

September 24, 2020

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Honorable Jocelyn Benson  
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Jonathan Brater  
Michigan Director of  
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to the Board of State  
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**Re: Investigation Into Reported Criminal Conduct By Unlock Michigan, Its  
Petition Firms, and Its Paid and Volunteer Petition Circulators**

Dear Attorney General Nessel, Secretary Benson, and Director Brater:

By way of introduction, I submit this request for a formal investigation based on my 45 plus years of experience regarding election matters. I fully understand that Const 1963, Art 2, Sec 9 reserves to “the people” the right to initiate legislation if signatures of registered voters exceeding 8% of the total votes cast for a Governor in the last proceeding gubernational election are certified by the State Board of Canvassers.

Based on my experience, I have seen abuses of the initiative process many times in the past. Complaints about these abuses have not been thoroughly investigated or prosecuted once the petition was either certified or rejected.

However, based on several media reports in the recent past<sup>1</sup> and the evidence of substantial irregularities and possible illegalities associated with the so-called “Unlock Michigan” proposal, I am requesting that your respective offices commence a formal investigation, relying on law enforcement agencies including the Michigan State Police, to examine the reported serious and substantial abuses associated with Unlock Michigan’s petition gathering activities. For instance, it is patently improper or illegal to:

- (1) educate or train circulators as to how to abuse, evade, or violate clear statutory requirements contained in 1954 PA 116, the Michigan Election Law, MCL 168.1 et seq.;
- (2) informing or instructing circulators “... its really hard to get caught doing s----- except for, like forgeries.”

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<sup>1</sup> Copies of some of these stories are attached.

- (3) informing or instructing circulators how to engage in illegal activities such as leaving petitions unattended and signed by circulators at a later date;<sup>2</sup>
- (4) telling or instructing circulators it is “super easy” to give misleading information or collect signatures on private property and to “act stupid” if approached by police regarding trespassing.<sup>3</sup>

Unlock Michigan hired and paid the petition firms that appear to have violated the law and those firms in turn hired the circulators that have appear to have violated the law. Volunteer circulators appear to have violated the law as well. Unlock Michigan cannot escape responsibility and liability for any possible illegal conduct by its volunteers or paid agents. All of them should be investigated and be held accountable.

### **Power of the Attorney General to Investigate and Prosecute**

The Attorney General has “the authority to prosecute, defend, and intervene” in cases or controversies affecting the interests of the state and the people of Michigan. *Federated Ins. Co. v. Oakland County Road Com’n*, 475 Mich. 286; 715 N.W.2d 846 (2006). Pursuant to MCL 14.30, the Attorney General has the duty to supervise and assist local prosecutors in the investigation and prosecution of all violations of law. The Attorney General may also intervene in any court proceeding “in order to protect any right or interest of the state, or of the people of the state.” MCL 14.101. These general powers specifically include investigating and prosecuting violations of the Michigan Election Law and Michigan Campaign Finance Act. See, e.g., MCL 168.31 and MCL 169.215.

### **Power of the Secretary of State to Investigate**

The Michigan Election Law mandates that the Secretary of State “shall” investigate violations of the Election Code under MCL 168.31(h) and report violations to the Attorney General. Specifically, the Secretary of State shall “[i]nvestigate, or cause to be investigated by local authorities, the administration of election laws, and report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution.”

### **Power of the Board of Canvassers to Investigate and Penalties**

MCL 168.476(2), grants the Board of State Canvassers independent authority to investigate allegations that a person violated the Michigan Election Law while circulating or signing initiative petitions. Specifically, the Board “may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths.” *Id.* A person who refuses to comply with “a subpoena of the board of state canvassers in an investigation of an alleged violation of [of the Code], the board may hold the canvass of the petitions in abeyance until the individual complies.” MCL

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<sup>2</sup> Photos of unattended petitions are attached.

<sup>3</sup> All of this conduct, if proven, would violate MCL 168.482e(1)(b),(c); 168.544c; and 168.931(1)(h), among other laws.

168.544c. The only limitation is that the Board must complete the canvass at least two (2) months prior to the election on which the initiative will appear (i.e., November, 2022).

In addition, the Board has the power to disqualify fraudulent signatures and signatures improperly collected, fine Unlock Michigan up to \$5,000, and to ban the organization from collecting signatures for a period of four (4) years. MCL 168.544c.

### **Election Law Violations**

As described above, it appears that Unlock Michigan, its petition firms, and its volunteer and paid circulators may have violated these provisions of the election law:

MCL 168.482e(1)(b) and (c) which make it a misdemeanor to sign a false statement in a petition certificate and to sign a petition as a circulator if not a circulator, both of which are violated by persons who sign petitions as circulators if the petition was not signed in their presence.

It is a crime for any person to “willfully fail to perform a duty imposed upon that person by the act.” MCL 168.931(1)(h). Any circulator who fails to perform her/his legally required duties violates that provision as does a petition sponsor which submits fraudulent or improperly collected signatures.

Finally, it is also illegal to “aid or abet” another person in the violation of MCL 168.544c. *Id* 168.544c(15). Petition sponsors and their petition firms are subject to liability under that provision.<sup>4</sup>

### **Conclusion**

Based on the foregoing, this is to respectfully request that your offices commence a formal investigation of Unlock Michigan, its petition firms, and its volunteer and paid circulators.

Very truly yours,

John D. Pirich  


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<sup>4</sup> There may also be violations of the Penal Code. See, e.g., MCL 750.92; 750.423; 750.23; 750.157.

## In secret recording, trainer for Unlock Michigan advises on unlawful tactics

<https://www.freep.com/story/news/politics/elections/2020/09/22/recording-unlock-michigan-repeal-whitmer-covid/5850734002/>

LANSING – A company collecting signatures to strip Gov. Gretchen Whitmer of her emergency powers coached paid petition circulators on giving voters false information, illegally collecting signatures without witnessing them, trespassing on private property, and even lying under oath, a secretly recorded videotape shows.

The video showing Erik Tisinger, a trainer for the California signature company In the Field, Inc., was secretly recorded Sept. 4 by a representative of Keep Michigan Safe — the group opposing the Unlock Michigan effort — and made available to the Free Press.

The profanity-peppered training session provides an inside look at the world of paid signature gatherers and could potentially pose problems for Unlock Michigan's attempts to certify the close to 500,000 signatures the group hopes to collect. It is the second example of irregularities in the Unlock Michigan signature collection process the Free Press has highlighted.

"This can be a real shady job," Tisinger tells the trainees. "And when I say shady, I mean, people do all sorts of illegal s--- all the time and never get caught. It's really hard to get caught doing s-- - except for, like, forgeries."

Tisinger then tells the trainees, who are paid \$3.50 per signature, that he does not want them to do illegal things, but "you can." He then, in some cases, proceeds to tell them how to do illegal things, while explicitly warning them to avoid only forging signatures, as that's too time-consuming and easy to detect.

Unlock Michigan is trying to repeal the Emergency Powers of Governor Act of 1945, which Whitmer is using to respond to the coronavirus pandemic.

In August, the Free Press reported that another company involved in collecting signatures, Let the People Decide, has a history of alleged "bait and switch" tactics in paid petition drives around the U.S., in which people were allegedly given inaccurate descriptions of what the initiatives would do, and the company is headed by a man who has a criminal record for falsifying his voter registration.

Fred Wszolek, a spokesman for Unlock Michigan, said In the Field, which hired Tisinger, will not get paid for the signatures it collects, based on the contents of the video.

In the Field and Tisinger could not be reached for comment Monday.

In the video, Tisinger, who describes himself as a manager from California, tells prospective signature gatherers:

To tell voters who are "on the fence" that signing the petition will only have the effect of putting the repeal of the emergency law on the ballot, so that all voters can decide its fate. "Don't you think that everybody should get the chance to vote on this?" Tisinger does not tell the trainees that the plan is to bypass voters by having the GOP-controlled Legislature approve the initiative and thereby repeal the law, in a move that Whitmer would be unable to veto, under Michigan law.

That they can leave copies of their petitions with store clerks to collect signatures from customers, although Tisinger tells them it is illegal for them to collect signatures without witnessing them being signed.

That the Unlock Michigan petition drive is so contentious that they might end up being deposed in a courtroom over the signatures they collect, and whether they properly witnessed them, but that it is "super easy" to give misleading testimony about such questions.

That it is illegal to collect signatures on private property such as store parking lots without permission, but that they should avoid store managers and "act stupid" if approached by police about trespassing. "Act like you don't know anything," Tisinger said. "I had no idea I couldn't do that here, man."

After the training, the Keep Michigan Safe representative collected and turned in a few signatures and was issued an In the Field check for \$17.50. A copy of the check, dated Thursday, was also made available to the Free Press.

Wszolek confirmed Monday that In the Field "has some crews working on the west side of the state" on the campaign to repeal the 1945 law. He said In the Field is a subcontractor to the main firm Unlock Michigan has hired, National Petition Management, which did not respond to a phone message.

After he was told about the contents of the training session, Wszolek said he is suspicious that it "could be a setup" because he said Tisinger normally works on progressive campaigns, not conservative ones, such as Unlock Michigan. But in any case, he said In the Field will not get paid for the signatures it collects.

Whitmer said the revelations from the recording are "deeply disturbing and raise very serious concerns" amid a virus that has killed 200,000 Americans and more than 6,600 Michiganders.

Mark Fisk, a spokesman for Keep Michigan Safe, said any suggestion of a setup is absurd and completely false.

"They got caught red-handed again, and they're trying to weasel out of it," Fisk said.

"Unscrupulous and illegal tactics have become standard operating procedure for Unlock Michigan and this video showing a trainer encouraging people to break the law and lie under oath fits into a disturbing pattern."

Wszolek said Unlock Michigan has mostly relied on volunteer signature gatherers and has now collected more than 400,000 valid signatures. Fewer than 350,000 valid signatures are required under state law, but Wszolek said the campaign wants a significant cushion to allow for challenges.

Republicans in the Legislature say it is time for Whitmer to end the state of emergency that has been in place since March. It's the underpinning for emergency orders that require face coverings and limit the capacity of various businesses, but GOP lawmakers say Whitmer should be working with them on any restrictions, rather than acting unilaterally.

Under Michigan law, it is not illegal for signature gatherers to inaccurately describe the purpose of an initiative they are working on. But it is illegal for signature gatherers to submit signatures they did not witness. It is also illegal to testify falsely in a court proceeding, and to lie under oath.

At the Sept. 4 training session for petition circulators in Grand Rapids, Tisinger said he had held 12 small training sessions in Grand Rapids, Kalamazoo, and Lansing over the previous three weeks, and those sessions had produced only five signature gatherers who were steady earners.

Asked whether signature gatherer could leave a petition with a friend who owns a store so customers can sign it, Tisinger, said: "Technically, no." He then asked whether any of the trainees were recording the session and was told no.

"You guys never heard this conversation," he said. "You can."

However, "the thing is, is that legally speaking, you're supposed to witness everybody who gets, who signs."

Tisinger then raised the possibility of signature gatherers being subpoenaed to testify about their work at a court hearing.

"You might get deposed," he said. "You might have to go and do a deposition where, you know, you're in court and you're getting grilled by people."

He then demonstrated how lawyers might direct pointed questions about someone saying they signed the petition at a store and the signature gatherer who signed for the sheet was not present.

"I've been deposed and it's super easy," Tisinger said. "I'm just like, 'yeah, I got all the signatures.' " If the attorney then said one of those who signed said she signed the petition in the presence of a man, not a woman, Tisinger said he would reply: "Well, I had my hair down that day and was just freshly shaved."

Though Wszolek said he is suspicious Tisinger might have been an opposition plant, Tisinger told the trainees he is in the business of collecting signatures and signature gatherers are paid

not to have opinions. He is careful in the video to tell signature gatherers to make sure everyone legibly records their name, street address, their city or township, ZIP code and the date they signed. He also stressed the importance of making sure anyone who signs is a registered voter and of only having signatures from a single county on any given sheet.

"When you're not thorough, it shows when you get paid," Tisinger told the trainees. "Because we have this thing called validity. We go through and check these things against the voter logs. When you go to register to vote, you sign your name in a box. You print your name and everything and all your information. And then that goes into a computer system and it's logged."

He encouraged signature gatherers to find a spot where they can legally stay all day, such as on public property like a freeway rest stop or outside a public library, and set up a table with a sign and remain in place for the full day.

"I don't really want you guys doing it the way that I do it, only because it's kind of like guerrilla political tactics where you're running in and out of parking lots getting people to sign," he said. "Managers are looking for you and trying to kick you out, calling the cops on you. That's how I do it."

He added that if the signature gatherers wanted to, "you can work the parking lots. I don't care if you do that."

## Unlock Michigan petition circulator has criminal record, history of 'bait and switch'

<https://www.freep.com/story/news/politics/elections/2020/08/28/unlock-michigan-mark-jacoby-criminal-record-bait-switch/5633064002/>

LANSING — The owner of a firm collecting signatures to repeal a law granting emergency powers to Michigan's governor has a criminal record for falsifying his voter registration and a history of alleged "bait and switch" tactics in paid petition drives around the U.S.

Mark A. Jacoby, 37, whose company, Let the Voters Decide, is publicizing that it will pay petition circulators \$3.50 for each valid signature to repeal the Emergency Powers of Governor Act of 1945, was arrested for suspected voter registration fraud and perjury in California and pleaded guilty in 2009 to a lesser charge of registering to vote at an address where he did not live.

When Jacoby was arrested in 2008, his company at the time, Young Political Majors, was registering voters for the California Republican Party and facing allegations its workers tricked voters into registering as Republicans by telling them they were signing a petition to toughen penalties for child molesters, the Los Angeles Times reported.

The "bait and switch" allegation is similar to ones that have arisen in connection with the Unlock Michigan campaign, where voters have said they were asked to sign a petition to help Gov. Gretchen Whitmer, help small business, or help hire more police and firefighters — not to repeal a law Whitmer says she badly needs to control the pandemic.

Though Michigan has no law barring petition circulators from lying about the purpose of petitions, Whitmer has denounced such tactics as "unscrupulous." Jacoby earlier faced similar allegations not just in California, but in Florida. And instructions from Jacoby's petition circulators on how to inaccurately "pitch" the repeal to Whitmer supporters — such as by describing the measure as one that would take pressure off Whitmer by putting more responsibility on the Legislature — posted July 17 and 23 on a private company Facebook page administered by Jacoby had not been removed as of Thursday morning.

A Free Press reporter was granted access to the private Facebook page Thursday morning after making an online request Tuesday.

Fred Wszolek, a spokesman for Unlock Michigan, said Thursday he has "never heard" of Let the Voters Decide, whose private Facebook page includes photos posted by its workers of Unlock Michigan signing events around the state, tips on how to avoid being asked to leave grocery store parking lots, and details about a Warren office where petition gatherers can drop off signatures and collect their pay.

Jacoby said he is a subcontractor to National Petition Management, the firm Unlock Michigan hired to head up its drive to collect about 500,000 signatures. But he said he expects his company will provide nearly 60% of the signatures Unlock Michigan collects.

Wszolek disputed that. "Our army of volunteer activists will be collecting more than 60% of the signatures," he said. "Maybe he's collecting some fraction of the remaining 40%."

As of July 20, Unlock Michigan had paid National Petition Management \$300,000 in the relatively early stages of the petition drive, records show. The California company, which also lists a Brighton address, did not respond to a Thursday email inquiring about its relationship with Let the Voters Decide.

The California case is not the only "bait and switch" allegation faced by Jacoby, who in a text message to the Free Press dismissed the concerns as old or unsubstantiated.

"I was pretty young back then, but I am not now," Jacoby said.

In Florida in 2004, the St. Petersburg Times reported that Gainesville Elections Supervisor Beverly Hill became suspicious when Jacoby appeared at the election office with a box of about 1,200 voter registration cards, including cards for 510 voters who had switched their registration to the GOP.

She said she randomly called the voters to verify they wanted to switch their affiliation. "All of them said, 'Absolutely not,'" Hill said. "They didn't even know they had signed a registration form."

The newspaper reported that the Florida Department of Law Enforcement opened an investigation in 2004 after hundreds of college students at campuses in Tampa, Tallahassee, Gainesville and Orlando said they had their voter registrations switched to Republican without their knowledge, after signing petitions circulated by Jacoby's firm at the time, YPM.

Joe Burns, a University of South Florida sophomore, said he filled out a petition for stiffer sentences for child abusers and questioned why they needed him to fill out a second form.

"It is just something I need to do," he said they told him.

He signed his name and checked no party affiliation. When he got his voter card, it was marked Republican. "It was somebody else's handwriting," Burns told the newspaper.

It does not appear any charges arose from the Florida investigation.

Jacoby said in a text message Wednesday the Free Press is "trying to beat a long dead horse," and "talking about unsubstantiated claims which are 10-15 years old."

Jacoby said there are "multiple companies working on" the Unlock Michigan petition drive, "including an (sic) felon who was convicted of actual voter fraud!!! (Which I wasn't)," he texted.

He later provided a name of someone he said is involved as a subcontractor in the Unlock Michigan campaign, who has a voter fraud conviction. The Free Press is investigating.

Whitmer's state of emergency under the Emergency Powers of Governor Act, which now extends through Sept. 4, is the major underpinning for Whitmer's emergency orders such as one requiring face masks in enclosed public spaces and another limiting capacity in restaurants to 50%. She has had to rely on the 1945 legislation since a judge ruled she cannot extend a state of emergency under the Emergency Management Act of 1976 without approval of the GOP-controlled Legislature, which has refused to grant such approval since late April.

If Unlock Michigan collects the required number of valid signatures and the Legislature votes to repeal the emergency law, Whitmer would not have the ability to veto the repeal and no vote of the public would be required, either.

In the California case, Jacoby's misdemeanor conviction came with three years of probation and 30 days of community service, according to the Inland Valley Daily Bulletin in Ontario, California.

Signature gatherers in California must sign a declaration stating they are either registered to vote in California or that they are eligible to do so.

Jacoby admitted to registering as a voter at his childhood home in Los Angeles, where he no longer lived.

Jacoby's attorney at the time, Michael Goldstein, told the media the charges against Jacoby and his arrest involving several law enforcement vehicles were politically motivated and a form of harassment. He said Jacoby was a lifelong California resident who, since eligible, did not even have to register in California to circulate petitions. He said Jacoby registered at his childhood home to try to prevent a disgruntled employee from finding out where he really lived.

Similar "bait and switch" allegations have surfaced recently in Michigan.

Ken Said of Livonia, a tool and die maker for an auto company, said he was approached at a grocery store by a man who asked him whether he would sign a petition to "help the governor." He said he read the petition, and when he saw what it was about said he did not think it would help Whitmer. The man said it would help her balance her duties, said Said, who refused to sign it.

Robin Pettypiece, who has a summer home in Rochester, said she was visiting the farmers market in St. Joseph on July 11 when she was twice approached by a woman asking her to sign a petition to "help the governor." Pettypiece said the woman would not answer follow-up questions about the petition, and although she did not look at or sign the petition, she believes the woman was circulating the petition to repeal the emergency law, and describing it inaccurately to try to get her to sign.

In Michigan, there is no state law making it illegal for petition circulators to lie about the purpose of a ballot initiative, though bills have been introduced in the Legislature in recent years to make it a crime to lie to voters asked to sign a petition.

Jacoby said Thursday he does "not condone, nor would we ever allow, bait-and-switch tactics."

But what Said and Pettypiece experienced is consistent with advice shared by signature collectors on the Let the Voters Decide private Facebook group, where Jacoby is one of the administrators, and where he shares information with signature gatherers who follow his company from state to state on various petition campaigns.

"If your (sic) working Michigan try this pitch," one of the group members posted on July 23, and which remained on the page as of Thursday morning.

"Ask if they are a Whitmer supporter," he said. If they are not, "it's a slam dunk."

If they are a Whitmer supporter, or they are on the fence, say, "Great, we have a petition to repeal the 1945 law so the Legislature will take some of the responsibility and it will not all be on her shoulders." Potential signers should be told: "That's why she catches so much flak; it's all on her."

"Give it a shot and let me know how well it works for you."

"Great advice," one member of the group replied.

"Nicely done," said another.

But one signature gatherer protested. "Why lie; be professional," he said.

Asked about that conversation on his company Facebook page, Jacoby claimed he had not seen the post. He said the petition circulators are independent contractors and "my group page allows everyone to share their opinions."

However, the person who made the post "no longer works for LTVD in part due to some of the issues you brought up," he said. "I will look into that post."

Earlier, on July 17, one signature gatherer posted: "How are you guys pitching this Michigan petition to Democrats?"

"Just trying to open up the state so small businesses don't go bankrupt," another signature gatherer replied.

That post had also not been removed as of Thursday.

Mark Fisk, a spokesman for Keep Michigan Safe, which opposes the Unlock Michigan initiative, said the Free Press disclosures about Jacoby and his company are disturbing.

"They got caught red-handed" in California, Fisk said. In Michigan, "he's clearly in a leadership role," and "he has people working for him."

The disclosures underline the need for heightened scrutiny of any signatures Unlock Michigan submits, Fisk said.

Jacoby said his company is nonpartisan and is unfairly portrayed as only working on Republican causes. The same Let the Voters Decide social media post that advertised payments of \$3.50 for each Unlock Michigan signature also publicized payments of \$2.75 per signature for the Fair and Equal Michigan petition, to enshrine civil rights for LGBTQ people.

Jacoby said he wanted the story to include the fact that he was also circulating the Fair and Equal Michigan petition, working as a subcontractor for a vendor he would not disclose. He said he expects his firm will also collect nearly 60% of the LGBTQ signatures.

But Josh Hovey, a spokesman for Fair and Equal Michigan, said the initiative wants nothing to do with Jacoby, or his company.

"Fair and Equal Michigan has strict signature collection standards and requires anyone engaged with us to commit to exclusively working on our issue," Hovey said.

"Mr. Jacoby has no contract with our campaign nor our vendors. We have asked him to stop communicating in social media suggesting that he is an agent of our campaign and have informed him in writing that we will not use any signatures he sends to us."

## Gongwer: Jousting Over 'Unlock' Petition Heats Up As Signature Submission Nears

[https://www.gongwer.com/programming/news.cfm?article\\_ID=591940103](https://www.gongwer.com/programming/news.cfm?article_ID=591940103)

The group seeking to bring before the Legislature an initiative petition that would repeal the law that gives the governor the apparent ability to keep the state under a state of emergency indefinitely and instead assure the primacy of the law that requires any state of emergency going beyond 28 days to have legislative authorization is close to submitting its petition signatures, and the subject of more claims of wrongdoing.

Keep Michigan Safe, the group fighting the petition drive by Unlock Michigan, provided to the Detroit Free Press audio of a training session – run by someone working for a subcontractor of the main signature-gathering firm Unlock Michigan hired – explaining to attendees how to evade Michigan laws on signature-gathering.

The proposal would repeal the 1945 Emergency Powers of the Governor Act. That would leave the 1976 Emergency Management Act as the clear authority on states of emergencies. A case is pending before the Michigan Supreme Court on whether Governor Gretchen Whitmer can continue to keep Michigan under a state of emergency without legislative approval.

In another development, Secretary of State Jocelyn Benson told reporters Tuesday it takes between 100 to 105 days for the Bureau of Elections to review petition signatures for validity, handle challenges and then produce a staff report recommending certification or rejection to the Board of State Canvassers. There are 100 days remaining in the year.

Over the years, the Bureau of Elections has taken wildly different amounts of time necessary to review the sample of 500 signatures it draws for initiative petitions.

Timing could be critical. If a certification decision does not happen until 2021, and if Democrats can win control of the House, or at least get to a 55-55 tie, in the November elections, it would force the proposal to the November 2022 ballot, assuming the House was unable to muster the votes to approve it. Even if the bureau completes its process before the end of the year, it's almost certain that the question of certification will wind up in court, a process that at best would take a couple weeks and further risk pushing the decision into 2021.

Of course, if Republicans retain House control then the timing question is irrelevant.

The video provided to the Free Press by Keep Michigan Safe shows Erik Tisinger telling the trainees he does not want them to break the law but they can and gives them advice on how to get away with it while discouraging forgeries as those are too easy to detect. Mr. Tisinger was

working for In the Field, a subcontractor to National Petition Management, which Unlock Michigan hired to help with signature collection.

The video, the Free Press reported, shows Mr. Tisinger instructing trainee to tell voters “on the fence” that signing the petition will only mean putting it on the ballot, not mentioning the goal of the petition is to secure enactment through legislative approval, not to actually reach the ballot. He also apparently warns trainees they may wind up deposed about their activities but that it is “super easy” to give misleading testimony.

Fred Wszolek, spokesperson for Unlock Michigan, said he believed the situation to be a set-up, that Mr. Tisinger typically works on progressive, not conservative, campaigns. Mr. Wszolek claimed there is no way the Keep Michigan Safe organization coincidentally happened to have a tracker recording a training led by Mr. Tisinger. Mr. Wszolek said Unlock Michigan will not use the signatures In the Field collected, which he estimated were about 3,000.

“What a shocking coincidence that there was a left-wing political operative here in Michigan working for a conservative-backed ballot proposal saying crazy things and urging people to break the law and there just happened to be an opposition video tracker in the room at the same time,” he said. “A complete set-up, absolutely.”

No contact information for Mr. Tisinger or In the Field could be found Tuesday.

Even if unscrupulous tactics were used, there is nothing in Michigan law that would lead to the invalidation of those signatures as long as they are valid signatures from registered voters with the petition form properly circulated. Unlock Michigan has said it intends to submit 500,000 signatures, well more than the 347,047 required for certification, providing a solid cushion for invalid signatures.

Ms. Benson, when asked about Unlock Michigan on Tuesday during a ballot drop box unveiling event, told reporters the state would “handle any ballot proposals that come to our office over the next few weeks equally, and no one’s going to get any special treatment.”

As to if the petition could be approved by the end of this year, Ms. Benson said it’s her belief that it takes between 100 and 105 days to review and “do everything that’s needed to prepare and evaluate signature petitions” but did not give a more specific time frame. She did acknowledge, however, that the state is undergoing very time consuming and important work with regards to the November election and that took priority over everything else.

When asked about the recent reports that Unlock Michigan is engaging in purposefully misleading signature collecting efforts – and if that had any bearing on the validity of the gathered signatures – Ms. Benson said both she and Attorney General Dana Nessel had called on the Legislature to enact laws to protect the system from fraud.

Mr. Wszolek, however, pointed to a court filing from May by Elections Director Jonathan Brater in the *Sawarimedia LLC v. Whitmer* case at the U.S. District Court for the Eastern District of Michigan in which he says “it takes approximately 60 days to complete the random sampling and challenge process” that occurs once a group submits their petition signatures for review.

“We think she misunderstood the question and that’s the average amount of time for someone to renew their driver’s license,” he said in a swipe at the delays some motorists have seen at a secretary of state branch offices. “If we can collect 500,000 signatures in less than 80 days, they ought to be able to process a sample of 500 signatures in 60 days.”

It was no coincidence that with 100 days left in the year, Ms. Benson said it takes 105 days to process a petition submission, Mr. Wszolek said.

Department of State spokesperson Jake Rollow said Mr. Brater’s 60-day scenario involved a submission “in summer months with more staff resources available for petition review necessary to meet a constitutional deadline.” There is a big difference between a review happening now and in July when there is a clear deadline for action to make the ballot, Mr. Rollow said.

“Comparing average days to how fast a petition can be reviewed with a pending constitutional deadline is apples and oranges. It is like comparing firefighter response time to a burning house versus a cat in a tree,” he said. “Right now the Bureau of Elections is devoting all staff and resources to carrying out a successful presidential election amidst an unprecedented global pandemic. Preferential treatment will not be given to any petition, and the next deadline for review is not until 2022.”

The time it has taken for the bureau to process initiative petition signatures has varied substantially through the years, making an average somewhat misleading. One of the faster processes was for the Promote the Vote voting access measure, or Proposal 3 of 2018, which took 59 days. The redistricting ballot proposal of 2018, Proposal 2, took 166 days between the time Voters Not Politicians submitted it and the bureau’s staff recommended certification (eventual certification by the board did not happen for another 29 days because of legal wrangling). The proposal to legalize recreational marijuana took 178 days between the time organizers filed signatures and the Board of State Canvassers certified them.

In 2012, the collective bargaining proposal saw quick work from the Bureau of Elections with it taking 33 days for their recommendation to reach the Board of State Canvassers (it took much longer to certify because of a court fight). Also in 2012, proposals to limit taxes and international border crossings took 55 days each to go from signature submission to Bureau of Elections staff recommendations for approval (certification came several days later following court rulings).

The big difference is that the redistricting and marijuana proposals submitted signatures many months before they were due and the department had much more time to review them while

the others were submitted in the summer of the election year when the state faces an early September deadline to finalize ballots.

Mark Fisk, spokesperson for Keep Michigan Safe, denied the allegation of a set-up.

“He schools them on how to lie under oath. Sadly it’s very clear that these unscrupulous underhanded tactics are standard operating procedure with Unlocked Michigan,” he said, citing the group’s earlier use of a convicted criminal (which the group renounced after the revelation) and evidence of circulators misleading voters about the petition’s purpose. “They got caught red-handed again. This is on video.”

Mr. Fisk called for the Board of State Canvassers, the Bureau of Elections and the Department of Attorney General to review every signature Unlock Michigan submits, if they submit signatures, not just the 500-signature sample drawn.

He said Keep Michigan Safe would scrutinize every signature filed.

“We need them to take a long hard look at every signature and talk to these circulators and find out how widespread this criminality is,” he said.

He also disputed the contention from Unlock Michigan that a signature review can be completed quickly.

“This is a very thorough, a very time-consuming and painstaking process – as it should be,” he said.



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