

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

JUDI BENNETT,
Plaintiff,

Case No: 25- 000135 -MZ

v.

Hon. Christopher P. Yates

MICHIGAN BUREAU OF ELECTIONS,
Defendant.

Thomas J. Lambert (P86348)
Thomas J. Lambert, PLC
Attorney for Plaintiff
PO Box 144
Jamestown, MI 49427
(616) 275-2976
tlambert@tjlplc.com

PLAINTIFF'S VERIFIED COMPLAINT SEEKING FOIA DISCLOSURE & OTHER RELIEF

NOW COMES Plaintiff JUDI BENNETT by and through counsel, and complains as follows:

INTRODUCTION

This case arises under the Michigan *Freedom of Information Act* ("FOIA"); MCL 15.231 *et seq.* On April 15, 2025, Plaintiff submitted a valid FOIA request to Defendant, which Defendant thereafter unlawfully denied.

PARTIES

1. Plaintiff JUDI BENNETT is an adult resident of the State of Michigan, and a "person" entitled to public information as that term is defined in MCL 15.232(g).
2. Defendant MICHIGAN BUREAU OF ELECTIONS is a statutorily created bureau under the supervision of the Michigan Secretary of State.
3. Defendant MICHIGAN BUREAU OF ELECTIONS is a "public body" as that term is defined by MCL 15.232(h).

JURISDICTION

4. This Court has jurisdiction by statute pursuant to MCL 15.240(1) and MCL 600.6419.

5. Venue is proper in this case pursuant to MCL 15.240(4).

GENERAL ALLEGATIONS

6. On April 15, 2025, Plaintiff BENNETT submitted a Freedom of Information Act request seeking information and records related to the Secretary of State's announcement that 15 noncitizens voted in the November 2024 election. [hereinafter the "April 15 FOIA Request"].

7. A fair and accurate copy of the April 15 FOIA Request is attached hereto as **Exhibit 1**.

8. Through the April 15 FOIA Request, Plaintiff BENNETT sought the following records or records containing the following information:

- a. The jurisdictions of the 15 noncitizens that SOS Benson announced voted in the Nov. 2024 election.
- b. All documentation as to how they voted, whether same day registrations, early, Absentee Ballot, or in person.
- c. All documentation related to investigations regarding noncitizen registrations or voting.
- d. All documentation related to how the noncitizen voters or registrants were identified.
- e. All documentation showing that these noncitizens have been removed from the voter rolls.

9. On the same day, Defendant MICHIGAN BUREAU OF ELECTIONS responded denying the April 15 FOIA Request entirely [hereinafter the "April 15 Denial"].

10. A fair and accurate copy of the April 15 Denial is attached hereto as **Exhibit 2**.

11. Defendant MICHIGAN BUREAU OF ELECTIONS did not describe any particular records or information that was being withheld.

12. Defendant MICHIGAN BUREAU OF ELECTIONS claimed that disclosing the records would interfere with an ongoing investigation, but did not explain or identify how any particular record or information would interfere in any way.

13. Defendant MICHIGAN BUREAU OF ELECTIONS also claimed the "frank communications" exemption, but did not identify any particular information, record, or portion of any record or explain in any way how the disclosure of said information, record, or portion of record was clearly outweighed by the public interest in frank communication in the particular instance.

14. At the time of the filing of this Complaint, Plaintiff BENNETT has received no response records from Defendant MICHIGAN BUREAU OF ELECTIONS pursuant to the April 15 FOIA Request.

**COUNT I
WRONGFUL DENIAL – MCL 15.240**

15. Plaintiff BENNETT incorporates by reference the previous allegations as if set forth word for word herein.

16. Plaintiff BENNETT made a proper request for public records/information under Michigan's *Freedom of Information Act*.

17. Defendant MICHIGAN BUREAU OF ELECTIONS wrongfully denied the April 15 FOIA Request.

18. The records and information requested via the April 15 FOIA Request are not entirely exempt from FOIA.

19. Defendant MICHIGAN BUREAU OF ELECTIONS failed to describe the withheld records and information as required by law.

20. Defendant MICHIGAN BUREAU OF ELECTIONS failed to describe with particularity how disclosing the requested records and information would interfere with any law enforcement proceedings.

21. Defendant MICHIGAN BUREAU OF ELECTIONS failed to describe how disclosure of the requested records and information was clearly outweighed by the interest in encouraging frank communion in the particular instance.

22. Defendant MICHIGAN BUREAU OF ELECTIONS failed to separate exempt and nonexempt material and provide the nonexempt material as required by law.

23. Defendant MICHIGAN BUREAU OF ELECTIONS has not produced public records that should have been disclosed, in whole or in part, under Michigan's *Freedom of Information Act*.

24. There is no proper or valid justification for refusing to provide or produce the requested records, even if in part.

25. Defendant MICHIGAN BUREAU OF ELECTIONS arbitrarily and capriciously violated this Michigan law by refusing to act in accordance with the Act.

26. Defendant MICHIGAN BUREAU OF ELECTIONS willfully and intentionally failed to comply with FOIA or has otherwise acted in bad faith.

27. At the time of the filing of this Complaint, Defendant MICHIGAN BUREAU OF ELECTIONS has produced no records to Plaintiff BENNETT.

28. As a result of Defendant MICHIGAN BUREAU OF ELECTIONS's wrongful conduct, Plaintiff BENNETT has incurred attorney fees, costs, and disbursements which must be paid by Defendant pursuant to MCL 15.240(6).

RELIEF REQUESTED

29. WHEREFORE, Plaintiff JUDI BENNETT respectfully requests this Court:

- a. Enter an order assigning this matter for hearing and trial or for argument at the earliest practicable date and be expedited in every way pursuant to MCL 15.240(5);
- b. Find that the records and information requested via the April 15 FOIA Request are not entirely exempt and that Defendant MICHIGAN BUREAU OF ELECTIONS unlawfully denied the April 15 FOIA Request in its entirety;
- c. Find that Defendant MICHIGAN BUREAU OF ELECTIONS acted arbitrarily and capriciously;
- d. Find that Defendant MICHIGAN BUREAU OF ELECTIONS acted willfully and intentionally or otherwise acted in bad faith;
- e. Enter an order against Defendant MICHIGAN BUREAU OF ELECTIONS compelling the disclosure of the public records requested via the April 15 FOIA Request to the extent that Defendant is unable to prove that the records are exempt from FOIA;
- f. Enter an order awarding attorney fees, costs, and disbursements required by MCL 15.240(6);
- g. Enter an order awarding all punitive damages and imposing all civil fines authorized by FOIA; and
- h. Grant all other relief that this Court deems equitable and just.

Date: August 4, 2025

Respectfully Submitted,

/s/ Thomas J. Lambert

Thomas J. Lambert (P86348)

Thomas J. Lambert, PLC

Attorney for Plaintiff

PO Box 144

Jamestown, MI 49427

tlambert@tjlplc.com

VERIFICATION

I declare under the penalties of perjury that this document has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

8/13/2025
Date

Judi A. Bennett
Judi Bennett

BARBARA THOMPSON
NOTARY PUBLIC - STATE OF MICHIGAN
WASHTENAW COUNTY
MY COMMISSION EXPIRES FEB 14, 2028

Exhibit 1

April 15 FOIA Request

RECEIVED by MCOC 8/14/2025 11:32:12 AM

Michigan Department of State
Attn: FOIA Coordinator, Richard H. Austin Bldg., 4th Floor
P.O. Box 30204
Lansing, MI 48918

Tuesday, April 15, 2025

Pursuant to The Michigan Freedom of Information Act (FOIA) — located in 1976 PA 442, MCL 15.231 et seq., I am making the following request.

Please provide data for the following:

1. The jurisdictions of the 15 noncitizens that SOS Benson announced voted in the Nov. 2024 election.
2. All documentation as to how they voted, whether same day registrations, early, Absentee Ballot, or in person.
3. All documentation related to investigations regarding noncitizen registrations or voting.
4. All documentation related to how the noncitizen voters or registrants were identified.
5. All Documentation showing that these noncitizens have been removed from the voter rolls.

I would like to receive this information via electronic transmission. I would also like a cost estimate ahead of time if the cost will exceed \$25.

Since this request is for information that will be used for the purpose of educational and historical documentation, and is NOT INTENDED FOR COMMERCIAL USE, I would like to also respectfully **request that any fees be waived.**

The Michigan Freedom of Information Act requires a response to this request within 5 days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies and/or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal process available to me under the law.

Your time and kind consideration are very much appreciated. Thank you.

Judi A. Bennett



Email address: [REDACTED]

RECEIVED by MCOC 8/14/2025 11:32:12 AM

Exhibit 2

Request Denial

RECEIVED by MCOC 8/14/2025 11:32:12 AM



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

April 15, 2025

Judi Bennett
[REDACTED]

Dear Judi,

The Michigan Department of State acknowledges receipt of your request for records on 1. The jurisdictions of the 15 noncitizens that SOS Benson announced voted in the Nov. 2024 election. 2. All documentation as to how they voted, whether same day registrations, early, Absentee Ballot, or in person. 3. All documentation related to investigations regarding noncitizen registrations or voting. 4. All documentation related to how the noncitizen voters or registrants were identified. 5. All Documentation showing that these noncitizens have been removed from the voter rolls and has processed it under the provisions of the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 *et seq.* Your request was considered received by the Department on April 16, 2025. This notice is issued in response to your request.

This request has been:

- ☐ Granted as to existing, nonexempt public records that are determined to be responsive to your request.
- ☐ Granted in part as to existing, nonexempt public records that are determined to be responsive to your request, and denied in part. Portions of your request are exempt from disclosure based on provisions set forth in FOIA (*Please find the Department's explanation of specified information denied on the second and/or third page of this letter.*)
- ☒ **Denied.** (*Please find the Departments explanation of why your request was denied on the second and/or third page of this letter.*)

Note* Under FOIA, section 10, you have the right to appeal to the head of this public body or to a judicial review of denial. You may find the directions for appeal on the 4th (last page) of this letter.

Sincerely,

FOIA Coordinantor
Office of Investigative Services
Michigan Department of State

DENIAL OF RECORDS:

Denial is based on the following provision(s) of the Freedom of Information Act. MCL 15.243, Sec 13(1).
(All that apply are checked)

- ☐ (a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. *The basic FOIA policy of full agency disclosure, unless information is exempted, focuses on a requester's right to access official information that sheds light on an agency's performance of its statutory duties. That purpose, however, is not fostered by disclosure of information of a personal nature that is accumulated in various governmental files but that reveals little or nothing about an agency's own conduct. In this instance, the personal information would constitute an unwarranted invasion of an individual's privacy by revealing personal information about a matter they have requested through the FOIA. Furthermore, a signature could be copied and used for fraudulent or other illegal purposes.*

- | | | |
|---|---|--|
| <input type="checkbox"/> Name(s) | <input type="checkbox"/> Address(es) | <input type="checkbox"/> Phone Number(s) |
| <input type="checkbox"/> Email Address(es) | <input type="checkbox"/> Date(s) of Birth | <input type="checkbox"/> Signature(s) |
| <input type="checkbox"/> Driver License Number(s) | <input type="checkbox"/> Account Number(s) | <input type="checkbox"/> Policy Number(s) |
| <input type="checkbox"/> ID Number(s) | <input type="checkbox"/> Medical Information | <input type="checkbox"/> Credit Card Number(s) |
| <input type="checkbox"/> License Plate Number(s) | <input type="checkbox"/> Physical Characteristics | |

- ☒ (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure would do any of the following.

- ☒ (i) Interfere with law enforcement proceedings. *The Department of State has an ongoing investigation, release of the information would jeopardize this investigation.*
- ☐ (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.
- ☐ (iii) Constitute an unwarranted Invasion of personal privacy
- ☐ (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
- ☐ (v) Disclose law enforcement Investigative techniques or procedures.
- ☐ (vi) Endanger the life or physical safety of law enforcement personnel.

- ☐ (d) Records or information specifically described and exempted from disclosure by statute:
-

- ☒ (m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. *The Department has a strong interest in preserving candid policy making communications which clearly outweigh the public interest in disclosure. Disclosure of the contents of these records containing opinions, comments, evaluations and observations would have an adverse effect on Department staff's willingness to make candid assessments and offer advice on a course of action. Staff would be hesitant to speak frankly and express their views if such views were subject to unrestricted public disclosure under the FOIA.*

- ☐ (s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:
- ☐ (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant
- ☐ (u) Authorizes the Department to exempt from disclosure records "of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body." *The surveillance video would reveal the number, location, and coverage of security cameras as well as personal information, cash and payment handling procedures, security codes and passwords, location of safe(s) and other security measures employed to protect the Department, customers, and employees.*
- ☐ (w) Information or records that would disclose the social security number of any individual.
- ☐ To the best of the department's knowledge, information, and belief, under the information provided by you or by any other description reasonably known to the department, the public records do not exist within the department.
- ☐ The report you have requested has not yet been completed and filed. Please resubmit your request in 30 days.

APPEAL INFORMATION:

With regard to the denial of your request, under FOIA (MCL 15.240) you may do one of the following:

1. Appeal this decision in writing to Secretary of State Jocelyn Benson:

Secretary of State Jocelyn Benson
Attn: Khyla Craine
Legal Services Administration
Michigan Department of State
P.O. Box 30204
Lansing, Michigan 48918

The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within 10 business days of its receipt. Under unusual circumstances, the time for a response may be extended by 10 business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs and disbursement, and possible damages.