

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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DANA NESSEL
ATTORNEY GENERAL

April 17, 2026

The Honorable Harmeet Dhillon
Assistant Attorney General
Department of Justice
Civil Rights Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Re: Title III demand for Wayne County 2024 election records

Dear Assistant Attorney General Dhillon:

Since returning to office, President Trump has continued to insist the 2020 presidential election was stolen, citing the same conspiracy theories rejected by courts across the country, and pressuring the Department of Justice to investigate these claims. Acceding to this pressure, on January 28, 2026, the Federal Bureau of Investigation executed a search warrant in Fulton County, Georgia, seizing original materials related to the 2020 presidential election.¹

The Michigan Department of Attorney General was recently made aware of your April 14, 2026, letter to Wayne County, styled as a demand under 52 U.S.C. 20703, demanding ballots and related materials from the 2024 election, based on similar conspiracy theories dating back to 2020. At the same time, the State of Michigan has also featured in President Trump's commentary, including a threat to take over the City of Detroit's elections.² I am dismayed that it appears you have decided to move forward on theories similar to those deployed in Fulton County, in Michigan. The courts, our officials, and our legislature have all determined that these theories are baseless, and they certainly provide no support for a demand for

¹ See [FBI serves a search warrant at Fulton County elections office | AP News](#). Concerningly, the DOJ has also sought access to voting equipment in other jurisdictions. See [DOJ seeks access to Dominion voting equipment used in 2020 | AP News](#); [Intelligence director Tulsi Gabbard's office obtained and tested voting machines in Puerto Rico | CNN Politics](#).

² See [Trump floats having feds 'involved' in running Detroit elections](#).

2024 election records. Accordingly, Michigan stands ready to defend against these claims and any attempt to interfere in Michigan's elections.

The Fulton County search warrant

Under federal law, a search warrant may be issued for evidence of a crime. Fed. R. Crim. P. 41(c). But a warrant must be supported by an affidavit or sworn testimony demonstrating “probable cause.” Fed. R. Crim. P. 41(d)(1), (2). “Probable cause exists when there is a fair probability, given the totality of the circumstances, that . . . evidence of a crime will be found in a particular place.” *United States v. Davidson*, 936 F.2d 856, 859 (6th Cir. 1991) (quotations omitted). An affidavit made in pursuit of a warrant “must contain adequate supporting facts about the underlying circumstances to show that probable cause exists.” *United States v. Weaver*, 99 F.3d 1372, 1377 (6th Cir. 1996).

After execution of the search warrant Fulton County sued for the return of its property and to unseal the affidavit supporting the warrant.³ The filings and subsequently unsealed affidavit reveal concerning deficiencies in the supporting affidavit.⁴ The affidavit is based largely on thoroughly investigated irregularities that had no impact on the outcome of the 2020 presidential election in Fulton County.⁵ These irregularities were the result of human error and were of the type that often occur in any given election. Yet the affidavit speculates, without any factual support, that the acts may have been intentional, and thus potentially criminal. At bottom, the affidavit reflects nothing more than a fishing expedition unsupported by adequate facts demonstrating probable cause.⁶

City of Detroit

Much like Fulton County, the City of Detroit became a target of efforts to overturn the results of Michigan's 2020 election. Attention centered on purported irregularities in Detroit's processing of absent voter ballots at the TCF Center.⁷ These allegations became lawsuits, none of which prevailed. Most notably, in

³ See [Pitts v. United States, 1:26-cv-00809 – CourtListener.com](#) and [Pitts v. United States, 1:26-mi-00012 – CourtListener.com](#)

⁴ See Affidavit, <https://www.courtlistener.com/docket/72267501/22/2/pitts-v-united-states/>.

⁵ The affidavit included allegations or theories discussed in a 2026 report by the “Election Oversight Group.” But that report contained extensive flaws as detailed in a more recent report by the States United Democracy Center. See [SUDC-Fulton-County-Report.pdf](#).

⁶ This is hardly surprising since the warrant was made at the behest of the President's Director of Election Security and Integrity, a 2020 election denier. See [Trump's Director of Election Security Is an Election Denier - The New York Times](#).

⁷ See [What really happened inside Detroit's TCF Center amid ballot counting](#).

Constantino, et. al. v. City of Detroit, et. al., the plaintiffs alleged a litany of ultimately disproven errors, many of which you repeat in your letter, including that Detroit:

- Counted ballots from voters whose names did not appear in the electronic voter file;
- Instructed election workers not to verify signatures on absentee ballots and to backdate absentee ballots;
- Received late batches of absentee ballots that were unsealed and without envelopes;
- Instructed election workers to process absentee ballots that appeared after the election deadline;
- Systematically used false information to process ballots, such as using incorrect or false birthdays.⁸

After full briefing and a hearing, the court denied injunctive relief, concluding that the allegations of fraud and improprieties lacked credibility and were often based on misunderstandings of the Michigan Election Law and the actual processes employed at the TCF Center: “Plaintiffs’ affidants did not have a full understanding of the TCF absent ballot tabulation process...[S]inister, fraudulent motives were ascribed to the process and the City of Detroit. Plaintiffs’ interpretation of events is incorrect and not credible.”⁹ The Michigan Court of Appeals¹⁰ and the Michigan Supreme Court¹¹ denied relief on appeal.

These and similar claims reappeared in the case of *King, et. al. v. Whitmer, et al.*, which the federal court rejected. 505 F. Supp. 3d 720 (E.D. Mich. 2020).¹² And in *Texas v. Commonwealth of Pennsylvania, et al.*, 20-220155 (U.S.), where the U.S.

⁸ See *Constantino, et. al. v. City of Detroit, et. al.*, Complaint, Wayne County Circuit Court No. 20-014780-AW, available at <https://www.greatlakesjc.org/wp-content/uploads/Complaint-Costantino-FINAL-With-Exhibits.pdf>.

⁹ *Id.*, November 13, 2020, Opinion and Order, [Opinion-and-Order-Judge-Kenny-Costantino.pdf](#).

¹⁰ *Id.*, November 16, 2020, Order, [COA 355443 CHERYL A COSTANTINO V CITY OF DETROIT ORDER 11/16/2020](#).

¹¹ *Id.*, November 23, 2022, Order, Michigan Supreme Court Case No. 162245, <https://www.greatlakesjc.org/wp-content/uploads/Supreme-Court-Order-Costantino.pdf>.

¹² See also *King, et al. v. Whitmer, et al.*, 71 F.4th 511 (6th Cir. 2023) (affirming in part and reversing in part imposition of sanctions against plaintiffs’ counsel).

Supreme Court rejected Texas’s attempt to overturn the presidential elections in Pennsylvania, Georgia, Michigan, and Wisconsin.¹³

Similarly, the Michigan Senate Oversight Committee, led by a Republican chair, also investigated many of these alleged irregularities and “found no evidence of widespread or systematic fraud in Michigan’s prosecution of the 2020 election.”¹⁴ Additionally, a state audit of Detroit’s absent voter counting board revealed no significant discrepancies in Detroit’s processing of the approximately 174,000 absent voter ballots cast in the 2020 election.¹⁵

Despite this record, a renewed effort to discredit Detroit’s 2020 election is underway. The Michigan Fair Elections Institute, a purported election integrity organization, and The Gateway Pundit, a disinformation website posing as a news website, are collaborating to review Detroit’s 2020 absent voting records.¹⁶ But it is more than likely any alleged errors will be based on previously debunked theories and provide no credible grounds for further questioning of Detroit’s election.

Wayne County

Pivoting from the City of Detroit, attention has now turned to Wayne County. In your April 14, 2026, letter to Wayne County Clerk Cathy M. Garrett, you request she produce “all ballots (including absentee and provisional, ballot receipts, and ballot envelopes” for the November 2024 general election pursuant to Title III of the Civil Rights Act of 1960, 52 U.S.C. § 20701 *et seq.*

Title III requires state election officials to retain for a set time period “all records and papers . . . relating to any application, registration, payment of poll tax, or other act requisite to voting” in a federal election[.]” 52 U.S.C. § 20701. It further provides that “upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper,” the records shall “be made available for inspection, reproduction,

¹³ See State of Michigan’s December 10, 2020, Brief in Opposition, https://www.supremecourt.gov/DocketPDF/22/22O155/163387/20201210145404465_22O155_Texas_MI_BIO_12-10.pdf.

¹⁴ See Report on the November 2020 Election in Michigan, p 3, [MISenate-Oversight-Committee-Report-NOV2020.pdf](#).

¹⁵ See Audits of the November 3, 2020 General Election, April 21, 2021, pp 19-23, [Audits of the November 3, 2020 General Election](#).

¹⁶ See March 2, 2026, [New Review of Detroit’s 2020 Election Records Already Identifies Multiple Irregularities](#). These records were obtained pursuant to a public records request. See September 25, 20205, [PRESS RELEASE: MFEI . . . Following the Evidence in the Investigation of Detroit’s 2020 Election Materials](#).

and copying at the principal office of such custodian by the Attorney General or his representative.” 52 U.S.C. § 20703.

The demand, though made to the wrong entity, is deficient for several reasons.

First, Title III requires the Attorney General to state a proper “purpose” in his demand for records. 52 U.S.C. § 20703 (a “demand shall contain a statement of the *basis and the purpose* therefor”) (emphasis added). This requirement is “not merely perfunctory—it is a critical safeguard that ensures the request is legitimately related to the purpose of the statute,” and not a “fishing expedition for voter records . . . looking for concerns[.]” *United States v. Weber*, ___ F. Supp. 3d ___, 2026 WL 118807 at * 9 (C.D. Ca., Jan. 15, 2026) (dismissing Department of Justice’s Title III claim for voting records).

In the letter, you state the “purpose” of the demand is to “ensur[e]” that “federal election laws were not violated in the November 2024 federal election,” referencing 52 U.S.C. § 10307 and § 20511, and 18 U.S.C. §§ 611 and 1015. These statutes all provide for the prosecution of people who falsely register to vote or vote, including noncitizens. You note that “there have been a number of recorded allegations and convictions in Wayne County of election fraud[.]”

But looking for speculative evidence of election fraud is far from Title III’s purpose of “detect[ing] voting-related racial discrimination.” *Weber*, 2026 WL 118807 at * 8. See also *Kennedy v. Lynd*, 306 F.2d 222, 228 (5th Cir. 1962) (“one of the clearest purposes of the Title III proceeding is to enable the Attorney General to assemble all of the voter record information . . . relating to all persons as to whom there is a question concerning infringement or denial of their constitutional voting rights.”); *State of Ala. ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960), *aff’d sub nom, Dinkens v. Att’y Gen. of U.S.*, 285 F.2d 430 (5th Cir. 1961) (Title III of the CRA was “designed to secure a more effective protection of the right to vote.”)

Second, the Attorney General must state a “basis” in support of his demand for voting records. 52 U.S.C. § 20703. The basis for the instant demand is a purported “history of fraud convictions and other allegations concerning the election procedures in Wayne County[.]” The letter points to three criminal cases brought by the Michigan Department of Attorney General. See *People v. Williams*, 22-000117-01-FH (Wayne Circuit Court),¹⁷ *People v. Clark*, 21901248-01 (Wayne Circuit Court), *People v. Parana*, 20-004939-01-FH (Wayne Circuit Court).

¹⁷ See also *People v. Williams*, 22-000211-01-FH (Wayne Circuit Court), 22-000274-01-FH (Wayne Circuit Court), and 22-000997-01-FH (Wayne Circuit Court).

These cases arose out of events occurring in the November 2020 general election and in at least seven different jurisdictions within Wayne County. In each case, the defendants' criminal conduct was flagged by local elections officials, investigated by the Michigan Department of State's Office of Investigative Services, and referred to the Department of Attorney General for further investigation and charging. In only one case was a fraudulent vote cast. And in all three cases, the Department of Attorney General secured convictions. In other words, the process worked. In Wayne County, 878,102 people voted in the November 3, 2020, general election out of 1,406,355 registered voters.¹⁸ The three defendants represent an infinitesimal percentage of these voters. The prosecutions are hardly representative of a "history" of fraudulent voting in Wayne County. The Department of Justice filed no fraudulent voting cases in 2024.

You also reference allegations from the *Constantino* lawsuit. But they provide no support for the reasons set forth above. Both the courts and members of the Michigan Legislature found these allegations either mistaken or meritless. Moreover, that case concerned solely the City of Detroit's election. The demand here is for records from all 43 local clerks in Wayne County. The events in the City of Detroit are not reflective of elections conducted in other jurisdictions, each of which is supervised by its own local clerk. More importantly, these events took place nearly six years ago and are not indicative of elections to be held in 2026 or those held in 2024. Since 2020, jurisdictions in Wayne County have conducted two significant elections—the November 2022 gubernatorial election and the November 2024 presidential election. Of note, the President improved his performance in Wayne County in the 2024 election,¹⁹ along with winning the State of Michigan.²⁰

Your letter is premised on rejected claims and stale allegations unconnected to Wayne County's November 2024 election. As a result, it fails to set forth a factual basis sufficient to satisfy the requirements of Title III, much less suggest any substantive issue in that election. *Weber*, 2016 WL 108877 at *9. (The "basis" for a demand "is the reasoning provided by" the Attorney General "regarding the evidence behind" an "investigation . . . and specific, articulable facts pointing to the violation of federal law.")

And *third*, there is the matter of the records sought. You have demanded all ballots and various additional materials. In the November 2024 election, voters

¹⁸ See Wayne County, November 3, 2020, General Election results, [ElectionSummaryReportRPT](#).

¹⁹ In 2024, the President received 288,860 votes, see Wayne County, November 5, 2024, General Election results, [ElectionSummaryReportRPT](#), and 264,553 votes in 2020, see November 3, 2020, General Election results, [ElectionSummaryReportRPT](#).

²⁰ See State of Michigan, November 5, 2024, General Election results, [Election Results](#).

cast 864,767 ballots in Wayne County.²¹ Absent voter ballots account for 348,364 of those cast.²² Although you request ballots and cite dicta from an out-of-circuit case in support, the plain language of Title III confirms that ballots are not records “relate[d]” to an “application” or “registration,” or that are “requisite” to voting. 52 U.S.C. § 20703. Further, your letter requests that the records be “produced.” But Title III does not grant the Attorney General authority to demand the production of original records. (*Id.*) (records “shall . . . be made available for inspection, reproduction, and copying at the principal office of such custodian”).

Even if your letter sufficiently states a demand, which it does not, the records are in the possession of the 43 local clerks in Wayne County. The scant and localized facts you cite do not merit a demand to all 43 jurisdictions. Further, to compile the documents you request would impose heavy and unwarranted burdens. The clerks and any staff they may have are deep in preparations for Michigan’s statewide August 4 primary election.²³ They have neither the additional time nor the resources to reproduce records or monitor copying or an inspection by the Department of Justice. These records could have been requested at almost any time in 2025. There is no reasonable explanation for your delay given the demand is not based on recent events but rather those occurring in 2020 or shortly thereafter.

Michigan’s elections are fair and secure

The Administration’s investigation of the 2020 election in Fulton County, the President’s misleading remarks regarding Detroit, and the demand to Wayne County suggest further targeting of Michigan may lie ahead.²⁴ But a federal investigation of Detroit or Wayne County, like others DOJ has pursued recently, would be a misuse of resources and an unwarranted intrusion into Michigan elections.²⁵ Any form of federal interference in Michigan’s elections, including any attempt to seize election records, will be closely scrutinized. See, e.g, *Weber*, 2026 WL 118807 at *10-12 (describing the DOJ’s stated purpose in seeking unredacted voter records as “contrived”); *United States v. Oregon*, ___ F. Supp. 3d. ___, 2026 WL 318402 at *11 (D. Or., Feb. 5, 2026) (expressing “serious doubt as to the true purposes for which [DOJ] is seeking voter registration lists”).

²¹ See Wayne County, November 5, 2024, General election results, [ElectionSummaryReportRPT](#).

²² *Id.*

²³ Several jurisdictions in Wayne County are holding municipal elections on May 6, 2026. See [May 2026 Election Jurisdictions](#).

²⁴ See March 8, 2026, [Trump Wants to ‘Take Over’ Elections. These States Are Prime Targets. - The New York Times](#). See also February 4, 2026, [Trump names Detroit when asked about nationalizing elections](#).

²⁵ See March 12, 2026, [FBI drops Nevada noncitizen voting investigation. CBS reports](#).

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Free and fair elections are the cornerstone of our democracy. This includes the right to vote according to one's political beliefs, free from fear or coercion. I am prepared to do whatever is necessary and within my power to protect the people of Michigan in the exercise of their fundamental right to vote.

Sincerely,

A handwritten signature in blue ink that reads "Dana Nessel". The signature is written in a cursive, flowing style.

Dana Nessel
Michigan Attorney General