

Smith, Jessica (MDOS)

From: Abby Rubley <arubley@michigandems.com>
Sent: Wednesday, February 23, 2022 9:52 AM
To: SOS, Disclosure
Subject: Campaign Finance Complaint
Attachments: Secure MI Vote Campaign Finance Complaint 2.23.22.pdf

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Please find the attached claim of a campaign finance violation by Secure MI Vote. Attached is one document that includes:

- Complaint
- Exhibit 1

As a reminder, all three pieces are in the same attached document.

Please reach out if you have any questions or concerns.

Best,
Abby

--
Abby Rubley
Director of Communications
Michigan Democratic Party
517.420.6777
arubley@michigandems.com

**STATE OF MICHIGAN
BUREAU OF ELECTIONS**

CAMPAIGN FINANCE COMPLAINT

RECEIVED/FILED
MICHIGAN DEPT. OF STATE
2022 FEB 25 AM 10:57
ELECTIONS/GREAT SEAL

Section 1. COMPLAINANT

Michigan Democratic Party
Lavora Barnes, Chair
606 Townsend St.
Lansing, MI 48933

Section 2. ALLEGED VIOLATOR

Secure MI Vote
106 W. Allegan St, Suite 200
Lansing, MI 48933

Section 3. ALLEGATIONS

Sections of the Michigan Campaign Finance Act (MCFA) alleged to be violated: MCL 169.202, 169.234.

STATEMENT OF FACTS

1. A "ballot question committee" under the MCFA is a committee acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate as defined in MCL 169.202(3).

2. Pursuant to MCL 169.204(1), a "contribution" is defined as a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination

or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.

3. An “expenditure” under the MCFA is a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party according to MCL 169.206(1).

4. MCL 169.234(7) provides that if a ballot question committee knowingly files an incomplete or inaccurate statement or report the treasurer is subject to a civil fine of not more than \$1,000 or the amount of the undisclosed contribution, whichever is greater.

5. Secure MI Vote filed a ballot question committee in December of 2020 with the Bureau of Elections (“BOE”) to support a voter suppression petition initiative that would make it harder to vote and more difficult for clerks to run elections.

6. In September of 2021, Michigan’s Board of State Canvassers approved petition summary language and the petition form allowing the Secure MI Vote to begin collecting voter signatures on petitions.

ALLEGATIONS

7. At or around the end of 2021 or beginning of 2022, Secure MI Vote sent a mailing that included a donation solicitation envelope. *See* Clara Hendrickson, Secure MI Vote petition mailing asking for contributions to Michigan GOP raises questions, DETROIT FREE PRESS, February 9, 2022, <https://www.freep.com/story/news/local/michigan/detroit/2022/02/09/secure-mi-vote-solicitation-michigan-gop/6667716001/>

8. The mailing indicates that it was “Paid for with regulated funds by Secure MI Vote

Committee, 106 W. Allegan, Ste 200, Lansing, MI 48933.”

9. The mailing includes a solicitation to the Michigan Republican Party’s “Election Integrity.”

10. Secure MI Vote’s solicitation of funds for the Michigan Republican Party in its mailing was an in-kind expenditure that resulted in an in-kind contribution to the political party.

11. Secure MI Vote failed to disclose the in-kind contribution to the MRP on its Annual Campaign finance statement filed on January 31, 2022 (and amended on February 1, 2022).

12. A ballot question committee is limited to engaging in activities for or against ballot questions. *See* MCL 169.202(3).

13. The MCFA does not permit a ballot question committee to contribute or make expenditures, including in-kind expenditures, for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate. *Id.*

14. In fact, the BOE’s Ballot Question Manual reiterates the limitations of a ballot question committee in the following language under “Prohibited Expenditures:”

A Ballot Question Committee may not make expenditures to, in support of, or in opposition to, a Candidate Committee, Political Party Committee, Political Committee (PAC), Independent Committee (PAC) or any committee that supports or opposes candidates.

15. Based on the facts above and applicable law, Secure MI Vote made an illegal in-kind expenditure to a political party when it included a solicitation for the MRP in a mailing paid for by the ballot question committee.

16. Further, Secure MI Vote knowingly filed an incomplete and inaccurate campaign statement by failing to disclose the illegal in-kind expenditure to the MRP on its Annual campaign finance statement.

After reviewing this complaint, any answer, and rebuttal filed, the BOE should complete

their investigation and make a finding that there may be reason to believe that Secure MI Vote has violated the MCFA. The BOE should assess all penalties or fees necessary to bring Secure MI Vote into compliance with the MCFA.

Section 4. CERTIFICATION

I certify to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

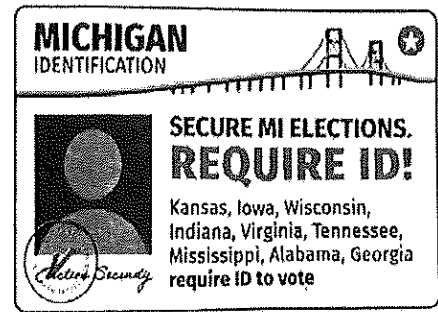


[name]

February 23, 2022

Date

EXHIBIT 1



Dear Michigan Patriot:

We want it to be easier to vote — *but harder to cheat!*

That means one simple thing: voters must show proof of identification when they vote.

Left-wing Democrats are screaming bloody murder — which means we must be on the right track!

Majorities in both the Michigan House and the Senate passed strong legislation to strengthen election integrity in our state — but Governor Gretchen Whitmer vetoed ALL OF IT.

So now WE THE PEOPLE must take power into our own hands — the power of the pen.

We're circulating petitions for a VETO-PROOF election reform plan to require photo ID to vote, and a few other common-sense reforms.

Two petition forms are enclosed for you to sign and circulate among your family and friends.

WE NEED YOU TO TAKE ACTION TODAY. TOGETHER WE CAN VETO WHITMER'S VETOES!

PLEASE:

1. Take a minute right now to read over the instructions on the back of this sheet.
2. Sign the petition as the instructions indicate, and get others in your household and neighborhood to join you.
3. Sign the Certificate of Circulator at the bottom of the petition as the instructions show.

AND IF YOU CAN:

4. Include a contribution to help us fund this fight to make it easier to vote, but harder to cheat. If you could afford as much as \$250, that would be amazing. But if you could chip in as little as \$25, \$10, or even \$5 that could help put us over the top in signature collection!

THEN:

5. Mail the petition and your contribution back in the enclosed envelope as soon as you can.

Please take action as quickly as possible. Left-wing Democrats are pulling out all the stops to block our reforms, but with you on our side, I know we can win!

Sincerely,

Jeff Litten
Executive Director, Secure MI Vote

- 1 As the circulator, you must write in the COUNTY NAME at the top of each petition form. All of the signers of this petition sheet must be registered voters of that county. You can circulate petitions for any county, but each county must be on a different sheet.
- 2 The signer must sign their full name as they are registered to vote, and then write it in neatly in the next box.
- 3 The signer must write in the house number and street name, or rural route, where they live. No PO Boxes, please.
- 4 The signer must write in the City or Township where they are registered to vote. Villages and unincorporated areas are always within townships.
- 5 The signer next writes in their zip code.
- 6 Finally, the signer must write in the date they signed the petition, not their birth date.
- 7 After the circulator has gathered signatures, they must complete the Circulator section in the lower right of each petition form. No signatures can be added to the petition form after this portion has been completed and dated.

Contributions to the Michigan Republican Party (MRP) are not tax-deductible as charitable contributions for income tax purposes. Contributions from corporations and foreign nationals are prohibited.

885757

75993

TEMPERANCE MI 48182-1568



Make a credit card contribution by filling out the information below:

Amount: \$ _____ Is this a corporate card? ☐ Yes ☐ No

Name as it Appears on Card _____

CC# _____ Exp. _____ Code _____

Address _____

City: _____ State: _____ ZIP _____

Signature _____

Email _____

For contributions exceeding \$100 in a calendar year, please provide the following:

Occupation _____ Employer _____

Are you self-employed? ☐ Yes ☐ No

Address _____

City: _____ State: _____ ZIP _____

Email _____ Phone _____

We Deserve Fair Elections!

Michigan Needs a Strict Voter ID Law.

☐ Enclosed are petition(s) with _____ signatures.

☐ Enclosed is a contribution made payable to "MRP-Election Integrity" to help fund this drive to make it easier to vote and harder to cheat!

☐ \$250 ☐ \$100 ☐ \$50 ☐ \$25 ☐ \$10 ☐ Other \$ _____

If contribution exceeds \$100, please provide contact information requested on back.

☐ Credit card contribution provided on the back of this card

☐ Email me updates on the progress of the campaign:

☐ Text me updates on the progress of the campaign:

PAID FOR WITH REGULATED FUNDS BY SECURE MI VOTE
COMMITTEE 106 W ALLEGAN, STE 200 • LANSING, MI 48933



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

April 7, 2022

Secure MI Vote
106 W. Allegan St., Suite 200
Lansing, MI 48933

Re: *Barnes v. Secure MI Vote*
Campaign Finance Complaint No. 2022-02-73-234

Dear Secure MI Vote:

The Department of State (Department) has received a formal complaint filed against you by Lavora Barnes and the Michigan Democratic Party alleging you violated the Michigan Campaign Finance Act (MCFA). Specifically, the complaint alleges that you used committee funds to purchase mailers that requested recipients make contributions to the Michigan Republican Party. Ms. Barnes alleges that these mailers are in-kind contributions forbidden by the MCFA. Further, Ms. Barnes alleges that you failed to report these contributions in campaign finance statements as required by the MCFA. A copy of the complaint is enclosed.

A contribution regulated by the MCFA is “a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.” MCL 169.204(1). A ballot question committee is a committee “acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question.” MCL 169.202(3). A ballot question committee is forbidden from receiving or making contributions “for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.” *Id.* All committees and individuals are also barred accepting a contribution from a person with the agreement that the committee or individual will deliver the contribution to a “particular candidate committee.” MCL 169.244(1). The MCFA requires that contributions received by a ballot committee, as well as all expenditures made by a ballot question committee, must be reported in campaign statements MCL 169.234; MCL 169.226(1)(b).

The purpose of this letter is to inform you of the Department’s examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and

the corresponding administrative rules, R 169.51 *et seq.* An explanation of the process is included in the enclosed guidebook.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Ms. Barnes, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether “there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me at BOERegulatory@Michigan.gov.

Sincerely,



Adam Fracassi, Regulatory Manager
Bureau of Elections
Michigan Department of State

c: Lavora Barnes, via email



INTERNATIONAL SQUARE
1825 EYE STREET, NW, SUITE 900
WASHINGTON, DC 20006
TELEPHONE: 202-457-0160
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

CHARLIE SPIES
CSpies@dickinsonwright.com
202.466.5964

April 27, 2022

Adam Francassi
Michigan Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 West Allegan Street
Lansing, MI 48919

VIA E-MAIL: BOERegulatory@michigan.gov

Re: Secure MI Vote's Response to Complaint No. 2022-02-73-234

We write on behalf of Secure MI Vote ("SMV") in response to an unfortunate attempt by the Michigan Democrat Party to suppress and undermine common sense (and publicly popular) efforts to improve the State's election laws. This frivolous complaint alleges that SMV made, and failed to report, a prohibited in-kind contribution to the Michigan Republican Party ("MRP") by adding to a SMV mailer a contribution form for the MRP. However, this accusation is based on the Complainant's inaccurate assumption that SMV paid for this mail piece. In fact, the MRP paid for the majority of the costs of the mail piece, and when examining the disclaimers on the mailer *in full*, as well as our response to this matter, it is clear that the MRP received nothing of value from SMV in regards to this mail package.¹ Consequently this complaint should be promptly dismissed.

Factual Background and Legal Analysis

On January 11, 2022, a mail piece paid for proportionally by both SMV and the MRP was sent to voters. The mail piece explained the contents of SMV's ballot petition, why it was important for Republican voters to get involved in SMV's efforts, and instructions on how to submit signatures to the petition. The mailer included a cover letter from the Executive Director of SMV, a copy of SMV's ballot petition, a reply card reflecting a donor form for the MRP, and a return envelope. SMV paid for the costs of printing the cover letter (from SMV) and the ballot petition, while the MRP paid for printing the envelope, reply card,² return envelope, postage, and other costs associated with the distribution of the mail piece.

¹ Exhibit A.

² SMV's disclaimer was on the reply card due to a printing error. While no paid for disclaimer was required on the reply card because it was part of package with multiple disclaimers, if one was going to be included, it should have been the MRP's disclaimer.

The Michigan Democrat Party is dishonestly attempting to use selected excerpts from this mail piece to concoct from whole cloth a complaint claiming that SMV made, and failed to report, an illegal in-kind contribution to the MRP. In fact, the critical – and most prominent – disclaimer that a recipient of the mail package would see is that of the MRP, as it is on the outer envelope, as well as the return envelope. That evidence clearly shows that the MRP paid for the cost of the mailing (envelope and postage). Notably, this evidence was intentionally excluded here by the Democrats, likely because it destroys the basis of their complaint. Of course, for the Democrats' complaint to have any validity, the Bureau of Elections would have to believe that the the mail piece was paid for entirely by SMV. The clear MRP disclaimer on both the outer envelope and the return envelope negates the Democrats' entire premise.

A review of the mail piece in its entirety—as opposed to the limited, cherry-picked portions included with the complaint—demonstrates that the MRP paid for its share of the distribution of this mail piece. In addition, as previously stated, SMV did not pay for any materials that benefitted the MRP, as the only items SMV paid for were the cover letter and their own SMV ballot petitions. While SMV acknowledges the potential for confusion when looking at the donor reply card (with SMV disclaimer) in isolation, the reality is that SMV did not pay for the printing and distribution of the return card. Furthermore, any recipient of this mail piece would have seen the MRP disclaimer on the envelope and know that the MRP paid for at least part of the mailing before they could even get to the reply card. While it is unfortunate that a printing error was made with regards to the reply card component of the mail piece, both MRP and SMV acted in good faith, with each entity paying for their respective part of the mailing. SMV did not provide anything of value to the MRP in relation to this mail piece, and therefore did not make an improper contribution to the MRP.³

The Bureau of Elections cannot make an informed and accurate determination in this, or any, matter unless all relevant information is considered. The hypocrisy is not lost on SMV that the Michigan Democrat Party, while being the self-proclaimed champion of transparency,⁴ selectively provided less-than-complete information with their complaint and were not transparent with the Bureau of Elections in this matter. Nonetheless, SMV respectfully submits that a review of the mailer in full will alleviate any potential concerns raised by Complainant. The Bureau should see through the Michigan Democrat Party's false and—as a result of its intentional omission of relevant, exculpatory facts—bad faith claim, and promptly dismiss this complaint.

Sincerely,



Charlie Spies
Robert Avers
Katie Reynolds
Counsel to Secure MI Vote

³ The complaint broadly alleges that SMV solicited contributions on the MRP's behalf. While the Complainant provides no basis for how SMV solicited contributions, please know that SMV did not solicit contributions for any other entity except SMV itself.

⁴ Michigan Democratic Party, Our Platform, <https://michigandems.com/structure/> (last accessed April 25, 2022) ("The Michigan Democratic Party believes that government must be open, honest, responsive, and accountable to the people it serves.")

EXHIBIT A

EXHIBIT A

Paid for with regulated fund by
Election Integrity Project
c/o MIGOP
520 Seymour Avenue
Lansing, MI 48933

Non-Profit Org
US Postage
PAID
WAM

INSIDE: Official petitions for
real election reform, including
a **strict VOTER-ID** requirement



EXHIBIT A

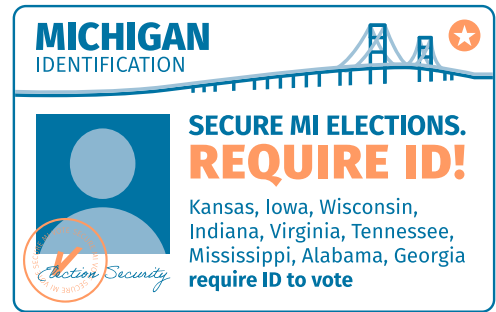


Donald J. Trump 
@realdonaldtrump

Following

No debate on Election Security should go forward without first agreeing that Voter ID (Identification) must play a very strong part in any final agreement. Without Voter ID, it is all so meaningless!

Aug 13th 2019 - 8:46:59 PM EST

EXHIBIT A**Dear Michigan Patriot:**

We want it to be easier to vote — ***but harder to cheat!***

That means one simple thing: voters must show proof of identification when they vote.

Left-wing Democrats are screaming bloody murder — which means we must be on the right track!

Majorities in both the Michigan House and the Senate passed strong legislation to strengthen election integrity in our state — but Governor Gretchen Whitmer vetoed ALL OF IT.

So now WE THE PEOPLE must take power into our own hands — the power of the pen.

We're circulating petitions for a VETO-PROOF election reform plan to require photo ID to vote, and a few other common-sense reforms.

Two petition forms are enclosed for you to sign and circulate among your family and friends.

WE NEED YOU TO TAKE ACTION TODAY. TOGETHER WE CAN VETO WHITMER'S VETOES!

PLEASE:

1. Take a minute right now to read over the instructions on the back of this sheet.
2. Sign the petition as the instructions indicate, and get others in your household and neighborhood to join you.
3. Sign the Certificate of Circulator at the bottom of the petition as the instructions show.

AND IF YOU CAN:

4. Include a contribution to help us fund this fight to make it easier to vote, but harder to cheat. If you could afford as much as \$250, that would be amazing. But if you could chip in as little as \$25, \$10, or even \$5 that could help put us over the top in signature collection!

THEN:

5. Mail the petition and your contribution back in the enclosed envelope as soon as you can.

Please take action as quickly as possible. Left-wing Democrats are pulling out all the stops to block our reforms, but with you on our side, I know we can win!

Sincerely,

Jeff Litten

Executive Director, Secure MI Vote

EXHIBIT A

Thanks for helping us make it easier to vote — but harder to cheat! You're the key to winning the battle, and to make every single signature count, it's important for you to follow the following instructions.

- 1** As the circulator, you must write in the COUNTY NAME at the top of each petition form. All of the signers of this petition sheet must be registered voters of that county. You can circulate petitions for any county, but each county must be on a different sheet.
- 2** The signer must sign their full name as they are registered to vote, and then write it in neatly in the next box.
- 3** The signer must write in the house number and street name, or rural route, where they live. No PO Boxes, please.
- 4** The signer must write in the City or Township where they are registered to vote. Villages and unincorporated areas are always within townships.
- 5** The signer next writes in their zip code.
- 6** Finally, the signer must write in the date they signed the petition, not their birth date.
- 7** After the circulator has gathered signatures, they must complete the Circulator section in the lower right of each petition form. No signatures can be added to the petition form after this portion has been completed and dated.

To wrap up the petition:

- Make certain that all sections have been completed.
- Ditto marks are not acceptable.
- Petition forms are acceptable with at least one, but no more than 10 signatures.
- Yes, you can both sign and circulate a petition form.
- When completed, return to us in the enclosed envelope.

Questions? Or need more petitions? Go to SecureMIVote.org!

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATION OF LEGISLATION
Initiation of legislation amended the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

A petition to initiate legislation to amend the Michigan Election Law, 1954 PA 116, by amending sections 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

We, the undersigned qualified and registered electors, residents in the county of _____, state of Michigan, respectively petition for initiation of legislation.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

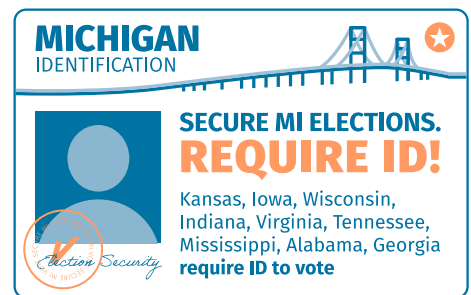
SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

CERTIFICATE OF CIRCULATOR
The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence, that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was, at the time of signing, a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

CIRCULATOR - Do not sign or date certificate until after circulating petition.
(Signature of Circulator) _____ (Date) ____/____/____
(Printed Name of Circulator) _____
Complete Residence Address (Street and Number) _____ (Do Not Enter a Post Office Box)
(City or Township, State, Zip Code) _____
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)



The circulator of this petition is (check one): ☐ A paid signature gatherer ☐ A volunteer signature gatherer

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATION OF LEGISLATION

Initiation of legislation amending the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state-ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit officials from making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

A petition to initiate legislation to amend the Michigan Election Law, 1954 PA 116, by amending sections 495, as amended by 2018 PA 129, 759, as amended by 2020 PA 302, 759a, as amended by 2012 PA 523, 759b, as amended by 1965 PA 205, 761, as amended by 2020 PA 302, 761b, as amended by 2018 PA 603, 764b, as amended by 2018 PA 120, and 813, as amended by 2018 PA 603 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and by adding sections 523b, 760a, and 946, see the reverse side of this petition.

We, the undersigned qualified and registered electors, residents in the county of _____, state of Michigan, respectively petition for initiation of legislation.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that the person signing the petition more than once, and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

PAID FOR WITH REGULATED FUNDS BY SECURE MI VOTE COMMITTEE 106 W ALLEGAN, STE 200 - LANSING, MI 48933

CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)	(Date)
(Printed Name of Circulator)	
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]	
(City or Township, State, Zip Code)	
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)	

INITIATION OF LEGISLATION

Initiation of legislation amending the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state-ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit officials from making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

Full text of the proposal (language that would be added shown in capital letters, deleted struck out with a line):

A petition to initiate legislation to amend the Michigan Election Law, 1954 PA 116, by amending sections 495, as amended by 2018 PA 603, 523, as amended by 2018 PA 129, 759, as amended by 2020 PA 302, 759a, as amended by 2012 PA 523, 759b, as amended by 1965 PA 205, 761, as amended by 2020 PA 302, 761b, as amended by 2018 PA 603, 764b, as amended by 2018 PA 120, and 813, as amended by 2018 PA 603 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and by adding sections 523b, 760a, and 946.

The People of the State of Michigan Enact:

- Sec. 495. The registration application must contain all of the following:
- (a) The name of the elector.
 - (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
 - (c) The city or township and county of residence of the elector.
 - (d) The date of birth of the elector.
 - (e) The driver license or state personal identification card number of the elector, if available.
 - (f) THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER.
 - ~~(g) A statement that the elector is a citizen of the United States.~~
 - ~~(h) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.~~
 - ~~(i) A statement that the elector has or will have lived in this state not less than 30 days before the next election.~~
 - ~~(j) A statement that the elector has or will have established his or her residence in the township or city in which the elector is applying for registration not less than 30 days before the next election.~~
 - ~~(k) A statement that the elector is or will be a qualified elector of the township or city on the date of the next election.~~
 - ~~(l) A space in which the elector shall state the place of the elector's last registration, if any.~~
 - ~~(m) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.~~
 - ~~(n) A statement that the applicant, if qualified, may vote at an election occurring on or after the date of completing the application.~~
 - ~~(o) A statement authorizing the cancellation of registration at the elector's last place of registration.~~
 - ~~(p) A space for the elector to sign and certify to the truth of the statements on the application.~~

Sec. 523. (1) ~~Except as otherwise provided in subsection (2), at each election, before being given a ballot, each registered elector offering to vote must identify himself or herself by presenting identification for election purposes, and by executing an application, on a form prescribed by the secretary of state, in the presence of an election official that includes BEFORE PROVIDING A BALLOT TO ANY PERSON OFFERING TO VOTE, THE CLERK OF A CITY OR TOWNSHIP AND THOSE ELECTION OFFICIALS ACTING UNDER THEIR DIRECTION SHALL ASK THE PERSON FOR HIS OR HER FULL NAME AND CURRENT RESIDENCE ADDRESS. THE PERSON OFFERING TO VOTE SHALL, IN THE PRESENCE OF AN ELECTION OFFICIAL, SIGN AN APPLICATION, POLL BOOK, OR FORM PRESCRIBED BY THE SECRETARY OF STATE THAT AFFIRMS all of the following:~~

- ~~(a) The name of the elector INDIVIDUAL;~~
- ~~(b) The elector's INDIVIDUAL'S address of residence;~~
- ~~(c) The elector's INDIVIDUAL'S date of birth;~~
- ~~(d) A statement by the elector that he or she is a citizen of the United States AND IS CURRENTLY A MICHIGAN RESIDENT RESIDING AT THE ADDRESS STATED IN THE QUALIFIED VOTER FILE; AND~~
- ~~(e) The elector's INDIVIDUAL'S signature or mark.~~

(2) If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification or other information stated upon the voter registration list. If the signature or an item of information does not correspond, the vote of the person must be challenged, and the same procedure must be followed as provided in this act for the challenging of an elector. ~~If the elector does not have identification for election purposes as required under this section, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without identification for election purposes as required under this section is subject to challenge as provided in section 727.~~

(3) THE ELECTION OFFICIAL SHALL ASK ANY INDIVIDUAL SEEKING TO CAST A BALLOT TO PRESENT ONE OF THE FOLLOWING FORMS OF IDENTIFICATION:

- (A) AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR AN ENHANCED DRIVER LICENSE ISSUED UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL 28.301 TO 28.308.
- (B) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300, OR AN ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL 28.301 TO 28.308.
- (C) A CURRENT OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED BY ANOTHER STATE.
- (D) A CURRENT STATE PERSONAL IDENTIFICATION CARD ISSUED BY ANOTHER STATE.
- (E) A CURRENT STATE GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD.
- (F) A CURRENT UNITED STATES PASSPORT OR FEDERAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD.
- (G) A CURRENT MILITARY PHOTO IDENTIFICATION CARD.
- (H) A CURRENT TRIBAL PHOTO IDENTIFICATION CARD.
- (I) A CURRENT STUDENT PHOTO IDENTIFICATION CARD ISSUED BY A HIGH SCHOOL IN THIS STATE, AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, A JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, OR ANOTHER ACCREDITED DEGREE OR CERTIFICATE GRANTING COLLEGE OR UNIVERSITY, JUNIOR COLLEGE, OR COMMUNITY COLLEGE LOCATED IN THIS STATE.

~~(4) (4) IF, AFTER CONFIRMATION THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN FULLY SATISFIED upon a comparison of the signature or other identification as required in this section, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued must be noted on the application. The application serves as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application must be filed with the township, city or village clerk. If voter registration cards are used in the precinct, the date of the election must be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village or township shall maintain a record of voting participation for each registered elector.~~

~~(5) ANY PERSON WHO DOES NOT PRESENT ONE OF THE FORMS OF IDENTIFICATION SPECIFIED IN SUBSECTION (3) SHALL BE OFFERED AN "ID-ONLY PROVISIONAL BALLOT." THE ID-ONLY PROVISIONAL BALLOTS SHALL BE PLACED IN PROVISIONAL BALLOT ENVELOPES, SEGREGATED FROM OTHER BALLOTS IN A SEPARATE BALLOT CONTAINER AS THAT TERM IS DEFINED IN SECTION 168.14A, AND RETURNED TO THE LOCAL CLERK.~~

~~(6) WITHIN THE SIX DAYS AFTER CASTING AN ID-ONLY PROVISIONAL BALLOT, ANY PERSON WHO CAST AN ID-ONLY PROVISIONAL BALLOT MAY PRESENT THEMSELVES TO THE CLERK OF THE CITY OR TOWNSHIP AND, UPON PRESENTING ONE OF THE FORMS OF PHOTO-IDENTIFICATION SPECIFIED IN SUBSECTION (3), THEIR ID-ONLY PROVISIONAL BALLOT SHALL BE PROCESSED AND TABULATED IN ACCORDANCE WITH SECTION 813.~~

~~(7) A QUALIFIED ELECTOR WHO DOES NOT POSSESS ANY OF THE FORMS OF PHOTO IDENTIFICATION SPECIFIED IN SUBSECTION (3) MAY, WITHIN SIX DAYS AFTER CASTING AN ID-ONLY PROVISIONAL BALLOT, PRESENT THEMSELVES TO THE CLERK OF THE CITY OR TOWNSHIP WITH A COPY OF THEIR BIRTH CERTIFICATE OR SOCIAL SECURITY CARD, AND A CURRENT UTILITY BILL, BANK STATEMENT, PAYCHECK, GOVERNMENT CHECK, OR OTHER GOVERNMENT DOCUMENT CONTAINING THE NAME AND CURRENT RESIDENCE ADDRESS OF THE QUALIFIED ELECTOR. UPON SATISFACTION OF THE REQUIREMENTS SET FORTH IN THIS SUBSECTION, THAT QUALIFIED ELECTOR'S ID-ONLY PROVISIONAL BALLOT SHALL BE PROCESSED AND TABULATED IN ACCORDANCE WITH SECTION 813.~~

SEC. 523b. (1) THE VOTER ACCESS FUND IS CREATED WITHIN THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE ONLY STATE MONEY FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM THE FUND INVESTMENTS. THE SECRETARY OF STATE SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

(2) MONEY IN THE VOTER ACCESS FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(3) SUBJECT TO APPROPRIATION, MONEY SHALL BE EXPENDED FROM THE VOTER ACCESS FUND FOR THE PURPOSE OF CREDITING THE SECRETARY OF STATE FOR FEES OWED BY AN APPLICANT UNDER MCL 28.292(12) IN THE MANNER SET FORTH IN SUBSECTION (4).

(4) IF AN APPLICANT CLAIMS A HARDSHIP IN PAYING THE FEE UNDER MCL 28.292(12), THE APPLICANT MUST SIGN A FORM DEVELOPED BY THE SECRETARY OF STATE ACKNOWLEDGING THE HARDSHIP. THE AMOUNT OF THE FEE UNDER MCL 28.292(12) THAT THE APPLICANT OWES SHALL BE CREDITED TO THE SECRETARY OF STATE FROM THE VOTER ACCESS FUND ESTABLISHED UNDER SUBSECTION (1). THE APPLICANT WILL THEN BE DEEMED TO HAVE PAID THE FEE UNDER MCL 28.292(12).

(5) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, \$3,000,000 IS APPROPRIATED FROM THE GENERAL FUND TO THE VOTER ACCESS FUND.

Sec. 759. (1) THE SECRETARY OF STATE, THE CLERK OF A COUNTY, CITY OR TOWNSHIP, AND ALL PERSONS EMPLOYED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE ARE PROHIBITED FROM SENDING OR PROVIDING ACCESS TO AN ABSENT VOTER BALLOT APPLICATION FOR AN ELECTION TO AN ELECTOR UNLESS THAT ELECTOR HAS FIRST REQUESTED AN ABSENT VOTER BALLOT APPLICATION. THE SECRETARY OF STATE, THE CLERK OF A COUNTY, CITY OR TOWNSHIP, AND ALL PERSONS EMPLOYED BY THE STATE AND ANY POLITICAL SUBDIVISION OF THE STATE ARE PROHIBITED FROM SENDING OR PROVIDING AN ABSENT VOTER BALLOT FOR AN ELECTION TO AN ELECTOR UNLESS THAT ELECTOR HAS FIRST SUBMITTED AN ABSENT VOTER BALLOT APPLICATION. Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that IMMEDIATELY follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(2) Except as otherwise provided in subsection (1) and subject to section 761(3), at any time during the 75 days before an election, but not later than 8 p.m. on the day of an election, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the county, township, OR city, or village in which the voter is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a county, city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the county, city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

- (a) By a written request signed by the voter.
- (b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.
- (c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall MUST sign the application. IN ADDITION, AN APPLICANT FOR AN ABSENT VOTER BALLOT MUST EITHER PROVIDE ON THE APPLICATION THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT AN ORIGINAL OR A COPY OF ONE OF THE FORMS OF IDENTIFICATION FOR ELECTION PURPOSES SET FORTH IN SUBSECTION 523(3) TO THE CLERK OF THE CITY, TOWNSHIP, OR COUNTY IN WHICH THE ELECTOR IS REGISTERED. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. IF AN APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THIS SUBSECTION, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7). WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. A person shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms available in the clerk's office at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application must be in substantially the following form:

*Application for absent voter ballot for:

- ☐ The primary or special primary election to be held on (Date).
- ☐ The election to be held on (Date).
- (Check applicable election or elections)

I,, a United States citizen and a qualified and registered elector of the precinct of the township of or of the ward of the city of in the county of and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

VOTER IDENTIFICATION:

YOU MUST CHOOSE ONE OF THE VOTER IDENTIFICATION OPTIONS BELOW. IF YOU DO NOT SATISFY ONE OF THE VOTER IDENTIFICATION OPTIONS BELOW, YOU WILL BE ISSUED A PROVISIONAL ABSENT VOTER BALLOT THAT IS SUBJECT TO VERIFICATION AND WILL NOT BE TABULATED ON ELECTION DAY.

- ☐ YOUR MICHIGAN DRIVER LICENSE NUMBER.
- ☐ YOUR OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD NUMBER.
- ☐ THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER.
- ☐ PRESENT IDENTIFICATION FOR ELECTION PURPOSES IN PERSON TO THE CITY OR TOWNSHIP CLERK.

Send absent voter ballot to me at:

(Street No. or R.R. or Designated Address)

(Post Office) (State) (Zip Code)

My registered address (Street No. or R.R. or Participant Identification Number)

(Post Office) (State) (Zip Code)

Date..... I certify that I am a United States citizen and that the statements in this absent voter ballot application are true.

(Signature)

WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot. A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

I certify that my name is, my address is, and my date of birth is; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date) (Signature)

(6) The following instructions for an applicant for an absent voter ballot must be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you may not receive an absent voter ballot. IN ADDITION, YOU MUST EITHER PROVIDE YOUR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER ON THE APPLICATION, OR PRESENT AN ORIGINAL OR A COPY OF IDENTIFICATION FOR ELECTION PURPOSES TO THE CLERK OF THE CITY OR TOWNSHIP IN WHICH YOU ARE REGISTERED. IF YOU DO NOT PROVIDE THIS IDENTIFICATION VERIFICATION INFORMATION OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES, YOU WILL BE ISSUED A PROVISIONAL ABSENT VOTER BALLOT THAT WILL NOT BE TABULATED UNLESS SUBSEQUENTLY VERIFIED UNDER STATE LAW.

EXHIBIT A

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

(9) The absent voter ballot application of an elector who is a program participant, as that term is defined in the address confidentiality program act, is confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 759a. (1) An absent uniformed services voter or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to an absent uniformed services voter and an overseas voter.

(2) Upon the request of an absent uniformed services voter or an overseas voter, the clerk of a county, city, township, or village shall electronically transmit a blank voter registration application or blank absent voter ballot application to the voter. The clerk of a county, city, township, or village shall accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter. A voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter shall contain the signature of the voter. In addition, an applicant for an absent voter ballot must provide on the application their driver license number, official state personal identification card number, or the last four digits of their social security number.

(3) A spouse or dependent of an overseas voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified and registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a city or township of this state.

(4) An absent uniformed services voter or an overseas voter, whether or not registered to vote, may apply for an absent voter ballot. Upon receipt of this application, the clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. IF AN APPLICANT DOES NOT PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. SUBJECT TO SUBSECTION (16), AND MAY DO SO BY SUBMITTING THE REQUISITE MATERIALS ELECTRONICALLY IN THE SAME MANNER AS THAT PERMITTED UNDER SUBSECTION (2). If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If a federal postcard application or an application from the official United States department of defense website is filed, the clerk shall accept the federal postcard application or the application from the official United States department of defense website as the registration application and shall not send any additional registration forms to the applicant. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be tabulated. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(5) Not later than 45 days before an election, a county, city, township, or village clerk shall electronically transmit or mail as appropriate an absent voter ballot to each absent uniformed services voter or overseas voter who applied for an absent voter ballot 45 days or more before the election.

(6) Upon the request of an absent uniformed services voter or overseas voter, the clerk of a county, city, township, or village shall electronically transmit an absent voter ballot to the voter. The voter shall print the absent voter ballot and return the voted ballot by mail to the appropriate clerk.

(7) The secretary of state shall prescribe electronic absent voter ballot formats and electronic absent voter ballot transmission methods. Each county, city, township, or village clerk shall employ the prescribed electronic ballot formats to fulfill an absent voter ballot request received from an absent uniformed services voter or overseas voter who wishes to receive his or her absent voter ballot through an electronic transmission. The secretary of state shall establish procedures to implement the requirements in this section and for the processing of a marked absent voter ballot returned by an absent uniformed services voter or overseas voter who obtained his or her absent voter ballot through an electronic transmission.

(8) The secretary of state shall modify the printed statement provided under section 761(4) and the absent voter ballot instructions provided under section 764a as appropriate to accommodate the procedures developed for electronically transmitting an absent voter ballot to an absent uniformed services voter or overseas voter. A statement shall be included in the certificate signed by the absent voter who obtained his or her absent voter ballot through an electronic transmission that the secrecy of the absent voter ballot may be compromised during the duplication process. The absent voter ballot instructions provided to an absent uniformed services voter or overseas voter shall include the proper procedures for returning the absent voter ballot to the appropriate clerk.

(9) The size of a precinct shall not be determined by registration forms completed under this section.

(10) An absent uniformed services voter or an overseas voter who submits an absent voter ballot application is eligible to vote as an absent voter in any local, state, or federal election occurring in the calendar year in which the election is held for that ballot requested if the absent voter ballot application is received by the county, city, village, or township clerk not later than 2 p.m. of the Saturday before the election. A county, city, or township clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to a village clerk and the school district election coordinators, where applicable, the necessary information to enable the village clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. A village clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to the township clerk and the school district election coordinators, where applicable, the necessary information to enable the city or township clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. If the local elections official rejects a voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter, the election official shall notify the voter of the rejection.

(11) The address provided by an absent uniformed services voter or overseas voter for the purposes of this section is confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) Under the uniformed and overseas citizens absentee voting act, the state director of elections shall approve a ballot form and registration procedures for absent uniformed services voters and overseas voters.

(13) An absent uniformed services voter or an overseas voter may use the federal write-in absentee ballot, in accordance with the provisions of the uniformed and overseas citizens absentee voting act, at a regular election or special election to vote for a local, state, or federal office or on a ballot question. An absent uniformed services voter or an overseas voter who uses the federal write-in absentee ballot shall return his or her voted federal write-in absentee ballot by mail to the appropriate clerk. The state bureau of elections shall do both of the following:

(a) Make the ballot format for each election available to absent uniformed services voters and overseas voters by electronic mail or on an internet website maintained by the department of state.

(b) Make the ballot information, including the offices, names of candidates, and ballot proposals, for each election available to absent uniformed services voters and overseas voters on an internet website maintained by the department of state.

(14) The clerk of a city, village, or township shall submit to the county clerk of the county in which that city, village, or township is located a written statement no later than 45 days before each election indicating whether absent voter ballots were issued to absent uniformed services voters or overseas voters in compliance with this section and the uniformed and overseas citizens absentee voting act. The city, village, or township clerk shall provide to the county clerk a written explanation describing remedial actions taken by the city, village, or township clerk if the city, village, or township clerk fails to comply with this section and the uniformed and overseas citizens absentee voting act. Not later than 42 days before each election, each county clerk shall submit to the state bureau of elections a written report compiled from the written statements submitted by the city, village, and township clerks. The written report shall identify the cities, villages, and townships that complied with the 45-day deadline under this subsection, the cities, villages, and townships that did not comply with the 45-day deadline under this subsection, but provided a written explanation, and those cities, villages, and townships that did not comply with the 45-day deadline under this subsection and that did not provide a written explanation. The state bureau of elections may require the clerk of a city, village, or township that did not comply with the 45-day deadline under this subsection, but provided a written explanation, to provide additional information. The state bureau of elections shall require the clerk of a city, village, or township that did not comply with the 45-day deadline and that did not provide a written explanation to file a written explanation, describing the remedial actions taken by the city, village, or township clerk, within 1 business day after the state bureau of elections notifies the clerk of that city, village, or township.

(15) For a presidential or special election, the secretary of state shall prescribe procedures for contacting an elector who is an absent uniformed services voter or an overseas voter as described in this section and who is eligible for an absent voter ballot or a voter ballot who applies for an absent voter ballot for the presidential primary election, offering the elector the opportunity to select a political party ballot for the presidential primary election.

(16) The secretary of state shall order a city, village, or township clerk to extend the ballot receipt deadline for any absentee voter ballots under this section that were not transmitted to an absent uniformed services voter or overseas voter in compliance with subsection (5). The extension shall equal the total number of days beyond the deadline as provided in subsection (5) that the city, village, or township clerk transmitted the requested absentee voter ballots. These absentee voter ballots received during the extension time shall be counted and tabulated for the final results of the election provided that the absentee voter ballots are executed and sent by the close of the polls on election day. The election may be formally certified before the end of the extension time if the number of outstanding absentee voter ballots under this subsection will not alter the outcome of the election.

(17) As used in this section:

(a) "Absent uniformed services voter" means any of the following:

(i) A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.

(ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.

(iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(ii) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(c) "Overseas voter" means any of the following:

(i) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of an election.

(ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(iii) A person who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which he or she was domiciled before leaving the United States.

(d) "Uniformed services" means the army, navy, air force, marine corps, coast guard, the commissioned corps of the public health service, the commissioned corps of the national oceanic and atmospheric administration, a reserve component of a uniformed service, or the Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

Sec. 759b. (1) Any registered elector may apply for AN absent voter ballot at any time prior to 4 p.m. on election day if he shall have THEY become physically disabled or shall be absent from the city or township because of sickness or death in the family which has occurred at a time which has made it impossible to apply for AN absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter application.

(2) Emergency AN EMERGENCY absent voter applications APPLICATION may be made by letter or on a form provided by the clerk. The application shall set forth that the voter ELECTOR is qualified to vote in the election, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline occurred at such a time to make it impossible to file an application for AN absent voter ballots BALLOT by the statutory deadline. In addition, an applicant for an EMERGENCY ABSENT VOTER BALLOT must either provide on the application their driver license number, official state personal identification card number, or the last four digits of their social security number, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THIS SECTION. THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. The voter may return the ballots BALLOT to the clerk in the sealed envelope provided therefor in any manner he OR SHE sees fit. To be valid, ballots A BALLOT must be returned to the local clerk by 8 p.m. on election day.

(3) Any person intentionally making a false statement in such application is guilty of a felony. Any person aiding or abetting any person to make a false statement on such application is guilty of a felony.

(4) Upon SUBJECT TO THIS SUBSECTION, UPON receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballots BALLOT to the applicant in person, through a deputy or an election assistant, or he THEY may deliver them THE BALLOT at his OR HER office to a person AN INDIVIDUAL named by the applicant in the application. IF AN APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THIS SECTION, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. The voter may return the ballots BALLOT to the clerk in the sealed envelope provided therefor in any manner he OR SHE sees fit. To be valid, ballots A BALLOT must be returned to the local clerk by 8 p.m. on election day.

SEC. 760A. EACH CITY, TOWNSHIP, AND COUNTY CLERK SHALL HAVE ACCESS TO THE MOST CURRENT DEPARTMENT OF STATE DATA SYSTEM THAT CONTAINS ALL OF THE FOLLOWING INFORMATION IN ORDER FOR THE CLERK TO VERIFY THE IDENTITY OF AN ELECTOR FOR ELECTION PURPOSES:

(A) THE LAST FOUR DIGITS OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.

(B) AN INDIVIDUAL'S DRIVER LICENSE NUMBER OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER.

(C) AN INDIVIDUAL'S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE.

Sec. 761. (1) IF SUBJECT TO THIS SUBSECTION, IF the clerk of a city or township receives an application for an absent voter ballot from a person registered to vote in that city or township and if the signature on the application agrees with the signature for the person contained in the qualified voter file or on the registration card as required in subsection (2), the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. If the clerk of a city or township receives an application for an absent voter ballot from an applicant who is a program participant, as that term is defined in the address confidentiality program act, then the city or township clerk shall mail an absent voter ballot to that program participant at the designated address provided to that program participant by the department of the attorney general under the address confidentiality program act. IF THAT APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN SECTION 759(4), THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. Subject to the identification requirement in subsection (6), absent voter ballots may be delivered to an applicant in person at the office of the clerk.

(2) The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot. Signature comparisons must be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, or is not accessible to the clerk, the city or township clerk shall compare the signature appearing on the application for an absent voter ballot to the signature contained on the master card. If before 8 p.m. on the day before election day the clerk of a city or township rejects an absent voter ballot application because the signature on the absent voter ballot application does not agree sufficiently with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector or because the elector failed to sign the absent voter ballot application, the city or township clerk shall as soon as practicable, but in no event later than 48 hours after determining the signatures do not agree sufficiently or that the signature is missing, or by 8 p.m. on the day before election day, whichever occurs first, notify the elector of the rejection by mail, telephone, or electronic mail.

(3) Subject to the identification requirement in subsection (6) and except as otherwise provided in this subsection, a person may apply in person at the clerk's office before 8 p.m. on election day to vote as an absent voter. Except as otherwise provided in subsection (2), only an individual who is not a registered elector, or an individual who is not registered to vote in the city or township in which he or she is registering to vote, and who registers to vote on election day in person with the clerk of the city or township in which the individual resides may apply for and complete an absent voter ballot in person at the clerk's office on election day. Except as otherwise provided in subsection (2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, must be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city or township or to a hospital or similar institution, in which case the absent voter ballots must be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

(4) Absent voter ballots must be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued must bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

			TO BE COMPLETED BY THE CLERK	
Name of Voter		Street Address or R.R. or Program Participant Identification Number		
City or Township	Precinct	County	Date of Election	
_____	_____	_____	_____	
=====				
TO BE COMPLETED BY THE ABSENT VOTER				
I assert that I am a United States citizen and a qualified and registered elector of the city or township named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.				
I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.				
DATE: _____ SIGN HERE: X _____				
The above form must be signed or your vote may not be counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.				
=====				
TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON				
I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.				
Signature of Person Assisting Voter		Street Address or R.R. City or Township		
_____		_____		
Printed Name of Person Assisting Voter				
A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.				
=====				

WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK OR ASSISTANTS OF THE CLERK OR OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. A person who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

(6) IF EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF an elector obtains his or her absent voter ballot in person from the clerk of the city or township in which he or she is registered, the clerk of the city or township shall not provide an absent voter ballot to that elector until the elector identifies himself or herself to the clerk by EITHER PROVIDING THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR presenting an ORIGINAL OR A COPY OF identification for election purposes AS PROVIDED IN SECTION 759(4). If an elector does not have EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF THEIR SOCIAL SECURITY CARD, OR PRESENT AN ORIGINAL OR A COPY OF identification for election purposes AS PROVIDED IN SECTION 759(4), the elector may sign an affidavit to that effect before the clerk of the city or township and be allowed to obtain his or her absent voter ballot in person from the clerk. The clerk of the city or township shall indicate to each elector who is registered in that city or township and who obtains his or her absent voter ballot in person from the clerk that the elector may sign an affidavit indicating that the elector does not have identification for election purposes in order to obtain his or her absent voter ballot in person from the clerk. However, if an elector obtains his or her absent voter ballot in person from the clerk and votes by absent voter ballot without providing identification for election purposes required under this subsection, the absent voter ballot of that elector must be prepared as a challenged ballot as provided in section 727 and must be counted as any other ballot is counted unless determined otherwise by a court of law under section 747 or 748 or any other applicable law. THE CLERK MUST ISSUE THE ELECTOR A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE ELECTOR MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY.

Sec. 761b. (1) Beginning January 1, 2019, the clerk of each city or township shall be available in his or her office to issue and receive absent voter ballots for any city or township on the Saturday or Sunday immediately before election day.

(2) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state of the hours that the clerk's office will be open on the Saturday or Sunday, or both, immediately before the election to issue and receive absent voter ballots.

(3) Subject to the requirements for polling places in section 662, upon the approval by resolution of the governing body of a city or township, the clerk of that city or township may specify additional locations and hours that the clerk will be available to issue and receive absent voter ballots. These additional locations must allow challengers as described in section 730.

(4) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state, if applicable, concerning the additional locations and hours that the clerk will be available to issue and receive absent voter ballots as provided under subsection (3).

(5) IN ADDITION TO SUBSECTION (1) AND THE REQUIREMENTS OF SECTION 4(1)(G) OF ARTICLE II OF THE STATE CONSTITUTION OF 1963, DURING THE FIVE WEEKDAYS BEFORE A GENERAL, PRIMARY, OR SPECIAL ELECTION, EVERY CITY AND TOWNSHIP CLERK SHALL RECEIVE ABSENT VOTER BALLOTS EITHER IN HIS OR HER OFFICE AT LEAST BETWEEN 9:00 A.M. AND 5:00 P.M., OR THROUGH AN ABSENT VOTER BALLOT DROP BOX AS PROVIDED UNDER THIS ACT.

Sec. 764b. (1) An absent voter ballot must be delivered to the clerk only as authorized in the instructions for an absent voter provided in section 764a. ALL ABSENT VOTER BALLOTS MUST BE DELIVERED TO THE CITY OR TOWNSHIP CLERK, OR AN ABSENT VOTER BALLOT DROP BOX AS PROVIDED UNDER THIS ACT, BY 8:00 P.M. ON THE DAY OF ELECTION. ANY ABSENT VOTER BALLOTS DELIVERED AFTER THAT TIME SHALL NOT BE COUNTED.

(2) The clerk of a city or township may accept delivery of absent voter ballots at any location in the city or township.

(3) The clerk of a city or township may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city or township. An appointment as assistant to accept delivery of absent voter ballots must be for 1 election only. An assistant appointed to receive ballots at a location other than the office of the clerk must be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office, the assistant, upon request, shall exhibit the credentials to the absent voter before the assistant accepts an absent voter ballot. An assistant, before entering upon the discharge of his or her duties, shall take an oath as provided in section 1 of article XI of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. A person must not be appointed as an assistant to accept delivery of absent voter ballots who is a candidate or a member of the immediate family of a candidate whose name appears on the ballot at that election.

(4) A clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot shall make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(c) The absent voter telephones the appropriate clerk for assistance on or before 5 p.m. on the Friday immediately before the election.

(d) The absent voter requests the clerk to pick up the absent voter ballot within the jurisdictional limits of the city or township in which the absent voter is registered.

(5) Notwithstanding subsection (4), a clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot may make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(6) The clerk shall maintain a list open to the public that contains the names and addresses of all authorized assistants appointed under this section who are available to collect absent voter ballots on or before election day in that city or township.

(7) An absent voter ballot received by the clerk before the close of the polls on election day must not be invalidated solely because the delivery to the clerk was not in compliance with section 764a or this section, however the ballot must be considered challenged and must be marked and processed as provided in section 745.

Sec. 813. (1) Within 6 days after an election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot, and whether to tabulate the provisional ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. IF THE INDIVIDUAL VOTING THE PROVISIONAL BALLOT IS DETERMINED TO BE ELIGIBLE TO VOTE A BALLOT, THE CITY OR TOWNSHIP CLERK SHALL WITHIN 7 DAYS AFTER THE ELECTION SEND THE PROVISIONAL BALLOT TO THE BOARD OF COUNTY CANVASSERS TO BE TABULATED. A provisional ballot must only be tabulated BY THE BOARD OF COUNTY CANVASSERS if a valid voter registration record for the elector is located-VERIFIED BY THE ELECTOR TO THE CITY OR TOWNSHIP CLERK or if the identity and residence of the elector is established BY THE ELECTOR TO THE CITY OR TOWNSHIP CLERK using identification for election purposes, along with a current utility bill, bank statement, paycheck, government check, or other government document, to establish the voter's current residence address if the identification for election purposes used by the elector does not contain the voter's current residence address. Before the provisional ballot is tabulated BY THE BOARD OF COUNTY CANVASSERS, election officials shall process the ballot as a challenged ballot under sections 745 and 746. THE BOARD OF COUNTY CANVASSERS MUST MAINTAIN THE SECRECY OF THE BALLOT WHEN TABULATING PROVISIONAL BALLOTS UNDER THIS SUBSECTION. THE SECRETARY OF STATE SHALL PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, TO ESTABLISH PROCEDURES FOR A BOARD OF COUNTY CANVASSERS TO TABULATE PROVISIONAL BALLOTS UNDER THIS SUBSECTION.

(2) Within 7 days after an election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results must be transmitted in a form prescribed by the secretary of state.

(3) Within 7 days after an election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report must include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots SENT TO THE BOARD OF COUNTY CANVASSERS TO BE tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state.

(4) Within 7 days after an election, the city or township clerk shall transmit to the county clerk an affidavit report that includes the number of affidavits signed by voters under section 622(2). The affidavit report must be transmitted to the county clerk in a form prescribed by the secretary of state.

(5) Within 7 days after an election, the city or township clerk shall ensure that the qualified voter file is current and includes any individual who registered to vote under section 497(3) and (4).

SEC. 946. (1) MICHIGAN ELECTIONS SHALL BE FUNDED WITH PUBLIC MONIES APPROPRIATED BY THE MICHIGAN LEGISLATURE OR BY THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CONDUCTING THE ELECTION. THIS STATE, A DEPARTMENT, AGENCY, COMMISSION, OR BOARD OF THIS STATE, OR A COUNTY, CITY, TOWNSHIP, OR VILLAGE SHALL NOT ACCEPT OR USE ANY PRIVATE FUNDS, IN-KIND CONTRIBUTIONS, OR OTHER CONSIDERATION, FROM ANY INDIVIDUAL OR ENTITY, EITHER DIRECTLY OR INDIRECTLY, TO CONDUCT OR ADMINISTER AN ELECTION. THIS PROHIBITION APPLIES TO ANY ELECTION RELATED ACTIVITIES, SUCH AS VOTER REGISTRATION, VOTER ELIGIBILITY REVIEW, MAILING OF ELECTION MATERIALS, SHARING OF VOTER INFORMATION, CREATION OR DISSEMINATION OF ADVERTISEMENTS ABOUT AN ELECTION, OR RECRUITING AND HIRING PRECINCT ELECTION INSPECTORS, AS WELL AS ELECTION RELATED EQUIPMENT, SUCH AS TABULATORS, COMMUNICATION DEVICES, SIGNS, TENTS, VOTING FACILITIES OR LOCATIONS, OR ABSENT VOTER BALLOT DROP BOXES.

(2) MICHIGAN ELECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE UNITED STATES CONSTITUTION, THE MICHIGAN CONSTITUTION, AND MICHIGAN LAW. INDIVIDUALS OTHER THAN THE SECRETARY OF STATE OR ELECTION OFFICIALS WITH THE COUNTY, CITY, OR TOWNSHIP ACTING PURSUANT TO THE LAW AND CONSTITUTION SHALL NOT DIRECT THE CONDUCT OR ADMINISTRATION OF MICHIGAN ELECTIONS.

ENACTING SEC. 1, IF ANY PART OR PARTS OF THIS ACT ARE FOUND TO BE IN CONFLICT WITH THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, OR FEDERAL LAW, THIS ACT SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID OR INOPERATIVE SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS ACT.

EXHIBIT A

We Deserve Fair Elections! Michigan Needs a Strict Voter ID Law.

PAID FOR WITH REGULATED FUNDS BY SECURE MI VOTE
COMMITTEE 106 W ALLEGAN, STE 200 • LANSING, MI 48933

- ☐ Enclosed are petition(s) with _____ signatures.
- ☐ Enclosed is a contribution made payable to “MRP-Election Integrity” to help fund this drive to make it easier to vote and harder to cheat!
- ☐ \$250 ☐ \$100 ☐ \$50 ☐ \$25 ☐ \$10 ☐ Other \$ _____

If contribution exceeds \$100, please provide contact information requested on back.

- ☐ Credit card contribution provided on the back of this card
- ☐ Email me updates on the progress of the campaign:

- ☐ Text me updates on the progress of the campaign:

EXHIBIT A

Contributions to the Michigan Republican Party (MRP) are not tax-deductible as charitable contributions for income tax purposes. Contributions from corporations and foreign nationals are prohibited.

Make a credit card contribution by filling out the information below:

Amount: \$_____ Is this a corporate card? ☐ Yes ☐ No

Name as It Appears on Card _____

CC# _____ Exp. _____ Code _____

Address _____

City: _____ State: _____ ZIP _____

Signature _____

Email _____

For contributions exceeding \$100 in a calendar year, please provide the following:

Occupation _____ Employer _____

Are you self-employed? ☐ Yes ☐ No

Address _____

City: _____ State: _____ ZIP _____

Email _____ Phone _____

EXHIBIT A

AFFIX 78¢
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520 Seymour Ave

Lansing MI 49833



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

June 13, 2022

Michigan Democratic Party
Lavora Barnes, Chair
606 Townsend St.
Lansing, MI 48933

Re: *Barnes v. Secure MI Vote*
Campaign Finance Complaint No. 2022-02-73-23

Dear Ms. Barnes:

The Department of State received a response from Secure My Vote to the complaint you filed against them alleging a violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

You may file a rebuttal statement after reviewing the enclosed response. If you elect to file a rebuttal statement, you are required to do so within 10 business days of the date of this letter. The rebuttal statement may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Fracassi".

Adam Fracassi, Regulatory Manager
Bureau of Elections
Michigan Department of State

MICHIGAN DEMOCRATIC STATE CENTRAL COMMITTEE • HART-KENNEDY HOUSE

606 TOWNSEND ST. LANSING, MI 48933 • 517.371.5410
www.michigandems.com • midemparty@michigandems.com
facebook.com/michigandems • twitter.com/michigandems



June 24, 2022
VIA EMAIL ONLY
BOERegulatory@michigan.gov

Adam Fracassi
Regulatory Manager
Michigan Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 West Allegan Street
Lansing, MI 48919

**Re: Barnes v. Secure MI Vote
Campaign Finance Complaint No. 2022-02-73-234**

Chair
Lavora Barnes

Executive Director
Christine Jensen

1st Vice Chair
Mark LaChey

2nd Vice Chair
Fay Beydoun

Governor
Gretchen Whitmer

Dear Mr. Fracassi:

I write today on behalf of the Michigan Democratic Party (“MDP”) as a rebuttal to Secure MI Vote’s (SMV) failed attempt to adequately respond to a campaign finance complaint filed against it by the MDP with the Michigan Department of State’s Bureau of Elections (“BOE”).

In short, SMV has failed to answer the questions raised by the MDP regarding SMV’s mailer that included solicitations for contributions to the Michigan Republican Party (“MRP”). Without providing any evidence to substantiate its response and with mostly hyperbole, SMV reassures the Bureau that “it is clear” SMV did nothing wrong and, at most, a printer error is to blame for the confusion. SMV fails to provide an affidavit or any other evidence to support its assertions and instead relies wholly on the unsworn statement of its attorney. SMV’s dismissive response to the complaint does nothing to resolve the question of who paid for the mailer and only confirms SMV’s disdain for the BOE’s investigatory and regulatory authority.

The Mailer

Despite SMV’s insistence, it is far from clear based on the mailer and SMV’s response who actually paid for the mail piece in question. SMV asserts that the most critical disclaimer for this mailer appears on the outer envelope and the return envelope—that of MRP. SMV further asserts this disclaimer resolves any doubt and clears up any confusion about who paid for the mailer. Not so. Outer envelopes are rarely studied beyond a glance and then thrown in the trash. Moreover, while the outer envelope indicates payment by the MRP, the content contained in the mailer and the solicitation for support is from SMV.

As for the return envelope, it confusingly includes a reply card with a paid for by disclaimer of SMV’s. To this confusion, SMV argues that the disclaimer on the reply card was an unfortunate printer error. Yet, the response contains no affidavit or attestation from any representative of SMV or from a printer testifying to this “printer error” or, in fact, to any of the claims made in the response.

Further, SMV fails to include campaign finance reports detailing the split costs of the mailer between the committees as it asserts to rebut the claim that SMV made an illegal contribution to MRP. This mailer is a classic example of improper coordinated expenditures without proper reporting as required by the MCFA. SMV's response does not provide the who paid for what, in what amounts, or indicate where these expenditures were reported by either the MRP or SMV. Apparently, SMV and the MRP believe they are above the law.

However, even with this type of evidence, SMV would still have problems proving that the mailer was not an in-kind contribution to the MRP.

At its core, the mailer is a cover letter from Jeff Litten, the Executive Director of SMV, with a copy of the official SMV petition and instructions on how to fill out the petition and send it back. All of these items contain a disclaimer indicating that they are paid for by SMV. Mr. Litten, in his cover letter, solicits contributions from the recipient of the mail piece:

Include a contribution to help us fund this fight to make it easier to vote, but harder to cheat. If you could afford as much as \$250, that would be amazing. But if you could chip in as little as \$25, \$10, or even \$5 that could help put us over the top in signature collection!

Mr. Litten's above solicitation relates directly to, and uses similar language and dollar amounts, as the reply card that includes a solicitation to MRP's Election Integrity Fund and a disclaimer indicating SMV paid for it. The solicitation can only be for a contribution to the MRP as contemplated by the materials in the mailer. To whom would a recipient of the mailer make a contribution if not to the MRP as indicated on the reply card? Absurdly, SMV asserts in its response that SMV did not solicit contributions on MRP's behalf. Even if the reply card did not include a "Paid for by SMV" which it does, it is clear from SMV's own exhibit that any contribution resulting from Mr. Litten's solicitation on the cover letter (admittedly paid for by SMV) benefitted the MRP and was to be sent to MRP's Lansing headquarters.

Conclusion

There is nothing in SMV's response that adequately refutes the allegations raised in the complaint and prevents the BOE from finding that there may be reason to believe that SMV has violated the MCFA. The BOE should assess all penalties or fees necessary to bring SMV into compliance with the MCFA.

Sincerely,

A handwritten signature in cursive script that reads "Lavora Barnes".

Lavora Barnes
Chair
Michigan Democratic Party



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

July 26, 2022

Dickinson Wright PLLC
International Square
1825 Eye Street, NW Suite 900
Washington, DC 20006

Re: *Barnes v. Secure MI Vote*
Campaign Finance Complaint No. 2022-02-73-234

Dear Mr. Spies:

As you know, the Michigan Department of State (Department) recently received a campaign finance complaint alleging your client Secure MI Vote used committee funds to purchase mailers that requested recipients make contributions to the Michigan Republican Party's Election Integrity Fund.

As required by statute, the Department is examining whether "there may be reason to believe that a violation of [the MCFA] has occurred[.]" MCL 169.215(10). If a violation is found, the Secretary of State must attempt to resolve the matter informally through means such as the execution of a conciliation agreement. *Id.* As part of the investigative process, the Department requests that Secure MI Vote provide the Department the following:

1. Please provide information regarding the "MRP-Election Integrity" fund, including whether the funds are maintained separately from Michigan Republican Party general funds and whether the funds are maintained in a MCFA account where contributions are reported under the MCFA.
2. If maintained separately from the general funds, please describe how contributions are received into this fund and what type of expenditures are made out of the account.
3. If maintained separately from the general funds, please provide general descriptions of categories of expenditures made.

Kindly provide copies of the requested information by 5:00 p.m. on Wednesday, August 2, 2022 via email. If you have questions or require additional information regarding this request, please contact the department at BOERegulatory@michigan.gov by 5:00 p.m. on Monday, July 29, 2022.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State



INTERNATIONAL SQUARE
1825 EYE STREET, NW, SUITE 900
WASHINGTON, DC 20006
TELEPHONE: 202-457-0160
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

CHARLIE SPIES
CSpies@dickinsonwright.com
202.466.5964

August 30, 2022

Michigan Department of State
Bureau of Elections
Richard H. Austin Building
430 W. Allegan Street
Lansing, MI 48918

VIA E-MAIL: boeregulatory@michigan.gov

Re: Barnes v. Secure MI Vote (Complaint No. 2022-02-73-234).

We represent Secure MI Vote in the above-referenced complaint, which falsely alleged that Secure MI Vote used committee funds to purchase mailers that requested recipients make contributions to the Michigan Republican Party's Election Integrity Fund. This letter is written in response to your request for additional information.

We apologize for the delay in responding to your request. Our delay was in part due to confusion as to how the requested information is relevant to your investigation. We are also unsure as to why the Bureau would believe that Secure MI Vote, a separate legal entity from the Michigan Republican Party ("MRP"), would be the correct organization to direct questions to regarding the internal accounting for the MRP? Despite these concerns, our response to the Bureau's inquiries regarding the MRP's Election Integrity fund is here:

We confirmed with the MRP that their Election Integrity Fund is a segregated amount of money within their general account set aside for election integrity operations. There is no separate bank account for such funds. All contributions accepted for the MRP Election Integrity Fund are in full compliance with the Michigan Campaign Finance Act, and any expenditures made with those funds are to support election integrity operations, such as MRP's commitment to promoting free, fair, and secure elections in the State of Michigan.

Should you have any additional questions or concerns, including regarding this Response, please contact me at cspies@dickinson-wright.com.

Respectfully submitted,

Charlie Spies
Katie Reynolds
Counsel to Respondents



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

October 28, 2022

Charles Spies
Dickinson Wright PLLC
Attorneys for Secure MI Vote
International Square
1825 Eye Street, NW Suite 900
Washington, DC 20006

Secure MI Vote
106 W. Allegan St., Suite 200
Lansing, MI 48933

Via email

Re: *Barnes v. Secure MI Vote*
Campaign Finance Complaint No. 2022-02-73-234

Dear Mr. Spies:

The Department of State (Department) has finished investigating the campaign finance complaint filed against Secure MI Vote by the Michigan Democratic Party and its chair, Lavora Barnes, on February 25, 2022. This letter concerns the disposition of that complaint.

The complaint alleged that Secure MI Vote used committee funds to purchase mailers that requested recipients make contributions to the Michigan Republican Party's (MRP's) Election Integrity Fund. The mailers included a cover letter and a reply card, both of which included a disclosure that they were "paid for with regulated funds by Secure MI Vote." Ms. Barnes alleged that these mailers are in-kind contributions forbidden by the Michigan Campaign Finance Act (MCFA). Further, Ms. Barnes alleged that Secure MI Vote failed to report these contributions in campaign finance statements as required by the MCFA.

The Department notified Secure MI Vote of the complaint on April 7, 2022. You responded to the complaint on behalf of your clients. In your response, you claimed that Secure MI Vote and the MRP each paid for the mail piece proportionally. You claimed that Secure MI Vote paid for the costs of printing the cover letter and the ballot petition, while the MRP paid for the printing of the envelope, reply card, postage, and other costs associated with the distribution of the mail piece. Your responses indicates that your clients' disclaimer on the reply card was due to a printing error.

Because Secure MI Vote did not provide anything of value to the MRP, it did not make an improper contribution to the MRP, you argue.

Ms. Barnes provided a rebuttal in a letter dated June 24, 2022. In her rebuttal, Ms. Barnes argued that the cover letter, paid for by Secure MI Vote, solicited contributions from the recipient of the mail piece using the following language:

“Include a contribution to help us fund this fight to make it easier to vote, but harder to cheat. If you could afford as much as \$250, that would be amazing. But if you could chip in as little as \$25, \$10, or even \$5 that could help put us over the top in signature collection!”

Ms. Barnes argued that this solicitation relates directly to, and uses similar language and dollar amounts as, the reply card that was included in the mailer. In particular, that reply card said, “Enclosed is contribution made payable to “MRP- Election Integrity” to help fund this drive to make it easier to vote and harder to cheat!” The reply card also includes disclaimer indicating that Secure MI Vote paid for it.

In Michigan, a contribution regulated by the MCFA is “a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.” MCL 169.204(1).

A ballot question committee is a committee “acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question.” MCL 169.202(3). A ballot question committee is forbidden from receiving contributions or making expenditures or contributions “for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.” *Id.* The MCFA requires that contributions received by a ballot question committee, as well as all expenditures made by a ballot question committee, be reported in campaign statements MCL 169.234; MCL 169.226(1)(b).

The Department has reviewed the evidence submitted in the matter and finds that there is sufficient evidence to conclude that there may be reason to believe that your clients violated the MCFA. From the outset, the Department must consider whether the mailer is an expenditure covered by the MCFA. This mailer included an envelope, a cover letter from the Executive Director of Secure MI Vote, a copy of the blank initiative petition to be circulated, a reply card indicating the number of signatures included on any enclosed petitions and soliciting contributions to “MRP-Election Integrity,” and a return envelope addressed to the Election Integrity Project of the MIGOP. The contents described above explicitly identify a ballot question, provide a copy of the initiative petition, seek assistance circulating the petition and obtaining the necessary signatures to have the question put on the ballot, and provide for the return of circulated petitions and contributions.

Secure MI Vote indicated in its response that the MRP paid for the printing of the outer envelope, reply card, return envelope, postage, and distribution costs. Because the MRP is not the respondent in the complaint, these pieces appear to include the requisite disclosures, and there is no allegation that they were not reported as required, the Department does not find a violation with regard to the outer envelope, return envelope, postage, or distribution costs.

Next, the Department considers the reply card. If, as the reply card indicates, it were paid for by Secure MI Vote, payment for a card soliciting contributions for a political party would be a

prohibited expenditure to the MRP, as described below. However, the complainant has offered no evidence that Secure MI Vote indeed paid for the reply card. Therefore, the Department accepts Secure MI Vote's response that the disclosure was a printer error and that the reply card was paid for by MRP. Accordingly, the Department finds no violation regarding the reply card, except as it relates to the letter, below.

Finally, the Department considers the cover letter from the executive director of Secure MI Vote. In large part, the letter describes the goals of Secure MI Vote and instructs voters on the way to sign and circulate the petition. However, the letter goes on to ask recipients to:

Include a contribution to help us fund this fight to make it easier to vote, but harder to cheat. If you could afford as much as \$250, that would be amazing. But if you could chip in as little as \$25, \$10, or even \$5 that could help put us over the top in signature collection! (emphasis added)

This mirrors the language in the reply card that states:

Enclosed is a contribution made payable to "MRP-Election Integrity" to help fund this drive to make it easier to vote and harder to cheat! (emphasis added)

If the mailer had not included any reply card or response envelope to further that contribution, or if the reply card and response envelope had been paid for by Secure MI Vote, there would be no contribution from Secure MI Vote to the MRP. However, the letter asking recipients to "include a contribution" sent along with the reply card and envelope paid for by the MRP, with contributions going to the MRP, as well as the identical language between the items, supports the conclusion that the letter directs recipients to make a contribution in the way provided in the mailer—via the reply card and response envelope to MRP-Election Integrity.

In directing recipients to contribute funds to the MRP, the cover letter paid for by the ballot question committee Secure MI Vote is an expenditure to the MRP. As stated in the Department's Ballot Question Manual,¹ "[a] ballot question committee may not make an expenditure to, in support of, or in opposition to, a Candidate Committee, Political Party Committee, Political Committee (PAC), Independent Committee (PAC) or any committee that supports or opposes candidates." This is based on the allowance of corporate funds to a ballot question committee but the prohibition of corporate funds to a political party. Permitting a ballot question committee to contribute to a political party committee would allow in the back door what is explicitly disallowed in the front door.

Next, the Department must consider whether the cover letter constitutes express advocacy. "Express advocacy can take two forms: explicitly statements advocating for a candidate's election or defeat, *Buckley v. Valeo*, 424 US 1, 44 n. 52 (1976), or non-explicit statements which nevertheless are "susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *FEC v. Wisconsin Right to Life, Inc.*, 551 US 449, 470 (2007). Since the letter asks recipients to "sign and circulate [enclosed petitions] among your family and friends[,]" "include a contribution to help us fund this fight[,]" and "please take action as quickly

¹ [Michigan Elections - Disclosure Division - - Expenditures \(mertsplus.com\)](https://mertsplus.com/michigan-elections-disclosure-division-expenditures)

as possible,” it constitutes express advocacy for the passage or defeat of a ballot question and falls under the purview of the MCFA. MCL 169.206(2)(j).

Because the mailer falls within the purview of MCFA and your clients are a ballot question committee, they are prohibited from “receiving contributions or making expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.” MCL 169.202(3) Here, the letter signed by the Executive Director of Secure MI Vote expressly solicits funds from the recipients of this mailer and indicates that those contributions should be mailed back in the enclosed envelope addressed to the Election Integrity Project of the MIGOP. In their Statement of Organization, the Michigan Republican Party supports all Republican candidates. By your own admission, your clients paid for this cover letter. Therefore, the evidence establishes that your clients made an expenditure which solicits contributions to the Michigan Republican Party and supports the conclusion that there may be reason to believe a violation of the MCFA has occurred.

This letter serves to notify you that the Department has determined there may be reason to believe that your clients have violated the Act and to notify you that the Department is beginning the informal resolution process.

When the Department finds that there may be reason to believe a violation has occurred, the Act requires the Department to use “informal methods such as a conference [or] conciliation” to correct the potential violation or to prevent further violation. MCL 169.215(10). Statute provides 90 business days for the Department to engage this resolution process. *Id.* If this matter is not resolved within 90 business days, or by March 17, 2023, the Department will have no choice but to proceed with either referral to the Attorney General’s office for enforcement of any criminal penalties or commence an administrative hearing against your clients. *Id.*

For these reasons, please contact the undersigned at BOERegulatory@michigan.gov as soon as possible to discuss a resolution to matter. If you fail to make contact to discuss a possible resolution, or if a resolution cannot be reached by March 17, 2023 the Department will have no choice but to seek the aforementioned remedies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jenny McInerney', is written over a faint, larger blue ink signature that is partially obscured.

Jenny McInerney, Regulatory Attorney
Regulatory Section
Bureau of Elections
Michigan Department of State

cc: Lavora Barnes

Michigan Committee Statement Expenditures

- Committee Name: SECURE MI VOTE
- Statement Type: AMENDED APRIL QUARTERLY CS
- Statement Year: 2022
- Schedule: IN-KIND EXPENDITURES

[« Back to statement details](#)

Matches 1 - 3 of 3

Result #1
<div>Committee Making Expenditure</div> <div>SECURE MI VOTE</div>
<div>Committee ID-Type</div> <div>519963 – BAL</div>
<div>Schedule Type</div> <div>INKIND</div>
<div>Payee</div> <div>MICHIGAN REPUBLICAN PARTY 520 SEYMOUR LANSING, MI 48933</div>
<div>Expense Date</div>

04/05/2022

Exp Code

Goods or Services Purchased

Purpose

MAIL PIECE

Amount or Value

\$10,223.54

Support/Oppose

SECURE MI VOTE

Office

Result #2

Committee Making Expenditure

SECURE MI VOTE

Committee ID-Type

519963 – BAL

Schedule Type

INKIND

Payee

TEAM ROE
49378 CAMAROSA LN
MACOMB TWP., MI 48044

Expense Date

03/01/2022

Exp Code

Services Donated

Purpose

CONSULTING (DONE IN HOUSE)

Amount or Value

\$5,000.00

Support/Oppose

SECURE MI VOTE

Office

Result #3

Committee Making Expenditure

SECURE MI VOTE

Committee ID-Type

519963 – BAL

Schedule Type

INKIND

Payee

MICHIGAN REPUBLICAN PARTY
520 SEYMOUR
LANSING, MI 48933

Expense Date

04/05/2022

Exp Code

Goods or Services Purchased

Purpose

MAIL PIECE

Amount or Value

\$2,756.46

Support/Oppose

SECURE MI VOTE

Office

Matches 1 - 3 of 3



Michigan Home Michigan SOS

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

March 29, 2023

Charlie Spies
Dickinson Wright PLLC
Counsel to Secure MI Vote
International Square
1825 Eye Street, NW, Suite 900
Washington, DC 20006

Via email

Re: *Barnes v. Secure MI Vote*
Campaign Finance Complaint No. 2022-02-73-234

Dear Mr. Spies:

The Department of State (Department) is in receipt of your client's amended April 2022 quarterly campaign statement, amended in response to the Department's October 28, 2022 determination that there may be reason to believe that Secure MI Vote (SMV) violated the Michigan Campaign Finance Act (MCFA or Act).

In your March 23, 2023 email you indicated that SMV would report the \$12,980 cost of the letter sent with the Michigan Republican Party (MRP) mailing, based on the Department's determination that SMV paid for the letter and MRP received the benefit of the solicitation. Upon review, SMV did amend its [April quarterly statement](#) on March 24, 2023 to include itemized in-kind expenditures of \$10,223.54 and \$2,756.46 to MRP.

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and considers the matter concluded. Thank you for your work in resolving this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jenny McInerney".

Jenny McInerney, Regulatory Attorney
Bureau of Elections
Michigan Department of State

c: Lavora Barnes