

Backgrounder:

Michigan's 'fake electors' charges, explained

Last updated: November 7, 2023

On July 18, Michigan Attorney General Dana Nessel [criminally charged](#) the 16 individuals in Michigan who signed legal documents on December 14, 2020 falsely [claiming to be electors](#) for Donald Trump in the electoral college, despite Trump having lost the state by a margin of 154,000 votes. [Michigan was one of seven states](#) where “fake electors” claimed that Donald Trump won the 2020 presidential election in their state. As of August 10, all 16 defendants have been [arraigned](#) in the District Court in Ingham County. All 16 defendants initially pled not guilty on all eight counts of their individual indictments. In October 2023, James Renner had all his charges dropped after entering into a cooperating agreement with AG Nessel.

KEY TAKEAWAYS:

- **Attorney General Dana Nessel filed charges against 16 Michiganders** for knowingly signing and submitting forged electoral college certificates in violation of the state's laws.
- **Michigan's fake electors were all [engaged party activists](#), with access to up-to-date facts and a duty to determine whether their acts were legal.** When they convened to sign and submit their false electoral college certificates, there was no pending court-ordered recount or litigation that could have changed Michigan's election results.
- **State Attorneys General have a [responsibility](#) to uphold and defend state law**, which is why the Michigan Attorney General used the full extent of her investigatory powers to pursue accountability for individuals residing in Michigan, who took illegal actions in Michigan, and who violated state laws when they attempted to undermine the votes of Michiganders.

Context for the Charges

In the weeks leading up to and following the 2020 election, Michigan was a [hotbed of misinformation](#) and efforts to undermine nonpartisan election administration. It was also [one of seven](#) states at the center of a pressure campaign directed at state legislators and party officials to [convince them](#) to install slates of fake electors. As part of that pressure campaign, in mid-November 2020, Trump [invited](#) to the White House Michigan's then-Senate Majority Leader Mike Shirkey (R-Clark Lake) and then-House Speaker Lee Chatfield (R-Levering), who [rejected](#) Trump's overtures and told him they “we were going to follow the law” and that the state legislature would not act to overturn the election results. State and local election officials were also the targets of [threats](#) and [harassment](#) in the wake of the 2020 election.

In December 2020, groups of Republicans in Michigan, Arizona, Georgia, Nevada, New Mexico, Pennsylvania, and Wisconsin [met and signed fake electoral college certificates](#) – posing as their state's duly elected presidential electors – in an attempt to falsely declare Trump won the 2020 presidential election. Trump attorney Kenneth Chesebro [pled guilty](#) to charges in Fulton County, Georgia stemming from his role advancing the false elector for Trump in Georgia.

The Michigan false electors offered their fake certificate as an official public record, [submitting their purported electoral college votes](#) for Trump to Vice President Mike Pence (in his role as the President of the Senate), the Archivist of the United States, Michigan Secretary of State Jocelyn Benson, and the Chief Judge for the U.S. District Court for the Western District of Michigan. They did so despite a [margin of 154,000 votes](#), a series of [dismissed or rejected lawsuits](#), no pending recount, and the state legislature declining to act because of the [absence of fraud](#). Even the location and time information on the forged electoral college certificate was incorrect, as the fake electors [convened secretly](#) in the state GOP's basement after they were [blocked by law enforcement](#) from entering the state capitol.

The fake electors scheme has also been [under investigation](#) by officials in other states and the Department of Justice.

Pending Charges Against Michigan's Fake Electors

Count 1 – Conspiracy to Commit Forgery: the false electors worked together and with other people to forge a certificate of votes with the intent to injure or defraud. This crime is punishable by up to 14 years in prison and a \$10,000 fine. [MCL § 750.157a](#) and [MCL § 750.248](#).

Counts 2 and 3 – Forgery: the false electors each forged a certificate of votes with the intent to injure or defraud. This crime is punishable by up to 14 years in prison. [MCL § 750.248](#).

Count 4 – Conspiracy to Commit Uttering and Publishing: the false electors worked together and with other people to publicly claim that the forged certificates were real with the intent to injure or defraud. This crime is punishable by up to 14 years in prison and a \$10,000 fine. [MCL § 750.157a](#) and [MCL § 750.249](#).

Count 5 – Uttering and Publishing: the false electors each publicly claimed that the forged certificates were real with the intent to injure or defraud. This crime is punishable by up to 14 years in prison. [MCL § 750.249](#).

Count 6 – Conspiracy to Commit Election Law Forgery: the false electors worked together and with other people to make, file or publish a false document with the intent to defraud. This crime is punishable by up to 5 years in prison and a \$1,000 fine. [MCL § 750.157a](#) and [MCL § 168.933a](#).

Counts 7 and 8 – Election Law Forgery: the false electors each made, filed, or otherwise published a false document with the intent to defraud. This crime is punishable by up to 5 years in prison and a \$1,000 fine. [MCL § 168.933a](#).

Key Individuals

The sixteen people charged in this case were [highly engaged party activists who falsely claimed to be Michigan's 2020 electoral college delegation](#) and sent their votes to the President of the U.S. Senate (Mike Pence), the National Archivist, and the Michigan Secretary of State. These cases are proceeding through the courts.

In alphabetical order by last name, they are:

- Kathy Berden, *National Committeewoman of the Republican Party of Michigan*. Berden's preliminary exam is scheduled for December 13-14.
- William (Hank) Choate, *Former Chair of the Jackson County Republican Party*. Choate's preliminary examination is scheduled for January 30-31, 2024.
- Amy Facchinello, *Former Executive Board Member of the Genesee County Republican Party*. Facchinello's preliminary exam is scheduled for December 13-14. Facchinello's [motion to remove her case](#) was [rejected](#) by the federal District Court. In his order, the judge concluded that presidential electors are not federal officers for removal purposes and that Facchinello never became a real presidential elector.
- Clifford Frost, *Member of the Michigan Republican Party State Committee*. Frost's preliminary examination has not been scheduled. The judge rejected Frost's motion to dismiss his case based on statements made by AG Nessel regarding the false electors.
- Stanley Grot, *Shelby Township Clerk and Chair of the 10th District Republican Party*. Following the announcement of charges, the Department of State's Bureau of Elections [removed](#) Grot from his election duties. Grot's preliminary examination is scheduled for January 30-31, 2024.
- John Haggard, *Owner of Haggard's Plumbing and Heating*. Haggard's preliminary examination is scheduled for December 13-14.
- Mary-Ann Henry, *Treasurer of the Greater Oakland Republican Club*. Henry's preliminary exam is scheduled for December 13-14. The judge [rejected](#) Henry's motion to dismiss her case based on statements made by AG Nessel regarding the false electors.
- Timothy King, *Member of the Executive Committee of the Washtenaw County Republican Party and 12th District Republican Committee*. King's preliminary examination has not been scheduled. The court has ordered [a mental evaluation](#) for King, after his lawyer made claims that King suffers from 'delusional' and 'illogical' thinking that makes it difficult for him to understand the gravity of the charges he faces in this case.
- Michele Lundgren, *a Precinct Delegate in 2020 for District 146*. Lundgren's preliminary exam is scheduled for December 13-14.
- Meshawn Maddock, *former Co-Chair of the Michigan Republican Party*. Maddock's preliminary exam is scheduled for December 13-14.
- James Renner, *a Precinct Delegate in 2020 for Watertown Township*. Renner had [all his charges](#) dropped in mid-October after it was announced he had entered into a cooperating agreement with AG Nessel.
- Mayra Rodriguez, *Grosse Pointe Farms chair for the 14th District Republican Committee*. Rodriguez's preliminary examination is scheduled for January 30-31, 2024.
- Rose Rook, *Former Van Buren County GOP chair*. Rook's preliminary examination is scheduled for January 30-31, 2024.
- Marian Sheridan, *Co-Founder of the Michigan Conservative Coalition*. Sheridan's preliminary examination has not been scheduled.

Background: Fulton County, Georgia, charges against Trump and 18 others explained

- Ken Thompson, *former chairman of the Ionia County Republican Party's Convention*. Thompson's preliminary exam is scheduled for December 13-14. Thompson and his attorney [failed to appear](#) at a scheduled court hearing in October.
- Kent Vanderwood, *Chair of the Second District Republican Committee of Michigan*. Vanderwood's preliminary examination is scheduled for January 30-31, 2024.

Other investigations, charges, and lawsuits regarding Michigan election misconduct

- Several false electors, including [Kathy Berden and Mayra Rodriguez](#), were subpoenaed by the United States House Select Committee to Investigate the January 6th Attack on the United States Capitol that held public hearings in 2022 and issued a report on its findings.
- The U.S. Department of Justice is [also investigating](#) the January 6 attack on the U.S. Capitol and the attempts to overturn the results of the 2020 presidential election, including activities in and actors from Michigan. On August 1, Trump was [indicted](#) by the DOJ on four charges related to election interference.
 - The DOJ [subpoenaed documents](#) from the MI Secretary of State's office and interviewed Secretary Benson.
 - The DOJ has also sought [documents from Wayne County, Michigan](#), where members of the board of canvassers initially [refused](#) to certify the election results and had direct communication with Trump.
 - The DOJ special counsel in charge has reportedly been [investigating the false elector schemes](#) in the states.
- Former Michigan attorney general candidate Matt DePerno, former Michigan state Rep. Daire Rendon, and attorney Stefanie Lambert Junttila have been [charged](#) by a special prosecutor for their alleged roles in an effort to gain access to Oakland County, Michigan voting machines after the 2020 presidential election. Michigan Attorney General Dana Nessel [requested](#) the appointment of a special counsel because at the time, DePerno was running against Nessel in the attorney general's state race.
- [Nearly two dozen Michiganders](#) have been charged with their role in the January 6 attack, including failed. Failed Republican gubernatorial candidate [Ryan Kelley](#) pled guilty and was sentenced to 60 days in prison in October 2023.
- Three Michigan Democratic presidential electors have also filed a [civil lawsuit](#) against the Michigan false electors accusing them of submitting fraudulent election certificates to override the will of Michigan voters.

What to Expect Next

- The State of Michigan's case against the remaining indicted false electors will now [proceed](#) through Michigan's criminal courts. The 16 defendants have all been arraigned and their preliminary hearings and probable cause hearings are [scheduled](#) over the next few months.

Resources

- [Michigan Attorney General's Office:](#)
- [Felony Complaints](#)
- [Affidavit in Support of the Complaint](#)
- [Press Release & Statement](#)
- [Press Release re: Arraignments](#)
- States United Democracy Center: [The January 6 Hearings: Michigan Spotlight](#)
- States United Democracy Center: [Countering Lies About the 2020 Presidential Election](#)
- States United Democracy Center: [Guide to Counting Electoral College Votes and The January 6, 2021 Meeting of Congress](#)
- American Oversight: [Copies of the Electoral College Certificates Submitted by Fake Electors from Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania, and Wisconsin](#)
- New York Times: [Michigan Charges 16 in False Elector Scheme to Overturn Trump's 2020 Loss](#) (By Danny Hakim, Alexandra Berzon, and Maggie Astor)
- CNN:
 - [Michigan AG charges participants in 2020 fake elector plot](#) (By Zachary Cohen, Marshall Cohen, Hannah Rabinowitz, and Jessica Schneider)
 - [Charging documents reveal how Michigan attorney general built case against fake 2020 electors](#) (Marshall Cohen)
- The Detroit News: [16 false Trump electors face felony charges in Michigan](#) (By Craig Mauger and Beth LeBlanc)
- New York Times: [Trump's Conspirators Are Finally Facing the Music](#) (By Norm Eisen and Ryan Goodman)
- Washington Post: [Opinion | Michigan indicts alleged plotters in fake elector scheme. Here's what it means. \(By Jennifer Rubin\)](#)
- The Bridge: Nine fake electors arraigned in Michigan: [What to know about the case \(By Lauren Gibbons\)](#)