#### STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

#### WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

#### ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

#### Defendant

### SECRETARY OF STATE JOCELYN BENSON

Intervenor-Defendant.

Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064

Timothy M. Perrone (P37940) COHL, STOKER & TOSKEY, PC Attorney for Livingston County Clerk 601 N. Capitol Ave. Lansing, MI 48933 (517) 372-9000

Christopher D. Tholen (P76948) GRAND TRAVERSE COUNTY, DEPUTY COUNSEL Attorney for Grand Traverse County Clerk 324 Court Street Traverse City, MI 49684 (231) 922-4600 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

Allan C. Vander Laan (P33893) Kristen L. Rewa (P74043) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Barry County Clerk 2851 Charlevoix Drive SE, Ste. 327 Grand Rapids, MI 48546 (616) 975-7470

Frank Krycia (P35383) MACOMB COUNTY, CORPORATION COUNSEL Attorney for Macomb County Clerk One S. Main, 8th Floor Mount Clemens, MI 48043 (586) 469-6346

#### EXHIBITS 1-3

#### <u>PLAINTIFF'S COLLECTIVE RESPONSE TO DEFENDANTS' and NON-PARTY</u> <u>COUNTIES' MOTIONS TO QUASH AND FOR PROTECTIVE ORDERS</u>

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: April 9, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno (P52622) Attorney for Plaintiff

# Exhibit 1

Subpoenas

#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

#### WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

### SECRETARY OF STATE JOCELYN BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Pamela A. Palmer, Barry County Clerk, 220 W. State St., Hastings, MI 49058

Service was by certified mail, 7020 1810 0002 2845 9016, as indicated in the attached USPS records

Dated: March 15, 2021

/s/ Matthew S. DePerno Matthew S. DePerno



March 15, 2021

#### Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9016**.

Item Details	
Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	March 15, 2021, 10:59 am
Location:	HASTINGS, MI 49058
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
Signature of Recipient:	ACCOUSC-A AMMARTER 22045
Address of Recipient:	270 WSAR

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

	STATE OF MICHIGAN					CASE NO.
13th	JUDICIAL DISTRIC JUDICIAL CIRCUIT COUNTY PROBATE	Order to Appe	BPOEN ar and		2020-9	0238-CZ
Court	address 205 E. CAYUGA ST.,					Court telepho
	e Report No. (if applicable):	BELLAIKE, MI 49013			(	231) 533-6353
	tiff(s)/Petitioner(s)			Defendant(s)/Respo	ondent(s)	
	People of the State of Michiga WILLIAM BAILEY	an	V	Suite 221, Traver	rse City, MI 49 CRETARY OF	F STATE, c/o Erik A. Grill
[	Civil	Criminal		Charge		
[green	Probate In the matter of					
YOU	AELA A. PALMER, BARRY CO If you require special accommodati JARE ORDERED TO:	ons to use the court because	e of disab	ilities, please contact	the court imme	
						, Hastings, MI 49058
	The court address above	✓ Other:	ine Burr	y county croin, 22		, maxingo, mi 19000
WEI		Date MARCH 24, 2021			Time 9:00 AM	
	. Testify at trial / examination / . Produce/permit inspection or	hearing.	items:	See EXHIBIT A, a		
	. Testify at trial / examination /	hearing.	items:	See EXHIBIT A, a		
<ul> <li>✓ 3.</li> <li>— 4.</li> <li>— 5.</li> <li>— 6.</li> </ul>	. Testify at trial / examination /	hearing. copying of the following bring with you the item	s listed	in line 3 above.	attached	4(2), 600.6116, or 600.6119.)
<ul> <li>✓ 3.</li> <li>— 4.</li> <li>— 5.</li> <li>— 6.</li> </ul>	<ul> <li>Testify at trial / examination /</li> <li>Produce/permit inspection or</li> <li>Testify as to your assets, and</li> <li>Testify at deposition.</li> <li>Abide by the attached prohibition.</li> <li>Other:</li></ul>	hearing. copying of the following bring with you the item tion against transferring	s listed	in line 3 above. posing of property	attached	4(2), 600.6116, or 600.6119.)
✓ 3. — 4. — 5. — 6. — 7.	<ul> <li>Testify at trial / examination /</li> <li>Produce/permit inspection or</li> <li>Testify as to your assets, and</li> <li>Testify at deposition.</li> <li>Abide by the attached prohibition.</li> <li>Other:</li> <li>Person requesting subpoena MATTHEW S. DePERNO (P5 Address</li> </ul>	hearing. copying of the following bring with you the item tion against transferring 2622)	s listed	in line 3 above. posing of property	attached	4(2), 600.6116, or 600.6119.)
✓ 3. — 4. — 5. — 6. — 7.	<ul> <li>Testify at trial / examination /</li> <li>Produce/permit inspection or</li> <li>Testify as to your assets, and</li> <li>Testify at deposition.</li> <li>Abide by the attached prohibition.</li> <li>Other:</li> <li>Person requesting subpoena MATTHEW S. DePERNO (P5 Address 951 W. MILHAM AVENUE, I City</li> </ul>	hearing. copying of the following bring with you the items tion against transferring 2622) PO BOX 1595 State	s listed	in line 3 above. posing of property 0. 0064 Zip	attached	4(2), 600.6116, or 600.6119.)
<ul> <li>✓ 3.</li> <li>–</li> <li>4.</li> <li>5.</li> <li>6.</li> <li>7.</li> <li>✓ 8</li> <li>NOTI must form</li> </ul>	<ul> <li>Testify at trial / examination /</li> <li>Produce/permit inspection or</li> <li>Testify as to your assets, and</li> <li>Testify at deposition.</li> <li>Abide by the attached prohibition.</li> <li>Other:</li> <li>Person requesting subpoena MATTHEW S. DePERNO (P5 Address 951 W. MILHAM AVENUE, I</li> </ul>	hearing. copying of the following bring with you the items tion against transferring 2622) PO BOX 1595 State MI n under MCL 600.6110, or an examination, the affidavit of d sets can also be discovered	s listed or disp phone no ) 321-5 injunctic ebtor exi through	in line 3 above. bosing of property 	. (MCL 600.610-	4(2), 600.6116, or 600.6119.)
✓ 3. 4. 5. 6. 7. ✓ 8. NOTI must form an af FAII	. Testify at trial / examination / . Produce/permit inspection or . Testify as to your assets, and . Testify at deposition Abide by the attached prohibi . Other: . Person requesting subpoena MATTHEW S. DePERNO (P5 Address 951 W. MILHAM AVENUE, 1 City PORTAGE E: If requesting a debtor's examination be issued by a judge. For a debtor of an addrese must also be completed. Debtor's as	hearing. copying of the following bring with you the items tion against transferring 2622) PO BOX 1595 State MI n under MCL 600.6110, or an examination, the affidavit of d isets can also be discovered nce of this subpoend by a in NDS OF THE SUBPOON	s listed or disp phone no 0) 321-5 injunctic ebtor exit through dge.	in line 3 above. bosing of property 5. 6064 Zip 49081 on under item 6. this s amination on the othe MCR 2.305 without th <b>OAPPEARATTH</b>	. (MCL 600.610- ubpoena er side of this he need for <b>HE STATED</b>	4(2), 600.6116, or 600.6119.)

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

- 1. all election tapes from the November 3, 2020, election;
- 2. all paper ballots for the November 3, 2020 election;
- 3. all system logs for the November 3, 2020 election;
- 4. the tally server and/or election management server used in the November 3, 2020 election;
- 5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
- 6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
- 7. all canvasser paperwork and notes used in the November 3, 2020 election.

#### **Data Retention**

### 52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

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Case No. 20-9238-CZ

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Defendant,

### SECRETARY OF STATE JOCELYN BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Julia Drost, Charlevoix County Clerk, 203 Antrim St., Charlevoix, MI 49720

Service was by certified mail, 7020 1810 0002 2845 9023, as indicated in the attached USPS records

Dated: March 15, 2021

/s/ Matthew S. DePerno Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9023**.

Item Details	
Status:	Delivered
Status Date / Time:	March 15, 2021, 10:13 am
Location:	CHARLEVOIX, MI 49720
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
Signature of Designatu	Tur Avich Terry Amick
Signature of Recipient:	Terry Amick
Address of Recipient:	201 State ST

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Approved, SCAO					1st copy - Witness 2nd copy - File 3rd copy - Extra
STATE OF MICHIGAN					CASE NO.
I3th JUDICIAL CIRCUIT COUNTY PROBATE	SUE Order to Appe	BPOEN		2020-9	9238-CZ
					Court telephone
Court address 205 E. CAYUGA ST., BE	ELLAIRE, MI 49615			(	(231) 533-6353
Police Report No. (if applicable):		-	Defendant(s)/Resp	ondent(s)	
Plaintiff(s)/Petitioner(s)           People of the State of Michigan           ✓         WILLIAM BAILEY		- -	ANTRIM COUN Suite 221, Trave	NTY, c/o Haid rse City, MI 4 CRETARY O	F STATE, c/o Erik A. Grill, PC
Civil	Criminal		Charge		
Probate In the matter of					
In the Name of the People of the Stat JULIA DROST, CHARLEVOIX COUN If you require special accommodation YOUARE ORDERED TO:	NTY CLERK, 203 ANT				diately to make arrangements.
1. Appear personally at the time an	nd place stated below:	: You ma	y be required to app	ear from time to	time and day to day until excused.
			*******		n St., Charlevoix, MI 49720
	nte			Time	
2. Testify at trial / examination / he		items: .	See EXHIBIT A,	9:00 AM	
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> </ul>	earing. opying of the following				
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> </ul>	earing. opying of the following ring with you the items	s listed	in line 3 above.	attached	
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> </ul>	earing. opying of the following ring with you the items	s listed	in line 3 above.	attached	
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> <li>7. Other:</li></ul>	earing. opying of the following ring with you the items on against transferring	s listed	in line 3 above. osing of property	attached	14(2), 600.6116, or 600.6119.)
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> </ul>	earing. opying of the following ring with you the items on against transferring	s listed	in line 3 above. osing of property	attached	94(2), 600.6116, or 600.6119.)
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> <li>7. Other:</li> <li>8 Person requesting subpoena</li> </ul>	earing. opying of the following ring with you the items on against transferring 522)	s listed 9 or disp phone no	in line 3 above. osing of property	attached	14(2), 600.6116, or 600.6119.)
<ul> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> <li>7. Other:</li> <li>8. Person requesting subpoena MATTHEW S. DePERNO (P520)</li> </ul>	earing. opying of the following ring with you the items on against transferring 522)	s listed 9 or disp phone no	in line 3 above. osing of property	attached	14(2), 600.6116, or 600.6119.)
<ul> <li>2. Testify at trial / examination / he</li> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> <li>7. Other:</li> <li>7. Other:</li> <li>8. Person requesting subpoena MATTHEW S. DePERNO (P520 Address 951 W. MILHAM AVENUE, PC City PORTAGE</li> <li>NOTE: If requesting a debtor's examination u must be issued by a judge. For a debtor exa form must also be completed. Debtor's asse an affidavit of debtor examination or issuance</li> </ul>	earing. opying of the following ring with you the items on against transferring 522) Telep 522) Telep 522) Telep 522 DBOX 1595 State MI under MCL 600.6110, or an amination, the affidavit of d ets can also be discovered e of this subpoena by a ju	s listed g or disp phone no 9) 321-5	in line 3 above. osing of property 064 Zip 49081 n under item 6. this amination on the oth MCR 2.305 without	attached /. (MCL 600.610 subpoena er side of this the need for	4(2), 600.6116, or 600.6119.)
<ul> <li>2. Testify at trial / examination / he</li> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> <li>7. Other:</li> <li>8. Person requesting subpoena MATTHEW S. DePERNO (P526 Address 951 W. MILHAM AVENUE, PC City PORTAGE</li> <li>NOTE: If requesting a debtor's examination u must be issued by a judge. For a debtor exa form must also be completed. Debtor's asset</li> </ul>	earing. opying of the following ring with you the items on against transferring 522) Telep 522) Telep 522) Telep 522 DBOX 1595 State MI under MCL 600.6110, or an amination, the affidavit of d ats can also be discovered e of this subpoena by a ju DS OFTHESUBPOEN	s listed g or disp phone no 9) 321-5 h injunctio lebtor exa through idge.	in line 3 above. osing of property 064 Zip 49081 n under item 6. this amination on the oth MCR 2.305 without <b>OAPPEARATT</b>	attached /. (MCL 600.610 	4(2), 600.6116, or 600.6119.)
<ul> <li>2. Testify at trial / examination / he</li> <li>2. Testify at trial / examination / he</li> <li>3. Produce/permit inspection or co</li> <li>4. Testify as to your assets, and b</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> <li>7. Other:</li> <li>7. Other:</li> <li>8. Person requesting subpoena MATTHEW S. DePERNO (P520) Address</li> <li>951 W. MILHAM AVENUE, PO City PORTAGE</li> <li>NOTE: If requesting a debtor's examination u must be issued by a judge. For a debtor exa form must also be completed. Debtor's asse an affidavit of debtor examination or issuance</li> </ul>	earing. popying of the following ring with you the items on against transferring 522) DBOX 1595 State MI Inder MCL 600.6110, or an amination, the affidavit of d ets can also be discovered e of this subpoena by a ju DSOFTHESUBPOEN FOUTOPENALTY FC	s listed g or disp phone no 9) 321-5 h injunctio lebtor exa through idge.	in line 3 above. osing of property 064 Zip 49081 n under item 6. this amination on the oth MCR 2.305 without <b>OAPPEARATT</b>	attached /. (MCL 600.610 	4(2), 600.6116, or 600.6119.)

Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

- 1. all election tapes from the November 3, 2020, election;
- 2. all paper ballots for the November 3, 2020 election;
- 3. all system logs for the November 3, 2020 election;
- 4. the tally server and/or election management server used in the November 3, 2020 election;
- 5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
- 6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
- 7. all canvasser paperwork and notes used in the November 3, 2020 election.

#### **Data Retention**

### 52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

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Plaintiff

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HON. KEVIN A. ELSENHEIMER

Defendant,

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Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Bonnie Scheele, Grand Traverse County Clerk, Grand Traverse County Gov't Bldg, 400 Boardman Ave., Traverse City, MI 48843

Service was by certified mail, 7020 1810 0002 2845 9085, as indicated in the attached USPS records

Dated: March 15, 2021

/s/ Matthew S. DePerno Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9085**.

Item Details	
Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	March 15, 2021, 11:31 am
Location:	TRAVERSE CITY, MI 49684
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
Signature of Recipient:	L. ETHERY Do. p. 5404 C-19 46 BOARDMAN AVE
Address of Recipient:	46. BOARDMAN AVE

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Approved, SCAO					Original - Return 1st copy - Witness 2nd copy - File 3rd copy - Extra
STATE OF MICHIGAN JUDICIAL DISTRIC 13th JUDICIAL CIRCU COUNTY PROBA	T Order to A	SUBPOEN	A /or Produce	CA 2020-9238-C2	SE NO.
Court address 205 E. CAYUGA ST.	BELLAIRE, MI 4961:	5		1	Court telephone no
Police Report No. (if applicable):	,,, ,,, ,,,,,, ,,,			(231) 53	3-6353
Plaintiff(s)/Petitioner(s) People of the State of Michig WILLIAM BAILEY	gan	v	Suite 221, Travers MICHIGAN SECI Box 30736, Lansir	'Y, c/o Haider Kazin e City, MI 49684 RETARY OF STAT	m, 310 West Front Street, E, c/o Erik A. Grill, PO
Civil	Criminal		Charge		
Probate In the matter of					
BONNIE SCHEELE, Grand Travers If you require special accommoda YOUAREORDEREDTO:	tions to use the court beca	ause of disab	ilities, please contact th	ne court immediately to	o make arrangements.
1. Appear personally at the time					
The court address above	✓ Other: 400 Board	of the Gran man Ave., T	d Traverse County ( Traverse City, MI 48)	Clerk, Grand Travers 843	se County Gov't Bldg,
Day	Date			Time	
WEDNESDAY	MARCH 31, 2021			9:00 AM	
<ul> <li>4. Testify as to your assets, an</li> <li>5. Testify at deposition.</li> <li>6. Abide by the attached prohibition</li> </ul>				(MCL 600.6104(2), 600	).6116, or 600.6119.)
7. Other:					
✓ 8. Person requesting subpoena MATTHEW S. DePERNO (P		Telephone no (269) 321-5		,	MICHIGAN SEL
Address 951 W. MILHAM AVENUE,	PO BOX 1595			THE	TUSTITIAW RE
City PORTAGE	State MI		Zip 49081	OL	
<b>NOTE:</b> If requesting a debtor's examination must be issued by a judge. For a debtor form must also be completed. Debtor's a an affidavit of debtor examination or issue	examination, the affidavit assets can also be discove ance of this subpoena by	of debtor exa ered through a judge.	amination on the other MCR 2.305 without the	bpoena side of this e need for	LANSING .
FAILURE TO OBEY THE COMMA TIME AND PLACE MAY SUBJEC	TYOU TO PENALTY	FORCON	ITEMPT OF COUR	ESTATED	
MARCH 11, 2021 Date Judge/	Clerk/Attorney			P52622 S Bar no.	court use only erved Not served
MC 11 (3/15) SUBPOENA, Order	to Appear and or Pi	roduce	MCL 6	00.1455, 600.1701, 60	0.6110, 600.6119, MCR 2.50

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#### **PROOF OF SERVICE**

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Elizabeth Hundley, Livingston County Clerk, 200 E. Grand River Rd #1, Howell, MI 48843

Service was by certified mail, 7020 1810 0002 2845 9078, as indicated in the attached USPS records

Dated: March 15, 2021

/s/ Matthew S. DePerno Matthew S. DePerno



March 15, 2021

#### Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9078**.

Item Details	
Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	March 15, 2021, 11:03 am
Location:	HOWELL, MI 48843
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
	TW CI9
Signature of Recipient:	TW C14
Address of Recipient:	200 E Drand Rum

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

5	STATE OF MICHIGAN		SUBPOEN	•		CASE NO.	
13th	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	Order to A		/or Produce	2020-9	9238-CZ	
Court ac	ddress 205 E. CAYUGA ST., H	BELLAIRE, MI 496	15				telephone
	Report No. (if applicable):				(	(231) 533-6353	
Plaintiff(s	s)/Petitioner(s)			Defendant(s)/Resp			-
	People of the State of Michiga VILLIAM BAILEY	an	V	Suite 221, Trave	erse City, MI 4 CRETARY O	F STATE, c/o Erik A	
C	ivil	Criminal		Charge	ising, 141 4070.	,	
P	robate In the matter of						
1	leves of the Decele of the Ot	ate of Michigan T	0.				
	Name of the People of the Sta			CDAND DIVED		TT MI 40042	
	BETH HUNDLEY, LIVINGS						
	f you require special accommodation	ons to use the court be	cause of disab	pilities, please contac	ct the court imme	ediately to make arrange	ements.
YOUA	REORDERED TO:						
1. A	oppear personally at the time	and place stated be	elow: You ma	ay be required to app	bear from time to	time and day to day unt	il excused
		The Offic	e of the Livi	ngston County Cle	erk, 200 E. Gra	nd River Rd #1, How	vell, MI
	The court address above	✓ Other: 48843					
D	pay [	Date			Time	[	
D. TUESD	pay [	Date MARCH 30, 2021 nearing.	ving items:	See EXHIBIT A,	9:00 AM	[	
D. TUESD	DAY	Date MARCH 30, 2021 nearing.	ving items:	See EXHIBIT A,	9:00 AM	[	
D. TUESD	DAY	Date MARCH 30, 2021 nearing.	ving items:	See EXHIBIT A,	9:00 AM	[	
D. TUESE □ 2. T ☑ 3. P	Pay DAY Festify at trial / examination / h Produce/permit inspection or o	Date MARCH 30, 2021 nearing. copying of the follow			9:00 AM		
D. TUESE □ 2. T ☑ 3. P	DAY	Date MARCH 30, 2021 nearing. copying of the follow			9:00 AM	[	
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D. TUESE 2. T ✓ 3. P – – – – – – – – – – – – – – – – – – –	Pay DAY Testify at trial / examination / h Produce/permit inspection or o Testify as to your assets, and Testify at deposition.	Date MARCH 30, 2021 nearing. copying of the follow bring with you the	items listed	in line 3 above.	9:00 AM		6119.)
D. TUESC 2. T ✓ 3. P – – – – – – – – – – – – – – – – – – –	Pay DAY Testify at trial / examination / H Produce/permit inspection or of Testify as to your assets, and Testify at deposition.	Date MARCH 30, 2021 nearing. copying of the follow bring with you the	items listed	in line 3 above.	9:00 AM	94(2), 600.6116, or 600.	
D. TUESE 2. T ✓ 3. P – – – – – – – – – – – – – – – – – – –	Pay DAY Testify at trial / examination / H Produce/permit inspection or of Testify as to your assets, and Testify at deposition.	Date MARCH 30, 2021 nearing. copying of the follow bring with you the	items listed	in line 3 above.	9:00 AM	94(2), 600.6116, or 600.	
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D. TUESC 2. T 2. T 3. P 4. T 5. T 6. A 7. C 8. 1 2 4. T	Pay DAY [1] Testify at trial / examination / h Produce/permit inspection or of Testify as to your assets, and Testify at deposition. Abide by the attached prohibit Other: Person requesting subpoena MATTHEW S. DePERNO (P5: Address 951 W. MILHAM AVENUE, F City	Date MARCH 30, 2021 nearing. copying of the follow bring with you the tion against transfe	items listed rring or disp	in line 3 above. posing of propert	9:00 AM	94(2), 600.6116, or 600.	
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Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

- 1. all election tapes from the November 3, 2020, election;
- 2. all paper ballots for the November 3, 2020 election;
- 3. all system logs for the November 3, 2020 election;
- 4. the tally server and/or election management server used in the November 3, 2020 election;
- 5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
- 6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
- 7. all canvasser paperwork and notes used in the November 3, 2020 election.

#### **Data Retention**

### 52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

#### WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

### SECRETARY OF STATE JOCELYN BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Anthony G. Forlini, Macomb County Clerk, 120 N. Main St., Mt. Clemens, MI 48043

Service was by certified mail, 7020 1810 0002 2845 9054, as indicated in the attached USPS records

Dated: March 15, 2021

/s/ Matthew S. DePerno Matthew S. DePerno



March 15, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9054**.

Item Details	
Status:	Delivered, Left with Individual
Status Date / Time:	March 15, 2021, 9:07 am
Location:	MOUNT CLEMENS, MI 48043
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
	$(0 \sqrt{10})$
Signature of Recipient:	Hoble Nor m
Address of Resistants	ING M
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

S						2nd copy - File 3rd copy - Extra
0	TATE OF MICHIGAN	1				CASE NO.
3th	JUDICIAL DISTRIC JUDICIAL CIRCUIT COUNTY PROBATI	Order to A	SUBPOEN	IA I/or Produce	2020-9	0238-CZ
Court ad	dress 205 E. CAYUGA ST.,		5			Court telephone
	eport No. (if applicable):				(	231) 533-6353
	)/Petitioner(s)			Defendant(s)/Respo	. ,	
	eople of the State of Michig /ILLIAM BAILEY	an	V	Suite 221, Traver	cretary OI	F STATE, c/o Erik A. Grill, PC
Ci	vil	Criminal		Charge		
Pr	obate In the matter of					
lf	DNY G. FORLINI, MACOMI you require special accommodati REORDEREDTO:					
1. A	opear personally at the time	and place stated be	low: You ma	ay be required to appe	ear from time to	time and day to day until excused.
	The court address above					St., Mt. Clemens, MI 48043
Da		Date MARCH 26, 2021			Time 9:00 AM	
	estify at trial / examination /	1				
	roduce/permit inspection or		ing items:	See EXHIBIT A, a	attached	
☑ 3. Pr	roduce/permit inspection or	copying of the follow			uttached	
☑ 3. Pr		copying of the follow			uttached	
✓ 3. Pr	roduce/permit inspection or	copying of the follow			uttached	
<ul> <li>✓ 3. Pr</li> <li>✓ 4. Te</li> <li>✓ 5. Te</li> </ul>	roduce/permit inspection or estify as to your assets, and	copying of the follow	ems listed	in line 3 above.		4(2), 600.6116, or 600.6119.)
✓ 3. Pr	roduce/permit inspection or estify as to your assets, and estify at deposition. bide by the attached prohibi	copying of the follow	ems listed	in line 3 above.		
<ul> <li>✓ 3. Pr</li> <li>✓ 4. Te</li> <li>✓ 5. Te</li> <li>✓ 6. At</li> <li>✓ 7. Of</li> </ul>	roduce/permit inspection or estify as to your assets, and estify at deposition. bide by the attached prohibi	copying of the follow	ems listed	in line 3 above.		
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Plaintiff, William Bailey, by and through his attorneys and expert witnesses shall conduct a forensic review the following information and documentation at the Clerk's Office on the date identified on the front page of the subpoena:

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- 2. all paper ballots for the November 3, 2020 election;
- 3. all system logs for the November 3, 2020 election;
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- 5. all election media, including but not limited to, all compact flash cards and poll books and USB drives used in the November 3, 2020 election;
- 6. all election reports and tallies, .pdf files, and spreadsheets used in the November 3, 2020 election;
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#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

#### WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

### SECRETARY OF STATE JOCELYN BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 15, 2021, I served a copy of the following Subpoena with attached exhibit:

Cathy M. Garrett, Wayne County Clerk, Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, MI 48226

Service was by certified mail, 7020 1810 0002 2845 9030, as indicated in the attached USPS records



March 15, 2021

#### Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9030**.

Item Details	
Status:	Delivered, Left with Individual
Status Date / Time:	March 15, 2021, 1:26 pm
Location:	DETROIT, MI 48226
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
Signature of Recipient:	PW 2620 C19 L. Pulliam
Address of Recipient:	R Woodward F Zol

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Appr	oved, SCAO					2rd conv Ext	3
	STATE OF MICHIGAN					3rd copý - Ext CASE NO.	a
l3th	JUDICIAL DISTRICT	SUB Order to Appea	POEN/		2020-	9238-CZ	
	COUNTY PROBATE						
Court	address 205 E. CAYUGA ST., B	ELLAIRE, MI 49615				Court telep (231) 533-6353	hone
	Report No. (if applicable):		1			()	
	ff(s)/Petitioner(s) People of the State of Michigan WILLIAM BAILEY	1	v	Suite 221, Traver	TY, c/o Haid se City, MI 4 CRETARY O	F STATE, c/o Erik A. Gr	
	Civil	Criminal		Charge			
Press of the second	Probate In the matter of						
YOU	HY M. GARRETT, WAYNE COU If you require special accommodation AREORDEREDTO:	ns to use the court because	of disabi	ilities, please contact	the court imme	ediately to make arrangemen	ts.
L1.	Appear personally at the time a	-					
	The court address above	The Office of the Other: Woodward Ave	e Wayı ., Detro	ne County Clerk, C oit, MI 48226	oleman A. Y	oung Municipal Center, 2	
2.			ems: _	See EXHIBIT A, a	Time 9:00 AM ttached	1	
2.	RSDAY N Testify at trial / examination / h	1ARCH 25, 2021 earing.	ems: _	See EXHIBIT A, a	9:00 AM	1	
☑ 2. ☑ 3.	RSDAY N Testify at trial / examination / h	1ARCH 25, 2021 earing. opying of the following it			9:00 AM	1	
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- 7. all canvasser paperwork and notes used in the November 3, 2020 election.

#### **Data Retention**

### 52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

#### WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

### SECRETARY OF STATE JOCELYN BENSON

Intervenor-Defendant,

Matthew S. DePerno (P52622) DEPERNO LAW OFFICE, PLLC Attorney for Plaintiff 951 W. Milham Avenue PO Box 1595 Portage, MI 49081 (269) 321-5064 Haider A. Kazim (P66146) CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC Attorney for Defendant 319 West Front Street Suite 221 Traverse City, MI 49684 (231) 922-1888

Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 16, 2021, I served a copy of the following Subpoena with attached exhibit:

Lisa Posthumus Lyons, Kent County Clerk, 300 Monroe Avenue, NW, Grand Rapids, MI 49503

Service was by certified mail, 7020 1810 0002 2845 9047, as indicated in the attached USPS records



March 16, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9047**.

Item Details					
Status:	Delivered, Individual Picked Up at Postal Facility				
Status Date / Time:	March 15, 2021, 6:53 am				
Location:	GRAND RAPIDS, MI 49503				
Postal Product:	First-Class Mail <sup>®</sup>				
Extra Services:	Certified Mail™				
	Return Receipt Electronic				
Shipment Details					
Weight:	1.0oz				
Recipient Signature					
Signature of Recipient:	the Katha				
Address of Recipient:	SIN MUARINE (1411)				

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Approved	d, SCAO					30		
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3th	JUDICIAL DISTRICT		SUBPOENA to Appear and/or Produce		2020-	9238-CZ		
ourt add	dress 205 E. CAYUGA ST.,		LAIDE ML40615			Court telephone		
		DELLAIKE, MI 49013			(	(231) 533-6353	3	
	port No. (if applicable): //Petitioner(s)			Defendant(s)/Res	pondent(s)			
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#### **Data Retention**

### 52 U.S. Code § 20701 - Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

#### IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM

#### WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

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ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant,

### SECRETARY OF STATE JOCELYN BENSON

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Heather S. Meingast (P55439) Erik A. Grill (P64713) Assistant Attorneys General Attorneys for Proposed Intervenor-Defendant Benson PO Box 30736 Lansing, MI 48909 (517) 335-7659

#### **PROOF OF SERVICE**

On March 16, 2021, I served a copy of the following Subpoena with attached exhibit:

Lisa Brown, Oakland County Clerk, Oakland County Courthouse, 1200 Telegraph Rd., Building #12E, Pontiac, MI 48341

Service was by certified mail, 7020 1810 0002 2845 9061, as indicated in the attached USPS records



March 16, 2021

Dear Matt DePerno:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 1810 0002 2845 9061**.

Item Details	
Status:	Delivered, PO Box
Status Date / Time:	March 16, 2021, 6:25 am
Location:	PONTIAC, MI 48343
Postal Product:	First-Class Mail <sup>®</sup>
Extra Services:	Certified Mail™
	Return Receipt Electronic
Shipment Details	
Weight:	1.0oz
Recipient Signature	
Signature of Recipient:	X Mais Arithd Kano Jim M. Jdletar
Address of Recipient:	Xiny 200 Telegraph

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service<sup>®</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> or a Postal representative at 1-800-222-1811.

Approved, SC							
STAT	TE OF MICHIGAN					CASE NO.	
JUDICIAL DISTRI JUDICIAL CIRCU COUNTY PROBA		Order to Appear and/or Produce			2020-	2020-9238-CZ	
court address	ess 205 E. CAYUGA ST., BELLAIRE, MI 49615			Court telephone (231) 533-6353			
olice Report	t No. (if applicable):					(231) 333-0333	
Peopl	<pre>http://Petitioner(s) People of the State of Michigan WILLIAM BAILEY</pre>		v	Suite 221, Trave	NTY, c/o Haid rse City, MI 4 CRETARY O	F STATE, c/o Erik A. Grill, PC	
Civil		Criminal		Charge			
Proba	te In the matter of						
If you	require special accommodat	ions to use the court bec	ause of disab	bilities, please contac	t the court imme	uilding #12E, Pontiac, MI 4834 ediately to make arrangements.	
1. Appea	ar personally at the time	and place stated be	low: You ma	ay be required to app	ear from time to	time and day to day until excused.	
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# Exhibit 2

**SOS Press Release** 

#### The Office of Secretary of State Jocelyn Benson SOS

# More than 250 audits confirm accuracy and integrity of Michigan's election

MARCH 2, 2021

#### Audit finds workers counted ballots accurately, state Legislature needs to allow more time for pre-processing, canvass



Secretary of State Jocelyn Benson today announced that all of the state's more than **250 election audits are complete**, and every one of them confirmed the integrity and accuracy of the 2020 general election. The audit process drew tremendous support and complete transparency from county, city and township clerks. In all, more than 1,300 Republican, Democrat and nonpartisan clerks, as well as the state Bureau of Elections, participated in at least one audit.

"Over the last several months, the state Bureau of Elections has worked with local clerks to conduct more audits than ever before in our state's history, and each has reaffirmed the accuracy, security and integrity of the November 2020 election," said Benson. "We've responded to every question and claim and the evidence is clear. It is time for leaders across the political spectrum to tell their constituents the truth, that our election was the most secure in history, and the results accurately reflect the will of Michigan's voters."

In addition to the hundreds of audits of local election precincts – the majority of which were conducted by county clerks of both parties – officials also audited every ballot cast for president in Antrim County and **found that the Dominion machines used there accurately counted ballots** throughout the county. Officials also conducted a statewide audit exercise, by hand-counting votes cast for president on more than 18,000 ballots randomly selected across the state, which affirmed the outcome of the presidential election as previously determined by tabulation machines.

An audit of Detroit's absentee ballot counting board, which has been attacked repeatedly with lies, baseless conspiracy theories and the misleading claims of people lacking knowledge of election procedure, found that while clerical errors had occurred, election workers supervised by the clerk's office properly counted 174,000 valid ballots that corresponded to signed envelopes that were submitted by registered voters and reviewed by the clerk's office. Further, auditors found that 83 percent of the counting boards were balanced or explained, up from 27 percent at the close of the county canvass. This means that in each of those boards the number of ballots matched the number of names in the poll book, or that the imbalance could be explained in such a way that the counting board would be recountable. Auditors also found that the net number of ballots out of balance for the entire board was just 17 out of the 174,000 absentee ballots counted in Detroit.

Auditors made similar findings in audits of other cities' absentee ballot counting boards, including:

- In Grand Rapids, 87 percent were balanced or explained, compared to 62 percent at the end of the canvass. The final net number of ballots out of balance was eight.
- In Livonia, 77 percent were balanced or explained, compared to 34 percent at the end of the canvass. The final net number of ballots out of balance was one.
- In Sterling Heights, 71 percent were balanced or explained, compared to 58 percent at the end of the canvass. The final net number of ballots out of balance was four.

Further, the Sterling Heights audit was the first absentee ballot counting board ever audited in the state. Valuable lessons were learned throughout the counting board audit process, and it is expected that auditors would have balanced or explained more boards at Sterling Heights if that audit was conducted later in the process. The Bureau of Elections is drafting a final report on audit findings, which will be made available publicly.

Out-of-balance precincts are common across the state and nation, and essentially represent clerical errors where an election official failed to note that a voter at the polls checked in and then left with their ballot in hand, or a couple mailed their two absentee ballots in one envelope. Such errors are often corrected or explained in the county canvass, but time constraints make that more difficult, especially in high-population jurisdictions. This was demonstrated by all four audits of absentee voter counting boards, where auditors were able to balance or explain numerous boards that cities were not able to resolve in the short window of time available after closing of the counting boards, and which county canvassers could not reconcile in the less than two weeks available for the county canvass.

"If state lawmakers truly want to affirm faith in our elections, they will provide more time to election officials to process absentee ballots before Election Day, and canvass them afterwards, just as I've proposed in my legislative agenda to advance the vote and protect democracy," said Benson. "Had they done this prior to November, after clerks and I asked them to for more than a year, they could have pre-emptively debunked many of the lies that have since attacked our democracy."

Secretary Benson announced her legislative agenda for elections – **Advancing the Vote**, **Protecting Democracy** – last month. In addition to calling for two weeks for election officials to process ballots before Election Day, and an additional week to canvass afterwards, she proposed changing the law that prevents precincts that are out of balance without explanation from being recounted. Michigan is one of the only states in the country with such a restriction in place.

> # # # For media questions, contact Aneta Kiersnowski at 517-342-4592.

We welcome questions and comments at the **Contact the Secretary of State page**.

Customers may call the Department of State Information Center to speak to a customer-service representative at 888-SOS-MICH (767-6424).

SOS Home FAQ Online Services Forms Contact the Secretary of State FOIA MICHIGAN.GOV HOME ADA MICHIGAN NEWS POLICIES

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## Exhibit 3

Douglas G. Frank, PhD, resume

Douglas G Frank, PhD 7444 Misty Woods Ct Morrow, OH 45152

Dr Frank has approximately sixty peer-reviewed scientific publications, including feature and cover articles in the leading scientific journals in the world (e.g. *Science, Nature, Naturwissenschaften*). During his graduate and postdoctoral work he discovered and developed a new type of microscopy capable of producing three-dimensional images of molecules resting on metal surfaces. This gave him international credibility in the area of Low Energy Electron Diffraction (LEED) and Auger electron spectroscopy and microscopy, and his work is prominently featured in college textbooks and handbooks on the subjects.

Dr Frank left university academics in 1996, and began consulting, developing and manufacturing surface analytical devices for national defense (DARPA) and various industries, especially the cleaning products industry and bowling ball manufacturers, where his custom electronics, software, inventions and products continue to be widely used as industrial standards. Much of his work is protected by non-disclosure agreements.

During the 1990's, Dr Frank helped to establish The Schilling School for Gifted Children in Cincinnati, Ohio. Schilling is a K-12 school for extraordinarily gifted youngsters, and Dr Frank continues to teach a couple of their most advanced math and science classes each year, and continues to serve as the Math & Science Department Chair.

1990	PhD	Surface Electroanalytical Chemistry, Univ of Cincinnati
1986		University of California, Santa Barbara. Completed all requirements for PhD before relocation to Univ. of Cincinnati as part of the Ohio Eminent Scholar program.
1983	BA	Chemistry, Westmont College, Santa Barbara CA