



2025 Legal Strategy Recommendations



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1 Introduction

1.1 Purpose of the report

The post-2024 election landscape necessitates a clear legal strategy to address the potential challenges and complexities that may arise. As the legal implications of the election outcome unfold, it is crucial to define a robust framework that can effectively navigate the anticipated disputes and litigation.

1.2 Overview of current election integrity landscape

Data from the 2024 elections further evidence the fraudulent activities present in the 2020 and 2022 election cycles. As of this report, some 2.5M votes allegedly cast for Joe Biden in 2020 switched to Donald J. Trump in 2024. In addition, over 4.5M more votes counted for Joe Biden in 2020 totally vanished in 2024, leaving the Harris-Walz ticket under-performing by more than 7M votes total in 2024. In 2020, Biden allegedly won six of seven “swing states.” But in 2024, Trump won all seven swing states, with a record voter turnout in six of the seven states, Arizona being the only swing state to see a decline in voter turnout in 2024.

The movement of the 7M “missing” votes in 2024 all appear to have come from the same 19 States that gave the Harris-Walz ticket 226 Electoral College votes in 2024. All 19 States are “sanctuary states” illegally harboring millions of illegal aliens, and all 19 States reject “voter ID” as a means of guaranteeing that only “legal citizen electors” vote in their elections.

Despite more than a hundred lawsuits filed and hundreds of social media and legacy media reports concerning the lack of Election Integrity in the 2020 and 2022 election cycles, both State and Federal Courts largely failed to engage in any efforts to remedy a horrifically failing election system across the country. The successes in 2024 Election Integrity were almost entirely the result of citizens working together through cohesive and coordinated strategic ground-game missions made possible by the leadership of groups like and working with The Lindell Offense Fund.

The direct results of a preemptive strategically coordinated mission in 2024 are as follows;

- a) Trump won the popular vote
- b) Trump won the Electoral College vote
- c) The GOP maintained control of the US House
- d) The GOP won control of the US Senate
- e) The GOP won 8 of 11 Governor races
- f) Additional evidence of 2020 and 2022 election fraud emerged
- g) The Legacy Media was exposed and taken down a few notches
- h) Social Media took the lead in information sharing
- i) The 3rd Obama term was denied
- j) Biden, Harris and Walz were exposed, along with the “undemocratic” democrat party
- k) A new age of citizen activism was born
- l) A unified and coordinated framework for addressing public concerns was established and implemented for the 2024 elections, successfully



Despite great improvements made in the 2024 election cycle, much work remains to prevent fraudulent elections in the future. A number of key challenges to accomplishing the goal of Election Integrity remain and strategic planning and coordination moving forward must address each of these key challenges, or the work accomplished in 2024 will be for not.

2 Legal Framework

Legal work in the arena of Election Integrity falls into two categories, Litigation and Legislation. As the courts have consistently demonstrated for the past four years, the courts are highly politicized and even weaponized in many cases. They prefer to stay out of the fray when possible and have used illegitimate extraordinary measures, “court rules” rather than any laws, to stay out of the fight. Meanwhile, legislatures have largely abdicated exclusive “lawmaking” authority to both the Executive Branches via “Executive Orders” and the Judicial Branch via “case precedents.”

Court Jurisdictional authority falls into two categories as well, “Original Jurisdiction,” which establishes a Supreme Court, State or Federal, as the only court with jurisdiction over certain cases involving the constitutionality of matter that impact all legal US Citizens and member States; and “Appellate Jurisdiction,” making Supreme Courts the court of final review over cases previously presented and adjudicated in lower courts.

Further, two opposing types of law are practiced in today’s court system, (British) Common Law, defined as the “law of customs” via court “procedure and precedent,” and Constitutional Law, which limits a court to ruling on the basis of “standing law” as constitutionally adopted by Congress, designed to interpret, uphold, defend and enforce all constitutional protections of legal U.S. Citizens and the fifty member states of the union.

To put a fine point on the matter, only one of the following is the “supreme law of this land;”

- a) The U.S. Constitution and Bill of Rights
- b) (British) Common Law
- c) Court opinions (case law?)
- d) Expert analysis (unauthorized)
- e) Unconstitutionally adopted statutes

No matter the legal mission, proper use of constitutional legal strategies must prevail, as if it doesn’t, then the U.S. Constitution is no longer the supreme law of this land, and the compact (contract) between the member states that establishes and empowers the Federal government is broken, null and void.

As it pertains to the matter of Election Integrity, an “unverifiable” election is an “uncertifiable” election. If election procedures are not free, fair, lawful, transparent and limited to “legal U.S. Citizen electors,” then it is no longer a government of, by or for the legal American Citizens.

2.1 Types of Writs



In the United States, a writ is a formal order issued by a court with administrative or judicial jurisdiction. The US legal system has adopted various types of writs from common law, which are used to enforce rights, prevent unlawful actions, and correct errors. These writ options are summarized in Table 1.

Table 1 Types of Writs

WRIT	DESCRIPTION
HABEUS CORPUS	A writ of habeas corpus is used to challenge the legality of a person’s detention or imprisonment. It requires the detaining authority to produce the detainee before a court and justify the detention.
MANDAMUS	A writ of mandamus is an order from a higher court to a lower court or government official to perform a specific duty or take a particular action.
CERTIORARI	A writ of certiorari is an order from a higher court to a lower court to send up the records of a case for review.
PROHIBITION	A writ of prohibition is an order from a higher court to a lower court to stop a particular action or proceeding.
QUO WARRANTO	A writ of quo warranto is used to challenge a person’s right to hold a public office or exercise a particular power.
SUBPOENA	A subpoena is a writ that requires a person to testify or produce documents in a court case.
WRIT OF EXECUTION	A writ of execution is an order from a court to a law enforcement officer to seize a person’s property to satisfy a debt or judgment.

These writs are essential tools in the US legal system, allowing courts to enforce rights, prevent abuses of power, and ensure that the law is applied fairly and justly.

2.2 Civil Suits vs. Criminal Complaints

When pursuing legal action regarding malfeasance, it is important to understand the differences between civil and criminal legal efforts. A summary of the differences between the two domains can be reviewed in Table 2. Although many unlawful election procedures and practices are direct or indirect violations of law, some of which rise to the level of “criminal” acts, citizen efforts to confront these issues can fall into either “civil” actions or “criminal” complaints, often with one leading to the other.

Table 2 Differences between civil and criminal legal actions

TOPIC	CIVIL TRIALS	CRIMINAL TRIALS
Parties Involved	An individual or entity (plaintiff) files a lawsuit against another individual or entity (defendant)	The state or government prosecutes the defendant on behalf of society.
Burden of Proof	The plaintiff must prove their case by a "preponderance of the evidence" (more likely than not)	The prosecution must prove guilt "beyond a reasonable doubt"



TOPIC	CIVIL TRIALS	CRIMINAL TRIALS
Jury Requirements	Some states allow non-unanimous verdicts; for example, only 10 of 12 jurors may need to agree	Typically require a unanimous jury verdict for conviction
Constitutional Protections	These specific constitutional protections do not apply in the same way	Defendants have extensive constitutional rights, including the right to a speedy trial, presumption of innocence, and protection against self-incrimination
Right to an Attorney	There is no guaranteed right to an attorney; parties must hire their own or represent themselves	Defendants have the right to an attorney, and one will be provided if they cannot afford it
Potential Outcomes	In addition to monetary damages, the following remedies are available: <ul style="list-style-type: none">- Writ of Quo Warranto- Writ of Mandamus- Injunctive Relief- Declaratory Judgement	Can result in convictions leading to fines, jail time, or other penalties
Initiation of Proceedings	Start with the plaintiff filing a complaint against the defendant	Begin with an arrest and formal charges filed by the government
Plea Options	Defendants typically admit or deny allegations in their answer to the complaint.	Defendants can plead guilty, not guilty, or no contest.

In either case, current courts operate largely upon Rules of Procedure and Precedence. Criminal Law is based upon [Title 18 of U.S. Criminal Codes](#), Rules of Procedure, while Civil Law falls under Rules of Procedure and Precedence found in [Title 28 of U.S. Federal Civil Code](#).

As most are aware, a “criminal case” begins with a criminal complaint, filed with an appropriate Law Enforcement Agency, which should then open a “criminal investigation” into the claims made in the criminal complaint, resulting in an investigative conclusion concerning whether or not adequate evidence confirms the existence of a crime having taken place. If compelling evidence of a crime is present following the criminal complaint and investigation, the case is usually turned over to an appropriate prosecutors office for review.



If and when the prosecutors office determines enough evidence exists to justify pursuit of a criminal indictment, the case may or may not proceed through the process of Criminal Procedure as established in Title 28 of the U.S. Federal Civil Code.

Criminal cases are entirely dependent upon the criminal investigation, the prosecutors review, an eventual criminal indictment and trial. A criminal conviction can sometimes result in a civil suit for damages, but if both are filed, the civil case will await the outcome of the criminal case.

A Civil Suit can also result in the same criminal evidence being presented as the foundation for the suit, and even result in criminal charges pending the outcome of the civil case and the quality of the evidence presented in court.

For these reasons, we usually suggest Civil Suit first as the shortest route to placing evidence in to a court that may later be used in a criminal case when appropriate. Civil Law procedures are far less strict and cumbersome as compared to Criminal Law procedures, as is the “burden of proof” standard.

Whether pursuing a Civil Suit or a Criminal case, the “burden of proof” always rests with the accuser, the plaintiff[s] or petitioner[s]. However, the standards for “burden of proof” are not the same.

“In civil cases, the plaintiff has the burden of proving their case by a preponderance of the evidence, which means the plaintiff merely needs to show that the fact in dispute is more likely than not. A "preponderance of the evidence" and "beyond a reasonable doubt" are different standards, requiring different amounts of proof.”

“In criminal cases, the burden of proving the defendant’s guilt is on the prosecution, and they must establish that fact beyond a reasonable doubt.”

In recent years, the courts have adopted a “legal standing” rule which has been used quite often to reject cases at the door without any evidence ever being allowed. Fundamentally, the “legal standing” rule means “a right to bring the case” and it has three parts;

- *Injury in Fact:* The [plaintiff](#) must have suffered an “injury in fact,” meaning that the [injury](#) is of a legally protected [interest](#) which is (a) concrete and particularized and (b) actual or imminent.
- *Causal Connection:* There must be a causal connection between the injury and the conduct brought before the court.
- *Redressability:* It must be likely, rather than speculative, that a favorable [decision](#) by the court will redress the injury.

Theoretically, courts must accept cases that meet this standard. However, it has become a practice of the courts to deny court access to citizens even when a case meets all three “standing” rules, in particular, in cases concerning Election Integrity. For many years now, the courts have made it abundantly clear that they do not want to weigh in on cases concerning elections because they want to avoid being accused of interfering with “the will of the voters.”



But as it pertains to Election Integrity cases filed properly, the court avoidance of the subject is itself, interfering with the true will of the voters, as unlawful elections cannot produce a lawful outcome.

2.3 Constitutional Provisions

In order for an election to be “constitutional,” it must result in a verifiable and certifiable government of, by and for legal Citizen electors. Non-citizens, dead voters, cross-district and state voters, undocumented voters and fraudulent ballots via mail-in, drop box, and ballot harvesting must not be allowed.

At the foundation of everything is the reality that the United States Constitution remains the “supreme law of this land.” This Constitution is not a document designed to assign and protect “the rights of the people,” but rather a contract or compact, between the fifty member states which creates a Federal Government and assigns that government certain limited duties and the authorities necessary to carrying out those duties.

As a result, any election procedure which allows “non-citizens” to vote, or fails to protect elections from “non-citizen voting,” is in direct violation of a standing Federal Law which enjoys Federal Supremacy as it relates to Federal Office Elections. The result of such is an “unverifiable” election, thereby, as “uncertifiable” election.

Clearly, there are also multiple security vulnerabilities in the electronic voting systems that must be remedied as well. This can be accomplished by balanced appropriate legal suits and state and/or federal legislation.

2.4 Federal Election Laws

[Article I – Section IV](#) of the U.S. Constitution establishes “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;”

It also establishes “but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.”

As it pertains to Federal Office Elections, the U.S. Congress long ago established that “it is illegal for non-citizens to vote in U.S. elections,” found in [18 U.S. Code § 611](#) - Voting by aliens.

Election procedure in use the past several elections are already in violation of Federal Election Laws. A lack of enforcement of these laws results in an “uncertifiable” election outcome.

New Federal Election laws establishing a minimum national standard for all federal office elections should be created and adopted to protect the nationwide integrity of all federal elections. No longer can the Citizens of this country allow partisan interests and actors at the state and local level to violate Federal Code and operated “unverifiable” and “uncertifiable” elections without penalty. By operating elections in an unlawful and unverifiable manner, these state governments have placed their citizens in a position of having their votes “disqualified” across the board, simply because



their election procedures allow for “unlawful” voting by ineligible electors, eliminating any audit trail of election results in the process.

2.5 State-Specific Election Laws

Much of the work done between 2020 and 2024 election cycles included a deep-dive study of both existing and new election laws on a state-by-state basis. To some degree, state election laws must be considered on the basis of State and Local Elective offices as opposed to Federal Offices.

State-by-state, there is a broad patchwork of election codes, both old and new. The citizens of each state are responsible for determining support or opposition to State Election codes as they pertain to State and Local office elections. However, as it pertains to all Federal Office Elections, all procedures and processes must comply with Federal Election Laws in order for these election results to be legally certifiable at the Federal level.

A grave difficulty arises as a result of states allowing “illegal” voters to vote in State and Local Elections, on the same ballot where Federal Office Elections also appear. In some cases, states are even allowing “illegal alien non-citizens” to serve in law enforcement and on courts.

Problem 1 in this regard is the declared or undeclared “sanctuary” status of these states. If a state has even one sanctuary city, then the entire state is a sanctuary for illegal activities, whether formerly declared by government officials or not. Some of this may be remedied as a result of incoming immigration policies aimed at some level of “mass deportation” of illegals in the sanctuaries.

Additionally, states like Michigan have gone so far as to “unconstitutionally” amend the State Constitutions and adopt a laundry list of new election laws designed to keep the door wide open for fraud and bury the evidence via a total lack of public transparency, eliminating any legitimate audit trail or chain of custody for balloting.

But still, Federal Law including a national minimum standard for federal elections must be established, or these states will continue to operate elections unlawfully in the future. Volunteers from all fifty states can and should engage in looking at these laws within each state and sharing information upstream so that a coordinated effort can address these issues.

3 Key Areas of Focus

3.1 Voter Registration and List Maintenance

Due to the fact that Federal Law prohibits “non-citizens” and other from voting in our elections, non-citizens, citizens no longer residing in a state, and other legally ineligible voters should appear on any voter registration rolls in the country. States are legally responsible for maintaining legal voter registration rolls. Use of outside private sector services such as the ERIC System, directly violate voter privacy laws and have in the past participated in maintaining voter registration rolls full of ineligible voters.



3.2 Voter Identification

This is a very complex issue in that an effort must be made to secure our elections to legally eligible Citizen electors only, while at the same time avoiding national voter databases that can then be used by Federal Agencies for partisan purposes, violating the one-person one-vote standard as well as all protections of voter privacy.

Many states issue a Driver's License (aka State ID) to "illegal aliens" and non-citizen residents. In many if not all cases, these "State IDs" do not identify someone as a "non-citizen" ineligible to vote. Often, the states that issue these Drivers Licenses also use the Department of Motor Vehicles (DMV) to register new voters at the same time, making it all but certain that "ineligible" voters are voting in their elections, with a State ID and unlawful voter registration.

These things largely exist in the same sanctuary states that refuse to use any form of vote ID so that there is no audit trail of who voted in their elections at all, much less whether or not each voter had a legal right to vote in our elections.

Voter registration must be limited to legal Citizen eligible voters only, and this must be part of any new Federal Statute designed to create a national minimum standard for all federal elections. It may be more a matter of what to stop doing, such as no longer issuing State IDs to individuals in our country illegally, and eliminating so-called "sanctuary" states altogether, or ending the practice of DMVs registering voters, or so-called "automatic voter registration."

The biggest problem exists in "sanctuary" states and states that issue State IDs (Drivers Licenses) to ineligible voters, without any ability for election officials to properly identify someone as a legal citizen eligible to vote from an ineligible voter, both presenting an identical form of ID issued by the state without separating "legal" from "illegal" residents.

As is always the case, the slope between desirable election security and undesirable tyrannical government authority is indeed quite slippery. This issue requires careful study and crafting to accomplish the goal of secure elections, without jeopardizing individual voter privacy and security.

3.3 Absentee and Mail-In Voting

First and foremost, we must stop the practice of treating "absentee" voting and "mail-in" voting as the same things. They are not at all the same things and should never be treated as such.

Absentee voting has been around for decades, allowing legal U.S. Citizen Electors to have their ballots cast and counted via legitimate rules and regulations with a clear audit trail to the voter and voter eligibility, for circumstances in which a person has a legal right to vote, but cannot for some reason, be available to vote in person on Election Day.

Mail-in voting is not absentee voting. Unlike absentee voting, mail-in voting is almost entirely unregulated and void of any transaction audit trail. Mail-in voting often involved "drop box" voting as well, wherein a single individual can drop multiple ballots into a drop box for later collection, which of course involve ballots that do not belong to the individual placing them in the drop box.

Mail-in voting became a thing in 2020 under CV19 "lockdown" and "social distancing" protocols that never should have been put in place to begin with, for health reasons, opening the door wide



for fraudulent voting to take place. There is compelling evidence to suggest that this is exactly how Joe Biden allegedly received over 81M votes to defeat Trump in 2020, despite Trump receiving more than 11M more votes in 2020 than he received in 2016. It also explains how 7M 2020 Biden votes, simply were not there for Harris in 2024.

Mail-in and drop box voting must be terminated altogether. There is no true means of securing voting by these methods. For well over two-hundred-years, our country has been able to welcome all legally eligible voters via either Election Day in-person voting or legal Absentee voting.

3.4 Election Day Operations

For more than 248-years now, the USA has been able to manage elections without electronic voting machines and tabulators, or mail-in and drop box balloting.

For the record, election fraud has existed as long as elections have existed. However, following the “hanging chads” event in Florida 2000, wherein paper ballots were put through numerous “recounts” in an attempt to overturn the Bush victory over Gore, as the world watched “hanging chads” as they were knocked to the floor in recount after recount, the public became more accepting of electronic voting.

But as operations like “Smartmatic” had already been exposed for machine manipulation of elections on foreign soil, and healthy dose of skepticism regarding secure reliability of these electronic systems was well justified.

Add to this highly partisan onsite management of Election Day operations, including unbalanced poll-watcher access in deep blue districts and the overt efforts to block any and all forms of public transparency in the processes and you end up where we are today, when over 70% of legal American Electors have little to no faith in the legitimacy of our elections.

It all comes down to “lawful” versus “unlawful” practices and procedures at every polling location across the country. People determined to cheat will find hundreds of methods to do it. But at the end of the day, it is not possible to get a “legal” outcome from any “illegal” process.

In the 2024 election cycle, new RNC leadership set out to train more than 200k poll watchers and brought in over 500 election lawyers across the country to make certain that eyes were on the election procedures in 2024, unlike 2020 and 2022. Boots on the ground will always be the best way to prevent fraud on the ground. These missions must continue to grow as more and more citizens are willing to do their part in securing lawful election outcomes in the future.

3.5 Electronic Voting Systems

Electronic voting and tabulation systems are used in all fifty states now. Even though there are a few different contract providers of this technology, most if not all use the same or similar internal software systems once known as “Smartmatic,” which was sued out of business and purchased by a competitor years ago.

In most cases, the systems in use were never properly certified as secure, safe and transparent for use, as is required by most states and all federal election codes. The contracting for election equipment is usually left to County level officials, who have no idea whether or not the machines in



use are properly certified or even certifiable. In pretty much all cases, County level officials are only following directives from their respective State Secretaries, working in concert with the highly profitable election technology salespersons.

It's worth noting that in recent years, mostly since 2000, the USA has been using the same election systems used to steal elections in foreign 3rd world countries like Venezuela. When County level officials have been queried on this subject, they usually go entirely silent, clearly uninformed and unfamiliar with the trouble associated with the electronic systems they were sold.

In the lead up to the 2024 election, [Michigan Secretary of State Benson](#) was forced to go public with the late acknowledgement that “the Dominion voting systems” had severe “glitches” during early voting, according to Secretary Benson, all across the country.

This type of investigation requires specialists familiar with electronic voting technologies, computer programming, and the history of numerous issues identified in these systems.

4 Litigation Strategy

It's critical to understand the truth regarding the Court Jurisdictional Authority, which has been a major cause for a lack of success in the courts for many years now. Before discussing specific individual litigation approaches, it's key to adopt a proper interpretation of court authorities.

Unfortunately, three types of law currently exist in our courts, Common Law, Statute Law and Constitutional Law, exercised at the will of the court in the form of either Appellate Jurisdiction or Original Jurisdiction.

- **Common Law** - Common law (also known as judicial precedent, judge-made law, or case law) is the body of law primarily developed through judicial decisions rather than statutes or constitutional text. It's a British form of law also known as “the law of commons” or “law of customs.” Most U.S. Courts operate primarily on this type of law today and to be frank about it, this is an “unconstitutional” practice used to undermine Constitutional and Statute Law.
- **Statute Law** – Often referred to as “positive law” wherein the constitutionally authorized law-making authority of the legislatures adopts law via Statutes, as they pertain to laws authorized by the constitutional authority of legislatures. A statute is a formal written enactment of a legislative body, a stage in the process of legislation.
- **Constitutional Law** - Constitutional law is a body of law which defines the role, powers, and structure of different entities within a state, namely, the executive, the parliament or legislature, and the judiciary;

In the United States, the U.S. Constitution is the “supreme law of the land”, and this is the foundation from which all federal governmental authority exists. In the case of the Federal Government, the U.S. Constitution divided duties, power and authority into three independent co-equal branches, the Article I Legislative law-making Branch, the Article II Executive Branch, and the Article III Judicial Branch.



Constitutionally, “law-making” authority is assigned exclusively to the Article I Legislative Branch. Neither the Executive Branch or Judicial Branch is assigned any law-making authority whatsoever. Therefore, Executive Orders cannot be “law” and neither can “judicial opinions.” Only laws constitutionally adopted by the Legislative Branch enjoy the force of law.

Two Types of Jurisdictions

Our Article III Court Structure is designed to spread case-load across numerous Federal Courts with Appellate Courts and in the end Supreme Courts sitting in a position to overrule or overturn lower court opinions when necessary, through an appellate process, supreme courts being the final court of review.

- **Appellate Jurisdiction** - Appellate jurisdiction refers to the power of a higher court to review and make decisions on cases heard by a lower court, correcting or overturning the lower court’s decision if necessary.
- **Original Jurisdiction** - Original jurisdiction refers to the authority of a court to hear a case for the first time, without any prior review or appeal from a lower court. This means that the court has the exclusive power to adjudicate the case, and its decision is final and binding. While Appellate Jurisdiction exists to right the wrongs of the lower courts, Original Jurisdiction exists to prevent civil unrest or civil war, threatening the perpetuation of the Constitutional Republic, when challenges to government authority or government corruption create a circumstance wherein “the people” or “the states” lose faith and trust in governments ability or intentions to protect and serve the legal American citizens and member states of the union in a constitutional manner.

Original Jurisdiction of the Supreme Courts exists to prevent distrust of government from spiraling out of control while disputes are forced to endure a lengthy and expensive appellate process that can take years and millions of dollars to eventually reach the Supreme Courts for final adjudication.

Original Jurisdiction is therefore the most critically important form of legal jurisdiction in the judicial branch. It exists for the sole purpose of upholding and enforcing the U.S. Constitution on behalf of the American citizens and states, preventing the need for the people or states to take matters into their own hands, void any immediate access to judicial review.

[Article III – Section II](#) of the U.S. Constitution assigns “Original Jurisdiction” to the U.S. Supreme Court in the following areas of dispute;

- The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.



- In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction.

Nowhere is the original jurisdiction of the U.S. Supreme more critical or important than in the matter of Elections, for a government which is not legitimately of, by or for the legal American citizens, is an “unconstitutional” government. When partisan interests take precedence over free, fair, secure, lawful and transparent elections, resulting in over efforts to cheat or manipulate the outcome of elections, the people are eventually forced to resolve the destruction of the Constitutional Republic by any means necessary, any means available, all of them justified, when the judicial branch fails its sworn duty.

NOTE: The current Department of Justice has not only been silent on evidence of mass election fraud, but it has also been complicit in it. In just the 2024 election cycle alone, the DOJ has sued States for trying to clean up their voter rolls by removing “illegal” voters, launched criminal prosecutions against election officials desperate to expose election fraud, and backed “unverifiable” election procedures that not only make fraud possible, but certain.

The Burden of Proof

For the past four years of cases challenging the integrity of the 2020 elections, courts have consistently taken the position that “the burden of proof” rests upon the plaintiffs or petitioners in each case, while at the same time not allowing any evidence or proof to enter the courtroom based on Common Law Rule technicalities such as “lack of legal standing” on the part of those filing the cases, or “lack of jurisdiction” on the part of the court wherein the cases were being filed. It was an overt effort by the courts to bury evidence of fraud in the election processes, while also often falsely claiming a failure to meet the “burden of proof” that rests with the accusers.

However, in civil cases, although the “burden of proof” does indeed in part rest upon the plaintiffs or petitioners, the burden required by law is; “In civil cases, the plaintiff has the burden of proving their case by a preponderance of the evidence, which means the plaintiff merely needs to show that the fact in dispute is more likely than not.”

NOTE: Preponderance refers to the evidentiary standard necessary for a victory in a civil case. Proving a proposition by the preponderance of the evidence requires demonstrating that the proposition is more likely true than not true.

The clear and convincing evidence standard is more rigorous than the preponderance of the evidence standard, and the beyond a reasonable doubt standard is more rigorous than the clear and convincing evidence standard.

Currently, federal law and federal courts have no apparent jurisdictional authority over election equipment chosen by the States and County Election Officials of each state. However, the Federal Courts most certainly do have superior jurisdictional authority of matters involving the Constitutionality of elections, and Federal Election Laws regarding federal office elections in particular.

At the end of the day, a great offense is our only defense against illegitimate election procedures. We must take the fight to the cheaters beginning January 20, 2025. This will require a multi-faceted



approach to addressing all of the reasons why and how election fraud has become a norm in America.

New incoming leadership in all Federal Branches and Agencies will present a once in a lifetime opportunity for the American citizens to secure the integrity of all future elections for many years to come. This opportunity cannot be ignored.

4.1 Proactive legal actions to ensure election integrity

All efforts to secure future elections from fraud and cheating must begin with a proper understanding of Constitutional Law and the Common Law Court system. At the core of every effort must be the reality that “unverifiable elections” are “non-certifiable” elections. While every stone must be overturned in search of the many ways election fraud takes place in the USA, in an effort to eliminate every means and method, we cannot overlook the overreaching reality that is a state makes their elections “unverifiable,” they have by those actions, made their elections “uncertifiable.”

In 2020, we were largely stuck playing defense after the fact. But the pre-election offensive for the 2024 elections produced an entirely different outcome. This is no time to rest, but rather to build upon everything we accomplished together in 2024, to secure the integrity of all future elections looking forward.

We must challenge all the key areas from every angle of attack available, litigation and legislation, Federal, State and Local. We must be united in strategic well-coordinated and executed offensives, or our victories in 2024 will be for not.

4.2 Defensive strategies against potential challenges

Until such time that Federal Agencies are no longer “weaponized” against American citizens working to secure our elections and Make America Great Again, a financial war-chest must be adequately maintained to defend good people against wrongful prosecutions and false accusations.

Some have suggested “if we can’t beat them, we should join them.” In other words, we should try to “outcheat” the cheaters. This idea isn’t just morally and ethically wrong, it’s a recipe for total disaster.

At present, working to do what’s right comes at a higher price than doing what’s wrong. This must be a fundamental change in the USA. No matter the political affiliation of anyone seeking to undermine the Constitutional Republic via fraudulent election procedures, be they politicians, parties, election workers, tech contractors, software and machine providers, special interest 502 and 527 groups, or even ordinary citizens, they must be held accountable to the full extent of the law.

Meanwhile, every American willing to make a stand for Election Integrity, deserves and must have broad public support to defend against false persecution and prosecution, or the weight and power of the global enemy will destroy all who work to right our ship.



The best defense is a great offense. But even then, storms will come to those standing up, and we all have to be in this fight together.

4.3 Key jurisdictions and courts to focus upon

When seeking a court action concerning election integrity, it’s critical to seek the action in the proper court with appropriate jurisdictional authority over the matter at hand.

Due to a patchwork of State Election codes and practices, many of them in direct violation of State and Federal constitutions and laws, State level efforts must be tailored to fit the circumstances in each State.

However, concerning federal elections for federal offices, a nationwide challenge against unlawful, unconstitutional and unethical State actions must be challenged in Federal Courts. The same is true when pursuing national election standards for federal elections via legislation, which must come from the U.S. Congress. Model Legislation should be developed, presented and promoted by “the people” in a well-organized and executed manner. Before filing any federal lawsuit give careful consideration to which justice has been assigned to which Federal Circuit Court (See Table 3).

Table 3 Federal Circuit Court Assignments

COURT	JUSTICE	STATES
DISTRICT OF COLUMBIA	John Roberts	
FIRST CIRCUIT	Ketanji Brown Jackson	ME,MA,NH,RI
SECOND CIRCUIT	Sonia Sotomayor	NY,VT
THIRD CIRCUIT	Samuel Alito	DE,NJ,PA
FOURTH CIRCUIT	John Roberts	NC,MD,SC,VA,WV
FIFTH CIRCUIT	Samuel Alito	LA,MS,TX
SIXTH CIRCUIT	Brett Kavanaugh	KY,MI,OH,TN
SEVENTH CIRCUIT	Amy Coney Barrett	IL,IN,WI
EIGHTH CIRCUIT	Brett Kavanaugh	AR,IA,MN,MO,NE,ND,SD
NINTH CIRCUIT	Elena Kagan	AK,AZ,CA,HI,ID,OR,MT,NV,WA
TENTH CIRCUIT	Neil Gorsuch	CO,KS,NM,OK,UT,WY
ELEVENTH CIRCUIT	Clarence Thomas	AL,FL,GA

When State election laws and procedures only affect the citizens of that State, the proper jurisdiction for such cases is the State Courts. Until the State Supreme Court fails the people within a state, it is a “state matter” so long as it only impacts the citizens of that state. Failure by a State Supreme Court can then be challenged in a Federal Court.

But federal elections impact the entire nation, not just the individual state or their citizens. As a result, it’s often preferable to run a “dual-track” effort by filing in both the State Courts and Federal Courts at the same time. A 3rd track can also be run via the legislature within the state, depending upon the circumstances at hand, and the current makeup of the state legislature involved.



Prior to launching a new case, it’s best to seek both legal and strategic advice, to measure twice and cut once. This is a great benefit of the Lindell Offense Fund structure. Resources beyond financial resources have been gathered to make this easier than it has ever been before.

5 Evidence Collection and Preservation

In order to be successful in any legal endeavor, it is necessary to collect and preserve evidence of malfeasance in a manner suitable for introduction into a court of law.

5.1 Protocols for documenting potential irregularities

When collecting and preserving evidence of potential election irregularities for legal action, it is crucial to follow proper protocols to ensure the integrity and admissibility of the evidence. Here are some recommended practices:

Protocol	Topic	Description
Documentation and Chain of Custody	Detailed Record-Keeping	Maintain thorough documentation of any observed irregularities, including the date, time, location, and specific details of the incident. Use a standardized form or digital system to ensure consistency in reporting.
	Chain of Custody	Establish and maintain a clear chain of custody for all physical evidence. Document who handled the evidence, when, and for what purpose. This helps preserve the integrity of the evidence and its admissibility in legal proceedings.
Preservation of Physical Evidence	Secure Storage	Adhere to federal, state, and local retention laws. For federal elections, records must be retained for at least 22 months.
	Retention Period	Adhere to federal, state, and local retention laws. For federal elections, records must be retained for at least 22 months.
	Proper Labeling	Label all evidence clearly with identifying information, including a unique code, description, and storage location.
Digital Evidence Collection	Use of Specialized Apps	Some organizations have developed apps specifically for collecting and reporting potential election irregularities. These tools can help standardize the evidence collection process.
	Metadata Preservation	When collecting digital evidence, ensure that metadata (such as timestamps and location data) is preserved along with the content.
Reporting and Legal Compliance	Official Reporting Channels	Report suspected irregularities to the appropriate authorities, such as: <ul style="list-style-type: none"> • State or territorial election offices • The U.S. Department of Justice Civil Rights Division, Voting Section (for voting rights violations)



Protocol	Topic	Description
		<ul style="list-style-type: none"> Local FBI offices or U.S. attorney's offices (for suspected voter fraud) Local law enforcement organizations (See Appendix C)
	Compliance with Laws	Ensure that all evidence collection activities comply with federal, state, and local laws. Be aware of regulations regarding voter privacy and election observation.
Verification and Analysis	Cross-Verification	Whenever possible, corroborate evidence from multiple sources to strengthen its reliability.
	Expert Analysis	Consider engaging election security experts or forensic analysts to examine technical evidence, such as voting machine data or electronic records.
Legal Consultation	Early Legal Advice	Consult with legal experts specializing in election law to ensure that evidence collection methods meet legal standards and that the evidence gathered is relevant to potential legal actions.

By following these protocols, individuals and organizations can help ensure that any evidence of potential election irregularities is collected and preserved in a manner that maintains its integrity and usefulness for potential legal proceedings. It is important to note that while these practices can help in documenting concerns, they should be carried out in a manner that respects the electoral process and does not interfere with the rights of voters or the duties of election officials.

5.2 Best practices for preserving election materials

When preserving election materials, it's crucial to follow best practices to maintain the integrity and security of these critical records. Here are some key recommendations:

Best Practice	Description
Secure Storage	Store all election materials, including ballots and voting equipment, in a secure, climate-controlled environment. The storage area should: <ul style="list-style-type: none"> Be protected from fire, floods, and other physical risks Have limited access, with a log of who enters the space Use locks, seals, and other security measures Maintain temperatures below 77 degrees Fahrenheit Keep relative humidity between 45% and 65% Avoid storing materials in vinyl or plastic containers or on the floor, and keep them away from natural or UV light.
Chain of Custody	Maintain a clear and well-documented chain of custody for all election materials. This includes: <ul style="list-style-type: none"> Using standardized forms to track the transfer of materials Requiring at least two signatures for each transfer Employing tamper-evident seals and regularly verifying their integrity



Best Practice	Description
	<ul style="list-style-type: none"> Documenting the unique identifiers of equipment and materials (e.g., serial numbers, seal numbers)
Retention and Disposal	Develop and follow a comprehensive retention policy that adheres to federal, state, and local laws. Key elements include: <ul style="list-style-type: none"> Retaining federal election records for at least 22 months Creating a detailed retention schedule for various types of records Tracking records with unique codes, descriptions, and storage locations Conducting regular reviews to identify records ready for disposal Ensuring secure destruction of records containing sensitive information
Documentation and Auditing	Implement robust documentation practices: <ul style="list-style-type: none"> Use specialized software or spreadsheets to track all election materials Label items clearly with relevant information (e.g., record category, election date, retention period) Maintain detailed logs of all actions taken during the election process Conduct regular audits to verify the accuracy and security of stored materials
Physical and Cybersecurity	Integrate election material storage into your overall security plan: <ul style="list-style-type: none"> Use video monitoring and access logging systems Implement two-person accountability for accessing sensitive materials Ensure all electronic systems are properly secured and isolated from external networks - Regularly update and test security measures

By following these best practices, election officials can help ensure the integrity, security, and admissibility of election materials for potential audits, recounts, or legal proceedings.

5.3 Strategies for leveraging data analytics in investigations

Data analytics has become an increasingly important tool in election fraud investigations, offering sophisticated methods to detect anomalies and potential irregularities. Here are some key strategies for leveraging data analytics in this context:

Strategy	Topic	Description
Statistical Analysis Techniques	Benford's Law Variations	While traditional Benford's law analysis of first digits is not effective for election data, modified approaches can be useful: <ul style="list-style-type: none"> Analyzing the distribution of second digits in vote counts Applying first-digit analysis after mathematical transformations of the data



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Strategy	Topic	Description
		These techniques have been used to flag potential anomalies in various elections, including the 2004 U.S. presidential election.
	Bayesian Finite Mixture Modeling	<p>This approach, developed by Walter Mebane, treats the percentage of votes for each candidate as an estimator of true voter sentiment:</p> <ul style="list-style-type: none"> • Estimates probabilities of fraud by disentangling disparities between vote estimates and actual sentiment • Uses statistical principles to estimate the number of fraudulent ballots cast
Machine Learning Approaches	Random Forest Models	<p>Machine learning techniques, particularly Random Forest models, have shown promise in detecting potential election fraud:</p> <ul style="list-style-type: none"> • Can incorporate large amounts of election data • Make minimal parametric and distributional assumptions • Allow for the use of ensemble models to improve anomaly detection
	Synthetic Data Generation	<p>Creating synthetic clean and at-risk data can be used to train supervised classification models:</p> <ul style="list-style-type: none"> • Generate clean synthetic data using mixed effects regression • Create at-risk data by simulating various types of election fraud • - Use the labeled synthetic data to train models for classifying actual election data
Anomaly Detection	Voter Behavior Analysis	<p>AI-driven analytics can identify unusual patterns in voter behavior:</p> <ul style="list-style-type: none"> • Detect irregularities such as duplicate registrations and unusual voting patterns • Analyze large datasets to swiftly identify anomalies
	Predictive Analytics	<p>Use AI to analyze voter data and trends to forecast voter behavior:</p> <ul style="list-style-type: none"> • Examine information from social media, voting history, and demographics • Identify unexpected deviations from predicted patterns
Data Visualization and Pattern Recognition	Turnout Analysis	<p>Examine correlations between vote share and turnout:</p> <ul style="list-style-type: none"> • Look for unusual relationships that may indicate ballot stuffing • Visualize data to identify outliers or unexpected patterns



Strategy	Topic	Description
	Vote Share Distribution	Analyze the distribution of vote shares across precincts: <ul style="list-style-type: none"> • Check for disproportionate presence of rounded numbers or zeros in vote totals • Identify deviations from expected statistical distributions

To maximize the effectiveness of data analytics in election fraud investigations, it's crucial to:

- a) Combine multiple analytical techniques for a comprehensive assessment
- b) Incorporate contextual knowledge about specific election processes and potential fraud methods
- c) Use data from past elections to establish baselines and identify unusual trends
- d) Ensure access to detailed, precinct-level data for the most accurate analysis

By employing these strategies, investigators can leverage the power of data analytics to identify potential irregularities and support more targeted and efficient election fraud investigations.

6 Communications Plan

Communications are an essential element of any legal strategy. It is critical in today's era of a politicized justice system for us to win in the court of public opinion before we stand a high probability of success in a court of law.

6.1 Messaging strategies

When developing messaging strategies as part of an election fraud accountability legal strategy, it's important to focus on clear, factual communication that builds trust and transparency. Here are some specific messaging strategies to consider:

Best Practice	Description
Emphasize Transparency and Integrity	<ul style="list-style-type: none"> • Showcase transparent election processes and vote counting procedures • Share behind-the-scenes content of election officials at work to demonstrate meticulous care • Highlight specific steps taken to ensure accurate and fair elections
Provide Regular Updates	<ul style="list-style-type: none"> • Offer routine updates on election preparations and progress • Maintain open channels for community inquiries through Q&A sessions and virtual town halls • Provide prompt, factual responses to address concerns and combat misinformation
Use Visual Communication	<ul style="list-style-type: none"> • Create eye-catching infographics highlighting key dates, registration deadlines, and voting instructions • Keep visuals simple, direct, and easily shareable to maximize reach on social media



Best Practice	Description
Focus on Factual Information	<ul style="list-style-type: none"> • Communicate all available voting methods clearly • Provide detailed instructions and links to resources for each voting option • Use consistent language and reliable sources to maintain trust
Address Misinformation Proactively	<ul style="list-style-type: none"> • Monitor social media discourse to identify sources of misinformation and distrust • Develop targeted responses to correct false information quickly
Contextualize Transparency Efforts	<ul style="list-style-type: none"> • Provide sufficient context when sharing information about election processes • Prioritize informed engagement over simple exposure to avoid stoking misinformation
Communicate Audit Results Clearly	<ul style="list-style-type: none"> • Distribute press releases after audits are completed, informing the public about accuracy rates • Explain any steps taken to address discrepancies found during audits
Partner with Experts	<ul style="list-style-type: none"> • Collaborate with scholars to test the effects of communication interventions through randomized controlled trials • Develop and test new interventions that could have larger substantive effects on trust

By implementing these messaging strategies, legal teams can effectively communicate their efforts to ensure election integrity while building public trust in the electoral process.

6.2 Transparency measures in legal proceedings

When developing a legal strategy for election fraud accountability, promoting transparency is crucial to build public trust and ensure the integrity of the electoral process. Here are key transparency measures that can be incorporated:

Best Practice	Description
Public Access to Election Data	<ul style="list-style-type: none"> • Require state election boards to make detailed election data publicly available in machine-readable formats, while protecting voter privacy. • Provide precinct or polling station level data, including registered voter counts and candidate vote totals. • Enable public analysis of election data to identify potential anomalies.
Independent Audits and Oversight	<ul style="list-style-type: none"> • Mandate regular post-election audits explicitly authorized by state law. • Ensure audits are transparent and open to public observation. • Implement risk-limiting audits as a best practice for verifying election outcomes. • Allow independent election observers and party representatives to monitor key processes.
Documentation and Chain of Custody	<ul style="list-style-type: none"> • Maintain detailed documentation of all election procedures and materials.



Best Practice	Description
	<ul style="list-style-type: none"> Establish clear chain of custody protocols for ballots and voting equipment. Make relevant documentation about procurement, testing, and certification of equipment accessible to observers.
Technological Transparency	<ul style="list-style-type: none"> Require open source code or independent review of all election software and hardware. Implement end-to-end verifiability in electronic voting systems. Provide voter-verifiable paper audit trails.
Public Communications	<ul style="list-style-type: none"> Proactively communicate audit findings, including steps taken to address any discrepancies. Establish clear timelines for result reporting and updates. Use visual aids like infographics to explain complex election processes.
Legal Framework	<ul style="list-style-type: none"> Ensure laws clearly define roles, responsibilities, and procedures for election management bodies. Establish transparent complaint mechanisms and sanctions for non-compliance.

By incorporating these measures, legal strategies can promote transparency throughout the electoral process, from voter registration to result certification. This transparency helps deter fraud, enables detection of irregularities, and builds public confidence in election outcomes.

7 Coordination with Election Officials and Law Enforcement

One of the best ways to ensure that elections are conducted in a legal manner is to ensure that our election officials and law enforcement officers are aware of the full scope of election laws not simply a curated subset promoted by politicized Secretaries of State or Attorneys General.

7.1 Strategies for working with state and local election administrators

When executing an election fraud accountability legal strategy, it's crucial to work effectively with state and local election administrators. Here are some recommended strategies:

Best Practice	Description
Establish Collaborative Relationships	<ul style="list-style-type: none"> Foster open communication channels with election officials at both state and local levels. Recognize the expertise of election administrators and seek their input on practical aspects of election processes. Build trust by maintaining transparency and demonstrating a commitment to election integrity.
Provide Education and Resources	<ul style="list-style-type: none"> Offer training and educational materials to help election officials understand legal requirements and best practices for election security.



Best Practice	Description
	<ul style="list-style-type: none"> • Share resources on cybersecurity, risk management, and emergency response planning. • Collaborate with organizations like the Election Assistance Commission (EAC) to develop and disseminate guidance materials.
Support Transparency Initiatives	<ul style="list-style-type: none"> • Encourage election offices to implement transparency measures, such as: • Providing regular updates on election preparations and processes • Allowing public observation of key election activities • Conducting post-election audits and making results publicly accessible
Assist with Communication Strategies	<ul style="list-style-type: none"> • Help develop public communication plans that address potential security concerns and misinformation. • Support efforts to establish election offices as trusted sources of information, such as by adopting .gov domains for official websites. • Encourage proactive media engagement and the use of social media to disseminate accurate election information.
Facilitate Interagency Cooperation	<ul style="list-style-type: none"> • Promote collaboration between election offices and other relevant agencies, such as cybersecurity departments and law enforcement. • Support the creation of task forces or working groups that bring together various stakeholders to address election security challenges.
Advocate for Resources and Support	<ul style="list-style-type: none"> • Promote collaboration between election offices and other relevant agencies, such as cybersecurity departments and law enforcement. • Support the creation of task forces or working groups that bring together various stakeholders to address election security challenges.
Encourage Standardization and Best Practices	<ul style="list-style-type: none"> • Promote the adoption of uniform procedures and standards across jurisdictions to ensure consistency in election administration. • Advocate for the implementation of voter-verifiable paper ballots and risk-limiting audits as best practices for election security.

By implementing these strategies, legal teams can work more effectively with state and local election administrators to enhance election security, promote transparency, and build public trust in the electoral process.

7.2 Protocols for referring potential criminal violations

When implementing an election fraud accountability legal strategy, it's crucial to have clear protocols for referring potential criminal violations to the appropriate authorities. Here are recommended protocols:

Best Practice	Description
Identify Relevant Federal Agencies	<ul style="list-style-type: none"> • U.S. Department of Justice (DOJ) Civil Rights Division, Voting Section: For voting rights violations, intimidation, or suppression.



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Best Practice	Description
	<ul style="list-style-type: none"> • Federal Bureau of Investigation (FBI): For voter fraud, campaign finance crimes, and threats to election workers. • U.S. Attorney's Offices: For local prosecution of federal election crimes.
Establish Reporting Channels	<ul style="list-style-type: none"> • Set up a dedicated hotline or online reporting system for election officials and observers to report potential violations. • Provide clear instructions on how to contact relevant federal agencies: <ul style="list-style-type: none"> • DOJ Civil Rights Division: 1-800-253-3931 or online reporting form. • Local FBI field offices. • State or territorial election offices.
Document Incidents Thoroughly	<ul style="list-style-type: none"> • Create standardized forms for documenting potential violations, including: <ul style="list-style-type: none"> • Date, time, and location of the incident • Detailed description of the alleged violation • Names and contact information of witnesses • Any available evidence (e.g., photos, videos, documents)
Categorize Violations	<p>Train staff to categorize potential violations based on federal jurisdiction:</p> <ul style="list-style-type: none"> • Voter/ballot fraud • Civil rights violations • Campaign finance offenses • Threats to election workers • Obstruction of poll watchers
Establish Review Process	<ul style="list-style-type: none"> • Implement a review process to assess reported incidents and determine if they meet the threshold for referral to federal authorities. • Consult with legal counsel to ensure proper handling of sensitive information.
Coordinate with State and Local Authorities	<ul style="list-style-type: none"> • Develop relationships with state and local law enforcement agencies. • Establish protocols for sharing information and coordinating investigations when appropriate.
Maintain Confidentiality	<ul style="list-style-type: none"> • Implement strict confidentiality measures to protect the identity of whistleblowers and the integrity of potential investigations.
Provide Training	<ul style="list-style-type: none"> • Conduct regular training sessions for staff and volunteers on identifying and reporting potential election crimes. • Emphasize the importance of non-interference in active investigations.

By following these protocols, legal teams can effectively contribute to election integrity efforts while ensuring that potential criminal violations are properly referred to the appropriate authorities for investigation and prosecution.



7.3 Training programs for election officials and law enforcement on legal compliance

As part of an election fraud accountability legal strategy, several training programs are recommended for election officials and law enforcement:

Best Practice	Description
Programs for Election Officials	<ul style="list-style-type: none"> • EAC Cybersecurity Training: The Election Assistance Commission (EAC) partners with the Center for Tech and Civic Life (CTCL) to offer free online cybersecurity training for election officials and staff. This includes three courses: Cybersecurity 101, 201, and 301. • Federal Virtual Training Environment (FedVTE): Provides free online cybersecurity training to government employees, including election officials. • Securing Digital Democracy MOOC: A course by the University of Michigan covering security risks and potential of electronic and internet voting. • EAC Cybersecurity Risk Management: Webinar raising awareness of cyber threats and risks facing election agencies. • EAC Cybersecurity Crisis Management: Training to prepare election stakeholders for cyber crisis situations.
Programs for Law Enforcement	<ul style="list-style-type: none"> • DOJ Annual Training for District Election Officers: Prosecutors serving as District Election Officers in U.S. Attorneys' offices attend annual training conferences on voting access and ballot integrity. • FBI Training: The FBI provides specialized training to its field offices on investigating election crimes and threats against election workers. • Fraud Investigator Certificate (FIC) Program: Offered by the Federal Law Enforcement Training Centers (FLETC), this program provides training on investigating complex fraud and financial crimes, which could be applicable to election fraud cases.
Joint Training Initiatives	<ul style="list-style-type: none"> • State Coordination Meetings: U.S. Attorneys meet with state election officials and law enforcement to coordinate on election matters and establish joint task forces. • Community Engagement: The DOJ Election Threats Task Force organizes trainings and presentations for elections officials and law enforcement on protecting election workers.

These training programs aim to enhance expertise in election security, cybersecurity, and the investigation and prosecution of election-related crimes, supporting a comprehensive election fraud accountability strategy.

8 Conclusion

In conclusion, this legal strategy document has provided a comprehensive analysis of the critical components necessary to uphold election integrity. By examining the existing legal frameworks,



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identifying key areas of focus, and outlining strategic approaches, we have established a roadmap for effectively addressing challenges to the electoral process.

As we prepare for upcoming elections, vigilance against threats to election integrity remains paramount. By implementing these legal strategies and promoting a culture of accountability, we can work towards a more secure electoral environment that upholds democratic principles. Protecting election integrity is not only a legal responsibility but also fundamental to maintaining public confidence in our democratic institutions.



Appendix A: Federal Case Filed with Supreme Court of the United States

No.

BEFORE THE

Supreme Court of the United States

*FORMERFEDSGROUP FREEDOM FOUNDATION,
501C3, Petitioners v.*

*50 STATES SECRETARIES OF STATE,
Respondents,*

Petition for Writ of Mandamus

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October 15, 2024



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TABLE OF AUTHORITIES

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The Preamble

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

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PETITIONERS AND RESPONDENTS

PETITIONERS

A. Petitioners for Writ of Mandamus

The petitioners, as members of the FormerFedsGroup Freedom Foundation 501c3¹, come before this Court united as legal U.S. citizen Electors, their shared experiences of loss during the COVID-19 pandemic providing important background and context, in part, a direct result of governmental actions to deny all legal American citizens a fundamental Right to “informed consent,” be it related to COVID19 protocols or unconstitutional election procedures. While these hardships highlight systemic vulnerabilities, this petition is focused solely on the imminent jeopardy to their fundamental right to vote. They contend that this right is endangered by the risk of vote dilution due to “illegal ballots cast and counted,” irregularities in election administration, “unverified voters and voter rolls,” and further, well-known “cyber-intrusion vulnerabilities” in electronic voting systems, and inconsistent voter verification standards, in direct violation of the Fourteenth Amendment “equal protection” as well as “due process of law” protected by the First Amendment “Right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The fundamental right of all legal citizen Electors to vote, foundational to the U.S. Constitution, is effectively altered and diluted, the petitioners argue, when legally cast votes are diluted by unreliable, unsecure, or unverifiable unlawful voters and/or processes. They allege that the current election systems in their respective states fail to provide adequate safeguards against unlawful votes being counted alongside lawful ones, undermining their ability to meaningfully participate in the democratic process, which fundamentally undermines our entire Constitutional form of government. The petitioners maintain that these systemic flaws threaten the principle of “one person, one vote,” as established in *Reynolds v. Sims*, and violate the Equal Protection Clause of the Fourteenth Amendment. Furthermore, it completely destroys any claim that government is “of, by, or for” the legal American Electors.

Despite enduring hyperbolic statements and predictions of societal breakdown, the petitioners have remained peaceful and lawful in their dissent, seeking redress from the Third Branch of government designed as a check and balance against such destructive actions of governmental bodies. Their steadfast belief in the adequacy of our Constitutional institutions, and their ability to reform and restore integrity to the democratic process, stands in contrast to the alarmist rhetoric that has surrounded many recent political debates. The petitioners seek to reaffirm and re-enforce the rule of law, believing that the challenges they face can be met through lawful reforms that uphold long established foundational constitutional principles.

¹ Thousands of members and more than 1,500 recorded eyewitness statements of victims and next of kin of covid-19 hospital treatment protocols can be found at formerfeds.org and chbmp.org. The Foundation previously has filed an *amicus curiae* brief in *Fischer v. United States*, 599 U.S. ____ (2024), that filing focused on interpretation of the meaning of “corruptly” in 18 USC Section 1512.



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Representing diverse geographic and political backgrounds, the petitioners express a shared concern that unaddressed election irregularities and vulnerabilities not only violate their individual rights but also threaten the broader guaranteed democratic process. They argue that the dilution of their legally cast votes constitutes a severe violation of their constitutional rights. In this petition, they seek relief from the Court to safeguard their guaranteed right to vote and have their votes lawfully counted and reported, through reforms such as the use of absolute voter identification, paper ballots and hand-counting, measures they argue are necessary to ensure transparency, security, and the accurate counting of legal Elector votes.

Without such intervention by the Court, petitioners contend that future elections risk being uncertifiable, exacerbating a very real constitutional crisis that will negatively impact all eligible voters across the nation for the foreseeable future. However, petitioners firmly believe that the U.S. electoral system can be reformed to meet these challenges, and they come before this Court with the hope that it will protect their fundamental right to be lawfully counted, ensuring that all legal citizen Elector ballots are treated with equal weight and fairness, in line with the Constitution.



RESPONDENTS

As each State Constitution assigns the duty and authority of “chief elections officer” to the Secretaries of each State, respondents in this matter are the Secretaries of each of the fifty States which make up the United States of America under the compact known as the U.S. Constitution.

Alabama

Secretary of State: Wes Allen

Address:

Office of the Secretary of State

P.O. Box 5616

Montgomery, AL 36103-5616

Alaska (Duties handled by Lieutenant Governor)

Lieutenant Governor: Nancy Dahlstrom

Address:

Office of the Lieutenant Governor

P.O. Box 110015

Juneau, AK 99811-0015

Arizona

Secretary of State: Adrian Fontes

Address:

1700 W. Washington Street, 7th Floor Phoenix, AZ 85007-2808

Arkansas

Secretary of State: John Thurston

Address:

State Capitol, Room 256 500 Woodlane Avenue Little Rock, AR 72201

California

Secretary of State: Shirley N. Weber

Address:

1500 11th Street

Sacramento, CA 95814

Colorado

Secretary of State: Jena Griswold

Address:

1700 Broadway, Suite 550

Denver, CO 80290

Connecticut

Secretary of State: Stephanie Thomas

Address:

165 Capitol Avenue, Suite 1000

Hartford, CT 06106

Delaware

Secretary of State: Jeffrey W. Bullock



Address:

Townsend Building
401 Federal Street, Suite 3
Dover, DE 19901
Florida

Secretary of State: Cord Byrd

Address:

R.A. Gray Building
500 South Bronough Street Tallahassee, FL 32399-0250
Georgia

Secretary of State: Brad Raffensperger

Address:

214 State Capitol
Atlanta, GA 30334
Hawaii (Duties handled by Lieutenant Governor)

Lieutenant Governor: Sylvia Luke

Address:

Office of the Lieutenant Governor State Capitol
415 South Beretania Street Honolulu, HI 96813
Idaho

Secretary of State: Phil McGrane

Address:

700 W. Jefferson Street, Room E205 Boise, ID 83720-0080
Illinois

Secretary of State: Alexi Giannoulias

Address:

213 State Capitol
Springfield, IL 62756
Indiana

Secretary of State: Diego Morales

Address:

200 W. Washington Street, Room 201
Indianapolis, IN 46204
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EXPEDITED REVIEW REQUESTED

"An ounce of prevention is worth a pound of cure" Benjamin Franklin, The Pennsylvania Gazette (1736)

Petitioners apply for an EXPEDITED EMERGENCY REVIEW of federal election matters² which have created a “constitutional crisis” in the leadup to the 2024 elections, by the U.S. Supreme Court. Petitioners have faith we will prevail on the merits of facts provided herein and request an urgent order by the Court to all Respondents, mandating nationwide compliance with all Constitutional Laws and “constitutionally certifiable” elections within the United States.

With only 20 days remaining ahead of the 2024 nationwide elections, and numerous previous attempts at numerous lower Courts to address these issues exhausted, it is imperative that the Court consider immediate EMERGENCY RELIEF as sought, ahead of Election Day November 5, 2024, to avoid election spoilage and the potentially catastrophic event resulting from election methods and procedures lacking the confidence of the vast majority of legal American Electors.

In this case, petitioners assert that the U.S. Supreme Court is both the first court of review under the Courts “original jurisdiction,” the last Court of review within the country, and the final arbiter of what constitutes a lawful “constitutionally certifiable election” within these United States.

PETITION FOR WRIT OF MANDAMUS

Introduction

This petition seeks a writ of mandamus compelling the use of absolute voter identification, paper ballots and hand counting for the 2024 general elections, ensuring that only legally cast votes are counted. This petition is filed in response to widespread concerns about the certifiability of election results under the current system, which relies heavily on electronic voting mechanisms that have demonstrated vulnerabilities to cyber-attacks and tampering (<https://www.cisa.gov/news-events/news>), and other concerns related to voter eligibility. With the nation already facing considerable political and social tensions, it is essential to address the integrity of the election process before the general election takes place.

This request is not merely precautionary;³ it addresses a real risk that a lack of verifiable election processes, which will most certainly

U.S. 98 (2000), further clarifies that the Equal Protection Clause applies not only to the allocation of voting rights but also to how those rights are exercised. Once states allow citizens to vote for electors, they cannot enact arbitrary measures that dilute or devalue those votes, as doing so would violate equal protection. Proactive judicial measures are crucial

² By “federal election matters” we refer only to the Presidential election and elections of the United States Senate and the United State House of Representatives.

³ While *Purcell v. Gonzalez*, 549 U.S. 1 (2006), emphasizes judicial caution in altering election rules close to an election to avoid confusion, that case involved a single state's voter ID law. The case at hand, however, involves multiple state actions and unprecedented challenges in both nature and scale that pose a direct threat to the integrity of a national election. The scope of these actions justifies judicial intervention, even with only 20 days before the election. *Bush v. Gore*, 531



here, as post-election remedies, like those seen in *Bush v. Gore*, introduce significant complexities that could overwhelm the judicial system. Anticipatory judicial action can prevent these complications, lead to a contested uncertifiable election, potentially prompting an unwarranted declaration of a state of emergency and an indefinite postponement of elections, thereby undermining the foundation of our constitutional representative republic. To prevent such a scenario, this Court must mandate verifiable, transparent measures such as absolute voter identification, paper ballots and hand counting, ensuring that each vote is traceable, auditable, and each legal Elector's rights are protected, in part, by guaranteeing that no "ineligible" or "unverifiable" voter will be afforded any such right.

A very real Constitutional Crisis exists today. The current election systems have absolute vulnerabilities in all five of the following critical categories.

Voter Registration

Voter Verification

Vote Tabulation

Vote Reporting

Mass Media Electioneering and Social Media Censorship

In addition, recent hurricane affected areas may make it impossible for millions of legal citizen Electors to vote timely as we are now less than 30-days out from Election Day, negating any legitimate reporting of Electoral College counts for the offices of President and Vice President. In order to deliver a certifiable election, these legal Electors must have every possible opportunity to have their ballots properly cast and counted, before any official election results should be reported by anyone, to keep our Constitutional form of government intact.

As history has shown, even during times of great national crisis, such as in World War II, the United States has managed to conduct ensuring both the protection of voters' rights and the integrity of the electoral process.

elections in a manner that preserved our constitutional democratic principles. For example, during World War II, the United States maintained its commitment to democratic processes, holding presidential elections in 1944 amidst the global conflict (<https://www.history.com/news/1944-fdr-fourth-term-world-war-ii>). It is crucial that the same standard be maintained in 2024 to ensure that the fundamental right of all legal citizen Electors to vote, protected under the U.S. Constitution, is not compromised.

In addition, official election results should not be reported at all unless and until measures have been taken by all governmental bodies to make it possible for all legal citizen Electors, and only legal citizen Electors, to have their votes cast and counted.

The upcoming 2024 election is already fraught with public concern over potential violence and instability, with an estimated two-thirds of citizens doubting the integrity of U.S. elections. President Biden has raised concerns about maintaining peace and unity in the event of contested election results, warning that national stability could be at risk if trust in the election process is undermined



(<https://www.reuters.com/world/us/concerns-grow-2024-election-stability-biden-2024>). Elon Musk has gone even further, predicting the possibility of civil war under certain election scenarios (<https://www.dw.com/en/musk-predicts-violence-us-election-instability-2024>).

A Reuters/Ipsos poll conducted in April 2024 found that more than two-thirds of Americans—Democrats, Independents, and Republicans alike—are concerned that extremists may resort to violence if the election results do not meet their expectations (<https://www.reuters.com/article/2024-election-poll-concerns-violence-2024>). This concern is echoed by the Council on Foreign Relations, which recently warned that the potential for violence during and after the 2024 election threatens not only domestic peace but also the United States' international standing and security (<https://www.cfr.org/publication/2024-election-violence-us>).

Citizen journalists interview recent “illegal” entrants into the United States and seemingly document widespread efforts to get non-citizens registered to vote. This is just one of many examples that illustrate a total breakdown of the election integrity.

(<https://x.com/brianosheaspi/status/1844390449932328996?s=46>)

The threat is clear: political instability, public distrust, and the potential for violence will only grow as the integrity of the election is already called into question. The Supreme Court must act to mitigate this risk by mandating the use of absolute voter identification, paper ballots and hand counting, along with transparent hand recounts and audits, ensuring that the election process can gain the trust of the legal citizen Electors as free, fair, secure, lawful and transparent throughout.

Background

The 2024 general election faces unprecedented challenges that threaten the integrity of the electoral process and our Constitutional form of government in its entirety. Across the nation, concerns about the reliability of electronic voting systems, coupled with vulnerabilities in voter registration processes, a total lack of positive voter identification, have cast doubt on the ability of the system to produce a certifiable result. Key issues include:

Electronic Voting Machines and Cybersecurity Risks: Reports from multiple cybersecurity experts and federal agencies, including the Cybersecurity and Infrastructure Security Agency (CISA), have identified vulnerabilities in electronic voting machines (<https://www.cisa.gov/news-events/news/cisa-reports-election-security>). Despite claims of enhanced security, numerous machines remain connected to internet-dependent infrastructure, making them susceptible to intrusion and tampering (<https://www.reuters.com/article/us-usa-voting-machines-security-idUSKBN1Z2006>). Technical terminology is often used to obscure and obfuscate the fact that voting machines are accessible by actors of foreign countries or other actors over the internet, because there are different technical methods for accessing the internet. Computer “hacking” by definition means breaking and over-riding security measures, that is to access a device against the design and intention of the machine’s creator and manufacturer. Computer hacking means to access and manipulate a device in contradiction to what should be allowed.



Notably, a 2024 DEF CON "Voting Village" demonstration showed how quickly such machines can be compromised, with hackers demonstrating vulnerabilities in the software and hardware of widely used voting systems (<https://www.wired.com/story/defcon-voting-village-2024-hacking/>). These risks are compounded by recent reports of unauthorized access to voting systems in states like Georgia, where concerns about security breaches have prompted lawsuits and investigations (<https://www.theguardian.com/us-news/2024/aug/05/georgia-voting-machine-breach-lawsuit>).

Voter Identification Verification and Legal Challenges: Many states have struggled to maintain accurate voter rolls, most specifically, States using the ERIC System, with significant numbers of ineligible, out-of-state residents, or deceased voters remaining in the voter registries (<https://www.breitbart.com/politics/2024/06/30/illegal-voters-voter-fraud-multiple-states>). Efforts by states to enforce voter ID laws or clean up voter rolls have faced legal challenges from federal agencies and advocacy groups, leading to a patchwork of standards across the country (<https://www.nytimes.com/2024/07/15/us/politics/voter-id-laws-court-battles.html>). This inconsistency creates significant risks of ineligible voting, undermining the principle that only legal voters should participate in elections as required by 18 U.S. Code § 611 (<https://www.law.cornell.edu/uscode/text/18/611>).

Historical Context: The United States has previously conducted elections during periods of crisis, to include the 1944 presidential election during World War II. In each instance, the government took extraordinary measures to ensure that the democratic process continued, such as the use of absentee voting for soldiers in World War II to ensure their participation despite being overseas (<https://www.archives.gov/research/military/veterans/ww2-draft-records>). The current situation, with its technological complexities and potential for digital interference, calls for similarly resolute action to protect the legitimacy of the electoral process. Illegal "mail-in" balloting and "ballot harvesting" should not be confused with the long-standing legal process of lawful and traceable "absentee balloting," in this regard.

JURISDICTION AND STANDING



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The Supreme Court has the original jurisdiction to issue writs of mandamus under 28 U.S.C. § 1651 (the All Writs Act) (<https://www.law.cornell.edu/uscode/text/28/1651>), which grants federal courts the power to issue such orders in aid of their jurisdiction and to prevent abuses of power that threaten constitutional rights. Petitioners assert that they have legal standing as the legal Electors of these United States, to seek this writ because they face direct injury from an election system that cannot guarantee to every legal citizen Elector the veracity of their votes, in a system that risks allowing illegal votes to dilute the legitimate votes of citizens. As established in *Baker v. Carr*, 369 U.S. 186 (1962), the dilution of the right to vote due to procedural failures constitutes a justiciable injury (<https://supreme.justia.com/cases/federal/us/369/186/>). Such constitutional infringements constitutes a violation of equal protection under the Fourteenth Amendment and directly violates the right of only legal citizen Electors to participate in a free and fair election as guaranteed by Article II of the U.S. Constitution (<https://constitution.congress.gov/constitution/article-2/>).

In 1803, the landmark case *Marbury v. Madison*, the U.S. Supreme Court, for the first time, struck down an act of Congress as unconstitutional. This decision created the doctrine of judicial review and set up the Supreme Court of the United States as chief interpreter of the Constitution. With his decision, Chief Justice John Marshall established the principle of judicial review, an important addition to the system of “checks and balances” created to prevent any one branch of the Federal Government from becoming too powerful.

Chief Justice Marshall unabashedly declared that:

"The Supreme Court had no more right to decline the exercise of jurisdiction which is given, than usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is, to exercise our best judgement, and conscientiously to perform our duty."

LEGAL ARGUMENTS

Argument 1: Certifiability and Verifiability Concerns

The Constitution requires that the certification of election results be based on free, fair, lawful, secure, verifiable and transparent processes. Anything less makes it impossible for the U.S. Senate to affirm results of the Electoral College votes for the offices of President and Vice President. This principle is enshrined in the Equal Protection Clause of the Fourteenth Amendment, which mandates that all legal citizen Elector votes be counted equally and fairly (<https://constitution.congress.gov/constitution/amendment-14/>). As established in *Bush v. Gore*, 531 U.S. 98 (2000), equal protection violations occur when votes are treated unequally, leading to arbitrary results (<https://supreme.justia.com/cases/federal/us/531/98/>). Here, the lack of verifiable mechanisms in voter registration, voter identification, and electronic voting systems creates precisely such a risk, as electronic machines networked to the internet by any means for any reason, are subject to manipulation and tampering, with no reliable means for cyber-hack prevention or independent audit.

The burden of proof should not rest on American Electors to demonstrate that their votes cannot be fairly counted. Rather, it is incumbent upon state and local election officials to prove that their systems meet all Constitutional and Federal Law requirements. They must demonstrate the specific



measures in place to prevent illegal voting, machine intrusions, and other forms of interference. Without such assurances, any certification of results from the 2024 election would be constitutionally invalid.

Argument 2: Legal Voting Requirements

Federal and state laws require that only legal, eligible citizen Electors may cast ballots in federal elections. This standard is codified in 18 U.S. Code § 611, which makes voting by non-citizens illegal (<https://www.law.cornell.edu/uscode/text/18/611>). Despite this, many states lack robust mechanisms for verifying voter eligibility, and some states have even restricted the use of voter Identification, relying instead on unverifiable affidavits, with no ID at all (<https://www.thehill.com/voter-id-laws-2024>). This lack of verification undermines the right of legal Electors to have their votes counted equally and undiluted by ineligible votes, a principle central to the Equal Protection Clause as recognized in *Reynolds v. Sims*, 377 U.S. 533 (1964) (<https://supreme.justia.com/cases/federal/us/377/533/>).

Furthermore, the failure to implement measures that ensure only eligible Electors vote raises serious due process concerns under the Fourteenth Amendment. When the electoral process is compromised by the participation of ineligible voters, it violates the rights of all lawful Electors by effectively canceling their votes and terminating their political voice. Petitioners assert that a government elected in whole or in part by non-citizens, is an unconstitutional government of, by and for non-citizens, not the American people. As such, this Court must intervene to enforce, uphold and mandate a verifiable process that respects all legal voting requirements.

Argument 3: Specific Vulnerabilities in Current Systems

The current election systems are plagued by systemic vulnerabilities that make them unsuitable for certifying the results of a presidential election:

Compromised Voter Rolls: Reports from states like Arizona (<https://www.azcentral.com/arizona-voter-rolls-2024>), Michigan (<https://www.detroitnews.com/michigan-voter-rolls-2024>), and Pennsylvania (<https://www.inquirer.com/pennsylvania-voter-rolls-cleanup-2024>) highlight significant issues with maintaining accurate voter rolls. The DOJ has actively intervened in some cases, suing states that attempt to clean their rolls, while allowing others to maintain lists that include deceased or otherwise ineligible voters (Alabama <https://thehill.com/regulation/court-battles/4905153-justice-department-alabama-voter-roll-purge-lawsuit/>, Virginia <https://www.nbcnews.com/politics/2024-election/justice-sues-virginia-voter-rolls-election-day-rcna175117>). This inconsistency leads to an uneven application of the right to vote, violating the Equal Protection Clause.

Argument 4: Specific Vulnerabilities in Current Systems

Threats to Election Workers: In states like Michigan, election workers have reported facing threats and intimidation, pressuring them to certify results despite being aware of potential irregularities (<https://www.mlive.com/news/michigan-election-workers-threats-2024.html>).



Such conditions undermine the integrity of the election, tabulation, and certification processes, and compromise the legal obligation of all Election Officials, whose Oath requires them to ensure that only legitimate votes are cast and counted. California recently banned election officials from verifying the identity of any individual seeking to vote, regardless of legal eligibility (<https://www.politico.com/news/2024/09/29/california-outlaws-local-voter-id-rules-00181608>). This pressure on election officials threatens the foundational principles of transparency and accuracy that are necessary for certifying results, further eroding public trust in the electoral process and placing our Constitutional form of self-governance on the brink of extinction. Such actions are in direct violation of 18 U.S. Code § 594 - Intimidation of voters... which should apply to Election Officials as well.

Technological Risks: Despite assurances from manufacturers, private contractors, government agencies, and some election officials, electronic voting systems have been repeatedly shown to be vulnerable to cyberattacks. Reports from the Cybersecurity and Infrastructure Security Agency (CISA) confirm that these systems are susceptible to tampering, even when direct internet connections are not intended (<https://www.cisa.gov/election-security>). This vulnerability has been a bipartisan concern over the years.

Expanding the review timeline back five years reveals agreement across party lines about the severity of these threats (<https://x.com/KanekoaTheGreat/status/1801993346648613024>).

A wide array of experts have testified about the glaring vulnerabilities of these systems. For example:

Professor Matt Blaze of Georgetown University's Computer Science Department discussed the issue in a testimony on January 9, 2020 (<https://x.com/KanekoaTheGreat/status/1801998198392902022>).

Professor J. Alex Halderman from the University of Michigan's Computer Science Department highlighted these concerns on June 21, 2017 (<https://x.com/KanekoaTheGreat/status/1802000371063365773>).

Professor Andrew Appel of Princeton University addressed similar vulnerabilities in his testimony on September 28, 2016 (<https://x.com/KanekoaTheGreat/status/1802000373311574315>).

These experts have consistently pointed out that the inherent design of electronic voting systems makes it exceedingly difficult to secure them against sophisticated attacks. For any American who undertakes basic due diligence, it may appear that securing electronic voting systems is nearly impossible (<https://x.com/KanekoaTheGreat/status/1801998188867649678>).

The continued use of such machines without independent auditability contradicts the constitutional requirement for a transparent election. Events like the 2024 DEF CON demonstration have shown how



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even "secured" systems can be breached with relative ease, casting serious doubts on the integrity of vote tabulation and reporting. Hacker groups openly conduct seminars and demonstrations, teaching how to infiltrate voting machines (<https://x.com/KanekoaTheGreat/status/1801998194702008356>; <https://x.com/GeorgeD302/status/1824408846527320184>).

The presence of these risks underscores the urgent need to revert to absolute voter identification, paper ballots, hand counting, hand recounts and audits. This approach ensures that every vote is auditable and secure, reducing the risks associated with electronic systems. Multiple sworn statements from cybersecurity experts have documented successful attacks on various electronic voting systems, highlighting vulnerabilities that remain unaddressed (<https://x.com/realLizUSA/status/1841104894947688878>).

Furthermore, citizen investigators are revealing new issues that are unlikely to be resolved before the 2024 elections (<https://x.com/PeterBernegger/status/1844387388593758492>).

These comprise only a small sample of widespread concerns.

Argument 5: The Role of the Judiciary in Ensuring Fair Elections

It is the role of the judiciary to ensure that elections adhere to constitutional standards, especially when fundamental rights are at stake. In *Reynolds v. Sims* and *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966), the Court affirmed that any impairment of the right to vote requires strict scrutiny (<https://supreme.justia.com/cases/federal/us/383/663/>). These standards demand that any restrictions or failures in the election process must be narrowly tailored to serve a compelling state interest on behalf of all legal citizen Electors. Here, the systemic failures of the current election voting systems and the lack of transparency do not meet this standard. The judiciary has a duty to ensure that every lawful vote cast is counted in a manner that preserves equal weight and dignity.

Mandamus is an appropriate remedy to correct unlawful practices and prevent the certification of compromised election results. As established in *Marbury v. Madison*, 5 U.S. 137 (1803), the judiciary has a duty to uphold the rule of law when executive or legislative actions infringe upon constitutional rights, no matter any potential political discomfort on the part of the Court (<https://supreme.justia.com/cases/federal/us/5/137/>). This Court must act to prevent the disenfranchisement of legal Electors through a process that lacks the necessary safeguards for transparency and accuracy. Only through such intervention can the integrity of the 2024 general election be restored and preserved for future generations.

MANDAMUS RELIEF SOUGHT

Voter Identification Requirement

The Secretary of State for each state shall require that all voters present an officially issued identification document with a photograph, such as a state-issued ID or U.S. passport. If the identification presented does not confirm citizenship status, additional proof of U.S. citizenship must be provided before the voter can be permitted to cast a ballot.

In-Person Paper Ballots & Hand Counts



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The Secretary of State for each state shall insure that the 2024 general election shall be conducted using in-person paper ballots that must be counted by hand. The use of electronic voting machines shall be strictly limited, and any digital systems used for tabulation must be fully auditable.

Publicly Observable Verification Procedures

The Secretary of State for each state shall establish procedures for voter verification that are open to public observation prior to the election and on Election Day itself. This ensures that the verification process is transparent and allows any constitutional inadequacies in election procedures to be observed and corrected in real time.

Suspension of Certification of Presidential Electors

Should any Secretary of State fail to comply with the above requirements, the certification of presidential electors from that state shall be suspended while a challenge to the certification of presidential electors from that state has been considered and resolved by the state legislature.

CONCLUSION

The Supreme Court's intervention is essential to safeguard the integrity of the democratic process and ensure that the 2024 general election is conducted in a lawful and verifiable manner, especially at a time in history when the nation has been so deeply divided to a level in which nearly no one will trust the results of this election, no matter the outcome. Without such action, the risk of certifying an unverifiable election is certain, potentially leading to an even greater constitutional crisis and undermining the principles upon which the United States was founded. This petition respectfully urges the Court to grant the requested relief and uphold the constitutional rights of all legally eligible American Electors.

Respectfully submitted,

_____/s/____ Edward Lacy Tarpley, Jr. Edward Lacy Tarpley, Jr.

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CERTIFICATE OF COMPLIANCE

I certify that this petition is formatted and printed in typeface Century Schoolbook, 14-point font size, and contains 5642 words of the allowed 6,000 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).



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_____/s/____ Edward Lacy Tarpley, Jr. Edward Lacy Tarpley, Jr.



Appendix B: State Case Filed with Michigan Supreme Court



IN THE SUPREME COURT OF THE STATE OF MICHIGAN

ORIGINAL PETITIONERS, a Coalition of Concerned Legal Michigan Voters, Shelly I. Lake, Larry A. Bass, Brenda J. Bellmore, Victoria L. Betit, Gari L. Bowling, William James Bowling, Kelli Case, Robbie L. Case, Jasmine Curtis Moore, James R. Dull, Kelly R. Dull, John D. Gallagher, Adam M. Gillen, Jacqueline R. Gillen, Robert Edwin Goris, Stephanie M. Hester, Amber L. Holtrust, Billy J. Holtrust, Nancy J. Hooker, Cynthia M. Huisman, David S. Laansma, Robin J. Laansma, John K. Lake, Michael G. Marlow, David W. Minnaar, Frederick P. Moore, Sharon L. Olson, Rick Ray Reynolds, Jeffery Michael Schantz, Peter Reinhardt Schantz, Darrell Robert Slaughter, Gordon John-Van Smith, Jennifer Eve Smith, Karen L. Snyder, Douglas R. Sokolowski, Janet L. Sokolowski, Karen R. Strayer, Barbara J. Townsend, Carla J. Walker, Ronald V. Walker, Gary A. White, Luke Lynn Deming, Geneva L. Woodmansee, Marie D. Calderon, Allison L. Case, Connie L. Case, James M. Case, Lorraine Marie Blair, Julie A. Romeyn, Rodney J. Romeyn, Loretta M. Romeyn, Catherine S. Leaf, Ty R. Leaf, Anita Yvette Clark, Bonnie Jean Gustavison, Timothy Dale Gustavison, Deborah Ann Blick, James Paul Blick, Susan Amytis Higgins, Pamela Ann Herbert, Richard Stiles Cutshaw II, Elizabeth K. Cutshaw, Rodney Stewart Halcomb, Tracy Jo Stevens, Megan Kathleen Haan, Jomaa Chafic Berjawi, Ruth Kathryn Berjawi, Kimberly Ann Harris, David B. Harris, Barry Glenn Holley, Julie Lee Holley, Janet Talbot Beuckelaere, James Franklin Bloomfield, Sandra Kay Bloomfield, Vincent Edward Wilson, Patricia Mary Doran, Shelby L Nowak, Veronica K Carra, Biruta Puike Wilson, Gary Edward Mitchell, John Thomas Elieff, Kerry Lynn Elieff, Jacquelyn Ann Fershin, Carol Jean Reed, Nancy E. Thomachefski, John Joseph Thomachefski, Maryhelen Neal, Susan C. Vandenberghe, Virginia Rosalie Carriveau, Karen Ann Gary, Patricia Ann Gary, Deanna Christine Gilbert, Timothy Mauro-Vetter, Timothy Lawson

Civil Action No. _____

CIVIL PETITION FOR EXPEDITED REVIEW AND DECLARATORY JUDGMENT AND PRELIMINARY INJUNCTION

EMERGENCY ORIGINAL JURISDICTION REQUESTED



Jacobs, Stephanie A Beltinck, Ray Rolla McCall, Esq, Clarissa A. Filhart, Christine Kelly Fountain, Linda Marie Richardson, Kevin J. Salisbury, George E. Moore, Rona Alexander, Jeff Alexander, Benjamin C. Hoats, Charles D. Hoats, Holly L. Hoats, William D. Hoats, Michael Brewer, Carol Lea Backer, Debra Kay Horanoff, Brian Albert Horanoff, Dean K. Evink, Amy L. Evink, Jeffrey Robert Strasser, Randall Ray Clark, Jennifer Mary- Jones Allam, Valerie Allemon-Raimi, Roswell K. Barranco, Barbara Basinski, Dawn M. Blum, Christopher J. Bond, Joyce Joann Bond, Donna Lynn Brandenburg, Justin Compagner, Larry Allen Corell, Jeffery Paul Dawson, Luke Lynn Deming, Richard Dittenber, Joanne Clare Emery, Amy L. Evink, Dean K Evink, Cheryl Facione, Rodney Kent Francisco, Daniel Garcia, Braden Giacobazzi, Susanne M. Gordon, Ruth Ann Halcomb, Kristina Marie Harrison, Lawrence Harrison, Dortha Pearl Harvey, Jody Heskett, Diane Ruth Heyboer, Tammy Lynn Hitts, Lewis Hitts, Jody Lynn Heskett, William W. Johnson, Barbara Jean Lang, Deborah Maria Lowell, Kyle Andrew Maas, Kimberly Manor, Christian Marcus, Scott William Martzke, Jane Marie May, Frank Floyd McClelland, Carl W. Merkh, Joseph Molnar, Melanie Nivelte, Gale Parr, Anna R. Pierce, Janice Denise Pittman, Martha Kay Purser Beher, Joan Rietdyk, Jose Rizo, Jacob David Roberson, Laura J Roselle, Dawn Ross, LeAnna Eileen Slates, Venard Sova, Kodeen Sower, Cheryl A. Tague, Marla J. Weber, Karen J. Williamson, Kent County Taxpayers/Constitution Party, Randolph Schiffer, Craig L. Crabill, Kristine Ann Paraker, et al

Petitioners,

v.

JOCELYN BENSON,



SECRETARY OF STATE
OF THE STATE OF
MICHIGAN

In her official capacity

430 West Allegan Street
Richard H. Austin Building - 4th
Floor Lansing, Michigan 48918
Or Secretary of State
Building Secondary
Complex
7064 Crowner Drive
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and

GRETCHEN

WHITMER
GOVERNOR OF THE STATE MICHIGAN
In her Official Capacity and as
Vice Chair of the Democratic National Committee
Richard H. Austin Building - 4th Floor
430 W. Allegan Street
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and

JONATHAN BRATER,
DIRECTOR OF ELECTIONS,
OFFICE OF THE SECRETARY OF STATE OF
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Lansing, Michigan 48918

and

The MICHIGAN BOARD OF STATE
CANVASSERS, an agency within the
OFFICE OF THE SECRETARY OF STATE OF
THE STATE OF MICHIGAN
Binsfeld Office Building, Room 1100
201 Townsend Street
Lansing, Michigan 48909

and



Mary Ellen Gurewitz, Chair
of The MICHIGAN BOARD OF STATE
CANVASSERS in her official
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and

Richard Houskamp, Vice-
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Jeannette Bradshaw, Member of
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and

Anthony Daunt, Member of

INTRODUCTION



This Petition arises out of an Original Jurisdiction Michigan Supreme Court Order based upon procedural action in Order # 164755 & (7)(8)(14)(15)(16)(17), the case PROMOTE THE VOTE 2022 v BOARD OF STATE CANVASSERS, SECRETARY OF STATE, and

DIRECTOR OF ELECTIONS, issued on September 8, 2022, which ordered the deadlocked State Board of Canvassers to place Proposal 22-2 on the Michigan Ballot. Petitioners have good reason to believe this Proposal resulted in a number of unconstitutional revisions to the Michigan Constitution, and numerous subsequent new election laws, making it impossible for the State of Michigan to offer or guarantee all legally eligible Michigan voters a free, fair, lawful, secure, and transparent election process in the 2024 elections.

Aggrieved Petitioners seek an expedited review, a declaratory judgment and a preliminary injunction to obtain a clear interpretation and understanding of the recent revisions made to Michigan's Constitution and election laws. This lawsuit focuses on the amendments made to the Michigan Constitution after the November 8, 2022, ballot initiative 22-2 which are at best ambiguous and unclear, if not intentionally misleading. Petitioners contend that the Respondents may not legally apply, follow, or enforce a different meaning or interpretation of the 2022 amendments to the Michigan State Constitution than what the voters intended in their limited understanding, under color of law. The only proposals placed before the voters were vague and ambiguous.

The correct interpretation should be determined by this Court as sought through this declaratory judgment. In the alternative, Petitioners ask the Court to interpret the revisions made under color of law, under a request for a permanent injunction against enforcing or implementing the revisions other than by their correct interpretation.

Petitioners suggest that when revising the State Constitution, this Court should interpret the apparent changes asserted in the least adventurous way, similar to the Rule of Lenity. (See detailed discussion of civil litigation applications of lenity, in Section VIII, *infra*.) When revising the Constitution, the most certain, the most defensible interpretation of the asserted revision is the most proper, not the most adventurous and least supportable concept. When it is the Constitution being revised or amended, for the same reasons and reasoning of the criminal doctrine of Lenity, a cautious approach is to be preferred. Courts should not lightly interpret an amendment of the Constitution in the broadest possible way, but rather exercise restraint.

The aggrieved Petitioners contend that the inadequate descriptions (summaries) of the proposed revisions presented to the voters in initiative 22-2 mark the outer boundary of what the voters of Michigan actually approved and therefore, the Constitutional Amendments and any resulting legislation flowing therefrom cannot extend beyond or “rise above” what the voters allegedly understood and gave their approval to at the time.

The summaries were a series of broad, sweeping generalities that raise many issues of interpretation as outlined herein, creating a deprivation of rights under color of law.



The 22-2 ballot initiative did not present actual amendments, but only a series of uninformative summaries, which were mostly only clichés devoid of substance.

Petitioners also request a preliminary injunction to enjoin the application, implementation, or enforcement of these revisions to the Constitution and the Michigan election laws pending a decision here on these unresolved questions. While at first blush an injunction involving elections might sound consequential, in reality, here, it is not, due to perfectly constitutional election laws in place prior to the efforts to amend found in Proposal 22-2.

Aggrieved Petitioners also request a permanent injunction to implement what it decides here is the legitimate and actual effect of Proposal 22-2 and to forbid any implementation that is inconsistent with the correct interpretation of the 9 separate revisions which appeared in the 22-2 proposal.

THIS COURT'S AND LOWER COURT'S PRIOR HISTORY WITH THIS CONSTITUTIONAL AMENDMENT INITIATIVE

In 2022, this Court previously considered – ***only*** -- whether Proposal 22-2, this constitutional amendment voter initiative, ***met the technical form requirements*** to appear on the November 8, 2022 ballot for voters of Michigan to either approve or disapprove the combination of nine (9) different topics in a single voter-initiative to amend the Michigan Constitution.¹

However, Petitioners construe those proceedings – and now contend – that this Court's prior look was of a limited and completely different procedural only character and focus from this Petition here now.

Specifically, Petitioners bring this Petition on the understanding that this Court's previous review left unreviewed and undecided the questions now presented herein concerning Proposal 22-2, leading to a “constitutional crisis” threatening the rights of all legal Michigan citizen voters, under color of law.

Previously, the various Justices' opinions decided that the voter initiative amendments ***COULD*** be interpreted in such a way to avoid “abrogating” certain existing provisions and requirements of the Michigan Constitution and therefore there were not significant grounds to bar the initiative from appearing on the November 5, 2022, ballot.

However, at that time, the court was not asked to review or rule upon the constitutional boundaries of the content of Amendment 22-2, but rather just the technical procedural form of Proposal 22-2.

In 2022, this Court considered a barrage of challenges from other voters and private “partisan government lobby” groups such as Stand Up for Democracy, 1630 Fund, Promote the Vote, and Defend Our Vote.



Petitioners agree with all those challenges argued against Proposal 22-2, due to wholly inadequate information provided to voters, necessary to acquiring the “informed consent” of the lawful citizen voters of Michigan. All of the reasons opposing placing Proposal 22-2 on the ballot seem correct to the Petitioners.

Nevertheless, what is presented in this case is a more focused range of issues than those brought against Proposal 22-2 in 2022 and then Petitioners out-of-court public comments. This case raises different concerns and different questions not resolved in previous actions.

Among other problems, Proposal 22-2 is a “revision” (rewrite) of the Constitution on elections and not an “amendment” to use the terminology Michigan courts have chosen to use to express the distinction. The test appears to be whether the revision alters the structure or substance of the Constitution, and/or how the Constitution as amended operates compared to before. Michigan in effect, Petitioners believe, considers that major revisions are in effect a constitutional convention, and not a minor adjustment consistent with or in furtherance thereof, previous language, intent, and purpose. As a result, this Court using a slightly different term of art explored in 2022 considered whether the revisions to the Michigan Constitution suggested by Proposal 22-2 were so great a revision to fundamental aspects of the Constitution as to “**abrogate**” existing provisions of the Constitution, based upon the very limited text information provided to the court, which appeared in the Proposal Petition itself.

In 2022, the proponents of Proposal 22-2 Promote the Vote 2022 sued the Michigan Board of State Canvassers, which this court decided in *Promote The Vote 2022 v. Bd. of State Canvassers*, 510 Mich. 884; 979 N.W.2d 188; 2022 Mich. LEXIS 1626; 2022 WL 4110880 (Mich. 2022).⁴

In 2020, the prior state of the law on challenges to voter registration, which is required under Federal law, was set forth in *Promote the Vote v. Sec’y of State*, 333 Mich. App. 93; 958 N.W.2d 861; 2020 Mich. App. LEXIS 4595; 2020 WL 4198031 (Ct. of Appeals, July 20, 2020) (Appellate Record Nos. 353977, 354096).⁵

In 2012, the proponents of a different amendment proposal being presented to the voters sued. Exploring some of the rules for proposed amendments to the Constitution to be presented on the ballot for voter approval, in 2012, *Stand Up For Democracy v. Secretary Of State and Board Of State Canvassers, and Citizens For Fiscal Responsibility as Intervenor*, 492 Mich. 588; 822 N.W.2d 159; 2012 Mich. LEXIS 1243 (Mich. 2012) (Appeal Record No.

⁴ Counsel might normally attach a key precedent, but here this is this Court’s own opinion.

⁵ Copy from Michigan Court of Appeals attached.



145387). The lower court's decision was *Stand Up for Democracy v. Sec'y of State, 2012 Mich. App. LEXIS 1085 (Mich. Ct. App., June 8, 2012)*.

This Court in 2022, at least guided by some of the Justices separate opinions as seeming to express the overall sentiment of this Court, decided that it would be possible to interpret the revisions proposed by Proposal 22-2 in a way that it would not “abrogate” fundamental rights or provisions of the State Constitution, and/or basic Civil Liberties protected by the U.S. Constitution.

Now, in 2024, Petitioners contend that the voter initiative amendments ***MUST*** be interpreted in ***ONLY*** those ways that pass that test of validity and definition, and that the Respondents ***MAY NOT*** use the Proposition 22-2 amendments as spring boards to a completely different result than what this Court contemplated, or what subsequent voters allegedly approved on November 8, 2022.

Petitioners expect as being certain from past experience, advocates for removing credibility and integrity of Michigan elections, will use one interpretation to slide Proposal 22-2 into law, but then promptly twist and warp the meaning of Proposal 22-2 into becoming something entirely different in practice.

In fact, already, advocates of unsecure, inaccurate, unaccountable, and non-transparent elections are now trying to expand on the revisions of Proposal 22-2 to allow illegal aliens who do not have U.S. or Michigan citizenship to vote in Michigan elections. See Section IV, *infra*.

Even prior to the voters alleged approval of the nine (9) constitutional revisions of Proposal 22-2, Respondents Secretary of State Jocelyn Benson, and Michigan Director of Elections Jonathan Brater suddenly created a new set of rules titled “The Appointments, Rights, and Duties of Poll Challengers and Election Workers,” only months before Michigan’s August 2, 2022, Primary Election. The trigger for the revisions to Michigan election guidance was:

On the day of the Primary Election in Detroit, under the new guidance of MI Soros-funded SOS Jocelyn Benson Jonathan Brater, an unknown third-party security group by the name of “ICU,” threw Braden Giacobazzi, an Independent poll challenger out of the former TCF Center (now the Huntington Place) for asking too many (legitimate) questions about ballots and the processes that he claims were not being followed.

Braden’s story can be found [here](#).

Patty McMurray, "BREAKING: Lawsuit Filed by MI Residents Demands Michigan’s Dirty SOS Jocelyn Benson Rescind Newly Created, Unconstitutional Rules To Make Poll Challengers Job In Upcoming Election Almost Impossible, 100 Percent Fed Up (news site), Oct 10, 2022, <https://100percentfedup.com/breaking-lawsuit-filed-by-mi-residents-demands-michigans-dirty-sos-jocelyn-benson-rescind-newly-created-unconstitutional-rules-to-make-poll-challengers-jobs-in-upcoming-election-almost-impossibl/>



(The developments are reported by “100 Percent FedUp” because their reporter videotaped the incidents and presented evidence of what happened.)

Three of the five individuals who are plaintiffs in the case served as poll challengers in Detroit during the most contentious counting of absentee ballots in Michigan history. The GOP and Independent poll challengers, whose only goal was to ensure free and fair elections in 2020, quickly became targets of what appeared to be a coordinated attack by select election workers, supervisors, and election officials.

Id. See, also, Patty McMurray, "DETROIT: Poll Challenger Thrown Out Of Counting Center For Challenging Ballots and Internet Connection To Computer...Demands Detroit Police Officer Arrests Men Who Broke The Law! [VIDEO]," 100 Percent Fed Up, Aug 4, 2022, <https://100percentfedup.com/mi-republican-poll-worker-physically-thrown-out-of-detroit-counting-center-for-challenging-ballots-asks-detroit-police-officer-to-arrest-men-who-broke-the-law-and-threw-him-out-video/>

That is, even ***before*** the pretextual cover of Proposal 22-2 was even presented to the voters under the guise of COVID emergency authority (apparently even before early voting), the Respondents were already acting to further deform Michigan’s election laws even further than the unauthorized and illegal changes made during the now-past COVID-19 epidemic.

Therefore, Petitioners bring this case now and contend on information and belief that the Respondents will adopt new election procedures that go far beyond what this Court thought was acceptable interpretations to pass the test of not “abrogating” provisions, substance, and rights of the existing State Constitution.

Today, in 2024, Petitioners ask this Court to determine that if there is one particular interpretation which the Court found in 2022 passes muster of not abrogating the prior Michigan Constitution, *no OTHER interpretation can be permitted* that fails that crucial test.

In 2022, known partisan advocates organized a voter “lobby” initiative to amend the State Constitution.

In Michigan, the Michigan Board of State Canvassers, consisting of only four individuals appointed by the Governor, among other duties, receives state-wide petitions including voter initiatives to amend the Michigan Constitution.

Promote the Vote 2022 presented to the Michigan Board of State Canvassers a complete package to put Proposal 22-2 on the November 8, 2022, ballot with allegedly 664,000 legal Michigan signers, void of any proof that these signers were in fact legal U.S. citizens or legal residents of Michigan. ⁴



However, the Board deadlocked and did not reach a decision, including with public comments that the Board “is not a court” and lacks the expertise or power to resolve unclear questions of law, therefore seeking State Supreme Court review under the original jurisdiction of the high court concerning State Constitutional questions.

Therefore, the proponents filed a lawsuit here seeking a Writ of Mandamus for the Board to place the ballot initiative on the November 8, 2022, ballot.

In a statement after the lawsuit was filed, Promote the Vote expressed confidence that voters will ultimately have a chance to weigh in on its proposal this fall.

“The ‘challengers’ have made frivolous arguments to block this proposal,” board president for Promote the Vote Khalilah Spencer said in a statement Thursday. “More than 664,000 Michigan voters signed our petition to place the fundamental right to vote in Michigan’s Constitution and their voices should not be silenced. It’s time to get partisan politics out of the way and let the people of Michigan decide.”⁵

However, this is baffling. Petitioners contend that the “fundamental right to vote” for all legal Michigan voters was already in Michigan’s Constitution prior to 2022 and appears in Proposal 22-2 as only an unnecessary *cliché*.

Petitioners contend that there is nothing in the Michigan Constitution or law, or other circumstances which would *de jure* silence the voices of legally eligible voters.

However, Proposal 22-2 appears to be an overt effort to protect an unconstitutional right of ineligible voters to have their ballots cast, counted, and certified, as if they were legally eligible voters.

⁴ Clara Hendrickson, “**Promote the Vote files lawsuit to put proposal on ballot after elections panel deadlocks**,” Detroit Free Press, September 1, 2022, <https://www.freep.com/story/news/politics/2022/09/01/promote-the-vote-lawsuit-early-voting-ballot-proposal/65467607007/>

⁵ *Id.*

Otherwise, it seems baffling why the fundamental right to vote needs to be placed in Michigan’s Constitution, when it is already in Michigan’s Constitution.

Proposal 22-2 appears to make it possible for potential identity theft of genuine voters, by allowing the casting and counting of unlawful ballots fraudulently cast in their name.



There is no attempt to silence any legally eligible voters, but rather only unlawful ineligible voters. The purpose of Michigan law must of course include preventing invalid votes. No election system can be valid unless it allows valid votes and blocks invalid votes.

Thankfully, the COVID-19 pandemic is now long over. This means that any COVID related emergency election procedures put in place during a “pandemic threat,” are also long over.

Yet, Promote the Vote 2022 and State Officials on information and belief, specifically the Respondents herein, are acting to make permanent a hodge-podge chaotic patch- quilt of election law and procedural revisions which they previously claimed to be appropriate only because of a COVID-19 “emergency.”

Therefore, in 2022, this Court heard the appeal of the dead-locked indecision of the Michigan Board of State Canvassers, and then ruled that:

The Board's duty with respect to petitions is "limited to determining the sufficiency of a petition's form and content and whether there are sufficient signatures to warrant certification." *Stand Up for Democracy v Secretary of State*, 492 Mich 588, 618; 822 N.W.2d 159 (2012) (opinion by MARY BETH KELLY, J.). It is undisputed that there are sufficient signatures to warrant certification. The only challenge to the petition was that it failed to include all the constitutional provisions that would be abrogated by the proposed [***2] amendments, as is required by *Const 1963, art 12, § 2* and *MCL 168.482*. See *Protect Our Jobs v Bd of State Canvassers*, 492 Mich 763; 822 N.W.2d 534 (2012). We disagree. Instead, we conclude that the proposed amendments would not abrogate any of the constitutional provisions identified by the challenger. The Board thus has a clear legal duty to certify the petition.

And a Concurring Opinion expands on this:

MCCORMACK, C.J. (*concurring*). I agree with the Court's decision to grant the complaint for mandamus and declaratory relief and order the Board of State Canvassers (the Board) to certify the Promote the Vote petition for the ballot. I write separately to address one issue that ought to be clear but apparently isn't—the Board's role in certifying petitions is very limited. The Board's duty is to determine whether a petition has sufficient signatures and whether its form complies with statutory requirements.¹

[*885] **There** is no dispute about the [***3] **signatures** or form of this petition. Rather, the challengers [**189] believe that the petition violates *Article 12, § 2 of the Michigan Constitution* because its *substance* abrogates various provisions of the Constitution without publishing those provisions. This quintessential legal question is far outside the Board's legal role (and expertise). See, e.g., *Protect Our Jobs v Bd of State Canvassers*, 492 Mich 763, 776-784; 822 N.W.2d 534 (2012) (determining the meaning of "alter" and "abrogate" in *Article 12, § 2*).

And Justice McCormack added:

Absent an insufficient number of signatures or a petition form that doesn't comply with unambiguous statutory requirements, the Board lacks the authority to refuse to certify a petition.



Because the challenger here alleged neither of those defects, the Board had a duty to certify the petition. See *Reproductive Freedom for All v Bd of State Canvassers*, .

Mich , 2022 Mich. LEXIS 1628 (September 8, 2022) (Docket No. 164760) (September 8, 2022) (Docket No. 164760); *Mich Civil Rights Initiative v Bd of State Canvassers*, 268 Mich App 506, 520; 708 N.W.2d 139 (2005) ("Because there is no dispute that the form of the petition is proper or that there are sufficient signatures, we conclude that the board is obligated to certify the petition, and thus, breached its clear legal duty to certify the petition.").

However, Justice Welch offers an important analysis of what it means for an amendment to “abrogate” an existing provision of the Constitution, and also expands on the obligation of the Board to review the “form” of the proposed ballot initiative including as to substance (including abrogation concerns). “Form” does not just mean “format.”

¹ While in *Stand Up for Democracy v Secretary of State*, 492 Mich 588, 618; 822 N.W.2d 159 (2012) (opinion by MARY BETH KELLY, J.), the lead opinion stated that “[t]he board's duty with respect to referendum petitions is limited to determining the sufficiency of a petition's form and content and whether there are sufficient signatures to warrant certification,” the statutes cited for that proposition address only the Board's authority to approve the “form” and “sufficiency” of the petition. See *id.* at 601 n 23, 618 n 58 (citing various statutes). The statutes do not explicitly authorize the Board to make determinations about the “content” of the petition. So I question whether that statement from *Stand Up for Democracy* is correct. See *Reproductive Freedom for All v Bd of State Canvassers*, Mich , n 1, 2022 Mich. LEXIS 1628 (September 8, 2022) (Docket No. 164760) (MCCORMACK, C.J., concurring).

Petitioners here, of course, agree with the Dissent by Justice Zahra, and rely upon the arguments in that Dissent here as important guidance for this Petition.

JURISDICTION AND VENUE

This action arises under the laws and Constitution of the State of Michigan and the Original Jurisdiction of the Michigan Supreme Court and emergency conditions, following the courts order that caused the State Canvassers to place Proposal 22-2 on the 2022 ballot, and under existing emergency conditions due to both the rightful authority of the court and extreme time limitations in this matter. In accordance with an order from U.S. Western Michigan District Judge Paul Maloney in June of 2020 regarding Governor Whitmer’s claimed Executive Powers related to then COVID19 executive orders, declared unlawful and unconstitutional by the Michigan Supreme Court in October 2020, in which the Federal



Court ordered the arguments to be heard in the Supreme Court of Michigan, rather than a Federal Court, or lower court, similarly, the matters brought in this case are issues created by the State of Michigan, affecting the lawful voters in the State of Michigan, and under extreme time constraints due to the current election cycle, we believe that the proper Original Jurisdiction for this matter has to be the Michigan Supreme Court as the court of first review. Further, because we are seeking a Declaratory Judgement and Emergency relief via an immediate injunction with prejudice, preventing the State of Michigan from implementing their blatant efforts to undermine secure, free, fair, lawful, and transparent election procedures in the 2024 Michigan elections, time will not allow for a lengthy appellate process on the matter, which would undoubtedly run a time span far beyond the 2024 General Elections now less than six months away.

PARTIES

Petitioners

ORIGINAL PETITIONERS, a Coalition of Concerned Legal Michigan Voters, Shelly I. Lake, Larry A. Bass, Brenda J. Bellmore, Victoria L. Betit, Gari L. Bowling, William James Bowling, Kelli Case, Robbie L. Case, Jasmine Curtis Moore, James R. Dull, Kelly R. Dull, John D. Gallagher, Adam M. Gillen, Jacqueline R. Gillen, Robert Edwin Goris, Stephanie M. Hester, Amber L. Holtrust, Billy J. Holtrust, Nancy J. Hooker, Cynthia M. Huisman, David S. Laansma, Robin J. Laansma, John K. Lake, Michael G. Marlow, David W. Minnaar, Frederick P. Moore, Sharon L. Olson, Rick Ray Reynolds, Jeffery Michael Schantz, Peter Reinhardt Schantz, Darrell Robert Slaughter, Gordon John-Van Smith, Jennifer Eve Smith, Karen L. Snyder, Douglas R. Sokolowski, Janet L. Sokolowski, Karen R. Strayer, Barbara J. Townsend, Carla J. Walker, Ronald V. Walker, Gary A. White, Luke Lynn Deming, Geneva L. Woodmansee, Marie D. Calderon, Allison L. Case, Connie L. Case, James M. Case, Lorraine Marie Blair, Julie A. Romeyn, Rodney J. Romeyn, Loretta M. Romeyn, Catherine S. Leaf, Ty R. Leaf, Anita Yvette Clark, Bonnie Jean Gustavison, Timothy Dale Gustavison, Deborah Ann Blick, James Paul Blick, Susan Amytis Higgins, Pamela Ann Herbert, Richard Stiles Cutshaw II, Elizabeth K. Cutshaw, Rodney Stewart Halcomb, Tracy Jo Stevens, Megan Kathleen Haan, Jomaa Chafic Berjawi, Ruth Kathryn Berjawi, Kimberly Ann Harris, David B. Harris, Barry Glenn Holley, Julie Lee Holley, Janet Talbot Beuckelaere, James Franklin Bloomfield, Sandra Kay Bloomfield, Vincent Edward Wilson, Patricia Mary Doran, Shelby L Nowak, Veronica K Carra, Biruta Puik Wilson, Gary Edward Mitchell, John Thomas Elieff, Kerry Lynn Elieff, Jacquelyn Ann Fershin, Carol Jean Reed, Nancy E. Thomachefski, John Joseph Thomachefski, Maryhelen Neal, Susan C. Vandeberghe, Virginia Rosalie Carriveau, Karen Ann Gary, Patricia Ann Gary, Deanna Christine Gilbert, Timothy Mauro-Vetter, Timothy Lawson Jacobs, Stephanie A Beltinck, Ray Rolla McCall, Esq, Clarissa A. Filhart, Christine Kelly Fountain, Linda Marie Richardson, Kevin J. Salisbury, George E. Moore, Rona Alexander, Jeff Alexander, Benjamin C. Hoats, Charles D. Hoats, Holly L. Hoats, William D. Hoats, Michael Brewer, Carol Lea Backer, Debra Kay Horanoff, Brian Albert Horanoff, Dean K. Evink, Amy L. Evink, Jeffrey Robert Strasser, Randall Ray Clark, Jennifer Mary-Jones Allam, Valerie Allemon-Raimi,



2025 Legal Strategy Recommendations

Roswell K. Barranco, Barbara Basinski, Dawn M. Blum, Christopher J. Bond, Joyce Joann Bond, Donna Lynn Brandenburg, Justin Compagner, Larry Allen Corell, Jeffery Paul Dawson, Luke Lynn Deming, Richard Dittenber, Joanne Clare Emery, Amy L. Evink, Dean K Evink, Cheryl Facione, Rodney Kent Francisco, Daniel Garcia, Braden Giacobazzi, Susanne M. Gordon, Ruth Ann Halcomb, Kristina Marie Harrison, Lawrence Harrison, Dortha Pearl Harvey, Jody Heskett, Diane Ruth Heyboer, Tammy Lynn Hitts, Lewis Hitts, Jody Lynn Heskett, William W. Johnson, Barbara Jean Lang, Deborah Maria Lowell, Kyle Andrew Maas, Kimberly Manor, Christian Marcus, Scott William Martzke, Jane Marie May, Frank Floyd McClelland, Carl W. Merkh, Joseph Molnar, Melanie Nivelt, Gale Parr, Anna R. Pierce, Janice Denise Pittman, Martha Kay Purser Beher, Joan Rietdyk, Jose Rizo, Jacob David Roberson, Laura J Roselle, Dawn Ross, LeAnna Eileen Slates, Venard Sova, Kodeen Sower, Cheryl A. Tague, Marla J. Weber, Karen J. Williamson, Kent County Taxpayers/Constitution Party, Randolph Schiffer, Craig L. Crabill, Kristine Ann Paraker, et al

Petitioners hereby claim that the results of the actions taken by the State of Michigan to revise the State Constitution in Proposal 22-2 and issue new subsequent election laws, constitute both Civil Rights and Civil Liberties violations and a Deprivation of Rights under Color of Law against all legally eligible Citizen voters within the State of Michigan, by intentionally opening up election procedures that will result in legal ballots being cancelled by illegal ballots cast by legally ineligible voters from a variety of courses. The law guarantees that only “legally eligible Michigan voters” be allowed to vote in Michigan elections, and that the State guarantees all legal citizen voters in Michigan secure, free, fair, lawful, and transparent elections. The measures taken in Proposal 22-2 and the subsequent new election statutes do the exact opposite. The measures taken by the respondents herein, make it even more likely that Michigan will experience a flood of illegal and untraceable voting, depriving the rights of all legal citizens of the State to one-citizen, one-vote, making it impossible for the State or the court to provide and guarantee the people of Michigan a secure, free, fair, lawful, and transparent election process under these conditions.

Respondents

Respondent JOCELYN BENSON is a Respondent in her official capacity to establish the correct construction and Application of Michigan Election Law, and the State and Federal Constitution, and serves as SECRETARY OF STATE OF THE STATE OF MICHIGAN, 430 West Allegan Street, Richard H. Austin Building - 4th Floor, Lansing, Michigan 48918. The Secretary of State is also listed with a main office at the Secretary of State Building, Secondary Complex, 7064 Crowner Drive, Dimondale, Michigan 48821. Benson is not only responsible for the conduct of elections in Michigan but an aggressive activist in revising the election laws and procedures in ways that facilitate, encourage, and allow widespread



election fraud and voter fraud. Further, she is currently publicly conspiring with Secretaries of State of other States, specifically

Arizona, Wisconsin, Nevada, Georgia, and Pennsylvania, to pervert the election laws of other States across the country so as to weaken safeguards and sound procedures in elections which will increase the incidence of fraud in elections beyond Michigan borders. Benson's initiative constitutes an interstate compact without the agreement of Congress prohibited by the U.S. Constitution.

In addition, under these circumstances, with more than 150,000 "aliens" currently in the State of Michigan, Secretary Benson cannot guarantee the legal citizens of Michigan that "aliens" currently residing within the State of Michigan, especially in "sanctuary" or "welcoming" areas of the state, will not be able to vote in the 2024 or future elections, in the direct violation of 18 U.S. Code § 611 - Voting by aliens – as well as an apparent violation of 18 U.S. Code § 241 – Conspiracy against rights.

Furthermore, Benson has already been found in violation of the law by six separate courts. By any objective measure, she has demonstrated a pattern of knowingly and intentionally conducting unlawful elections and creating unconstitutional election procedures. In this light, the meaning of amendments to the Michigan Constitution and of legislation must be interpreted as including the need for equal public access to election records (digital and physical) in other words, complete transparency. <https://letsfixstuff.org/2023/09/five-courts-have-concluded-that-mi-sos-jocelyn-benson-conducts-unlawful-elections/> The voters and the legislature understand and are aware of the failure of the Secretary of State to inform them of the truth about the elections. Secretary Benson has repeatedly and consistently demonstrated total contempt for the courts, the Michigan Constitution, Michigan Election Laws, the US Constitution, Federal Election statutes, and the lawful voters of Michigan. Benson has a long and distinguished history of violating her fundamental Oath of Office, demonstrating an overt effort to control elections to benefit highly partisan interests, and is therefore, unfit to manage or oversee any election in the State of Michigan.

See for example:

Jocelyn Benson loses in court for third time over her voting rules, Oralandar Brand-Williams, Votebeat, Bridge Michigan, <https://www.bridgemi.com/michigan-government/jocelyn-benson-loses-court-third-time-over-her-voting-rules>

Michigan Supreme Court strikes down governor's emergency Covid powers, October 2, 2020 <https://www.cnn.com/2020/10/02/politics/michigan-supreme-court-whitmer-covid-emergency/index.html> and <https://michiganlcv.org/case/court-declares-gov-whitmers-covid-emergency-powers-unconstitutional/>



Michigan Supreme Court rules against governor again, ending Covid-19 executive orders, October 12, 2020, retroactive back to April 28, 2020, declaring her actions both “unlawful and unconstitutional.” <https://www.cnn.com/2020/10/12/politics/michigan-supreme-court-whitmer-covid-emergency/index.html>

Respondent GRETCHEN WHITMER is a Respondent in her official capacity to establish the correct construction and Application of Michigan Election Law, and the State and Federal Constitution, and serves as Vice Chair of the Democratic National Committee, and GOVERNOR OF THE STATE MICHIGAN the Chief Executive of the State, Richard H. Austin Building - 4th Floor, 430 W. Allegan Street, Lansing, Michigan 48918.

Respondent JONATHAN BRATER is a Respondent in his official capacity to establish the correct construction and Application of Michigan Election Law, and the State and Federal Constitution, and serves as DIRECTOR OF ELECTIONS, SECRETARY OF STATE OF THE STATE OF MICHIGAN, Richard H. Austin Building - 4th Floor, 430 W. Allegan Street, Lansing, Michigan 48918. Brater is responsible under the Secretary of State for the conduct of elections in Michigan.

Respondent DANA NESSEL is a Respondent in her official capacity to establish the correct construction and Application of Michigan Election Law, and the State and Federal Constitution, and serves as ATTORNEY GENERAL OF THE STATE OF MICHIGAN and Chief Law Enforcement Official for the State of Michigan, G. Mennen Williams Building, 525 West Ottawa Street, P.O. Box 30212, Lansing, Michigan 48909. As Attorney General, Nessel is responsible for the interpretation of laws and the Michigan and Federal Constitution and the implementation and enforcement of laws concerning elections.

Respondent MICHIGAN BOARD OF STATE CANVASSERS, made up of just four individuals appointed by Democratic National Committee Vice Chair and Michigan Governor Whitmer, whose duties include: (a) Canvassing and certifying statewide elections, elections for legislative districts that cross county lines and all judicial offices except Judge of the Probate Court.

(b) Conducting recounts for state-level offices. (c) Canvassing nominating petitions filed with the Secretary of State. (d) Canvassing state-level ballot proposal petitions. (e) Assigning ballot designations and adopting ballot language for statewide ballot proposals. And (f) Approving electronic voting systems for use in the state. See: <https://www.michigan.gov/sos/elections/bsc> .

The Board is an actual office, agency, or component of the Office of the Secretary of State of Michigan. The Board exists as an entity apart from any individual Board members. Nevertheless, out of an abundance of caution, and not for any hidden reason, Petitioners also name as Respondents the four Board members in their official capacity to ensure that this crucial component of elections in Michigan is covered and protected.

Respondent STATE OF MICHIGAN, by and through the named Respondents, particularly the Attorney General of Michigan.



WHAT WAS PRESENTED TO VOTERS FOR APPROVAL ON THE 2022 BALLOT?

Upon the general ballot for the election on November 8, 2022, voters purportedly approved "Proposal 2" (also referred to as Proposal 22-2 given the year was 2022) to amend the Constitution of the State of Michigan, which could only be found in its allegedly amended form at: <https://legislature.mi.gov/Laws/MCL?objectName=MCL-CONSTITUTION>

The voters were presented upon voting with the following limited and uninformative language, and nothing more by way of any details or explanation:

Proposal 22-2

A proposal to amend the state constitution to add provisions regarding elections

This proposed constitutional amendment would:

Recognize fundamental right to vote without harassing conduct;

Require military or overseas ballots be counted if postmarked by election day;

Provide voter right to verify identity with photo ID or signed statement;

Provide voter right to single application to vote absentee in all elections;

Require state-funded absentee-ballot drop boxes, and postage for absentee applications and ballots;

Provide that only election officials may conduct post-election audits;

Require nine days of early in-person voting;

Allow donations to fund elections, which must be disclosed;

Require canvass boards certify election results based only on the official records of votes cast.

Should this proposal be adopted? [] YES [] NO

If a majority of the electors vote "yes" on Proposal 22-2, the following articles and sections of the State Constitution will be amended to include the proposed language: Article II, Sections 4, 6, and 7; Article IV, Sections 1 and 16;



Article V, Sections 1 and 13; Article VI, Sections 1, 2, 8, 23, and 26; Article VII, Sections 3, 10, 18, 22, and 28; Article VIII, Sections 3 and 5; and Article IX, Section 6.

SUMMARY DESCRIPTIONS REQUIRED TO APPEAR ON THE BALLOT

Pursuant to [Article XII § 2](#), the Constitution of Michigan may be amended by petition and vote of electors (individual lawful citizen voters in Michigan).

Amendment requires as a mandatory condition of constitutional force that a summary must be presented to the voter that

“shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.”

Thus, a petition to amend the Michigan Constitution and the resulting purported amendment, along with all subsequent revisions of State Election Laws, would be legally invalid if the wording is not “a true and impartial statement” of the purpose of the amendment.

Here, the summary descriptions of Proposal 22-2 for 9 different topics were squeezed into a total of 100 words maximum.

No interpretation of Proposal 22-2, which is different from the vague and inadequate summary descriptions can now be considered as valid amendments to the Constitution.

BACKGROUND AND SUMMARY OF LEGAL CLAIMS

Voters may propose changes to the State Constitution by way of a ballot initiative, but not replace it by any alleged amendment process: In the legal test of Michigan courts, a voter initiative-based amendment to the Michigan Constitution may only be an “amendment” *not a “revision.”* Perhaps this legal test could be defined more clearly, but this is the touchstone established by the Supreme Court of Michigan.

In an opinion by Justice VIVIANO, joined by Justices MCCORMACK, BERNSTEIN, and CLEMENT, the Supreme Court held: A voter- initiated amendment under Const 1963, art 12, § 2 is permissible if it proposes **changes that do not significantly alter or abolish the form or structure of the government in a manner equivalent to creating a new constitution.** Because VNP’s proposal would leave the form and structure of the government essentially as it was envisioned in the 1963 Constitution, it was not equivalent to a new constitution and was therefore a permissible amendment under Article 12, § 2.



Accordingly, the judgment of the Court of Appeals was affirmed.

CITIZENS PROTECTING MICHIGAN’S CONSTITUTION v SECRETARY OF STATE, Docket No. 157925, Supreme Court of Michigan (Decided July 31, 2018), attached. (*Emphasis added.*)

The Court of Appeals held that the proposal was ***an amendment rather than a revision*** because no fundamental government operations would be altered: the proposal would continue the redistricting commission, with modifications, already in the Constitution; the proposal involved a single, narrow focus—the independent citizens redistricting commission; and the Supreme Court would retain control over challenges to redistricting plans.

Id. (*Emphasis added.*) This case appears to reject multi-pronged, multi-farious voter initiatives combining more than one topic.

Here, Petitioners contend the proposal included drastic revisions of Michigan’s Constitution, such as striking the role of the legislature to supervise elections of its own members, and specifically, Presidential and Vice-Presidential elections. This Petition asks this Court to construe that only election officials can audit election officials, thereby creating a stunning lack of accountability, a total lack of transparency, and a radical Stalinist shift from American jurisprudence, resulting in a deprivation of rights under color of law for every legal eligible Michigan voter.

HOW SHOULD THIS COURT INTERPRET THE ATTEMPTED REVISIONS TO THE MICHIGAN CONSTITUTION?

One of the primary proponents of the revisions in Proposal 22-2 was “Promote the Vote” or more accurately “Promote the Vote 2022.” They apparently issued a flyer, attached as Exhibit A, consistent with their public statements reported in the news media, in which they announced their goals as including:

“Promote the Vote is cutting through the partisan noise to advance and enhance voting rights for the people of Michigan.”

“...preserving and protecting voting rights in Michigan”

“...expand access to the ballot...”

“Eliminate disparities and expand civic participation in Michigan elections.”

“...protect democracy in Michigan.”



Petitioners contend that ***the proponents agree*** that only “the legal U.S. citizens of Michigan” should have the right to vote in Michigan, not illegal aliens forbidden from voting under Federal Election Code, nor activists from other States hijacking the votes of Michigan citizens through what could easily be interpreted as a form of identity theft.

Petitioners argue that ***the proponents agree*** with Article II, Section 4, Subsection (2) of the Constitution of Michigan of 1963 (as amended),

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, ***to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise,*** and to provide for a system of voter registration and absentee voting. * * *

Therefore, the revisions made by Proposal 22-2, if any in reality, must be interpreted to protect the voting rights of legal Michigan citizens, not interlopers from other States or other countries, and “to preserve the purity of elections” and “to guard against abuses of the elective franchise.”

In terms of normal interpretation, Petitioners contend that the Court must adopt the most cautious, restrained, least adventurous, and least expansive interpretation of the summary descriptions in the alleged revisions to the Constitution.

Petitioners understand that the proponents raised \$20 million and went to a lot of effort. But it appears clear from recent history and patterns that the proponents’ intent is a “bait and switch” of sorts, in which the voters are asked to approve clichés. Then the votes are used to justify radical revisions to Michigan’s election laws stripping away safeguards of accurate, free, fair, lawful, and transparent elections. It does not seem that political activists spend \$20 million merely to repeat what the Michigan Constitution already says. Petitioners do not see any good faith in this effort.

The Petitioners also contend that the Court should adopt the rule of Lenity – a fundamental guideline of jurisprudence commonly used in interpreting both criminal and civil law. The Rule of Lenity is also accepted as a Rule of Strict Construction, which Petitioners contend is of utmost critical importance especially when it pertains to both revising a Constitution, and administering a truly secure, free, fair, lawful, and transparent election. The principle is based upon two critical constitutional objectives, the separation of powers, and the protection of individual legal citizen rights.

Therefore, Petitioners argue that an approach of Lenity and/or Strict Construction is required here:



A Harvard Law Review explores the controversies within the – clearly non-criminal – topic of *Chevron* deference to administrative agencies from *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

* * *

It is not necessary to alter the *Chevron* doctrine in order to find a theoretical foundation for it. It is only necessary to enrich our understanding of one of the doctrine’s original rationales: political accountability. * * *

* * * Part II explores the way in which the Court unsuccessfully attempted to rehabilitate some of these rationales by limiting the scope of the *Chevron* doctrine in *Mead*. Part III suggests an alternate means of rehabilitating the doctrine through an enriched understanding of the political accountability ***rationale for Chevron, as informed by the rule of lenity***. Part IV concludes.

* * *

Note, “Justifying The Chevron Doctrine: Insights From The Rule Of Lenity,” Harvard Law Review, Vol. 123, Page 2043, (*emphasis added*), accessible publicly at https://harvardlawreview.org/wp-content/uploads/2010/06/vol123_justifying_the%20chevron_doctrine.pdf

Additionally, Justice Scalia and Professor Bryan Garner have helped elevate the rule of lenity by including it in a set of fifty-seven recommended canons of construction in their widely read treatise on interpretation.⁹ Second, the rule of lenity carries authoritative weight. Almost one-third (13) of the 42 appellate judges surveyed considered lenity and/or constitutional avoidance “actual rules” of “mandatory application.”¹⁰ For some respondents, the Supreme Court designated these rules as binding and, for others, the Constitution did so.¹¹ Third, lenity is generally valid on a spectrum of interpretive approaches, regardless of ideological commitments. Most appellate judges who participated in the survey signaled a willingness to consider the canons of construction, and all judges actually used them even when they said they did not.¹² Most explained that they consider as much information and as many canons as possible to make the most informed decision about a case of statutory construction.¹³ This “interpretive eclecticism”¹⁴ suggests that appellate judges would consider lenity to be relevant to their review of challenged criminal statutes.¹⁵

Intisar A. Rabb,⁶ “Responding to Abbe R. Gluck & Richard A. Posner, Statutory Interpretation on the Bench: A Survey of Forty-Two Judges on the Federal Courts of Appeals,” *HARVARD LAW REVIEW FORUM*, Volume 131 Issue 8, June 2018, accessible publicly at <https://harvardlawreview.org/forum/vol-131/the-appellate-rule-of-lenity/>

Petitioners contend that the Lenity or Strict Construction doctrine should be applied to a narrow, limited construction of the alleged revisions in light of the serious nature of



amending the Constitution, particularly as it pertains to such a fundamental right of all legal citizens to enjoy

⁶ Professor of Law, Harvard Law School; Professor of History, Harvard University; Susan S. & Kenneth L. Wallach Professor, Radcliffe Institute for Advanced Study at Harvard. This paper benefited from helpful comments and feedback from Ryan Doerfler, Abbe Gluck, Joshua Kleinfeld, Nina Mendelson, Zachary Price, and Jane Schacter. Michael Decker, Marilyn Robb, and Samuel Rubinstein provided excellent research assistance. The author thanks all of them as well as the editors of the *Harvard Law Review* for their scholarly enthusiasm, astute comments, and careful editing.

secure, free, fair, lawful, and transparent elections. This rule requires the Court to construe the 22-2 revisions and subsequent statutes against the party who drafted it, typically, the government, or the agency responsible for enforcing it. In this instance, the Court should interpret the many issues raised herein, in a manner more favorable to the Petitioners, on behalf of all legal U.S. citizen Michigan voters, rather than the government.

DECLARATORY JUDGMENT SOUGHT

Under this case, no government officials are sued for liability or compensation for damages but are instead sued as nominal Respondents who are responsible for applying, enforcing, and/or administering the void laws to challenge them as unconstitutional and legally unethical.

Transparency must be achieved in any system to ensure confidence in the election results. Citizens are entitled to equal access to election records equal to that provided to election officials and their designated representatives under Michigan Constitution Article I Section 1. Secrecy is the number one cause of increasing voter distrust in elections and government as a whole.

Among the other issues raised, Petitioners ask the Court to resolve each of the following individual conflicts or questions by Declaratory Judgment:

When asking voters to allow their government to amend their constitution via partisan private organization agendas, is it necessary under the law to provide voters the actual language of the proposed amendment in order to gain the true informed consent of the voters to that amendment? Yes or no?



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Have voters truly consented to a constitutional amendment they never had a chance to read first? Yes or no?

Even if the abbreviated language presented on the original signature petition was adequate for the purpose of gaining signatures on the petition, is that language also adequate for the voters to provide their informed consent to

amendment language they never had an opportunity to review before casting a ballot? Yes or no?

Petitioners ask the court to declare if the information and text provided to the voters in 2018 and 2022, pertaining to both Proposal 22-2 and 18-3, was in any way “ambiguous” and therefore, insufficient for the voters to know what they were voting for or against? Yes or no?

Under these circumstances, is such an amendment lawful and constitutional, without the clear understanding and informed consent of the voters? Yes or no?

Under the 22-2 and 18-3 amendments to the Michigan Constitution, we ask the court to answer the following questions;

Are non-citizens of the United States permitted to vote in Michigan elections? Yes or no?

Are deceased individuals who still may appear in the voter rolls permitted to vote in Michigan elections? (This pertains to the scenario wherein a ballot is cast in their name by someone else, as a form of identity theft.) Yes or no?

What are the measures in Proposals 22-2 and 18-3 that safeguard Michigan elections against unlawful acts, as-in ineligible ballots being cast, counted, or certified?

Does opening up elections to untraceable ineligible voters constitute disenfranchising all legal voters, and in the end, a Deprivation of Rights under color of law? Yes or no?

Can Proposal 22-2 combine 9 different proposals in a single amendment to the Michigan Constitution which leads to very vague inadequate descriptions to the voters to fit within the 100-word maximum, be legitimate and constitutional? Yes or no?



Because 9 distinct and separate revisions to the Michigan Constitution appeared all on 1 amendment proposal as 1, are the 9 items severable from each other? Yes or no?

Does Proposal 22-2 affect elections for the U.S. President, which arise uniquely under Article II, Section 1? (There are no elections for U.S. President. The U.S. Constitution provides for an Electoral College, to be chosen by the methods established by the Michigan State legislature alone.) Yes or no?

Does the first revision item in Proposal 22-2: “Recognize fundamental right to vote without harassing conduct;” have any meaning beyond a cliché where the voters were asked only that the Constitution “recognize” the fundamental right to vote? The Constitution already previously recognized the fundamental right of legal US Citizens and lawful citizens of Michigan to vote.

Does this new language make it a crime to legitimately challenge illegal activities witnessed in the election process, via an unlimited open-ended use of the term “harassment?” Yes or no?

Does the first revision item in Proposal 22-2 “without harassing conduct;” change anything or merely reference existing Michigan law against harassment? Or is it an overt attempt to silence legitimate challenges to visible illegal activities in the election process?

What does “harassing conduct” mean in the first revision item in Proposal 22-2? Today, when people seriously contend that “words are violence” or complain about how someone looks at them, what did the voters understand “harassing conduct” means when voting on Proposal 22-2? Was the bait of a cliché used as a “bait and switch” to change the system of elections at the polls?

Does the first revision item abrogate the electoral process of having poll observers for all parties with candidates on the ballot and allowing contemporaneous challenges to irregularities in the election when observed?

In the wake of 2022-2 passage, the Michigan legislature passed HB 4129 into law making it a felony to “intimidate” a poll worker which is pretty much the definition of a poll “challenger”.



<https://legislature.mi.gov/Bills/Bill?ObjectName=2023-HB-4129> Is this authorized by Proposal 22-2? Yes or no?

Does the third revision item requiring Michigan to “Provide voter right to verify identity with photo ID or signed statement;” mean that voters can claim to be someone they are not by signing a false statement as to their identity, only to maybe be determined later long after an election has been “certified?” Yes or no?

Does the third revision item requiring Michigan to “Provide voter right to verify identity with photo ID or signed statement;” mean that although the alleged affiant has no lawful means of proof of identity at all, they will none the less be allowed to vote as if they were a proven legally eligible voter in Michigan, by merely signing some name to the document, even though they have no proof of legal voter Rights? Yes or no?

Does the third revision item requiring Michigan to “Provide voter right to verify identity with photo ID or signed statement;” mean that – as the federal government has been issuing Social Security Cards to “illegal aliens,” that this card will pass as “proof of voter eligibility” even though the “alien” is not a legal citizen of the United States? Yes or no?

Does the third revision item requiring Michigan to “Provide voter right to verify identity with photo ID or signed statement;” mean that – because this common practice is what the voters must have intended -- voters must either present an identification card with their photograph on it or fill out an officially-drafted, officially-approved, pre-printed affidavit sworn under oath whose language is standardized and requires the voter to swear under oath that they are who they claim to be, are eligible to vote in Michigan, they are legal citizens of the United States, and are old enough and not disabled such as by a felony conviction? Yes or no?

Does the third revision item requiring Michigan to “Provide voter right to verify identity with photo ID or signed statement;” mean that – because this common practice is what the voters must have intended -- voters must present an identification card which is a Michigan or U.S. Government issued identification with the person’s photograph shown on it, not expired, and not obviously fake or altered. It would not mean a gym membership card or library card or foreign card like a Mexican-issued Matricula Consular Card or foreign identification. Yes or no?



Does the fourth revision item requiring Michigan to “Provide voter right to single application to vote absentee in all elections;” - mean that a voter may request absentee ballots for all elections in the same year by one application or does it mean that the voter will be receiving absentee ballots forever, even after the voter has died, is mentally incapacitated by extreme age, has moved out of Michigan, or have moved within Michigan so that they are receiving the wrong ballot for the legislative districts and county offices up for election?

Does the fifth revision item to “Require state-funded absentee-ballot drop boxes, and postage for absentee applications and ballots;” have any standards, such as how many drop boxes, where they are to be placed, can they be placed so as to discriminate between areas which historically vote for one political party over another? Can the Respondents manipulate elections by placing drop boxes only in areas that are strongholds of one political party to increase votes received for one party over another? Can all the drop boxes in the State of Michigan all be put in one spot next to each other? Or is there some non-partisan standard or plan for how and why drop boxes should be distributed throughout the vast State? Can drop boxes be placed in the woods to capture the hunter vote? Or across the street from Christian mega-churches?

Since the COVID epidemic is thankfully over, what is the purpose or goal or “need” for absentee-ballot drop boxes, which might guide us in knowing what was intended by the voters and how to implement this requirement?

Absentee ballots are typically requested and cast by legitimate voters who will be absent from the State of Michigan or their home precinct on election day. If absentee ballots are used by those who are absent, why would they physically go to a drop box despite being absent? Again, the task is to find clues to aid in the interpretation.

Under new “no excuse” absentee voting rules, is this an overt attempt to permanently convert all “in-person” voters to “absentee” voters, also known as “mail-in” voters, making it impossible to provide a secure, free, fair, lawful, and transparent election in the State of Michigan? Yes or no

Can Michigan fulfill the requirements of the fifth revision item of Proposal 22-2 by using the vast network of mail boxes of the U.S. Postal Service, which is provided for in the U.S. Constitution, instead of unsecure dropboxes? Yes or no?



Given that Proposal 22-2 requires “postage for absentee applications and ballots;” did the voters likely understand that absentee ballot drop boxes means mail boxes of the U.S. Postal Service, which is established in the U.S. Constitution? Yes or no?

Does the requirement for “postage” in the fifth revision item mean that Michigan officials will pre-print official applications and ballots with pre-paid postage permits or that Michigan election officials must distribute postage stamps?

What does the sixth revision item of Proposal 22-2 that the Michigan Constitution should “Provide that only election officials may conduct post- election audits” mean? Does this guarantee a “non-transparent” election? Yes or no?

Notwithstanding the sixth revision item of Proposal 22-2 that the Michigan Constitution should “Provide that only election officials may conduct post-election audits” - can the news media continue to access public records including voter history and registration files and voter participation records and conduct their own audits of elections? As all of it is paid for by taxpayers, making these records “public property,” isn’t open equal access to the election records not only lawfully appropriate, but necessary to guaranteeing a secure, free, fair, lawful, and transparent election? Yes or no?

Does the sixth revision item of Proposal 22-2 that the Michigan Constitution should “Provide that only election officials may conduct post-

election audits” abrogate the freedom of the press and freedom of speech guaranteed by the First Amendment to the U.S. Constitution?...and create an ‘insider closed circuit’ audit condition making it easy for partisan political operatives to hide election irregularities from the citizens of Michigan? Yes or no?

Does the sixth revision item of Proposal 22-2 that the Michigan Constitution should “Provide that only election officials may conduct post- election audits” abrogate the existing right of citizens to access currently- public records concerning elections and impose a wall of secrecy? Yes or no?

Does the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed” mean that private persons or



organizations, such as the 1630 Fund or numerous other partisan political groups, can bribe Michigan election officials to change election rules or procedures? Yes or no?

Does the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed” mean that Michigan cannot afford to pay for its own elections? Yes or no?

What is the purpose of donations addressed in the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed.” Why is Michigan unable to pay for its own elections without the inherent odor and conflicts of interest presented by this purported amendment?

Does the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed” mean that donors can impose conditions that Michigan election officials must meet as a *quid pro quo* for providing donations? Yes or no?

What does “disclosure” mean in the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed?” When must it be disclosed, and how?

Can “disclosure” in the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed” mean disclosure after the election is over? Yes or no.

Notwithstanding the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed” must Government officials retain full and ultimate decision- making about, and responsibility and accountability for, the use of all of the

resources and assets of Michigan’s election system including any donated to any election official or agency. Yes or no?

Does passing the eighth revision item of Proposal 22-2 requiring that the Michigan Constitution must “Allow donations to fund elections, which must be disclosed” allow for



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any consequences or enforcement from “disclosure” that private donations may not be used to manipulate elections, including at the voter registration drive stage? Yes or no?

Does the eighth revision item of Proposal 22-2 that the Michigan Constitution should “Allow donations to fund elections, which must be disclosed” mean that Michigan election officials can take donations from the National Rifle Association to go to gun shows and conduct official voter registration drives among gun enthusiasts? Yes or no?

What does it mean in the ninth revision item of Proposal 22-2 that the Michigan Constitution should “Require canvass boards [to] certify election results based only on the official records of votes cast?” What are canvassing boards using now? Are canvassing boards using unofficial records now? Are canvassers using something other than votes cast to certify election results? In other words, the eighth revision item is not a change from current law. Therefore, the eighth revision item means nothing. Yes or no?

Does the ninth revision item of Proposal 22-2 that the Michigan Constitution should “Require canvass boards [to] certify election results based only on the official records of votes cast?” **abrogate** Article IV, Section 16, of the Michigan State Constitution which makes the legislature the judge of its elections, and in conflict with Article II, Section 1, of the U.S. Constitution which makes the legislature the authority to set rules for Presidential elections through the Electoral College? Yes or no?

How is “Require canvass boards certify election results based only on the official records of votes cast” any different from what canvassing boards are doing now? Can we interpret a change from current law and practice if we can’t tell the difference between what is proposed versus what is already being done? Does the ninth revision item mean anything at all?

ONLY LEGAL U.S. CITIZENS MAY VOTE IN MICHIGAN ELECTIONS

Advocates of these constitutional revisions are taking it even further in a progression, by also pushing for legislation that would allow illegal aliens who are not legal citizens of this country (but citizens of their own country) to obtain a State ID in the form of a



Driver's License, and to register to vote and vote in Michigan's elections.⁶

These attempts to encourage non-citizens to vote, or open the door to later expansion are pre-empted by Federal law. 18 U.S. Code § 611 - Voting by aliens – "(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector;"

These attempts to encourage non-citizens to vote or open the door to later expansion are pre-empted by Federal law.

18 U.S. Code § 611 - Voting by aliens –

"(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector;"

* * *

The Secretary of State's instructions to all election officials, the "Election Officials' Manual" dated February 2019, attached as Exhibit A, recites that the Federal "**HELP AMERICA VOTE ACT**" "Required addition of citizenship and age questions to voter registration form." See 42 U.S.C. 1973i

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

* * *

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.— (A) IN

GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following: (i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

CORRECT INTERPRETATION OF 8th POINT OF AMENDMENT PROPOSAL

If a donation to the election system could be targeted to be spent only on certain activities or only in certain places, this would amount to the government making government decisions or operations policies as a *quid pro quo* for receiving the donation. The donation

^{6 7} David Jaroslav, "Michigan Introduces Driver's License Bill For Illegal Aliens Again," Federation for American Immigration Reform, May 21, 2021, <https://www.fairus.org/legislation/state-immigration- legislation-policies/illegal-immigration/michigan-introduces-drivers>



becomes an illegal bribe, to the extent that it changes government rules or functions affecting voters generally in the County or region in exchange for paying money.

Michigan State Law provides that:

750.118 Public officer; accepting bribe.

Any executive, legislative or judicial officer who shall corruptly accept any gift or gratuity, or any promise to make any gift, or to do any act beneficial to such officer, under an agreement, or with an understanding that his vote, opinion or judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or that in such capacity, he shall make any particular nomination or appointment, shall forfeit his office, and be forever disqualified to hold any public office, trust or appointment under the constitution or laws of this state, and shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars

Therefore, this Court should now decide this Petition by construing if the 22-2 proposal is consistent with standing Michigan criminal law. An interpretation that would allow a criminal act should be rejected as an incorrect interpretation, including as obviously not what the voters had in mind or intended.

If Michigan **does not “need”** donations to run its elections, then what is the purpose of the donations? The purpose can easily be interpreted as an overt attempt to manipulate the elections to alter the winners of a legitimate election contest, to suit the preferences of the partisan donor.

GOVERNING LAW: CONSTITUTIONAL PROVISIONS

The Constitution of the State of Michigan of 1963 (as amended from time to time) – as of the year 2021 (i.e., before the alleged amendment at issue) -- begins with the foundational right that:

Article I § 1 Political power.

All political power is inherent in the people, meaning the legal citizen eligible voters.
Government is instituted for their equal benefit, security, and protection.

The **current** Constitution of the State of Michigan of 1963 (as amended from time to time) begins with the following paragraph (a) --

Article II § 4 Place and manner of elections.

Sec. 4. (1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:



The fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Any Michigan citizen or citizens shall have standing to bring an action for declaratory, injunctive, and/or monetary relief to enforce the rights created by this part (a) of subsection (4)(1) on behalf of themselves. Those actions shall be brought in the circuit court for the county in which a plaintiff resides. If a plaintiff prevails in whole or in part, the court shall award reasonable attorneys' fees, costs, and disbursements.

For purposes of this part (a) of subsection (4)(1), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

(Emphasis added.)

Even after the attempted amendment by the ballot initiative 22-2 held on November 8, 2022, the legislature of the State of Michigan is not merely empowered *but required* under the Constitution of the State of Michigan to:

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, ***to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise,*** and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames. `

Constitution of Michigan of 1963 (as amended), Article II, Section 4, Subsection (2).

(Emphasis added).

Therefore, (a) the legislature is required to act, (b) it is the law mandated by the Michigan Constitution, and (c) every law must be either interpreted consistently with the Michigan Constitution or else be struck down as unconstitutional, that:

The laws of Michigan must “preserve the purity of elections.”



The laws of Michigan must “preserve the secrecy of the ballot.”

The laws of Michigan must “guard against abuses of the elective franchise.” Anything to the contrary being unconstitutional in Michigan.

Michigan courts have noted that a legally eligible voter is entitled to have his vote counted and the defendant has a duty to maintain an accurate and secure election, free from any unlawful ballots being cast, counted, or certified. *Bailey v. Antrim County*, 341 Mich. App. 411 (2022).

Furthermore, the Court must examine the purpose and intent of a statute especially when its exact meaning is a difficulty:

“In interpreting constitutional provisions, the primary duty of the judiciary "is to ascertain the purpose and intent as expressed in the constitutional ... provision in question." *Adair v. Michigan*, 486 Mich. 468, 477, 785 N.W.2d 119 (2010) (quotation marks and citation omitted). In doing so, "we are mindful that the interpretation given the provision should be the sense most obvious to the common

understanding and one that reasonable minds, the great mass of the people themselves, would give it." *Id.* (quotation marks and citations omitted). "When the language of a constitutional provision is unambiguous, resort to extrinsic evidence is prohibited " *Nat'l Pride at*

Work, Inc. v. Governor , 481 Mich. 56, 80, 748 N.W.2d 524 (2008).”

Bailey v. Antrim Cnty., 341 Mich.App. 411, 420-421, 990 N.W.2d 372 (Mich. App. 2022).

And:

Id.



"The primary goal of statutory interpretation is to give effect to the intent of the Legislature. If the language of a statute is clear and unambiguous, the statute must be enforced as written and no further judicial construction is permitted." *Mich. Head & Spine Institute, PC v. Mich.*

Assigned Claims Plan , 331 Mich.App. 262, 272, 951 N.W.2d 731 (2020) (quotation marks and citations omitted).

Petitioners further argue that the Court should consider by analogy the “rule of lenity” with regard to the abrogation of fundamental civil and constitutional rights of Michiganders. If there is a close call or ambiguous analysis, this Court must rule against the weakening or dilution of the civil rights and civil liberties of actual legal Michigan voters.

18 U.S. Code § 241 - Conspiracy against rights prohibits a "conspiracy to deprive lawful voters of Michigan" of their rights pertaining to all civil rights, including the right to vote as a fundamental form of democratic systems of self-governance under the guarantee of a “Republican form of government” in the U.S. Constitution, establishing the Constitutions of a State and the Federal Government as the “Supreme Law of the Land.”

Diluting the votes of genuine Michigan citizens by allowing activists from out of state through “identity theft” to masquerade as some of Michigan’s genuine voters or allowing anyone to vote multiple times by “identity theft”—and doing so foreseeably, knowingly and/or intentionally -- harms the civil rights and liberties of all actual legitimate Michigan voters.

All recent legislative changes or revisions and/or changes to procedures, policies, and rules, taken by the Michigan State Government will directly and negatively affect the legitimacy of elections, and undermine the Electoral College via fraudulent redistricting by the use of exploding "illegal alien" populations.

Further, "interstate compacts " are prohibited by the U.S. Constitution without Congressional consent, but Jocelyn Benson has publicly admitted and even openly celebrated entering into a compact and conspiracy to deprive voters of their rights with at least five other states, all of which happen to be “swing states.”

What is the purpose of the Secretary of State of Michigan interfering in the voting rights and outcomes of elections in other States? Clearly, Secretary Benson is violating her duties and abusing her limited election system authorities to interfere with the outcome of national elections, as well as other State elections.

The job of Secretary of State (as it pertains to elections) is to be a neutral supervisor and arbiter operating the election system for the benefit of all legal Michigan voters equally, not to manipulate the outcome of elections into her preferred result.



Secretary Benson has also acted as “lobbyist” in the Michigan legislature which is at odds with her actual role as an honest broker and neutral supervisor of Michigan elections.

The Constitution of the State of Michigan of 1963 (as amended from time to time) – as of the year 2021 (i.e., before the alleged amendment at issue) -- begins with the foundational right that:

Article II § 3 Presidential electors; residence.

Sec. 3.

For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Note that the foregoing 2021 version of the Michigan Constitution includes changes made in 2018/2019 in 2018 Proposal 3, which were also defective and invalid for the same reasons as Proposal 22-2 in 2022. However, Petitioners take one step at a time and note that the alleged changes from Proposal 22-2 have never been put into practice in an actual election and therefore an injunction to preserve the *status quo ante* is easier and more compelling.

The Constitution of the State of Michigan of 1963 (as amended from time to time) – as of the year 2021 (i.e., before the alleged amendment at issue) -- begins with the foundational right that:

Article IV § 16 Legislature; officers, rules of procedure, expulsion of members.

Sec. 16.

... Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member.

...

The Constitution of the State of Michigan of 1963 (as amended from time to time) – as of the year 2021 (i.e., before the alleged amendment at issue) -- begins with the foundational right that:

Article II § 4 Place and manner of elections.

Sec. 4.



Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

The right, once registered, to vote a secret ballot in all elections.

The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application.

The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket.

The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.⁸

The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.

The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. **Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.**⁹

The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. During that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to



issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during

⁸ This is a “revision” of the Constitution, prohibited with regards to a voter initiative amendment procedure, not an amendment -- under the test set by the Supreme Court of Michigan. That test does not require that a change address all or most of the Constitution. But it is a fundamental change of the structural nature and substance of the Constitution. Pushing otherwise-disinterested voters to register generates a pool for election fraud of registered voters who were not seeking to register on their own and are unlikely to vote, thereby allowing fraudulent activists to hijack their vote, commit identity theft, and vote in their name, undetected.

⁹ Ditto. Emphasis added to identify the revision, not amendment.

the Saturday and/or Sunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein.¹⁰

The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.



The Constitution of the State of Michigan of 1963 (as amended from time to time) – as of the year 2021 (i.e., before the alleged amendment at issue) -- begins with the foundational right that:

Article II § 5 Time of elections.

Sec. 5.

¹⁰ Eliminating proof that the person “mailing it in” as an absentee or mail-in ballot is actually the genuine voter in whose name the person is voting – not identity theft – such as a Notary Public’s confirmation of identity or at a minimum the weak alternative of attaching a photocopy of a government- issued identification card, and allowing non-citizens to cast ballots in the name of actual, real voters by identity theft, is a prohibited revision not an amendment by fundamentally changing the substance and nature of voting, on which all of State government stands.

Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Even in the current, as amended Constitution of Michigan, it provides in Article II, Section 4, paragraph (1) [Following but not part of subparagraph (m)] that:

* * *

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

* * *

However, here, unlike most legislation, the touchstone of “to effectuate its purposes” runs afoul of the lack of any indication of “its purposes” other than to facilitate and promote election fraud, voter fraud, and election-related identity theft.

In order that Article II, Section 4, “be liberally construed in favor of voters' rights in order to effectuate its purposes,” we have to know what those purposes are. Is the purpose of



Proposal 22-2 to make it more efficient for legally eligible voters to participate in elections, or make it easier for non-citizens or otherwise ineligible voter ballots to be cast, counted, and certified, when only officials involved in election procedures are exclusively authorized to audit themselves?

This is not discretionary. For better or worse, whether the result is the opposite of what advocates wanted or not, the Court must construe the provisions in line with its purposes.

But we do not know the true or necessary purposes of Proposal 22-2. Does the Court?

The only indications we have are that (1) Preventing the spread of COVID-19 was the purpose for these same provisions implemented earlier, then without authorization, but now that the threat of COVID-19 is gone, they still want those same revisions anyway. So, the purposes asserted are pretextual and disingenuous, not to be believed. (2) All the offered revisions go in one direction, to facilitate more election fraud. The uniformity of the effect of these amendments reveals the purpose and intent as being in conflict with the Constitutional requirement of secure, accurate, free, fair, lawful, and transparent elections.

the only “purpose” we have to go on is --

* * *

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, ***to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise,*** and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Constitution of Michigan of 1963 (as amended), Article II, Section 4, Subsection (2).

(Emphasis added).

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Declaratory Judgment)

Petitioners repeat and re-allege all of the previous allegations of the entirety of this Complaint, including in other causes of action, and incorporate them herein in support of this count with the same force and affect, as if fully set forth herein again at length.



Petitioners as stated above are lawful residents and legally eligible voters of the State of Michigan and others with standing whose election-related actions are unconstitutionally revised by the terms of Proposal 22-2.

There is an actual controversy which may rise to the level of a “constitutional crisis” because the Petitioners will be governed by recent revisions to Michigan election law which they contend cannot be validly implemented in Michigan, or any other State.

There is an actual controversy because the Petitioners contend that the purported amendments presented to the voters on November 8, 2022, are too vague and ambiguous and/or expressing undefined, poorly-defined, or fuzzy terms incapable of guiding and determining the rights and obligations of the voters and the election officials running elections, including as being unworkable and unclear, at least without clarification by this Court.

There is an actual controversy because the Petitioners contend that what the private parties and voters lobbying for Proposal 22-2 purportedly approved will change their rights and obligations. But the Petitioners contend that the alterations to election law and policy in Michigan have not been validly approved to amend the State Constitution.

There is an actual controversy because the Petitioners contend that what the Michigan State legislature passed to implement new election laws subsequent to the purported amendments is not tethered to what the voters supposedly approved, and yet the Petitioners will be governed immediately by those allegedly unauthorized laws, absent any form of “informed consent” of the good people of Michigan.

There is a present controversy because voters on November 8, 2022, allegedly approved Proposal 22-2 for the purpose of amending the Michigan State Constitution, without knowing what the nine different amendments were or meant, or what the real purpose of the proposal was, or what has been passed by the Legislature since, all following the order of this Court to place Proposal 22-2 on the 2022 ballot, on the basis of very limited procedural challenges alone.

The election nominally occurring on November 5, 2024, (but with ever expanding early voting and mail-in voting spreading out the time of the election from a single date to a season) will be the first general election governed by the purported revisions in Proposal 22-2.

The revisions proposed and purportedly approved by the voters, absent the voters “informed consent,” will affect the Petitioners in this next upcoming general election and in all future elections.

The controversy is ripe and must be heard, adjudicated and expedited because it is May 2024, and the general election is in November 2024, and significant and substantial preparation, organizing, and planning is required prior to election day on November 5, 2024, that will be affected by Proposal 22-2 constitutional revisions and subsequent new



election laws if allowed to stand, putting in question the States lawful ability to legally “certify” any election results in 2024, creating a “constitutional crisis” which Petitioners are hereby attempting to avoid.

Indeed, various officials of Michigan and its Counties must now be expending additional funds and effort more than they otherwise would ahead of the election to redesign elections according to Proposal 22-2, including to figure out what these revisions mean, or how to even implement them, while at the same time, protecting the rights of all legal Michigan voters to a secure, free, fair, lawful, and transparent election process.

The Michigan State legislature has enacted revisions to Michigan law based upon the proposals of Proposal 22-2, which Petitioners contend are in many respects, untethered from what the voters allegedly approved and not valid legislation to implement Proposal 22-2. Even if properly tethered, Petitioners contend that the implementation of these revisions to Michigan Election Laws will result in an unlawful and unconstitutional election process, which cannot be certified by the State or Congress, as it pertains to Presidential Electors specifically.

The Proposal 22-2 as presented to the voters claimed that the following articles and sections of the State Constitution would be amended to include the proposed language: Article II, Sections 4, 6, and 7; Article IV, Sections 1 and 16; Article V, Sections 1 and 13; Article VI,

Sections 1, 2, 8, 23, and 26; Article VII, Sections 3, 10, 18, 22, and 28; Article VIII, Sections 3 and 5; and Article IX, Section 6.

The controversy is justiciable because it involves familiar and routine interpretation and construction of the proposals placed before the voters and their effect as putative amendments to the Constitution of the State of Michigan.

In additional to the individual issue declaratory judgments requested herein, the Petitioners request that this Court issue a general declaratory judgment declaring that Proposal 22- 2 was not valid and did not validly amend the Michigan State Constitution because it combined nine (9) amendments into a single amendment.

This would appear to require this Court to over-turn its 2022 decision either as arising under a different legal regime there than here (the simple requirements for a ballot initiative to be placed on the ballot) and/or unfortunately mistaken. Or perhaps the question was not clearly before the Court or the litigants there “got the right answer to the wrong question” in terms of what this Court was asked in limited scope, in 2022.

But Proposal 22-2 is clearly invalid because it is nine (9) different voter proposals rolled into one, pretending to be a single voter-initiated constitutional amendment. (Petitioners do not lack sympathy for the difficulty of gathering signatures and filing a legal package for 9 different amendments as opposed to 1 inseverable proposal. But the confusion created is not



permissible and in many ways trying to explain, manage, and defend a 9-in-1 amendment is also more work, that is avoidable work, in certain respects compared to handling each separately.)

The Petitioners request that this Court issue a declaratory judgment declaring that Proposal 22-2 was not valid and did not validly amend the Michigan State Constitution.

The Petitioners request that this Court issue a declaratory judgment declaring the meaning of the proposed revisions in Proposal 22-2 invalid because the descriptions and summaries of the proposed revisions were entirely inadequate.

The Petitioners request that this Court issue a declaratory judgment declaring what each of the nine (9) individual proposed revisions in Proposal 22-2 actually mean – if anything – and declare the rights and obligations of the parties, and the requirements of each Respondent for holding legitimate elections in Michigan.

The Petitioners request that this Court issue a declaratory judgment as to whether the nine different proposals in one single proposal and ballot initiative are severable.

The Petitioners request that this Court issue a declaratory judgment as to whether all nine proposals in Proposal 22-2 are invalid and void as being non-severable from any which are invalid and void as unworkably void or otherwise.

SECOND CAUSE OF ACTION

(Request for Preliminary Injunction)

Petitioners repeat and re-allege all of the previous allegations of the entirety of this Complaint, including in other causes of action, and incorporate them herein in support of this count with the same force and affect, as if fully set forth herein again at length.

Petitioners move the Court to issue a Preliminary Injunction to preserve the *status quo ante* prior to the purported amendments allegedly approved on November 8, 2022, by Proposal 22-2, while considering this and any similar disputes about the status and meaning of revised Michigan election law.

That law was the *status quo ante* of the election laws of Michigan and therefore there is no prejudice or harm possible to the Respondents, the Michigan government, Michigan voters, or society, if Michigan laws existing prior to Proposal 22-2 are simply reinstated.

The only possible grounds of prejudice were claims that a COVID-19 pandemic might affect in-person voting, but that epidemic no longer exists as of this writing.



The amendments proposed that were allegedly approved on November 8, 2022, by Proposal 22-2 could harm the voters of Michigan including by confusion, “bad” (confused) implementation among various election officials across the large State of Michigan, increased opportunities for electoral fraud and voter fraud, etc., if the interpretation is done wrong.

It is in the public interest to ensure accuracy and confidence of the State’s elections and to have correct interpretations of the amendments.

To go through an election with unclear new rules and then later change those rules would likely create chaos, permanent distrust, and further confusion. It is better to get the construction right before running an election under Proposal 22-2.

These changes have never been applied in any election in Michigan. The changes were placed on the November 8, 2022, ballot seeking voter approval. Therefore, the status quo is the prior state of the law.

Michigan voters were intentionally or unintentionally misled and told to believe that these revisions were needed to separate the election processes from the spread of COVID-19 in 2020 and 2022. The Michigan Supreme Court subsequently ruled 7-0 on October 3, 2020, that the Governor did not have any such “COVID emergency” authority after April 28, 2020, that her “COVID related orders” after that date were both “unlawful and unconstitutional,” which should

include any power to depart from then-existing elections law under a claim of emergency.¹¹ But now the COVID-19 pandemic is over.

The excuse of COVID-19 was pretextual and made in bad faith. A history of election fraud dating from Tammany Hall politics to the widespread incidents and allegations of voter fraud (including counting fake votes of dead persons) that rocked the 1960 presidential election between John F. Kennedy and Richard Nixon have not curbed the appetite of those who want to make it easier to cheat in U.S. elections. The public interest is best served by maintaining the *status quo ante* during this action.

Preserving the *status quo ante* by a preliminary injunction while the Court resolves these issues does not prejudice the Respondents, the Government, the Voters, or the public interest, because;

the pre-2022 election rules were not flawed and could be applied this November in 2024 again,

any desire to improve upon the election rules is based on illusory goals offered in bad faith as necessary during the COVID pandemic, but now private initiative organizations want those revisions regardless of their supposed justification and reason for existing.



Therefore, the desire to continue COVID rules in the absence of COVID (no longer epidemic nor original strength) is simply a wish of preferred partisan policy and not a necessity.

¹¹ Beth LeBlanc, Craig Mauger, Melissa Nann Burke, “High court strikes down Whitmer's emergency powers; gov vows to use other means,” October 2, 2020, <https://www.detroitnews.com/story/news/local/michigan/2020/10/02/michigan-supreme-court-strikes-down-gretchen-whitmers-emergency-powers/5863340002/> (“Lansing — In a landmark ruling with far-reaching implications, the Michigan Supreme Court decided Friday that Gov. Gretchen Whitmer violated her constitutional authority by continuing to issue orders to combat COVID-19 without the approval of state lawmakers. The state's high court ruled 4-3 that a state law allowing the governor to declare emergencies and keep them in place without legislative input — the 1945 Emergency Powers of the Governor Act — is unconstitutional.”)

All of the proposed revisions are united in one direction of removing safeguards for accurate elections and expanding the opportunities for election fraud.

The result of these attempted revisions to the State Constitution and alterations to State election laws constitute a clear “deprivation of rights under color of law” impacting all legal Michigan voters.

THIRD CAUSE OF ACTION

(Request for Permanent Injunction)

Petitioners repeat and re-allege all of the previous allegations of the entirety of this Complaint, including in other causes of action, and incorporate them herein in support of this count with the same force and affect, as if fully set forth herein again at length.

For the same reasons set forth in the First and Second Causes of Action, the Petitioners request that the Court issue a permanent injunction ordering what the proper construction of the items in Proposal 22-2 is and restraining the application or implementation by election officials of anything not properly and constitutionally approved by the voters by that wholly inadequate ballot initiative.

FOURTH CAUSE OF ACTION

(Request for Writ of Mandamus)

Petitioners repeat and re-allege all of the previous allegations of the entirety of this Complaint, including in other causes of action, and incorporate them herein in support of this count with the same force and affect, as if fully set forth herein again at length.



Some limited aspects of this Proposal 22-2 to amend the Michigan constitution was previously considered in terms of a Writ of Mandamus that was issued by this Court in September 2022.

Therefore, Petitioners believe that the Court may need to consider further questions on this matter also through a continuation of that Writ of Mandamus.

Petitioners request an order or Writ of Mandamus to the Respondents to continue to apply the election laws, regulations, policies, practices, and rules for the lawful conduct of elections in Michigan as they existed prior to the 2022 election cycle.

Indeed, Petitioners are not aware of any problems with the pre-November 2022 Michigan election laws that required or requires any reform or revision, but rather instead, will require strict adherence and execution by all election officials.

Michigan elections were working just fine with the exception of a departure from legal election procedures in 2020 and 2022, allegedly due to an artificially-enhanced retrovirus COVID19 “pandemic.” The Court already ruled against the State in October of 2020, declaring Governor Whitmer’s COVID orders both “unlawful and unconstitutional” by a 7-0 decision, retroactive to April 28, 2020.

Unless we consider ulterior motives not apparent on its face, Proposal 22-2 appears to be a solution in search of a problem. The motivations appear to be entirely philosophical, political, partisan, and/or ideological, not practical difficulties with previous Michigan election laws.

Therefore, ordering that the election system in place prior to September 2022 continue would not imply any problem or difficulty.

On the contrary, the changes proposed by Proposal 22-2 – especially to the extent that their meaning is not clear – can cause considerable harm and/or confusion, as well as growing citizen distrust for the entire election process.

The Petitioners have no adequate remedy at law unless this Court can properly construe Proposal 22-2 well in advance of the 2024 election. An election for public officials, including for each presidential term, is a one-time event with dramatic and often tangible and often unintended real-world consequences of how the nation will be managed and defended. There is no compensation or remedy possible after the fact that can provide complete redress. The disruption of the 2024 election cannot be remedied after the fact.

Without an order to the Respondents to continue with the election system prior to September 2022, the election will be altered in unclear and irreparable ways.



2025 Legal Strategy Recommendations

PRAYER FOR RELIEF

In conclusion, we ask the court to declare that all or some of the issues raised in this case create a condition in which it is literally impossible for the State of Michigan to guarantee the lawful voters of Michigan, secure, free, fair, lawful, and transparent elections under the new terms of conditions they have granted themselves via an unconstitutional amendment to the State Constitution, and all subsequent new election laws rushed through the legislature under the new powers granted themselves via the 2022-2 Constitutional Amendment effort. In fact, not only has their actions made it impossible to make such a claim or guarantee to the lawful voters of Michigan, their revisions to the State Constitution and subsequent elections laws have made it absolutely certain that the 2024 elections and beyond, will not be secure, free, fair, lawful, or transparent.

Dated: July 9, 2024 Respectfully submitted,



EXHIBITS ATTACHED

DEPARTMENT OF STATE BUREAU OF ELECTIONS (Draft Rule Revisions)

CITIZENS PROTECTING MICHIGAN'S CONSTITUTION v SECRETARY OF STATE

REQUEST FOR RULEMAKING (RFR)

ELECTION BALLOT INITIATIVE FUNDING

PROMOTE THE VOTE ONE PAGE PROMO

SECRETARY BENSON PETITION FOR AMENDMENT PROPOSAL

RNC v MICHIGAN RULING 06/12/24

MICHIGAN ELECTION SECURITY COMMISSION REPORT

MICHIGAN SENATE REPORT ON COST OF IMPLEMENTATION

ELECTRONIC EXHIBITS

Michigan Secretary of State Jocelyn Benson interview discussing her unlawful election interference in Michigan, Arizona, Nevada, Wisconsin, Georgia, and Pennsylvania. (VIDEO)

https://www.realclearpolitics.com/video/2024/03/06/michigan_secretary_of_state_coordinating_with_battleground_states_coordinating_against_common_adversary.html

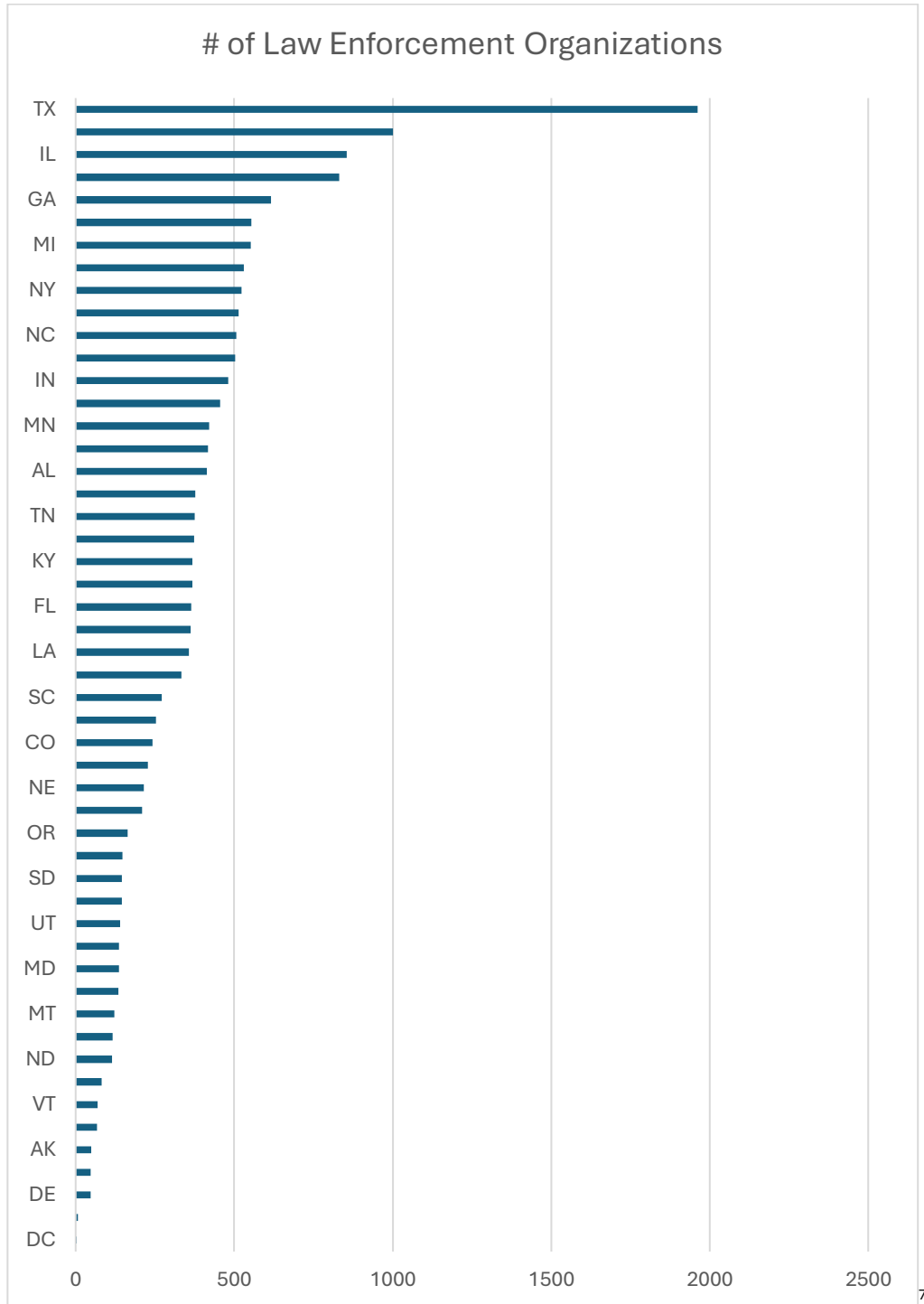
Michigan Appeals Court rules that secretary of state improperly set limits for poll challengers. <https://www.votebeat.org/2023/10/25/jocelyn-benson-poll-challenger-rules-republicans-lawsuit/>

Michigan judge rejects Benson's guidance on absentee ballot signatures.

<https://michiganadvance.com/2024/06/14/michigan-judge-rejects-bensons-guidance-on-absentee-ballot-signatures/>



Appendix C: National Law Enforcement Organizations



⁷ For a complete list of law enforcement organizations across the United States, visit the data page at [ElectionCrimeBureau.com](https://www.ElectionCrimeBureau.com).