



**Ruth Johnson**  
Michigan Secretary of State

# House Testimony Speaker Notes

## Redistricting and Elections Committee

*Tuesday, January 24, 2012 (9:00 a.m.)*

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1. Thank you **Chairman Lund** and the members of the committee for allowing me the opportunity to testify before you today on my Secure and Fair Elections, or SAFE, election integrity package.
2. I also want to acknowledge **Representatives Knollenberg, Tyler, Forlini and Jacobsen** for their leadership and partnering with me on this effort, along with your colleagues in the Senate.
3. When I was elected Secretary of State, one of my top priorities, in addition to streamlining services, cutting costs and improving customer service, was to ensure integrity in our elections system.

- 4. As a former county clerk, election integrity is a deeply rooted passion for me. In fact, it is the reason I sought the office of Secretary of State and it is the reason I sit before you today.
- 5. To me, there is nothing more important to America, to our values and democracy, than secure and fair elections.
- 6. I only have to point to headlines from the past year to illustrate the current vulnerabilities we now face...
  - Campaign finance violations
  - Precincts that can't be recounted because of errors
  - Voter rolls containing people who not citizens, who have moved out of Michigan or died-
  - And the fake tea party scandal...
- 7. Today, as Michigan's Chief Elections Officer, I ask for the support of this committee in rectifying such vulnerabilities.

8. Last fall, I formally announced my SAFE initiative, which stands for Secure and Fair Elections.
  
9. This package consists of new policies, expanded technology and legislation, all of which are defined by three clear goals of the legislation before you:
  - Tougher campaign finance laws;
  - Cleaner voter rolls
  - And safeguarding the integrity of the process
  
10. While my office is working to fortify processes through the tools available to us, this package relies heavily on the power of the Legislature to enact additional safeguards.
  
11. Before you today are House Bills 5058, 5059, 5061, 5062 and 5063, sponsored by your colleagues and initiated by my office, that target these three goals.

## **TOUGHER CAMPAIGN FINANCE LAWS**

12. Among these is legislation that toughens our campaign finance laws by ensuring contributions are spent on legitimate campaign activities.
13. Specifically, House Bill 5058 sponsored by Representative Knollenberg imposes new restrictions for legal defense spending by prohibiting the use of campaign funds for personal legal battles.
14. And to discourage calculated and deliberate efforts to deceive voters, such as the fake Tea Party we exposed in Oakland County, House Bills 5059 and 5063 sponsored by Representative Tyler require earlier and more frequent disclosure of financing by new political party formation efforts and for ballot question committees.
15. Both of these bills will help us fight abuse, plug loopholes and demand transparency and accountability. Voters must know who is funding these efforts.

## **SAFEGUARDING ELECTION INTEGRITY**

16. When we talk about security and fairness, nothing is more important than the integrity of our elections.
17. In 2010, the election for the 84<sup>th</sup> House seat was a close battle and required a recount. Over 1/3 of the precincts in that district were not “recount-able” due to mistakes associated with securing the ballots and clerical errors.
18. It is critical that we work with our local clerks, who do an outstanding job on the front line of elections, to do what we can to ensure accuracy in counting ballots.
19. Before you today is House Bill 5062 proposed by Representative Forlini. This legislation puts in place the safeguards we need to ensure election integrity, including receiving boards, post election audits, enhanced clerk training and continuing education.
20. Other components of the legislation before you targets voter intimidation, misinformation and ballot coaching.

- 21. Representative Forlini's bill expands prohibitions on voter intimidation and misinformation while House Bill 5061 by Representative Jacobsen helps protect our seniors by requiring that information on the prohibition against ballot coaching be posted within residential care facilities.
- 22. We are also working to protect the integrity of absentee ballots.
- 23. Representative Jacobsen's bill proposes photo ID and affidavit of identity requirements for absentee voters who pick-up their applications from their clerk's office.
- 24. This would make the requirements consistent with existing photo ID laws for those who vote in person on Election Day. This consistent protocol will provide a simple safeguard for protecting ballot integrity.
- 25. Finally, we are also working to remove vulnerabilities in the process.
  - My office is working with the federal government as well as neighboring states to help ensure our voter rolls are accurate.

- We are also pushing to expand the use of electronic pollbooks and technology to reduce errors and improve ballot security.

26. And we've created an Elections Crimes Unit with the Assistance of the Attorney General's Office. Through the SAFE initiative, we are working diligently to strengthen the integrity of our elections, but we need the enactment of this legislation to help ensure that our elections are secure and fair.

27. We need you, the members of this committee, to champion this effort through support of House Bills 5058, 5059, 5061, 5062 and 5063 proposed by your colleagues.

28. Thank you for allowing me this time to testify before you today.

29. Chris Thomas, the State Administrator for the Bureau of Elections, and Chris Hackbarth, Director of Government Affairs for our department, are here with me to today to help answer any questions you may have.



Last Updated: October 20, 2011 1:00AM

## Commentary

# Election system reform essential to Michigan

**Ruth Johnson**

As we work together to achieve better times for Michigan and build a strong foundation for our state's long-term success, we must take steps now to reform and improve our elections system.

With the support of partners at the state, local and national levels, I'm pleased to announce the Secure and Fair Elections Initiative, which includes an 11-bill legislative package, new Secretary of State policies and expanded use of technology.

In the area of campaign finance, we must require more accountability for candidates and committees. Under our plan, the worst offenders could face felony charges or forfeiture of funds.

To discourage attempts to deceive voters, like last year's fake Tea Party, more financial disclosure will be required.

In striving for secure elections, nothing is more important than the accuracy of our voter lists. The Pew Report on the States found in 2008 Michigan had 102.54 percent of its eligible voting population registered to vote. That just doesn't add up.

Some people on our state's Qualified Voter File aren't "qualified" at all — they're dead, they've moved out of state or they're not U.S. citizens. This year to date, we have removed the names of 30,000 deceased people from the voter rolls and we are confirming another 20,000.

More alarming are the thousands of noncitizens on our voter rolls. Prior to 2008, under federal law, nearly all driver's license applicants in Secretary of State branch offices were offered a voter registration application, regardless of citizenship. Today, we make it clear that applicants must be U.S. citizens.

Federal immigration and Social Security officials have refused or ignored our repeated requests for citizenship data, which only they possess, to assist us in ensuring accuracy in our voter lists. Our office is working with Congresswoman Candice Miller on measures that would require the federal government to provide that information.

As part of the SAFE Initiative, and with the assistance of Attorney General Bill Schuette's office, we have launched an Elections Crimes Unit that includes an election day-response team and hotline.

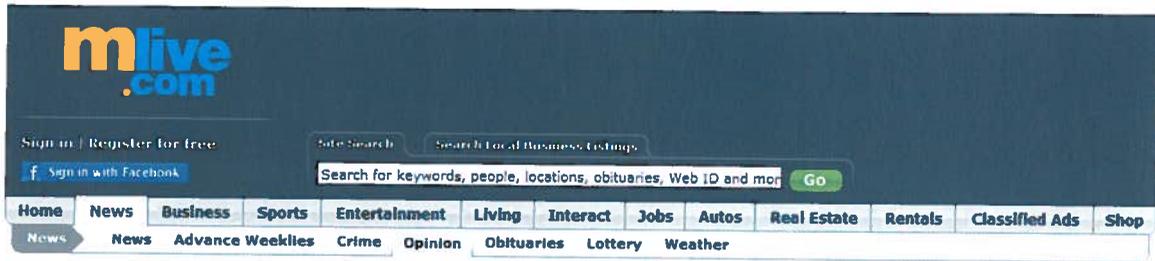
We will also close photo ID loopholes. In 2008, more than 2,800 people voted in our state without having to show photo ID at any time in the registration or elections process. We're also proposing "no-reason" absentee voting for convenience for voters. This will, however, be paired with the same, secure photo ID and affidavit rules now required at local voting precincts.

We'll also fight ACORN-style voter registration by asking organizations to register with the State's Bureau of Elections. We'll also provide training so voter registration drive workers know the law, preventing bogus voter registrations.

There is nothing more important to democracy, our Republic, than secure and fair elections. By passing this needed SAFE legislation and achieving reforms, we can strengthen Michigan's election system for this and future generations.

*Ruth Johnson is the Michigan secretary of state. Email comments to [letters@detnews.com](mailto:letters@detnews.com).*





## Michigan should clean up its voter rolls (guest commentary)

Published: Friday, December 30, 2011, 6:15 AM Updated: Friday, December 30, 2011, 12:28 PM

**By Dan Krueger, Guest Writer**

Next year will be a busy election year in Michigan, directed and administered at the local level by clerks who care deeply about ensuring integrity in the process and election workers who take personal pride in making sure democracy works, and every vote counts.

But as strong as our system is, as clerks we always are open to looking at our system of elections and how it may be improved. Secretary of State Ruth Johnson's Secure and Fair Elections (SAFE) Initiative does that.

As a county clerk, I support and champion efforts to make sure our state's voter rolls are as accurate as possible. According to the Pew Center for the States, past years have shown Michigan had a slightly higher number of its eligible electorate registered to vote.

Today, state voter rolls include people who have died, moved out of Michigan and aren't U.S. citizens because of state and federal regulations.

Cleaning up the voter rolls and having an accurate voter count will save local communities money through reduced postage and ballot printing costs. It also will allow clerks to consolidate precincts to save money where possible.

I also support the creation of a no-reason absentee provision allowing voters to vote absentee for any reason. To do so, they just have to follow the same photo ID rules precinct voters follow — show a photo ID or sign a brief affidavit. This would not affect elderly or disabled voters already eligible to vote absentee under present qualifications, and it would open the voting process to many who, because of work or family obligations, have difficulty making it to the polls on Election Day.

Under SAFE, the state also is asking third-party voter registration groups to sign up with the state Bureau of Elections, which will provide free training to help ensure voter registration drive workers fill out forms accurately and turn those forms in on time. Unfortunately, there have been problems where individuals believe they are registered, only to be turned away at the polls on Election Day. That shouldn't happen — ever.

We look forward to working with Secretary Johnson on improving Michigan's elections and urge legislators to seriously consider SAFE proposals that will improve our system of elections.

*Dan Krueger is the Ottawa County Clerk and a member of the Michigan Association of County Clerks (MACC) Legislative Committee and the Michigan Council of Election Officials (CEO.)*



# Election Reform Headline Articles

## 1,400 Michigan voter registrations thrown out

October 22, 2008 8:53 PM

KALAMAZOO, Mich. (Newschannel 3) - Election officials around Michigan are running into some problems with the large number of last-minute voters registering for the November 4 election.

That's because some 1,400 voter registrations across the state have been cancelled, after their mailing addresses came back as undeliverable.

About 70 people who registered to vote in Kalamazoo are included in those 1,400 who were scratched, in most cases because an address was incorrect or the voter no longer lived at the address provided on the registration.

Now, in order to make those registrations count, the Secretary of State's Office is taking their case to an appeals court in Cincinnati. Even though a federal judge wants those registrations counted, Scott Borling, the Kalamazoo City Clerk says that current Michigan law requires they be cancelled, to avoid voter fraud.

This is an attempt to try to reduce the likelihood of that," said Borling. "If we send an I.D. card to that person at the address specified and it gets returned, you know there's a chance that person doesn't really live there."

If a voter I.D. card is returned, the local clerk will send rejection card to the recipient, which can be forwarded. That's in hopes that the notification will make it to the correct person, so they know they are not properly registered to vote.

If you worried that you're registration was thrown out, contact your local clerk or check the Michigan Government website at the "links" tab on [www.wvmt.com](http://www.wvmt.com).

## Michigan voter drive workers charged with using phony names

October 29, 2008

Ballotpedia.org

A Grand Rapids man helping to register minority voters allegedly signed up his dead brother to try to meet a quota mandated by a Massachusetts-based community organizing group, authorities said.<sup>11</sup>

Robin Anderson, 47, and Patty Wallace, 45, both former workers of the Community Voter Project, are charged with forgery. They could face up to 14 years in prison if convicted.

Anderson is accused by state Attorney General Mike Cox of submitting three fraudulent applications for Andrew Anderson, who died in 2001, to the city clerk's office. Wallace is charged with using the identities of four people without their knowledge while turning in registration cards to the Community Voter Project.

Cox said both suspects admitted their fraud to Grand Rapids police investigators. Each said the quotas drove their fraudulent behavior, he said.

Ayodele Cartoo, director of the voter registration drive, said the groups' workers flagged Wallace's forms for possible fraud after noticing the handwriting on the documents appeared identical.

## **Detroit has more registered voters than residents over 18, Census finds**

August 23, 2011 10:15 AM

Crain's Detroit

There are about 560,000 registered voters in the city of Detroit. But the 2010 U.S. Census found only 523,430 Detroiters over 18, according to [Data Driven Detroit](#).\*

So that's a problem.

Detroit's voter rolls have been plagued by duplicate, incorrect or invalid registrations for a long time, and bringing the lists into compliance is a Herculean task.

"Because of the [National Voter Registration Act \(of 1983\)](#), we are required to hold onto and include in our count those who more than likely be should cancelled because they have moved, relocated and the like, or there has been no activity for a number of years," City Clerk Janice Winfrey said. "However, we have to hold them for two consecutive federal elections. So after this federal election, by the beginning of 2013, we'll have nearly 30,000 we can cancel."

In other circumstances, federal law only allows local election officials to purge a name from the voter rolls when notified by the individual or a reliable source of information (such as a death certificate) that the person is no longer eligible to vote in that district — or if a voter registration card is returned as undeliverable by the U.S. Postal Service.

Detroit Director of Elections Daniel Baxter said that his department has been working with the health department and local newspapers to get accurate information about deaths. (Neither dying nor moving automatically purges a voter from the rolls, unless, in the case of the latter, the former resident receives a new driver's license – and voter registration – in another jurisdiction.)

In Detroit, a highly transient population complicates matters, Winfrey said.

Winfrey said Congressional re-districting will help the city in its efforts to maintain the voter rolls – each registered voter will receive a new registration card, and those returned to the clerk's office marked "undeliverable" can be purged.

Baxter said that the state is working to develop a new tracking system that will help place voters on the rolls in the appropriate jurisdiction.

He also points to Detroit Mayor Dave Bing's contention that the Census undercounted Detroit. Bing said he plans to challenge the count, and hopes to add at least 40,000 to Detroit's official population of just over 713,000.

Adding 40,000 residents wouldn't fix the problem, based on the figures provided to Crain's by Data Driven Detroit. The purge would bring the number of registered voters down to about 530,000, still more than the population over 18; it's inconceivable that, should 40,000 uncounted residents be found, they'd all be over 18.

But Detroit - and the state of Michigan - do have high rates of voter registration, said Vince Keenan, executive director of nonprofit voter education resource [Publius.org](http://Publius.org), thanks to the national voter registration act, which allows voters to register while applying for a driver's license or state-issued identification card.

There's been no allegation of voter fraud on Winfrey's watch. \*\* During the tenure of Winfrey's predecessor, the late Jackie Currie, it was alleged that ballots were cast on behalf of dead people, and that Currie had sent "ambassadors" to fill out absentee ballots on behalf of the incapacitated. Currie lost her seat to Winfrey in 2005, amid the controversy.

The laws that dictate when a name can be removed from the rolls reflect the value of giving a potential voter every opportunity to cast a ballot, Keenan said.

"I think the important thing about the disparity in those numbers is to understand why that disparity exists," he said. "The reason is not to allow for fraud. The reason is because at any given time you want to give voters the best opportunity possible to show up and vote.

"There are two reasons the number of voters comes up regularly. One is fraud, the other is turnout statistics. Neither trump the primary concern: that anybody who could vote in any given election has the capacity to do so."

Keenan said even when proof of deliberate fraud doesn't exist, the fear remains.

"But fear and concern about deliberate fraud does not allow you to disenfranchise voters," he said. "This is one of those areas where the threshold for cutting somebody out of the franchise should be very high."

\* Figures used in this post are courtesy data clearinghouse [Data Driven Detroit](http://DataDrivenDetroit.com), which is an extremely handy place to find facts and figures for southeast Michigan.

## **Scandal surrounds Benton Harbor recall election**

Visitors to soup kitchen are caught up in a vote-buying scandal

Posted: 03/18/2005 04:23 pm

Story filed by NewsCenter16 Reporter Mark Peterson

Benton Harbor, MI - Some patrons of a Benton Harbor soup kitchen say they were paid to vote 'yes' in last month's re-call election of an at-large commissioner.

One patron of a Benton Harbor soup kitchen told investigators he was offered \$5 if he would vote "yes" in the February 22 recall election. It's an offer the patron said he, and 30-others, accepted.

That's just one alleged election impropriety found by police investigators. Their investigation turned up so much questionable activity surrounding the election that the prosecutor has taken the rare and perhaps unprecedented step of trying to get the results thrown out.

Berrien County Prosecutor James Cherry said, "There were indications of some vote buying. There's some indications of irregularities in the AV process, indications that perhaps some people tried to vote twice and indications that some people voted that weren't registered to vote."

If the results of the voting were allowed to stand, city commissioner Glenn Yarbrough will be out of office, recalled by a 51-vote margin. "If there's material fraud and error that likely effected the outcome of the election, I think I have an obligation to try and set that election aside and ask a court to set it aside and void it," said Cherry.

## Judge's race recount reveals election errors

Published: Monday, December 15, 2008, 11:03 AM

By Matthew S. Russell | [MLive.com](http://MLive.com)

A ballot recount for the 48th Circuit Court Judge's race in Allegan County led to the discovery of election errors, but Hopkins Attorney Kevin Cronin remains judge elect.

In November, Cronin beat incumbent Judge William Bailiargeon by a narrow margin. Cronin won with 21,680 votes to Bailiargeon's 21,425.

Bailiargeon later requested a recount of the votes, "...for reasons based upon fraud or mistake in the canvass of the votes by the inspectors of election or the returns made by the inspectors, or by the Board of County Canvassers or the Board of State Canvassers..."

Out of Allegan County's 48 precincts, 25 could not be recounted because either the total of voters did not match the number of ballots or the containers holding the ballots were not properly sealed. Both precincts of the City of Allegan, Allegan Township Precinct 2, Dorr Township Precinct 2, Martin Township, Monterey Township, the City of Ossego, Ossego Township Precinct 1, the City of Plainwell, Salem Township, and the City of Wayland could not be recounted.

The recount, conducted under the authority of the State Board of Canvassers, took around 19 hours and was held at the Allegan Township Hall from Dec. 4 to Dec. 5. Ten two-member recount teams recounted the ballots by hand. Holding recounts is not unusual and it is also not unusual to have a small number of precincts that can not be recounted, due to errors, said Kelly Chesney, spokesperson for Michigan's Secretary of State Terri Lynn Land.

It is "highly unusual" to have so many precincts with ballots that could not be recounted, Chesney said. "That is unacceptable," she said. "Clearly, there is a need for training."

Chesney said that election workers will need to receive additional training and that Allegan County Clerk-Register Joyce Watts could provide the training. Through the Secretary of State's "train the trainer" program, Watts is certified as an accredited trainer for the training of election inspectors.

At press time, Watts and Chief Deputy County Clerk Joan Nagle were unavailable for comment.

A report of the recount will be submitted to the Board of State Canvassers, but "the returns will stand," Chesney said.

Out of the precincts that were recounted, there were 12 additional votes for Cronin and 13 additional votes for Baillargeon.

Cronin is slated to begin serving sometime in early January.

**State seeks nearly \$1M from ex-Detroit Mayor Kwame Kilpatrick for campaign finance violation**

Published: Monday, June 13, 2011, 3:44 PM

By Michael Wayland | [MLive.com](http://MLive.com) [MLive.com](http://MLive.com)

The Michigan Secretary of State's office is seeking nearly \$1 million from ex-Detroit Mayor Kwame Kilpatrick's campaign fund.

According to reports, the state filed an eight-page complaint Friday requesting a fine of \$976,493 be levied on Kilpatrick for improperly paying lawyers who defended him during the text-message scandal involving former chief of staff, Christine Beatty.

June 13, The Detroit Free Press: "Kilpatrick lawyer James Thomas had argued that the expenditures were proper because donors gave Kilpatrick money to keep him in office. If he had been convicted of the eight felony counts against him in the criminal case stemming from the text-message scandal, he would have been removed from office."

In September 2008, Kilpatrick pleaded guilty to two felony counts surrounding the text scandal involving. A judge sentenced Kilpatrick in May 2010 to up to five years in prison for violating probation in the case.

The state seeking nearly \$1 million is the latest in a long line of people seeking money from Kilpatrick. Last week, Wayne County Prosecutor Kym Worthy announced she wants to seize profits Kilpatrick might reap from his soon-to-be-released autobiography, "Surrendered: The Rise, Fall and Revelation of Kwame Kilpatrick."

Kilpatrick was ordered to pay \$1 million to Detroit and still owes about \$861,000.

Kilpatrick's book, which "reveals (the) real Kwame Kilpatrick," is expected to be released in July, according to the book's official website.

The book can be pre-ordered from the website for \$26.95. (To pay Detroit and the Secretary of State, if necessary, Kilpatrick would have to sell more than 68,000 of the books.)

Kilpatrick, along with other members of the "Kilpatrick enterprise," are scheduled to face corruption charges in a federal trial in September 2012.

*The Associated Press contributed to this article.*

## Argument Underway in Fake Tea Party Case

Published: Thursday, August 25, 2011

By Ann Zaniewski for The Macomb Daily

A judge said he'll take requests from defense attorneys under advisement in a case against two former county political workers facing fraud charges. Attorneys for defendants Jason Bauer and Mike McGuinness told Oakland Circuit Judge James Alexander that the men should have separate trials. They also want to see potential jurors vetted through jury questionnaires.

In seeking separate trials, John Allen, McGuinness' attorney, said severance is needed because the defendants are going to make defenses that are antagonistic to each other. Bauer's attorney, Michael Dezsi, concurred.

Assistant Prosecutor Jason Pernick objected to both requests. He said that the questionnaires would just delay jury selection and that one trial with two different juries would be more economical than holding two trials.

Allen also asked that prosecutors submit a bill of particulars outlining the time, place and actions that prosecutors allege his client took in aiding or abetting Bauer. He said the grand jury indictment handed down in the case is vague and silent as to the existence of individual allegations of aiding and abetting.

After hearing arguments Wednesday, Alexander said he would take the motions under consideration and issue a written opinion. Bauer, the former political director for the Oakland County Democratic Party, and McGuinness, the former county Democratic party chairman, are alleged to have fraudulently entered the names of three people as candidates for a group calling itself the Tea Party for county commission or state Senate seats to appear on the November 2010 ballot.

Each man is charged with three counts of uttering and publishing, and three counts of perjury. Bauer is also facing three counts of violating the Michigan Notary Act.

## Nearly 10k ballots not recounted

Published: Friday, December 10, 2010 1:23 PM EST

By Kate Hessling – Huron Daily Tribune Staff Writer

**UPPER THUMB** — Official results released Thursday from the 84th District State

Representative recount in Tuscola County, combined with the official results from the Huron County recount, confirm the Tribune's Wednesday report: Nearly 10,000 ballots were not recounted because of procedural errors.

In Tuscola County, 11 out of the county's 32 precincts were not recountable. There were 6,753 ballots cast in those precincts during the Nov. 2 general election, according to the official election results on Tuscola County's website.

In Huron County, eight of the county's 31 precincts were unrecountable. Huron County Clerk Peggy Koehler reported there were 3,181 ballots in those precincts that weren't able to be recounted.

In total, 30,912 ballots were cast in Huron and Tuscola counties for the Nov. 2 general election, and 9,934 are not recountable.

Official results from Tuscola's recount show the following precincts were not recountable because of errors: City of Caro Precinct No. 2, Dayton, Denmark Precinct No. 1, Elkland Precinct No. 1, Elkland Precinct No. 2, Elmwood, Kingston, Tuscola, City of Vassar, Vassar Township Precinct No. 1 and Vassar Township Precinct No. 2.

Official results from Huron's recount show the following precincts were not recountable because of errors: Gore, Bloomfield, Fairhaven, Sherman, Winsor, Grant and Caseville townships and the City of Caseville.

In instances where a precinct is not recountable, the ballots are not recounted, and the certified election totals issued following the election are tabulated into the recount totals, explained Michigan Bureau of Elections officials earlier this week.

According to the official recount results from Huron and Tuscola counties, Republican Kurt E. Damrow defeated Democratic Incumbent Terry Brown by 18 votes: 15,190 to 15,172.

State: Number of unrecountable precincts points to a shortcoming

When asked to comment about the large number of precincts that was not recountable, Michigan Secretary of State Spokesman Ken Silfven said the goal is to have every precinct recountable.

“As you can imagine, when you see that number of precincts that are not, it really points to a shortcoming somewhere along the line,” he said, noting it may signal a need to focus on training with poll workers, and the state will talk to local officials about this issue.

Silfven said he’s sure the issue also will be a topic of discussion when the Board of State Canvassers meets. The date of the state board’s meeting has not yet been set, he said.

Clerks in both Huron and Tuscola counties this week have stressed that there are training sessions held with township and city clerks and election workers. Koehler explained earlier this week absentee ballots and properly sealing ballots were the top two focuses of the election classes she held this summer.

She said she taught how to secure every type of container, save for one, that was used by precincts that weren’t recountable. Tuscola County Clerk Margie White explained she, too, has trained workers in how to properly seal ballots. The problem is, she noted, the county clerk is not at each precinct on election night and it’s impossible to know whether local precincts have followed the proper procedure.

In this week’s recounts, nine precincts in Tuscola County and six precincts in Huron County were not recountable because ballots were not properly secured.

Some local clerks told the Tribune a problem is that there is a number of different types of seals and ballot containers used. During Thursday’s meeting, the Tuscola County Board of Canvassers discussed the need to have some uniformity or consistency in precincts in regard to types of seals and ballot containers and bags.

Silven said the different types of seals are covered in election training, and he doesn't want to speculate at this point as to where the problems lie in regard to this recount.

When asked if the problems of not properly securing ballots exist elsewhere, considering how prevalent they were in the two Upper Thumb counties, Silven said, "It has surfaced in other recounts. But usually, it's not a large number."

He did not have any statistical information to compare outcomes of previous recounts in districts comparable in size to the 84th District with what occurred during this week's recount. Therefore, Silven said, he couldn't say whether having 15 out of 63 precincts being unrecountable because of improperly sealed ballots constitutes a large number.

"But it does point to a shortcoming that is going to need to be addressed," he added.

While 15 of the precincts were unrecountable due to improper seals, the four others were unrecountable because of other errors.

County clerks,

canvassers react

During Thursday's Tuscola County Board of Canvassers meeting, Canvasser John Hunter said there was a number of problems discovered when the board was conducting its canvass following the election. In terms of the board's role in this election, he said the problems that arose during the recount would have been even worse if it wasn't for the canvass.

He then asked Michigan Bureau of Election officials in attendance at Thursday's meeting where the ultimate responsibility lies. The response was the responsibility ultimately lies with the local clerks because whatever is done by the board of canvassers is done through the prism of local township and city clerks.

White stressed that the county clerks do not see the ballot containers, and they have no way of verifying whether ballots were properly sealed. Hunter responded that using the same ballot

containers across the board would create uniformity which could eliminate errors.

“We need some consistency,” White replied.

Hunter said what happened in the recount should not be shrugged off on local clerks and not treated as a problem by the state.

“I don’t know how the bureau can say it’s not an issue — it’s disenfranchising,” he said.

At the local level, White proposed training local clerks with their individual containers and having them phone in pictures of their ballot containers. Hunter asked whether the board of commissioners could be approached in efforts to standardize ballot containers.

White said an attempt can be made, but someone would have to pay for it and ultimately, it’s the responsibility of the local township/city to do so.

Hunter said during the five days of canvassing, the board witnessed election workers who did not know how to do the job. Specifically, he said, they could not use the machines because they only worked other stations on election day. Hunter said in these instances, it would be beneficial to cross-train election workers.

White noted she does recommend this cross training, but it is the responsibility of local clerks to do so, and while “you can lead a horse to water ... .”

She said she also recommends local precincts have different shifts of election workers, so there is a fresh set of eyes to process everything at the end of the night, because that’s the most important time.

However, White said, it is very difficult to find election workers. And many who do work are not used to working eight hours a day, let alone 16.

White took offense to references made Thursday in regard to incompetent election workers. She said election workers are not incompetent. They are very dedicated people and this is “the nature of the beast.” She explained running an election is a very complicated process, and the ballot

containers and seals used in each precinct is subtly different from the other precincts.

Those who are from precincts that weren't able to be recounted took the process very seriously, White said.

"I had one call me in tears today," she said.

The Tuscola clerk stressed the election workers are a pleasure to work with, and she fears what happened during the recount, as well as the intense five-days of canvassing, will deter some people from continuing to work elections.

Koehler's reaction to the recount, as well as an explanation as to how problems occurred, was detailed in Wednesday's Tribune. In that account, Koehler noted while normal mistakes can and do happen, these were avoidable, and this has been a good lesson for everyone involved.

On Thursday, Koehler told the Tribune she has contacted Huron County commissioners to report she already is making plans on how to correct this issue to hopefully make all future elections better.

## Michigan Attorney General Cox Charges 4 with Election Violations

*Three city council members among those accused of handling & tampering with absentee voter ballots.*

Article from: PR Newswire | January 7, 2003

LANSING, Mich. -- LANSING, Mich., Jan. 7 /PRNewswire/ -- Attorney General Mike Cox announced today that felony charges have been filed against four people accused of handling and tampering with absentee voter ballots in the City of Ecorse. The following charges stem from the January 9, 2001 election for Ecorse City Council and are as follows:

- Angela Smith, age 44, a member of the Ecorse City Council, is charged with one count of improper return of an Absent Voter Ballot and one count of conspiracy to improperly return Absent Voter Ballots.
- Bobbie Baker, age 70, a member of the Ecorse City Council, is charged with five counts of improper return of an Absent Voter Ballot and three counts of conspiracy to improperly return Absent Voter Ballots
- Zedora Miller, age 58, a member of the Ecorse City Council, is charged with one count of improper return of an Absent Voter Ballot, one count of conspiracy to improperly return Absent Voter Ballot, and one count of tampering with an Absent Voter Ballot or, alternatively, attempting to influence an Absent Voter.
- Frank Fields, age 76, of Ecorse, is charged with one count of tampering with an Absent Voter Ballot, one count of improper return of an Absent Voter Ballot, and one count of conspiracy to improperly return Absent Voter Ballot.

Zedora Miller is also charged with one count of tampering with an Absent Voter Ballot and one count of improper return of an Absent Voter Ballot in the November 6, 2001, general election.

“Our laws are intended to ensure that the average citizen has an equal voice in our elections – not just those in power,” Cox said. “In Ecorse, those laws were broken by

elect officials. As Attorney General, I will not let this public corruption stand, and I will aggressively move forward to defend the rights of all voters."

According to the complaint, Bobbie Baker, Zedora Miller, Frank Fields and Angela Smith worked together to distribute and collect applications for absent voter ballots. Upon receipt of an application, the city clerk sends an absent voter ballot to each requesting voter by U.S. Mail. Baker, Miller, Fields and Smith then worked together and enlisted others to assist in the collection of absent voter ballots. Several absent voter ballots for the January 9, 2001, election in the City of Escorse were altered using whiteout and were rejected by the Wayne County Board of Election Canvassers as fraudulent.

Michigan law prohibits possession of the absent voter ballot of another. This prohibition was designed to guard against ballot tampering.

The charges are the result of a lengthy investigation by the Michigan State Police with assistance from the Department of Attorney General. Each felony charge has a maximum penalty of 5 years imprisonment and/or \$1,000 fine.

A criminal charge is merely an accusation, and a defendant is presumed innocent until proven guilty.

## **Ballot Container Not Properly Sealed**

*Bond proposal votes recounted in Iron County*

Posted: 05.26.2011 at 5:56 PM

Upper Michigans Source.com

IRON COUNTY -- Two bond proposals in Iron County that ended in a dead heat during the May 3 elections have been defeated.

During a recount Wednesday by the Iron County Clerk's Office, the Forest Park School bond proposal failed by one vote. Initially the election was a tie, which means the bond would have failed.

Votes from the City of Crystal Falls were not recounted since the ballot container was not properly sealed.

The bond proposal would have brought in \$775,000 to the school and cost the average tax payer \$20 per year.

Iron River Township also planned on having a recount for its millage renewal but couldn't because of the same sealing error.

Iron River's millage was defeated by one vote.

