

Using Foreclosure Notices to Challenge Voters

Maletski v. Macomb County Republican Party
(David M. Lawson, E.D. Mich. 2:08-cv-13982)

Based on a news website's report that one party was planning to use foreclosure notices to challenge voter registrations during the 2008 general election, the other party filed a federal complaint to enjoin the plan. In preparation for a hearing, the parties learned that the news report was not accurate, so the parties stipulated dismissal on the day of the hearing.

Subject: Nullifying registrations. *Topic:* Registration challenges.

The Democratic Party filed a federal complaint against the Republican Party in the Eastern District of Michigan on September 16, 2008, accusing the Republican Party of a plan to use foreclosure notices to challenge voter eligibility in the 2008 general election.¹ On September 25, the plaintiffs sought a preliminary injunction.² On September 29, Judge David M. Lawson set hearing on the injunction motion for October 20.³

The controversy apparently arose from a September 10 report posted on a *Michigan Messenger* website quoting the Macomb County Republican Party chair as "planning to use a list of foreclosed homes to block people from voting in the upcoming election."⁴ The chair promptly denied the accuracy of the report.⁵ After the Democratic Party's federal complaint was filed, the *Michigan Messenger* retracted its story.⁶ The chair then filed a defamation action in state court.⁷

On the day of the hearing, the parties stipulated dismissal.⁸ Sometimes a case can be resolved by merely scheduling a hearing, which prompts communication among the parties.⁹

1. Complaint, *Maletski v. Macomb Cty. Republican Party*, No. 2:08-cv-13982 (E.D. Mich. Sept. 16, 2008), D.E. 1; see Gordon Trowbridge, *Dems File Lawsuit to Block Use of Foreclosure Lists to Bar Voters*, *Detroit News*, Sept. 17, 2008, at B1.

2. Preliminary-Injunction Motion, *Maletski*, No. 2:08-cv-13982 (E.D. Mich. Sept. 25, 2008), D.E. 12.

3. Order, *id.* (Sept. 29, 2008), D.E. 15.

Tim Reagan interviewed Judge Lawson for this report by telephone on October 3, 2012.

4. Ex. 5, Complaint, *supra* note 1.

5. See Kathleen Gray, *GOP Won't Use Foreclosure List to Block Voters*, *Detroit Free Press*, Sept. 12, 2008, at B2; *Macomb County GOP Leader Denies Plan to Block Votes*, *Lansing State J.*, Sept. 12, 2008, at A1.

6. See Kathy Barks Hoffman, *Web Site Admits Error Over One Republican's Comments on Voting*, *Flint J.*, Sept. 21, 2008, at 5.

7. See *Macomb GOP Official Files Suit*, *Grand Rapids Press*, Oct. 2, 2008, at B4.

8. Order, *Maletski*, No. 2:08-cv-13982 (E.D. Mich. Oct. 20, 2008), D.E. 40; Stipulation, *id.* (Oct. 20, 2008), D.E. 39; see Kathleen Gray, *GOP Vows Not to Use Foreclosure Lists at Polls*, *Detroit Free Press*, Oct. 21, 2008, at A13; Kathy Barks Hoffman, *GOP, Dems Settle Foreclosure Flap*, *Grand Rapids Press*, Oct. 21, 2008, at B6; Jim Lynch, *Voter Suit Settlement Reached*, *Detroit News*, Oct. 21, 2008, at B3.

9. Interview with Hon. David M. Lawson, Oct. 3, 2012.