



PHONE: (517) 373-1784
FAX: (517) 373-8957
MattHall@house.mi.gov
www.RepMattHall.com

MICHIGAN HOUSE OF REPRESENTATIVES

MATT HALL
HOUSE REPUBLICAN LEADER

42ND DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

August 23, 2024

Jonathan Brater, Director
Bureau of Elections, Michigan Department of State
P.O. Box 20126
Lansing, MI 48901

Director Brater,

The people of Michigan deserve elections that are free, fair, secure, and law-abiding, so I'm writing to express my serious concerns about the administrative rules (2024-18 ST) your department recently submitted to the Joint Committee on Administration Rules for election recount procedures. The pending rules *contradict current law*, yet the secretary of state wants to implement these illegal rules immediately,¹ putting a heavy thumb on the scale ahead of the November election. The proposed rules attempt a blatant end-run around recount laws that promote election integrity and protect against fraud.

The purpose of a recount is to guarantee accurate election results, but the proposed rules would make it harder to challenge fraud. They would illegally block legitimate efforts to correct inaccuracies and safeguard the integrity of our elections. Under current law, candidates may ask for a recount in case of fraud. However, the proposed rules would require boards of canvassers to deny any recount petition that doesn't meet the very narrow criteria in the rules, which do not include fraud as a valid reason for a recount. The current statute also requires boards of canvassers to investigate facts alleged in a recount petition, but the proposed rules would eliminate canvassers' investigative duty by explicitly restricting the recount process to a mere determination of vote tallies.

These glaring contradictions between the proposed ruleset and current law open cracks in our election system for bad actors to exploit. The secretary of state and Bureau of Elections are tasked with administering our election laws and overseeing local clerks who run our elections. Instead of faithfully enforcing the law and giving accurate guidance to election officials, you are attempting to fast-track supposedly binding regulations that fly in the face of our election laws.

This flagrantly illegal rulemaking is hardly a first. Secretary Benson has a history of violating the law to meddle with our elections. She has attempted multiple times to instruct clerks to dispense with meticulous signature matching and unlawfully presume signatures on absentee ballots are valid.² She has tried to limit the important work of poll challengers without even going through the rulemaking process — clearly violating the Administrative Procedures Act.³ Courts have repeatedly struck down these lawless maneuvers.

Now, with her move to expedite recount rules that violate the law, the secretary of state seems to be keeping open the option of influencing the election at the last minute. That's not how this is supposed to work. Election laws should be clear and consistent for everyone to understand, and for campaigns and election officials to follow. Your actions do nothing but create confusion and conflicting interpretations just days before early voting begins. I urge you to rescind the proposed rules immediately, because they do not comply with law.

Sincerely,

A handwritten signature in blue ink that reads "Matt Hall".

Matt Hall
House Republican Leader

¹ <https://legislature.mi.gov/publications/jcar/JCAR%20Files/Rules%20before%20JCAR/24-32%20Conduct%20of%20Election%20Recounts/JCAR%20waiver%20request.docx>

² <https://www.bridgemi.com/michigan-government/michigan-judge-strikes-down-benson-voter-signature-match-guidance-again>

³ <https://www.bridgemi.com/michigan-government/jocelyn-benson-loses-court-third-time-over-her-voting-rules>