Complaint Against:

Keep Michigan Safe
Committee Identification No. 519829
251 Central Street
Battle Creek, MI 49017
Telephone No. 269.986.5646

Joe Schwarz
251 Central Street
Battle Creek, MI 49017
Telephone No. 269.986.5646

Practical Political Consulting
920 N. Washington Avenue
Lansing, MI 48906
Telephone No. 517.351.5105

Complainant:

Patrick Meyers
105 Lake Ridge Drive
Mason, MI 48854
Telephone No. 517.230.8011

Dated: October 27, 2021

Filed Pursuant to MCL 169.215
and the Administrative Rules of the
Michigan Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing, Michigan 48918

COMPLAINT

Complainant, Patrick Meyers, whose address is 105 Lake Ridge Drive, Mason, MI 48854, Telephone: 517.230.8011, declares to the Michigan Secretary of State the following:

STATEMENT OF FACTS

1. Respondent Keep Michigan Safe ("Respondent KMS") is a ballot question committee registered with the Michigan Department of State under Committee Identification Number 519829.

2. Respondent Joe Schwarz ("Respondent Schwarz") is the Treasurer of Respondent KMS and, as such, is the individual designated as responsible for Respondent KMS's record keeping, report preparation, or report filing.

3. Respondent Practical Political Consulting ("Respondent PPC") is an agent or independent contractor of Respondent KMS.

4. On or about October 19, 2020, Respondent PPC issued a Freedom of Information Act (FOIA) request to the Michigan Department of State requesting copies of the petition sheets filed by Unlock Michigan (a ballot question committee seeking the repeal of the Emergency Powers of Governor Act). See Attachment 1.

5. On or about November 24, 2020, the Michigan Department of State granted Respondent PPC's FOIA request, and required a good faith deposit of $5,503 to begin copying the estimated 84,000 petition sheets. See Attachment 2.

6. On or about December 7, 2020, Respondent PPC paid $5,503 to the Michigan Department of State to begin the processing of its FOIA request to receive the estimated 84,000 petition sheets submitted by Unlock Michigan. See Attachment 3.

7. On or about February 12, 2021, Respondent PPC received the last of the estimated 84,000 petition sheets submitted by Unlock Michigan. See Attachment 4.

8. Respondent PPC's receipt of the Unlock Michigan petitions on February 12, 2021 is significant because this receipt allowed Respondent KMS to review the Unlock Michigan petitions 42 days before the public release of the Unlock Michigan petition sample that occurred on March 26, 2021. See Attachment 5.

9. On or about April 9, 2021, as part of its challenge to the Unlock Michigan petitions – and with a 42-day head start -- Respondent KMS submitted certain copies of the petitions obtained by Respondent PPC as a result of Respondent PPC's FOIA request for the Unlock Michigan petitions. See Attachment 6. Consequently, Respondent KMS and Respondent Schwarz cannot now claim that they were unaware that Respondent PPC obtained these petition copies.

10. On or about July 8, 2021, the Michigan Department of State requested $4002.50 as the balance due for Respondent PPC's FOIA request to receive the estimated 84,000 petition sheets submitted by Unlock Michigan. See Attachment 4.

11. On or about August 16, 2021, Respondent PPC paid $4,002.50 to the Michigan Department of State to as the balance due with respect to its FOIA request to receive the estimated 84,000 petition sheets submitted by Unlock Michigan. See Attachment 7.

12. Between October 19, 2020 (the date of Respondent PPC's FOIA request to receive the Unlock Michigan petitions) and August 16, 2021 (the date of Respondent PPC's payment of $4,002.50 to the Michigan Department of State), Respondent KMS and Respondent Schwarz filed the following campaign finance statements:

2021 Annual Campaign Statement
2021 April Campaign Statement
2021 July Campaign Statement
2021 October Campaign Statement

See Michigan Committee Statement of Organization (nictusa.com) for Committee Identification No. 519829

13. According to these campaign finance statements, Respondent KMS and Respondent Schwarz paid Respondent PPC the following amounts on the following dates for "petition review":

3/10/21 $8,750
3/26/21 $8,750
3/26/21 $18,134.63
4/16/21 $31,976.62
5/24/21 $20,227.37

See Attachment 8.

14. However, Respondent KMS and Respondent Schwarz concealed their 42-day head start from the public that Respondent PPC obtained --- and paid for --- the estimated 84,000 petition sheets submitted by Unlock Michigan from the Michigan Department of State on behalf of Respondent KMS.

APPLICABLE STATUTORY PROVISIONS AND DEPARTMENT GUIDANCE

1. MCL 169.243:

"An expenditure shall not be made, other than for overhead or normal operating expenses, by an agent or an independent contractor, including an advertising agency, on behalf of or for the benefit of a person unless the expenditure is reported by the committee as if the expenditure were made directly by the committee, or unless the agent or independent contractor files a report of an independent expenditure as provided in section 51. The agent or independent contractor shall make known to the committee all information required to be reported by the committee. A person who knowingly is in violation of this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00."

2. From Appendix L of the Committee Manuals entitled "INDEPENDENT CONTRACTORS" published by the Michigan Department of State:

Expenditures Made by An Agent or Independent Contractor on Behalf of a Committee

In addition to the above, any expenditure made by an agent or independent contractor on behalf of a committee must be disclosed with the campaign statement that covers the reporting period in which the expenditure was made if:

1)the expenditure is one that the committee would have made itself, or

2)the expenditure was made to a subcontractor supplying services to the agent or independent contractor.

To enable committees to meet this disclosure requirement, the Campaign Finance Act, MCL 169.243, requires agents and independent contractors working for a committee to provide the committee with a list of the expenditures made on the committee's behalf. Agents and subcontractors are not required to provide an accounting of funds received from a committee that are taken as a profit or used to meet normal operating expenses.

The list of expenditures provided by an agent or independent contractor must include the following:

- the name and address of each individual or business that received more than $50.00 through a single expenditure or through a series of expenditures made by the agent or independent contractor during the campaign statement reporting period;

- the purpose and amount of each expenditure; and

- the date each expenditure was made.

Single or cumulative expenditures of $50.00 or less made by an agent or independent contractor to an individual or business during the campaign statement reporting period can be shown as a lump sum. The committee may be asked to substantiate the reporting of these expenditures by providing a detailed invoice of the goods or services purchased by the vendor.

If the independent contractor sub-contracts the work to another person, itemization is also required from the sub-contractor to report the names and addresses, dates and amounts for expenditures made by the sub-contractor on behalf of the Committee.

Section 43 of the Michigan Campaign Finance Act states "A person who knowingly is in violation of this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00."

See Michigan Elections - Disclosure Division - - Appendices (mertsplus.com)

3. MCL 169.234(7):

"(7) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee knowingly files an incomplete or inaccurate statement or report required by this section, that treasurer or other designated individual is subject to a civil fine of not more than $1,000.00 or the amount of the undisclosed contribution, whichever is greater."

ISSUE PRESENTED

WHETHER RESPONDENT KMS, RESPONDENT SCHWARZ AND RESPONDENT PPC VIOLATED THEIR REPORTING OBLIGATIONS UNDER THE MICHIGAN CAMPAIGN FINANCE ACT WHERE RESPONDENT KMS' CAMPAIGN FINANCE REPORTS CONCEALED THAT RESPONDENT PPC OBTAINED AND PAID FOR COPIES OF THE UNLOCK MICHIGAN PETITIONS WHICH WERE UTILIZED BY RESPONDENT KMS IN ITS CHALLENGE OF THE UNLOCK MICHIGAN PETITIONS?

ANALYSIS

MCL 169.243 provides:

"An expenditure shall not be made, other than for overhead or normal operating expenses, by an agent or an independent contractor, including an advertising agency, on behalf of or for the benefit of a person unless the expenditure is reported by the committee as if the expenditure were made directly by the committee, or unless the agent or independent contractor files a report of an independent expenditure as provided in section 51. The agent or independent contractor shall make known to the committee all information required to be reported by the committee. A person who knowingly is in violation of this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00."

In the present situation:

1. On behalf of Respondent KMS, Respondent PPC made expenditures to the Michigan Department of State to receive the estimated 84,000 petition sheets submitted by Unlock Michigan.

2. Respondent KMS knew that Respondent PPC obtained the Unlock Michigan petitions because Respondent KMS used these petition copies in its challenge to the Unlock Michigan petitions.

3. Instead of complying with their clear reporting obligations under the Michigan Campaign Finance Act to disclose that Respondent PPC obtained copies of the Unlock Michigan petitions, Respondent KMS and Respondent Schwarz concealed these transactions and knowingly filed an incomplete or inaccurate statement or report required by the Michigan Campaign Act.

CONCLUSION

Based on the foregoing, Respondent KMS and Respondent Schwarz, by knowingly concealing that Respondent PPC obtained copies of the Unlock Michigan petitions, have violated the following Sections of the Michigan Campaign Finance Act:

a. Section 43 - by illegally concealing that payments were made to the Michigan Department of State to obtain the Unlock Michigan petitions.

b. Section 34 - by knowingly filing an incomplete or inaccurate statement or report.

The penalties for the Respondents' Michigan Campaign Finance Act violations are as follows:

For violating Section 43:

A person who knowingly is in violation of this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00.

For violating Section 34:

If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee knowingly files an incomplete or inaccurate statement or report required by Section 34, that treasurer or other designated individual is subject to a civil fine of not more than $1,000 or the amount of the undisclosed contribution, whichever is greater.

To the extent that Respondent KMS and Respondent Schwarz attempt to blame Respondent PPC for any wrongdoing here in an effort to deflect their intentional concealment that Respondent KMS obtained the Unlock Michigan petitions well before the sample of the Unlock Michigan petitions was made available to the public, then Respondent PPC would also be in violation of Section 43 of the Michigan Campaign Finance Act for failing to disclose the payments it made to the Michigan Department of State. But again, any attempt here by Respondent KMS and Respondent Schwarz to throw Respondent PPC under the bus defies the reality that Respondent KMS used these petition copies in its challenge to the Unlock Michigan petitions.

REQUEST FOR ACTION BY THE SECRETARY OF STATE

This Complaint demonstrates the extent that the Respondents were willing to go to conceal their activities from the public by blatantly violating the Michigan Campaign Finance Act's disclosure provisions. As the facts in this Complaint demonstrate, the Respondents concealed $9,505.50 in transactions payable to the Michigan Department of State in an effort to hide the fact that the Respondents obtained the Unlock Michigan petitions 42 days before the public release of the Unlock Michigan petition sample. The only remaining question is what penalties the Secretary of State will impose in this situation.

Accordingly, the Complainant respectfully requests that the Secretary of State immediately investigate the numerous violations set forth in this Complaint and determine that the Respondents have violated numerous sections of the Michigan Campaign Finance Act and to assess all appropriate penalties.

I certify that 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.

Respectfully submitted,

Dated: October 27, 2021

Patrick Meyers

Attachment 1

Practical Political Consulting Freedom of Information Act Request Seeking Unlock Michigan Petitions (October 19, 2020)

MDOS-FOIA

From: Mark Grebner <mark.grebner@gmail.com>
Sent: Monday, October 19, 2020 12:18 PM
To: MDOS-FOIA
Subject: Request to allow PPC to inspect and copy UNLOCK MICHIGAN petitions in their original condition.

Mark Grebner
Practical Political Consulting, Inc.
920 N Washington Avenue
Lansing MI 48906

October 19, 2020

(by mail and email)
MDOS-FOIA@michigan.gov

FOIA Coordinator, Michigan Department of State
P.O. Box 30204
Lansing, MI 48918

Dear FOIA Coordinator:

A typical FOIA request specifies the records requested, and leaves the department to reply. This request is different, in that I lay out a number of alternatives which would be acceptable to us, and I bring certain information to the Department's attention, because I want to make it clear in the event litigation becomes necessary, that the Department will have rejected each of the alternatives listed.

I wish to inspect and copy, in their present state, the petitions recently filed with the Bureau of Elections by a group calling itself UNLOCK MICHIGAN. I believe the set of petitions consists of approximately 80,000 to 100,000 sheets. I believe the petitioners have numbered the pages, and that the petitions are presently arranged by the circulators' page number.

It is important to me that I have a chance to examine, and copy, the sheets BEFORE they are rearranged by the Department, while they are still in the original folders and boxes as filed by the circulators, and before the Department makes any notations on the pages themselves.

It is possible that PPC will eventually make a second request, for access to the petitions after the Department has rearranged and renumbered them, but this request is not to be delayed until such later request, which may never occur.

PPC is aware of the difficulties under which the pandemic, and the pending election, have placed the Department. However such difficulties do not suspend the Department's obligations under state law, nor do they justify a peremptory refusal to consider reasonable alternatives.

Alternative 1 - Normal Procedure. PPC would be satisfied to send our employee, Tracy Ramirez, to your offices to examine and scan the petitions, exactly as she has handled many previous sets of petitions. Without having seen the petitions, let alone handled them, I cannot make an exact calculation of the time that will be required, but based on the MVL petitions, which we scanned during May and June of this year, I believe Tracy would be able to scan all the petitions in approximately 6 workdays.

To forestall any argument that Bureau may attempt to make about the need to preserve these documents, which is to say to prevent our access, I would note that the Bureau has never complained about Tracy's work, nor suggested to PPC that she has ever disarranged any file with which she was entrusted. She has established a solid reputation for conscientious and careful handling of public documents, totaling hundreds of thousands of pages, during dozens of days working at the Bureau's office.

Because - as I understand - the Bureau is not currently working on the UNLOCK petitions, Tracy would not be in anyone's way if she simply locates "Box #1", carefully removes the folders, scans each folder in turn, and restores the folders and box to its original location before starting "Box #2".

Alternative #2 - Bureau Babysitter. If the Bureau is concerned that petitions for some reason face greater peril from outside workers before the Bureau has examined and rearranged them, PPC would be willing to pay the wages of a Bureau employee to supervise Tracy as she works. It would be helpful if that employee could assist the progress of our work by - for example - handling the boxes, folders, and petitions. But if having your employee actually assist the work is unacceptable to the Bureau, PPC is willing to cover the costs of assigning a passive observer.

Alternative #3 - Babysitter Employed by PPC. If the Bureau is unable to spare an employee during this busy time, PPC would endeavor to hire some former Bureau employee, one who retains the Bureau's trust, for the same purpose.

Alternative #4 - Scanning by Bureau Employees. If the Bureau is willing to scan the petitions in their present state, PPC would be willing to accept such scans as a response to this request. Obviously the cost can not be disproportionate, and the scans themselves must meet reasonable quality standards. At 10 cents per page, such costs would amount to perhaps $8000 to $10,000, which PPC would pay upon request.

Alternative #5 - Scanning by Bureau Contractors. If the Bureau refuses to allow Tracy to have access to the UNLOCK petitions in their raw state, and is unable to assign an employee to scan them, PPC would be willing to work with an outside contractor of the Bureau's choice to perform the work we need completed.

Alternative #6 - Photocopying by Bureau Employees or Contractors. Although the unnecessary copying of 80,000 to 100,000 legal size pages would be unfortunate, PPC is willing to accept such copies if no other alternative is acceptable to the Bureau.

PPC has generally been successful when the Department's resistance over the years has forced us to resort to the courts. We have compelling reasons to seek access to the petitions in their raw state. We are willing to

work with the Bureau to find an acceptable method of obtaining that access. We will not be satisfied by a promise of access later on, when the petitions are no longer as they were filed.

I would strongly urge the Bureau to respond immediately to this request, by engaging in open and frank communication with me. Please don't follow your normal bureaucratic procedure of waiting silently until the last day, and then mailing a 10-day extension notice, making it clear you're simply trying to run out the clock. If the Bureau decides to stall, rather than working with me to search for a mutually workable alternative, you should not expect any cooperation from PPC or our attorneys in return.

I hope the Bureau will rise above it's knee-jerk tendency to proclaim "That isn't how we do things". We are all faced with novel circumstances, which require novel responses.

Sincerely,

Mark Grebner
Mark.Grebner@GMail.com
517-416-3419

Attachment 2

Michigan Department of State Grant of Freedom of Information Act Request Seeking Unlock Michigan Petitions (November 24, 2020)

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

November 24, 2020

Practical Political Consulting, Inc.
Mark Grebner
920 N. Washington Ave
Lansing, MI 48906

Via Email

Dear Practical Political Consulting and Mr. Grebner:

The Michigan Department of State (Department) has finished processing your request for records received October 20, 2020, the next business day following transmission, pursuant to the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 *et seq*.

As the Department previously indicated, your request for copies of the Unlock Michigan Initiative Petition is granted. This notification was transmitted to you via email on October 26, 2020. Since then, you have been negotiating options with the Department and have requested paper copies.

In order to process your request, please pay the amount of $5,503. This amount represents one half of the Department's good faith estimate of the cost to fulfill your request. FOIA authorizes the Department to charge for mailing costs, copying, searching, reviewing, deleting and separating exempt from nonexempt information. MCL 15.234. The failure to charge a fee for the search, examination, review, and the deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the Department in this particular instance because, unlike a simple report or a small number of documents with nonexempt information, your request would require Department employee(s) to be diverted from their regularly assigned duties in order to process your request for records. It is anticipated that the Department can process your request in 40 hours over the course of approximately three weeks.

The breakdown of the Department's estimated costs to process your FOIA request is attached. The charge for the Department's labor is the burdened (salary + 50% of benefits) hourly rate of lowest paid employee(s) capable of completing the necessary tasks. Please note that the stated amounts are estimates only and may increase or decrease depending on the final costs incurred.

Upon the receipt of your non-refundable deposit, the Department will continue the processing of your request. The Department will notify you in writing when completed and send the records upon receipt of your final payment of the actual balance due.

Checks or money orders should be made payable to the STATE OF MICHIGAN and mailed to:

Michigan Bureau of Elections
PO Box 20126
Lansing, Michigan 48901

To ensure proper credit and that your FOIA is processed as quickly as possible, please enclose a copy of this letter with your submitted payment and indicated it is a FOIA for the Bureau of Elections.

As set forth under section 4(14) of the FOIA, MCL 15.234(14), the Department must receive the required deposit within 45 days after your receipt of this notice, which is Monday, January 11, 2020, otherwise the FOIA request will be considered abandoned and the Department will not be required to fulfill the request.

If you have any questions or wish to clarify your request, please contact me. The Department's FOIA Procedures and Guidelines can be accessed at www.michigan.gov/sos, under the "FOIA" tab at the bottom of the page.

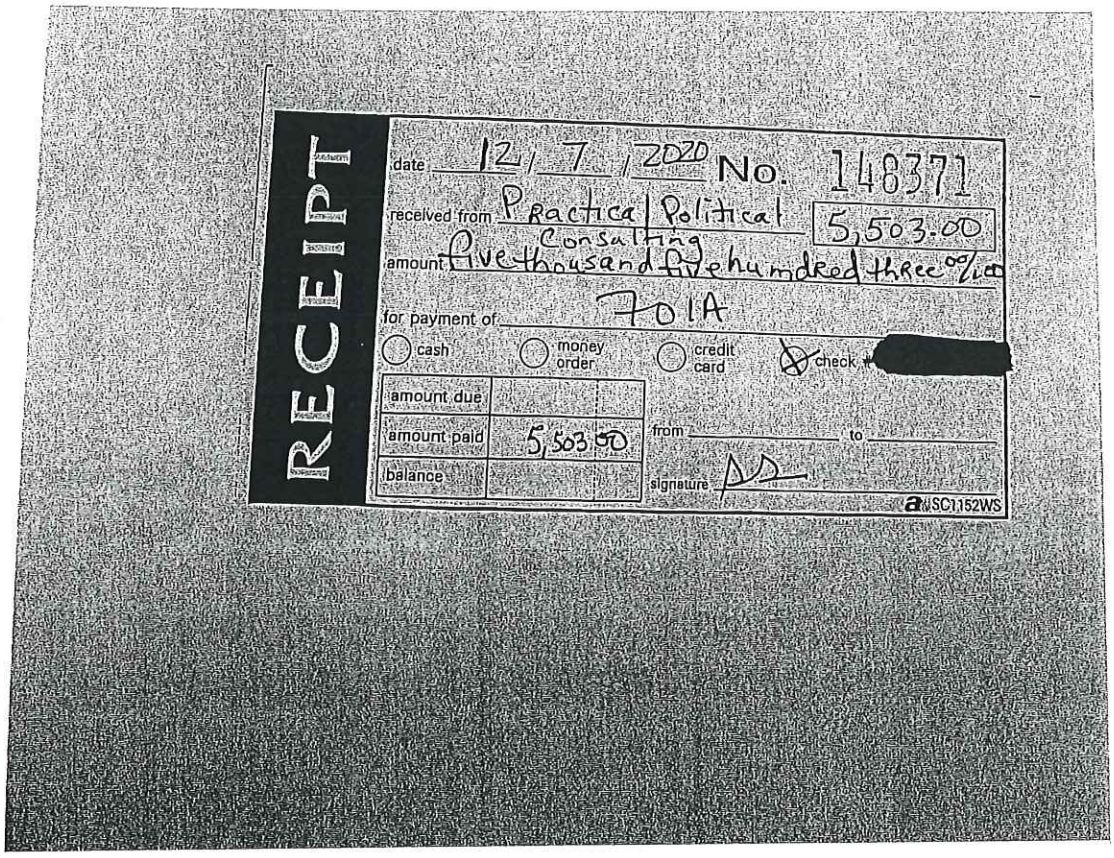
Sincerely,

Adam Fracassi, FOIA Coordinator
Bureau of Elections
Michigan Department of State

Enclosures

Attachment 3

First Payment by Practical Political Consulting for Unlock Michigan Petitions (December 7, 2020)



RECEIPT

date 12/7/2020 No. 14837

received from Practica Political Consulting 5,503.00

amount five thousand five hundred three 00/100

for payment of 701A

○ cash ○ money order ○ credit card ☒ check # [redacted]

amount due	
amount paid	5,503.00
balance	

from _____ to _____

signature [signature]

SC1,152WS

Attachment 4

Michigan Department of State Final Fee Letter to Practical Political Consulting Concerning the Freedom of Information Act Request Seeking Unlock Michigan Petitions (July 8, 2021)

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

July 8, 2021

Practical Political Consulting, Inc.
Mark Grebner
920 N. Washington Ave
Lansing, MI 48906

Via Email

Dear Practical Political Consulting and Mr. Grebner:

This letter concerns the request for records submitted to the Department of State (Department) requesting copies of the petition submitted by Unlock Michigan pursuant to the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 *et seq*. A copy of the request is enclosed and incorporated herein. As the Department previously indicated, your request for copies of the Unlock Michigan Initiative Petition was granted, and the records were produced to you on a rolling basis with the final batch being received on February 12, 2021.

The breakdown of the Department's actual costs to process your FOIA request is attached. The charge for the Department's labor is the burdened (salary + 50% of benefits) hourly rate of lowest paid employee(s) capable of completing the necessary tasks. The cost for paper was revised down based upon your acceptance of double-sided sheets of paper, and the actual cost for labor was revised up. At this time, there is a balance due of $4,002.50.

Checks or money orders should be made payable to the STATE OF MICHIGAN and mailed to:

Michigan Bureau of Elections
PO Box 20126
Lansing, Michigan 48901

If you have any questions, please contact me. The Department's FOIA Procedures and Guidelines can be accessed at www.michigan.gov/sos, under the "FOIA" tab at the bottom of the page.

Sincerely,

Adam Fracassi, FOIA Coordinator
Bureau of Elections

Enclosures

Attachment 5

Announcement From the Michigan Department of State of the Availability of the Unlock Michigan Petition Sample to the Public (March 26, 2021)

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

March 26, 2021

CHALLENGE DEADLINE ESTABLISHED FOR INITIATIVE PETITION SPONSORED BY

UNLOCK MICHIGAN

An initiative petition proposing to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe powers and duties of the governor with respect thereto; and to prescribe penalties," was filed with the Secretary of State on October 2, 2020 by Unlock Michigan.

The Board of State Canvassers established a uniform deadline for challenging signatures sampled from an initiative, constitutional amendment or referendum petition to elapse at 5:00 p.m. on the 10th business day after copies of the sampled signatures are made available to the public.

Please be advised that copies of the signatures sampled from this initiative petition were released to the public today, March 26, 2021, meaning **the deadline to submit challenges to this petition will elapse at 5:00 p.m. on April 9, 2021.**

Please contact the Bureau of Elections at Elections@Michigan.gov or (517) 335-3234 if you wish to purchase a copy of the sampled signatures for the petition.

Attachment 6

Copies of the Petitions Used by Keep Michigan Safe for its Challenge of the Unlock Michigan Petitions Which Were Obtained on Behalf of Keep Michigan Safe by Practical Political Consulting (April 9, 2021)

STATE OF MICHIGAN
BOARD OF STATE CANVASSERS

In re Petition Filed
by Unlock Michigan,

/

CLARK HILL
CHRISTOPHER TREBILCOCK (P62101)
Attorneys for Challenger
Keep Michigan Safe
500 Woodward Ave., Ste. 3500
Detroit, MI 48226
(313) 365-8575
ctrebilcock@clarkhill.com

GOODMAN ACKER, P.C.
MARK BREWER (P35661)
Attorneys for Challenger
Keep Michigan Safe
17000 W. Ten Mile Road
Southfield, MI 48075
(248) 483-5000
mbrewer@goodmanacker.com

/

SWORN COMPLAINT BY KEEP MICHIGAN SAFE CHALLENGING STATUTORY INITIATIVE PETITION FILED BY UNLOCK MICHIGAN

INTRODUCTION

> "A company collecting signatures to strip Gov. Gretchen Whitmer of her emergency powers coached paid petition circulators on giving voters false information, illegally collecting signatures without witnessing them, trespassing on private property, and even lying under oath, a secretly recorded videotape shows."
>
> -Detroit Free Press
> Sept. 22, 2020

Before it can even consider whether to certify the Unlock Michigan petition, the Board must resolve two threshold issues. First, Member Daunt's conflict of interest between his role as the Executive Director of the Michigan Freedom Fund supporting the Unlock Michigan petition drive and its illegal signature gathering tactics, and his duties to the public as member of the Board of Canvassers must be promptly resolved. Member Daunt took an oath of office to protect the laws of this state, not the interests of Unlock Michigan. If he does not voluntarily disqualify himself from the review of the Unlock Michigan petition, the Board must vote to disqualify him.

As set forth below certification cannot occur based on this sample because there are only 328 valid signatures in the sample.

A. There Are At Least 11 Signatures In The Sample Duplicative Of Signatures Elsewhere In The Filing.

As set forth below there are at least 11 signatures in the sample duplicated elsewhere in the filing. The petition form contains several statements and warnings against duplicate signatures. Notwithstanding that, all of these voters signed at least twice.

Under the BOE's and BOC's longstanding practice and case law, all signatures which are duplicates must be rejected. *See, e g, Michigan State Dental Society v Secretary of State*, 294 Mich 503, 514; 293 NWd 865 (1940) ("signatures appearing twice or more upon the same or several sections of a petition should be rejected."); *Recall McCollough Committee v Secretary of State* (MI Ct App, April 10, 1984) (unpublished opinion) ("Michigan authority is that defendant acted in accordance with his legal duty in rejecting both the first and subsequent signatures of persons who signed plaintiff's petitions more than once."); *Taxpayers United for Assessments Cuts v Austin*, 994 F2d 291 (CA 6, 1993) (when a voter signs a petition more than once, all of his/her signatures are invalid). Under these precedents all signatures in the sample which are duplicated elsewhere in the filing are invalid.

These 11 signatures in the sample are duplicated elsewhere in the filing:

Sample	Name
23618-2	Weck
25148-3	Crandall
29417-2	Benson
30738-1	Forsyth
31222-8	Logan
32490-2	Chisholm
43754-1	Mollenkamp
54631-1	Muron
67339-4	Cutler
78752-8	Thaxton

Attached are the 11 petition sheets from outside the sample on which duplicate signatures appear. Due to the large size of the filing, the data entry of the entire filing has not been completed as of today. So while Challenger can provide copies of the duplicate sheets it cannot yet provide the sheet numbers for those sheets at this time.

Based on the precedent established by the Board in 2014 regarding the Raise Michigan initiative petition and in 2020 regarding the Michigan Values Life petition, the Challenger reserves the right to file supplemental information on these 11 duplicates and supplemental duplicate signature challenges up until the Board meeting to consider the challenges.

B. There Are At Least 170 Signatures In The Sample Defective For Other Reasons.

Attached hereto and made a part hereof is a list detailing why 170 signatures are defective for reasons other than being duplicates. To the extent possible and without waiving any claimed defects, the list employs the latest "challenge codes" used by the BOE to label signature defects and omissions. *See* Michigan Department of State, *Circulating and Canvassing Countywide Petition Forms* (April, 2020).[11] Explanatory notes are added if necessary to elaborate on the defects. Challenger reserves the right to challenge additional signatures after the Board conducts its investigation.

1. Out of State Circulators Must Accurately Disclose Their County of Voter Registration.

Many out of state circulators in the sample and in the entire filing failed to disclose their county of voter registration or gave false information about that registration. Contrary to the Department's Manual, *see Canvassing Manual*, *supra*, at 7, these are fatal defects in the petition

[11] Citation of this manual does not waive the argument that it was promulgated in violation of the APA.

INITIATION OF LEGISLATION 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.

8

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of Wayne, 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.		Samuel Moore	29210 Cusick	Livonia ~~Wayne~~ - Detroit	48154	08	06	20
2.		Joel Stevenson	7248 Pierson	~~Wayne~~ - Detroit	48228	08	08	[illegible]
3.		~~Patricia Fleador~~	8930 Fenmore	~~Wayne~~ - Detroit	48235	08	06	2022
4.	Tikira Pruitt	Tikira Pruitt	4621 Manistique	~~Wayne~~ - Detroit	48215	8	6	2022
5.		Brian Logan	680 Brainard St Apt #1	~~Wayne~~ - Detroit	48201	8	6	2022
6.		Fredo Maples	13836 Agnes St.	Southgate - Detroit	48195	8	6	2022
7.		Carlos Cole	3050 Beechwood St	~~Wayne~~ - Detroit	48393	08	06	2022
8.		Grace Johnson	35643 Garfield St	~~Romulus~~ - Detroit	48174	08	08	2022
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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

Joel Stevenson — 8 / 7 / 22

(Signature of Circulator) (Date)

Joel Stevenson

(Printed Name of Circulator)

[illegible] Detroit Michigan 48213

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 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.

10

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of Tuscola, 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.		DAVID N NICKEL	4733 Dixon Rd	Caro	48723	8	8	2020
2.		Joseph Ostermeier	308 W Huron Ave	Vassar	48768	8	8	2020
3.		Richard PETERHANS	5629 FAIRWAY DR	VASSAR	48768	8	8	2020
4.		ALISSA FOX	11614 WIRT LINE RD.	CARO	48723	8	8	2020
5.	[redacted]							
6.		Brittney Vassallo	3755 S Hordscorner Rd	Caro	48723	8	8	2020
7.		BECKY A. BRAGG	11060 Burmon Rd	DeFord	48729	8	8	2020
8.		Kelly Rutherford	7245 Hess Rd	VASSAR	48768	8	8	2020
9.		DAVID BUCHINGER	465 S. WEST ST.	VASSAR	48768	8	8	2020
10.		Richard Radick	10210 STATE RD	Millington	48746	8	8	20

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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

Jeremy Atwell — 08/18/2020

(Signature of Circulator) (Date)

Jeremy ATWill

(Printed Name of Circulator)

10403 Irish Cd.

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

Otisville MI 48463

(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 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.

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of ~~Mecosta~~ Osceola, 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.	Deborah Benson	DEBORAH BENSON	10070 N. Chippewa Dr	Evart	49631	9	10	2022
2.	Stosh Benson	Stosh Benson	10070 N. Chippewa	Evart	49631	9	10	2022
3.	[redacted]	[redacted]	[redacted]	[redacted]	49307	[redacted]		
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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

[signature] 9.18.2022

(Signature of Circulator) (Date)

Susan Prowell

(Printed Name of Circulator)

31 Hall St.

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

Hillsborough NH 03244

(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

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.

10

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of BARRY, 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.	Dakota Fugate	Dakota Fugate	6320 Keller Road	Hope township	49046	08	22nd	2020
2.	Michael J. Nevins	Michael J. Nevins	7400 Delton R	Prairieville	49046	08	22	2020
3.	Jacob L. Weeks	Jacob Weeks	3020 Third Dr	Hope township	49046	08	22	202
4.	Rhonda Griffin	Rhonda Griffin	3100 Worgess Rd	Baltimore Twp	49058	08	22	2020
5.	Karen Killgore	Karen Killgore	3002 W. Cloverdale	Hope Twp	49046	08	22	2020
6.	Lawrence Klok	Lawrence Klok	11964 4mile rd	Prairieville Twp	49080	08	22	2020
7.		Todd Payne	3077 CloverdaleRd	Hope Twp	49046	08	22	2020
8.	James Alden	James Alden	11382 E Pointe	Delton MI	49046	08	22	2020
9.	Deborah S Glas	Deborah S Glas	10745 Pleasant Lake Rd	Delton, MI	49046	08	22	2020
10.	Jake Glas	JAKE GLAS	10715 Pleasant Lake Rd	Delton MI	49046	08	22	2020

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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

(Signature of Circulator) _____ (Date) 8, 22, 2020

JONATHAN SAURMAN
(Printed Name of Circulator)

585 OAK MEADOW DR.
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

MIDDLEVILLE, MI 49333
(City or Township, State, Zip Code)

BARRY
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

INITIATION OF LEGISLATION 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.

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

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

1

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.	Emma Muron	Emma Muron	3436 Mistequay Creek	Montrose	48457	9	2	2020
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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

Jay Vervoorde — 09.16.2020
(Signature of Circulator) (Date)

Jay Vervoorde
(Printed Name of Circulator)

2908 Grant Lane
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

Midland, MI 48642
(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 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. 6

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of WAYNE, 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.	Sharon Knapp	Sharon Knapp	16302 Forest Lake Dr	Wayne	48168	11	04	19
2.	Pilar Flores	PILAR FLORES	16737 Ivanhurst Cir	Northville, Wayne	48168	07	31	20
3.	Sharon Knapp	Sharon Knapp	16302 Forest Lake Dr	Wayne,	48168	07	31	20
4.	Cecile Jean	Cecile Jean	50100 Hanford	Wayne				
5.	Cecile Jean	Cecile Jean	50100 Hanford	Canton	48187	08	1	2020
6.	Stacy Gorski	Stacy Gorski	43186 Hanford Rd	Canton	48187	08	1	2020
7.		Vasoula Basoukeas	44855 Broadmoor Circle S.	Northville Township	48168	08	19	2020
8.		ROBERT T. FREEBORN	44481 BROADMOOR BLVD	NORTHVILLE TOWNSHIP	48168	08	19	2020
9.	Danuta Plawecki	DANUTA PLAWECKI	44451 BROADMOOR BLVD	NORTHVILLE TOWNSHIP	48168	08	19	2020
10.	Christy Thaxton	CHRISTY THAXTON	44415 Broadmoor Blvd	Northville Township	48168	08	19	2020

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 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.

D. Stamp — (Signature of Circulator) — 8,25,2020 (Date)

DIANE STAMP (Printed Name of Circulator)

44873 BROADMOOR CIRCLE S. (Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box])

NORTHVILLE, MI 48168 (City or Township, State, Zip Code)

WAYNE (County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

Paid for with regulated funds by Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

INITIATION OF LEGISLATION 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.

2

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of Grand Traverse, 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.	Elizabeth Chisholm	Elizabeth Chisholm	11608 Whittington St	Traverse City	49684	8	15	20
2.	Eric Chisholm	Eric Chisholm	11608 Whittington St	Traverse City	49684	8	15	20
3.								
4.								
5.								
6.								
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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 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 Unlock Michigan 2145 Commons Parkway Okemos MI 48864

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

Eric Chisholm (Signature of Circulator) 8/15/2022 (Date)

ERIC CHISHOLM (Printed Name of Circulator)

11608 Whittington St (Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box])

TRAVERSE CITY MI. 49684 (City or Township, State, Zip Code)

LEELANAU (County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

INITIATION OF LEGISLATION 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.

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of WAYNE, 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.		John A Macropol	11223 WAVERLY	Plymouth	48170	9	19	20
2.		ROBERT DOWD	45131 ROBINWOOD	PLYMOUTH	48170	9	20	20
3.		D. JAMES EHALOFF	48145 Colony Farm Cir	PLYMOUTH	48170	9	21	2020
4.		Bryan Rupert	46337 Hayden Ct	Plymouth	48170	9	21	2020
5.		PAUL BUDD	380 FAIRFIELD CT	CANTON	48188	9	21	2020
6.		Denise A. Crofts	34147 Sheridan St.	Westland	48185	9	21	2020
7.		William R VANDERVEEN	1518 NANTUCKET	PLYMOUTH	48170	9	22	2020
8.		WILLIAM MANCINI	8914 BUTWELL	LIVONIA	48150	9	22	2020
9.		ANTHONY J. ESSER	44237 Village ct	CANTON	48187	9	22	2020
10.		Dave Mollenkamp	39570 BIRCHWOOD DR	PLYMOUTH	48170	9	22	2020

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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

(Signature of Circulator) (Date) 9-19, 22 2020

John A Macropol
(Printed Name of Circulator)

11223 WAVERLY
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

Plymouth Michigan 48170
(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

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.

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of Kent, 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.		Ryan Cotter	1729 Lemon Ter NW	Grand Rapids	49504	9	10	20
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 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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

Mary Ann Kosten — 9/20/2020

(Signature of Circulator) (Date)

Mary Ann Kosten

(Printed Name of Circulator)

2685 Moorland Dr NW

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

Grand Rapids MI 49504

(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 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.

3

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of WAYNE, 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.	Andrea M. Crandall	ANDREA M Crandall	28542 Military Rd	Dearborn Hts.	48127	8	19	20
2.	Elizabeth Taylor	Elizabeth Taylor	16340 Hubbell	Detroit	48235	8	19	20
3.	Jennifer Russell-Elliott	Franklin Road - Elliott	619 Plum	Wyandotte	48192	8	19	20
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.

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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 Unlock Michigan, 2145 Commons Parkway, Okemos, MI. 48864

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

Matthew Purcell — 08 / 26 / 2020
(Signature of Circulator) (Date)

MATTHEW PURCELL
(Printed Name of Circulator)

619 PLUM STREET
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

WYANDOTTE MICH. 48192
(City or Township, State, Zip Code)

WAYNE
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

10

INITIATION OF LEGISLATION 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.

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

We, the undersigned qualified and registered electors, residents in the county of LAKE COUNTY, 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.	Bruce Forrester	Bruce L. Forrester	5170 W. Jeffers	Irons	49644	7	21	2020
2.	C J	Crystal Jennings	11977 N. Brooks Rd	Irons	49644	7	21	2020
3.	[illegible]	Matthew [illegible]	11977 N Brooks Rd	Irons	49644	7	21	2020
4.	Linda Moore	Linda Moore	6242 W. 9 Mile Rd	Irons	49644	7	21	2020
5.	Dean Moore	Dean Moore	6242 W. 9 Mile Rd	IRONS	49644	7	21	2020
6.	Laura Allen	Laura Allen	10305 N. Irons Rd	Irons	49644	7	22	2020
7.	Bobby Heller	Bobby Heller	9094 S. Kelly Line	Irons	49644	7	22	2020
8.	Tammie-Lynne Knysz	Tammie-Lynne Knysz	8124 W. 8 mi Rd	Irons	49644	7	23	2020
9.	George Helm	GEORGE HELM	7750 N. BASS LAKE RD.	IRONS	49644	7	23	2020
10.	Lori Leach	LORI LEACH	10982 N. TURNER RD	IRONS - ~~ELK~~	49644	7	23	2020

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.

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

Dean Moore Sr 8.28.2020
(Signature of Circulator) (Date)

Dean Moore Sr.
(Printed Name of Circulator)

6242 W. 9 Mile Rd.
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

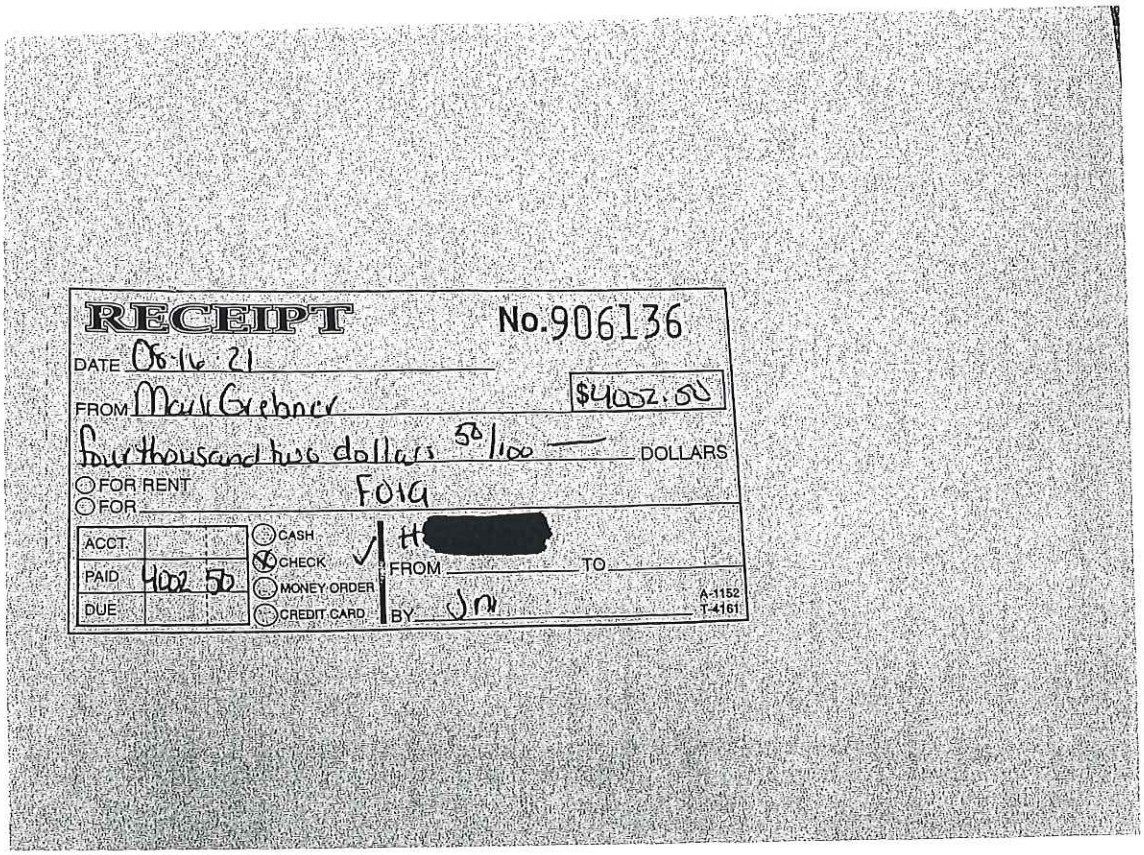
Irons, MI 49644
(City or Township, State, Zip Code)

Lake County
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

Paid for with regulated funds by Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

Attachment 7

Second Payment by Practical Political Consulting for Unlock Michigan Petitions (August 16, 2021)



RECEIPT No. 906136

DATE 06-14-21

FROM Mark Grebner $4002.50

four thousand two dollars 50/100 ——— DOLLARS

○ FOR RENT

○ FOR FOIA

ACCT		○ CASH		
PAID	4002 50	⊗ CHECK	✓	FROM [redacted] TO
DUE		○ MONEY ORDER		
		○ CREDIT CARD	BY JM	

A-1152
T-4161

Attachment 8

Excerpts of Campaign Finance Statements Submitted by Keep Michigan Safe Showing Payments to Practical Political Consulting for "Petition Review" but Concealing That Practical Political Consulting Paid for Copies of the Unlock Michigan Petitions on Behalf of Keep Michigan Safe

Jocelyn Benson, Secretary of State
Department of State

(http://www.michigan.gov/sos/0,1607,7-127----,00.html)

Michigan Campaign Statement Expenditures

- **Committee Name:** KEEP MICHIGAN SAFE
- **Statement Type:** APRIL QUARTERLY CS
- **Statement Year:** 2021
- **Schedule:** ALL

Matches 1 – 38 of 38

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	PRACTICAL POLITICAL CONSULTING 920 N WASHINGTON AVE LANSING, MI 48906	04/16/2021	IC	PETITION REVIEW	$31,976.62
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	PRACTICAL POLITICAL CONSULTING 920 N WASHINGTON AVE LANSING, MI 48906	03/26/2021	IC	PETITION REVIEW	$18,134.63
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	BYRUM FISK 1501 N SHORE DR B EAST LANSING, MI 48823	03/01/2021	IC	MEDIA CONTRACTOR	$10,000.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	BYRUM FISK 1501 N SHORE DR B EAST LANSING, MI 48823	01/26/2021	IC	CONTRACTOR MEDIA	$10,000.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	DANIELLE VILLELA 1023 BENJAMIN SE GRAND RAPIDS, MI 49506	03/17/2021	IC	PETTION REVIEW	$10,000.00

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	GOODMAN ACKER 17000 WEST 10 MILE ROAD SOUTHFIELD, MI 48075	03/31/2021	AE	LEGAL SERVICES	$8,803.80
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	PRACTICAL POLITICAL CONSULTING 920 N WASHINGTON AVE LANSING, MI 48906	03/26/2021	IC	PETITION REVIEW	$8,750.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	PRACTICAL POLITICAL CONSULTING 920 N WASHINGTON AVE LANSING, MI 48906	03/10/2021	IC	PETITION REVIEW	$8,750.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	BYRUM FISK 1501 N SHORE DR B EAST LANSING, MI 48823	03/24/2021	IC	COMMUNICATIONS CONTRACTOR	$7,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	RUN THE WORLD PO BOX 8708 MADISON, WI 53708	02/12/2021	IC	EMAIL VENDOR	$5,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	RUN THE WORLD PO BOX 8708 MADISON, WI 53708	04/14/2021	IC	EMAIL VENDOR	$5,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	RUN THE WORLD PO BOX 8708 MADISON, WI 53708	03/31/2021	IC	EMAIL VENDOR	$5,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	RUN THE WORLD PO BOX 8708 MADISON, WI 53708	01/19/2021	IC	EMAIL VENDOR	$5,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	RUN THE WORLD PO BOX 8708 MADISON, WI 53708	02/24/2021	IC	EMAIL VENDOR	$5,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	CLARK HILL LANSING, MI 48906	03/24/2021	AE	LEGAL SERVICES	$5,270.50

Jocelyn Benson, Secretary of State
Department of State

(http://www.michigan.gov/sos/0,1607,7-127----,00.html)

Michigan Campaign Statement Expenditures

- **Committee Name:** KEEP MICHIGAN SAFE
- **Statement Type:** JULY QUARTERLY CS
- **Statement Year:** 2021
- **Schedule:** ALL

Matches 1 – 13 of 13

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	GOODMAN ACKER 17000 WEST 10 MILE ROAD SOUTHFIELD, MI 48075	05/12/2021	IC	LEGAL SERVICES	$38,025.93
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	PRACTICAL POLITICAL CONSULTING 920 N WASHINGTON AVE LANSING, MI 48906	05/24/2021	IC	PETITION REVIEW	$20,227.37
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	CLARK HILL LANSING, MI 48906	05/07/2021	IC	LEGAL SERVICES	$9,223.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	BYRUM FISK 1501 N SHORE DR B EAST LANSING, MI 48823	05/06/2021	CN	COMMUNICATIONS CONSULTANT	$7,500.00
KEEP MICHIGAN SAFE (https://cfrsearch.nictusa.com/committees/519829)	519829–BAL	DIRECT	DANIELLE VILLELA 1023 BENJAMIN SE GRAND RAPIDS, MI 49506	06/03/2021	IC	PETITION VERIFICATION	$5,973.45
(https://cfrsearch.nictusa.com/committees/0)		SUPP	STAPLES 5110 28TH ST SE GRAND RAPIDS, MI 49512	03/27/2021			$831.90

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

December 10, 2021

Keep Michigan Safe
251 Central Street
Battle Creek, MI 49017

Joe Schwarz
251 Central Street
Battle Creek, MI 49017

Practical Political Consulting
920 N. Washington Ave.
Lansing, MI 48906

Marie Grebner
1/4/2022

Re: *Meyers v. Keep Michigan Safe et al.*
Campaign Finance Complaint No. 2021-10-45-243

Dear Keep Michigan Safe, Joe Schwarz, and Practical Political Consulting:

The Department of State (Department) has received a formal complaint filed against you by Patrick Meyers. The complaint alleges that expenditures made by Practical Political Consulting (PPC) on behalf of Keep Michigan Safe were not reported in Keep Michigan Safe's campaign statements in violation of the Michigan Campaign Finance Act (MCFA or ACT). Specifically, Mr. Meyers claims that two payments PPC made to the Department in November 2020 and August 2021 pursuant to a FOIA request filed by PPC seeking the disclosure of signature petitions submitted by Unlock Michigan were expenditures regulated by the MCFA, and that Keep Michigan Safe failed to report these expenditures on its campaign statements.[1]

In Michigan, an expenditure 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." MCL. 169.206(1). Committees are also to submit campaign statements detailing their expenditures. MCL 169.226(1)(b). These campaign statements must include expenditures made by an agent or independent contractor of the committee, unless the expenditure is for "overhead or normal operating expenses." MCL 169.243. A failure to report expenditures made by an agent or

[1] The November 2020 payment was for $5,503; the August 2021 payment was for $4,002.50.

independent contractor, or an agent or independent contractor's failure to notify a committee of an expenditure which the committee must report, is "misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00." MCL 169.243.

The purpose of this letter is to inform you of the Department's examination of these matters and of 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 are governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the investigation process is enclosed with this letter and a copy is available on the Department's website.

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, 420 West Allegan Street, Lansing, Michigan 48918. Materials may also be sent via email to Elections@Michigan.gov. 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 answers will be provided to Mr. Meyers, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all 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).

Sincerely,

Adam Fracassi
Bureau of Elections

Mark Grebner
Practical Political Consulting, Inc.
PO Box 719
East Lansing MI 48826

January 3, 2022

Mr Adam Facassi
Bureau of Elections
420 W Allegan Street -- First Floor
Lansing MI 48918

Dear Mr. Fracassi:

I have received your letter dated December 10, 2021, which states that any reply is due within 15 business days of that date.

In the first place, the meter stamp on the envelope containing your letter was actually dated December 15, meaning that it could not have been placed in the hands of the USPS any earlier than that. In addition, it was mailed to an outdated address - 920 N Washington - which PPC sold eight months ago. In PPC's correspondence with the Bureau since that time, we have consistently provided our new corporate address (PO Box 719, East Lansing) or my residential address (615 Glenmoor #1B, East Lansing). We filed a forwarding order with the Post Office, which is how we eventually received your letter. I'm sure the eventual delivery was not sped up by the holiday season.

In any case, I finally received your letter on December 29, the beginning of the New Years weekend holiday. Taking time to review contracts, communications, and records of financial transactions between PPC and KMS, it was not feasible for me to reply more rapidly than I have. I trust the Department will accept this response as timely.

The simple answer to Mr. Meyers' accusation is that he has provided no basis whatsoever for his accusations. Nothing Mr. Meyers has presented supports his claim that our request for copies of petitions was made on behalf of KMS, or that the petition copies were for their use.

The petitions were requested and paid for by PPC, for our own use, and have remained in our hands ever since we received them. I have no idea what use anyone other than PPC could make of 20 cases of unsorted, unnumbered petition copies. Certainly, KMS had no use for them. No one other than PPC employees have ever seen any of the copied sheets provided by the Bureau.

The pricing contained in our contract with KMS has nothing to do with PPC requesting or obtaining copies of the petitions, but only with our analysis and support for their attempt to challenge the sufficiency of the petitions filed by Unlock Michigan. PPC requested the photocopies, after lengthy discussions with the Bureau, in order to perform the services promised by our contract with KMS.

The fact that the cost of the copies was not reimbursed leaves PPC particularly sensitive to the cost of obtaining them. You will note that our suit against the Elections Bureau, concerning the calculation of those charges, does NOT name KMS as a plaintiff, precisely because KMS was not involved in making the request, and they have no claim on any reduction the courts may order.

In short, PPC obtained the copies for routine use in our business, not as anybody else's agent.

Sincerely,

Mark Grebner
517-351-6682
Mark.Grebner@GMail.com

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

June 14, 2022

SECOND NOTICE

Keep Michigan Safe
251 Central Street
Battle Creek, MI 49017

Joe Schwarz
251 Central Street
Battle Creek, MI 49017

Re: *Meyers v. Keep Michigan Safe et al.*
Campaign Finance Complaint No. 2021-10-45-243

Dear Keep Michigan Safe and Joe Schwarz:

The Department of State (Department) has received a formal complaint filed against you by Patrick Meyers alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you failed to report expenditures made by Practical Political Consulting on behalf of Keep Michigan Safe in Keep Michigan Safe's campaign statements. A copy of the complaint is included with this notice.

The Department sent you notice of this complaint on December 10, 2021. That letter informed you that you had 15 business days from December 10, 2021 to provide a response to the complaint. **As a courtesy, the Department is extending you an opportunity to submit a response within 15 business days of the date of this second notice.** If you do not submit a response within 15 business days of the date of this notice, the Department will have no choice but to adjudicate the complaint based on the facts and allegations included in the complaint alone.

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 available on the Department's website.

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. Materials 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. 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 Mr. Meyers, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing 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,

Jenny McInerney, Election Law Specialist
Bureau of Elections
Michigan Department of State

From: John Schwarz <John.Schwarz@gracehealthmi.org>
Sent: Wednesday, June 29, 2022 2:48 PM
To: MDOS-BOERegulatory
Subject: Keep Michigan Safe Case

I had some very early contacts FROM keep Michigan Safe. I opted to not take part in the KMS Campaign. There were no additional contacts after that. I did no work for Keep Michigan Safe, and know absolutely nothing about their finances and operation. I can be reached at 269 986 5646. This is in response to letter dated June 14, 2022 from Jenny McInerney, Election Law Specialist. I can be reached at 269 986 5646 John J.H. Schwarz, M.D. Former State Senator, Former Member of Congress

From: John Schwarz <John.Schwarz@gracehealthmi.org>
Sent: Thursday, June 30, 2022 4:01 PM
To: MDOS-BOERegulatory
Subject: Campaign Finance Complaint No. 2021-10-45-243

In response to the letter dated June 14, 2022 and signed by Jenny McInerney of the Bureau of Elections:

A brief response was sent by e mail yesterday, June 29, 2022. This response will not be significantly more lengthy or detailed. To wit: While I am apparently listed as the treasurer of "Keep Michigan Safe", at no time did I fulfil any function whatsoever for KMS. I was never active in any way with KMS, and have no knowledge whatsoever about the organization or the finances of KMS. I do not know, nor did I ever speak with anyone associated KMS. I cannot comment on any of the material sent to me by the Bureau of Elections. I simply have never seen any of it before. I am an 84 year old retired physician in Battle Creek who at one time served in the Michigan Senate and, for one term, in the U.S. House. I would be amenable to speaking with the Bureau of Elections (269 986 5646) to reaffirm these facts.

John J.H. Schwarz, MD

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

July 29, 2022

Patrick Meyers
105 Lake Ridge Drive
Mason, MI 48854

Re: *Meyers v. Keep Michigan Safe et al.*
Campaign Finance Complaint No. 2021-10-45-243

Dear Mr. Meyers:

The Department of State received responses from Mark Grebner of Practical Political Consulting and John Schwarz 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,

Regulatory Section
Bureau of Elections
Michigan Department of State

c. Keep Michigan Safe et al

Meyers <patrickdavidmeyers@gmail.com>
Sent: Friday, August 12, 2022 1:20 PM
To: MDOS-BOERegulatory
Subject: Meyers v. Keep Michigan Safe et al.; Campaign Finance Complaint No. 2021-10-45-243; Rebuttal Statement

Dear BOE Regulatory Section:

Please consider this email to be the Rebuttal Statement filed in the above-referenced matter.

I have received the Responses filed by Respondent Joe Schwarz and Respondent Practical Political Consulting (PPC). Apparently, Respondent Keep Michigan Safe is content to stay silent in this matter and allow Respondent PPC to take the fall here. So be it.

In its Response, Respondent PPC states:

> "The petitions were requested and paid for by PPC, for our own use, and have remained in our hands ever since we received them. I have no idea what use anyone other than PPC could make of 20 cases of unsorted, unnumbered petition copies. Certainly, KMS had no use for them. No one other than PPC employees have ever seen any of the copied sheets provided by the Bureau."

This statement is understandably not made under oath because it is demonstrably false.

As indicated in the initial Complaint:

> "9. On or about April 9, 2021, as part of its challenge to the Unlock Michigan petitions – and with a 42-day head start -- Respondent KMS submitted certain copies of the petitions obtained by Respondent PPC as a result of Respondent PPC's FOIA request for the Unlock Michigan petitions. See Attachment 6. Consequently, Respondent KMS and Respondent Schwarz cannot now claim that they were unaware that Respondent PPC obtained these petition copies."

Significantly, it was Respondent PPC, not Respondent KMS, that obtained unnumbered petition copies from the Bureau of Elections.

If Respondent PPC did not provide these 11 unnumbered petition copies to Respondent KMS to use in its challenge against the Unlock Michigan challenge (see Attachment 6 of the Complaint), then how did Respondent KMS receive these 11 unnumbered petition copies? Divine intervention? Theft?

Moreover, Respondent PPC admits in its Response that Respondent KMS hired Respondent PPC for its "analysis and support 1or their attempt to challenge the sufficiency of the petitions filed by Unlock Michigan." Part of this "analysis and support" by Respondent PPC is likely to locate duplicate signatures. If Respondent PPC did not advise Respondent KMS that these 11 unnumbered petitions were duplicate signatures,

then how did Respondent KMS arrive at this conclusion in its Challenge (see Attachment 6 of the Complaint)? Divine intervention? Lucky guess?

There can be no doubt that Respondent PPC provided these 11 unnumbered petition copies to Respondent KMS to use in its challenge against the Unlock Michigan challenge (see Attachment 6 of the Complaint).

Consequently, Respondent PPC's demonstrably false statements transforms this matter into a "knowingly" willful violation of the Michigan Campaign Finance Act. Compare *People v. Weiss*, 191 Mich App 553 (1991). In this case, the attempted coverup illustrates the offense. According to Section 43 of the Michigan Campaign Finance Act:

> "A person who knowingly is in violation of this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00."

Thank you for the opportunity to submit this Rebuttal Statement.

Patrick Meyers

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

October 6, 2022

Keep Michigan Safe
251 Central Street
Battle Creek, MI 49017

Joe Schwarz
251 Central Street
Battle Creek, MI 49017

Mark Grebner
Practical Political Consulting, Inc.
P.O. Box 719
East Lansing, MI 48826

Re: *Meyers v. Keep Michigan Safe et al.*
Campaign Finance Complaint No. 2021 – 10 – 45 – 243

Dear Keep Michigan Safe, Mr. Schwarz, and Mr. Grebner:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Patrick Meyers. The complaint alleges that expenditures made by Practical Political Consulting (PPC) on behalf of Keep Michigan Safe (KMS) were not reported in Keep Michigan Safe's campaign statements in violation of the Michigan Campaign Finance Act (MCFA or Act). Specifically, Mr. Meyers claims that two payments PPC made to the Department in November 2020 and August 2021 pursuant to a FOIA request filed by PPC seeking the disclosure of signature petitions submitted by Unlock Michigan were expenditures regulated by MCFA, and that the parties failed to report these expenditures on its campaign statements.[1] This letter concerns the disposition of that complaint.

In his complaint, Mr. Meyers alleged the following fact pattern:

- On or about October 19, 2020, PPC submitted a Freedom of Information (FOIA) request to the Department requesting copies of the petition sheets filed by Unlock Michigan (Unlock) (a ballot question committee seeking the repeal of the Emergency Powers of the Governor Act).

[1] The November 2020 payment was for $5,503; the August 2021 payment was for $4,002.50.

- On or about February 12, 2021, PPC received the last of the Unlock petition sheets from the Department, having had its FOIA request approved and having paid a deposit of $5,503 and balance of $4,002.50.
- On or about April 9, 2021, KMS submitted copies of the Unlock petition sheets as part of its challenge of Unlock's petition. Mr. Meyers alleges that these petition sheets were received by PPC as part of its FOIA request.
- Between October 19, 2020 and August 16, 2021, KMS filed its required campaign statements,[2] indicating payments to PPC in the total amount of $87,838 for "petition review."

Based on this fact pattern, Mr. Meyers alleges that KMS engaged PPC as an agent or independent contractor; that, as part of its "petition review" on behalf of KMS, PPC obtained the petition sheets and rendered them to KMS, giving KMS a 42-day head start before the petition sample was released to the public; that KMS submitted the petition sheets obtained by PPC as part of its challenge to the petition, indicating a knowledge that PPC obtained the petition sheets on its behalf; and that PPC, KMS, and KMS's listed treasurer, Joe Schwarz, violated the MCFA by failing to properly report the FOIA payments as attributable to KMS.

Mr. Meyers cites guidance from the Department that an expenditure made by an agent or independent contractor on behalf of a committee must be disclosed if the expenditure is one the committee would have made itself.[3]

PPC responded to the complaint in a letter dated January 3, 2022. In its response, PPC stated that Mr. Meyers provided no basis for his accusations and that nothing in the complaint supports a claim that PPC's request for copies of the petition was made on behalf of KMS, or that the petition copies were for their use. Further, PPC argued that "[n]o one other than PPC employees have ever seen any of the copied sheets provided by the Bureau." PPC only obtained copies of the petition sheets "in order to perform the services promised by our contract with KMS[,]" according to the response. Finally, PPC stated that its suit against the Elections Bureau, concerning the calculation of charges for fulfillment of the FOIA request, did not name KMS as a plaintiff "because KMS was not involved in making the request, and they have no claim on any reduction the courts may order."

Mr. Schwarz responded to the complaint in emails dated June 29 and June 30, 2022, stating that "[w]hile I am apparently listed as the treasurer of 'Keep Michigan Safe', at no time did I fulfil

[2] The campaign statements in question—the 2021 Annual Campaign Statement, the 2021 April Campaign Statement, the 2021 July Campaign Statement, and the 2021 October Campaign Statement—can be found at the following link or using the Michigan Committee ID# 519829: KEEP MICHIGAN SAFE | Michigan Campaign Finance Committee Search (nictusa.com)

[3] Appendix L of the Michigan Electronic Reporting and Tracking System (MERTS), Michigan Elections - Disclosure Division - - Appendices (mertsplus.com)

any function whatsoever for KMS. I was never active in any way with KMS, and have no knowledge whatsoever about the organization or the finances of KMS."[4]

To date, no response from KMS has been received.

Mr. Meyers was afforded the opportunity to submit a rebuttal, which he did in an email dated August 12, 2022. He argued against PPC's assertion that the petitions never left PPC's possession, that KMS had no use for them, and that no one other than PPC employees have ever seen any of the copied sheets. If PPC did not provide the petition sheets to KMS, Mr. Meyers asked, how did KMS have them to submit as part of their challenge to Unlock? Moreover, how did KMS arrive at the conclusion in its challenge that 11 signatures in the Unlock sample had one or more signatures duplicated elsewhere in the universe of submitted signatures, if PPC did not request and obtain them for that purpose? The 11 unnumbered sheets included in KMS' challenge could only have been obtained subject to PPC's FOIA request, Mr. Meyers argued.

In Michigan, an expenditure 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. MCL 169.206(1).

Committees are required to submit campaign statements detailing their expenditures. MCL 169.226(1)(b). These campaign statements must include expenditures made by an agent or independent contractor of the committee unless the expenditure is for "overhead or normal operating expenses." MCL 169.243. Section 43 states that independent contractors may not make expenditures on behalf of or for the benefit of a person, unless the expenditure is reported by the committee as if it was made directly by the committee. *Id*. Further, an "independent contractor shall make it known to the committee all information required to be reported by the committee." *Id.* A knowing violation constitutes a misdemeanor offense punishable by a fine of up to $1,000 (or up to $10,000 if the person who is in violation is not an individual), imprisonment for up to 90 days, or both. *Id.*

Additionally, MCL 169.226(j) requires itemization for expenditures of $50 or greater. The itemization must show the full name and street address of the person to whom the expenditure was made, as well as the purpose of the expenditure. *Id.*

The Department has reviewed the evidence submitted in this matter and finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA, but also dismisses part of the complaint.

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[4] The Department notes that Mr. Schwarz is identified as treasurer on KMS' Statement of Organization and on each of its cover pages—the last being for the 2022 July Quarterly campaign statement. KEEP MICHIGAN SAFE | Michigan Campaign Finance Committee Search (nictusa.com)

In at least four campaign finance reports, KMS reported expenditures to PPC for "petition review." However, Section 43 states that independent contractors may not make expenditures on behalf of or for the benefit of a person, "unless the expenditure is reported by the committee as if it was made directly by the committee, or unless the agent or independent contractor files a report of an independent expenditure as provided in section 51."[5] MCL 169.243. The expenditures for the copies obtained by PPC and used for KMS' benefit were not sufficiently memo-itemized in KMS' reports as if those expenditures were made by KMS.

PPC submitted a FOIA request to the Department and paid $9,505.50 for the fulfillment of that request. Although PPC states in its response that "PPC obtained the copies [of the petition sheets] for routine use in our business," they also note that they requested them "in order to perform the services promised by our contract with KMS." As part of their challenge to Unlock, KMS included "11 petition sheets from outside the sample on which duplicate signatures appear."[6] Copies of those petition sheets were included in the challenge and are included in the complaint; they are not numbered. Part of the Department's procedure in processing petitions is to sort, count, and number stamp each petition sheet so that the signatures identified as composing the sample can be located based on their stamped sheet number. Bureau staff copied each sheet and provided them unnumbered in response to PPC's FOIA request, and no outside entity was allowed access to the petition sheets. The fact that unnumbered petition sheets were included in KMS' Unlock challenge could only mean that KMS obtained them from PPC.

First, the Department considers whether the expenditure was made "on behalf of or for the benefit of" KMS. KMS' inclusion of the petition sheets in its challenge to Unlock, to bolster KMS' argument that Unlock's petition was insufficient, is an indication that the procurement of the copies was made for the benefit of KMS.

Next, the Department considers whether KMS knew that PPC made the expenditure. The fact that KMS possessed what it would not have without PPC's FOIA request indicates that they knew of the expenditure made by PPC in obtaining the petition sheets (after all, there would be no other way of obtaining them).

Accordingly, the Department must conclude that PPC should not have made the expenditures totaling $9,505.50 on behalf of or for the benefit of KMS unless KMS reported the expenditures as if they were made directly by KMS.

The Department finds credible Joe Schwarz's response that he had no involvement with KMS and dismisses the complaint against him.

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[5] The Department notes that PPC did not file an independent expenditure report as provided in section 51. MCL 169.251.

[6] *Sworn Complaint by Keep Michigan Safe Challenging Statutory Initiative Filed by Unlock Michigan* (Filed April 9, 2021) at pg. 34.

However, the Department concludes that there is sufficient evidence to conclude that KMS knew that the expenditure was made by PPC on its behalf or for its benefit and that it should have memo-itemized the expenditure accordingly. Without a response of any kind from KMS, the Department has no alternative but to find that KMS received the copies from PPC and should have included the payment for the FOIA in their reports.

As explained above, KMS' inclusion of the petition sheets in its challenge provides sufficient evidence that PPC fulfilled its commitment to notify KMS of any expenditures made on KMS' behalf or for its benefit. Further, under the Act, KMS is obligated to memo-itemize on its reports expenditures made by PPC. However, the Act's requirements to file are placed on KMS and not PPC. Despite PPC's response that "no one other than PPC employees have ever seen any of the copied sheets provided by the Bureau[,]" the Department finds this unlikely given that those very copied sheets were included in the challenge by KMS—the entity paying PPC for its work. While this evidence is sufficient to conclude a potential violation by KMS has occurred, it is insufficient to conclude that PPC has committee a violation of the Act. Accordingly, the Department dismisses PPC.

This letter serves to notify KMS that the Department has determined there may be reason to believe that they have violated the Act and to notify them that the Department is beginning the informal resolution process. "If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

> (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
> (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation."

MCL 169.215(11).

Please contact the undersigned at BOERegulatory@michigan.gov by February 24, 2023 to discuss a resolution to matter.

Sincerely,

Jenny McInerney, Election Law Specialist
Bureau of Elections
Michigan Department of State

c: Patrick Meyer

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

February 27, 2023

The Honorable Dana Nessel
Department of Attorney General
G. Mennen Williams Building
525 West Ottawa Street
Lansing, MI 48933

Re: *Meyers v Keep Michigan Safe et al.*
Michigan Campaign Finance Complaint

Dear Attorney General Nessel:

Please allow this letter to serve as a referral to the Attorney General of the above referenced campaign finance matter for the enforcement of any criminal penalties under the Michigan Campaign Finance Act. MCL 169.215(10)(a).

If you or your staff would like any additional information regarding this case, please contact this office.

Sincerely

s/ Michael J. Brady

Michael J. Brady, Chief Legal Director
Michigan Secretary of State

cc: Heather Meingast, Division Chief, CLEE Division