STATE OF MICHIGAN

COURT OF CLAIMS

PHANI MANTRAVADI,

Plaintiff,

v

Case No. 24-000038-MZ

MICHIGAN BUREAU OF ELECTIONS,

Hon. Christopher P. Yates

Defendant.

_____/

OPINION AND ORDER GRANTING SUMMARY DISPOSITION TO PLAINTIFF

In this action under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*, the Court must consider whether Defendant Michigan Bureau of Elections can redact the qualified voter file (QVF) to shield information about whether each voter cast a ballot on election day (ED), in early voted (EV), or by absentee ballot (A). Prior to the advent of early voting in Michigan, defendant made available voter information revealing whether each voter had cast a ballot in person or by an absentee process. And after the initiation of early voting, defendant started assembling information in a column to characterize each voter's method of voting as ED, EV, or A. In 2024, however, the practice of reporting each voter's method of voting changed when defendant began redacting from the publicly available information the so-called "voting type" column. Plaintiff Phani Mantravadi, who had a subscription to the QVF, sought the voting-type information through a FOIA challenge, but he was rebuffed by defendant, so he filed this suit in 2024 and then a motion seeking summary disposition under MCR 2.116(C)(9) and (10) in 2025. Because the Court concludes that defendant cannot rely on any constitutional theory or any FOIA exemption to redact voting-type information except in very limited circumstances, the Court shall grant summary disposition to plaintiff.

I. FACTUAL BACKGROUND

This case does not involve complicated facts. On December 7, 2023, plaintiff was notified by the Department of State that his "request for . . . the monthly QVF Voter Registration and Voter History (Jan – Dec 2024) with Informational Documents is granted in part and denied in part." As a result, plaintiff was granted a subscription to defendant's QVF. Plaintiff acknowledges that his QVF subscription was honored by defendant from December 2023 through February 2024. Then, on February 29, 2024, plaintiff received an e-mail from the FOIA coordinator for the Department of State that informed him of the following change in his subscription:

> Due to changes in Michigan Election Law, the monthly QVF files for Voter History will be changing as of the first of March 2024. The Voter Type column with codes A=Absentee, ED=Election Day, and EV=Early Voter will be removed from the report. The constitutional right to a secret ballot is the impetus behind this change in reporting. For example, there were areas that reported one early voter and if the voting type were to be disclosed it is possible that the elector[']s vote would not remain secret once the election results are posted for their area.
>
> We know this is a big change to the reporting process.

And so, as a result of that "big change to the reporting process," beginning in March 2024, plaintiff no longer could see the voting-type information.

On March 25, 2024, plaintiff filed suit against defendant, alleging a violation of FOIA and seeking an order "compelling the disclosure of nonexempt public records . . ., including nonexempt contents of the 'Voting Type' column . . . ." The Court explored a technological solution with the parties,[1] but defendant maintained its opposition to revealing voting-type information. Therefore,

[1] Defendant unsuccessfully moved for summary disposition under MCR 2.116(C)(8) in April 2024 and unsuccessfully moved for summary disposition under MCR 2.116(C)(10) in October 2024. The Court denied the motions because much of the voting-type information could be made public without risking discovery of the votes cast by most voters, but the Court could not decide whether advanced technology could enable identification of such innocuous voting-type information.

plaintiff filed a motion for summary disposition under MCR 2.116(C)(9) and (10). As the briefing process was unfolding, defendant sent a memorandum to the county clerks in Michigan discussing plaintiff's pending action and reiterating that "[t]he existing voter history report is being amended to remove the method of voting (although the method will still be retained in the QVF)." Plaintiff regards that memorandum as irrefutable proof that defendant maintains public records with voting-type information, but defendant refuses to disclose that voting-type information. Defendant claims it must redact from public disclosure the voting-type information to preserve each voter's right to cast a secret ballot, so the Court must decide whether public disclosure is required under FOIA.

II. LEGAL ANALYSIS

Before focusing on the specific questions that the Court must resolve, the Court must begin by describing the basic principles underlying FOIA. As a general matter, FOIA "provides that 'a person' has a right to inspect, copy, or receive public records upon providing a written request to the FOIA coordinator of the public body." *Detroit Free Press, Inc v City of Southfield*, 269 Mich App 275, 290; 713 NW2d 28 (2005). "Under FOIA, a public body must disclose all public records that are not specifically exempt under the act." *Hopkins v Duncan Twp*, 294 Mich App 401, 409; 812 NW2d 27 (2011). "The FOIA exemptions [listed in MCL 15.243] signal particular instances where the policy of offering the public full and complete information about government operations is overcome by a more significant policy interest favoring nondisclosure." *Herald Co v Eastern Mich Univ Bd of Regents*, 475 Mich 463, 472; 719 NW2d 19 (2006). "The burden of proof is on the party claiming exemption from disclosure," and "[e]xemptions must be interpreted narrowly." *The Evening News Ass'n v City of Troy*, 417 Mich 481, 503; 339 NW2d 421 (1983). Accordingly, defendant must shoulder the burden of demonstrating that either a FOIA exemption or some other theory shields all voting-type information from public disclosure.

Plaintiff's motion for summary disposition relies on MCR 2.116(C)(9) and (10). The Court must consider materials beyond the pleadings in order to decide the motion, so the Court will treat the motion as a request for summary disposition under MCR 2.116(C)(10). *Cuddington v United Health Servs, Inc*, 298 Mich App 264, 270; 826 NW2d 519 (2012). A summary disposition motion under MCR 2.116(C)(10) focuses upon "the *factual sufficiency* of a claim." *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 160; 934 NW2d 665 (2019). "When considering such a motion, a trial court must consider all evidence submitted by the parties in the light most favorable to the party opposing the motion." *Id.* "A motion under MCR 2.116(C)(10) may only be granted when there is no genuine issue of material fact." *Id.* "A genuine issue of material fact exists when the record leaves open an issue upon which reasonable minds might differ." *Id.* (quotation marks and citation omitted). Applying these standards, the Court must determine whether plaintiff is entitled to prevail on his FOIA claim through an award of summary disposition.[2]

Defendant's primary argument in opposition to plaintiff's FOIA claim rests on Const 1963, art 2, § 4(1)(a), which provides that every "elector qualified to vote in Michigan shall have . . . the right, once registered, to vote a secret ballot in all elections." Defendant does not argue that public disclosure of voting-type information in and of itself deprives any elector of the ballot secrecy that our constitution demands. Instead, defendant contends that, in some limited circumstances, public disclosure of an elector's voting-type information could be used in combination with other publicly available information to discover how the elector voted. The limited circumstances that defendant envisions involve situations where a precinct has so few votes cast by one particular method, i.e.,

[2] The Court notes that defendant's response to plaintiff's motion includes a request for summary disposition under MCR 2.116(I)(2), so both sides appear to agree that no genuine issue of material fact prevents the Court from resolving the case on the existing record.

ED, EV, or A, that the voting-type information can be combined with the published election results in the precinct to effectively reveal how a qualified elector voted. To be sure, that circumstance is so uncommon that the parties agree it almost certainly will affect, at most, a very small collection of voters in each election, but defendant insists that that mere possibility is serious enough to justify shielding from disclosure all voting-type information for all voters across the entire state.

The Court agrees with plaintiff that the vast majority of voting-type information should be publicly available because such disclosure will not compromise the constitutional right of electors to cast a secret ballot. The question is whether disclosure nonetheless should be excused because of concerns that providing voting-type information could lead, through additional sleuthing, to the revelation of a minute number of voters' choices on their ballots. And the answer to that question cannot be that defendant's proposed blanket method of redaction is not just warranted, but actually essential, to safeguard the constitutional right to cast a secret ballot. As an alternative position in its brief, defendant states that, "[i]f the Court decides that [defendant] cannot lawfully redact the 'voting type' information for all voters, [defendant] would prefer that the Court order that it may redact 'voting type' information for all voters in precincts where the number of voters for any one voting method in a state-administered election is equal to or less than 10." Although the selection of a cutoff of ten seems too high, the Court embraces defendant's suggestion that a small number should be chosen as the cutoff point for redaction, thereby making the vast majority of voting-type information available while affording protection to voters in the rare circumstance where so few voters cast ED, EV, or A ballots that the secrecy of their votes may be compromised. Accordingly, the Court awards summary disposition to plaintiff insofar as plaintiff requests disclosure of nearly all voting-type information, but the Court will not render its final decision about the point at which defendant may set the cutoff for redaction until the parties can be heard on that specific matter.

In addition to citing constitutional concerns, defendant asserts that voting-type information is exempt from disclosure under MCL 15.243(1)(a), which states that "[a] public body may exempt from disclosure . . . [i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." "[That] privacy exemption, as currently interpreted, has two prongs that the information sought to be withheld from disclosure must satisfy." *Mich Federation of Teachers v Univ of Mich*, 481 Mich 657, 675; 753 NW2d 28 (2008). "First, the information must be 'of a personal nature.'" *Id.* Second, "the public disclosure of that information 'would constitute a clearly unwarranted invasion of an individual's privacy.'" *Id.* Defendant's reliance on that FOIA privacy exemption cannot pass muster under that test.

The collection and dissemination of voting-type information has a long history in Michigan elections. Although ballot secrecy is sacrosanct, public disclosure of the method voters choose to cast their ballots has long been the norm. Hence, as a matter of tradition, voting-type information is not regarded as "[i]nformation of a personal nature," as contemplated by MCL 15.243(1)(a). In addition, our Court of Appeals has ruled that disclosure of a voter's party affiliation does not reveal "[i]nformation of a personal nature." *Practical Political Consulting, Inc. v Secretary of State*, 287 Mich App 434, 460-461; 789 NW2d 178 (2010). In explaining that "the indication of a ballot that an elector wished to vote in the 2008 presidential primary is not information of a personal nature," our Court of Appeals stated: "the disclosure of the *ballot* – Republican, Democratic, or other – that an elector voted in the 2008 presidential primary is obviously *not* the disclosure of the *candidate* for which that elector voted." *Id.* Precisely the same can be said of the method of voting that each elector chose when casting a ballot. Consequently, the Court concludes that defendant cannot rely on the FOIA privacy exemption stated in MCL 15.243(1)(a) to shield voting-type information from public disclosure.

III. CONCLUSION

For the reasons stated in this opinion, the Court awards plaintiff summary disposition under MCR 2.116(C)(10) on his FOIA claim seeking voting-type information for nearly all voters who cast ballots in each election, but the Court must conduct a hearing to consider the appropriate cutoff point for redaction in the rare circumstance where so few voters cast ED, EV, or A ballots that the secrecy of their votes may be compromised

IT IS SO ORDERED.

This is not a final order because it does not resolve the last pending claim or close the case.

Dated: May 4, 2026

Hon. Christopher P. Yates (P41017)
Judge, Court of Claims