



Michigan Jurisdiction Clerks Have the Sole Authority to Not Use Electronic Voting Systems

Impracticable is defined as unsuitable for use or purpose. The right of the **election clerk** to decide if the tabulator use is **impracticable** is found at 168.798b.

There are five reasons listed in the [enclosed memorandum of law](#) for why a clerk should declare the use of tabulators impracticable.

1. MCL 168.794a(3) requires the establishment of rules for accuracy testing be 'promulgated' thru the Administrative Procedures Act. This 2002 requirement was to be defined before the universal voting system began operation in 2016. It should have been done when the universal voting system was final in 2018. It remains undone and the existing rules date back to 1979 and are for accuracy testing of a mechanical

system with 'hanging chads' NOT an electronic voting system.

2. The 'error rate' which was established by federal HAVA is exceeded. The optical scanned ballot can not report a result incorrectly more than 1 per 125000 ballots. This means the error rate for 6 million votes is 48 ballot misreads. Antrim county alone exceeded the total errors permitted in Michigan in 2020. The accuracy is also required by MCL 168.795.

3. The lack of an audit trail as required by MCL168.795(1)k. The HAVA audit trail requires audit, access and security logs. The audit trail starts with the registration, the poll book verifying check in, the ballot optical image, the cast vote record, the table of votes and the accumulated results called a statement of votes the official record. Michigan clerks were instructed to delete the electronic logs seven days after the election. Many other gaps occurred.

4. The uniform system as configured must be certified as meeting standards per MCL 168.795a. The standards do not exist, the process for accreditation of independent authority to certify does not exist. The law states the voting system shall not be used.

5. The uniform system as configured per HAVA has to meet security and transparency guidelines under federal law. This starts with the standards which are VVSG 2.0. Next is the Voting System Test Laboratory VSTL which must be accredited by the EAC and then examine the system as configured and report whether the system is certified as meeting or exceeding the VVSG. None of the systems meet this requirement.

This is before we discuss internet connectivity which was supposed to be air gapped and is clearly now established that the system is online.

Therefore, the election clerk should declare the system impracticable and count the votes by hand.

Click this link for the full Memorandum of Law referenced above:

[Memorandum of Law](#)

Click this link for a 7 minute video message:

[Video Message](#)