



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

May 6, 2026

Richard Houskamp  
Michigan Board of State Canvassers

Dear Chair Houskamp,

I am writing to express my appreciation for the Board of State Canvassers and the work you and your fellow board members do in ensuring the successful administration of Michigan's elections. From canvassing initiative and nominating petitions to certifying election results and voting equipment, the Board serves a critical decision-making role throughout every election process.

The partnership between the Board of State Canvassers and the Bureau of Elections is one that is well established in law, and I am grateful for your faithful execution of duties alongside the 1,604 other Michigan citizens who serve as local and county clerks and directly administer our elections at the local level.

Michigan secretaries of state have a long history of simultaneously running for office while successfully administering Michigan's elections in partnership with the Board of State Canvassers. In recent years, for example, Secretary Miller was a candidate for U.S. Congress, Secretary Land was a candidate for U.S. Senate, and Secretary Johnson was a candidate for Michigan State Senate. In September 2025, in an effort to make clear the internal efforts established during my tenure to protect against conflicts of interest that could arise when a sitting Secretary of State is simultaneously a candidate for office, including processes we put in place during the 2022 election cycle when I was a candidate for office while serving as Secretary of State, the Department began preparing the attached memorandum. It outlines our department's conflict of interest avoidance procedures and is based on best practices and recommendations from the Election Reformers Network (ERN). After initial discussions with ERN in September 2025, the Department conducted a months-long review of Michigan Election Law to identify any potential conflict areas and define conflict management processes available within the law. These processes largely reflect how the Bureau of Elections and I handled potential conflicts of interest during my reelection campaign in 2022. I share this memorandum with you now in the interest of transparency, and to establish precedent of a public-facing firewall policy that future secretaries should adhere to and be held to.

These processes are already implemented in our department and will be in effect until the Board has completed its responsibilities regarding the November 2026 general election and I am no longer a candidate for office.

Sincerely,

A handwritten signature in blue ink that reads "Jocelyn Benson".

Jocelyn Benson  
Secretary of State

## Firewall Policy for 2026 Election Cycle Administration

The Michigan Department of State (Department) oversees the State of Michigan's election administration as well as regulation of campaign finance laws. The Department is also led by an elected official, Secretary of State Benson, who has three times before been a candidate for statewide office – most notably for her initial election in 2018 and again for her re-election in 2022. In Department recent history, several other sitting secretaries sought elected office – including most recently Secretary Terri Lynn Land's senatorial campaign while serving as Secretary in 2010, as well as Secretary Ruth Johnson's campaign for state senate in 2018.

Similarly in the 2026 election Secretary Jocelyn Benson has declared her candidacy for governor. (Deputy Secretary Aghogho Edevbie, who had previously declared his candidacy for secretary of state, withdrew from the race on January 16, 2026.)

To ensure the integrity of the electoral process, and the lawful and ethical use of state resources, the Department has followed a conflict-of-interest avoidance process as recommended<sup>1</sup> by experts on election-related conflict of interest at Election Reformers Network. This process for reviewing a chief election officer's potential conflicts of interest as a candidate running for office and establishing methods to avoid any concerns is emerging as a national best practice.<sup>2</sup>

The process requires review and clarification of existing policies and procedures to ensure Department members' candidate status avoids any actual or perceived conflict of interest or improper involvement in election administration. These policies and procedures draw heavily from those already in use by the Bureau of Elections, which have been used in the successful administration of numerous prior elections.

The Michigan Election Law (MEL), 1954 PA 116, as amended, MCL 168.1 *et seq*, defines the roles of the Department, the Bureau of Elections, the Director of Elections, and the Secretary of State as they relate to the administration of elections. In addition, the MEL and the Michigan Campaign Finance Act, (MCFA) 1976 PA 388, as amended, MCL 169.201 *et seq*, provide the operational framework for the procedures outlined below.

### Roles

The MEL designates the Secretary of State as the "chief election officer of the state" and provides the Secretary shall have "supervisory control over local election officials in the performance of their duties under the provisions of this act." MCL 168.21. These duties include the appointment of the Director of the Bureau of Elections (the Director), who is "vested with the powers and shall perform the duties of the secretary of state under his or her supervision, with respect to the supervision and administration of election laws." MCL 168.32. It is important to note that the Director's authority is not limited to certain aspects of election law but is broad and all-encompassing. The MEL also specifically provides that the director of elections shall have no other responsibilities that interfere with their duties. MCL 168.34. This specification highlights the impartial role of the director in the administration of elections.

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<sup>1</sup> <https://www.electionreformers.org/articles/designing-guidelines-for-recusal-by-election-officials>

<sup>2</sup> This process is now legally required of the chief election official in Utah. (Utah SB 194). The bill also strengthens neutrality requirements for county clerks.

The Bureau of Elections (BOE) exists within the Department with the express purpose of assisting the director of elections with the administration and supervision of election laws in Michigan. With a current staff of approximately 80 individuals, BOE is overseen by the Director, who is appointed and supervises BOE pursuant to civil service rules and procedures. The BOE is divided into four divisions – Election Administration, Filing Disclosure & Compliance, Operations, and Regulatory. BOE staff is responsible for performing the daily tasks necessary for ensuring Michigan’s 1,604 county, city, and township clerks have the required tools, training, processes, and support to successfully administer Michigan’s decentralized elections.

The other election authority that operates on a statewide level is the Board of State Canvassers (the Board). The Board is the “only body or entity in this state authorized to certify the results of an election for statewide or federal office and to determine which person is elected in such an election.” Mich Const 1963, Art II, § 7(3). The Board also certifies elections for legislative districts that cross county lines and all judicial offices except Judge of the Probate Court. The Board consists of 4 members, 2 from each major political party, appointed by the governor with the advice and consent of the senate.<sup>3</sup> MCL 168.22(3). As an independent body subject to the Open Meetings Act, 1976 PA 267 as amended, MCL 15.261 *et seq*, the Board is also responsible for conducting recounts for state-level offices, canvassing nominating and qualifying petitions filed with the Secretary of State, canvassing state-level ballot proposal petitions, assigning ballot designations and adopting ballot language for statewide proposals, and approving electronic voting systems for use in the state.<sup>4</sup> Neither the Secretary of State nor any members of the BOE have the authority to vote on any matters before the Board nor the authority to challenge or overturn decisions made by the Board.

### **Election Administration and Recusal**

Within the MEL and the MCFA, election administration tasks fall primarily into two categories – those which mandate specific actions from election administrators and those which require election administrators exercise their discretion within the framework provided by the law. Both mandated and discretionary actions may have impacts on elections of all types, from local school board elections to those for statewide offices.

**For purposes of the firewall, the Secretary will recuse herself from all decisions and administrative tasks that may have a direct impact on the 2026 race for Michigan governor.**

This includes any actions or decisions that impact the gubernatorial race as well as statewide election practices or the evaluation of qualifications of any statewide candidates, including validation of signatures<sup>5</sup> any candidates for governor submit to the BOE for review. The Secretary will also recuse herself from additional administration tasks as needed depending on the specifics of the presented situation. In any area where recusal is in place, the Director will assume full responsibility for the specific administrative tasks pursuant to the MEL.

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<sup>3</sup> Pursuant to Administrative Rule 168.841(f), the Director of Elections serves as the secretary of the Board in an administrative, non-voting role.

<sup>4</sup>See the [Board of State Canvassers](#) website for additional information.

<sup>5</sup> Under MCL 168.552, all decisions regarding validation of nominating and qualifying petitions and the signatures submitted for the office of Governor is vested solely with the Board. Recommendations are presented by the Director and the Bureau for Board review and approval without review or approval from the Secretary.

### Mandated Actions

The following election administration actions are those in which the MEL and MCFA have established a brightline test or list of requirements which mandate specific actions on behalf of the election administrator with little to no room for discretion. The below processes were selected for inclusion in the memorandum due to the public facing nature of the processes and the questions the public may ask regarding the suggestion of undue influence or a potential conflict of interest.

#### *Affidavits of Identity*

All candidates seeking ballot access must file an Affidavit of Identity (“AOI”) with the designated filing official for their election contest. For those races certified by the Board of State Canvassers, the designated filing official is the Secretary of State and filed AOIs will be processed by BOE staff. The candidate filing requirements, including the AOI, are governed by MCL 168.558 of the MEL as well as rules R 168.1 to R 168.6 in the Michigan Administrative Code.

Candidates must strictly comply with the AOI filing requirements, which have been outlined in law and administrative rule. The BOE staff which process the AOI and any subsequent challenges to that AOI must follow the documented requirements outlined in law and administrative rule. The process undertaken by BOE staff is well documented and the challenge and review process is posted online for all members of the public to review.<sup>6</sup> **To ensure there is no suggestion of a conflict of interest or undue influence, the Secretary will not be informed of any AOI disqualifications until the review process has been completed and the candidate has been formally notified of the result.**

#### *Petition Processing*

The MEL governs the ballot access procedures under which a candidate, political party, or ballot measure is presented to voters on a ballot.<sup>7</sup> Ballot access for statewide initiatives, referendums, constitutional amendments, and federal and statewide offices is controlled through the submission of petitions containing sufficient signatures to the designated filing official. For statewide initiatives, referendums, constitutional amendments and those races certified by the Board, by law the filing official for these petitions is the Secretary of State. **As with the AOI, filed petitions will be processed by BOE staff before being reviewed and voted on by the Board.** MCL 168.476; MCL 168.552; Mich Const 1963, art 2, § 9; Mich Const 1963, art 12, § 2.

Once a petition has been filed with the Secretary of State, BOE staff will process and evaluate the petitions before submitting them to the Board for review and approval, following the procedures approved by the Board and posted publicly on their website.<sup>8</sup> It is the Board’s responsibility to make the final determination on the sufficiency of the petitions filed with the Secretary of State. MCL 168.552; MCL 168.477. The deliberation will occur during a public

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<sup>6</sup> [Affidavit of Identity Challenger Guide](#)

<sup>7</sup> See the [Ballot Access](#) webpage for ballot access forms, guidance, and manuals provided by the Department to assist filers and members of the public.

<sup>8</sup> [Board of State Canvassers](#)

meeting subject to the Open Meetings Act, which members of the public and interested parties may attend in person and online.

As with other Board processes, the role of the Secretary is minimal. She is not personally involved in the processing of petitions, nor does she have the authority or opportunity to weigh in on the sufficiency of petitions submitted to the Board. **In an effort to mitigate the suggestion of a potential conflict of interest or undue influence, the Secretary shall not be informed of the submission of individual petitions until BOE has notified the Board, and the Secretary will not be provided a copy of the completed staff reports submitted to the Board until such reports are publicly posted on the Board’s website.**

#### *Certificates of Election*

The Secretary of State is tasked with completing the certificates of election for those races certified by the Board. See MCL 168.62 et. seq. This ministerial task is routinely performed by the BOE. As a purely administrative task, the execution of the certificates of election formalizes the work of the Board. There is no mechanism or standing for the Secretary or Department staff in their professional capacities to challenge the certified results. **As such, there is no potential for a conflict of interest or undue influence during the process, and no changes will be made to the current process of certificate completion.**

#### *Recount Requests*

Under the MEL, a recount may be triggered automatically<sup>9</sup> or upon the filing of a petition by a candidate or ballot question committee. The discussion below applies only to recounts requested by petition.

A recount may be requested by a candidate or ballot question committee by completing a recount petition as described under MCL 168.865. For all elections canvassed by the Board, by law the filing official for a recount petition is the Secretary of State. The BOE accepts the filing and fulfils the secretarial function of accepting the recount petition and forwarding it on to the Board for review. As with other administrative tasks completed by BOE on behalf of the Board, there is no mechanism for the BOE to do anything but forward the petition to the Board and to notify the parties in the contested race of the pending petition.

Once a recount petition is received by the Board, the BOE (with the Board’s approval) will begin conducting the recount. If objections to the recount are filed, it is the Board that determines the sufficiency of the petition and objections and whether a recount should be initiated during a live, public meeting subject to the Open Meetings Act.<sup>10</sup> As with all Board decisions, the Director of Elections will be present in his role as a non-voting secretary to the Board. If during

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<sup>9</sup> Statewide primary or election determined by a vote differential of 0.1% or less of the total number of votes cast in that statewide election (unless it is a partisan office where more than 1 individual is elected); state senate elections, other than a primary, determined by a vote differential of 75 votes or less; and state representative elections, other than a primary, determined by 25 votes or less. MCL 168.880a.

<sup>10</sup> The [Recounts Manual](#) is available for public review on the Board of State Canvassers’ website. A recount petition must include a statement that the candidate is aggrieved and has a good faith belief that but for the error leading to the recount request, they would have had a reasonable chance of winning the election.

the recount process the Board suspects fraud or misconduct may have taken place, the concerns will be reported to the Attorney General’s Office for investigation and review.

Much like other Board processes, the role of the Secretary is minimal and there exists limited opportunities for a conflict of interest or allegations of undue influence to arise. **In an effort to remove even these limited opportunities, the Secretary shall not be informed of a pending recount petition until receipt of the petition is confirmed by the Board in writing.** At that point the recount petition will be added to an upcoming agenda and the general public will be made aware of the petition.

#### *Post-Election Audit*

The MEL charges the Secretary of State with developing an election audit program. MCL 168.31a. This includes a post-election audit process in which the Department “shall supervise each county clerk, or the county clerk’s designee ... in the performance of election audits conducted under this section.” An audit is not a recount and shall not change the certified election results. MCL 168.31a(2).

The BOE under the supervision of the Director has developed robust auditing processes designed to gather the information needed to determine if additional resources are needed by clerks to reinforce the skills and procedures required to successfully administer elections.<sup>11</sup> The race to be audited is selected by BOE and jurisdictions are randomly selected for the auditing process. Once a jurisdiction is selected, the BOE staff do not complete the audit themselves, but rather supervise the local election officials in the administration of the audit. **In the interest of re-enforcing the integrity of Michigan’s elections, the Secretary shall not be made aware of post-election audit results until a final report has been completed and the results shared with the audited jurisdiction.**

#### **Discretionary Decisions**

The following election administration actions are those in which election officials must use the framework of the election laws to make decisions on the presented questions. Unlike the actions previously discussed, the rules to be followed are less brightline and require greater exercise of discretion. The below actions are how and where appropriate firewalls may be established to eliminate any suspicion or hint of undue influence or conflict of interest in the election process.

#### *Declaratory Ruling Requests*

The Michigan Campaign Finance Act, Michigan Lobby Registration Act, 1978 PA 472, as amended, MCL 4.411 *et seq.*, and the Michigan Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 *et seq.*, allow interested persons to request a declaratory ruling from the Department.<sup>12</sup> As is detailed in Appendix X of the Michigan Campaign Finance: Committee Manual Appendices, declaratory ruling requests must be posted on the Department’s website within 48 hours of receipt.<sup>13</sup> This posting corresponds with a public comment period of 10

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<sup>11</sup> [Post-Election Audit Manual](#)

<sup>12</sup> The Department is only able to issue a declaratory ruling if the requestor includes a sufficient statement of facts. If a sufficient statement of facts is not provided, the Department will respond to the request through a non-binding interpretive statement which follows the same processes.

<sup>13</sup> Available online at [Committee Manual Appendices](#)

business days, which allows members of the public to review the request and provide relevant comments and information to be used by BOE staff and the Department when drafting a preliminary response to the requested ruling.

Upon the completion of the preliminary response and its posting to the Department's website, the public is again offered the opportunity to submit comments to be considered during the preparation of the final response. The response is drafted by BOE and reviewed by the Legal Services Administration to ensure compliance with applicable laws. Current Department practice is for the Secretary to sign the binding declaratory rulings requests while non-binding interpretive statements are signed by the Department's Chief of Staff.

**In order to eliminate any suspicion of undue influence or a conflict of interest, the Secretary will delegate her declaratory ruling signing authority to the Director until the canvassing and certification of the November general election.** The delegation is in line both with the Director's role as defined by statute and his role as the supervisor of both the Regulatory and Filing, Disclosure & Compliance divisions within the BOE. The Chief of Staff will continue to sign interpretive statements issued by the Department in line with current practice. **In addition, the Secretary will be isolated from conversations regarding declaratory ruling requests and only be made aware of new requests, preliminary responses, and final responses after these items have been publicly posted on the Department's website.**

#### *MCFA Complaints and Attorney General Referrals*

Michigan law requires any campaign finance complaints filed against the Secretary of State be immediately referred to the Attorney General to determine whether any violation has occurred. Thus, the below process does not apply to any complaints filed against the Secretary.

The MCFA allows individuals to file a complaint with the Department alleging a violation of the Act has occurred.<sup>14</sup> Once filed, the complaints are reviewed and investigated by BOE staff following the processes and procedures outlined in the Campaign Finance and Financial Disclosure Complaint Handbook.<sup>15</sup> In addition to documenting the process used by BOE staff, the handbook also provides example timelines and guidance of when final decisions can be expected to be made available online for public review.

If the Department is unable to reach an informal resolution after 90 business days, the Department must either: (1) refer the matter to the Attorney General for enforcement of criminal penalties under MCFA; or (2) commence an administrative hearing for enforcement of any civil violation. **To ensure there is no suggestion of a conflict of interest or undue influence, until the final certification of the November election, the Director of Elections will determine which formal resolution process the Department will pursue. The Secretary will be isolated from Department conversations regarding MCFA complaints and from any communication with the Attorney General's office regarding MCFA complaints. The Attorney General's office will be notified of the firewall at the time of the referral. The Secretary will only be notified of a complaint referral once it is submitted to the Attorney General's Office.**

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<sup>14</sup> The Public Officers Financial Disclosure Act and the Candidate for Office Financial Disclosure Act also provide for the same right.

<sup>15</sup> [Campaign Finance Complaint Guidebook](#)

*Supervisory Control of Jurisdictions*

Supervisory control of an election occurs as a last resort and only when sufficient evidence exists to indicate an election will be administered in violation of state or federal law. In her role as the chief election officer of the state, the Secretary has “supervisory control over local election officials in the performance of their duties.” MCL 168.21. The Secretary is required by law to “issue instructions” and “[a]dvice and direct local election officials as to the proper methods of conducting elections.” MCL 168.31(1)(a), (b). The delegation of these duties to the Director of Elections falls within the scope of their roles as defined in the MEL.

When determining whether supervisory control of a jurisdiction needs to be implemented, current practice is for the Director to assess the presented evidence in consultation with members of the BOE, and Legal Services Administration, along with the Department of Attorney General as appropriate. Once a decision has been made, the jurisdiction is notified in writing by the Director and the qualified<sup>16</sup> individual who will assume administration of the election is identified. **To ensure there is no suggestion of a conflict of interest or undue influence, until the certification of the November election, the Director will continue to determine questions of supervisory control in consultation with the BOE, and Legal Services Administration. The Secretary will not be informed or consulted during the decision-making process and will not be informed of the determination until the jurisdiction has been notified.**

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<sup>16</sup> A qualified individual is one accredited under the MEL to administer elections in Michigan. See MCL 168.33.