

FOR IMMEDIATE RELEASE: September 8, 2023

On September 7, 2023, Wayne County 3rd Circuit Court Judge Edward Ewell, Jr. signed an order (attached) reflecting Wayne County's agreement to settle a lawsuit initiated by MI Grassroots Alliance. The agreement negotiated by Michigan Grassroots Alliance attorney Thomas Lambert featured payment of \$10,000 by Wayne County in order for them to avoid additional fines and charges. The original lawsuit (attached) concerns delays by Wayne County in the fulfillment of an August 12, 2022 surveillance video FOIA request initiated by former Michigan State Senator Patrick Colbeck representing the Michigan Grassroots Alliance. Under FOIA law, a public body must respond to a FOIA request in 5 days but are given the latitude to extend their response time an additional 10 business days if necessary. It took Wayne County more than a year after the initial FOIA request and more than nine months after a deposit of \$2,495.29 had been made to provide the requested surveillance video footage. Such delays are unacceptable and have significant implications upon the integrity of our elections. In order for a court to hold those responsible for election fraud accountable for their actions under Michigan law, legal action must be taken within 30 days of the election. When the information needed in support of such action takes longer than 30 days to provide, it is virtually impossible to take effective legal action against election fraud.

The Michigan Grassroots Alliance has initiated numerous FOIA requests in support of investigations into election fraud. FOIA law is intended to ensure that the public can be better informed about the actions of our government so that they can be a part of the democratic process. Government bodies are obligated to comply with FOIA law for that reason. If our elections are indeed conducted in a fair, secure and lawful manner as espoused by government officials, then the government should have no issue being transparent regarding the conduct of elections. Transparency favors the truth. Regrettably, many FOIA requests related to elections have been subject to spurious denials or what appears to be denial thru delay tactics. When government bodies fail to respond to FOIA requests in a statutorily compliant manner, it prevents the establishment of an effective case to remedy election fraud and allows those intent upon election fraud to act with relative impunity. This situation is clearly unacceptable if we are to have lawful elections in Michigan.

Wayne County is not the only government body that has failed to comply with FOIA statute. The Michigan Department of State under Secretary of State Jocelyn Benson and the City of Detroit under Clerk Janice Winfrey have provided additional examples of government bodies that engage in what appears to be denial thru delay tactics. In fact, the chief election official of the state, Jocelyn Benson, has already been found in violation of the law in at least five separate election-related court cases so failure to comply with the statutory FOIA timelines when it comes to election-related FOIA requests should come as no surprise. Furthermore, government bodies have often denied FOIA requests outright providing nebulous citations referencing security-related provisions of FOIA law. In *Mead Data Center v U.S. Dept. of Air Force*, the court held that "An agency must provide a "detailed justification" and not just make "conclusory statements" to support its segregability determination." Detailed justifications are rarely if ever provided in support of "security-related" FOIA request denials.

A pattern that seems to be emerging is that the more important the requested information is to the public, the more likely a public body will seek to delay or outright deny access to the information. The surveillance video at the heart of the August 12, 2022 FOIA request by Senator Colbeck indicates that the narrative espoused by voting system vendors and government officials stating that our electronic voting systems are "not connected to the internet" is not accurate. Colbeck was present outside the Wayne County Clerk's office to observe the process by which election results were tallied across Wayne County. The surveillance video requested by Colbeck covers this time period. The official narrative states that the election results from the municipalities are never transferred to the county via the internet. According to this narrative, municipal results are stored on flash drives which are transferred by courier to the Wayne County Clerk's office. The Wayne County Clerk's office then transfers the data on those flash drives onto the county Election Management System (EMS) server located in the county clerk's office. The EMS Server data is then used to update the election results posted on the Wayne County election results website. Colbeck observed that municipal election results were being posted to the Wayne County election results website before any flash drives for the respective municipalities had been received. Furthermore, all flash drives received during the time of Colbeck's observation period stayed outside of the clerk's office sealed in the courier envelopes. Clearly, the election results were being provided via the internet and not via flash drives as espoused. The surveillance video corroborates Senator Colbeck's observations to this effect.

In Michigan, it is not explicitly against the law to have electronic voting systems connected to the internet. So why the subterfuge? Could it be that internet connections introduce unacceptable risk to the integrity of our elections? If government officials are issuing false statements regarding election-related internet connections, on what other topics related to the elections are they misleading the public?

FOR FURTHER INQUIRIES, CONTACT FORMER STATE SENATOR AND MI GRASSROOTS ALLIANCE PRESIDENT PATRICK COLBECK AT PATRICK@MIGRASSROOTSALLIANCE.ORG.

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