



Ottawa County

Clerk | Register of Deeds

Justin F. Roebuck
County Clerk | Register of Deeds

Renee E. Kuiper
Chief Deputy County Clerk

Rachel A. Sanchez
Chief Deputy Register of Deeds

November 27, 2023

Hon. Lucy Ebel
Ottawa County Commissioner – District 2
13002 Blueberry Ln.
Holland, MI 49424

By Email and Postal Delivery

Dear Commissioner Ebel,

This letter is submitted to you in response to the challenges to the recall petition that you presented to our office on Thursday afternoon, November 23, 2023.

Our team has spent hundreds of hours during the initial review of the petition after it was submitted on October 24 of this year. We spent a number of additional hours over the five-day period that has been allotted to us to review your challenges.

We take each of these challenges seriously, as you are entitled to them by the law. We also take seriously the high bar of responsibility we have to our voters. Our team has been diligent and focused not upon the politics of this situation but solely upon upholding the law when it comes to the rights of the petitioner, the voters who've lawfully signed the petition, and the official whose recall is sought. Each of these parties deserves our utmost respect and deserves fair treatment under the law.

Our office is required to follow Michigan election law, and any authority we have to remove a challenged signature or entry on a petition sheet must be derived directly from the law. The primary statute we look to when recognizing a challenge is MCL 168.961a(2), which states explicitly the items which can be challenged by an officer whose recall is sought. The statute declares that *"An officer whose recall is sought may challenge the validity of the registration or the validity and genuineness of the signature of a circulator or person signing the recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the filing official within 30 days after the filing of the petitions."*

Your challenge document lists 35 separate types of challenges, which ultimately encompass every signature on every petition sheet. For the purposes of clarity, we have broken down the challenges into the following six categories (We are also attaching backup documentation for the individual schedules you have presented to us that gives further information and clarification on our decisions.):

- 1) Challenges to the validity of entries based on alleged incorrect dates, voters not registered within the jurisdiction, errors that would invalidate the circulator's certificate. Each of these entries has been re-reviewed and we have indicated our findings both in the notes below, and in separate documentation that has been presented to you containing our notes, explanations and backup documentation based on the schedules you have originally attached.
- 2) Challenges to duplicate entries (voter's who've signed the petition more than one time) and to entries where there is clear evidence that all voter information (except the signature) was entered in the same handwriting. These challenges resulted in us seeking additional counsel from the Michigan Bureau of Elections, and subsequently realizing that we were not correctly addressing these entries during our initial review. Initially, our team was counting one entry, and rejecting the other in the case of duplicate entries and in the case of the same handwriting. Upon further clarification and guidance from the Bureau of Elections, we have not only reviewed your challenges, but also have identified other instances from our initial review where we rejected the remaining signatures in a duplicate pair.
(*Note* There are exceptions to this requirement in cases where one signature in a duplicate pair is invalid for any other reason, we must count the other signature as valid. For example, a signature appearing on a petition sheet where the circulator was ruled invalid can have a duplicate signature counted elsewhere. A voter who has signed a sheet from the incorrect jurisdiction and whose signature has been stricken or not counted for that reason, can have another valid signature count. These exceptions have been identified in our backup documentation.)
- 3) Challenges which the law does not allow us to take into consideration during a clerical review of the voter's signature and registration status, as the allegations made do not pertain to those items and would need to be determined in a court of law. (An example of this type of challenge would be Challenge #10 for "violations of Michigan campaign finance laws", or Challenge #12 to Larry Jackson as a circulator.)
- 4) Challenges to signatures/entries which my office has already rejected during the 22 days in which we spent conducting a meticulous initial review.
- 5) Challenges to signatures under MCL 168.961a(2), which my office has clearly identified as matching the voter's signature on file. This includes the challenges that stated that a voter did not sign their complete legal name, which is not required by law. Over the course of the past five days we have taken many hours to re-review each of these challenged entries and have confirmed that under the law and our best interpretation, these signatures match what is already contained on the Qualified Voter File. We recognize that you did not take the opportunity to review the signatures of the voters on file and do not have a reference to compare those signatures to. However, our team has spent hours comparing signatures and also rejecting hundreds of signatures during our initial review that we believe did not match.
- 6) Challenges to the legibility of an entry or signature, which during initial review my office was able to read and identify the voter whose signature and address matched. Some of the challenges to legibility included signatures/entries which my office had already rejected, and those remain invalid. However, if we were able during our initial review to identify and validate the information contained on the entry, we have rejected the challenge in those specific cases.

After a thorough review of the entire challenge document and a re-review of all valid challenges, we have made an additional 78 rejections to petition entries, resulting in a total number of approved signatures/entries at 2,575. This number exceeds by 94 the minimum number of 2,481 signatures required by law.

Below is a response to each of the 35 challenges that you've presented:

Challenge 1: "Challenge to Every Name Disqualified by Office of Clerk"

This is duly noted.

Challenge 2: "Challenge to Partial Signature of Circulator Naomi Beagan"

After a review of the circulator's signature as presented on the Qualified Voter File, this signature not only matches the voter's signature, but the assertion made in your challenge that "a partial signature is not a full signature" is not correct under Michigan election law.

This challenge is not sustained.

Challenge 3: "Challenge to Fraudulent Circulator Marie Chantal Martineau"

During our initial review of the petition sheets circulated by Marie Martineau, our office rejected these sheets because the circulator provided an address outside of the State of Michigan, and did not properly execute the circulator certificate attesting to registration outside of the State.

Of the 4 sheets circulated by Martineau, 3 sheets were recognized as invalid upon initial review by our office. The 4th sheet (page 329) has now been identified as a result of your challenge and the one signature on that sheet (Line 1) has also now been rejected.

This challenge is upheld.

Challenge 4: "Challenge to Fraudulent Circulator Naomi Beagan"

The reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these

anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 5: "Challenge to Fraudulent Circulator Daniel Zimmer"

The reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 6: “Nine Circulators Engaged in Deceit and Misrepresentation”

The allegations contained in this challenge are outside of the authority of my office to substantiate and are not considered a valid challenge under MCL 168.961a(2), which again requires the challenge to be based upon “the validity of the registration or the validity and genuineness of the signature of a circulator or person signing the recall petition.”

There is no statutory permission granted to my office to reject otherwise valid voter signatures based upon the social media content of a petition circulator. The substantiation of these allegations would likely require affidavits presented in a court of law of voters who signed the petition presented in a court of law attesting to deceit and misrepresentation.

Challenge 7: “Multiple Signatures”

Several challenges sustained and several challenges rejected. Please see “Schedule M, Challenge Review” for full details.

As noted above, this challenge caused our team to review the process during our initial review by which we had allowed one signature of a duplicated pair to stand as valid. This practice was incorrect, and upon the subsequent challenge review, our team rejected an additional three entries and added them to “Schedule M, Challenge Review” .

Challenge 8: “Original Signature in a Chain of Repeat Signatures”

Several challenges sustained and several challenges rejected.

As noted in comments to Challenge 7, please see “Schedule M, Challenge Review” for full details.

Challenge 9: “Missing Sheets, Duplicative Sheets”

The inadvertent mislabeling of two petition sheets on October 24, 2023, was a clerical error on the part of our team, as we have addressed with you prior to this challenge. There are no such sheets labeled with the numbers 424 or 463. This has been noted in our own review documentation that you have been provided with. However, we will note that on a number of occasions throughout your challenge documentation, you note incorrect sheet numbers, and I believe this is because you based those numbers from the digital page numbers in the PDF that you were provided, which were clearly missing sheets 424 and 463. We apologize for this confusion, and we have considered those incorrect sheet number references in light of this clerical error on our part.

There is only one sheet in our records labeled with the number 340. The sheet contained 12 signature entries, three of which were rejected in our initial review. The digital copy of all petition sheets that we provided to you only contains one sheet labeled with the number 340. We have not found a duplicate of this sheet.

Challenge 10: “Violations of Michigan Campaign Finance Laws”

While violations of the Michigan Campaign Finance Act (MCFA) come with their own fees and penalties, they do not affect the validity of a petition being circulated by a committee that may be in violation of the Act.

For your information, the MFCA requires a political action committee without a reporting waiver to file an annual report, and a pre and post-election report for any election in which they have expended or raised funds to support or oppose a candidate or proposition on the ballot. There is currently no report due for the Committee to Recall Lucy Ebel. The annual report for this committee will be due in January of 2024.

This challenge is not sustained. **Challenge 11: “Improper Date by Circulator”**

This potential date clarification was noted in initial review by our office, and the date written by the circulator was interpreted as a “9”, when compared to other instances where the circulator had written the number “4”.

This challenge is not sustained.

Challenge 12: “Challenge to Larry Jackson as a Circulator”

As expressed earlier, and similarly to Challenge 10, violations of the law, alleged violations of the law, or previous violations of the law by a petition circulator do not by law invalidate the legitimate signatures of voters who have signed a petition.

This challenge is not sustained.

Challenge 13: “Signatures Invalidated by the Signers / Non-Genuine Signers”

Several challenges sustained and several challenges rejected. Please see “Schedule H, Challenge Review” for full details.

As is the case with any petition filing, some signatures/entries have been struck through when the petition was filed with us on October 24. These may be cases where the voter themselves have struck their own signature, or it may be the case that a petition circulator has identified a known anomaly with the entry such as incomplete address or voter outside of the district. These entries are given a designated code by our office on the sheet (CO – Crossed Out).

Many of the challenged entries that you have submitted were very clearly a mark from the pen of a voter who signed beneath an entry that grazed the signature line of the entry above. This does not invalidate either legitimate voter signature on a petition entry.

Other challenged entries were already marked and identified in our system.

Additional challenged entries were upheld and the signature count has been updated to reflect this.

Challenge 14: “Invalid Signatures”

As stated earlier, our primary responsibility with verification of the petition is to check that the voter’s registration is valid, and that the voter’s signature matches the signature within the Qualified Voter File. You have challenged signatures without verification of the voter’s signature on file with the local clerk and with the Qualified Voter File, presumably based upon an assumption that the signature is not complete. During our initial review we spent significant time reviewing each signature against the voter’s signature contained within the Qualified Voter File, rejecting many and accepting many others.

Upon receipt of your challenges in Schedule I, we have re-reviewed those challenges and deemed all but two of them to have accurately matched the voter's signature on file. Two of the entries on Schedule I were already removed by our team during the initial review.

Please see "Schedule I, Challenge Review" for full details.

Challenge 15: "No Signature"

Our team completed a re-review of the sheets and entry lines mentioned in this challenge:

Sheet 74, Line 1 – Signature and other information is slightly lighter than other text but is clearly visible both on the printed sheet and on the digital copy that you were provided with. Additionally, we re-reviewed the Qualified Voter File to ensure that the signature matched, and it was found to match.

Sheet 74, Line 2 - Signature and other information is slightly lighter than other text but is clearly visible both on the printed sheet and on the digital copy that you were provided with. Additionally, we re-reviewed the Qualified Voter File to ensure that the signature matched, and it was found to match.

Sheet 68, Line 4 – The signature of the voter in this entry matches the signature in the Qualified Voter File. Voter signs using their initials, which made up a small portion of the signature line in this entry but was clearly visible.

Sheet 19, Line 3 – Again, similarly to the above, the signature of the voter is clearly visible in the line entry and the signature matches the Qualified Voter File.

These challenges are not sustained.

Challenge 16: "Circulator Fraud by Rebecca Chipman"

As stated in the response to previous challenges of alleged fraud by circulators, the reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 17: "Wrong Townships"

Each challenge here has been re-reviewed by our team, and each has been sustained as valid. We have rejected the signatures appearing on this challenge. Please see "Schedule J, Challenge Review" for full details.

Challenge 18: "Circulator Errors"

One Challenge sustained, several rejected and several have already been rejected upon initial review. Please see "Schedule K, Challenge Review" for full details.

Challenge 19: "Invalid Names / Names Not in the Qualified Voter File"

Several challenges sustained and several challenges rejected. Please see "Schedule L, Challenge Review" for full details.

A number of these challenges were of voters who have moved after signing the petition. This would be difficult for you to identify as you have been operating from a list of voters that was essentially a snapshot in time of the registered voters in District 2. The Qualified Voter File's petition module does identify whether or not the voter was registered to vote at the address stated on the date that the petition was signed, and we are required to count those signatures as valid as long as the voter was registered within the district at the address listed on the petition at the time of signing the petition.

A number of other challenges were accepted, and additional entries rejected during our challenge review process.

Challenge 20: "Duplicate Entries and Signatures"

Similarly to Challenges 7 and 8 – Several Challenges sustained and several rejected. Please see "Schedule M, Challenge Review" for full details.

Challenge 21: "Challenges to Illegible Signatures and Marks"

Our initial review of signatures resulted in the identification and rejection of some completely illegible lines. Those rejections were marked on our review spreadsheet documentation that was presented to you. All other signatures listed on Schedule N were identified in the Qualified Voter File and the signatures and addresses of those voters found to match the signatures and addresses contained in the Qualified Voter File.

This challenge is not sustained.

Challenge 22: Challenge to Circulator Naomi Beagan as a Fraudulent Circulator”

Similarly to Challenge 4, titled “Challenge to Fraudulent Circulator Naomi Beagan”, the reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who’ve signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be “perfect sheets without any smudging, creases or other indicators of normal wear and tear” would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 23: “Challenge to Circulator Jacob Touslay/Jacob Toulay as a Fraudulent Circulator.

This circulator has been identified in the Qualified Voter File as Jacob Tousley, with a signature on the petition sheets that matches the signature contained in the Qualified Voter File.

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

Other reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I

can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 24: "Significant Fraud Throughout"

This is not a valid challenge under MCL 168.961a(2), which requires the challenge to be "in writing, specifying the challenged signature", or in other words each challenge must be specific to a signature or entry.

Challenge 24 states that you challenge "the validity of each signature on the petition drive because of significant indica of collection fraud, and ask the Clerk to verify each signature on the petition sheet against the stored signature image in the Qualified Voter File."

Our initial review consisted of our team spending hours verifying each signature on each petition sheet against the images in the Qualified Voter File. This resulted in many signatures/entries being verified and many being rejected. Additional signatures have been re-reviewed and rejected based on your challenges. However, we do not consider it a reasonable request to broadly claim "collection fraud" and assume that we would review every single signature again.

Challenge 25: "Challenge to Fraudulent Circulator Amanda Zerilli"

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

Other reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 26: "Challenge to Sheila Detloff as a Fraudulent Circulator"

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

Other reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues

that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 27: "Challenge to Sally Emelander as a Fraudulent Circulator"

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

Other reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not

in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 28: "Challenge to Valerie Nichols as a Fraudulent Circulator"

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

Other reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 29: "Evidence of Systemic Fraud among Circulators"

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

You assert in this challenge that “Signatures, to be accepted, must be legal. To be legal they must be authentic and genuine. Signatures that are evidencing a pattern of fraud and deceit in their collection cannot be authentic or genuine. These signatures are not authentic or genuine.”

We have reviewed each and every signature submitted to us against the official record of the voter signature found in the Qualified Voter File. Many of the signatures and entries have been reviewed multiple times. Many have been rejected and a majority have been verified. It is difficult for me to accept your assertion that “these signatures are not authentic or genuine”. You state concerns about stray marks being found on the petition sheet and the error percentage rate of individual circulators; however, you have not taken the opportunity afforded you by MCL 168.961(a)(2) to review the voter’s actual signature and verify that it matches what is on the petition.

Challenge 30: “Common Handwriting and Indicators of Fraud”

Several challenges sustained and several challenges rejected. Please see “Schedule U, Challenge Review” as well as the marked-up PDF of Schedule U for additional information on challenges rejected as not valid.

Any challenges related to duplicates and signature errors have been re-reviewed by our team, resulting in a number of challenges being sustained.

The PDF attached indicates the non-valid challenges, such as “darker ink used in name address than in signature” or “circulator crossed out but didn’t initial”. The statute does not give us authority to reject a signature or entry based on these criteria.

Challenge 31: “Bradley Smit as a Fraudulent Circulator”

Challenges to similar handwriting have been identified both in the initial review and in the challenge review and subsequently entries have been rejected for those reasons.

Other reasons stipulated for this challenge are outside of the authority of my office to consider as it involves speculation on your part as to the circulator allegedly committing election fraud. This is a felony offense in the State of Michigan and would need to be proven in a court of law. However, I can assure you that if my team recognized any clear indication of fraudulent activity occurring, we would have reported that to law enforcement.

In the *Johnson v. Bd. Of State Canvassers* case that you cite with regard to identifying factors of fraudulent circulators, the primary standard used by the Michigan Bureau of Elections and Board of State Canvassers in determining the invalidity of petition sheets was actually signature validation. Many thousands of signatures in this case were found to not match the voter record during the initial review. Upon further examination of the petitions, BOE staff noted and documented other issues that were concerning and consistent with evidence of fraud, but the main factor was that the signatures of the purported voters were not found to be valid.

Our team found no evidence of widespread signature irregularities, outside of what we would constitute as normal issues of illegibility, some duplicates, and instances where either one signer or

the circulator may have filled out address information on behalf of other voters. All of these anomalies are cause for rejection of these specific entries, but do not constitute widespread fraud. Instead, the anomalies involved were rejected according to law, both upon initial review as well as some resulting from this challenge.

We do not sustain your challenge to every sheet circulated by this individual, because my office has not found any prima facie evidence of fraudulent activity. Each of the items you have asserted do not in and of themselves permit us to reject the valid signatures of voters who've signed these sheets. Such factors as multiple sheets with every line completed, or sheets with odd stray marks do not give us authority to reject signatures. Sheets that you have determined to be "perfect sheets without any smudging, creases or other indicators of normal wear and tear" would be hard to identify from the digital copies that you were using, but I can assure you that our team did not find such sheets. The fact that you have identified certain percentages of error rates, based upon our rejection of entries during the initial review is also not grounds to reject the signatures of remaining voters who have lawfully signed the document.

Challenge 32: "Challenge to sheet 205"

Challenges to similar signatures were reviewed and signatures were found to match the Qualified Voter File.

Entry on line 1 of sheet 205 was rejected on initial review from our office because no such voter was found in the Qualified Voter File.

Challenge to all other lines on Sheet 205 are not sustained.

Challenge 33: "No valid signature, only initials"

Sheet 132, Line 12 – Already rejected during initial review (NR-Not registered)

Sheet 169, Line 11 – Signature matches Qualified Voter File

Sheet 179, Line 9 – Signature matches Qualified Voter File

Sheet 184, Line 1 – Signature matches Qualified Voter File

Sheet 199, Line 5 – Signature matches Qualified Voter File

Sheet 158, Line 7 – During the initial review process our team determined that the voter listed in line 8 placed their signature in line 7 over top of the valid signature that was already there. Line 8 was rejected, but voter signature in line 7 was able to be verified as matching the Qualified Voter File.

Challenge 34: "Amanda Zerilli flawed Circulator Affidavit"

Your challenge states that because this circulator did not sign her full name, all petitions circulated by this individual should be invalidated. There is no basis for this in Michigan election law. The signature of the circulator does match the signature contained on the Qualified Voter File.

Challenge 35: "Out of Date Signatures"

The assertion in this challenge is that voters dated their entries on a date prior to signatures appearing directly above and below their entry.

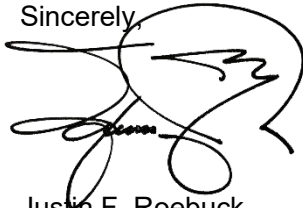
Upon re-reviewing both Sheet 250, Line 2 and Sheet 242, Line 2, we believe these to be numbers reflecting the date of September 9. Based on the voters' handwriting there are similarities between the numbers 9 and 7 and the numbers 9 and 1. Essentially, we interpret the dates on both of these entries to be September 9, 2023. However, even if the dates were September 7 and September 1, respectively, there is not indication in Michigan election law that would permit us to reject the entries based upon these dates. The dates are both within the range of the petition itself, and while unusual to be signed out of order, this is not a valid reason for challenge.

The challenge is not sustained.

Commissioner, I recognize that this has been a trying and difficult process for you and for your supporters. I hope that throughout this time you have felt the respect and fair treatment that you deserve from me and from my team. We truly take our oath of office seriously. Our highest priority is to uphold the laws and Constitution of the State of Michigan, and that is what we have sought to do throughout this entire process.

As you know – I am most definitely available to you for any questions, concerns or feedback that you may have. Our office will remain an open door for you with any additional help or clarification you may need. Feel free to contact me if I can be of help moving forward with the next steps of this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin F. Roebuck". The signature is stylized with a large, circular flourish at the end.

Justin F. Roebuck
Ottawa County Clerk | Register of Deeds

Cc: Renee E. Kuiper, Chief Deputy County Clerk
Katie Bard, Elections Supervisor

Enc: /