

FOR IMMEDIATE RELEASE: Court Issues Third Strike Against Benson for Violating Election Laws

October 20, 2022

Today, Michigan Court of Claims Judge Brock Swartzle ordered Michigan Secretary of State Jocelyn Benson to either “(1) rescind the May 2022 Manual in its entirety; (2) revise the May 2022 Manual to comply with this Opinion and Order or (3) revise an earlier iteration of the manual to comply with this opinion and order.” Plaintiffs Dr. Phil O’Halloran, Bob Cushman, Braden Giacobazzi, Penny Crider and Ken Crider asserted via their attorney Ann Howard that the May 2022 Manual violated their rights as poll challengers thereby infringing upon their ability to ensure the integrity of elections.

The court clearly established the May 2022 manual as simply “guidance” without any legal bearing. Key provisions of the court ruling include the removal of restrictions upon poll challenger assignments, with whom poll challengers can communicate, the use of electronic devices by poll challengers, and reasserted the need for poll inspectors to record all challenges made by poll challengers.

This is the third time Michigan’s Secretary of State has been found by a court to violate Michigan election law. Previously, courts have ruled that Benson violated the law when she unilaterally relaxed signature verification requirements for absentee ballots and instituted a six-foot separation rule between poll challengers and poll workers. Benson has also fought to keep almost 26,000 dead voters on Michigan’s voter rolls as a defendant in a lawsuit filed by the Public Interest Legal Foundation.

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