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MICHIGAN HOUSE OF REPRESENTATIVES

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Attn: Chairman Donald Palmer
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

Chairman Palmer,

As the Chair of the Michigan House Committee on Election Integrity, I am writing to inform you about multiple proposed rulesets promulgated by the Michigan Department of State (MDOS) that violate federal law and systematically compromise the integrity of our elections. These rulesets are the result of MDOS overreach that completely circumvents the legislative process.

The first ruleset, *2025-14 ST*, mandates the destruction of electronic pollbook (EPB) data within seven days of election certification. This rule directly violates federal law 52 USC Section 20701, which requires retention of all election records for 22 months. Electronic pollbook data is an election record; therefore, this seven-day deletion violates the federal mandate and exposes Michigan to criminal penalties under 52 USC Section 20702. This ruleset also violates the Help America Vote Act (HAVA), which requires auditable and verifiable election records, and the National Voter Registration Act, which depends on pollbook transaction logs for voter roll maintenance. Lastly, this ruleset opposes the National Voter Registration Act (NVRA), which requires systematic voter roll maintenance. The Electronic pollbook transaction logs, which this ruleset demands clerks to delete, are essential for NVRA compliance; therefore, data destruction hinders NVRA list maintenance requirements.

The second ruleset, *2025 13-ST*, creates an unconstitutional burden on citizens' fundamental right to petition their government regarding election integrity. The Supreme Court in *Anderson v. Celebrezze* (460 US 780, 1983) established that citizens have a constitutional right to participate in election oversight, but this ruleset requires expensive notarized affidavits, costly certified mail, and impossible "personal knowledge" standards that effectively silence citizen oversight. The ruleset also expands UOCAVA protections to create a two-tiered verification system that violates Equal Protection principles established in *Reynolds v. Sims* (377 US 533, 1964). While domestic voters face increasingly stringent verification requirements, overseas civilians in Michigan receive blanket exemptions without statutory authority because the ruleset bundles overseas civilians into the same protected class as active military abroad. According to Election Assistance Commission data, 81.2% of Michigan's 2024 overseas ballots came from non-military civilians, which shows how widely detrimental the application of this ruleset will be to election integrity.

2025 13-ST further undermines federal law by making clerk investigations optional, violating the "reasonable effort" mandate under 52 USC 20507(a)(4). This ruleset also Lists 20 years of inactivity as "reliable information" for potential cancellation, implying retention of electors that far exceeds NVRA's 4-year limit (52 USC 20507(c)(2)(A)). In addition,

the ruleset restricts approved voter roll maintenance tools, contrary to United States Election Assistance Commission (EAC) guidance, creating subjective standards that prevent systematic compliance. Finally, the ruleset does not align with HAVA's requirement for accurate statewide databases, as it permits the use of subjective standards (R 168.252(1)) and renders investigations optional (R 168.252(4)). This would allow for inconsistencies and undermine database accuracy.

To conclude, both these proposed rulesets violate multiple federal laws and are yet another example of MDOS expanding its power to bypass the legislative process. I argue that it is essential for Michigan's elections to be governed by laws passed by the legislature and not by expanding rules promulgated by a state department. We look forward to a response from your office and an investigation into this abuse of power. The People of Michigan deserve answers. Thank you for your attention to this matter and for your service to Michigan.

With Liberty,

A handwritten signature in black ink, reading "Rachelle Smit". The signature is written in a cursive, flowing style.

Representative Rachelle Smit
Chair, House Election Integrity Committee
Michigan's 43rd House District