STATE OF MICHIGAN

COURT OF CLAIMS

PHANI MANTRAVADI,

Plaintiff,

v Case No. 24-000038-MZ

MICHIGAN BUREAU OF ELECTIONS, Hon. Randy J. Wallace

Defendant.
_____ /

OPINION AND ORDER CONCERNING CUTOFF POINT FOR REDACTION

In this action brought by plaintiff Phani Mantravadi under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*., the Court, YATES J., previously considered 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 voting (EV), or by absentee ballot (A). In a May 4, 2026 Opinion and Order, the Court concluded that voting-type information is not exempt from disclosure under FOIA's privacy exemption in MCL 15.243(1)(a). The Court also concluded that defendant could not rely on Const 1963, art 2, § 4(1)(a) to redact voting-type information except in very limited circumstances. The Court agreed with plaintiff that the vast majority of voting-type information should be publicly available because such disclosure will not compromise the constitutional rights of electors to cast a secret ballot. The Court stated, however, that

> [t]he 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 just not 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.

The Court awarded 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 withheld a determination regarding 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 until the Court could conduct a hearing. The Court ordered each party to submit a brief on the specific matter of the cutoff point for redaction in advance of the July 31, 2026 hearing.

Defendant argued in its brief that the cutoff point for redaction of voting-type information should be "as close to ten as possible." Defendant stated that its original suggestion of ten was based in part on comparison to other states that use that number for the same purpose. Defendant noted, for example, that counties in Colorado and Nevada redact the voting-type information from ballot records of voters in reporting units of less than ten voters before they publicly release a cast-vote-record database. Defendant asserted that the lower the cutoff point for redaction is set, the greater chance that disclosing method of voting will also disclose the voting choice of the voters about that threshold. In support of its assertion, defendant presented hypotheticals scenarios to

demonstrate that the risks of consistent voting—and thereby the risk that disclosing voting-type will also reveal ballot selection—increase as the cutoff point for redaction drops below 10. Defendant also attached as an exhibit an article discussing such risks.[1] Defendant also relied on the affidavit of Bureau of Elections Director Jonathan Brater, who attested that during the nine days of early voting for the 2024 Presidential Primary election there were 1,691 individuals who were the only voters casting their ballot on that day in their jurisdiction.

Plaintiff's brief did not address the issue of an appropriate cutoff point for redaction of voting-type information. Instead, plaintiff argued that there is no cutoff point that complies with FOIA because "the longstanding effects of unanimity do not constitute an undue burden on the constitutional right the Bureau invokes." But the Court has already concluded that disclosure under FOIA is excused to afford 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. Plaintiff made no attempt, either in briefing or during the hearing, to demonstrate what an appropriate cutoff point for redaction of voting-type information would be in this circumstance.

The Court finds defendant's evidence and argument regarding a cutoff point for redaction persuasive. The Court concludes that a cutoff point of 10 is appropriate as it ensures that the requirements of FOIA do not conflict with voters' rights to cast a secret ballot under Const 1963, art 2, § 4(1)(a).[2] Voting-type information shall be redacted from the QVF for any election in any

[1] Kuriwaki, S., *Privacy Violations in Election Results*, Science Advances Vol II Issue 11 (Mar 14, 2025).

[2] The Court recognizes that Judge Yates stated in his May 4, 2026 Opinion and Order that a cutoff of 10 *seems* too high, but he did not find that a cutoff of 10 *is* too high, and gave the parties a chance to brief that issue. In response, defendant made a persuasive argument for use of that number, while defendant refused to suggest an alternate number.

precinct where the number of voters for any one voting type in a state-administered election is equal to or less than 10.

IT IS SO ORDERED. This order resolves the last pending claim and closes the case.

Date: September 25, 2026

Hon. Randy J. Wallace
Judge, Court of Claims