

STATE OF MICHIGAN

IN THE COURT OF CLAIMS

DAR LEAF, in his official capacity as
BARRY COUNTY SHERIFF, BARRY
COUNTY, MICHIGAN,

Plaintiff,

Court of Claims No. 22-000078-MB
Hon. Douglas B. Shapiro

v.

MICHIGAN ATTORNEY GENERAL
DANA NESSEL, in her official and
individual capacity; SECRETARY OF
STATE JOCELYN BENSON, in her
official and individual capacity; THE
MICHIGAN STATE POLICE;
MICHIGAN STATE POLICE
TROOPER BRYAN FULLER, in his
official and individual capacity;
MICHIGAN STATE POLICE
TROOPER DAVID GEYER, in his
official and individual capacity; and
OTHER GOVERNMENT OFFICIAL
DEFENDANTS TO BE NAMED OR
IDENTIFIED,

Defendants.

**AFFIDAVIT OF BARRY
COUNTY SHERIFF DAR LEAF**

STEFANIE LAMBERT (P71303) Law Offices of Stefanie Lambert PLLC Attorney for Plaintiff 500 Griswold St., Suite 2340 Detroit, MI 48226	
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Document received by the MI Court of Claims.

AFFIDAVIT OF BARRY COUNTY SHERIFF DAR LEAF

1. As the elected Sheriff of Barry County, Michigan, it is my constitutional, statutory, and common-law duty and responsibility to investigate and ferret out potential criminal activity, including all reports concerning the commission of crimes involving voter fraud and election fraud and violations of criminal law with respect to voting and elections.

2. Both before and after the November 2020 election, my office is and has always been involved in the investigation of potential criminal activity including any such activity involving election laws and election fraud and crimes.

3. There are pending criminal cases related to the election from November 3, 2020, General Election and the August 2, 2022, primary election. These investigations, some of which began immediately after November 3, 2020, involve cross-country criminal investigations that are active and ongoing within the Barry County Sheriff's Office, and with other cooperating Sheriff's Offices.

4. On or after November 3, 2020, I reviewed reports, evidence, and information concerning potential election fraud and election crimes in Barry County, Michigan. (**Exhibit 1**, Select Affidavits and Information Received Regarding Suspected Election Fraud and Conspiracy to Cover Up Said Fraud). Among other things, this information showed irregularities and discrepancies (changes in data) in the voting in Barry County, Michigan on November 3, 2020, and the reported results; evidence revealed data that did not make sense. For example, votes for an independent presidential candidate exceeded those for both

Biden and Trump. Then, these votes mysteriously disappeared upon final tally. These data changes were later explained to me by a qualified expert, Jim Penrose, who was formerly with the National Security Agency (NSA), who showed that manipulation of votes likely occurred after votes were cast at the ballot box by complaining citizens of Barry County. In addition to his 17 years with the NSA, Penrose is renowned for his work with the intelligence community in cyber operations and counter-intelligence and threat assessment. Moreover, these discrepancies and irregularities were also explained to me by way of an expert report that I reviewed in the course of conducting these investigations. (**Exhibit 2**, Lenberg Report).

5. These are just examples of some of the instances in which my office has received reports of and has found it necessary to investigate potential election fraud and election crimes in Barry County, Michigan.

6. Some of these investigations involve and concern state officials, including, but not limited to Defendants Attorney General Nessel and Secretary of State Benson, and other members of state government.

7. On or after April 28, 2022, while my office was investigating reports of election fraud and election crimes that are alleged to have occurred in Barry County, Michigan, during the November 2020 election, members of the Michigan State Police went to the home of Irving Township Clerk, Sharon Olson, allegedly seeking information and evidence concerning her reporting of and inquiries

concerning these instances of potential election fraud and election crimes in Barry County, Michigan.

8. Olson had previously reported suspicious activity and conduct during the November 2020 election to my office and to the Attorney General's office.

9. This was in conjunction with or pursuant to a search warrant that had been previously issued on or about April 28, 2022 in which the Defendants Michigan State Police executed a search warrant upon the Irving Township Clerk Olson. **(Exhibit 3).**

10. In April 2022 a member of my office, Deputy Kevin Erb, who was assisting in these aforementioned law enforcement investigations was subpoenaed.

11. On or after June 6, 2022, *after and during this pending litigation*, AG Nessel, without any authority, caused to be issued a subpoena upon Deputy Mark Noteboom, a duly appointed Deputy Sheriff of the Barry County Sheriff's Office, in the 3rd Judicial Circuit, claiming to be investigating "conspiracy to obtain undue possession of voting machine"; citing incorrect law for the ostensible subject of the investigation; and no law authorizing any of the Defendants (including Defendant Nessel) to issue said subpoena. **(Exhibit 4).** The "authorizing prosecuting attorney" was Richard L. Cunningham of Defendant Nessel's Office. *Id.* The Subpoena directed Deputy Noteboom to appear for the purpose of giving testimony on June 14, 2022. *Id.* Afterwards, when Deputy Noteboom filed a motion to quash, he was threatened by Cunningham with

having any immunity previously offered; Noteboom's immunity offer was ultimately withdrawn and he was designated as a "target" by the Attorney General.

12. On information and belief, after receiving these subpoenas, these individuals were instructed by the Defendants not to speak with me or my office about any of their findings or activities in the aforementioned investigations being conducted by my office; in other words, they were instructed to stop acting as my deputies and assistants for my office's investigations into potential election fraud and criminal activity related thereto.

13. On June 11, 2022, *after and during this pending litigation*, the Defendants, namely, AG Nessel, went on social media and through coordinated news release articles claimed that her office (with other Defendants, named and unnamed) was conducting an investigation into my investigation.

14. Defendant Nessel announced that she was seeking to appoint a special prosecutor to investigate me and others pertaining, in part to the subject or subjects of these aforementioned investigations, in which my office is and has been engaged. Defendant Nessel continued to pursue this, even though attorneys within her own office, and all other prosecutors who were approached in the State of Michigan have declined to take up this investigation. It was not until Defendant Nessel paid for a "special prosecutor" to undertake this investigation that she was able to weaponize her office and go after those like myself who have

violated no laws, but who have instead sought to uphold and enforce the law, where necessary.

15. On or about August 22, 2022, an email was sent to all County Clerks in Michigan from the Michigan Department of State-Bureau of Elections entitled “Recounts; Release of Security.” (**Exhibit 5**). This email instructed the clerks to delete software and files from the e-pollbook laptops and flashdrives. *Id.* “E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (August 26, 2022) unless a petition for recount has been filed and the recount has not been completed or the deletion of the data has been stayed by an order of the court or the Secretary of State. *Id.* The EPB paper printout has already been produced and secured on election night. Jurisdictions should consult with city, township, or county counsel regarding any pending court orders, subpoenas, or records requests regarding these materials. *Id.*

16. This occurred even though the destruction of evidence related to election records is a crime. See MCL 168.932. See also 52 USC § 20701 and 52 USC § 20702.

17. On August 26, 2022, ***after and during this pending litigation***, Jonathan Brater, Michigan’s “Director of Elections”, sent a letter to Clerk Olson, of Irving Township, Barry County, purporting to have authority to and threatening to remove her from performing her own constitutional duties in conducting future

elections. (**Exhibit 6**). He also directly threatened her and intimidated her not to participate in any inquiries or investigations being conducted with respect to elections and/or election voting equipment by any law enforcement agencies, including that of Plaintiff, Barry County Sheriff. *Id.* This letter, which was written and sent to Clerk Olson after the filing of my lawsuit, violates numerous criminal statutes, including the aforementioned MCL 750.122.

18. The Defendant Michigan Secretary of State also previously instructed all clerks in the State of Michigan to erase data and information, even though there was and remains an active investigation concerning voter fraud and election crimes in Barry County, Michigan and elsewhere throughout the state.

19. I view these aforementioned actions, including the intimidation and harassment of potential witnesses, the subpoenaing and attempted silencing of members of my office, including deputies and deputized agents, and the further actions of the Defendants and others described herein, as a direct interference with and a usurpation of my constitutional, statutory, and common-law functions and duties, and as intentional attempt on the part of these named individuals to interfere with and obstruct ongoing investigations being conducted by my office. See MCL 750.122.

20. I further attest that in addition to obstructing justice and interfering with the functions and duties of my constitutional office, the actions and conduct of the Defendants as described herein have had a direct impact on my constitutional duties and rights to proceed with this lawsuit and to defend my office against the

unconstitutional encroachment and usurpation that my office has experienced as a direct result.

FURTHER DEPONENT SAYETH NOT,

/s/ Dar Leaf, Barry County Sheriff

Barry County Sheriff Dar Leaf

Date: September 19, 2022

EXHIBIT 1

Affidavit & Sworn Statement

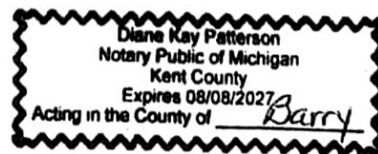
I, Jada Chadwick, residing at [REDACTED],
Darby County Hastings, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. On November 3, 2020 I voted for the presidential and
2. local election. At the Hasting Baptist Church. at 10:30 AM
3. I went with my husband, Shawn Chadwick. When
4. we arrived the parking lot was full. We made our
5. way inside and was directed to our ward, ward 1.
6. We both stood in line waiting to vote for about 20
7. minutes. My husband voted before me and the lady at
8. the table handed him his ballot but ^{she} noticed that all
9. the booths were in use. There were 5 booths in total.
10. There was a basket full of Sharpie Markers that were
- provided to us. I noticed the person before us grab one
- and my husband and I used one. They were the
- only writing utensils provided. I went to the booth
- to vote and noticed the marker bleed to the other
- side of my ballot and it looked like a dalmatian
- with dots everywhere. I turned my ballot in and
- it went into the counter but I didn't know if

Dated this 5th day of December, 2020.

Signature Jada Chadwick



SUBSCRIBED AND SWORN to before me this 5th day of December

Diane Kay Patterson

2020

Affidavit & Sworn Statement

I, Jada Chadwick, residing at [REDACTED],
Barry County Hastings, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. it was accepted. we both turned in our sharpies into a volunteer who wiped them with a cloth wipe.
2. After the election was over, it was about 11:00pm and I was watching fox news. I noticed that
3. Eaton County had it's final count in and Barry had not. I clicked on barry county and the count was:
5. De La Fuente at 8,883 39.4% Exhibit 1 (5c)
 Trump at 8,744 38.8%
6. Biden at 4,675 20.7%
 Reporting at 41%. I took a screen shot of this.
7. This concerned me because I had used a sharpie marker and I never used one before. I then went to the
8. SOS.org to see what voting system was being used in
9. Barry County and Eaton county. Barry was using Dominion voting system and Eaton was using Heart voting system. I took screen shots of this as well. I ~~also~~ also viewed a screen shot of

Dated this 5th day of December 2020
 Signature Jada Chadwick



SUBSCRIBED AND SWORN to before me this 5th day of December

Diane Kay Patterson

2020
12
11

Affidavit & Sworn Statement

Jada Chadwick, residing at [REDACTED],
Barry County Hastings, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. a ballot that look very similar to mine that ^{Exhibit 4} JC
2. Night. Today on December 5th 2020 I viewed ^{Exhibit 5} JC
 the SOS.org website and it is now deleted.
3. I have no idea if my vote was even counted
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Dated this 5th day of December, 20 20
 Signature Jada Chadwick



SUBSCRIBED AND SWORN to before me this 5th day of December
Diane Kay Patterson
 2020

Document received by the MI Court of Claims.

House Balance Of Power

Presidential Race by State

Barry County

Exhibit 1

O De La Fuente

8,883 39.4%

R Trump

8,744 38.8%

D Biden

4,675 20.7%

Reporting 41%

X ← michigan.maps.arcgis.c... → ...



2 of 2



EATON COUNTY

Vendor/Manufacturer: Hart InterCivic

Voting System Name: Hart InterCivic Verity Voting 2.2.2

Tabulator: Verity Scan

Number of Tabulators: 57.00


Exhibit 2

Accessible Equipment: Verity Touch Writer

Number of Accessible Equipment: 38.00

Implementation Timeframe: 2018

...

 Send

✕ ← michigan.maps.arcgis.c... → ...



1 of 2



BARRY COUNTY

Vendor/Manufacturer: Dominion

Voting System Name: Dominion Democracy Suite 5.5

Tabulator: ImageCast Precinct

Number of Tabulators: 28.00

Accessible Equipment: ImageCast X

Number of Accessible Equipment: 24.00

Implementation Timeframe: 2018

...

Exhibit 3



Send

11:07

4G LTE 75%

Natural Law Party

Presidential

Electors of
President and
Vice-President
of the United States
Vote for not more than 1

Joseph R. Biden
Kamala D. Harris
Democrat

Donald J. Trump
Michael R. Pence
Republican

Jo Jorgensen
Jeremy Cohen
Libertarian

Don Blankenship
William Mohr
U.S. Taxpayers

Howie Hawkins
Angela Walker
Green

Rocky De La Fuente
Darcy Richardson
Natural Law

Congressional

United States Senator
Vote for not more than 1

Gary Peters
Democrat

John James
Republican

Valerie L. Willis
U.S. Taxpayers

Marcia Squier
Green

Doug Dem

Richard A. Hower
Libertarian

Karen Adams
U.S. Taxpayers

Douglas Levesque
U.S. Taxpayers

Mary Anne Hering
Working Class

Hali McEachern
Working Class

Tom Mair
Green

Regent of the
University of Michigan
Vote for not more than 1

Mark Bernstein
Democrat

Shauna Ryder Diggs
Democrat

Sarah Hubbard
Republican

Carl Meyer
Republican

James L. Hudle
Libertarian

Eric Larsen
Libertarian

Ronald E. Graess
U.S. Taxpayer

Crystal Van Sickle
U.S. Taxpayer

Michael Maw
Green

Keith Butkov
Natural

Exhibit 4

Exhibits

Michigan.gov

the Office of

Secretary of State Jocelyn Benson

- ELECTIONS
- DRIVERS LICENSE AND STATE ID
- VEHICLES
- BUSINESS SERVICES
- ABOUT

SOS / ELECTIONS / VOTER INFORMATION / VOTING EQUIPMENT

Voting Equipment Type by County



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

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Affidavit and Sworn Statement

Gloria J. Pennington

2F10 [REDACTED]

[REDACTED]

Barry County

Michigan

I swear and attest under penalty of perjury, and upon personal knowledge that the contents of this statement is true, and accurate, and that I am competent to testify.

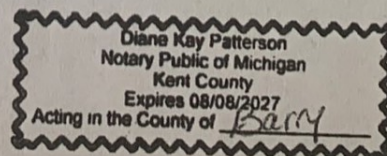
I voted at the Hastings Township Hall, Barry County, Michigan on November 3, 2020. I voted for local, state, and national candidates. I was given a regular ball point pen to fill out my registration slip but instructed to place it in a box as I got to the driver's license (ID) table. I was handed a ballot along with a black sharpie for voting. I noticed the ink leaked through the ballot when I turned the ballot to the back page. I was instructed to place the sharpie pen in a box on the table before I ran the ballot through the counting machine.

Upon leaving the Hall, I remarked to my ^{husband} wife that this was the first time I ever used a sharpie, that it leaked through the ballot, and I had always used a regular ball point pen at ALL other elections.

Date: December 5, 2020

Gloria J. Pennington

Diane Kay Patterson



Document received by the MI Court of Claims.

Affidavit & Sworn Statement

I, Michael McLean, residing at [REDACTED],
Hastings County Barry, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

November 3, 2020

1. I voted at the Hastings Baptist Church on Woodlawn Ave. I was given a sharpie marker, black in color. After
 2. filling out the first side of the ballot I turned the
 ballot over and saw that the black marker had
 3. bled through to the back side. I was concerned
 that my vote would not be counted properly.

5.

6.

7.

8.

9.

10.

Dated this 12/5/2020 day of December, 20 20.
 Signature [Signature]



SUBSCRIBED AND SWORN to before me this 5th day of December
Diane Kay Patterson

2020

Affidavit and Sworn Statement

Gerald B. Pennington

~~25000 Impground Road~~

~~Hastings, MI 48033~~

Barry County

Michigan

I swear and attest under penalty of perjury, and upon personal knowledge that the contents of this statement is true, and accurate, and that I am competent to testify.

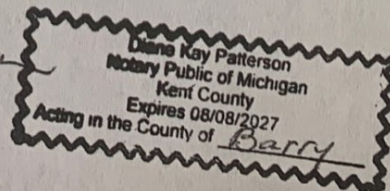
I voted at the Hastings Township Hall, Barry County, Michigan on November 3, 2020. I voted for local, state, and national candidates. I was given a regular ball point pen to fill out my registration slip but instructed to place it in a box as I got to the driver's license (ID) table. I was handed a ballot along with a black sharpie for voting. I noticed the ink leaked through the ballot when I turned the ballot to the back page. I was instructed to place the sharpie pen in a box on the table before I ran the ballot through the counting machine.

Upon leaving the Hall, I remarked to my wife that this was the first time I ever used a sharpie, that it leaked through the ballot, and I had always used a regular ball point pen at ALL other elections.

Date: December 5, 2020

Gerald Bruce Pennington

Diane Kay Patterson



Affidavit & Sworn Statement

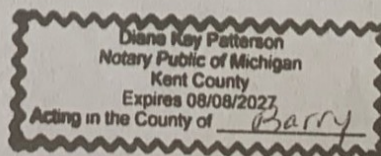
I, Walter J. Johnson, residing at ~~505 7th St SE~~,
Hastings County Barry County, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. My husband and I received 3 or 4 early mail in ballots approximately 3-4 weeks prior to the election. They were all addressed in my name but I did destroy them immediately - worried they might be used if we did not. They were for the presidential election.

- 4.
5. We voted in person at Hastings Baptist Church (next to the bowling alley). We stood in line at 6:45am waiting. When we arrived to ~~voting tables~~ - one of the ladies working for our ward advised to fill our ballots in black Sharpie & only black Sharpies were available to use when I was there for the 3 November election.

Dated this 5th day of December, 2021.
 Signature Walter J. Johnson



SUBSCRIBED AND SWORN to before me this 5th day of December, 2021.

Affidavit & Sworn Statement

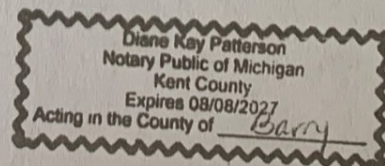
I, JOSEPH PETERMAN, residing at [REDACTED],
BARRY County HASTINGS, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. when we got to the poll station (HASTINGS BAPTIST CHURCH) we filled out ballot with pencil. then where we HANDED A BLACK SHARPIE AND were told that was all we could USE TO fill in ballot.
2. my wife and I were sent 3 mail in ballots each. we never requested them about 2 or 3 week prior to voting day
3. Presidential ballots

Dated this 5TH day of Dec, 2020.

Signature



SUBSCRIBED AND SWORN to before me this 5TH day of December

2020

Affidavit & Sworn Statement

I, Michelle Gonzalez, residing at [REDACTED],
Hastings County Barry, State of Michigan, do swear and
 attest under the penalties of perjury and upon personal knowledge that the contents of this
 sworn statement are true, accurate, and correct, and that I am competent to testify.

ON Nov 3, 2020

Description of account

1. I voted at the Hastings Baptist Church in Hastings, Michigan.
2. The only thing offered to use to fill out the ballot was a ^(black) sharpie pen. I was told this was OK. I voted when I was
3. Complete, the ballot had black spots on the front and
4. back. The marker bled through the back of the
5. ballot. I called the County clerks office in Hastings and they said if the ballot had an issue they would
6. transfer my information on to another ballot.
7. My ~~question~~ question to her was, "How do I know my
8. ballot ^{was} counted. I don't feel comfortable with another
9. person transferring my information on to another
10. ballot.

Dated this 5th day of December, 2020
 Signature Michelle Gonzalez



SUBSCRIBED AND SWORN to before me this 5th day of December

Diane Kay Patterson

1, 10 20 20

Exhibit S

BRANDON HURLEY

4122 Mapleridge Drive
Grapevine, Texas 76051
(817) 454-3142
brandon.hurley@outlook.com

February 15, 2019

Mr. Keith Ingram
Director of Elections
Texas Secretary of State
Elections Division
208 East 10th Street
Austin, Texas 78711

Re: Inspection of the Dominion Voting Systems' Democracy Suite 5.5 conducted on
January 16 and 17, 2019

Dear Mr. Ingram:

Pursuant to my appointment by the Texas Secretary of State as a voting systems examiner under TEXAS ELECTION CODE § 122.035, please allow this letter to serve as my report concerning the above referenced examination. I, along with the other statutory examiners and staff from the Secretary of State's office, examined the Democracy Suite 5.5 voting system presented by Dominion Voting Systems ("**Democracy 5.5 System**") on January 16 and 17, 2019, at the offices of Elections Division of the Texas Secretary of State in Austin, Texas.

Before the examination date, I reviewed the written materials submitted by Dominion for compliance with the relevant provisions of the TEXAS ELECTION CODE and Texas Administrative Code related to the requirements for election machines and software. Some of these forms were required to be resubmitted because items had been omitted on the required Secretary of State forms. I then attended the examination of the Democracy 5.5 System on January 17, 2019.

The Democracy 5.5 system is an entirely new suite of election machines, software and related items from Dominion. The components of the Democracy 5.5 System include the items listed in the revised Form 100 submitted to the Secretary of State's office.

At the beginning of the exam on the 17th, representatives from Dominion were required to do an install on a precinct scanner that had not been installed as planned on the 16th. In addition, all of the Accessibility Testing had not been completed because Dominion had failed to bring all of the necessary equipment.

After completing the necessary installation of the load files not completed the previous day, the vendor provided a general overview of the Democracy 5.5 System. It is a complete voting system that includes ballot marking devices, DRE's, ballot scanners, election tabulation

and management software and supporting devices for accessibility needs. The primary hardware with which the voter would interact is called the “ICX” that can be configured as a ballot marking device or a DRE (there is also an “Image Cast Classic” device that can be a ballot marker, but not used as a DRE). Many of the components called for in the Democracy 5.5 System are commercial off the shelf products (“COTS”), especially the printers used with the ballot marking version of the ICX. The other primary device voters will use is the precinct scanners that voters will feed their ballots into if the ballot marking function of the ICX is used or the ballots are hand-marked. The remainder of the software and hardware will be used by voting officials, including the central scanners and tabulators and the election management software.

As the day progressed on the 17th, numerous problems arose as detailed below. Some of these problems were resolved, but several of the problems did not appear to have ready-made or simple solutions.

ACCESSIBILITY TESTING

Prior to the 17th, officials from the Secretary of State’s office tested some of the physical equipment of the Democracy 5.5 System for accessibility compliance with the applicable state laws and regulations. As noted previously, Dominion failed to bring all of the required items to do a full Accessibility Testing for all of the equipment. Some additional testing for accessibility issues was also conducted by me and others on the 17th; however, the vendor had to return at a later date to complete the testing. These tests confirmed that most of the new components in the Democracy 5.5 System complied with the accessibility requirements of Texas law; however, officials from the Secretary’s office noted that, when additional testing was done after the 17th, they discovered that when using the accessibility components for non-audio voting (i.e.- reading items on a screen), there were only audio instructions and no written instructions on the screen. This problem could raise issues with voters that wanted written instructions on the screen as part of their voting experience (for whatever reason).

TESTING OF HARDWARE AND SOFTWARE

As noted above, the installation of all of the software that is traditionally done on the first day of testing was not completed by the vendor due to its failure to have all of the necessary technical components for the install of the precinct scanner.

After the final installation was completed and Dominion officials gave an overview of the Democracy 5.5 System, the examiners and Secretary of State staff tested each piece of equipment and software for security, functionality and accuracy. The examiners and staff cast a script of ballots on each voting machine, including the ICX being used as a DRE, and paper ballots were fed into the optical scanners that were marked by the ICX being used as a ballot marking device and hand-marked ballots. The mock votes were tabulated and sorted with the election software included in the Democracy 5.5 System.

At the conclusion of the voting tests, the examiners and staff reviewed the audit logs and reports generated from the votes cast.

SPECIFIC ISSUES ARISING ON THE DAY OF THE INSPECTION

1. Some of the hardware in the Democracy 5.5 System can be connected to the internet, but the vendor claims it is protected by hardening of data and IP address features.
2. The foldable ballot box offered with the Democracy 5.5 System could not be used in early voting because it does not have the capability of having 2 locks with two separate keys securing the box as required by Texas law.
3. The rolling ballot box dividers for provisional or disputed ballot storage were not present, but the vendor claimed such dividers were available. This is important for handling the adjudication of provisional and contested ballots.
4. The use of COTS printers with the ICX device (in ballot marker mode) is a cost-savings measure, but the COTS hardware also presents issues for service, internal drivers for the hardware and the potential for traditional additional problems with any COTS product. For example, one examiner noted that having the printer tray ajar during the voting process caused the system, after all the races are voted, to wipe out all selections and require the voter to start over after the print tray is fixed. This would require a poll worker interaction and could greatly slow down the voting process.
5. The Verified Voter Paper Audit Trail ("VVPAT") used with the ICX in DRE mode stores a voters selections in a sequential order, meaning that if a single ICX is used at a voter location and a limited number voters appear at the polling place, the secrecy of the ballot may be compromised by remembering the order in which voters used the ICX in comparison to the VVPAT tape.
6. The precinct ballot scanner jammed on several occasions and was very slow in scanning the hand-marked ballots.
7. The central scanner/tabulator also jammed on multiple occasions and ballot batches had to be re-run through the scanner. If this happened on a busy election night, it could create a significant delay in vote tabulation.
8. The "pigtail" portion of the cord connection to the power supply to the VVPAT portion of the ICX was easily accessible and could be unplugged by any voter. When the pigtail was unplugged at the examiners inspection, the process to get back to a voter-ready condition was unclear and complicated to the point that the battery had to be removed and reinstalled in the device. The vendor, after the inspection, stated that this power connection can be made behind a sealed door in a different configuration; however, it is clear an end-user may choose to configure the VVPAT in a way that allows this to occur.

9. The ICX machines had a problem with straight party voting in that the deselection of the straight party choice on a single race eventually leads to the deselection of all of the other straight party selections.
10. Use of non-sequential numbered paper ballots as required by the Texas Constitution cannot be created within the Democracy 5.5 System. Instead, the only way to comply with this requirement of the law would be to hand-write and/or pre-print paper with serial numbers in a range for the selected precinct and then manually intermingle the ballots so their numbers are not sequential.
11. The adjudication portion of the tabulation process in the election management software was problematic and showed that the handwritten write-ins subject to adjudication were not easily picked up by the ballot scanner. This poor resolution on the scanner also failed to pick up some of the printed wording on the ballots. In a follow-up, the vendor stated that only black Sharpie markers should be used for marking the ballots; however, when the black sharpie was used during testing, it did, on a few occasions, bleed through to the back side of the two-sided ballot in such a way that it could confuse the ballot scanner or kick the ballot out.
12. The paths for the import of election data in into the election management program also showed multiple opportunities for mistakes that required three (3) separate restarts of the adjudication process.

GENERAL OBSERVATIONS

- A. The hardware for the Democracy 5.5 System had multiple problems that could potentially be fixed with actions by the vendor. Some of these fixes would be simple, but others would require substantial engineering (such as resolution scan of the ballot readers).
- B. The software issues with Democracy 5.5 system are more problematic because these problems impact the entirety of the System and cannot be fixed on an individual component basis.
- C. The issues identified above could be corrected, but those corrections should be made and the System represented before the hardware and software components can be recommended for certification.

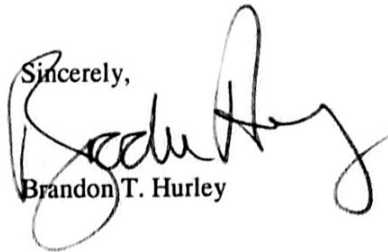
RECOMMENDATION

Based on the foregoing observations and my examination of the Democracy 5.5 System, its accompanying literature and the presentation made by Dominion officials both in its literature and at the examination, I cannot recommend that the Democracy 5.5 System be certified as

compliant with the requirements of the TEXAS ELECTION CODE and the TEXAS ADMINISTRATIVE CODE. My opinion could potentially change of corrections to the identified problems (in my report and other reports) are properly corrected and presented to the Secretary's office.

This report should not be construed as a tacit or implied comment on any of the technical aspects of the Democracy 5.5 System except as expressly stated herein. In the event any of the equipment, software or security devices examined are altered, changed or decertified by any accrediting agency (other than a "minor modification qualified for administrative certification process" as that term is defined in § 81.65 of the Texas Administrative Code), this report should be considered withdrawn.

Thank you for the opportunity to serve as an examiner and participate in this important process that protects the integrity of Texas' voting systems.

Sincerely,

Brandon T. Hurley



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

MEMORANDUM

DATE: December 1, 2020
TO: County Clerks
FROM: Michigan Bureau of Elections
SUBJECT: Recounts; Release of Voting Equipment

Please be advised of the following:

STATE RECOUNTS: The Board of State Canvassers completed its canvass of the November 3, 2020 general election on November 23, 2020. The deadline for filing a petition for a recount with the Secretary of State elapsed on November 30, 2020. The following lists the recount requests received by the Secretary of State by the recount petition filing deadline:

- 71st State House District: Eaton County

CONDUCT OF LOCAL RECOUNTS: Recounts requested for local offices that overlap the district listed above may not proceed until clearance is received through this office. Recounts requested for local offices that do not overlap the district listed above may proceed at this time.

DEADLINE FOR COMPLETION OF RECOUNTS: After a general election, each requested recount must be completed no later than 30 days after 1) the deadline for filing a counter petition or 2) the first date the recount may lawfully begin (MCL 168.875).

CONDUCT OF POST-ELECTION AUDITS: If a recount has been requested involving a precinct that has been selected for a post-election audit, the audit may not begin until after the recount has been completed. All other post-election audits may proceed at this time. All of the resources you will need to conduct post-election audits may be found at this link: [Post-Election Audit Resources](#).

The post-election procedure audit includes a hand count of the ballots for the U.S. Senate race in each precinct selected for audit. Additionally, we will be conducting a state-wide Risk Limiting Audit of the Presidential race.

RELEASE OF VOTING EQUIPMENT: The security of ballots and election equipment is released as follows:

Ballots, programs and related materials: The security of all optical scan ballots, programs, test decks, accuracy test results, edit listings and any other related materials will be released once all post-election audits are completed.

E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (November 30, 2020) unless a petition for recount has been filed and the recount has not been completed, a post-election audit is planned but has not yet been completed, or the deletion of the data has been stayed by an order of the court or the Secretary of State.

FEDERAL BALLOT RETENTION REQUIREMENT: If the office of President, U.S. Senator or U.S. Representative in Congress appears on the ballot (all appeared on the November 3, 2020 general election ballot), federal law requires that all documents relating to the election -- including optical scan ballots and the programs used to tabulate optical scan ballots -- be retained for 22 months from the date of the certification of the election. To comply with the requirement, the Bureau of Elections recommends that optical scan ballots and the programs relating to federal elections be stored in sealed ballot bags in a secure place during the 22-month retention period. The documents subject to the federal retention requirement must not be transferred to ballot bags for extended retention until after they are released under Michigan election law as detailed in this memo.

Questions?

If you have any questions, please contact us via email at elections@michigan.gov, or by phone at (517) 335-3234 or (800) 292-5973.

EXHIBIT 2

Date: 5/15/2021

Subject: Evidence of Vote Shifting in Barry County Michigan

Analyst: Jeffrey Lenberg

Executive Summary

The Dominion Voting Systems Election Management Systems (EMS), Results Tally & Reporting (RTR) application was subverted during the course of the November 3, 2020 election in Barry County Michigan. There is evidence of the same vote shifting discovered in Antrim County, Michigan occurring in Barry County during election night.

In a previous report by this author dated May 9, 2021, a subversion in the EMS/RTR system was demonstrated where critical errors were disregarded, and the processing of votes continued despite error conditions that should have triggered a critical error in the system.

One of the specific subversions to the error handling in the EMS/RTR noted was the use of logical “bumpers” that prevented the shifting of votes from one contest to another. These logical bumpers account for the shifted Biden votes in the Antrim County election going to the status of “undervote” for the Presidential contest. Without this subversion the vote shifting would result in votes being assigned to the Natural Law Party in the Straight Party Ticket contest on the ballot. The votes shifted from Biden to the Natural Law Party, Straight Party Ticket vote, would then result in the Presidential candidate Rocky De La Fuente receiving Biden’s votes.

An affidavit from Jada Chadwick of Hastings, Barry County, Michigan dated December 5, 2020 indicates that she observed Rocky De La Fuente leading in the race with 8,883 votes at 11:17PM with 47% of the precincts reporting on November 3, 2020. Jada Chadwick attached a photo of her computer screen to her affidavit documenting Rocky De La Fuente leading the race.

The candidate Rocky De Law Fuente’s final total vote count in Barry County was 16 votes. This type of aberration occurring during a live election is consistent with a subversion being employed operationally by a malicious actor in a misconfigured mode. We have established that the subverted EMS/RTR in Antrim County will not allow Biden votes to be shifted to the Natural Law Party, Straight Party Ticket vote. However, in Barry County during election night November 3, 2020 it is apparent that the subversion was misconfigured resulting in the shifting of votes and consequently causing votes to accrue to the Natural Law Party Candidate, Rocky De Law Fuente.

It is highly likely that the required error handling subversion observed in Antrim was not in place in Barry as would be required to force the cross-Contest vote shift to go to undervote. The accidental but observable extreme results generated from this vote manipulation were anticipated by the malicious actor and likely required a rapid deployment of a pre-planned software fix or an updated configuration to correct for this obvious error in logic. This update would have needed to be deployed across the State of Michigan on all Dominion Voting Systems EMS/RTR systems where the incomplete subversion had a similar malfunction when manipulating the vote totals. This could have been done by an unwitting technician or a download if there existed any remote path into the EMS computer.

The evidence of EMS/RTR subversion in Barry County is relevant to Antrim County because the same contractor, ElectionSource, was likely responsible for the design and deployment of the election project files in both Antrim and Barry County that take advantage of this subversion in order to manipulate votes. A definitive conclusion on the observed behavior of the EMS in Barry County and its relation to the subversion in Antrim can only be completed with a full forensic examination of the equipment and removable media in Barry County. The Michigan Secretary of State has previously ordered destruction of some removable media related to the November 3, 2020 election (See Appendix C). The removable media (compact flash card(s)) is crucial to understand the nature of the subversion that occurred.

Details

This author's report dated May 9, 2021 indicated the presence of a subversion in the Dominion Voting Systems EMS/RTR system. The subversion specifically pertained to how the EMS/RTR system processed results files where a shift occurs in the targeted race.

The Antrim County shift impacted the internalMachineID field of the table named Choice_Manifestation in the EMS database. The subversion of the Antrim County EMS/RTR includes a logical bumper that does not allow the shifting of votes from one contest to another, only shifting of votes within the same contest. The subversion prevents the system from raising a critical error and permits the EMS/RTR to continue processing and posting results without any error or warning messages.

In Antrim County, Biden's votes (internalMachineID index) were shifted to the index number assigned to the Straight Party Ticket Contest, Natural Law Party vote. However, due to the logical bumpers deployed as part of the subversion, all of Biden's shifted votes were counted as "undervotes" by the EMS/RTR in Antrim. Without the subversion it would be expected that shifted Biden votes would cross into the Straight Party Ticket contest, leaving the Presidential contest with no vote within. The internalMachineID index selected as a result of the shift would be the

Natural Law Party, Straight Party Ticket vote. If this selection were to be accurately executed by the Dominion Imagecast Precinct (ICP) and the EMS/RTR, the result would be a vote for the Natural Law Presidential candidate Rocky De La Fuente.

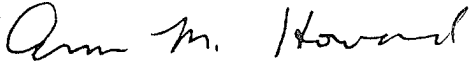
See Figure 1 containing a graphical explanation of the internalMachineID index of vote bullets on the ballot are assigned and used by the ICP and EMS/RTR.

MICHIGAN NOTARY ACKNOWLEDGEMENT

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me on this 15th day of May,
2021 by Jeffrey Lenberg.

Notary Public Signature:

A handwritten signature in cursive script that reads "Ann M. Howard".

Notary Printed Name: Ann M. Howard
Acting in the County of: Oakland
My Commission Expires: 2/24/2023

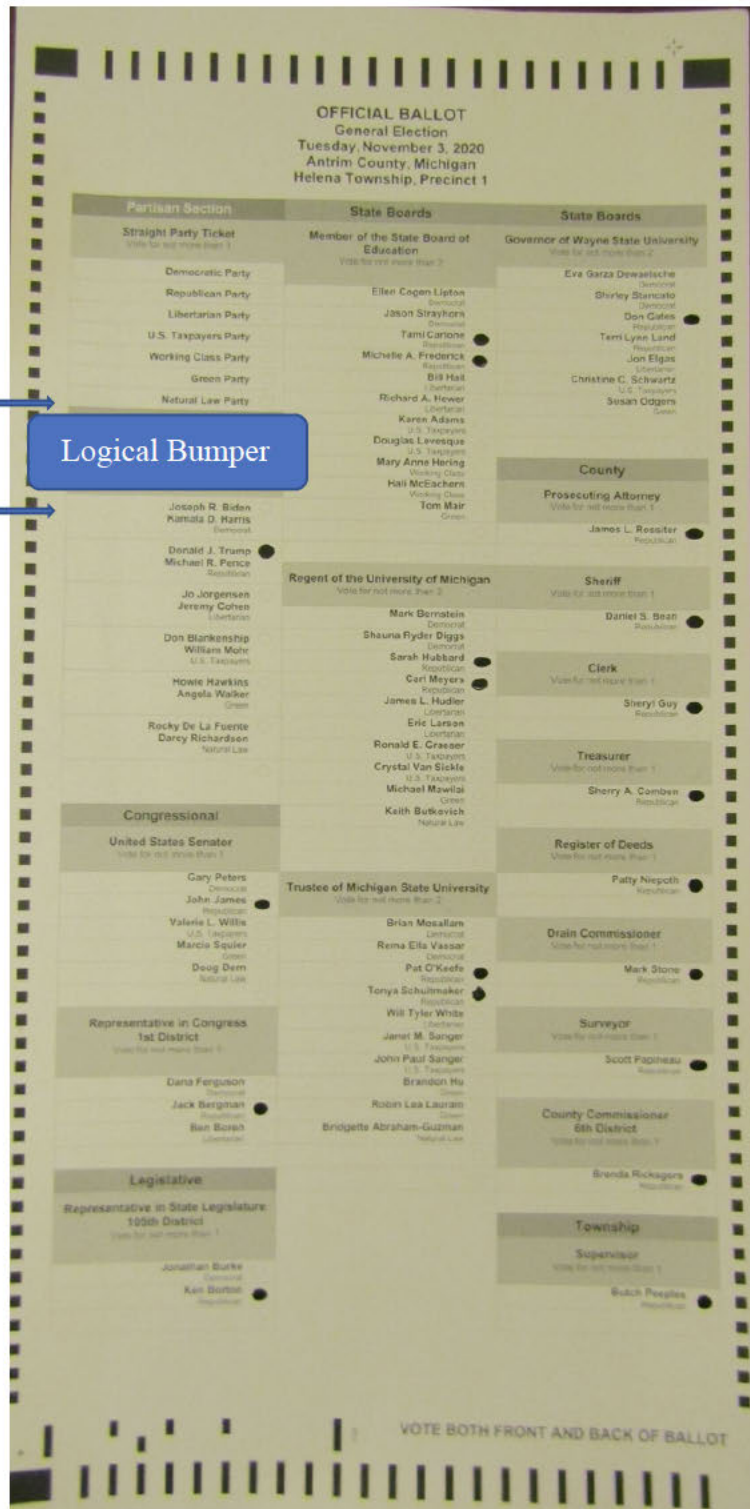
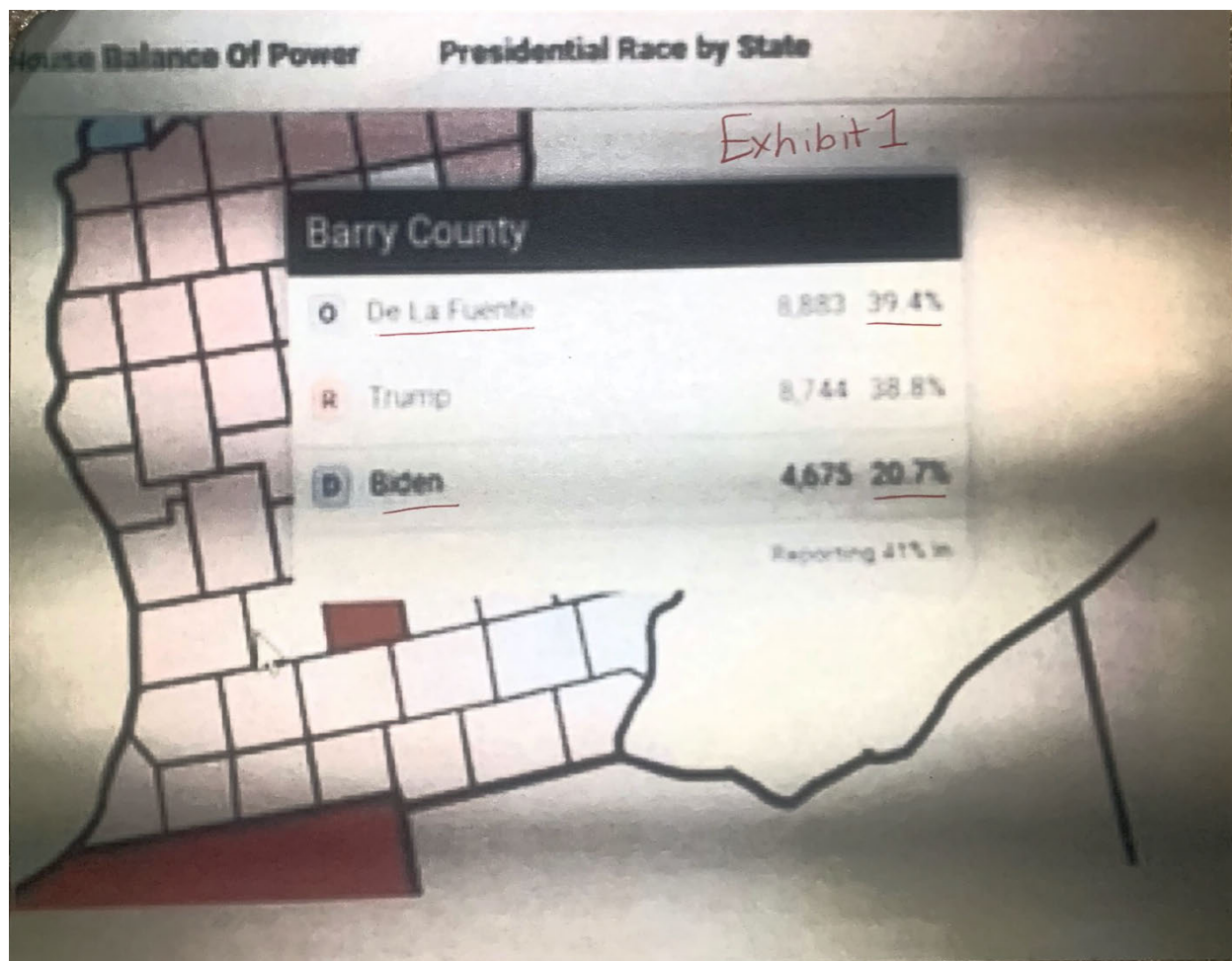


Figure 1 - Ballot with internalMachineID Annotated

Evidence of Subversion in Barry County, Michigan

An affidavit filed by Jada Chadwick of Hastings in Barry County, Michigan dated December 5, 2020 indicated that she observed Rocky Del La Fuente leading in the Presidential contest having 8,883 votes at 11:17PM with 47% of the precincts reporting on November 3, 2020. Figure 2 is the screenshot that Ms. Chadwick took of the vote totals from her computer screen.



*Figure 2 - Barry County Election Live Update 11:17PM November 3, 2020
See Appendix A for full Affidavit from J Chadwick*

The final vote totals for Barry County reflect that the candidate Rocky De La Fuente received only 16 total votes vice the 8,883 votes reported on election night when he was in the lead.

President/Vice-President of the United States (Vote for 1)

Precincts Reported: 24 of 24 (100.00%)

		Election Day	AV Counting	Total	
Times Cast		21,099	15,047	36,146 / 0	N/A
Candidate	Party	Election Day	AV Counting Boards	Total	
Joseph R. Biden/Kamala D. Harris	DEM	4,522	7,275	11,797	
Donald J. Trump/Michael R. Pence	REP	16,088	7,383	23,471	
Jo Jorgensen/Jeremy Cohen	LIB	297	182	479	
Don Blankenship/William Mohr	UST	24	35	59	
Howie Hawkins/Angela Walker	GRN	50	33	83	
Rocky De La Fuente/Darcy Richardson	NLP	12	4	16	
Total Votes		20,993	14,912	35,905	
		Election Day	AV Counting Boards	Total	
Unresolved Write-In		33	23	56	

Figure 3 - Barry County, Michigan Final Vote Totals

Conclusion

The subversion that impacted Antrim County was present yet not fully implemented in the EMS/RTR in Barry County on election night. The manifestation of votes being shifted to Rocky De La Fuente is consistent with the EMS/RTR subversion previously identified in Antrim County. The large number of votes for Rocky De La Fuente in Barry County during the live election results reporting can be attributed to a misconfiguration of the subversion or inadequate planning on the part of the subversion developer when writing the code to support the subversion. It is highly likely that a software update or some sort of “patch” had to be deployed to correct this issue and then the results files had to be reprocessed and reposted to the state and the election night reporting system.

The Antrim County subversion is not an isolated incident, and it is apparent that whoever is responsible for creating election project files exercised their ability to manipulate voting in Barry County as well as Antrim County.

Under the penalties of perjury, I declare that I have read the foregoing report and that facts stated in it are true.



Jeffrey Lenberg

Appendix A – Jada Chadwick Affidavit

Exhibit 3

Pages 1 of 3 ^(c)

Affidavit & Sworn Statement

I, Jada Chadwick, residing at [REDACTED],
Berry County Hastings, State of Michigan, do swear and
attest under the penalties of perjury and upon personal knowledge that the contents of this
sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. On November 3, 2020 I voted for the presidential and
2. local election. At the Hasting Baptist Church. at 10:30 AM
3. I went with my husband, Shawn Chadwick. When
4. we arrived the parking lot was full. We made our
5. way inside and was directed to our ward, Ward 1.
6. We both stood in line waiting to vote for about 20
7. minutes. My husband voted before me and the lady at
8. the table handed him his ballot but ^{she} noticed that all
9. the booths were in use. There were 5 booths in total.
10. There was a basket full of Sharpie markers that were
11. provided to us. I noticed the person before us grab one
12. and my husband and I used one. They were the
13. only writing utensils provided. I went to the booth
14. to vote and noticed the marker bleed to the other
15. side of my ballot and it looked like a dalmatian
16. with dots everywhere. I turned my ballot in and
17. it went into the counter but I didn't know if

Dated this 5th day of December, 2020.
Signature Jada Chadwick



SUBSCRIBED AND SWORN to before me this 5th day of December

Diane Kay Patterson

2020

Exhibit 3

Pages 2 of 3 (1C)

Affidavit & Sworn Statement

I, Jada Chadwick, residing at [REDACTED],
Barry County Hastings, State of Michigan, do swear and
attest under the penalties of perjury and upon personal knowledge that the contents of this
sworn statement are true, accurate, and correct, and that I am competent to testify.

Description of account

1. it was accepted. We both turned in our sharpies into a volunteer who wiped them with a cloth wipe.
2. After the election was over, it was about 11:00pm and I was watching fox news. I noticed that
3. Eaton County had its final count in and Barry
4. had not. I clicked on barry county and the count was:
5. De La Ferte at 8,883 39.4% Exhibit 1 (1C)
Trump at 8,744 38.8%
6. Biden at 4,675 20.7%
Reporting at 41%. I took a screen shot of this.
7. This concerned me because I had used a sharpie marker
8. and I never used one before. I then went to the
9. SOS.org to see what voting system was being used in Barry County and Eaton county. Barry was using Exhibit 2 & 3
Dominion voting system and Eaton was using (1C)
10. Heart voting system. I took screen shots of this as well. I ~~also~~ also viewed a screen shot of

Dated this 5th day of December 20
Signature Jada Chadwick



SUBSCRIBED AND SWORN to before me this 5th day of December
Diane Kay Patterson
2020

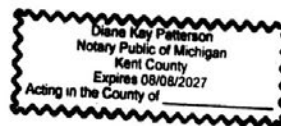
Affidavit & Sworn Statement

Jada Chadwick, residing at [REDACTED],
Barry County Hastings, State of Michigan, do swear and
attest under the penalties of perjury and upon personal knowledge that the contents of this
sworn statement are true, accurate, and correct, and that I am competent to testify.

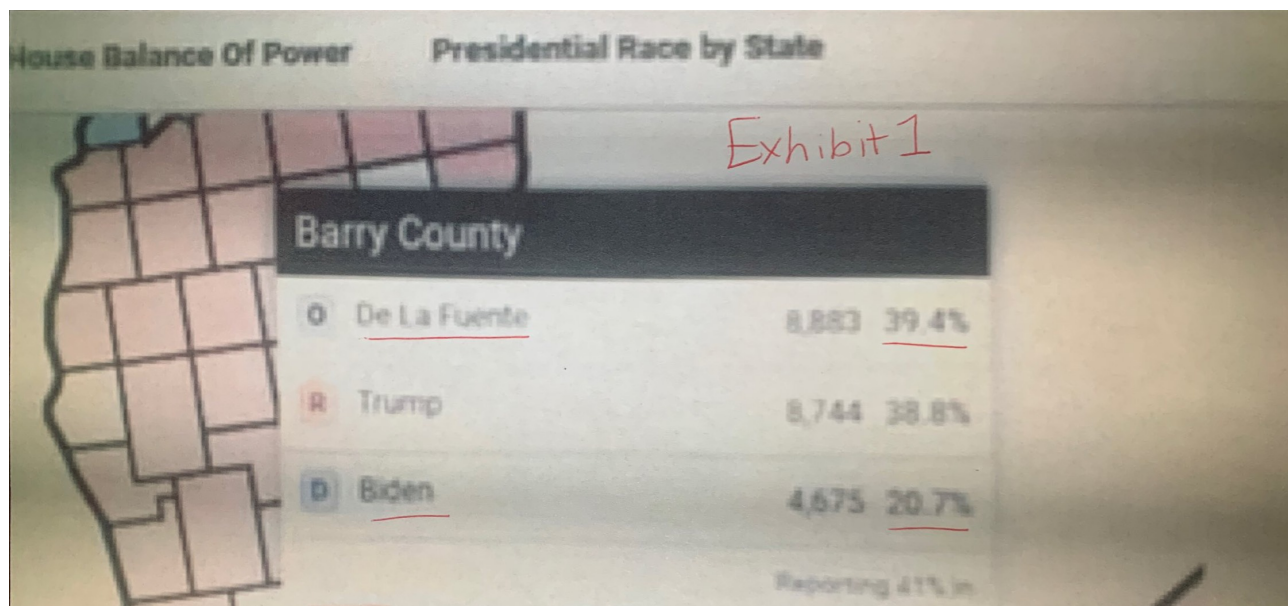
Description of account

1. a ballot that look very similar to mine that ^{Exhibit 4} JC
2. Night. Today on December 5th 2020 I viewed ^{Exhibit 5} JC
the SOS.org website and it is now deleted.
3. I have no idea if my vote was even counted
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Dated this 5th day of December 20 20
Signature Jada Chadwick



SUBSCRIBED AND SWORN to before me this 5th day of December
Diane Kay Patterson
2
0
2
0
2



Verizon 12:30 PM 92%
State Representative Jack O'Malley's Post

X ← michigan.maps.arcgis.c... → ...

(X) 2 of 2 (←) (↓)

EATON COUNTY

Vendor/Manufacturer: Hart InterCivic

Voting System Name: Hart InterCivic Verity Voting 2.2.2

Tabulator: Verity Scan

Number of Tabulators: 57.00

Accessible Equipment: Verity Touch Writer

Number of Accessible Equipment: 38.00

Implementation Timeframe: 2018

...

Send

Exhibit 2

Verizon 12:30 PM 92%
State Representative Jack O'Malley's Post

✕ ← michigan.maps.arcgis.c... → ...

ⓧ 1 of 2 ⏩ ⏴

BARRY COUNTY

Vendor/Manufacturer: Dominion

Voting System Name: Dominion Democracy Suite 5.5

Tabulator: ImageCast Precinct

Number of Tabulators: 28.00

Accessible Equipment: ImageCast X

Number of Accessible Equipment: 24.00

Implementation Timeframe: 2018

...

Ⓜ Send

Exhibit 3

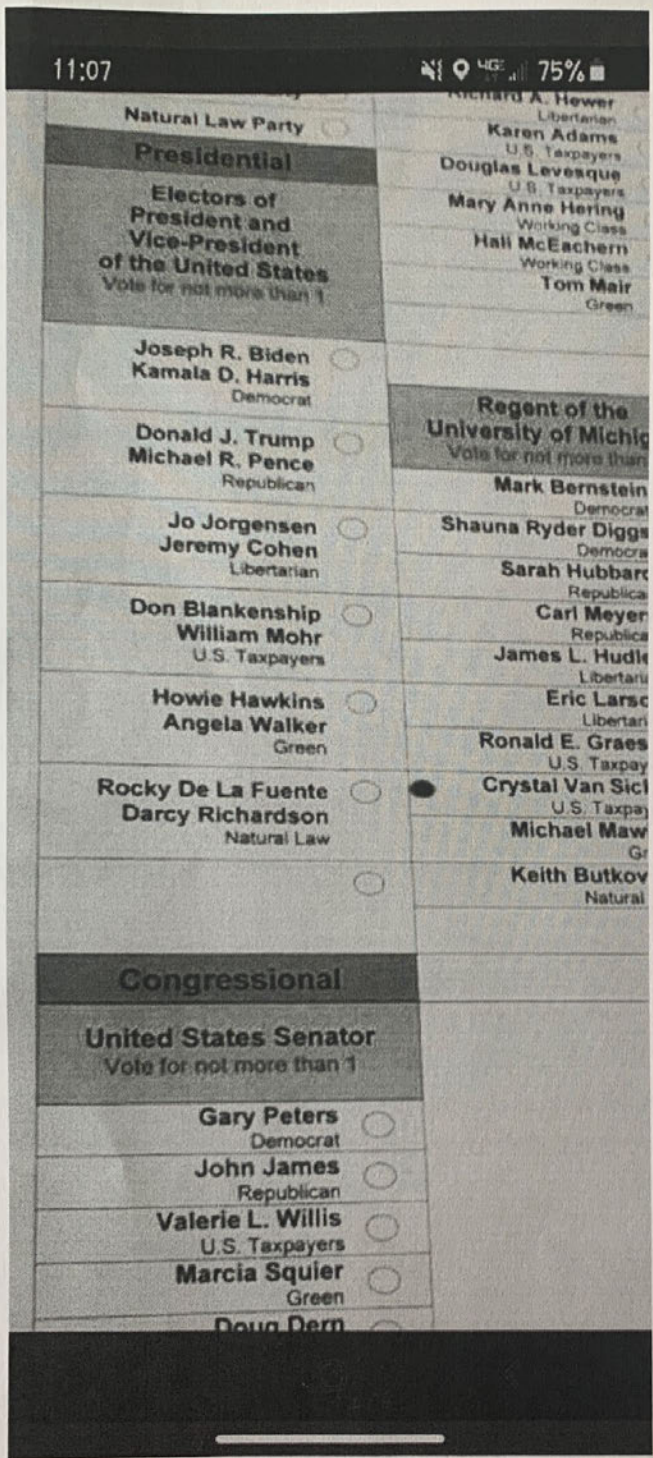
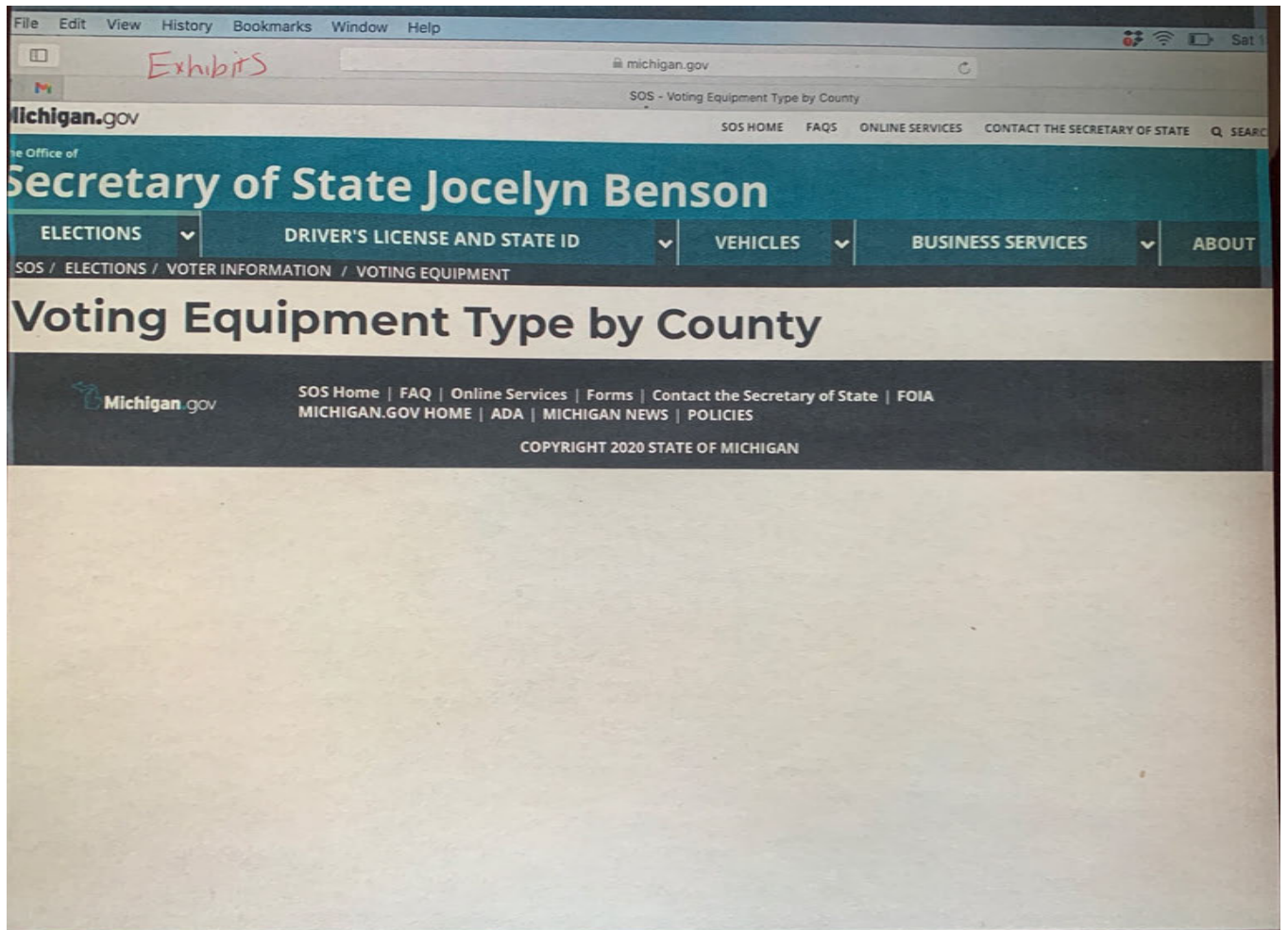


Exhibit 4



Appendix B – Official Election Results from Barry County, Michigan

Page: 1 of 49

11/17/2020 11:57:45 AM

Election Summary Report

General Election

Barry County, Michigan

November 03, 2020

Summary for: All Contests, All Precincts, All Tabulators, All Counting Groups

Precincts Reported: 24 of 24 (100.00%)

Registered Voters: 36,146 of 0 (N/A)

Ballots Cast: 36,146

Straight Party Ticket (Vote for 1)

Precincts Reported: 24 of 24 (100.00%)

		Election Day	AV Counting	Total	
Times Cast		21,099	15,047	36,146 / 0	N/A
Candidate	Party	Election Day	AV Counting Boards	Total	
Democratic Party	DEM	2,069	3,214	5,283	
Republican Party	REP	9,649	4,442	14,091	
Libertarian Party	LIB	87	35	122	
U.S. Taxpayers Party	UST	8	15	23	
Working Class Party	WCP	68	23	91	
Green Party	GRN	22	13	35	
Natural Law Party	NLP	16	0	16	
Total Votes		11,919	7,742	19,661	
		Election Day	AV Counting Boards	Total	
Unresolved Write-In		0	0	0	

President/Vice-President of the United States (Vote for 1)

Precincts Reported: 24 of 24 (100.00%)

		Election Day	AV Counting	Total	
Times Cast		21,099	15,047	36,146 / 0	N/A
Candidate	Party	Election Day	AV Counting Boards	Total	
Joseph R. Biden/Kamala D. Harris	DEM	4,522	7,275	11,797	
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Rocky De La Fuente/Darcy Richardson	NLP	12	4	16	
Total Votes		20,993	14,912	35,905	
		Election Day	AV Counting Boards	Total	
Unresolved Write-In		33	23	56	

United States Senator (Vote for 1)

Precincts Reported: 24 of 24 (100.00%)

		Election Day	AV Counting	Total	
Times Cast		21,099	15,047	36,146 / 0	N/A
Candidate	Party	Election Day	AV Counting Boards	Total	
Gary Peters	DEM	4,428	6,941	11,369	
John James	REP	15,958	7,541	23,499	
Valerie L. Willis	UST	195	171	366	
Marcia Squier	GRN	132	109	241	
Doug Dern	NLP	64	31	95	
Total Votes		20,777	14,793	35,570	
		Election Day	AV Counting Boards	Total	
Unresolved Write-In		22	10	32	

Appendix C – Michigan Secretary of State Memo December 2, 2020



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

MEMORANDUM

DATE: December 1, 2020
TO: County Clerks
FROM: Michigan Bureau of Elections
SUBJECT: Recounts; Release of Voting Equipment

Please be advised of the following:

STATE RECOUNTS: The Board of State Canvassers completed its canvass of the November 3, 2020 general election on November 23, 2020. The deadline for filing a petition for a recount with the Secretary of State elapsed on November 30, 2020. The following lists the recount requests received by the Secretary of State by the recount petition filing deadline:

- 71st State House District: Eaton County

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DEADLINE FOR COMPLETION OF RECOUNTS: After a general election, each requested recount must be completed no later than 30 days after 1) the deadline for filing a counter petition or 2) the first date the recount may lawfully begin (MCL 168.875).

CONDUCT OF POST-ELECTION AUDITS: If a recount has been requested involving a precinct that has been selected for a post-election audit, the audit may not begin until after the recount has been completed. All other post-election audits may proceed at this time. All of the resources you will need to conduct post-election audits may be found at this link: [Post-Election Audit Resources](#).

The post-election procedure audit includes a hand count of the ballots for the U.S. Senate race in each precinct selected for audit. Additionally, we will be conducting a state-wide Risk Limiting Audit of the Presidential race.

RELEASE OF VOTING EQUIPMENT: The security of ballots and election equipment is released as follows:

BUREAU OF ELECTIONS
RICHARD H. AUSTIN BUILDING • 1ST FLOOR • 430 W. ALLEGAN • LANSING, MICHIGAN 48918
www.Michigan.gov/elections • (800) 292-5973

Ballots, programs and related materials: The security of all optical scan ballots, programs, test decks, accuracy test results, edit listings and any other related materials will be released once all post-election audits are completed.

E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (November 30, 2020) unless a petition for recount has been filed and the recount has not been completed, a post-election audit is planned but has not yet been completed, or the deletion of the data has been stayed by an order of the court or the Secretary of State.

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Questions?

If you have any questions, please contact us via email at elections@michigan.gov, or by phone at (517) 335-3234 or (800) 292-5973.

EXHIBIT 3

COPY

STATE OF MICHIGAN 87TH DISTRICT COURT	SEARCH WARRANT	POLICE AGENCY: MSP/Department of Attorney General REPORT NO. 73-555-22
--	----------------	--

TO THE SHERIFF OR ANY PEACE OFFICER:

1. **PERSON, PLACE, or THING to be searched is described as and located at:**

Irving Township Clerks Office located at 3425 Wing Rd Hastings, Michigan, County of Berry, 49058

2. **PROPERTY to be searched for and seized, if found, is specifically described as:**

1. Evidence of the crime of election law violations, including but not limited to a component of voting/election equipment; tabulators, poll books, (ERM) Election Reporting Module.
2. All keys that are used to unlock the above devices. All thumb drives, which are used to download information from the above devices.
3. Furthermore, to allow the device to be forensically examined by an examiner who is certified and trained to conduct data extractions.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists, and you are commanded to make the search and seize the described property. Leave a copy of this warrant with attached tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the Court.

Issued:

Date 4/28/22


Judge Michael Cooper

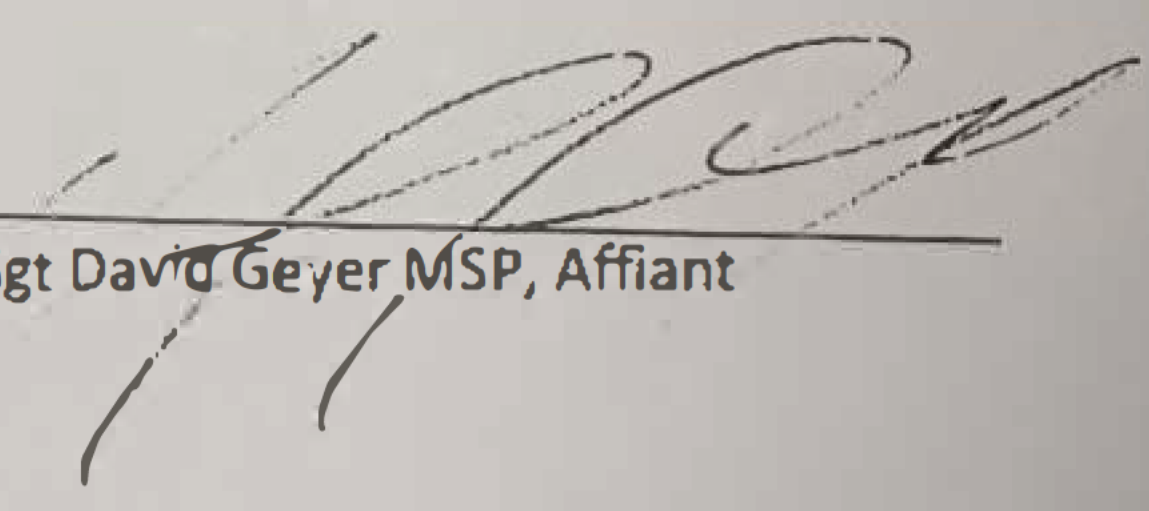

Det/Sgt David Geyer MSP, Affiant

EXHIBIT 4

STATE OF MICHIGAN 3 rd Judicial Circuit Court	SUBPOENA ORDER TO APPEAR	INVESTIGATION OF: A Conspiracy to Obtain Undue Possession of Voting Machine
--	-------------------------------------	--

In the Name of the People of the State of Michigan. TO: MARK LESTER NOTEBOOM

YOU ARE COMMANDED, pursuant to 1995 PA 148 and Section VIIA of the Code of Criminal Procedure, to appear personally at the time and place stated for the purpose of giving testimony.

1. Appear at: The Offices of the Michigan Attorney General,
3030 W. Grand Blvd, Ste 10-200, Detroit, MI 48202

2. Day: Tuesday	Date: June 14, 2022	Time: 11:00 am.
-----------------	---------------------	-----------------

YOU ARE ALSO ORDERED TO:

3. ☒ Be examined under oath.
4. ☐ Produce the following items for inspection and copying or both:

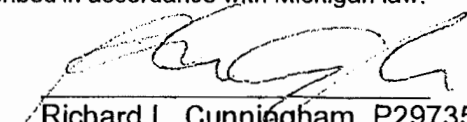
Authorizing Prosecuting Attorney: 5. Richard L. Cunningham, P29735 Assistant Attorney General	Telephone Number: (313) 456-0204 (517) 881-4509
Address: 3030 W. Grand Blvd., Ste 10-354, Detroit, MI 48202	

NOTICE:

- This subpoena has been duly authorized by a court of competent jurisdiction. Failure to obey the command of this subpoena or appear at the stated time and place may subject you to penalty for contempt of court.
- You may object to this investigative subpoena or file reasons for not complying by filing a written statement of objection or noncompliance with the prosecuting attorney listed above on or before the date you are scheduled to appear.
- You may have legal counsel present at all times you are being questioned or during the time that the records, documents, or physical evidence you provide are being inspected.
- The proceedings related to this subpoena are confidential.
- You have all rights granted under the state and federal constitutions, including the right against self-incrimination. You may refuse to answer any question if a truthful answer to the question may incriminate you.
- Your testimony will be recorded and/or transcribed in accordance with Michigan law.

Dated: June 6, 2022

Issuing Authority:


Richard L. Cunningham, P29735
Assistant Attorney General

ATTACHMENT A

Document received by the MI Court of Claims.

EXHIBIT 5



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

MEMORANDUM

DATE: August 22, 2022
TO: County Clerks
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: Recounts; Release of Security

Please be advised of the following:

STATE RECOUNTS: The Board of State Canvassers completed its canvass of the August 2, 2022 primary election on Friday, August 19, 2022. The deadline for filing a petition for a recount with the Secretary of State elapsed today. The following recount request was received by the Secretary of State by the recount petition filing deadline:

- 34th State House District Republican Primary: Lenawee County

CONDUCT OF LOCAL RECOUNTS: Recounts requested for local offices and ballot questions that overlap the district listed above may not proceed until clearance is received through this office. Recounts requested for local offices that do not overlap the district listed above may proceed at this time.

DEADLINE FOR COMPLETION OF RECOUNTS: “All recounts shall be completed for a primary election not later than the twentieth day ... immediately following the last day for filing counter petitions or the first day that recounts may lawfully begin.” MCL 168.875.

Since absent voter ballots must be available for the November 8, 2022 general election no later than September 24, 2020, all county canvassing boards are urged to complete any requested recounts no later than **Friday, September 9, 2022.**

CONDUCT OF POST-ELECTION AUDITS: If a county has chosen to conduct post-election audits and a recount has been requested involving a precinct that has been selected for a post-election audit, the audit may not begin until after the recount has been completed. All other post-election audits may proceed at this time.

RELEASE OF SECURITY: The security of ballots and election equipment is released as follows:

Ballots, programs and related materials: The security of all optical scan ballots, programs, test decks, accuracy test results, edit listings and any other related materials is released under the Rules for Electronic Voting Systems, R 168.790(18), as of September 18, 2022 except in those areas where local recounts extend beyond September 18, 2022. Optical scan ballots and materials involved in local recounts which extend beyond September 18 can be released by the Board of County Canvassers upon the successful completion of the recount.

E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (August 26, 2022) unless a petition for recount has been filed and the recount has not been completed or the deletion of the data has been stayed by an order of the court or the Secretary of State. The EPB paper printout has already been produced and secured on election night. Jurisdictions should consult with city, township, or county counsel regarding any pending court orders, subpoenas, or records requests regarding these materials.

“EARLY RELEASE” OPTION IF NO STATE OR LOCAL RECOUNTS ARE PENDING: Michigan election law, MCL 168.799a(4), provides the following:

“Unless a petition for recount has been filed and the recount has not been completed, ballots, ballot labels, programs, test results, and other sealed materials may be released from their original seal after 7 days following the final determination of the board of canvassers with respect to the election at which the ballots were voted. However, the released materials shall be secured and preserved for the time period required by this act and the rules promulgated by the secretary of state.”

A jurisdiction that wishes to take advantage of the above retention procedures to free electronic voting equipment for the upcoming November 8 general election may break the seals on the materials any time after August 26, 2022 and then seal the materials in an approved ballot container through September 18, 2022. Programs contained on memory devices may be downloaded to other media during the transfer of the materials to free the memory devices for the upcoming election.

FEDERAL BALLOT RETENTION REQUIREMENT: If the office of President, U.S. Senator or U.S. Representative in Congress appears on the ballot (the office of U.S. Representative in Congress appeared on the August 2 primary ballot), federal law requires that all documents relating to the election -- including optical scan ballots and the programs used to tabulate optical scan ballots -- be retained for 22 months. To comply with the requirement, the Bureau of Elections recommends that optical scan ballots and the programs relating to federal elections be stored in sealed ballot bags in a secure place during the 22-month retention period. The documents subject to the federal retention requirement must not be transferred to ballot bags for extended retention until after they are released under Michigan election law as detailed in this memo.

Questions?

If you have any questions, please contact us via email at elections@michigan.gov, or by phone at (517) 335-3234 or (800) 292-5973.

EXHIBIT 6



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

August 26, 2022

Sharon Olson
Irving Township Clerk
3425 Wing Rd
Hastings, MI, 49058
Via email: clerk@irvingtownship.org

Dear Clerk Olson:

I write to advise you on your obligations to safeguard the security of election equipment and instruct you to confirm to the Bureau of Elections that equipment is being properly secured.

The Bureau of Elections is aware that an unauthorized individual was previously granted access to Township election equipment. The equipment which was inappropriately accessed is no longer in use in the Township. As the Bureau has advised, clerks must ensure that only election officials, licensed vendors, or accredited voting system test laboratories (VSTLs) be granted access to voting equipment. Entities that are permitted to access voting equipment include:

- County and municipal clerks, and their staff
- Bureau of Elections personnel
- Staff for Election Management System vendors (Dominion, ES&S, and Hart) and their licensed staff and contractors (including Election Source)
- Voting System Test Laboratories (VSTLs) that have been accredited by the Election Assistance Commission (EAC)

Clerks should never allow access to election equipment to entities other than election officials and staff, licensed vendors, and accredited VSTLs. Granting access to election equipment to unauthorized personnel may result in the decertification of election equipment or require additional procedures be followed prior to the use of such equipment.

All vote-tabulation equipment used in Michigan must be certified by the Board of State Canvassers following the Bureau staff review and recommendation. Voting equipment is certified only following review and certification of equipment in a specific configuration approved by the EAC or in a modified configuration certified by the Board of State Canvassers.

In your jurisdiction, the Bureau understands that an individual claimed access to voting equipment was needed in connection with a supposed investigation being conducted by a County Sheriff. The mere claim that access is being sought for this purpose is not a sufficient basis to provide access to an unauthorized individual. Access of this nature would require, at minimum, a subpoena, warrant signed by a judge, or court order. If you do receive a document of this nature

in the future, you should consult with legal counsel and inform the Bureau of Elections and the Office of the Michigan Attorney General. Otherwise, you should never grant access to voting equipment to unauthorized individuals.

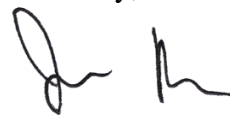
Under the Michigan Election Law, 1954 PA 116, as amended, MCL 168.1 et seq., the Secretary of State is the Chief Election Officer of this State and “shall have supervisory control over local election officials in the performance of their duties under the provisions of this act.” MCL 168.21. The Secretary of State is required by law to “issue instructions” and “[a]dvice and direct local election officials as to the proper methods of conducting elections.” MCL 168.31(1)(a),(b). County clerks and Boards of Commissioners are required to comply with the instructions given by the Secretary of State. *Secretary of State v Berrien Co Bd of Election Comm'rs*, 373 Mich 526, 530-531 (1964). The Director of Elections is authorized to act at the Secretary’s behest “with respect to the supervision and administration of the election laws.” MCL 168.32.

In accordance with my authority under the Michigan Election Law, I am directing you to provide regular confirmation that you have not granted further unauthorized access to voting equipment in your Township. Specifically:

- (1) Please review the Memo to Clerks on Access to Records and Equipment, available on the [eLearning Center](#).
- (2) Please review the training material “Voting Systems: Security Protocols and Best Practices”, available on the [eLearning Center](#).
- (3) Please confirm, by Friday, September 2, 2022 that your office has not provided unauthorized access to voting equipment, other than the incident described above, at any time between November 3, 2020 and the date of this letter.
- (4) Please confirm, on the following future dates, that your office has not provided unauthorized access to voting equipment since the date of the previous confirmation:
 - a. Friday, October 7, 2022
 - b. Friday, November 4, 2022
 - c. Friday, December 2, 2022
 - d. Friday, January 6, 2022

If you fail to provide these confirmations, you will be instructed to refrain from administering any elections in Irving Township and legal action will be taken as necessary to enforce this instruction. Be advised that willfully failing to comply with a lawful order from the Secretary of State is a misdemeanor. MCL 168.931(h). Please feel free to contact me if you have any questions regarding these instructions.

Sincerely,



Jonathan Brater
Director of Elections