Secretary of State Jocelyn Benson

Attn: Michael J. Brady

Legal Services Administration

Michigan Department of State

P.O. Box 30204

Lansing, MI 48918

November 26, 2024

SUBJECT: APPEAL regarding November 1, 2024 FOIA Request #2273

Dear Mr. Brady,

Pursuant to the guidelines provided in the Michigan FOIA Handbook, I am formally appealing to the Michigan Department of State (MDOS) regarding their denial of my November 1, 2024 FOIA request under the color of law for data that would allow the general public to validate/invalidate their assertions regarding what the MDOS DailyCastBallot report indicates were 125,428 illegal votes.

I do not contest their response to Item 1 which constituted a fee. I do contest their response to Items 2 and 3 which constituted denials. The information denied in these items is:

Item 2: The script used to generate the exported report

* If a SQL query provide the complete SQL query script)
* If another export mechanism was used, define the step by step report export process

Item 3: Spreadsheet with the list of voters for each day that includes ALL fields referenced in the script that generates the exported report

The purpose of the FOIA request is to replicate what the MDOS has asserted is a “data export error” in response to observations of illegal votes being cast in the 2024 election per MDOS records. Their DailyCastBallot report indicates that there were 125,428 illegal votes cast during the early voting period of the 2024 election. My FOIA request put it this way:

“In sum, we are looking for all data necessary to replicate what has been referred to as a “glitch”.  If there is additional data needed to replicate the creation of the exported report on a daily basis, please provide such data as well.”

If I am able to replicate their assertion that the 125,428 illegal votes were the result of a data export error, I would like to share that information with a dubious general public.

If, however, I am unable to replicate their assertion, then we have a clear indication of election malfeasance that will need to be addressed via criminal investigation.

Item 2 data was denied by the MDOS ostensibly on the basis of MCL 15.243(1)(y). MCL 15.243(1)(y) reads as follows:

    (y) Records or information of measures designed to protect the security or safety of persons or property, or the confidentiality, integrity, or availability of information systems, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, domestic preparedness strategies, and cybersecurity plans, assessments, or vulnerabilities, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

There is no reason to believe that any script used to generate the DailyCastBallot report would reference any fields that would not otherwise be available to the general public in the report. This means that the disclosure of the requested script would not put at risk the disclosure of any sensitive information. In this light, it appears that the MDOS is not being forthright with their denial on the basis of this section of the MCL.

Item 3 was denied on the basis of the following assertion:

“the Department does not have a record responsive to my request”.

The information requested must already be in the possession of the MDOS as it was ostensibly used to generate the DailyCastBallot report. While the data may not be stored in a spreadsheet format, the data does exist. In much the same way as FOIA requests for email communications are often saved in PDF format, there should be no issue saving the records requested in another format. In this light, it appears that the MDOS is attempting to prevent disclosure of data that should be made available to the general public.

In summary, the MDOS appears to be preventing disclosure of the requested information under the color of law. Such actions would violate various sections of federal law including 18 USC Section 242, 18 USC Section 250, and 42 USC Section 1983. In order to preclude complaints pertinent to these potential violations, please provide the information requested in my FOIA request to the address below or via email to [patrick@migrassrootsalliance.org](mailto:patrick@migrassrootsalliance.org). If you choose not to provide the requested information, you are hereby given notice of the need to preserve these records until a court rules on this matter.

Thank you for your prompt attention to this matter.

Regards,

Patrick J. Colbeck

President

Michigan Grassroots Alliance

47841 Royal Pointe Drive

Canton, MI 48187

Attachments:

* November 1, 2024 FOIA Request by Patrick Colbeck
* November 26, 2024 FOIA Request response from Sherri Hines