

BREAKING—GAME CHANGER! 11 HERO Lawmakers Sue MI SOS Jocelyn Benson and MI Director of Elections In Federal Court For Violating US and MI Constitution To Change Election Laws

By [Patty McMurray](#) Sep. 28, 2023 8:21 am [523 Comments](#)

Eleven Michigan state legislators have filed a lawsuit today in federal court against state election officials.

11 Michigan Legislators Sue State for Usurping Legislature's Constitutional Authority

Lawmakers claim state election officials violated legislature's right to determine time, place, and manner of elections as protected in both U.S. Constitution and Michigan Constitution

September 28, 2023



The lawsuit claims the 2018 and 2022 state constitutional amendments regulating the times, places, and manner of federal elections are legally null and void.

The U.S. Constitution, Article I, Section 4 ([the Elections Clause](#)), requires the state legislature to regulate the times, places, and manner of federal elections. However, Michigan's constitutional amendments (**Proposal 3 of 2018 and Proposal 2 of 2022**) bypassed the state legislature and, in doing so, usurped the legislature's federally mandated constitutional authority.



Michigan Constitution Elections Clause

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 4 Place and manner of elections. Sec. 4.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting.

These state constitutional amendments included provisions that **allow voters to sign affidavits instead of presenting valid identification when voting in person or applying for an absentee ballot; nine days of early voting; private funding of election administration; no-excuse absentee voting procedures; same-day voter registrations; state-funded absentee ballot drop boxes, and independent redistricting commissions.** The lawsuit, filed in the United States District Court for the Western District of Michigan, names as defendants Secretary of State Jocelyn Benson and Jonathan Brater, Director of the Bureau of Elections.



MI Secretary of State -
Jocelyn Benson (D) and

MI Bureau of Elections Director -
Jonathan Brater

In a press conference webinar conducted today, state Senator Jonathan Lindsey, one of the legislator plaintiffs, said, "The United States Constitution, the supreme law of the land, contains limited, but critical, election regulations. We also have

procedures in place at the state level to amend election law. However, these processes were violated in 2018 and 2022 when an alternative amendment process was used without regard to federal constitutional requirements. This lawsuit challenges recent attempts to subvert our constitutional process and will protect against such actions in the future.”

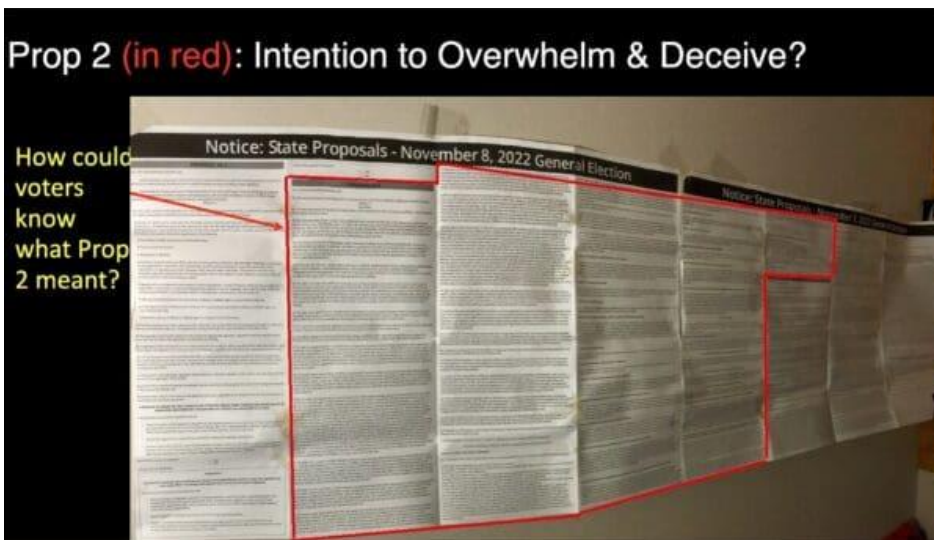


Lindsey said progressives had tried and failed for years to pressure elected representatives to tear down safeguards that kept the state’s elections convenient and secure. “As an end-around, they used an unconstitutional process, then deceived the public into voting for changes that weaken our elections,” he said. “I don’t blame voters. They were told lies that made Proposal 2 sound good. Proponents ran ads saying this “enshrines voter ID into our Constitution” when, in fact, Prop 2 guarantees the right to vote WITHOUT voter ID—a classic bait-and-switch tactic.

MI Senator Jonathan Lindsey (R) Representing the 17th Senate District in MI Legislature

The image is a composite. On the left is a black vertical box with white and red text. On the right is a political flyer for Michigan's Proposition 2. The flyer has a white background with a red banner at the top that says "VOTE YES ON PROP 2". Below that, in large blue letters, is "PUT VOTER ID REQUIREMENTS DIRECTLY IN MICHIGAN'S CONSTITUTION". Underneath is a paragraph of text: "For decades, when Michiganders go to vote, we've been asked for ID. And we overwhelmingly support keeping it that way. That's why we need to vote YES on Prop 2. Voting YES on Prop 2 would enshrine in Michigan's constitution the current requirement that all voters be asked to show an ID when they vote. Voting YES on Prop 2 also ensures politicians in Lansing can't eliminate the effective voter ID rules we have today." Below the text is a red checkmark icon followed by "VOTE YES ON PROP 2" in large blue letters, and "VOTE YES ON SECURE ELECTIONS" in white letters on a blue background. At the bottom are social media handles for "PromoteTheVote2022" and a website "promote-the-vote-2022.com". A small box at the bottom left of the flyer says "Paid for with regulated funds by Promote the Vote 2022, 660 W. St. George Street, Suite 30, Lansing, MI 48913." The black box on the left contains the following text: "Prop 2: Voters Deceived", "Misleading Statements exclude critical information:", "...or signed statement", and "No proof of ID or citizenship required". A red arrow points from the text "Misleading Statements exclude critical information:" to the word "DIRECTLY" in the flyer's main headline.

A lot of money was spent to deceive people. Now, these unlawfully enacted changes purport to limit our power as legislators to fix serious issues with our elections. Today, I stand with fellow legislators to challenge that notion.”



Representative Steve Carra, a plaintiff and Chair of the Michigan House Freedom Caucus, agreed. “The founders of this great republic put regulating elections into the hands of the state legislatures, so changes to the election process will undergo a deliberative and thoughtful process by the people’s elected representatives.”



Rep. Steve Carra (R) representing the 36th House District in the Michigan Legislature

“Michigan state election officials committed horrible violations of state legislators’ federal rights in 2018 and 2022 and continue to do so,” said Erick Kaardal, an attorney with Mohrman, Kaardal & Erickson, P.A., representing the plaintiffs. “The election officials enabled these legally unauthorized amendments to the state constitution to eviscerate the state legislators’ federal rights to participate in law-making to determine the times, places, and manner of federal elections. Now, the Michigan Constitution contains federal regulations that are monuments to civil rights violations. We will need help from the federal courts to clean up the mess that the election officials created.”

During the press conference this morning, Rep. Carra pointed out that over \$26 million was spent by mostly out-of-state groups to push the proposal that was “deceptively” promoted to voters by the far-left group “Promote the Vote.”

Additional attorneys for the plaintiffs include Lansing-based [David Kallman and Steve Kallman of the Kallman Legal Group, PLLC.](#)



Great Lakes Justice Center Senior
Legal Counsel David Kallman

Carra said, "We're seeing enormous outstate influence on our state's elections. The far left struggles to win in a fair election, so their national strategy is to corrupt swing-state elections. One of their tactics is to trick the public into voting for unconstitutional changes to a state's constitution, taking the legislature out of the election process." Carra explained that of the total \$31.7 million spent on the Proposal 2 campaign, \$23.6 million, 74%, was expended in support. About half of that, \$11.3 million, poured into Promote the Vote from the Sixteen Thirty Fund, a 501(c)4 nonprofit based in Washington D.C. The George Soros Open Society Foundation, a 501(c)3 nonprofit based in New York, accounted for \$1.2 million."

Despite the inflamed rhetoric coming from extremists, Michigan residents want fair and secure elections." Carra declared. He cited a recent Honest Elections Project (HEP) study that shows public support for photo ID laws has grown to an astounding 88% nationwide, with 68% strongly agreeing that photo ID should be required when voting. "Promote the Vote behaved like snake oil salesmen to deceive Michiganders into amending the state constitution. They claimed it enshrined voter ID when the truth is the Proposal 2 amendment did just the opposite. It allows registrants to vote without valid identification."

Carra noted, "The HEP study found that 86% of Americans think every election office should routinely undergo a full performance review and audit. "Prop 2 allows for nine days OR MORE of early voting, which is fiscally irresponsible and makes our elections ripe for fraud. We need to fix the problem now and restore legislative authority. Otherwise, the situation will continue to get worse."

The legislature has the authority to propose an amendment to the Constitution involving a vote of the people under Article 12, Sec. 1. But any election-law amendment to the Constitution that bypasses the legislature is illegal.

According to both the U.S. Constitution and the Michigan Constitution, only the state legislature has the authority to regulate the times, places, and manner of federal elections. The passage of an election-related ballot referendum without first gaining legislative approval violates both the U.S. and Michigan Constitutions. The Michigan Constitution provides that the legislative power to regulate elections is vested in the Senate and House of Representatives.

The lawsuit warns that the unconstitutional process could be misused in 2024 and in the future.”

The courts need to decide these important legal questions,” Senator Lindsey explained. “The people of Michigan are entitled to an answer on the scope and limitations of Article XII, section 2, amendment by petition, especially as it relates to the responsibilities granted to the state legislatures by the United States Constitution. I am honored to play a role in this effort to restore the rule of law in Michigan.”

Plaintiffs include Senators Jonathan Lindsey and Jim Runestad; Representatives Steve Carra, James DeSana, Joseph Fox, Neil Friske, Matt Maddock, Brad Paquette, Angela Rigas, Joshua Schriver, and Rachelle Smit.



MI Rep. Matt Maddock (R)



MI Rep. Jim DeSana (R)



MI Senator Jim Runstead (R)



MI Rep. Angela Rigas (R)



MI Rep. Josh Schriver (R)



MI Rep. Rachelle Smit (R)



MI Rep. Brad Paquette (R)



MI Rep. Joseph Fox (R)



MI Rep. Neil Friske (R)



Attorney Erick Kaardal of Mohrman, Kaardal, and Erickson, P.A.

Attorney Erick Kaardal, a partner of [Mohrman, Kaardal & Erickson, P.A.](#), specializes in suing the government to improve it. Over the course of his three-decade career, [Kaardal has achieved 61 election integrity counter-lawfare victories.](#) including two U.S. Supreme Court wins.

During the press conference this morning, Attorney Erick Kaardal explained that if they win their case, the MI Legislature can repeal the newly created election laws “because they’re in charge.” Kaardal reiterated who, in Michigan, has the legal ability to create election laws, “It’s a beautiful thing to give state legislatures and governors that kind of power to ensure we have the best federal elections possible in Michigan.”

Rep. Steve Carra responded to Attorney Kaardal’s statement by explaining how the voters in Michigan were duped by a deceitful ad campaign sponsored by “Promote the Vote” and other left-leaning groups into believing Proposal 2 would include a provision to ensure voters would provide a valid ID to vote. “If we have an amendment to the constitution, it is very difficult for us to go back and fix that later,” Rep. Carr explained, adding, “So any laws that are put in to implement Proposal 2 are easier to fix moving forward going through the tradition House and Senate and Governor process. So, those laws may be there, but if those are bad laws, and we argue that they are bad laws and that millions of dollars are spent from out of state to *trick* the people of Michigan into supporting something that they actually believed was not right to have in Michigan, we can make those arguments later and get the laws fixed easier than to have something that’s enshrined in the Michigan Constitution.”

[Michigan Fair Elections](#) and the [Great Lakes Justice Center](#), sponsors of the lawsuit, are Michigan-based, non-profit 501(c)3 organizations. MFE is composed of local task forces dedicated to restoring fair and honest elections through education, local citizen participation in elections, and litigation. GLJC’s mission is to speak truth on behalf of the persecuted and most vulnerable and to champion the cause of the defenseless and oppressed.

The logo consists of the letters 'GP' in a bold, blue, sans-serif font. Below the letters is a yellow horizontal bar that tapers to the right.

[**Patty McMurray**](#)

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