

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

PUBLIC INTEREST LEGAL FOUNDATION,

Plaintiff,

v.

JOCELYN BENSON, in her official capacity as
Michigan Secretary of State,

Defendant.

Civ. No. 1:21-cv-929

JOINT STATEMENT OF UNDISPUTED MATERIAL FACTS

1. The Foundation is a non-profit, public interest organization that seeks to promote the integrity of elections nationwide through research, education, remedial programs, and litigation. (ECF No. 1 PageID.2.)
2. Defendant is Michigan Secretary of State, Jocelyn Benson, who is the chief election officer of Michigan. Mich. Comp. Laws § 168.21; Mich. Comp. Laws § 168.509n. (ECF No. 1 PageID.2.)
3. On September 18, 2020, the Foundation sent, via email and mail, a letter to Defendant. (ECF No. 1 PageID.9, ECF 1-4, PageID.48-50.)
4. On or about September 24, 2020, Defendant received the Foundation's mailed letter dated September 18, 2020. (ECF No. 14, PageID.146.)
5. Defendant sent a letter to the Foundation on September 29, 2020. (ECF No. 1 PageID.9.)
6. The Foundation sent a letter to the Defendant on October 5, 2020. (ECF No. 1 PageID.9, ECF No. 1-6, PageID.52-53.)

7. Defendant received the Foundation's October 5, 2020, letter. (ECF No. 14, PageID.147.) Deposition of Jonathan Brater at 145:7-13.
8. Melissa Malerman, former Bureau of Elections Director of Filing Disclosure and Compliance Division, sent an email to Jonathan Brater on October 5, 2020. (MDOS Dep, p 96 ln 6-19; MDOS Dep, Exhibit 4 E-mail 10/5/2020.)
9. On November 25, 2020, the Foundation sent a letter to the Defendant. (ECF No. 1 PageID.11, ECF No. 1-8, PageID.61-62.)
10. Defendant received the Foundation's November 25, 2020, letter. (ECF No. 14, PageID.149.) Deposition of Jonathan Brater at 147:8-15.
11. On December 11, 2020, the Foundation sent a letter to the Defendant. (ECF No. 1 PageID.11, ECF No. 1-9, PageID.63-64)
12. Defendant received Foundation's letter dated December 11, 2020. Deposition of Jonathan Brater at 149:19-150-1.
13. On December 17, 2020, the Foundation received an email from Defendant's office (ECF No. 1 PageID.12, ECF No. 1-10, PageID.65-66.) Deposition of the Michigan Department of State at 118:12-15.
14. On December 18, 2020, the Foundation sent a letter to the Defendant. (ECF No. 1 PageID.12; ECF No. 1-11, PageID.67-68)
15. Defendant received the Foundation's letter dated December 18, 2020. (ECF No. 14, PageID.151.)
16. Defendant did not respond to the Foundation's letter dated December 18, 2020. (ECF No. 14, PageID.151.)

17. Ninety days following the Foundation's December 18, 2020, Letter was March 18, 2021.

18. On January 13, 2021, the Foundation wrote another letter to the Defendant. (ECF No. 1 PageID.12, ECF No 1-13, PageID.72-73.)

19. Defendant received the January 13, 2021, correspondence and accompanying data. (ECF No. 14, PageID.151.) Deposition of Jonathan Brater at 151:17-24.

20. Defendant did not respond to the January 13, 2021, correspondence and accompanying data. (ECF No. 14, PageID.151; ECF No. 1-13, PageID.72-73.)

21. Defendant maintains a database for voter registration. The database is called the Qualified Voter File ("QVF"). Deposition of Jonathan Brater at 31:20-24.

22. Defendant maintains a statewide database for driver file records. This database is known as CARS. Deposition of Jonathan Brater at 32:4-11.

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Dated: October 2, 2023

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Dated: October 2, 2023

For the Defendant:

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