STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

September 23, 2019

Sherikia Hawkins, Clerk
City of Southfield
26000 Evergreen Rd
PO Box 2055
Southfield, Michigan 48037-2055

Dear Clerk Hawkins:

Today, the Department of State learned that you were formally charged with multiple crimes under the Michigan Election Law, 1954 PA 116, MCL 168.1 *et seq*. These accusations stem from conduct that allegedly occurred while acting in your official capacity as Clerk for the City of Southfield, and involve your alleged mishandling of official election records during the November 6, 2018 general election, including absent voter ballots and election returns. The charges brought by the Michigan Attorney General include one count of Election Law – Falsifying Returns/Records in violation of MCL 168.932(c); one count of Forgery of a Public Record in violation of MCL 750.248; one count of Common Law Offense – Misconduct in Office in violation of MCL 750.505; and three counts of Computers – Using to Commit a Crime in violation of MCL 752.796 and MCL 752.797(3)(d).

While the criminal charges you currently face could eventually be resolved in your favor, it is difficult to fathom a more serious set of accusations that could be brought against an election official. The alleged falsification of election records threatens to fundamentally undermine voter confidence in the integrity of elections, which our rigorous check-and-balance system for counting and verifying votes is designed to protect. While I was gratified to learn that this alleged wrongdoing did not disenfranchise any voters, these pending charges compromise your ability to effectively administer the November 5, 2019 election for the City of Southfield. Therefore, in order to restore public trust and confidence in the integrity and security of the upcoming election, I am instructing you to refrain from administering any elections held in the City of Southfield while these charges are pending against you.

Under the Michigan Election Law, 1954 PA 116, as amended, MCL 168.1 *et seq*., the Secretary of State is the Chief Election Officer of this State and "shall have supervisory control over local election officials in the performance of their duties under the provisions of this act." MCL 168.21. The Secretary of State is required by law to "issue instructions" and "[a]dvise and direct local election officials as to the proper methods of conducting elections." MCL 168.31(1)(a),(b). County clerks and Boards of Commissioners are required to comply with the instructions given by the Secretary of State. *Secretary of State v Berrien Co Bd of Election Comm'rs*, 373 Mich 526, 530-531 (1964). The Director of Elections is authorized to act at the

Secretary's behest "with respect to the supervision and administration of the election laws." MCL 168.32.

In accordance with my authority under the Michigan Election Law, you are directed to refrain from the duties described below pertaining to voter registration and routine list maintenance; preparation, issuance, and processing of ballots (including absent voter ballots) and absent voter ballot applications; ordering or assembling election supplies and precinct supply kits; recruiting, placing and training election inspectors; logic and accuracy testing; voter registration between the 14th day prior to Election Day, through the close of polls; handling any Election Day issues that may arise; generation of unofficial election results; and working with the County Clerk's office through the post-election canvass process.

- **Performing Voter Registration and Routine List Maintenance.** You must refrain from any duties associated with processing voter registration applications and performing routine list maintenance. These functions must be performed by the Deputy Clerk or other qualified individual.

- **Ordering Election Supplies and Ballots.** You are prohibited from ordering election supplies and ballots; the Deputy Clerk or other qualified individual must order supplies and prepare the precinct materials. You are prohibited from handling any ballots, including blank ballots. The Deputy Clerk must secure and track all ballots, including blank ballots, that are ordered or delivered to your office.

- **Processing Absent Voter Ballot Applications and Issuing Absent Voter Ballots.** You are barred from issuing, handling, and processing any absent voter ballot applications, and prohibited from preparing, issuing, delivering, receiving, and handling any absent voter ballots, including the recording of issuance and receipt of ballots in the Qualified Voter File (QVF). Only the Deputy Clerk and his or her authorized designee(s) are permitted to perform any of these functions.

- **Preparing Polling Locations.** You are authorized to make the necessary arrangements to reserve polling locations prior to Election Day; however, you must not set up (or supervise the set up of) polling locations. The Deputy Clerk must perform (or supervise) the set up.

- **Recruiting, Assigning and Training Election Inspectors.** You must refrain from performing any tasks associated with poll worker recruitment, placement and training. Training must be conducted by an individual who is certified to train election inspectors. If supplemental training is necessary, it may be taught by the Deputy Clerk or other qualified individual, or the office of the County Clerk.

- **Membership on the Election Commission.** The Deputy Clerk shall replace you as a member of the City Election Commission.

- **Role in Logic and Accuracy Testing.** You must not perform any duties in relation to logic and accuracy testing. Individuals designated by the Election Commission (other than

yourself) may be authorized to complete the test decks, ballot charts, and initial testing for the preliminary logic and accuracy testing. The public accuracy test shall be conducted by the Election Commission, which is also responsible for sealing the equipment, recording seal numbers, and completing the required paperwork.

- **Addressing Election Day Issues.** Issues that arise on Election Day must be addressed by the Deputy Clerk. If the Deputy Clerk is unable to resolve the matter, the Deputy Clerk or other qualified individual should contact county or state election officials, as appropriate.

- **Compiling Unofficial Results / Post-Election Canvass.** The Deputy Clerk will act as the City's point of contact with the Oakland County Clerk's office involving all duties related to the compiling of unofficial results and the 14-day post-election canvass process.

You or your counsel are required to keep Sally Williams, the Director of Elections, apprised of the status of this case and promptly report any changes. This directive remains in effect until you are acquitted or the charges against you are dismissed, or you are otherwise notified in writing that this directive has been modified or terminated.

Please contact my office if you require additional information or clarification regarding these instructions.

Sincerely,

Jocelyn Benson
Secretary of State

c: Attorney General Dana Nessel
Sally Williams, Director of Elections, Bureau of Elections
Kenson J. Siver, Mayor, City of Southfield
Fred Zorn, City Administrator, City of Southfield
Lloyd Crews, President, Southfield City Council
Southfield City Council
Lisa Brown, Oakland County Clerk
Joe Rozell, Oakland County Election Director