

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

DATE FILED: December 17, 2021 2:50 PM
FILING ID: EDC523D785AB7
CASE NUMBER: 2020CV34319

DONALD J. TRUMP FOR
PRESIDENT, INC., MATTHEW
SEELY, ALEXANDRA SEELY,
PHILIP O'HALLORAN, ERIC
OSTERGREN, MARIAN
SHERIDAN, MERCEDES WIRSING,
and CAMERON TARSA,

Plaintiffs,

v.

No. _____

JOCELYN BENSON, in her official
capacity as Michigan Secretary of
State, MICHIGAN BOARD OF
STATE CANVASSERS, WAYNE
COUNTY, MICHIGAN, and
WAYNE COUNTY BOARD OF
COUNTY CANVASSERS,

Defendants.

_____/

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**COMPLAINT FOR DECLARATORY, EMERGENCY,
AND PERMANENT INJUNCTIVE RELIEF**



deliver a ballot cast by a lawful voter. *See*, for example, MCL 168.932(f), which prohibits “A person other than an absent voter,” and certain others, such as an immediate family member, from possessing and returning an absent voter ballot. *See also Michigan Alliance for Retired Americans v. Secretary of State*, 2020 Mich. App. LEXIS 6931, *23-24 (Mich. Ct. App. Oct. 16, 2020) (“On balance, the ballot-handling restrictions pass constitutional muster given the State’s strong interest in preventing fraud.”).

58. MCL 168.761d(4)(c) provides that “[t]he city or township clerk” who establishes a remote ballot drop box “must use video monitoring of that drop box to ensure effective monitoring of that drop box.”

59. An election challenger at the Detroit Department of Elections office observed ballots being deposited in a ballot drop box located at the Detroit Department of Elections after 8:00 p.m. on Election Day. Exhibit 1 (Meyers aff. ¶6).

v. Wayne County used ballot tabulators that were shown to miscount votes cast for President Trump and Vice President Pence and instead count them for the Biden-Harris ticket.

60. On the morning of November 4, unofficial results posted by the Antrim County Clerk showed that Joe Biden had over 7,700 votes — 3,000 more than Donald Trump. Antrim County voted 62% in favor of President Trump in 2016. The Dominion Voting Systems election management system and voting machines (tabulators), which were used in Antrim County, are also used in many other Michigan counties, including Wayne County, were at fault.

61. Secretary of State Benson released a statement blaming the county clerk for not updating certain “media drives,” but her statement failed to provide any coherent

explanation of how the Dominion Voting Systems software and vote tabulators produced such a massive miscount.²

62. Secretary Benson continued: “After discovering the error in reporting the unofficial results, the clerk worked diligently to report correct unofficial results by reviewing the printed totals tape on each tabulator and hand-entering the results for each race, for each precinct in the county.” *Id.*

63. What Secretary Benson fails to address is what would have happened if no one “discover[ed] the error,” for instance, in Wayne County, where the number of registered voters is much greater than Antrim County, and where the tabulators were not individually tested.

64. Wayne County used the same Dominion voting system tabulators as did Antrim County, and Wayne County tested only a single one of its vote tabulating machines before the election. The Trump campaign asked Wayne County to have an observer physically present to witness the process. *See* Exhibit 4. Wayne County denied the Trump campaign the opportunity to be physically present. Representatives of the Trump campaign did have opportunity to watch a portion of the test of a single machine by Zoom video.

65. Tabulator issues occurred elsewhere in Michigan. In Oakland County, Democrat Melanie Hartman was wrongly declared the winner of the commissioner's race by a 104-vote margin. A computer issue at the Rochester Hills clerk's office caused them

² https://www.michigan.gov/documents/sos/Antrim_Fact_Check_707197_7.pdf (emphasis in original).

and resulting in the casting and counting of ballots that were ineligible to be counted and diluted or canceled out the lawfully cast ballots of other Michigan voters.

PRAYER FOR RELIEF

President Trump's and Vice President Pence's campaign committee and these Michigan citizens and voters ask this Court to enter a declaratory judgment in their favor as set forth in the foregoing counts and to grant the following injunctive relief:

- A. An order directing Secretary Benson and the Michigan Board of State Canvassers to not certify the election results until they have verified and confirmed that all ballots that were tabulated and included in the final reported election results were cast in compliance with the provisions of the Michigan Election Code as set forth herein.
- B. An order prohibiting the Wayne County board of county canvassers and the board of state canvassers from certifying any vote tally that includes:
 - (1) fraudulently or unlawfully cast ballots;
 - (2) ballots tabulated using the Dominion tabulating equipment or software without the accuracy of individual tabulators having first been determined;
 - (3) any ballots that were received after Election Day (November 3, 2020) where the postmark or date of receipt was altered to be an earlier date before Election Day; and
 - (4) any ballots that were verified or counted when challengers were excluded from the room or denied a meaningful opportunity to observe the handling of the ballot and poll book as provided in MCL 168.733.
- C. An order directing the Wayne County board of county canvassers to summon and open the ballot boxes and other election material, as provided in MCL 168.823, and, in the presence of challengers who can meaningfully monitor the process, to review the poll lists, absent voter ballot envelopes bearing the statement required by MCL 168.761, and other material provided in MCL 168.811.
- D. An order directing that challengers be allowed to be physically present with a meaningful opportunity to observe when the accuracy of each piece of tabulating equipment is determined, and if the accuracy of each piece of tabulation equipment used by Wayne County is not confirmed to be

accurate, an order directing a special election be held in the affected precincts as provided by MCL 168.831-168.839.

- E. An order directing the board of county canvassers and the board of state canvassers, with challengers present and meaningfully able to observe, to obtain and review the video of unattended remote ballot drop boxes.

Plaintiffs further pray the Court to grant such other relief as is just and proper, including but not limited to, the costs of this action and their reasonable attorney fees and expenses pursuant to 42 U.S.C. 1988.

Respectfully submitted,

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