issued

# 00944 problem with number on  
Ballot - challenge issued

Ballot 166f problem with numbers  
matching #0969 - challenge issued

# Ballot # 0333 numbers don't match  
challenge issued



0180 DOESN'T MATCH - CHALLENGE  
ISSUED

Ballot 0765 numbers DO NOT  
MATCH - challenge issued

02302 Duplicate Ballot - I witnessed  
the election worker duplicate this  
ballot. Challenge issued + entered in  
system. Challenge was issued at 3:24 pm  
I am a volunteer with Team Trump  
campaign as a poll challenger at  
TCF Center - Detroit CANVASS - challenge issued

Ballot 06047 was duplicated by the election  
workers Ballot is in the wrong precinct  
Brett Kinney witnessed a election worker  
fill in a new ballot with # 02303. I am  
volunteer election poll challenger for  
Team Trump campaign - TCF Center - Detroit

Ballot # 1592 doesn't match the number  
on envelope of 1292 - challenge issued

Ballot 1673 on envelope does NOT  
match the # Ballot of 1832 in E  
Book - challenge issued

734 272 1310 bKinney1977@gmail.com

Jeff Kinney - Team Trump Volunteer  
1-3-2020 TCF Center - Detroit CANVASS

Ballot # 0111 does NOT match the Ballot # on envelope of 1111 - challenge issued

Ballot # 4847 does NOT match the envelope # challenge issued

Ballot # <sup>2219</sup> NOT with accompanying envelope with matching number 2219 NOT in original envelope with signature could be a duplicate Ballot - challenge issued

Ballot # ORG 4 NOT with accompanying envelope to match numbers AND to witnessed election workers duplicate a new Ballot # 02304 challenge issued

Ballot # 1644 doesn't match the ballot if 1637 in the E-Book - challenge issued

## AFFIDAVIT

The Affiant, William C. Hartmann, being first duly sworn, hereby deposes and states as follows:

1. My name is William C. Hartmann. I am an adult citizen, voter, and resident of the State of Michigan.
2. I am a member of the Board of Canvassers of Wayne County, Michigan.
3. I personally observed the Absent Voter Counting Boards in Detroit at TCF Center.
4. Since the election on November 3<sup>rd</sup>, I have attended the Wayne County Canvass on an almost daily basis.
5. On November 17, 2020, at 3:00 p.m. there was a meeting of the Board of Canvassers to determine whether to certify the results of Wayne County. The meeting did not start until 5:00 p.m. We were told it was delayed so that representatives of the Democrat Board members could obtain additional affidavits.
6. At 5:00 p.m. an open meeting and discussion began to discuss the issue of whether to certify the vote. In my review of the results, I determined that approximately 71% of Detroit's 134 Absent Voter Counting Boards (AVCB) were left unbalanced and many *unexplained*. I informed the Board members of the discrepancies, but soon thereafter, a motion to certify was

made by Vice-Chairman Jonathan Kinloch. After further discussion, I renewed my concerns that the reason that the numbers did not balance for the majority of AVCB's in Detroit, and importantly, could not be explained. If the vote totals did not match, there should have been a documented reason explaining why.

7. The Board considered the ultimate question of whether to certify the vote, and the motion to certify the Wayne County elections failed 2-2.
8. This vote was followed by public derision from our two democrat colleagues. I, and Monica Palmer, who also voted against certification, were berated and ridiculed by members of the public and other Board members. This conduct included specious claims that I was racially motivated in my decision. This public ostracism continued for hours during which time we were not provided an opportunity to break for dinner and were not advised that we could depart and resume the hearing on another date.
9. I discussed a potential resolution with Vice-Chair Kinloch in confidence. Ms. Anderson-Davis told us that we must vote to certify on that night. We were told that we could not consider matters such as the unexplained reasons that most of Detroit's AVCB's did not balance and no one knew why. We

were informed that this consideration was outside of the scope of the Board's authority.

10. During the evening, Wayne County counsel, Ms. Janet Anderson-Davis, and my colleagues on the Board, continued to discuss irregularities in the AVCB's. Ms. Anderson-Davis advised the Board that the discrepancies were not a reason to reject the certification, and based on her explicit legal guidance, I was under the belief that I could not exercise my independent judgment in opposition to the certification. Therefore, I voted to certify the results.

11. Late in the evening, I was enticed to agree to certify based on the promise that a full and independent audit would take place. I would not have agreed to the certification but for the promise of an audit.

12. Vice-Chairman Jonathan Kinloch then assured us that if we voted to certify the election, a full, independent, and complete audit of Detroit's election, would be undertaken. We relied on this assurance in coming to an agreement. Without this assurance, I would not have agreed to certify Wayne County on November 17<sup>th</sup>.

13. After the meeting, I was made aware that Michigan Secretary of State, Jocelyn Benson made a public claim that the representations made by Mr. Kinloch, on which we had relied, would not be followed.

- c. I am also concerned about the use of private monies directing local officials regarding the management of the elections, how those funds were used and whether such funds were used to pay election workers. I have not received answers to these questions, and I believe the people of Michigan deserve these answers. Can we release the logs to the tabulators demonstrating what happened in Detroit?
- d. Why do the pollbooks, Qualified Voter Files, and final tallies not match or balance?
- e. 71% of Detroit AVCB's did not balance, why not?
- f. Did the chairperson of each of Detroit's 134 AVCB's keep logs of shift changes?
- g. Why were republicans *not* used in signing seals certified at the end of the night on Monday, and Wednesday evening before ballot boxes were documented, closed, and locked?
- h. How many challenged ballots were counted?
- i. Was any information placed directly into the Qualified Voter Files in the AVCB's?
- j. How many voter birthdates were altered in the pollbooks?

k. Were ballots counted in TCF that were not reflected in the electronic pollbook or paper supplemental list?

l. Based upon information and belief, there were over 18,000 same-day registrations in Detroit on November 3. Were these new applicants verified as proper voters prior to the tabulation of their ballots?

18. I voted not to certify, and I still believe this vote should *not* be certified.

19. Until these questions are addressed, I remain opposed to certification of the Wayne County results.

19. The above information is true to the best of my information, knowledge, and belief.

I certify under penalty of perjury, that my statement and the evidence submitted with it, are all true and correct.

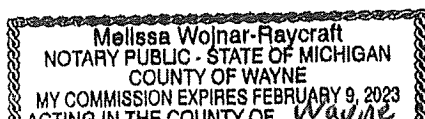
Printed Name: WILLIAM C. HARTMANN

Signed Name: *William C. Hartmann*

Date:

Sworn to before me this 18<sup>th</sup> day of November, 2020 at 6:29pm

*Melissa Wojnar-Raycraft*  
Notary Public *Melissa Wojnar-Raycraft*  
My Commission expires on: Feb. 9, 2023





### AFFIDAVIT

I, Monica Palmer, being first duly sworn, and under oath, state:

1. I am the Chairperson of the Wayne County Board of Canvassers.
2. The Board is a four-member board, required to have two Republican and two Democrat members, and I serve as one of the Republican members.
3. On August 4, 2020, the Michigan primary election was held.
4. On August 18, 2020, the Board held a public meeting at the Board's office in Detroit. I attended the meeting with the other three members of the Board.
5. The Board reviewed the Wayne County election results and considered whether to certify the August 4, 2020 primary election.
6. As reflected in the meeting minutes, Wayne County Election Director Gregory Mahar gave the Board a report at the meeting that included the following findings:
  - Staff encountered difficulties while trying to canvass the City of Detroit absentee precincts. "He indicated that aside from receiving the poll books on the first Friday and Sunday after the canvass began, the list of voters received made it difficult to determine how many voters actually returned their ballot. He reported that the City of Detroit used the QVF printed list of voters but there was also a handwritten list of voters, which is common to use both, but the two lists combined put the precincts severely out of balance."
  - "Director Mahar also reported on the difficulties staff encountered with trying to retabulate any absentee precincts that were out of balance. He stated that according to the Election Management system, he could see the City of Detroit did not scan a single precinct within a batch. When multiple precincts are scanned within a batch, it makes it nearly impossible to retabulate a precinct without potentially disrupting a perfectly balanced precinct."
  - "Deputy Director Jennifer Redmond reported on the irregularities she encountered while trying to retabulate out of balance precincts. She indicated that in some cases staff could not retabulate because the number of physical ballots counted in the container did not match the number of voters according to the poll book. Staff also requested the applications to vote for Detroit precinct 444 and precinct 262. Both containers had fewer ballots in the container than the number of voters according to the poll book, but what was strange was there appeared to be some missing applications." 4.
7. It was reported that in the August 2020 primary that 72% of Detroit's absentee voting precincts were out of balance.
8. After discussion among the Board members, I voted along with all the other canvassers in a unanimous vote in favor of certifying the August 4, 2020 Primary Election.

9. Although certifying the primary election results, all Board members expressed serious concerns about the irregularities and inaccuracies. The Board unanimously approved a proposed joint resolution titled "Requesting a State Election Monitor and Investigation" that stated "Now Therefore Be it Resolved That, The Board of Canvassers for the County of Wayne, Michigan, request for the Secretary of State as Michigan's Chief Election Officer, to appoint a monitor to supervise the training and administration of the City of Detroit, Absentee Voter Counting Boards in the 2020 November General Election. Be it Finally Resolved, That, the Board of Canvassers for the County of Wayne, Michigan, request an investigation be conducted by the State Department of Elections into the training and processes used by the City of Detroit in the 2020 August Primary Election."
10. On November 3, 2020, the general election was held. I went to observe the election process at the TCF Center on November 3, 2020 and November 4, 2020.
11. Since November 5, I went to the Wayne County Canvas almost every day and helped the Wayne County staff.
12. On November 17, 2020, there was a board of Canvassers meeting scheduled to start at 3:00pm to determine whether or not to certify the November election. The meeting did not begin until 4:46pm.
13. Minutes before the meeting began at 4:46pm, I was given a report on the final canvas. We were not given an executive summary which was customary at most other certification meetings.
14. During this meeting, I determined that more than 70% of Detroit's 134 Absent Voter Counting Boards (AVCB) did not balance and many had no explanation to why they did not balance.
15. Vice-Chair Kinloch made a motion to certify the vote. I noted our prior reservations about unbalanced precincts in August 2020 and determined the record had discrepancies and irregularities and was incomplete.
16. A motion was made to certify the vote, and I voted not to certify. The vote to certify the Wayne County elections failed 2-2.
17. After the vote, my Democrat colleagues chided me and Mr. Hartmann for voting to not certify.
18. After the vote, public comment period began and dozens of people made personal remarks against me and Mr. Hartmann. The comments made accusations of racism and threatened me and members of my family. The public comment continued for over two hours and I felt pressured to continue the meeting without break.
19. After several hours of harsh comments, Vice-Chair Kinloch suggested a potential resolution. Wayne County Corporate Counsel Janet Anderson-Davis told me that I had to certify the vote that night. She told the members their role was ministerial and they could not use their discretion on matters like the record being incomplete. We were told that discretion was outside the board's authority.
20. After being told by Ms. Anderson-Davis that I could not use my discretion regarding the anomalies, I believed I had no choice but to certify the results despite my desire to oppose certification based on the incomplete record.
21. Additionally, we were presented with a resolution that promised a full, independent audit that would present answers to the incomplete record. I voted to agree to certify based on the promise of a full, independent audit. I would not have agreed to vote to certify but for that promise of a full, independent audit.

22. Vice-Chairman Jonathan Kinloch gave me assurances that voting for the certification of the November election would result in a full, independent audit of Detroit's unbalanced precincts. I relied on that assurance and voted to certify the election based on that assurance. Without that assurance I would not have voted to certify the Wayne County November election.
23. Later that evening, I was sent statements that Secretary Jocelyn Benson made saying that she did not view our audit resolution to be binding. Her comments disputed the representations made by Vice-Chair Kinloch on which I relied.
24. As a result of these facts, I rescind my prior vote to certify Wayne County elections.
25. I fully believe the Wayne County vote should not be certified.
26. The Wayne County election had serious process flaws which deserve investigation. I continue to ask for information to assure Wayne County voters that these elections were conducted fairly and accurately. Despite repeated requests, I have not received the requisite information and believe an additional 10 days of canvas by the State Board of Canvassers will help provide the information necessary.
27. I initially voted not to certify the election, and I still believe this vote should *not* be certified and the State Board of Canvassers should canvass for an additional period.
28. Until these questions are addressed, I remain opposed to certification of the Wayne County results.

The above information is true to the best of my information, knowledge, and belief.

I certify under penalty of perjury, that my statement and the evidence submitted with it, are all true and correct.

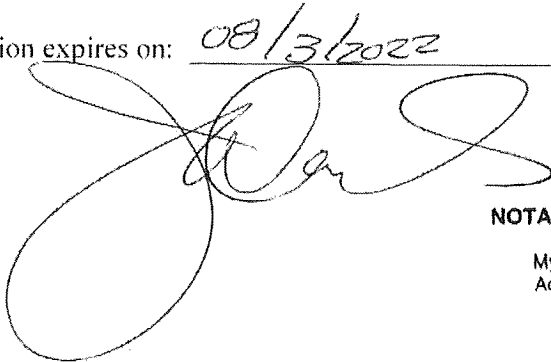
Printed Name: Monica S Palmer

Signed Name: Monica S Palmer

Date:

Sworn to before me this 18 day of November 2020 at 9:33 PM

My Commission expires on: 08/31/2022



**JANICE L. DANIELS**  
**NOTARY PUBLIC - STATE OF MICHIGAN**  
**COUNTY OF OAKLAND**  
My Commission Expires August 3, 2022  
Acting in the County of WAYNE