



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

July 14, 2021

Dear Clerks:

It has come to the Bureau of Elections' (BOE) attention that several clerks have received correspondence regarding the performance of the biannual preventative maintenance of voting equipment. We have also been informed that clerks have received communications or threats claiming that they should not conduct preventative maintenance. I write to address the false claims being made regarding preventative maintenance and reiterate that this process should move forward.

As you are aware, the contract between the State of Michigan and the voting equipment vendors requires that each vendor perform service and preventative maintenance every two years. Further, the Department's administrative rules obligate you to maintain custody of voting equipment and be responsible for their maintenance, repair, and preparations for elections. R. 168.772(3), (4).

Recently, vendors and authorized contractors sent communications to schedule preventative maintenance on voting equipment. In response, individuals have circulated false claims asserting that the conduct of routine preventative maintenance would somehow destroy data or violate federal record retention laws.

Neither of the above claims is accurate. Preventative maintenance is routine and designed to ensure the proper function and accuracy of the machines for future elections. During preventative maintenance, your vendor or an authorized contractor will first inspect the tabulators and ensure they are not broken, dented, or cracked. They will also ensure the equipment powers on properly and that all necessary components, such as the power adapter, paper roll, and ink cartridge, are present and functioning properly. They then test the diagnostics and functionality of the tabulators to ensure that all ballots are properly counted. For specifics on what will be performed, you may refer to your specific contract.

Preventative maintenance includes various function, accuracy and diagnostic tests. By failing to conduct this preventative maintenance on the tabulators, you potentially jeopardize the functionality and security of the machines, including potentially making them vulnerable to failures in your future elections. Going forward, you should work with your vendor to determine the best possible date and location for preventative maintenance to occur.

This preventative maintenance is critical to ensuring the accuracy, integrity, and security of the election and has occurred every other year for more than a decade. While any clerk who has received a "cease and desist" communication should consult with their local counsel, it is the BOE's position that preventative maintenance performed by authorized personnel such as your

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elections vendor or contractor is a necessary security function, and does not constitute any destruction of records required to be retained by federal law.

It is unfortunate that, yet again, false information is being spread about Michigan's secure election process and about the hard work that each of you do. If you have received any threats of violence against you or your staff, you should report this to law enforcement and also inform BOE. You should also contact law enforcement if you have any concerns about physical safety while performing preventative maintenance or other election functions.

As always, we thank you for your hard work and dedication to Michigan's voters and are here to support you. Please do not hesitate to reach out to our office with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Brater', with a stylized flourish at the end.

Jonathan Brater, Director
Bureau of Elections