

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	<b>SUMMONS</b>	<b>CASE NO.</b> 24 - 000165-MZ -
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**Court address** Michigan Court of Claims, 925 W. Ottawa Street, Lansing, MI 48909 **Court telephone no.** 517-373-0807

Plaintiff's name, address, and telephone no.  
 MICHIGAN REPUBLICAN PARTY, REPUBLICAN NATIONAL COMMITTEE and CINDY BERRY

v

Defendant's name, address, and telephone no.  
 JOCELYN BENSON, in her official capacity as Secretary of State  
 430 W. Allegan St.  
 Richard H. Austin Building - 4th Floor  
 Lansing, MI 48918

Plaintiff's attorney, bar no., address, and telephone no.  
 Brandon L. Debus (P81159)  
 Daniel C. Ziegler (P86312)  
 Dickinson Wright PLLC  
 350 S. Main Street, Suite 300  
 Ann Arbor, MI 48104

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in  this court,  \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_

The action  remains  is no longer pending. Those actions have been consolidated under 24-000115-MB

Summons section completed by court clerk.

**SUMMONS**



**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date October 8, 2024	Expiration date* January 7, 2025	Court clerk <i>Jerome W. Zimmer Jr.</i>
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

RECEIVED by MCCOC 10/8/2024 4:09:21 PM

**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

**CERTIFICATE OF SERVICE / NONSERVICE**

I served  personally  by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	<b>TOTAL FEE</b>
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) \_\_\_\_\_ on \_\_\_\_\_ Date and time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

Name (type or print) \_\_\_\_\_

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 MICHIGAN REPUBLICAN PARTY, REPUBLICAN NATIONAL COMMITTEE and CINDY BERRY

v

Defendant's name, address, and telephone no.  
 JONATHAN BRATER, in his official capacity as Director of Elections  
 430 W. Allegan St.  
 Richard H. Austin Building - 4th Floor  
 Lansing, MI 48918

Plaintiff's attorney, bar no., address, and telephone no.  
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I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	<b>TOTAL FEE</b>
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

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I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) \_\_\_\_\_ on \_\_\_\_\_ Date and time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

Name (type or print) \_\_\_\_\_

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STATE OF MICHIGAN  
IN THE COURT OF CLAIMS

MICHIGAN REPUBLICAN PARTY,  
REPUBLICAN NATIONAL COMMITTEE,  
and CINDY BERRY,

Case No. 24- 000165 -MZ

Hon. Sima G. Patel

Plaintiffs,

v

**EXPEDITED RELIEF UNDER MCR  
2.605 REQUESTED**

JOCELYN BENSON, in her official  
capacity as Secretary of State, and  
JONATHAN BRATER, in his official  
capacity as Director of Elections,

Defendants.

---

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*Attorneys for Plaintiffs MRP and  
Cindy Berry*

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**VERIFIED COMPLAINT  
FOR EXPEDITED DECLARATORY AND  
INJUNCTIVE RELIEF UNDER MCR 2.605**

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

NOW COME Plaintiffs the Michigan Republican Party, the Republican National Committee, and Cindy Berry, by and through their undersigned counsel, and state as follows in support of their Verified Complaint against Michigan Secretary of State Jocelyn Benson and Director of Elections Jonathan Brater (collectively, the “Secretary”):

### **INTRODUCTION**

1. The Michigan Constitution allows Michigan residents—and *only* Michigan residents—to vote. See Const. 1963, art. 2, § 1 (“Every citizen of the United States who has attained the age of 21 years, *who has resided in this state six months*, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.”) (emphasis added).

2. Thus, while the right to vote in Michigan is “an absolute constitutional right,” “certain requirements must be met before an individual can exercise his or her fundamental political right to vote.” *Promote the Vote v. Sec’y of State*, 333 Mich. App. 93, 120, 958 N.W.2d 861, 877 (2020).

3. Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, *et seq.* (“UOCAVA”), to ensure that members of the United States Armed Forces and other American citizens who live outside America’s territory may register and vote in federal elections. UOCAVA provides that a member of the armed forces or an overseas citizen may vote in the state in which they previously resided. See 52 U.S.C. § 20301(1), (5). UOCAVA has the effect of partially preempting State residency requirements for *some* overseas voters.

4. Despite the Constitution’s unambiguous adjure that no person may vote in Michigan unless they reside in Michigan, the Secretary of State has distributed guidance that “A

United States citizen *who has never resided in the United States* but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state.” Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs guidance at 3 (“Chapter 7”) (Attached as Exhibit A) (emphasis added).

5. On its face, Chapter 7 extends voter qualifications to individuals who have never resided in Michigan. As a result, certain people who have never resided in Michigan (or perhaps anywhere else in this country) are registering to vote and voting in Michigan elections. Michigan election officials have registered persons to vote who have never resided in Michigan and have allowed them to vote in Michigan’s state and federal elections.

6. This is a violation of the Michigan Constitution, and, as applied to Plaintiffs, it dilutes their votes and harms their organizational missions. Moreover, Chapter 7 subjects Cindy Berry to competing obligations. On the one hand, she takes an oath to uphold the Michigan Constitution; on the other hand, she is bound by the Secretary’s instructions. See MCL 168.765a(17) (“The secretary of state shall develop instructions consistent with this act . . . The instructions developed under this subsection are binding on the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.”). Plaintiffs thus seek declaratory relief that Chapter 7 misstates the law and that under the Michigan Constitution, only persons who reside in Michigan may vote in Michigan.

#### **PARTIES, JURISDICTION, AND VENUE**

7. Plaintiff the Michigan Republican Party (“MRP”) is a “major political party” as that term is defined by the Michigan Election Law. See MCL 168.16. MRP maintains headquarters at 520 Seymour Street, Lansing, Michigan 48912. Among its general purposes, MRP promotes



and assists Republican candidates who seek election or appointment to partisan federal, state, and local office in Michigan. MRP works to further its purpose by, *inter alia*, devoting substantial resources toward educating, mobilizing, assisting, and turning out voters in Michigan. To that end, MRP has made significant contributions and expenditures in support of Republican candidates up and down the ballot in Michigan in past election cycles, and is doing so again in 2024. Further, MRP works to ensure that elections in Michigan are conducted in a free, fair, and transparent manner, and works to protect the fundamental constitutional right to vote of its members and its candidates, and to promote their participation in the political process. MRP brings this action on behalf of itself, its members, and its candidates. As a result, Plaintiff MRP has a direct, personal, and substantial interest in this litigation to protect not only its own rights, but those of its candidates and its members.<sup>1</sup>

8. Plaintiff the Republican National Committee (the “RNC”) is the national committee of the Republican Party as defined by 52 U.S.C. § 30101(14), with its principal place of business at 310 First Street, S.E., Washington D.C., 20003. The RNC manages the Republican Party’s business at the national level, including the development and promotion of the Republican Party’s national platform and election strategies. The RNC supports Republican candidates for public office at the federal and state levels across the country, including those on the ballot in Michigan’s forthcoming November 5, 2024 general election. The RNC also assists state parties throughout the country, including Plaintiff MRP, to educate, mobilize, assist, and turn out voters, and also by supporting MRP’s efforts to ensure that elections in Michigan are conducted in a free, fair, and transparent manner, and to protect the fundamental constitutional right to vote of the RNC’s members and its candidates. The RNC made significant contributions and expenditures in support

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<sup>1</sup> See Affidavit of Tyson Shepard, the Executive Director of the MRP (Attached as Exhibit B).



of Republican candidates up and down the ballot and in mobilizing and educating voters in Michigan in past election cycles, and is doing so again in 2024. The RNC has clear and obvious interests in the laws and rules under which it, and those it represents and supports, exercise their constitutional rights to vote and to participate in elections. The RNC brings this action on behalf of itself, its members, and its candidates. As a result, Plaintiff RNC has a direct, personal, and substantial interest in this litigation to protect not only its own rights, but those of its candidates and its members.<sup>2</sup>

9. Both as representatives of their candidates and their voters, and as organizations in their own right, the Republican Committees (*i.e.*, Plaintiffs MRP and RNC) each have a substantial interest in getting Republican candidates elected to office—an interest that is unique and separate from any held by the public at large. See Ex. B; Ex. C. That includes ensuring that Republicans can seek office in a fair, competitive environment where the Michigan Constitution is enforced. Given that the relief sought here would, among other things, enjoin the application of the current version of the Secretary’s Chapter 7 guidance in advance of the November 5, 2024 general election and would also result in judicial declarations that clerks must comply with Const. 1963, art. 2, § 1 and 52 U.S.C. § 20301 *et seq.*, the interests of RNC and MRP in preventing an illegally structured and anti-competitive election environment is sufficient under MCR 2.605. See Ex. B; Ex. C.

10. Counting ballots of ineligible overseas voters who never resided in Michigan will result in an inaccurate tally of votes. Moreover, overseas voters overwhelmingly support Democratic candidates.<sup>3</sup> Ex. C. Thus, counting the ballots of ineligible overseas voters will

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<sup>2</sup> See Affidavit of Christina Norton, the Executive Director of Election Integrity Operations at the RNC (Attached as Exhibit C).

<sup>3</sup> See e.g., <https://www.yahoo.com/news/could-overseas-voters-ticket-winning-202651757.html?guccounter=1> (leader of Democratic efforts to engage overseas voters stating “something like 80 percent of Americans abroad vote Democrat”).

disproportionally harm Republican candidates and undermine the Republican candidates' rights to a fair and accurate electoral count. It will also dilute the lawful votes cast by Plaintiffs' members and voters.

11. The Republican Committees also spend significant resources to preserve voter confidence and turnout. These efforts are harmed when voters see that election officials accept absent voter ballots without verifying the residency of the voter as required under the Michigan Constitution.

12. Plaintiff Cindy Berry serves as the Clerk for the Township of Chesterfield and resides in Macomb County. Berry has sworn to uphold the Constitution in the execution of her duties as Chesterfield Township clerk. She is also bound Chapter 7. Accordingly, Berry has attempted to reconcile Chapter 7 with Const. 1963, art. 2, § 1 but finds that she cannot. As a local clerk, Berry seeks a declaration regarding whether clerks and election inspectors are, and will continue to be, subject to the Secretary's instructions including—but not limited to—her instruction that electors who have not ever resided in Michigan—and who are outside of 52 U.S.C. § 20301's preemptive scope—may vote. Without relief from this Court, Berry will have to choose which contradictory, binding authority she will follow.<sup>4</sup>

13. Plaintiff Berry is also a registered voter that cast a ballot for the February 2024 presidential primary election through Michigan's early voting process, voted by absentee ballot in the August 6, 2024, primary election, and intends to vote by absentee ballot in future elections. Clerk Berry has a direct, personal, and substantial interest in ensuring that her vote counts and is not diluted.

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<sup>4</sup> See Affidavit of Plaintiff Berry, Clerk of Chesterfield Township (Attached as Exhibit D).

14. Defendant Jocelyn Benson is Michigan's Secretary of State and is being sued in her official capacity. Secretary Benson is the "chief elections officer of the state" responsible for overseeing the conduct of Michigan elections, and has "supervisory control over local election officials in the performance of their duties under the [Michigan Election Law]." MCL 168.21. When the Secretary instructs clerks on how to apply the law, the clerks are bound to follow her instructions. See MCL 168.765a(17) ("The secretary of state shall develop instructions consistent with this act . . . The instructions developed under this subsection are binding on the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.").

15. Defendant Jonathan Brater is Michigan's Director of Elections and is being sued in his official capacity.

16. This Court has exclusive jurisdiction to "hear and determine any claim or demand, statutory or constitutional . . . or any demand for . . . equitable[ ] or declaratory relief or any demand for an extraordinary writ against the state or any of its departments or officers notwithstanding another law that confers jurisdiction of the case in the circuit court." MCL 600.6419(1)(a). Additionally, this Court has authority to grant injunctive and declaratory relief under MCR 3.310 and MCR 2.605 respectively.

17. Because Plaintiffs raise constitutional claims and ask this Court to order equitable and declaratory relief against Defendants, this Court has exclusive jurisdiction to hear these claims. For the same reason, venue is appropriate in this Court. See MCL 600.6419(1)(a), MCR 3.310, and MCR 2.605.

18. An actual controversy is present here. The Constitution provides: "Every citizen of the United States . . . who has resided in this state six months . . . shall be an elector and qualified

to vote in any election[.]” Meanwhile, in Chapter 7 of her Election Officials Manual, the Secretary has instructed clerks that “[a] United States citizen who has never resided in the United States . . . is eligible to vote in Michigan[.]” Ex. A at 3. The Constitution and the Secretary’s instruction are incompatible. And Plaintiffs are harmed by the Secretary’s unlawful instruction. The Secretary’s instruction injures Plaintiffs where their members and candidates have their votes diluted by ballots which, under the terms of the Michigan Constitution, ought not be accepted. See Ex. B; Ex. C. The Secretary’s instruction also injures Plaintiff Berry, who is subjected to competing legal duties. Unless this Court grants declaratory relief, Plaintiff Berry will be forced to apply *either* the Constitution *or* the Secretary’s instructions. Ex. D.

19. The injuries to Plaintiffs are at once completed and ongoing. See Ex. B; Ex. C; Ex. D. Absent voting has already begun. Thus, election officials are already accepting ballots from overseas voters that are constitutionally deficient. Moreover, absent relief from this Court, these injuries will recur indefinitely because local election officials will continue accepting and tabulating ballots that are constitutionally deficient; their error is caused at least in part by the incomplete direction set forth in Chapter 7. See Ex. B; Ex. C; Ex. D. However, because no absent voter ballots have been tabulated, there is still time to address these problems. Therefore, a decision from this Court will redress the violation of Plaintiffs’ rights under the Michigan Constitution and will also guide Plaintiffs’ future conduct in this regard for the November 2024 general election and beyond.

#### **LEGAL AND FACTUAL BACKGROUND**

20. The Constitution provides: “Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as

otherwise provided in this constitution. The legislature shall define residence for voting purposes.” Const. 1963, art. 2, §1. The Constitution thus creates a residency requirement, holding that only those who have “resided in this state six months” are eligible to vote. Separately, the Constitution instructs the Legislature to define the meaning of “residence” in a Michigan locality.

21. To provide for the registration and voting by absent uniformed service members and overseas voters, the United States Congress enacted UOCAVA, 52 U.S.C. § 20302(a)(1) *et seq.*, which provides that “Each State shall . . . permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office.” UOCAVA defines “Absent uniformed services voters” to mean:

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote; [52 U.S.C. § 20310(1).]

And it defines “Overseas voter” as:

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States. [52 U.S.C. § 20310(5).]

22. UOCAVA preempts Michigan constitutional and statutory law to the extent they require an elector to *presently* reside in Michigan to vote. But importantly, UOCAVA does not overrule all residency requirements. To wit, 52 U.S.C. § 20310(1) defines “[a]bsent uniformed services voters” as persons who are “**absent** from the[ir] place of residence where the member is otherwise qualified to vote,” meaning that the member must actually have a place of residence in the United States. (Emphasis added); see also, Merriam-Webster’s Dictionary (2019) (defining absent as “not present at a usual or expected place.”). Put another way, to be “absent” from a place requires that the person have either (A) been at the place previously or, at the very least, (B) may be expected to have been in that place. Likewise, 52 U.S.C. § 20310(1)’s other two definitions of “[a]bsent uniformed services voters” require that the person “is absent from the place of residence where the member is otherwise qualified to vote” or “is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.” Thus, under any definition of “[a]bsent uniformed services voters,” the voter must have resided at one time in a place from which they are now absent.

23. In 52 U.S.C. § 20310(5)’s definition of “overseas voter,” an overseas voter is either “an absent uniformed services voter who, by reason of active duty or service is absent from the United States”—and so, as explained above, is required to have been a resident in Michigan at some time—or “a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States”—so again, a person who must have been qualified to vote in Michigan before leaving the United States—or “a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States”—again requiring that the person *would have been able* to vote in the place they were last domiciled. This

third definition would apply to a person who resided in Michigan as a 17 year old, moved overseas, and then sought to vote after their 18<sup>th</sup> birthday. In that situation, because they reached the age of majority and “would be qualified to vote in the last place in which the person was domiciled before leaving the United States,” they may still vote in Michigan.

24. Put simply, UOCAVA does not *in toto* preempt Michigan’s residency requirement. Instead, it simply shapes Michigan’s residency requirement to say that persons who *were* residents before going overseas must *still* be allowed to vote, assuming all other qualifications are met. That is, UOCAVA only preempts Michigan’s residency requirement to the extent that overseas voters who were last domiciled in Michigan must be allowed to register to vote in this state. In other words, UOCAVA does ***not*** say that persons who never resided in Michigan must be allowed to vote regardless of constitutional or statutory law to the contrary.

25. In response to UOCAVA, the Michigan Legislature enacted MCL 168.759a(3), which provides that “[a] spouse or dependent of an overseas voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified and registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a city or township of this state.” MCL 168.759a(3) is contrary to the Constitution, which requires that every voter be a resident. Further, MCL 168.759a(3) is broader than UOCAVA, which simply requires that voters who were residents of Michigan before going overseas be permitted to vote in Michigan. In short, then, MCL 168.759a(3) is contrary to a valid, in-force provision of the Michigan Constitution that has not been preempted by any federal law. Ergo, MCL 168.759a(3) is unconstitutional and cannot support the Secretary’s instructions.

***UOCAVA Does Not Preempt State  
Residency Requirement for People Who Have Never Resided in Michigan***



26. Federal law partially preempts the Michigan Constitution’s residency requirement for overseas voters to whom UOCAVA provides the right to vote. But as discussed in paragraphs 18-23 above, UOCAVA does not completely preempt the Constitution’s requirement that a voter reside in Michigan. Instead, UOCAVA simply states that a person may *continue* to vote in Michigan if, they previously resided in Michigan and are otherwise permitted to vote.

27. In both form and function, UOCAVA only *extends* voter eligibility; it does not create a new class of voters who may vote in Michigan even though they have never resided here. Consequently, UOCAVA does not preempt the Constitution’s requirement that an elector must be—or, at the very least, must have been—a resident of Michigan in order to register to vote and cast a ballot.

***Defendants’ Election Official’s Manual***  
**Chapter 7 violates the Michigan Constitution**

28. Pursuant to her duty to exercise “supervisory control over local election officials in the performance of their duties under the [Michigan Election Law],” MCL 168.21, the Secretary instructs clerks that “A United States citizen who has never resided in the United States but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state.” Ex. A at 3. The Secretary’s instructions are binding on all city and township clerks, to include Plaintiff Berry. See MCL 168.765a(17).

29. The Secretary’s instructions are also directly contrary to the Constitution, which limits the franchise to “[e]very citizen . . . who has resided in this state six months.” Const. 1963, art. 2, § 1. While it is true that UOCAVA has preempted state laws that prevent “overseas voters” and “absent uniformed services voter[s]”—as those terms are defined by UOCAVA—from voting, UOCAVA’s preemption *does not* extend to persons who have never resided in Michigan. See 52

U.S.C. § 20310(1) and (5). Again, UOCAVA carefully defined the terms “absent uniformed services voters” and “overseas voters” to only include persons who at one time resided in a state. Relevant here, those voters who at one point resided in Michigan.

30. Moreover, the Secretary cannot defend her unconstitutional instruction by arguing that MCL 168.759a(3) permits a spouse or dependent of an overseas voter to vote “even though the spouse or dependent is not a qualified elector of a city or township of this state.” For one, MCL 168.759(3) goes further than UOCAVA requires, so it does not have the force of federal preemption. For another, it is elementary that statutory law may not override or ignore constitutional law. To the extent there is a conflict between statutory and constitutional law, the statutory law must give way. And when faced with two incompatible laws, the Secretary must enforce the constitutional law over the unconstitutional statutory law. Here, the Secretary has ignored the Constitution in favor of enforcing MCL 168.759a(3). She has done so in error. By sending ballots to and accepting ballots from overseas voters who have never resided in Michigan, Defendants are facilitating ongoing violations of the Michigan Constitution.

31. As applied to Plaintiff Berry and the Republican Committees’ members, the Secretary’s instructions have impermissibly diluted their votes, and as applied to all Plaintiffs, it infringes on their right to a fair and constitutional election. Ex. B; Ex. C; Ex. D. The instructions also place Plaintiff Berry at a crossroads; either she must follow the Constitution, or she must follow the conflicting requirements of the Secretary’s instruction. Ex. D. Accordingly, Plaintiffs seek a declaration from this Court clarifying the law and holding that the Secretary’s Instructions—specifically the above-referenced section of Chapter 7, page 3—is unconstitutional.

**COUNT I – VIOLATION OF THE MICHIGAN CONSTITUTION**

32. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

33. Under MCR 2.605(A)(1), “[i]n a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment[.]”

34. Michigan’s Constitution provides that only a person who meets the requirements to vote and “has resided in this state six months” is an elector that has the absolute right to cast a ballot in all local, state, and federal elections. Const. 1963, art. 2, § 1. Indeed, Michigan courts have noted that in Michigan the right to vote is “an absolute constitutional right,” but “certain requirements must be met before an individual can exercise his or her fundamental political right to vote.” *Promote the Vote*, 333 Mich. App. at 120. As noted above, UOCAVA preempts the Constitution’s residency requirement only to the extent that individuals who reside overseas *but last resided in Michigan* must still be allowed to register to vote and cast a ballot in Michigan.

35. City and township clerks—and the Secretary of State—are also bound to uphold the Michigan Constitution. See Ex. D.

36. Chapter 7 of the Secretary’s Election Officials Manual conflicts with Const. 1963, art. 2, § 1. Specifically, the Secretary has instructed clerks that “[a] United States citizen who has never resided in the United States . . . is eligible to vote in Michigan.” Ex A at 3. The Secretary’s instruction binds clerks. See MCL 168.765a(17).

37. The dissonance between the Secretary’s guidance and the Constitution has created confusion, disorder, and strife because city and township clerks are subjected to two incompatible duties. Put simply, the Secretary would have clerks accept ballots from persons who reside overseas and who have never been residents of Michigan, while the Constitution would have them

deny applications to register to vote and, by extension, reject ballots cast by persons who have never resided in Michigan because those individuals are constitutionally ineligible to vote in Michigan.

38. Injunctive and declaratory relief under MCR 2.605 are necessary to remedy the confusion. Without declaratory relief from this Court, Plaintiffs will be stuck with the Secretary's facially unconstitutional instructions, and Plaintiff Berry will be forced to choose between enforcing the Constitution or the Secretary's instructions. See Ex. B; Ex. C; Ex D.

39. A current and ripe case or controversy between the parties is therefore clearly present here. And declaratory relief is proper because Plaintiffs lack an adequate remedy at law to enforce the Michigan Constitution's express residency requirements, which have been and will continue to be violated by the unlawful acts such as are caused by the Secretary's Instructions.

40. Finally, the balance of harms weighs in favor of granting injunctive relief. To not enjoin unlawful directives such as the Secretary's instructions would allow a single state officer to circumvent (and essentially amend) valid and enforceable constitutional mandates on the same subject. That is certainly not in the public interest, which expects its public officials to follow the law. Nor would the public be harmed by such relief as they too have an interest in ensuring the integrity and accuracy of Michigan's elections and that each absent voter ballot originated from and was completed by the intended voter as required by the Michigan Constitution.

#### **REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully requests that this Honorable Court order "a speedy hearing" of this action and "advance it on the calendar" as provided under MCR 2.605(D), and that it issue the following relief:

A. Declare that the Secretary's instruction to clerks in her Election Officials Manual,

Chapter 7 at page 3 that “A United States citizen who has never resided in the United States but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state” is unconstitutional because it conflicts with Const. 1963, art. 2, § 1 and, therefore, is null and void;

B. Order the Secretary to rescind her unconstitutional instruction found in the Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs instruction at page 3, and direct the Secretary to circulate, electronically or otherwise, a revised copy of Chapter 7 of the Election Officials Manual that complies with Const. 1963, art. 2, § 1, and to issue a bulletin to clerks noting the specific, offensive paragraph that has been excised;

C. Enjoin the Secretary from accepting any voter registration forms, in any format, from individuals to register or attempt to register unless and until such persons can confirm Michigan residency or satisfy the requirements of UOCAVA;

D. Order the Secretary to take all steps necessary to remedy the harm caused by her unconstitutional actions, including:

1. Issuing all necessary directives and guidance to local election officials, including county, city, and township clerks;
2. Updating all public facing websites and voter registration portals within her custody or control to reflect the constitutional prohibition on non-residents voting in Michigan elections; and
3. Updating all necessary voter registration forms;

E. Reject the ballots cast by overseas voters who never resided in Michigan,

including ballots of overseas voters who submitted a Federal Post Card Application<sup>5</sup> or Federal Write-In Absentee Ballot<sup>6</sup> and checked the box affirming: “I have never lived in the United States.”

F. In the alternative, direct the Secretary to segregate ballots cast by overseas voters who have never resided in Michigan including ballots of overseas voters who submitted a Federal Post Card Application or Federal Write-In Absentee Ballot and checked the box affirming, “I have never lived in the United States,” so that Plaintiffs and this Court may ascertain the scope of the constitutional violation and whether it effects the election’s outcome;

G. Award Plaintiffs their costs, expenses, and attorney fees incurred in this action; and

H. Award any other relief this Honorable Court deems just and equitable.

Dated: October 8, 2024

Respectfully submitted,

/s/ Brandon L. Debus

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<sup>5</sup> <https://www.fvap.gov/uploads/fvap/forms/fpca.pdf>.

<sup>6</sup> <https://www.fvap.gov/uploads/fvap/forms/fwab.pdf>.

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**VERIFICATION**

I, Christina Norton, a representative of the Republican National Committee (the "RNC"), being duly sworn and being authorized to give this Verification on behalf of the RNC in support of the allegations contained in the foregoing Verified Complaint, do hereby declare pursuant to MCR 1.109 and under the penalties of perjury, that the facts and allegations contained in this Verified Complaint are true to the best of my information, knowledge, and belief.

*Christina Norton*

By: Christina Norton  
Its: Executive Director of Election Integrity  
Operations

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 2024.



*Julie Hyatt*  
Julie Hyatt, Notary Public  
PAWM BEACH County, State of FLORIDA  
My commission expires: 07/09/28

4894-1894-6797 v1 [99168-8]

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**VERIFICATION**

I, Cindy Berry, being first duly sworn, depose and declare that I am a resident of the state of Michigan and am a duly qualified as a voter in this state. While I may not have personal knowledge of all of the facts recited in this Verified Complaint, the information contained therein has been collected and made available to me by others, and I declare, pursuant to MCR 1.109 and under the penalties of perjury, that the facts and allegations contained in this Verified Complaint are true to the best of my information, knowledge, and belief.



Cindy Berry

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 2024.

Michelle C. Nizza  
Michelle C. Nizza Notary Public.

Sanilac County, State of Michigan

My commission expires: 12-16-2029

Acting in Macomb County, MI.

MICHELLE C. NIZZA  
Notary Public, State of Michigan  
County of Sanilac  
My Commission Expires 12-16-2029  
Acting in the County of Macomb



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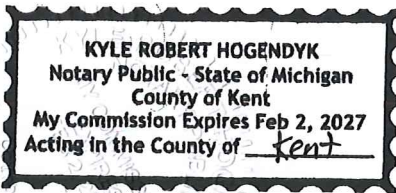
**VERIFICATION**

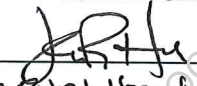
I, Tyson Shepard, a representative of the Michigan Republican Party (the "MRP"), being duly sworn and being authorized to give this Verification on behalf of the MRP in support of the allegations contained in the foregoing Verified Complaint, do hereby declare pursuant to MCR 1.109 and under the penalties of perjury, that the facts and allegations contained in this Verified Complaint are true to the best of my information, knowledge, and belief.



By: Tyson Shepard  
Its: Executive Director

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 2024.



  
\_\_\_\_\_  
Kyle Robert Hogendyk, Notary Public  
Kent County, State of Michigan  
My commission expires: 2-2-2027

4878-5997-6429 v1 [99168-8]

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# Exhibit A

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# **Election Officials Manual**

## **Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs**

July 2024

**I. Introduction ..... 1**

**II. Federal laws for Military and Overseas Voters (UOCAVA and MOVE) ..... 1**

Federally-required ballot tracking for UOCAVA Voters .....2

**III. Registering Military and Overseas Voters..... 2**

Eligibility to register to vote using the FPCA or FWAB .....3

Registration address for UOCAVA voters .....3

Obtaining the FPCA or FWAB form .....3

Registration deadline for UOCAVA voters .....3

Incomplete registration submitted by a UOCAVA voter .....4

Entering a UOCAVA voter’s registration into the QVF .....4

**IV. Receiving absent voter ballot applications from UOCAVA voters ..... 5**

Late-mailed UOCAVA ballots .....5

Recording receipt of an absent voter ballot application in the QVF .....6

**V. Sending absent voter ballots to UOCAVA voters ..... 7**

Ballot delivery method .....7

Electronic transmission of ballots.....7

Generating the QVF ballot.....8

Faxing a QVF ballot.....9

Emailing a QVF ballot .....9

Printing and mailing a QVF ballot ..... 10

Mailing military and overseas ballots ..... 10

    Mailing APO/FPO absent voter ballots ..... 10

    Express mail for military voters returning absent voter ballots for November general elections ..... 10

Undeliverable or returned absent voter ballots ..... 11

QVF ballot tracking ..... 11

MOVE compliance report..... 12

**VI. Receiving absent voter ballots from military and overseas voters ..... 12**



**VII. The Federal Write-In Absentee Ballot (FWAB) ..... 13**  
**VIII. Processing MOVE and FWAB ballots on Election Day ..... 15**  
**IX. QVF reports ..... 15**  
Election Day FWAB report ..... 16  
UOCAVA AND FPCA report ..... 17

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# I. Introduction

This chapter explains the federal programs that provide special procedures and protections for military and overseas voters. It includes explanations of the programs, instructions for clerks on how to comply with the programs, and technical information about how to document that compliance in the QVF. Questions about the content of this chapter should be directed to Elections@Michigan.gov.

## II. Federal laws for Military and Overseas Voters (UOCAVA and MOVE)

In 1986, the federal government passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which provided special registration and absentee voting provisions for military and overseas civilians. In addition, UOCAVA authorized the use of the Federal Write-In Absentee Ballot (FWAB). The Federal Voting Assistance Program (FVAP) was created by the Department of Defense to oversee UOCAVA. In 2009, the federal Military and Overseas Empowerment Act (MOVE Act) and corresponding state legislation expanded UOCAVA by allowing a UOCAVA voter to submit a single AV application for all elections in a calendar year, allowing ballots to be sent to UOCAVA voters via email or fax, establishing a 45-day absent voter ballot delivery requirement for UOCAVA voters, and expanding the use of the FWAB. In 2012, the Michigan State Legislature passed Public Act 279, which further expanded the FWAB to include local and state offices.

UOCAVA and subsequent federal and state laws protect members of a uniformed service on active duty and dependents of such members, members of the Merchant Marine and dependents of such members, civilians living overseas, and National Guardsmen activated on state orders. This chapter refers to such voters as "UOCAVA voters."

Due to the strict timing requirements for issuance of absent voter ballots to UOCAVA voters, clerks should give priority to the processing of absent voter ballot applications received from such voters. All UOCAVA voters who request an absent voter ballot more than 45 days prior to an election must be sent that ballot 45 or more days before the election. All UOCAVA voters



who request an absent voter ballot 45 or fewer days prior to the election must be sent an absent voter ballot within 24 hours of the clerk's receipt of the UOCAVA voter's request. The Bureau of Elections provides all clerks with an electronic ballot that can be used to comply with the requirements of UOCAVA and subsequent statutes. Clerks can always send this ballot to a UOCAVA voter if necessary, including by printing and mailing the ballot if printed ballots are not yet available.

## **Federally required ballot tracking for UOCAVA voters**

Ballots sent to and received from UOCAVA voters must be tracked in the QVF. Federal law requires a "free access system" that allows a military or overseas voter to track whether their absent voter ballot request has been received, if their absent voter ballot has been mailed, and if their absent voter ballot has been received and accepted by their local clerk. QVF data is displayed on Michigan.gov/Vote to fulfill this requirement. In addition to tracking UOCAVA voters' ballots in the QVF, the Bureau of Elections recommends that clerks record the dates each absent voter ballot was issued on the absent voter ballot request form submitted by the relevant UOCAVA voter.

## **III. Registering military and overseas voters**

Many military and overseas voters register to vote using the *Federal Post Card Application* (FPCA) or the Federal Write-In Absentee Ballot (FWAB) Voter Information page. The FPCA and FWAB may be mailed, emailed, or faxed to the local clerk. A clerk who receives an FPCA or an FWAB form from a UOCAVA voter must register that person to vote. Additionally, both the FPCA and the FWAB can serve as both a voter registration form and an absent voter ballot application. If the registrant requested an absent voter ballot using the FPCA or FWAB, and if an election is occurring within 45 days of the clerk's receipt of the completed FPCA or FWAB, the clerk must immediately send the voter an absent voter ballot.



## **Eligibility to register to vote using the FPCA or FWAB**

To be eligible to register to vote using the FPCA or the FWAB, the voter must be absent from their jurisdiction of residence. If the voter is a civilian, the voter must be living outside of the United States and its territories. If the voter is a member of a uniformed service on active duty, a member of the Merchant Marine, or a National Guardsman activated on state orders, or if the voter is a dependent of a member of any of the listed organizations, the voter is eligible to register to vote using the FPCA or FWAB regardless of whether the voter is serving overseas or inside the United States. Each UOCAVA voter must submit their own FPCA or FWAB form.

A United States citizen who has never resided in the United States but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state.

## **Registration address for UOCAVA voters**

A UOCAVA voter may register to vote at their last address of residence in the jurisdiction in which they are registering even if someone else now resides at that address, if the building where the voter resided has been demolished, or if the address no longer exists. The only requirement is that the address supplied by the voter is the last address which the voter considered their permanent residence within the jurisdiction in question.

## **Obtaining the FPCA or FWAB form**

Protected voters may obtain the FPCA or FWAB forms at [fvap.gov](http://fvap.gov). FPCA and FWAB forms are postage paid and provided by the federal government for use by protected voters. Variations of both forms are provided. All variations of the FPCA are acceptable for use.

Clerks must also provide FPCA and FWAB forms to a voter upon request.

## **Registration deadline for UOCAVA voters**

The registration deadline for UOCAVA voters, as for all Michigan voters, is 8 p.m. on Election Day.



## Incomplete registration submitted by a UOCAVA voter

If a UOCAVA voter submits an incomplete voter registration, the clerk must notify the voter of the rejection and the reason for the rejection. The clerk must also attempt to correct the incomplete registration, if the incomplete registration was due to a minor or clerical error. The clerk's notification of the UOCAVA voter of the rejection of the voter's registration and the reason for that rejection can be made by letter, fax or email. The fvap.gov website also provides a response card that clerks may use for this purpose.

## Entering a UOCAVA voter's registration into the QVF

All UOCAVA registrations must be tracked in QVF. The voter's registration location should be entered as "Federal Post Card Application." The clerk must then select whether the voter is a military or overseas voter, as shown in the following graphic:

The screenshot shows a web form for voter registration. At the top, there are tabs for 'DIGITAL SIGNATURE' with 'PRIMARY' and 'SECONDARY' options, and a 'NO IMAGE' placeholder. Below this is the 'REGISTRATION LOCATION' dropdown menu, which is open and shows options: 'SELECT', 'CLERKS OFFICE AND OTHER MAIL REGISTRATION', 'SOS BRANCH OFFICES', 'FEDERAL POST CARD APPLICATION', 'SOS RENEWAL BY MAIL PROGRAM', 'VR AGENCIES SERVING DISABLED PERSONS', and 'VR PUBLIC ASSISTANCE AGENCIES'. A circled '2' is next to the 'FEDERAL POST CARD APPLICATION' option. To the right is the 'UOCAVA STATUS' dropdown menu, which is also open and shows options: 'NON-UOCAVA', 'MILITARY', 'OVERSEAS CIVILIAN', and 'OVERSEAS - LEGACY'. A circled '1' is next to the 'MILITARY' option. Below the status menu is an 'FPCA' checkbox. At the bottom of the form are links for 'ABOUT', 'CONTACT', 'LOGOUT', and 'POLICIES'.

The spouse of a member of the military should be marked as a military voter.

Once the voter has been entered into the QVF, the clerk should prepare a master card for the voter. The clerk should also send the voter a voter information card. The voter information card should be sent in an envelope addressed to the mailing address supplied by the voter. The clerk should not send the voter information card to the UOCAVA voter's address within the clerk's jurisdiction, because federal law permits UOCAVA voters to register to vote at their last permanent residence within the jurisdiction, even if the voter no longer maintains that residence.



## IV. Receiving absent voter ballot applications from UOCAVA voters

Absent voter ballot requests from UOCAVA voters are handled differently from absent voter ballot applications from other Michigan voters.

**Specifically, an absent voter ballot request from a UOCAVA voter entitles that voter to be sent an absent voter ballot for every election in the calendar year during which the request was made.** If an absent voter ballot request from a UOCAVA voter is received after a November election, the request must be treated as having arrived in the following calendar year, and the UOCAVA voter must be sent an absent voter ballot for each election occurring in the following calendar year.

While most UOCAVA voters tend to submit their absent voter ballot request by using an FPCA or FWAB, a UOCAVA voter may request their absent voter ballot using any method that any other voter may use to submit an absent voter ballot application. A UOCAVA voter may request an absent voter ballot by emailing or faxing a signed *Absent Voter Ballot Application* to their clerk. However, in that case, the UOCAVA voter should verify with their clerk that they are identified in QVF as a UOCAVA voter to ensure that they are sent a ballot early enough to allow for overseas mail.

Under federal law, if an absent voter ballot request is received from a UOCAVA voter more than 45 days prior to an election, the clerk must send the UOCAVA voter a ballot 45 or more days prior to the election.

A UOCAVA voter's request for an absent voter ballot should be stored with the other, non-UOCAVA absent voter ballot applications received by the clerk.

Following the Proposal 2022-2 amendments to the State Constitution, Michigan voters may join the state's permanent mail ballot list and receive an absent voter ballot for all future elections. However, UOCAVA voters must complete a FPCA (or ensure they are identified in QVF as a UOCAVA voter) each year to ensure that they are sent a ballot early enough to allow for overseas mail.

### Late-mailed UOCAVA ballots

If a UOCAVA voter requests an absent voter ballot more than 45 days prior to the election, and if the ballot is not sent 45 or more days prior to the



election, the UOCAVA voter is granted one extra day to return the ballot for each day between the forty-fifth day prior to the election and the day that the absent voter ballot is sent to the UOCAVA voter.

For example, if the UOCAVA voter requested the ballot more than 45 days prior to the election, and the ballot is sent on the fortieth day prior to the election, the ballot must be counted if it arrives five or fewer days after Election Day, as long as it was executed and sent by the close of polls on Election Day. However, the election may be formally certified before the end of this extension time if the number of outstanding ballots allowed an exception would not alter the outcome of the election.

## Recording receipt of an absent voter ballot application in the QVF

The clerk should enter a UOCAVA voter's absent voter activity into the QVF in the same manner as any other voter's, except that the clerk must also ensure that the voter's UOCAVA status, FPCA status, FWAB Received status, and delivery method are completed. Additionally, the clerk must ensure that the voter's email address is completed if the voter has requested their ballot via email.

To record this information in the QVF, the clerk should open the voter's file within the QVF and click the "Absentee Voter Ballot" button. The clerk should record receipt of the absent voter ballot application as normal, except that the clerk should select "UOCAVA" in the "UOCAVA Status" dropdown. The clerk should also check the FPCA box if the application was made via an FPCA form.

The screenshot shows the 'APPLICATIONS' form in the QVF system. It features several input fields and dropdown menus. The 'UOCAVA STATUS' dropdown is set to 'NON-UOCAVA' and is highlighted with a red circle labeled 'A'. The 'FPCA' checkbox is checked and highlighted with a red circle labeled 'B'. Other fields include 'SENT', 'RECEIVED', 'OUTPUT FORMAT' (set to 'QVF - PRINTED FRONT'), 'PRECINCT LABEL' (set to 'WARD PRECINCT'), and 'EXTRA LABEL' (unchecked). The 'APPLICATION STATUS' dropdown is also visible at the bottom.





# V. Sending absent voter ballots to UOCAVA voters

## Ballot delivery method

UOCAVA voters may request that their absent voter ballot be sent via email, fax, or mail. If a UOCAVA voter requests their absent voter ballot be emailed, city and township clerks who do not have internet access must work with the county clerk to facilitate the emailing of a blank ballot. If the voter does not select a delivery method, the clerk should send the absent voter ballot via mail.

A UOCAVA voter may opt for different ballot delivery methods for different elections by submitting a written request to the clerk via email, fax, or letter. Similarly, the voter can change the address, email address, or fax number at which the voter wishes to receive their absent voter ballot by submitting a written request to the clerk via email, fax, or letter.

## Electronic transmission of ballots

The QVF can be used to generate an email or fax ballot. These ballots, called "QVF ballots," are formatted to fit regular 8.5" x 11" paper. A QVF ballot is printed and completed by the UOCAVA voter. The voter then returns the ballot to the clerk, and the ballot is duplicated onto a standard ballot using the normal duplication procedure explained in *Chapter 13: Precinct Canvass – Closing the Polls* prior to tabulation.

If a UOCAVA voter requests their absent voter ballot be delivered by mail, the clerk should send the voter a standard absent voter ballot. If standard ballots are not available on the 45<sup>th</sup> day prior to the election, however, the QVF printable ballot may be printed and mailed to a UOCAVA voter to fulfill a clerk's UOCAVA responsibilities.

In some cases, the county clerk may provide city and township clerks with PDF ballot proofs that may be emailed, faxed, or printed and mailed to UOCAVA voters. If ballot proofs, rather than the QVF-generated ballot, are sent to UOCAVA voters, the clerk must ensure that the appropriate instructions and voter certificate<sup>1</sup> are included in the email, fax, or mailing to the UOCAVA voter. Different instructions have been developed for each

<sup>1</sup> Available at [http://www.mi.gov/documents/sos/Move\\_Voter\\_Cert\\_325028\\_7.pdf](http://www.mi.gov/documents/sos/Move_Voter_Cert_325028_7.pdf).



transmittal method; each set of instructions can be found at the FPCA link on the Military and Overseas Voter Information webpage.<sup>2</sup>

No matter how the UOCAVA voter receives their absent voter ballot, the voter must return their ballot by mail. If a UOCAVA voter was emailed their ballot, the voter must print the ballot, complete the ballot, and mail the completed ballot back to the clerk.

## Generating the QVF ballot

To generate the QVF ballot for transmission to UOCAVA voters, the clerk should begin by logging into the QVF. If the clerk does not have a QVF account or if the clerk's QVF account has become inactive, the clerk should contact the 517-292-5973 mainline and select the QVF option.

The clerk should navigate to a voter's file within the QVF. If the voter has been assigned UOCAVA status, as explained above, the MOVE button will appear in their file. To generate a PDF containing the voter's absent voter ballot and corresponding ballot instructions, the clerk should:

1. Click the "Absentee Voter Ballot" button, which causes the "MOVE Ballot" button to appear.
2. Click the "MOVE Ballot" button.
3. A pop-up will appear when the ballot is ready for download. Click "OK" on the pop-up to download the ballot.

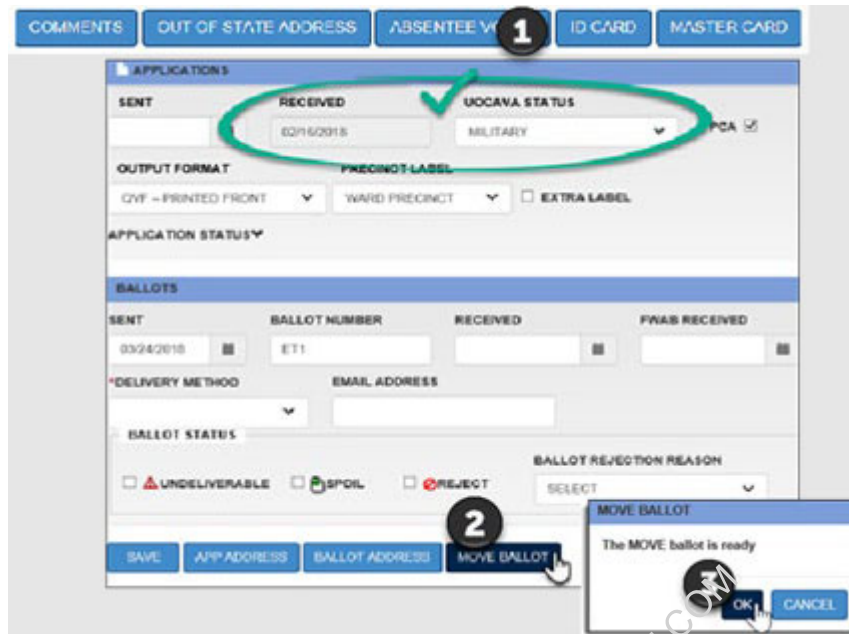
These instructions are illustrated in the following screengrab of QVF.

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<sup>2</sup> Available at <https://www.michigan.gov/sos/elections/voting/military-and-overseas-voters>.







Once the ballot has been downloaded, the clerk should open the PDF and review both the ballot and ballot instructions for accuracy. The ballot generated is specific to the ballot style that the voter is assigned in the QVF based on the address at which the voter is registered. If an error is identified, the county clerk should be contacted to make the correction in the QVF's Ballot Administrator program.

## Faxing a QVF ballot

If a UOCAVA voter has requested that their ballot be delivered by fax, the clerk should generate a QVF ballot as explained above, print the PDF, and fax the printed ballot and accompanying documents to the voter. The clerk should ensure that the ballot was transmitted and should retain a copy of the fax confirmation page.

## Emailing a QVF ballot

If the UOCAVA voter has requested their absentee voter ballot be delivered by email, the clerk should email the PDF of the QVF ballot to the voter. The email should have the subject line "Electronic Ballot" followed by the election date. A suggested template for the email body can be found in the eLearning Center.<sup>3</sup>

<sup>3</sup> Available at <https://mielections.csod.com/ui/lms-learning-details/app/material/064b5d93-bc2a-4af1-a3d8-077d5b323f20>



After emailing the ballot, the clerk should monitor the email account from which the ballot was sent for questions from the UOCAVA voter or for any delivery errors or failures.

## **Printing and mailing a QVF ballot**

If a UOCAVA voter has requested that their absent voter ballot be mailed, but standard absent voter ballots provided by the county clerk will not be available by the 45<sup>th</sup> day prior to the election, the clerk may print the ballot PDF generated by QVF and send the printed ballot to the voter. After the ballot has been printed, the clerk should place all of the pages included in the PDF into a military/overseas absent voter ballot envelope. The clerk should also include a return overseas absent voter ballot envelope in the mailing to the voter.

## **Mailing military and overseas ballots**

Absent voter ballots mailed to UOCAVA voters must be sent postage paid First Class mail with a special designation provided by the United States Postal Service (USPS). For more information on the special designation, the clerk should contact their local post office and reference Domestic Mail Manual (DMM) 703.8.2.<sup>4</sup> For more information on how to designate absent voter ballots mailed to UOCAVA voters, refer to the fvap.gov mailing site.<sup>5</sup>

### *Mailing APO/FPO absent voter ballots*

The USPS requests that all absent voter ballots sent from an Army Post Office or Fleet Post Office (indicated as APO/FPO) be separated from regular mail and delivered directly to a USPS clerk or mail carrier rather than being deposited in a USPS collection box. Clerks should ensure that APO/FPO ballots are addressed according to the USPS Domestic Mail standards published on the USPS's website.<sup>6</sup>

### *Express mail for military voters returning absent voter ballots for November general elections*

For even-year November general elections, the USPS provides a unique express mail label for use by overseas military members submitting mail to

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<sup>4</sup> More information available at <https://about.usps.com/what/government-services/election-mail/>

<sup>5</sup> Available at <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.

<sup>6</sup> Available at <https://www.usps.com/ship/apo-fpo-dpo.htm>.



overseas postal locations. This unique label gives the voter the ability to track their ballot via USPS. For more information on this express mail label, consult the USPS Express Mail website.<sup>7</sup>

## Undeliverable or returned absent voter ballots

If an absent voter ballot which was faxed or emailed to a UOCAVA voter is returned as undeliverable, the clerk should contact the voter for an alternate email address, fax number or transmittal method. If the clerk is unable to contact the voter for an alternate email address or fax number, the clerk should send a ballot via postal mail to the mailing address provided by the voter.

If an absent voter ballot mailed to a UOCAVA voter is returned as undeliverable, the clerk should contact the voter for an alternate mailing address or transmittal method. Updated mailing addresses for military voters can be obtained by contacting FVAP. Election officials should submit requests to FVAP via email at [vote@fvap.gov](mailto:vote@fvap.gov) or fax at 703-696-1352 and include the name of the clerk and jurisdiction requesting the voter's address, as well as the voter's full name and date of birth or the last four digits of the voter's Social Security Number. If the clerk is unable to contact the voter for an alternate mailing address and/or FVAP is unable to assist, the clerk should retain the returned ballot and mark the ballot as Undeliverable in the QVF.

## QVF ballot tracking

To record the issuance and mail, fax, or email of an absent voter ballot to a UOCAVA voter, the clerk should take the following steps:

1. Identify the ballot number. If a QVF ballot is being emailed, faxed, or mailed to the voter, as explained above, the ballot is identified as an electronic transmission using the prefix "ET" and the ballot number takes the form ET000000. The first QVF ballot issued to a UOCAVA voter is ET000001, the second is ET000002, etc. If a standard absent voter ballot was mailed to the UOCAVA voter, use the regular absent voter ballot number.
2. If a FWAB was received, enter the date on which the clerk received the FWAB.

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<sup>7</sup> Available at [https://about.usps.com/postal-bulletin/2016/pb22443/html/cover\\_018.htm](https://about.usps.com/postal-bulletin/2016/pb22443/html/cover_018.htm).



3. Select the delivery method the clerk used to send the absent voter ballot to the UOCAVA voter.
4. Enter the UOCAVA voter's email address, if applicable.
5. Enter the UOCAVA voter's alternate mailing address, if applicable.

The screenshot shows a web form titled "BALLOTS". It has several input fields and buttons. Red callouts are placed over the form as follows:

- A**: Points to the "SENT" field.
- B**: Points to the "BALLOT NUMBER" field.
- C**: Points to a small icon next to the "BALLOT NUMBER" field.
- D**: Points to the "RECEIVED" field.
- E**: Points to the "DELIVERY METHOD" dropdown menu.
- F**: Points to the "EMAIL ADDRESS" field.
- G**: Points to the "BALLOT ADDRESS" button.

Other visible elements include a "BALLOT STATUS" section with checkboxes for "UNDELIVERABLE", "SPOIL", and "REJECT", and a "BALLOT REJECTION REASON" dropdown menu. At the bottom are buttons for "SAVE" and "APP ADDRESS BALLOT ADDRESS".

## MOVE compliance report

The MOVE compliance report must be completed by every city and township in Michigan, whether or not the city or township received a request for an absent voter ballot from a UOCAVA voter. The report can be found in the eLearning Center. The report must be completed by the Tuesday after the "MOVE deadline," which occurs 45 days before an election.

## VI. Receiving absent voter ballots from military and overseas voters

No matter how the UOCAVA voter receives their absent voter ballot, the voter must return their ballot by mail. If a UOCAVA voter was emailed their ballot, the voter must print the ballot and mail the completed ballot back to the clerk. MOVE ballots must be counted if postmarked by Election Day and received no later than six days after Election Day. If the postmark on the ballot envelope is missing or unclear, clerks must deliver the ballot envelope to their county clerk to determine whether the ballot was received on time. All ballots received after Election Day and deemed on time by the municipal or county clerk will be counted by the county clerk in a board of county canvassers meeting.



If a UOCAVA voter attempts to submit their completed absent voter ballot via email or fax, the clerk must attempt to contact the voter to advise the voter that their ballot must be returned by postal mail with a signed voter certificate. A ballot or FWAB Backup Ballot returned by email or fax cannot be processed or counted. Such ballots must be marked as rejected and secured in the clerk's office.

If a UOCAVA voter returns two ballot return envelopes, which may occur because the UOCAVA voter accidentally printed more than one copy of their QVF ballot or because the voter made a technical error on their first ballot, the ballot return envelope that carries the most recent postmark should be processed. If the postmark dates cannot be determined, the return envelope that arrived closest to the election should be processed. If the ballot return envelope that is opened does not contain a signed voter certificate, the other return envelope should be processed. If multiple ballot return envelopes are received from the same UOCAVA voter, to ensure proper handling the clerk should attach a note to the first ballot return envelope sent for processing that advises election inspectors to contact the clerk if that ballot return envelope does not contain a ballot and/or signed voter certificate.

## **VII. The Federal Write-in Absentee Ballot (FWAB)**

The Federal Write-in Absentee Ballot (FWAB) is available for UOCAVA voters to use as a ballot.<sup>8</sup> A FWAB submitted by a UOCAVA voter that is postmarked by Election Day and received no later than six days after Election Day must be counted, so long as the UOCAVA voter submitting the FWAB requested an absent voter ballot by 2 p.m. the Saturday prior to the election. The voter's request for an absent voter ballot can be the same FPCA that the voter is submitting as their ballot for the election, so long as the FPCA is received by 2 p.m. on the Saturday prior to the election. The voter may also email or fax a signed absent voter ballot application to their clerk by 2 p.m. on the Saturday prior to the election. If the UOCAVA voter returning the FWAB did not request an absent voter ballot prior to 2 p.m. on the Saturday preceding Election Day, and the FPCA is received by the clerk after 2 p.m. on the Saturday preceding Election Day, the FWAB is not valid and is not counted.

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<sup>8</sup> The FWAB is available at <https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf>.



A clerk must enter the receipt of an FWAB into the QVF.

The FWAB has two parts. The first part is the voter information form. The voter's information must be completed by the UOCAVA voter and will likely be returned to the clerk in a regular envelope. If the protected voter is not already registered to vote, the clerk should use the voter information portion of the FWAB to register the voter and to record the UOCAVA's application for an absent voter ballot for every election in the calendar year. The voter information form must be signed. If the voter information form is not signed, the FWAB is invalid.

A UOCAVA voter that did not apply for an absent voter ballot before submitting the FWAB can be registered using the voter information page if the FWAB is received by 2 p.m. the Saturday prior to the election. An absent voter ballot should be sent to the UOCAVA voter via their preferred method as explained above.

The second part of the FWAB is a second envelope, included in the first, marked "Official Ballot – Federal Write-In Absentee Ballot," in which the voter will place the voter's completed Official Backup Ballot. The envelope will be sealed; clerks should not open the sealed envelope. The Official Backup Ballot allows a UOCAVA voter to write in the candidate of their choice for any office or ballot initiative that is on the ballot for the election in which the UOCAVA voter is voting. The UOCAVA voter may write in either the candidate's name or the candidate's political party for each office.

The UOCAVA voter's Official Backup Ballot must be counted by the relevant precinct or absent voter counting board if the UOCAVA voter's regular absent voter ballot is not received by Election Day. The Official Backup Ballot is counted using normal ballot duplication procedures. The UOCAVA voter is not required to mark an oval or box on the Official Backup Ballot in order for their votes to be cast, and any name variations are acceptable so long as the voter's intent is clear.

If the UOCAVA voter's QVF or regular absent voter ballot is returned by 8 p.m. on Election Day, the QVF or regular absent voter ballot supersedes the FWAB submitted by the voter. In that case, the FWAB should not be opened, and the voter's QVF or regular absent voter ballot should be tabulated.





## VIII. Processing MOVE and FWAB ballots on Election Day

Regular absent voter ballots received from UOCAVA voters should be processed in the same manner as all other absent voter ballots. QVF ballots or FWAB ballots returned by UOCAVA voters, however, need several additional checks before they are duplicated onto a standard ballot for tabulation. First, election inspectors must verify that the UOCAVA voter signed the signature certificate included with the QVF ballot and ensure that the signature on the certificate matches the voter's signature on the file. If the returned ballot does not include a certificate, the ballot must be rejected. The signature certificate should be stored with the UOCAVA voter's original absent voter ballot application. To preserve ballot secrecy, neither the certificate nor the absent voter ballot application should be attached to the QVF ballot or the FWAB Backup Ballot.

If absent voter ballots are processed in the precinct, QVF ballots and FWAB Backup Ballots must be placed in the auxiliary bin until the close of polls to wait for duplication. If the QVF ballot or the FWAB ballot includes multiple pages, election inspectors must ensure that the pages are stapled or clipped together before placing the ballot in the auxiliary bin. The regular duplication procedures explained in *Chapter 13: Precinct Canvass – Closing the Polls* should be followed to transfer the contents of the QVF ballot or the FWAB Backup Ballot to a standard ballot for tabulation. As with other duplicated ballots, the original QVF ballots or FWAB Backup Ballots must be placed in the original ballot envelope after duplication. For more information on the ballot duplication process, refer to *Managing Your Election Day Polling Place: Election Inspectors Procedure Manual*.<sup>9</sup>

## IX. QVF reports

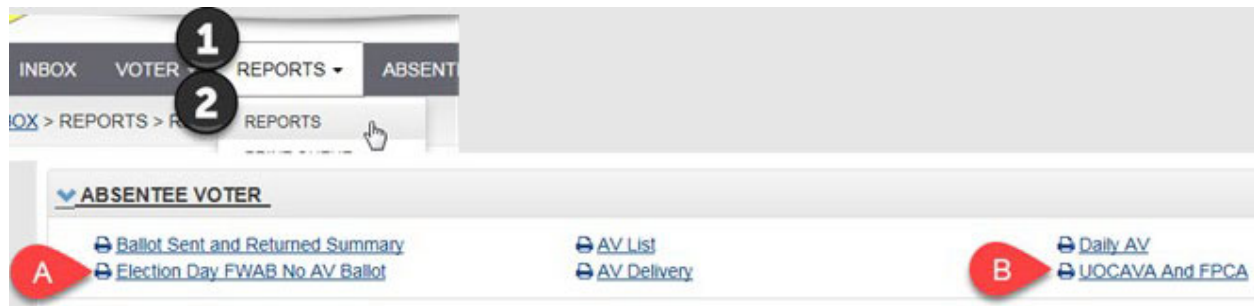
The QVF has two reports for reviewing military and overseas voter absentee activity. To access the reports, a clerk should login to the QVF and do the following:

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<sup>9</sup> Available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Managing-Your-Precinct-on-Election-Day.pdf?rev=099687d67e9249d98941ce03647543a3&hash=86B2799DC0E246E42596FAF6F720ACD0>.



1. Click on Reports.
2. Click on Reports in the dropdown menu.



## Election Day FWAB report

The Election Day “FWAB no AV ballot” report will provide a listing of all of the voters who submitted a FWAB but who did not return a QVF or regular absent voter ballot. The FWAB for each of these voters should be duplicated onto a standard ballot and tabulated. The FWAB of a voter who did return either a QVF ballot or a regular ballot should not be duplicated; the QVF ballot or the regular ballot returned by that voter supersedes the FWAB.

### ELECTION DAY FWAB NO AV BALLOT

\*REGION TYPE: JURISDICTION  
 \*ELECTION DATE: 05/08/2018 - MAY CONSOLIDATED  
 \*PRECINCT: 00001, 00002 (Selected Count =2)  
 \*REGION: BOHEMIA TOWNSHIP (09460)  
 \*PRECINCT TYPE: COMBINED  
 \*SORT BY: FULL NAME  
 \*REPORT FORMAT: PDF

#### ELECTION DATE FWAB NO AV BALLOT RECEIVED REPORT FOR BOHEMIA TOWNSHIP (09460) 05/08/2018 - MAY CONSOLIDATED

Voter Name / Mailed To Address	COMBINED	Voter Status & Reason(s)	FWAB Received	AV Ballot Received
MCQVF, FAY 10006 OLD LAKE ROAD GRAYLING, MI 49738	00001	ACTIVE - ACTIVE	01/12/2018	
MCQVF, FINN FLINT 10007 OLD LAKE RD GRAYLING, MI 49738	00001	ACTIVE - ACTIVE	01/12/2018	
<b>Total</b>	<b>2</b>			





## UOCAVA and FPCA report

The "UOCAVA and FPCA" report will provide a listing of all AV voters entered into QVF as military or overseas voters. The report can be sorted in multiple ways and exported as either a PDF or a CSV file. To generate this report, the clerk should make their selections and click "Continue." The report will open in a new window.

**UOCAVA AND FPCA**

\*REGION TYPE: JURISDICTION

\*YEAR: 2018

\*REGION: BOHEMIA TOWNSHIP (09460)

\*VOTER TYPE: ALL VOTERS

\*REPORT FORMAT: PDF

CONTINUE CANCEL

2/23/2018 4:51:58 PM

### UOCAVA AND FPCA VOTERS REPORT

FOR THE YEAR 2018

JURISDICTION

Voter Name / Residential Address	Mailing Address	RECEIVED DATE	IS FPCA
[REDACTED]	[REDACTED]	01/16/2018	NO
[REDACTED]	[REDACTED]	01/18/2018	NO

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# Exhibit B

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STATE OF MICHIGAN  
IN THE COURT OF CLAIMS

REPUBLICAN NATIONAL COMMITTEE,  
MICHIGAN REPUBLICAN PARTY, and  
CINDY BERRY,

Case No. 24-\_\_\_\_\_ -MZ

Plaintiffs,

Hon. \_\_\_\_\_

v

**AFFIDAVIT OF  
TYSON SHEPARD**

JOCELYN BENSON, in her official  
capacity as Secretary of State, and  
JONATHAN BRATER, in his official  
capacity as Director of Elections,

Defendants.

---

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*Attorneys for Plaintiff RNC*

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**AFFIDAVIT OF TYSON SHEPARD**

STATE OF Michigan )  
 ) SS  
COUNTY OF Oakland )

I, Tyson Shepard, being first duly sworn, state as follows under oath:

1. I am the Executive Director of the Michigan Republican Party (the “MRP”). I am over the age of eighteen and I have personal knowledge of the following facts. If called as a witness, I could and would competently testify thereto.

2. The MRP is a “major political party” as that term is defined by the Michigan Election Law. See MCL 168.16. The MRP maintains headquarters at 520 Seymour Street, Lansing, Michigan 48912. Among its general purposes, the MRP promotes and assists Republican candidates who seek election or appointment to partisan federal, state, and local office in Michigan.

3. The MRP works to elect Republican candidates to state and federal office. In November 2024, its candidates will appear on the ballot in Michigan for election to the Presidency, U.S. Senate, and U.S. House of Representatives, and Michigan Legislature—among other elected offices.

4. The MRP engages in various activities to help elect Republicans in Michigan, including efforts to educate, mobilize, assist, and turn out voters.

5. During past election cycles, the MRP has made significant contributions and expenditures to support Republican candidates up and down the ballot in Michigan and to mobilize and educate Michigan voters. It is doing so again in 2024.

6. The MRP has vital interests in protecting the ability of Republican voters to cast, and Republican candidates to receive, effective votes in Michigan elections. The MRP is a plaintiff

in this case to vindicate its own rights in this regard, and in a representational capacity to vindicate the rights of its members, affiliated voters, and candidates.

7. The policies challenged in this lawsuit—allowing persons who have never been Michigan residents to vote in Michigan elections—violates the Michigan Constitution, which requires—exempt where preempted by federal law—that a person reside in Michigan to vote in Michigan.

8. Allowing persons who have never been Michigan residents to vote in elections harms the MRP's interests.

9. The MRP has a substantial interest in seeking and winning political office, and in doing so in a legally structured, fair, and competitive environment in which the Michigan Constitution and its residency requirement is enforced.

10. The MRP spends significant resources to preserve voter confidence and turnout, which suffer when voters see that election officials accept absent voter ballots without verifying the residency of the voter as required under Michigan law or enforcing the residency requirements of the Michigan Constitution.

11. The policies challenged here harm the MRP—and its members and candidates—and places them at a competitive disadvantage.

12. Democrat voters are more likely than Republicans to vote by absentee ballot. As a result, any failure to verify the residency of absentee voters will result in an inaccurate tally of the lawfully cast votes. And given the higher number of Democrat absentee voters than Republican absentee voters, that inaccurate tally undermines the Republican candidates' rights to a fair and accurate electoral count.


13. By counting votes of persons who do not meet the residency requirement of the Michigan Constitution, Michigan dilutes the weight of valid votes cast by the MRP's candidates and its members.

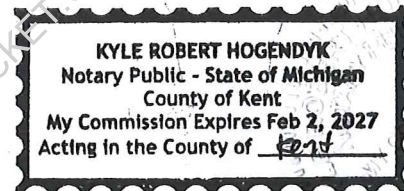
FURTHER AFFIANT SAYETH NOT.

*I declare that the above statements are true and correct to the best of my information, knowledge and belief.*

  
\_\_\_\_\_  
Tyson Shepard

Subscribed and sworn to before me this  
8<sup>th</sup> day of October, 2024.

  
\_\_\_\_\_  
Notary Public, Kyle Robert Hogendyk, County, kent  
Acting in kent County  
My Commission Expires: 2-2-27  
4889-5292-0045 v1 [99168-8]



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# Exhibit C

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STATE OF MICHIGAN  
IN THE COURT OF CLAIMS

REPUBLICAN NATIONAL COMMITTEE,  
MICHIGAN REPUBLICAN PARTY, and  
CINDY BERRY,

Plaintiffs,

v

JOCELYN BENSON, in her official  
capacity as Secretary of State, and  
JONATHAN BRATER, in his official  
capacity as Director of Elections,

Defendants.

Case No. 24-\_\_\_\_\_-MZ

Hon. \_\_\_\_\_

**AFFIDAVIT OF CHRISTINA  
NORTON**

---

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*Attorneys for Plaintiff RNC*





Republican candidates and educate, mobilize, assist, and turn out voters. The RNC also assists the Michigan Republican Party to recruit and train poll challengers regarding the requirements of the Michigan Election Law.

7. During past election cycles, the RNC has made significant contributions and expenditures to support Republican candidates up and down the ballot in Michigan and to mobilize and educate Michigan voters. It is doing so again in 2024.

8. The RNC has vital interests in protecting the ability of Republican voters to cast, and Republican candidates to receive, effective votes in Michigan elections. The RNC is a plaintiff in this case to vindicate its own rights in this regard, and in a representational capacity to vindicate the rights of its members, affiliated voters, and candidates.

9. The policies challenged in this lawsuit—allowing persons who have never been Michigan residents to vote in elections—violates the Michigan Constitution, which requires—except where preempted by federal law—that a person reside in Michigan to vote in Michigan.

10. Allowing persons who are not Michigan residents and who have never been Michigan residents to vote in elections harms the RNC's interests.

11. The RNC has a substantial interest in seeking and winning political office, and doing so in a legally structured, fair, and competitive environment in which the Michigan Constitution and its residency requirement are enforced.

12. The RNC spends significant resources to preserve voter confidence and turnout, which suffer when voters see that election officials accept absent voter ballots without enforcing the residency requirements of the Michigan Constitution.

13. The policies challenged here harm the RNC—and its members and candidates—and also places them at a competitive disadvantage, because overseas voters overwhelmingly support Democratic candidates.

14. Moreover, ineligible overseas voters casting ballots in elections in Michigan will result in an inaccurate tally of the lawfully cast votes. And given the higher number of Democratic overseas voters than Republican overseas voters, that inaccurate tally undermines the Republican candidates' rights to a fair and accurate electoral count.

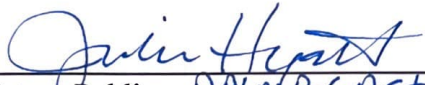
15. By counting votes of persons who do not meet the residency requirement of the Michigan Constitution, Michigan dilutes the weight of valid votes cast by the RNC's voters and members.

FURTHER AFFIANT SAYETH NOT.

*I declare that the above statements are true and correct to the best of my information, knowledge and belief.*

  
Christina Norton

Subscribed and sworn to before me this  
8<sup>th</sup> day of October, 2024.

  
Notary Public, PALM BEACH, County, FLORIDA  
Acting in PALM BEACH County  
My Commission Expires: 07/09/28  
4855-1188-6829 v1 [99168-8]



# Exhibit D

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**STATE OF MICHIGAN  
IN THE COURT OF CLAIMS**

REPUBLICAN NATIONAL COMMITTEE,  
MICHIGAN REPUBLICAN PARTY, and  
CINDY BERRY,

Plaintiffs,

v

JOCELYN BENSON, in her official  
capacity as Secretary of State, and  
JONATHAN BRATER, in his official  
capacity as Director of Elections,

Defendants.

Case No. 24-\_\_\_\_\_ -MZ

Hon. \_\_\_\_\_

**AFFIDAVIT OF CINDY BERRY**

---

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[dbroaddus@shrr.com](mailto:dbroaddus@shrr.com)  
*Attorneys for Plaintiff RNC*

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7. It is my understanding that under Const. 1963, art 2, § 1, an election inspector may only tabulate an absent voter ballot of a person who meets the residency requirement as set forth in the Michigan Constitution.

8. As a clerk responsible for overseeing the tabulation of absent voter ballots, it is my belief and understanding that an election inspector may only tabulate an absent voter ballot of a person who meets the residency requirement as set forth in the Michigan Constitution.

9. Despite these clear, constitutional requirements, Secretary of State Jocelyn Benson is instructing local officials that “A United States citizen who has never resided in the United States but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state.”

10. Those instructions, which are found on page three of the Secretary’s *Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs*, and which are attached as Exhibit A to the Verified Complaint filed in this case, are referenced here as the “Secretary’s Instructions.”

11. As a local clerk, I am bound to follow the Secretary’s Instructions.

12. As a public official, however, I swore an oath to support the Michigan Constitution and to faithfully discharge the duties of my office.

13. While I have attempted to reconcile the Constitutions requirement that voters must be residence with the Secretary’s instruction that some absent voters do not need to be residents of Michigan, the Secretary’s Instructions seem incompatible with the requirements of the Michigan Constitution.

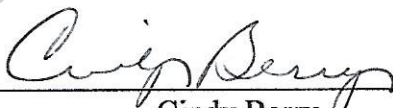
14. Given that Michigan law empowers the Secretary to investigate, or cause to be investigated by local authorities, the administration of election laws, and to report violations of the

election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution, see MCL 168.31(h), it seems possible to me that I could face penalty or even removal from my position as Clerk if I apply rules or guidance such as those challenged here that are inconsistent with the Constitution. It also seems possible to me that I could face removal from my position as Clerk if I do not apply rules or guidance to which I am subject as a local clerk.

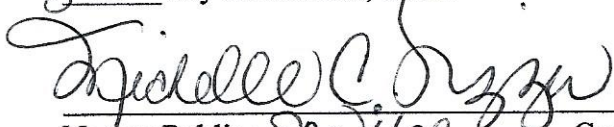
15. As a result, while I plan to conduct the Chesterfield Township elections in accordance with the Constitution just as I always do, I seek a judicial declaration in this lawsuit as to whether I am and will continue to be subject to those aspects of the Secretary's Instructions challenged in this lawsuit, specifically the Secretary's instruction that "A United States citizen who has never resided in the United States but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state."

FURTHER AFFIANT SAYETH NOT.

*I declare that the above statements are true and correct to the best of my information, knowledge and belief.*

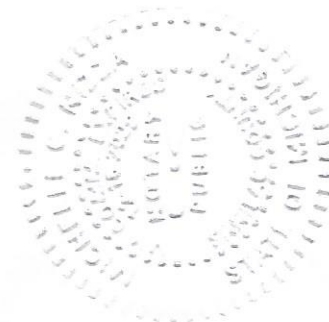
  
Cindy Berry

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 2024.



Notary Public, Sanilac, County, Michigan  
Acting in Macomb County  
My Commission Expires: 12-16-2029  
4870-0204-4909 v1 [99168-8]

MICHELLE C. NIZZA  
Notary Public, State of Michigan  
County of Sanilac  
My Commission Expires 12-16-2029  
Acting in the County of Macomb.





# TrueFiling Case Initiation - Summons and Complaint

**Case Title:**

MICHIGAN REPUBLICAN PARTY V. JOCEL'

**Case Type:**

MZ

**Case Description:**

Other Damage Suits: All other claims not otherwise coded

## Party 1 (Plaintiff)

**Business:** MICHIGAN REPUBLICAN PARTY **Phone:** (734) 436-7363

**Address:** 520 Seymour Ave 300

**City:** Lansing **State:** Michigan **Zip:** 48933

Attorney(s) for Party 1

**Name:** Brandon L. DeBus **Bar Number:** P81159 **(Lead Counsel)**

**Name:** Daniel C Ziegler **Bar Number:** P86312 **(Lead Counsel)**

## Party 2 (Defendant)

**Name:** Jocelyn Benson **Phone:**

**Address:** 433 W. Allegan St. Richard H. Austin Building - 4th Floor

**City:** Lansing **State:** Michigan **Zip:** 48918

**Party is Pro Se**

## Party 3 (Plaintiff)

**Name:** Cindy Berry **Phone:**

**Address:** 47275 Sugarbush Road

**City:** Chesterfield **State:** Michigan **Zip:** 48047

Attorney(s) for Party 3

**Name:** Brandon Debus **Bar Number:** P81159

## Party 4 (Plaintiff)

**Business:** Republican National Committee **Phone:** (616) 774-8000

**Address:** 310 First St, SE

**City:** Washington DC **State:** District of Columbia **Zip:** 20001

Attorney(s) for Party 4

**Name:** Johnathon Koch **Bar Number:** P80408

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Party 5 (Defendant)

**Name:** Johnathon Brater **Phone:**

**Address:** 433 W. Allegan Street Richard H. Austin Building - 4th Floor

**City:** Lansing **State:** Michigan **Zip:** 48918

**Party is Pro Se**

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STATE OF MICHIGAN  
COURT OF CLAIMS

**Bundle Cover Sheet**

<b>Lower Court:</b>	<b>L Ct No.:</b>	<b>COC No.:</b> TEMP-NQNZP4D9
<b>Case Title:</b> MICHIGAN REPUBLICAN PARTY v. JOCELYN BENSON		
<b>Priority:</b> NONE	<b>Filing Option:</b> File Only	

*Filer Information*

<u>Filer</u> Brandon Debus 2600 W. Big Beaver Rd., Ste. 300 Troy, MI 48084  bdebus@dickinsonwright.com	<u>Attorney</u> Brandon Debus, P81159(MI) 2600 W. Big Beaver Rd., Ste. 300 Troy, MI 48084  bdebus@dickinsonwright.com
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*Filing Summary*

Filing Type	Filing Name	Fee
Summons and Complaint	Verified Complaint in UOCAVA Lit	\$150.00
	eFiling System Fee:	\$25.00
	NON-REFUNDABLE Automated Payment Service Fee:	\$5.25
	<b>Total:</b>	<b>\$180.25</b>

Alternate Payment Reason: None

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The document(s) listed above were electronically filed with the Michigan Court of Claims.

TEMP-NQNZP4D9-45165700

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