

Defend Democracy Project

NEW REPORT

The Three Greatest Threats to Democracy in Michigan

October 2022

Defend Democracy Project

The Three Greatest Threats to Democracy in Michigan

Democracy in Michigan is under attack by Donald Trump and his allies. This report describes the most dangerous of many ongoing efforts. We surveyed grassroots organizers, legal analysts, and academic experts to identify the key risks.

Our analysis found three primary threats that are intertwined –

- Election deniers are working at every level to disrupt the electoral process, starting with training rogue poll workers and encouraging MAGA constituents to threaten state and local election officials with harassment.*
- Further, these ideologues are pushing a slate of bills, lawsuits, and initiatives predicated on baseless election conspiracy theories, aiming to constrict ballot access.*
- Finally, the MAGA movement is conducting an extensive effort to dismantle Michigan's voting systems ahead of the midterm elections.*

These threats are designed to overturn the will of American voters, and take away our most basic right to choose our own leaders. Trump and MAGA Republicans in Michigan are actively working to derail election administration, obstruct ballot access, and dismantle the voting system in order to consolidate power over elections for decades to come.

Election Deniers Are Attempting To Derail Michigan's Election Administration

Local Michigan Election Officials Are Facing Harassment And Threats Of Violence.

Across Michigan, elections officials are [leaving office after facing harassment](#) from MAGA constituents spreading debunked election conspiracy theories. A new survey found that almost half of Michigan local officials [report harassment and abuse](#), far higher than the national average (17%), and nearly four out of five election workers noted that the [threats have increased](#) in recent years. With the midterm elections looming, Michigan election officials have been shouted down at public meetings, harassed online, and received [violent threats](#) which have largely gone unprosecuted. Most recently, pro-Trump operatives have begun [flooding local election offices](#) with hundreds of public records requests — often seeking confidential, personally-identifiable, or otherwise sensitive data — aiming to gather intel on voting machines in an attempt to bolster widely-debunked claims of voter fraud. To make matters worse, the threats against Michigan officials are [unlikely to stop](#) in the near future, and Secretary of State

Defend Democracy Project

Jocelyn Benson has [expressed concern](#) that local election administrators are worried about violence and disruption on Election Day in November.

Election Deniers Are Running A Coordinated & Well-Funded Effort to Actively Sabotage Elections. In Michigan's largest counties, election deniers have teamed up with local political leaders to [host MAGA training sessions](#) for poll workers and partisan observers. Though Michigan law requires poll workers to attend official trainings hosted by local clerks and non-profit organizations, high-profile election deniers like Michigan GOP co-chair & false elector Meshawn Maddock are undermining the official trainings by [running their own conspiratorial "trainings"](#) simultaneously. These trainings are encouraging new recruits to ignore local election regulations and break rules to act as "undercover agents" in the midterm elections, instructing them to report alleged "bad stuff happening" during the vote count in November. The fringe conservative Election Integrity Force (EIF) has been [training partisan poll workers](#) for months, working to [exploit a Michigan law](#) requiring local clerks to make a "good-faith" effort to maintain a bipartisan balance of poll workers during Election Day. Though local clerks have been made aware of the group and are working with Secretary Benson and the Brennan Center for Justice to counteract their efforts, these election deniers pose a serious insider threat to Michigan elections this fall. Legal experts have [already flagged](#) Adams Township, Barry County, Missaukee County, and Roscommon County as places where election deniers serve as local officials or have attempted to seize voting equipment so far; with the latest training held in Detroit-based Wayne County, home to at least 1.4 million [registered voters](#), MAGA-trained poll workers & polling observers pose a severe, ongoing threat to free and fair elections.

MAGA Insiders Could Force County Election Boards To Deadlock on Certifications. Voting rights experts in Michigan have raised concerns that MAGA canvassers could deadlock county election boards on certifying election results. This threat is particularly salient in Michigan's [four most populous](#): Wayne, Oakland, Macomb, and Kent counties. Wayne County [withheld](#) certifying the 2020 election, and the county's newest GOP canvasser [declined to say](#) whether he would certify the results of the 2022 and 2024 elections. The [consequences of deadlocking would be severe](#), not only delaying the delivery of final election results that could decide a close election, but also communicating disarray to voters. The integrity of Michigan's electoral system is dependent on swiftly delivering election results that have already been counted in an efficient, timely, means-tested manner. This sort of scenario is exactly what MAGA insiders are aiming for; spreading distrust and holding election results could lead to widespread misinformation and give rise to fringe conspiracy theories about the democratic process.

"Constitutional Sheriffs" Threaten Security Of Voting Machines. Barry County Sheriff Dar Leaf is at the [center of a movement](#) of so-called "constitutional sheriffs" to insert themselves into elections and investigations of alleged voter fraud. Leaf is already [under investigation](#) by the state for suspected tabulator tampering in the wake of the 2020 presidential election, but in July

Defend Democracy Project

2022, he again [sought search warrants](#) to seize voting machines and search government offices in two townships along with the county clerk's office. Leaf failed to win local prosecutor approval for the warrants, but concern is mounting that he will try again in November. Leaf has previously employed private investigators who used "[scare tactics](#)" to attempt to intimidate clerks into providing information about the 2020 election and he [falsely contends](#) that local clerks have the "authority" to hand over voting equipment to outside groups.

Legislation Targeting Ballot Access

Election Deniers Are Pushing An Initiative That Would Impose Voting Restrictions. Election deniers in Michigan are working to approve a ballot measure petition that would severely restrict ballot access in the state. The so-called "Secure MI Vote" [petition](#) proposes [new restrictions to Michigan elections](#), mirroring suppressive legislation passed by the state legislature and vetoed by Governor Gretchen Whitmer (who [promised to veto](#) any legislation making it harder to vote). It would impose duplicative and restrictive voter ID regulations for in-person voting and discriminate against disabled voters by barring qualified caretakers to return absentee ballots. Trump's political action committee has [donated \\$150,000](#) to Secure MI Vote so far. In a [late filing](#), the initiative effort [officially submitted](#) more than 500,000 signatures to the state board for post-deadline approval. Unlike other states, Michigan law allows the state legislature to vote the measure into law and bypass a veto if the state Bureau of Elections determines sufficient signatures are valid and the Board of State Canvassers certifies the petition, raising the stakes for Michigan election policy.

Michigan Election Deniers Fought To Keep A Voting Rights Amendment Off The Ballot. While Secure MI Vote awaits a decision, MAGA Michigan officials have been working simultaneously to defeat a [separate initiative](#), Promote the Vote, that would expand access by amending the constitution to establish early voting in the state, require state-funded drop boxes in every municipality, and require prepaid postage for absentee ballot applications and ballot envelopes. Election deniers have mounted a fierce opposition to the initiative, however. The bipartisan Michigan State Board of Canvassers [deadlocked](#) on approving the measure along party lines, initially [refusing to certify](#) it before the state Supreme Court [intervened](#) and [approved Promote the Vote](#) to appear on the ballot as 'Proposal 2' in November. Opposition groups have since escalated their campaign, sending out mass text messages misinforming voters that the proposition would allow incarcerated felons to vote — a [blatant lie](#), given that Prop 2 makes no mention of felony status. With FBI-indicted former primary candidate Ryan Kelley leading a [committee opposing the initiative](#), election deniers are all-but-certain to continue their assault on the voting rights amendment as Election Day approaches.

Elected Officials Are Trying to Dismantle Michigan's Voting System

Defend Democracy Project

Election Deniers Are Working to Derail Criminal Investigations Into 2020 Voting System Breaches. In Michigan, election deniers are fighting a [criminal investigation](#) into [voting systems breaches](#) in Antrim and Wayne counties after the 2020 election. Far-right Attorney [Matt DePerno](#) and MAGA cybersecurity CEO [Doug Logan](#) are targets of the [investigation](#), and have spoken out against state officials like Attorney General Dana Nessel (who recused herself and requested a special prosecutor) for pursuing accountability. In addition to the Antrim County breach, Michigan investigators are [conducting an inquiry](#) into a missing voting machine that ended up listed on eBay for \$1,200. Punctuated by the recent [indictment of a Michigan poll worker](#) who allegedly breached an election computer during the August primary election, these security lapses have raised concerns from election security experts about the very real possibility of insider cybersecurity threats during the midterm elections.

- **Out-of-State Election Deniers Breached Voting Systems & Copied Data.** Michigan investigators are currently investigating a series of breaches revolving around Trump-aligned attorney Matt DePerno – aided by State Rep. Daire Rendon, alongside [out-of-state election deniers](#) Doug Logan (CEO of Cyber Ninjas), Ben Cotton (founder of digital forensics firm CyFIR), and Sydney Powell (who [arranged for](#) investigators from cybersecurity firm Sullivan|Strickler). The breach began with a [lawsuit filed](#) in late November 2020, in which DePerno [alleged](#) a vast conspiracy to hack election equipment made by the company Dominion Voting Systems. A judge granted DePerno's team [access to voting machines](#) for review, and the attorney brought in a group of MAGA investigators, including the aforementioned Logan and Cotton, who [dismantled the machines](#) and [copied the hard drives](#). Michigan sheriff Dar Leaf was connected to the plot as well; he [attempted to seize multiple voting machines](#) across the state after the 2020 election, not just in Antrim County. DePerno even [boasted](#) that he had a “lab” where he could take people and show them how election equipment can be manipulated. In the end, DePerno's review was found to be riddled with errors, and the lawsuit was eventually [dismissed for lack of evidence](#) – but the voting machines had already been seized, breached and returned.
- **MAGA Supporters Are Still Targeting Antrim County Officials.** Antrim County Clerk Sheryl Guy has stated that 2020 election conspiracy theories have made her life a “living hell.” MAGA constituents have continued requesting thousands of documents related to [conspiracy theories about voting machines](#) and voting records from the small country's 2020 election results in retaliation for the ongoing investigation. Though county election offices across Michigan are being inundated with a similar volume of nearly-identical records requests, Antrim election officials have been [uniquely bombarded with requests](#), hostile communications, and ongoing litigation by election deniers.

A MAGA County Clerk Is Suing to “Re-Run” The 2020 Election In Michigan,

Defend Democracy Project

Undermining Democracy. Sharon Olson — a clerk in Barry County’s Irving Township who [turned over a vote tabulator](#) to a “third party [investigator](#)” [requested](#) by MAGA Sheriff Dar Leaf after the 2020 election — is now [one of the plaintiffs](#) in a new lawsuit spearheaded by the MAGA Election Integrity Force, seeking to decertify the 2020 election results in Michigan. The [new federal lawsuit](#), filed against Gov. Gretchen Whitmer and Secretary of State Jocelyn Benson, is [calling for a “re-run”](#) of the 2020 presidential election, citing unproven and debunked claims of ‘election fraud’.

Extreme Legal Theories Place Michigan Elections At-Risk. This fall, the U.S. Supreme Court has agreed to hear a case that could allow the Michigan state legislature to enact unfettered voter suppression laws, draw egregious racial and partisan gerrymanders, and overturn presidential election results – even when Republicans lose.

- **Michigan Republicans Want to Overturn Voters’ Redistricting Reforms and Re-establish Gerrymandering to Seize Power Without a Majority.** Michigan officials have a [history of gerrymandering](#) legislative districts to suppress the will of voters. In 2018, the looming threat of gerrymandered districts prompted voters to [adopt an independent citizen’s redistricting commission](#) (ICRC) to conduct redistricting for future elections. Those levels of oversight could change drastically with [Moore v. Harper](#), a redistricting case [headed to the Supreme Court](#) that will litigate a radical legal theory [opposed by](#) all 50 states’ Supreme Court chief justices known as the “[independent state legislature](#)” (ISL) doctrine. In September, a group of Michigan election deniers known as Pure Integrity Michigan Elections (PIME) joined the conservative Wisconsin Voter Alliance nonprofit in an [amicus brief](#) supporting ISL, demonstrating that local election deniers are watching closely. As a gerrymandering case, *Moore v. Harper* could set a nasty precedent by “potentially [nullifying state constitutional provisions](#) regarding federal elections,” undermining independent redistricting commissions across the country. ISL doctrine would supersede the Michigan state constitutions, allowing the legislature to set election rules, electors, and congressional maps without any oversight from governors, state courts, and ballot initiatives. With ISL doctrine as precedent, the state legislature could bypass the ICRC and unilaterally adopt new redistricting maps – shielding MAGA legislators from state and federal constitutional clauses designed to protect the will of voters.
- **So-Called “Independent State Legislature” Doctrine Threatens To Enable the Michigan State Legislature to Ignore the Popular Vote.** Worse still, they would be free to select presidential electors [regardless of the will of voters](#). In 2020, Trump campaign officials [oversaw efforts](#) to put forward a slate of sixteen [illegitimate Trump electors from Michigan](#), claiming to be “duly elected and qualified Electors.” A so-called independent Michigan legislature could unilaterally reject the popular vote and [send “alternative” elector](#) slates to the electoral college – undermining democracy without any judicial or executive oversight.