



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 20, 2021

Karen Brewster
Cheboygan County Clerk
by e-mail

Dear Clerk Brewster:

You are receiving this letter because the Bureau of Elections has been informed that the Cheboygan County Board of Commissioners may attempt to allow an unqualified third party to gain access to voting equipment in Cheboygan County, purportedly to conduct a “forensic audit.” The Board has no authority to require you or any municipal clerk to provide external access to voting equipment maintained by your offices, and neither you nor municipal clerks in Cheboygan County should provide this access.

The Michigan Election Law entrusts clerks with choosing and maintaining their voting systems and does not provide any authority for county commissions to take control of this equipment. MCL 168.37a states that “a county clerk, in consultation with each city and township clerk in the county” will “determine which electronic voting system will be used in the county[.]” Custody, programming, and review and testing of election equipment is entrusted to qualified election officials, not county commissions.

Interest in granting access to unqualified third parties to conduct a “forensic audit” may stem from misplaced reliance on ongoing misinformation— which has been repeatedly, comprehensively, and definitively debunked—regarding both Dominion Voting Systems and the error that occurred in the initial reported unofficial results in Antrim County. As you know, the Bureau of Elections in cooperation with the Antrim County Clerk and a number of local election clerks conducted a public hand count of every paper ballot cast for President in Antrim County, which confirmed that the ballot tabulators counted ballots accurately.

Statewide, more than 1,300 clerks of both parties participated in at least one election audit this year. A report on the results of the audits, which found no examples of intentional misconduct, is publicly available.¹ Suggestions of tampering with election results are baseless. The Department of Justice, FBI, Department of Homeland Security, and Cybersecurity and Infrastructure Security Agency “investigated multiple public claims that one or more foreign governments owned, directed, or controlled election infrastructure used in the 2020 federal elections; implemented a

¹ https://www.michigan.gov/documents/sos/BOE_2020_Post_Election_Audit_Report_04_21_21_723005_7.pdf.

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scheme to manipulate election infrastructure; or tallied, changed, or otherwise manipulated vote counts. The Departments found that those claims were not credible.”²

If you or municipal clerks choose to conduct additional reviews of your voting systems, that is your prerogative. However, as we advised in the February 12, 2021 news update and our April 20, 2021 email to county clerks and election directors, only election officials, licensed vendors, or accredited voting system test laboratories should be granted access to voting equipment. If you are interested in having any type of physical review of your voting system, you should contact an EAC-accredited voting systems test laboratory (VSTL).

Please let me know if you have any further questions.

Sincerely,

Jonathan Brater, Director
Michigan Bureau of Elections

² <https://www.dhs.gov/news/2021/03/16/joint-statement-departments-justice-and-homeland-security-assessing-impact-foreign>.