

FOR IMMEDIATE RELEASE: Benson Seeds Conflict in Appeal Motion By Refusing to Follow Law

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In a 34-page motion to appeal the ruling by Judge Brock Swartzle, Michigan Secretary of State Jocelyn Benson states through her lawyers that she doesn't have enough time to update their 27-page guidelines on The Appointment, Rights, and Duties of Election Challengers and Poll Watchers before the election. In Judge Swartzle's October 20, 2022 ruling, he cited that Benson's guidance failed to comply with established Michigan election law.

During the 2020 general election and during the recent August 2022 primary election, conflicts between poll challengers and election inspectors often developed as a result of discrepancies between the training received by poll challengers and poll inspectors. Poll challengers certified by non-partisan organizations such as Michigan Citizens for Election Integrity or Election Integrity Force trained their volunteers to comply with Michigan election law. Poll inspectors were typically trained to comply with guidelines provided by the Michigan Secretary of State. If these guidelines comply with the law, there is often no source of conflict, but when they do not comply with the law, these guidelines fuel conflict. The refusal of the Michigan Secretary of State to update her guidelines to comply with the law indicates that she seeks to foment conflict at the polls.

This is not the first time that Benson has attempted to foment conflict at the polls with unlawful guidance to poll inspectors. In 2020, she issued guidelines that prevented poll challengers from coming within six feet of poll workers effectively prohibiting their ability to verify the integrity of election activities. In fact, during training provided by election officials, this six-foot rule was lauded as a means of interfering with poll challenger oversight of poll workers. In a decision issued days before the election, the court issued an injunction upon the unlawful six-foot rule. This injunction was not promulgated effectively by election officials to poll workers prior to the election resulting in several incidents at sites such as the Absentee Vote Counting Board in Detroit.

Rather than update her guidelines to follow the law in accordance with a court order, she appears to be using the media to create the false impression that her guidelines, not the rule of law, will maintain peace and order.

In a statement by spokesperson for Benson's office, Jake Rollow, reported in the Detroit News, "We will appeal this ruling to provide certainty to all voters, clerks, election workers and election challengers on how to maintain the peace and order at all voting locations that state law requires and every voter expects and deserves."

Judge Swartzle's ruling made it clear. Jocelyn Benson's guidelines "do not have the force and effect of law". Unfortunately, there are many election officials and poll workers who assume that these guidelines do have the force of law.

We believe that Benson's motion to appeal is simply attempting to delay the execution of Judge Swartzle's ruling. Every day that she delays in revising and communicating her updated poll challenger guidelines increases the likelihood of conflict at the polls. Instead of prompt action to remove the source of this conflict by updating her guidelines to comply with the law, she is promoting a narrative that attempts to paint poll challengers seeking lawful elections as the source of any conflict that might arise. Her failure to follow the law is the primary source of conflict. Instead of complying with Michigan

election law, her office is executing webinars entitled “Protecting Voting in the Face of Political Violence and Extremism” where she attempts to paint citizens seeking lawful elections as violent extremists.

The plaintiffs in the case pleading for the revision of Benson’s May 2022 poll challenger guidelines simply seek lawful elections. Jocelyn Benson and her staff appear to be intent upon intimidating poll challengers and preventing their effective oversight of our elections. The prevention of effective oversight of our elections only serves to enable election fraud without consequence. In order to ensure the integrity of our 2022 elections and maintain “peace and order” at the polls, it is imperative that Michigan Secretary of State Jocelyn Benson comply immediately with the court order issued by Judge Swartzle and make the revisions to her Poll Challenger guidelines necessary to comply with Michigan election law. Once updated, it is equally imperative that she communicate her revised, lawful guidelines to election workers across Michigan. Michigan citizens expect our elected officials to follow the law. It is time for Jocelyn Benson to honor her oath to support the Constitution and start following the law.

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