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January 27, 2026

SENT VIA EMAIL

Debbie Swanson, Clerk
Ypsilanti Township
7200 S. Huron River Dr.
Ypsilanti, MI 48197
clerk@ypsitownship.org

Re: Potentially Unlawful Voter Purge (includes FOIA request)

Dear Clerk Swanson,

We write to express serious concern that some voters in Ypsilanti Township —potentially *hundreds* of voters—may have been wrongfully purged from the voting rolls. We are in receipt of information, including communications made by your own office, that Ypsilanti voters were purged when mail sent to their home was returned to your office as undeliverable. Instead, such voters (at most) should have been placed in challenged status for two federal election cycles as required by the National Voter Registration Act (NVRA) and Michigan’s Election Law. If true, such actions likely also violate the Michigan Constitution’s guarantee of a fundamental right to vote. **We request a fulsome response to this letter no later than February 13.** Please note that this letter also includes a request for records under Michigan Freedom of Information Act (FOIA).

According to the information we have received, your office cancelled the registration of a voter in July of 2025 because an absentee ballot, and then a “cancellation card,” your office sent to the voter were, both returned as undeliverable. At the time in question (and to this day), the voter resided at the address in question. However, she was experiencing interruption of her mail service due to an issue with the post office (which has now been resolved). When the voter inquired as to why she was cancelled, your office informed her by email that she was cancelled when the “cancellation card” sent by your office was returned as undeliverable. There was no indication from your office that any other reason supported the canceling of this voter’s registration.

Canceling a voter’s registration immediately after mail is returned from their address is flagrantly unlawful under both federal and state law that has been on the books for decades. The federal NVRA protects against erroneous cancellations just like this. The NVRA is implemented in relevant part in Michigan via MCL 168.509aa–cc. Those provisions are unambiguous. They require that if a clerk receives reliable information (including from the United States Postal Service) that a voter may have moved, the clerk must send the voter a notice that meets several specific requirements. MCL 168.509aa(2). If that notice “is returned to the clerk by the post office as undeliverable, the clerk shall identify the registration records of [the voter] *as challenged* as provided in this act.” MCL 168.509aa (emphasis added). In turn, once a voter’s residency has been challenged in this manner, and barring some other legally permissible reason for cancelling

the voter's registration, that voter must be retained on the voting rolls for the next two federal election cycles. During this period, the voter may only be removed on the basis of their changed residence if the voter confirms in writing that they moved and are no longer eligible to vote in the jurisdiction. During this period, if the voter confirms their address, the challenge is resolved. See MCL 168.509cc.

This straightforward rule is also unambiguously reiterated in the Election Officials Manual. See Election Officials Manual, chapter 2, Addendum, at p 2-3.¹ The manual explains that unless a voter “proactively update[s] or cancel[s] their registration, cancellation occurs *only after a notice and 2-federal election waiting period or after the voter confirms the move.*” *Id.*, p 2, citing MCL 168.509aa. It goes on to give examples of the type of reliable information that can allow a clerk to send a notice and thus start the two-federal election cycle waiting period. One of those examples is when “[e]lection mail is returned by the U.S. Postal Service as ‘undeliverable’ or an election official receives other information from the U.S. Postal Service indicating a change of address.” Again, the Manual makes absolutely clear that a voter's registration cannot be cancelled simply because a notice sent to a voter by your office is returned as undeliverable. Rather, the voter may be placed into challenged status and placed on NVRA countdown.

The law is clear on this point *precisely* because mail can be returned as undeliverable for many reasons, only some of which bear upon a voter's eligibility to cast a ballot. For example, Michigan voters who leave the state to attend school, live abroad, or work a temporary job remain eligible to vote in Michigan. If voters whose mail is returned as undeliverable, but who in fact are properly registered at the address in question, are thrown off the voter rolls, there is grave risk of disenfranchisement. In addition to such removals violating both Michigan law and the NVRA, they likely also violate Article 2, § 4 of the Michigan Constitution, which guarantees a fundamental right to vote. Notably, Article 2, § 4 also provides for attorneys' fees when voters bring successful lawsuits to enforce their rights.

This would be concerning enough if this was an isolated incident that concerned only one voter. However, the email we have reviewed from your office appears to describe a *policy* of cancelling voters immediately after a notice sent to the voter from your office has been returned as undeliverable.

Our review of publicly available data suggests that other voters in Ypsilanti Township may also have been unlawfully purged in a similar manner. When a registered voter in Michigan who has previously requested an absentee ballot, or joined the permanent mail ballot list, has their registration cancelled, any absentee ballot that has already been issued in their name or request for an absentee ballot is also “rejected”. In this circumstance, the reason for rejection of the absentee ballot that is recorded in the voter's history in the qualified voter file (“QVF”) is “Voter Status Marked Cancelled.” We reviewed data from the QVF regarding absentee ballots rejections for the

¹ Available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/01mcalpine/Addendum-Voter-Registration-Cancellation-Challenge-Correction.pdf?rev=aa1d1ca865b3401d9b0e7e33793332d3&hash=7841621AF584F76D971D8790E8AE3036>

August and November 2025 elections that showed Ypsilanti Township had an exceptionally high rate of rejections for this reason – “Voter Status Marked Cancelled.”

In the August 2025 primary election, 400 absentee ballots *statewide* were rejected for this reason. *One-hundred-and twenty-five of those*—i.e., over 30%—were from Ypsilanti Township.² In the November 2025 general election, 958 absentee ballots were rejected *statewide* for this reason, and 86 of them—nearly 10% of the statewide total—were from Ypsilanti Township. According to Michigan’s 2024 Biennial Precinct Report, less than 1% of the active voters registered in the state are in Ypsilanti Township.³ This data suggests that *hundreds* of voters may have had their registration wrongfully cancelled due to your office’s policies. Furthermore, additional voters may have been wrongfully purged as a result of those policies, but would not have shown up in the data we reviewed.

Accordingly, we are requesting that you take the following actions to promptly resolve this matter:

1. Review every registration that your office cancelled since you became clerk at the beginning of 2025. Reinstate every voter who was removed from the registration rolls solely as a result of a notice and/or ballot being returned as undeliverable unless they were removed after the NVRA two federal-election cycle period had elapsed;
2. Mail a notice to each and every voter who was erroneously removed informing them that their registration has been reinstated. If the voter is on NVRA countdown once reinstated, send a notice that strictly complies with all requirements of MCL 168.509aa;
3. Call each such voter at their last phone number of record to confirm their registration address. If you are able to reach the voter, and the voter confirms their address, clear any challenge from their voter record and remove them from NVRA countdown;

² There are certain limited situations, such as when a **voter** notifies their clerk during the absentee ballot period that they have moved and are no longer eligible to vote in the municipality or if a **voter** requested their voter registration be cancelled, when an immediate cancellation of a voter’s registration and absentee ballot may be permissible. Such instance would appear in the QVF (properly) as a voter whose ballot was cancelled because of “Voter Status Marked Cancelled.” Accordingly, the *statewide* number of cancellations does not raise any specific red flags. But it is highly unlikely that a disproportionate share of such cases would arise in Ypsilanti Township, and that certainly is not what happened with the voter we have described above.

³ <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Results-and-Statistics/Biennial-Precinct-Report/2024-Biennial-Precinct-Report.pdf?rev=9d44691dd5954328aa652ec33476480b&hash=2C2E36E1184882AD3F6B724589653666>

4. Provide us with the following specific information, so that we can ensure that no further Ypsilanti Township voters are at risk of being disenfranchised going forwards:
 - a. A list of every voter whose registration was cancelled between January 1, 2025 and the present day and the reason for their cancellation;
 - b. A list of every voter who has been reinstated consistent with request number (1), and an indication of whether the voter is currently in challenged status in the NVRA waiting period and, if they are in the waiting period, the date of the November election after which the voter may be cancelled;
 - c. A list of every voter who received a notice consistent with request number (2), along with an indication of the results of calls made pursuant to request (3);

Additionally, we officially request the following records pursuant to Michigan's Freedom of Information Act ("FOIA"), MCL 15.231 *et seq*:

- A. Copies of all records showing all Ypsilanti Township voters who were cancelled by your office from January 1, 2025 to the present for any reason except because the voter died. This includes but is not limited to, copies of QVF records or hard copy voter registration records showing each voter's change history and voting history.
- B. Copies of all letters, notices, forms, emails, postcards, or other written communications of any kind sent by your office to Ypsilanti Township voters, since January 1, 2025, in response to your office having received returned mail (including, but not limited to, returned ballots and returned notices/postcards) from any voter.
- C. Copies of any documents your office relied upon to change a voter's status to challenged or cancelled, including but not limited to copies of returned mail or postcards.
- D. Any and all email communications and attachments thereto, since January 1, 2025, between you or members of your office and any voter to whom your office sent a ballot or other written communication that was returned to your office as undeliverable.
- E. Any written policy documents, formal or informal, maintained by your office regarding the procedures for challenging or canceling voters based upon your office's receipt of information that the voter may have changed residence, including but not limited to returned mail.

Please note we do not object to your office redacting the signatures, street addresses and phone numbers of voters to protect their privacy to the extent permitted by FOIA.

As noted above we are requesting a fulsome response, confirming that the above steps have been taken, no later than February 13, 2026. If you believe that the information we have received

is inaccurate, please contact us immediately. Our goal is not to place onerous or unnecessary demands on the time of you and your staff, but, rather, to protect the fundamental right to vote of every eligible voter in Michigan, correct any unlawful voter cancellations that occurred, and thoroughly understand what has occurred so that we can help ensure that it does not happen again either in Ypsilanti Township or other jurisdictions. We would of course prefer to resolve this without the need to enlist judicial guidance.

Sincerely,

/s/Philip Mayor

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