

**BREAKING: Motion Filed to Hold Michigan Secretary of State Jocelyn Benson in Contempt of Court**  
*November 2, 2022*

Plaintiffs in O'Halloran v Benson lawsuit have filed a motion to hold Michigan Secretary of State Jocelyn Benson in contempt of court. Rather than comply with the ruling issued by Court of Claims Judge Swartzle on October 20, 2022 to update five sections of a 27 page May 22 manual pertaining to poll challenger guidance, she and her legal team have issued over 460 pages of legal filings. In other words, instead of following the law, Benson is seeking to delay issuing lawful guidelines until after the November 8, 2022 election.

In so doing, Benson appears to be attempting to foment conflict at polls and AV Counting Boards. Poll challengers are trained to comply with Michigan election law. Benson's guidelines to election officials on the treatment of poll challengers fails to comply with Michigan election law.

In the motion filed today by the Attorney for plaintiffs, Ann Howard stated "Defendants have been in contempt of the Court of Claims' Opinion and Order since 10/20/22 by continuing to keep the May 2022 document on their website. It has now been thirteen days since entry of the Opinion and Order. To Plaintiffs' knowledge, Defendants have made no effort whatsoever to correct their guidance – as mandated by this Court's injunctive order. In fact, as of 10:03 a.m. today, the guidance on the Defendants' website is the "May, 2022 guidance," with a 6/07/22 "modified" date. This response to the Court of Claims' order by the Defendants lures Michigan clerks, election workers and challengers into believing that the May 2022 guidance is appropriate. Defendants have the capability to communicate directly with local clerks and election officials with the click of a mouse, but have have failed to do so."

The only rational conclusion that could be made upon consideration of her failure to follow a court order that she follow the law is that she intends to violate the law during an election that features her as one of the candidates on the ballot. Plaintiffs have therefore taken it upon themselves to advise the public of the order issued by Judge Swartzle (See Attached). MI SoS Benson should be held accountable by the media for her serial lawlessness. The October 20, 2022 court order is the fifth time Benson and her office have been found to issue guidance that failed to comply with Michigan law.

Please direct inquiries to Patrick Colbeck at [patrick@migrassrootsalliance.org](mailto:patrick@migrassrootsalliance.org).

## ATTENTION Poll Inspectors, Election Officials and Poll Challengers

*Pursuant to October 20, 2022 Judge Brock Swartzle ruling in Case No. 22-000162-MZ O'Halloran v Benson Poll Challenger and Poll Watcher Guidelines are subject to revision due to failure to comply with Michigan Election Law.*



### ORDER BY JUDGE SWARTZLE:

“(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.”

*Cited “Opinion and Order” Decisions are as follows:*

<b>Credential Form Requirements</b>	Law simply requires that poll challengers be credentialed. The only three items that evidence a valid challenger: (1) [a] authority signed by the recognized chairman or presiding officer of the organization or committee, (2) The written or printed name of the challenger, (3) The precinct number for the challenger’s assigned precinct
<b>Appoint or Credential Challengers on Election Day</b>	The appointment and credentialing of election challengers on Election Day is not prohibited
<b>Communication Through Only the “Challenger Liaison”</b>	Manual must be revised to make clear that a challenger need not bring an issue to the attention of only a liaison challenger, but instead can bring such issue to the attention of any election inspector at the applicable location
<b>Electronic Devices in AVCB</b>	There is no legal basis to prohibit election challengers from <i>possessing</i> electronic devices in the AVCB facility. No person is permitted to <i>use</i> an electronic device in a way that violates Michigan Election Law. It is a felony to communicate in any way before the polls close any information relative to the processing or tallying of votes that may come to the person.
<b>Marking a Record of “Impermissible” Election Challengers</b>	The labels “permissible challenge” and “impermissible challenger” are not found in Michigan Election Law. Election inspector shall immediately...make a written report [including certain information]...[and] retain the written report...and make it part of the election record. There is no discretion available to the election inspector not to record a so-called “impermissible challenge”.

ADDITIONAL ASSERTION IN RULING: “Defendants have acknowledged in these proceedings that the May 2022 Manual does not have the force and effect of law”