EXHIBIT A
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES STUDENT ASSOCIATION
FOUNDATION

Plaintiff,

v

TERRI LYNN LAND

Defendants.

Affidavit of Christopher M. Thomas

Christopher M. Thomas, being first duly sworn, deposes and says as follows:

1. He brings this Affidavit in support of the State Defendants’ Response in Opposition to Motion for Preliminary Injunction.

2. He has been employed by the Secretary of State as Director of Elections since June 21, 1981, and in such capacity also serves as Director of the Bureau of Elections.

3. He is personally knowledgeable about Michigan Election Law and procedures concerning the implementation of the National Voter Registration Act (NVRA) in Michigan, the rejection of original voter registration applications returned as undeliverable and the cancellation of voters who move out of state and are issued a driver license in another state.
4. In 1975, the Michigan Legislature enacted the “first in the nation” Motor/Voter law that enabled Michigan citizens to apply for and update their voter registrations at the same time they apply for or renew their driver licenses with the Secretary of State. Michigan’s Motor/Voter provisions were used in 1993 as the model for the NVRA, known nationally as the Motor/Voter law. Michigan’s Motor/Voter provisions contain two list maintenance provisions: 1) MCL 168.500c, which requires local election officials to reject an original voter registration application taken in a Secretary of State Branch Office when the voter identification card mailed to the applicant is returned as undeliverable by the postal service; and 2) MCL 168.500h, which requires local election officials to initiate cancellation proceedings in instances where the Secretary of State informs the local election official of a voter who has surrendered his or her Michigan driver licenses in another state. Section 500h is supplemented by MCL 168.509z, which also directs the secretary of state to inform local election officials of persons who have been issued a driver license in another state. Each provision is discussed separately below.

5. Shortly after the enactment of the NVRA, both of the list maintenance provisions were retained in Michigan Election Law and practice. Section 500c was upheld in U.S. District Court, Western District of Michigan on December 13, 1995 in \textit{ACORN v Miller}, a case challenging Michigan’s compliance with the NVRA. In 2004, MCL 168.499 was amended by 2004 PA 92 to conform to Section 500c regarding the return of a voter identification card sent in connection with an original voter registration application submitted by mail or directly to local election officials. Public Act 92 was submitted to the U.S. Department of Justice under Section 5 of the Voting Rights Act, 42 USC 1973c and was pre-cleared on July 9, 2004, specifically noting that the Public Act 92 “...requires rejection of voter registration under specified circumstances…” (Attachment 1: DOJ Pre-clearance Letters – Note: the October 12, 2004 letter corrects an error in the July 9, 2004 letter which cited PA 432 instead of PA 92.)

6. The QVF currently contains 1,438 rejected original voter registration applications due to the return of original voter identification cards between January 1, 2008 and September 25, 2008. The provision of a voter identification card is an integral component
of the voter registration process, and is used to confirm whether an applicant resides at the address provided on the application, since local residence is a qualification to vote. When an original voter identification card is returned as undeliverable, and without forwarding information, the local clerk must send out a postage prepaid and forwardable Notice of Rejection, which offers the person an opportunity to cure any defect, or advises the voter to contact the local clerk’s office. (Attachment 2: Notice of Rejection). The Bureau has issued a “News You Can Use” bulletin to local election officials that included procedures on handling the return of original voter identification cards and using any forwarding address information provided by the postal service. (Attachment 3: “News You Can Use,” Issue 339, December 7, 2007).

7. The Bureau of Elections has prepared an article for the “Election News,” a newsletter for Michigan election officials, entitled “Handling Voters Who Do Not Appear on the QVF List,” which will be distributed in early October. The article addresses the procedure to be followed where the original voter identification card was returned as undeliverable. The individual would be allowed to vote a provisional ballot under Michigan Election Law, MCL 168.523a. The article informs clerks to use the “four-step procedure form” to guide the individual through the provisional ballot process. The pertinent portion of the article states:

**Voter ID card issued to voter returned as “undeliverable”:** In a situation where it is discovered that a voter who does not appear on the QVF list submitted a registration application that was rejected because the voter identification card sent to the voter was returned by the post office as “undeliverable,” the voter is eligible to receive a provisional ballot if he or she completes the affidavit portion of the four-step procedure form to assert that he or she registered to vote on or before the registration deadline. (Attachment 4: Handling Voters Who Do Not Appear on the QVF List).

8. As part of the continuing process to ensure that Michigan Election Law comported with NVRA, an inquiry was made regarding Section 500h’s requirement of using information of the surrender of a Michigan driver license in another state to initiate cancellation proceedings. It was determined that this section is consistent with NVRA based on a communication dated February 16, 1996 from Mr. William Kimberling, Deputy
Director of the Office of Election Administration, Federal Election Commission (FEC), formerly the NVRA regulatory agency. Mr. Kimberling concluded that “any notice of change of residence to a location outside the registrar’s jurisdiction that is received from either a public assistance agency or a motor vehicle office is presumed to have been originated by the registrant.” According to Mr. Kimberling, the registrations of such persons may be cancelled without further notice under NVRA. (Attachment 5: Communication from Federal Election Commission).

9. The QVF is Michigan’s statewide voter registration file that served as a model for Congress when enacting the Help America Vote Act of 2002. The driver license data reporting changes of address are used to directly update voter records in the QVF, see MCL 168.509r. The QVF retains all transactions entered into the system, including those registrations that are rejected or cancelled. The names of voters who appear on the Election Day precinct list are those that are designated as “active.” While rejected and cancelled voters’ names do not appear on the precinct list, the names remain in the QVF, along with their histories.

10. Consistent with the advice from the FEC, the Michigan Department of State has continued to cancel the voter registrations of persons who surrender their driver license in another State. This written confirmation of a change in residence to a jurisdiction outside the State of Michigan is processed by matching the driver license numbers forwarded from other States. The driver license file and the QVF both use the Michigan driver license number as the unique identifier for each person in the file. On a quarterly basis a file containing the names of persons who surrendered their Michigan driver license to another state motor vehicle office, and the names of persons who the Michigan Department of Community Health report have died, is transferred to the QVF. Where matches occur, an in-box transaction is transmitted to the local election officials, which triggers the sending of a 30-day cancellation notice in the case of a voter who has moved out of state, and the immediate cancellation of the registrations of the deceased persons.
11. The local election officials send the 30-Day Notice of Cancellation (Out of State) to those persons who have moved out-of-state. The notice is sent by first class, forwardable mail, containing a postage paid return card offering an opportunity to indicate that the move out of state is temporary, which will serve to retain the person as an active voter in Michigan. Persons who have moved out of state are given notice at their Michigan address. If the voter has filed a forwarding address with the postal service, the 30-Day Notice of Cancellation will be delivered to their out of state address. The Bureau of Elections would instruct a local election official to change the status of a registration record to “active” at any time after a 30-Day Cancellation Notice is issued, and the person seeks to vote and asserts that he or she has remained a permanent Michigan resident. This is applicable when a person seeks to vote in a precinct on Election Day or by absent voter ballot prior to Election Day. (Attachment 6: 30-Day Cancellation Notice (Out of State)).

12. Plaintiffs assert in their Brief in Support of Motion for Preliminary Injunction, page 9: “According to Defendants’ estimates, they cancel the registration of over 280,000 voters per year through this procedure.” They cite a Bureau of Elections document “Qualified Voter File (QVF) Activity and Processes.” That document does not contain any such estimate. The actual annual estimate is approximately 72,000 records. (Attachment 7: Qualified Voter File (QVF) Activity and Processes.)

13. Michigan election officials in urban areas have been inundated with fraudulent registration forms, incomplete registration forms, late registration forms, and duplicate registration forms, most recently from the Association of Community Organizations for Reform Now (ACORN), and in the past from other organizations, like Project Vote. As registrations containing fictitious names are submitted, it is not surprising that original voter identification cards mailed under Section 499(3) are being returned as undeliverable by the postal service. The procedures set forth in Section 499(3) are part of the Michigan voter registration process to safeguard the QVF against fraudulent voter registration records. (Attachment 8: Correspondence with ACORN and news articles on ACORN voter registration issues.)
14. With regard to Plaintiffs’ request for injunctive relief, the Bureau of Elections would have difficulty restoring all cancelled registrations of voters who have moved out of State. Care must be taken to ensure that none of the cancelled voters have re-registered in Michigan. Any wholesale restoration would move many voters from their current address to their former address. The QVF is designed to recognize the most recent transaction date for a voter’s record. The restored record would become the record for the voter even though the voter registered at a new address.

15. If he is called as a witness, Affiant could testify on personal knowledge and on information and belief to the matters set forth herein.

Further Affiant sayeth not.

[Signature]
Christopher M. Thomas

Subscribed and sworn to before me this 26th day of September 2008.

[Signature]
Ana L. Valles, Notary Public
Ingham County, State of Michigan
My Commission Expires: July 31, 2013
ATTACHMENT 1
OCT 12 2004

Christopher M. Thomas, Esq.
Director, Bureau of Elections
Michigan Department of State
208 North Capitol Avenue, 4th Floor
Lansing, Michigan 48918

Dear Mr. Thomas:

This refers to our July 9, 2004, letter interposing no objection under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, to Public Act 92 (2004), which makes a number of changes, inter alia, to implement the Help America Vote Act of 2002, 42 U.S.C. 15301-15545; amends notification requirements for candidates nominated at political conventions; requires rejection of voter registration under specified circumstances and deletes section (s) relating to voter declaration of party preference; sets forth procedures for voters whose addresses have changed; and prescribes the conditions under which contiguous city/townships may share polling places, submitted by the State of Michigan on behalf of the Section 5 covered localities of Clyde Township in Allegan County and Buena vista Township in Saginaw County, to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c.

We have reviewed our files and it appears that our Section 5 review was of Public Act 92 (2004) for the Section 5 covered localities, rather than for Public Act 432 (2004), as was stated in our letter. We apologize for any inconvenience we may have caused you in this matter.

Sincerely,

[Signature]
Joseph D. Rich
Chief, Voting Section
Christopher M. Thomas, Esq.
Director, Bureau of Elections
Michigan Department of State
208 North Capitol Avenue, 4th Floor
Lansing, Michigan 48918

Dear Mr. Thomas:

This refers to Public Act 432 (2004), which makes a number of changes, inter alia, to implement the Help America Vote Act of 2002, 42 U.S.C. 15301-15545; amends notification requirements for candidates nominated at political conventions; requires rejection of voter registration under specified circumstances and deletes section(s) relating to voter declaration of party preference; sets forth procedures for voters whose addresses have changed; and prescribes the conditions under which contiguous city/townships may share polling places, submitted by the State of Michigan on behalf of the Section 5 covered localities of Clyde Township in Allegan County and Buena Vista Township in Saginaw County, to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on June 7, 2004.

The Attorney General does not interpose any objection to the changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

[Signature]

Joseph D. Rich
Chief, Voting Section
ATTACHMENT 2
TO:

OFFICE OF CITY CLERK
CITY OF PORTAGE
7900 SOUTH WESTNEDGE AVE
PORTAGE MI 49002

NOTICE OF REJECTION

THIS IS TO INFORM YOU THAT YOUR VOTER REGISTRATION APPLICATION HAS BEEN VOICED FOR THE FOLLOWING REASON(S):

☐ It did not contain the information checked below. (Please detach, complete and return the above card if you wish to have your voter registration application reconsidered.)

☐ Full Name
☐ Registration Address
☐ Birthdate

☐ You did not sign the application.

☐ Your voter identification card was returned by the post office as "undeliverable."

If you have any questions or wish to obtain information on how to register to vote, please contact your local clerk at:

(269) 329-4511

FIRST CLASS MAIL
ATTACHMENT 3
December 7, 2007 (Issue 339)

Voter Registration Housekeeping Reminders: As we approach another busy election year, it is of critical importance that the voter registration records maintained by each city and township are current and up-to-date. The following is an overview of the basic steps that must be performed to ensure the accuracy and integrity of the statewide Qualified Voter File system:

Street Index Review - The statewide street index is the foundation of the QVF. Errors and omissions in your street index will result in errors and omissions in the QVF precinct lists generated for use at the polls on Election Day. To ensure that your street index is accurate and up-to-date, please remember to notify us whenever changes occur in your political subdivisions and/or precinct boundary lines so that appropriate street index adjustments can be made. Forward all communications regarding your local street index to Amanda Fedewa at (517) 241-4821 or fedewaa3@michigan.gov

File Matching and Reconciliation - This process, while time consuming, is an excellent way to ensure that your Master Card file "mirrors" your QVF. Click on the following link for complete instructions:


Returned Mail and the QVF Cancellation Countdown Feature - Special consideration must be given to the actions which must be taken when a Voter Identification Card or other types of mail are returned by the post office as "undeliverable" as the steps may vary depending upon several factors. Mail is returned by the post office for numerous reasons. Only specific reasons allow for returned mail to apply to the QVF cancellation countdown feature. For example, the steps associated with the return of an "updated" Voter Identification card are different than those which must be followed when an "original" Voter Identification card is returned. Further, the steps associated with returned mail will vary depending on whether a forwarding address is provided by the post office and, if an address is provided, whether the address is located inside or outside your jurisdiction. The following outlines the various steps that apply to returned mail scenarios:

I. "Updated" Voter Identification Card or other mailing returned as undeliverable

A. Forwarding address provided that is outside your jurisdiction

If an "updated" Voter Identification Card or other mail directed to a voter within your jurisdiction is returned by the post office as undeliverable and you are provided with a forwarding address that is outside your jurisdiction, immediately send the voter a postage prepaid and preaddressed Confirmation Notice (Notice of Cancellation) and reply card which the voter can use to confirm or correct the address information. The voter has until the second November general election following the issuance of the notice to
respond. For convenience, the QVF "Cancellation Countdown" feature can be used to flag the record for automatic cancellation in the event the voter does not respond to the notice or participate in an election during the countdown period. Change the voter's status to "VERIFY - RESIDENCE."

- If the voter returns the reply card and confirms that he or she has moved outside of your jurisdiction, the voter registration may be immediately canceled. Change the voter's status in QVF to "Cancel - Residence."

- If the voter returns the reply card and confirms that he or she has not moved outside of your jurisdiction, change the voter's status to "Active." In this case, you will still need to determine why the "Updated" Voter Identification Card or other mailing was returned as undeliverable. (The voter may receive his or her mail at an alternative mailing address that is different than his or her registration address. If this is the case, be sure to enter the mailing address in your QVF.)

- If no response is received from the voter over the course of two, successive November general elections, the voter registration may be canceled. If the QVF "Cancellation Countdown" feature is used to flag the record for automatic cancellation, you will receive the following inbox notification "CHANGED TO CANCEL - NVRA" when the voter's registration is cancelled. If this feature is not used, change the voter's status to "Cancel - Residence." Record the date and reason for the cancellation on the voter's Master Card and retain it in your Cancellation File for the required 10-year retention period.

B. Forwarding address provided that is inside your jurisdiction

- If an "updated" Voter Identification Card or other mail directed to a voter within your jurisdiction is returned by the post office as undeliverable and you are provided with a forwarding address that is inside your jurisdiction, enter the new address in your QVF and send the voter a corrected Voter Identification Card along with a postage prepaid and preaddressed Confirmation Notice and reply card which the voter can use to confirm or correct the address information. Change the voter's status to "VERIFY - RESIDENCE."

In this case, regardless of whether the voter returns the reply card to confirm the address change or neglects to return the reply card, no further action is needed unless the voter advises that he or she has moved to an address that is different from the address recorded for the voter.

C. Forwarding address not provided

- If an "updated" Voter Identification Card or other mail directed to a voter within your jurisdiction is returned by the post office as undeliverable and a forwarding address is not provided, send a
forwardable, postage prepaid and preaddressed Confirmation Notice with reply card to the voter.

- If the voter returns the reply card portion of the notice and advises that he or she resides at a different address located inside your jurisdiction, enter the voter's new address in your QVF and issue a corrected Voter Identification Card. Change the voter's status to "Active."

- If the voter returns the reply card portion of the notice and advises that he or she has moved outside your jurisdiction, the voter registration may be immediately canceled. Change the voter's status in QVF to "Cancel - Residence." Record the date and reason for the cancellation on the voter's Master Card and retain it in your Cancellation File for the required 10-year retention period.

- If no response is received from the voter over the course of two, successive November general elections, the voter registration may be canceled. If the QVF "Cancellation Countdown" feature is used to flag the record for automatic cancellation, you will receive the following inbox notification "CHANGED TO CANCEL - NVRA" when the voter's registration record is cancelled. If this feature is not used, change the voter's status to "Cancel - Residence." Record the date and reason for the cancellation on the voter's Master Card and retain it in your Cancellation File for the required 10-year retention period.

II. "Original" Voter Identification Card returned as undeliverable

A. Forwarding address provided that is inside or outside your jurisdiction

- If an "original" Voter Identification Card directed to a voter within your jurisdiction is returned by the post office as undeliverable and you are provided with a forwarding address that is inside or outside your jurisdiction, refer to the instructions above for "Updated" Voter Identification Card returned as undeliverable.

B. Forwarding address not provided

- If an "original" Voter Identification Card directed to a voter within your jurisdiction is returned by the post office as undeliverable and a forwarding address is not provided, the voter registration application is void. Change the voter's status to "Reject - Residence." Send a forwardable, postage prepaid and preaddressed Notice of Rejection with reply card to the voter.

III. Confirmation Notice is returned as undeliverable

- If a Confirmation Notice directed to a voter within your jurisdiction is returned by the post office as undeliverable and an address update is not provided, change the voter's status to "Challenge - Residence." Again, the voter registration may be canceled if you do not hear from the voter or the voter does not participate in the election process over the course of two, successive November general elections. If the QVF "Cancellation Countdown" feature is used, you will receive the following inbox notification "CHANGED
TO CANCEL - NVRA" when the voter's registration record is
cancelled. If this feature is not used, change the voter's status to
"Cancel - Residence." Record the date and reason for the
cancellation to the voter's Master Card and retain it in your
Cancellation File for the required 10-year retention period.

**Statewide Look-up (SWL)** - Whenever a mailing directed to a voter within
your jurisdiction is returned as *undeliverable* or there are other reasons to
believe that a voter may not be a resident of your jurisdiction, the Statewide
Look-up can be used to determine if the voter is registered in a different
jurisdiction within the state. If the voter is located at an address in a different
jurisdiction and the date of registration in the other jurisdiction is more recent
than the date of registration in your jurisdiction, the voter registration that you
are holding may be *immediately* canceled. In this case, you are *not* required
to forward any type of notice to the voter. Change the voter's status to
"Cancel - Residence." Record the date and reason for the cancellation to the
voter's Master Card and retain it in your Cancellation File for the required 10-
year retention period.

**QVF Inbox Maintenance** - Inbox transaction notifications must be reviewed on
a regular basis to ensure that all required follow-up actions are carried out on
a timely basis. Click on the following link for a current listing of QVF inbox
notification types and required clerk actions.


**Posting Voter History** - As discussed above, the QVF Cancellation
Countdown feature is designed to automatically cancel the voter registration of
a voter who is subject to cancellation and who failed to respond to a
Confirmation Notice or participate in an election over the course of two,
successive November general elections. Additionally, this feature may be
used to automatically carry out the cancellation of a voter registration held on
a voter in an instance where a Confirmation Notice sent to the voter is
returned by the post office as *undeliverable* and a forwarding address is not
available. In such cases, the failure to post voter history will result in the
cancellation of voters whose voter registrations should *not* be cancelled.

The data reflected in the QVF Voter Turnout Report is based on voter history
updates entered prior to the 45th day following the election. While voter
history entered after this deadline will still be reflected in the individual voter
records and reports produced through the Custom Voter List module, it will not
be reflected in the QVF Voter Turnout Report, which is the "official" statistical
record created and maintained within the QVF system for each jurisdiction.

Questions? Please contact the Bureau of Elections at: 1-800-292-5973
Handling Voters Who Do Not Appear
On the QVF List: A Review

The provisional ballooning process must be employed anytime a voter who completes an Application to Vote form does not appear on the precinct's QVF list.

To initiate the provisional ballooning process, the precinct board must complete a “four-step procedure form.” The four-step procedure form must be completed before a ballot is issued to the voter. There are two exceptions:

1) If the voter is in the proper polling place and is able to produce a voter registration receipt that shows that he or she registered to vote before the registration deadline, there is no need for the precinct board to complete the form. Instead, the precinct board should contact the clerk for assistance if needed and arrange to have the voter complete another registration form. After the voter has completed the registration form, the voter can be permitted to vote under regular procedure.

2) If the precinct board or the clerk determines that the voter is registered to vote in a different precinct and the voter is willing to travel to his or her proper polling place, there is no need for the precinct board to complete the form. Instead, the precinct board should give the voter directions to his or her proper polling place. (If the voter declines to travel to his or her proper polling place, the precinct board must complete the form. Such voters must be cautioned that while they are eligible to vote an “envelope” ballot, it will not count if it is later confirmed that the voter did not, in fact, vote in the proper precinct.)

Four-Step Procedure Form

In an instance where the four-step procedure form must be completed before a ballot can be issued to the voter, the precinct board must carefully work through each of the four steps explained on the form. After completing the form, the precinct board must make a final determination on whether the ballot issued to the voter can be handled like any other ballot issued in the polls (i.e., deposited in the precinct’s tabulator) or must be preserved in a special “provisional ballot security envelope” and returned to the clerk’s office for further review after the polls close. The four-step procedure form is designed to guide the precinct board in making this determination. A ballot preserved in a provisional ballot security envelope is commonly called an “envelope” ballot. Four-step procedure forms and provisional ballot security envelopes can be purchased through commercial suppliers. The four-step procedure form is also available on the Department’s website <www.michigan.gov/sos>.

Actions Clerk Must Take After Election

City and township clerks who receive one or more “envelope” ballots after the polls close must evaluate the ballots within 6 calendar days after the election to determine if the ballots can be counted. The four-step procedure form is designed to guide the precinct board on recording all
of the information needed by the clerk to determine whether an “envelope” ballot can be counted. The clerk is not permitted to open a provisional ballot security envelope unless the clerk determines that the ballot can be counted. The procedure for handling “envelope” ballots returned to the clerk’s office is available on the Department’s website <www.michigan.gov/sos>.

No later than the 7th calendar day after the election, the city or township clerk must complete a “Provisional Ballot Report” form and submit it to the county canvassing board and/or local canvassing board as appropriate. The Provisional Ballot Report form documents the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in Provisional Ballot Security Envelopes for delivery to the clerk’s office after the polls close. The report further documents 1) the number of “envelope” ballots determined valid and counted and 2) the number of “envelope” ballots determined invalid and not counted. A Provisional Ballot Report form is available on the Department’s website <www.michigan.gov/sos>.

“Free Access System”

All voters who were issued a provisional ballot must have access to a cost-free informational system which the voters can use to obtain information on whether their ballot counted, and, if the ballot was not counted, the reason why the ballot was not counted. (HAVA refers to such systems as “free access systems.”) A notice must be distributed to each voter issued a provisional ballot to advise the voter of his or her right to obtain this information. (The notice is attached to the four-step procedure form.)

To ensure compliance with the new requirement, all city and township clerks must be prepared to handle inquiries from voters who were issued “envelope” ballots. When handling such inquiries the clerk has an obligation to advise the voter on whether his or her “envelope” ballot was counted or was not counted. If the voter’s “envelope” ballot was not counted, the clerk must explain the reason why and the actions the voter can take to ensure that the next time the voter wishes to participate in an election, his or her ballot will count.

Michigan election law stipulates that the free-access system may be “a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.” If a “mailed notice” is employed, the notice must be sent to each and every voter who was issued an “envelope” ballot.

Information on whether a provisional ballot issued to a voter was counted or was not counted is restricted to the individual who voted the provisional ballot; such information cannot be disclosed to any other person.

**Administrative Points to Remember**

**Voter refuses to complete four-step procedure form:** In any instance where a voter whose name does not appear on the QVF list refuses to complete the affidavit portion of the four-step procedure form to assert that he or she registered to vote on or before the registration deadline, the election inspectors must not issue a provisional ballot to the voter. Instead, such voters must be advised that they are ineligible to vote in the election.
**Voter appears to be in wrong precinct:** As noted earlier, if a voter 1) appears to vote in the wrong precinct and 2) declines to travel to his or her proper precinct to vote, it is important that the election inspectors tell the voter that his or her provisional ballot **will not count** if it is confirmed after the election that the voter has voted in the wrong precinct.

In any situation where an “envelope” ballot has been issued to a voter who 1) appeared to vote in the wrong precinct and 2) declined to travel to his or her proper precinct to vote, the clerk must make every effort during the 6-day “envelope” ballot evaluation period to accurately confirm that the voter did, in fact, vote in the wrong precinct before rejecting the “envelope” ballot as invalid. The evaluation must include a check of the QVF street index to verify that the voter was not assigned to the wrong precinct in error. If a check of the street index reveals that a voter in this situation actually voted in the proper precinct, the “envelope” ballot must be counted.

**Voter ID card issued to voter returned as “undeliverable”:** In a situation where it is discovered that a voter who does not appear on the QVF list submitted a registration application that was rejected because the voter identification card sent to the voter was returned by the post office as “undeliverable,” the voter is eligible to receive a provisional ballot if he or she completes the affidavit portion of the four-step procedure form to assert that he or she registered to vote on or before the registration deadline.
ATTACHMENT 5
From: <BKIMBERLING@FEC.GOV>
To: MDO1 SOSMB04 (BradleyW)
Date: 2/16/06 12:59pm
Subject: Re: FILE MAINTENANCE QUERY -Forwarded

Brad --

Chris is correct in recalling that, as I explained at NASED, the receipt of a surrendered drivers license from another State is sufficient grounds for removing the registrant's name from the voter list without any further action required of the registrar by the NVRA. This is because any notice of a change of residence to a location outside the registrar's jurisdiction that is received from either a public assistance agency or a motor vehicle office is presumed to have been originated by the registrant.

More specifically, section 5(d) of the NVRA provides that any change of address form received from a motor vehicle office "shall serve as notification of change of address for voter registration...unless the registrant states on the form that the change of address is not for voter registration purposes."

Their main focus here was on changes of address within the State (since some States permit persons to register their motor vehicles and obtain a drivers license from an address in the State other than their residence). But to our knowledge, no State permits you to obtain a drivers license unless you are a resident of that State. It follows, as a rule of reason, that a drivers license surrendered to another State is a declaration of residence in that State by the registrant - thereby permitting your local registrar to remove that registrant's name from the list without further ado under the NVRA. So whether by the letter of the law or by rule of reason, a surrendered license is grounds for immediate cancellation.

(And you need not worry about whether that person registered in the new State since, under the NVRA, they had to have been offered the opportunity to register in the new State in the course of surrendering their license for their new one.

Another way of looking at it is: the only time you CANNOT remove a registrant's name from the voter list without confirming a change of address to a location outside the registrar's jurisdiction is when the change of address information comes from the Postal Service.

In the case of drivers licenses surrendered in other States, you would be prevented from removing the name only if your STATE law requires a signature from the voter before removal (as a few State laws do). Similarly, whether or not you care to notify the registrant of his cancellation is a matter of State law or preference. It is a nice thing to do, but is by no means required under the NVRA.

You may be reassured to know that Herb Stone (who formerly worked for Al Swift when he was Chairman of the House Subcommittee on Elections and who was a principal author of the legislation) was in the audience at NASED and afterward agreed completely with this interpretation.

Hope this helps. If you have any further questions, let me know. (It's nice to be able to do this by e-mail).

-- Bill
ATTACHMENT 6
JOHN SMITH, TOWNSHIP CLERK  
ELK RAPIDS TOWNSHIP  
1000 US 31 N  
ELK RAPIDS, MICHIGAN 49629-9721

SIMPLE SAMPLE VOTER II  
6863 TIMBERLAKE DR 111A  
ELK RAPIDS, MI 49629

30-DAY NOTICE OF CANCELLATION  
(OUT OF STATE)

➢ The voter registration you currently hold in ELK RAPIDS TOWNSHIP may be canceled as we have been advised that you are no longer a resident of this state.  
   **If you have permanently moved to an address outside of this state**  
➢ Detach, complete and return the postage paid reply card at the bottom to confirm your address as soon as possible.  
➢ Please note that in order to vote, you must register with the clerk of the jurisdiction within the state where you now reside.  
   **If you have not permanently moved to an address outside of this state**
➢ Detach, complete and return the postage paid reply card at the bottom to correct our information as soon as possible.  
➢ If the reply card is not returned, you will be asked to confirm your address at the polls on election day.  
➢ If the reply card is not returned and you do not vote within 30 days, your voter registration will be canceled.

Questions? Call 616-111-1122

SIMPLE SAMPLE VOTER II
6863 TIMBERLAKE DR 111A
ELK RAPIDS, MI 49629

JOHN SMITH, TOWNSHIP CLERK
ELK RAPIDS TOWNSHIP
1000 US 31 N
ELK RAPIDS, MICHIGAN 49629-9721

REPLY CARD--OUT OF STATE 30-DAY CANCELLATION NOTICE

(Please Print)

Full Name: ____________________________

/ / / 
Date of Birth / / / / / / / / / / 
Michigan Driver License

( ) ____________________________
Telephone Number

I currently reside at: ____________________________


Signature ____________________________ Date ____________________________
ATTACHMENT 7
Qualified Voter File (QVF) System Activity and Processes

Based on statistics available for 2003-2005, QVF activity results in an average of 2,269,735 transactions a year. Transactions include the processing of new registrations, moves and a variety of data maintenance processes such as canceling deceased voters and correcting birth dates and gender information.

An average of approximately 400,694 transactions per year are new voters. (It should be noted that the 2004 Presidential year skewed this average considerably. The odd year average is closer to 270,000.)

An average of approximately 757,330 transactions per year are voter moves. 476,491 of these moves are from one city or township to another thus resulting in a cancellation and a new registration. However, the Michigan QVF system treats the state as a single unit for the purpose of moving voters from one jurisdiction to another without the local election officials having to go through a laborious cancellation process. They simply receive a “QVF Inbox” notification that the voter has moved.

Deceased Voter Cancellation

Through the QVF the State of Michigan currently employs three separate methods to identify and cancel the records of deceased voters:

- County clerks receive a monthly listing from the Department of Community Health (DCH) of people who have died within their county. The Bureau of Elections has instructed county clerks to either cancel the QVF records of any of these people who are registered to vote in their county or transmit the listing to their cities and townships for processing.

- DCH also provides quarterly listings of people who have died within the state to the Department of State for the purpose of canceling drivers’ licenses. The drivers’ license staff matches the list against the driver license computer files. The record of every licensed driver who is registered to vote is marked “voter.” The QVF receives a notice for every “voter” cancelled in this manner and the QVF record is automatically cancelled. Each clerk receives “QVF Inbox” notifications identifying these records as “Cancelled Via DL.”

- In 2005, the Bureau of Elections purchased the Social Security Administration’s Master Death Record file. We performed a number of test queries to match this information against the QVF database. We concluded that approximately 60,000 QVF records matched the Social Security data and cancelled these records. Each clerk received QVF “Inbox” notifications identifying these records as “Cancelled—Deceased SSA.”

Cancellation of Voters Who Have Moved Out of State
Through the QVF the State of Michigan currently employs two separate methods to identify and cancel the records of voters who have moved out of state:

- **The Department of State participates in inter-state agreements with most states by which we are informed when a Michigan driver moves to another state and gives up his/her Michigan driver license. The driver’s license staff cancels the driver license of these former residents. The record of every licensed driver who is registered to vote is marked “voter.” The QVF receives a notice for every “voter” cancelled in this manner and the QVF record is automatically cancelled. Each clerk receives “QVF Inbox” notifications identifying these records as “Cancelled-Moved Out of State.” The Bureau of Elections has instructed clerks to send a cancellation notice to the last Michigan address of these voters.**

- **The Department of State, as well as county, city and township clerks receive many notices from other states when a former Michigan resident registers to vote in a new state. Department of State staff members immediately cancel the QVF records of the former residents for whom we receive notice. The Bureau of Elections has instructed clerks to immediately cancel the QVF records of these former voters for whom they receive notice.**
ATTACHMENT 8
July 29, 2008

Mr. Keith Cliette
ACORN State Field Director
600 West Lafayette, Suite L-133
Detroit, MI 48826

Dear Mr. Cliette:

Thank you for meeting with us on Friday. As discussed, a significant number of local clerks throughout the state are reporting that they are encountering the following problems with the voter registration applications being submitted through your organization:

- **Fraudulent registration forms:** In such cases, the signature on the form does not resemble the signature on file for the voter. In addition, the forms also frequently contain fictitious birthdates, addresses and/or Social Security Numbers (last four digits).

- **Incomplete registration forms:** Common omissions include the voter’s street address, citizenship confirmation “checkoff” and signature.

- **Delayed submission of registration forms:** Clerks report that they have received large batches of applications that include forms dated weeks and at times, even months prior to the date they received the forms for processing. In some cases, forms dated prior to the “close of registration” for the May 6, 2008 election were submitted after the deadline.

- **Duplicate registration forms:** Typically, such cases involve the submission of a series of forms that contain identical voter information, but carry different dates. In some instances, the dates are only days apart.

The issues identified above are of serious concern as they hold the potential for disenfranchising voters, altering voter registration and driver license records that should not be changed, creating legal problems for voters who have had their records improperly updated, and engendering confusion and delays at the polls on election day. In addition, the handling of fraudulent, incomplete and duplicate registration forms wastes public resources.

I trust that you share our concern over this matter as Bureau staff members who met with you in March reported that ACORN had developed a seemingly comprehensive program for curbing the identified abuses. I was further informed that ACORN planned to modify the way it compensated those registering voters on the organization’s behalf to eliminate any and all monetary incentives for such abuses.
As you are aware, examples of forms which show the problems described above were supplied during Friday’s meeting. After reviewing the forms, we ask that you provide this office with a written statement describing the actions ACORN will take to address this matter. As we view the individuals soliciting the voter registration applications as agents of ACORN, we hold ACORN responsible for their actions. The most important action that you must take is to implement a plan for submitting the applications gathered by your agents to the appropriate city and township clerks in a timely manner. In all cases, completed applications should be submitted on a biweekly basis. In no case should an application completed prior to a registration deadline be submitted after the deadline.

As an additional point, voter registration application forms which your organization identifies as fraudulent should not be submitted to Michigan’s city and township clerks. As discussed, such forms should be referred to the local prosecutor’s office for investigation and any legal action the prosecutor deems warranted.

If the problems discussed during our meeting and referenced in this letter persist, we will have no alternative but to seek redress through appropriate legal channels as the protection of Michigan’s election system against fraud and abuse is central to the Department’s mission.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Christopher M. Thomas
Director of Elections
Christopher Thomas
Director of Elections
Michigan Bureau of Elections
Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing MI 48918

Re: ACORN Voter Drive

Dear Mr. Thomas:

I appreciate your willingness to work with the Association of Community Organizations for Reform Now (ACORN) to assist us in our efforts to add eligible voters to the voter list, particularly from communities that have historically found it more difficult to participate in the electoral process. As you are probably aware, ACORN has submitted over 175,000 applications to local election officials in Michigan since we began the drive in the fall of 2007. We believe that most of these applications will lead to first time voters in the next election.

However, as ACORN stressed when it began the drive, it needs cooperation from election officials in order to make sure that it can identify and address problems that large drives inevitably run into over the course of collecting 175,000 applications. While ACORN has a comprehensive quality control system, reports all the suspicious applications it catches to election officials and terminates canvassers based on the results of its internal investigations, we cannot catch all the problematic applications. That is one reason we appreciate your working with us to identify issues that are caught by election officials.

I would like to address each of the concerns you raise in your letter one by one.

- Fraudulent applications: All ACORN canvassers are trained about the law and the consequences of turning in applications that have not been signed by the person named in the application. They all have to sign statements affirming that they understand what fraud is and the consequences of committing fraud.

ACORN has set up a comprehensive quality control procedure in each Michigan office. All our offices have quality control staff. In Detroit, approximately 15 part time staff spends 6 hours a day reviewing the applications collected by canvassers before they are turned into election officials. The review includes making phone calls to applicants who have provided phone numbers to confirm the accuracy of the information on the applications. The results of the calls are recorded and applications or batches of applications collected by canvassers...
that appear suspicious are set aside and investigated. Canvassers that cannot provide valid explanations for suspicious applications are terminated. ACORN then reports these applications with a problematic card package sheet to election officials.

However, unless the similar handwriting or signatures are in the same batch or the applicant answers the phone and disputes the application, it is next to impossible for ACORN to detect if a person’s signature, date of birth, address or identification number matches the records elections officials maintain. That is why it is very important that if an election official discovers these types of problems they report them back to ACORN immediately. ACORN gives the election official the ability to identify the canvasser that collected the application and report it back to us so that we can terminate the canvasser if the application is fraudulent.

In a letter from our counsel at the beginning of the voter registration drive, we asked that election officials do this. We are glad to see that it is beginning to happen, though it appears that some of the information is old and ACORN has already terminated all the canvassers on the applications you submitted to ACORN. I hope that you encourage local board’s to report concerns they have with specific applications to me or the local ACORN office as soon as they are detected so that ACORN can address the problem expeditiously.

- Incomplete applications: I have retrained all supervisors about the need to complete all required fields on the applications. We will now hold canvassers accountable for 97% completion rates. Our quality control staff has been retrained to identify which supervisors are not holding canvassers accountable and which canvassers need to be retrained or terminated for failing to collect complete applications.

- Delayed submissions: I have instituted a system where all applications are sent to all election offices twice a week.

- Duplicate registrations: This has proven to be our most difficult problem. ACORN understands the waste of resources, both its and the election officials, in handling multiple registrations from the same person. We have attempted to determine when registration sites get overworked and are now sending canvassers farther and farther afield to collect applications. We have an imperfect system to detect duplicates but because of delays in turning our data around, it usually does not detect the problem until it is a month old. Again, to the extent election officials can give ACORN notice of duplicates as soon as they detect it, it would help us resolve this problem.

- Compensation: As we have stated before, ACORN does not pay its Community Outreach workers on a per signature basis. Our workers earn an hourly rate which starts at 8 dollars an hour. We do not offer bonuses or incentives for this work.
I would also like to clarify what your office has asked ACORN to do with respect to turning in incomplete or fraudulent applications. ACORN agrees that it will not turn in applications that are:

- Useless: do not have enough information on them to allow the election official to send a notice of disposition to the person named on the application;
- Clearly not signed by the person named on the application (ACORN needs to be 100% sure the applications meets this criteria. It will still turn in applications that are suspicious but not known to be signed by another person with a problematic card package);
- Completed by ineligible applicants (underage, not citizens).

ACORN will also not turn in applications if the applicant asks ACORN not to do so.

ACORN will note the number of applications that meet these criteria on the bottom of the drop off sheet we use when turning applications into election officials.

Finally, ACORN would greatly appreciate it if your office could provide us data or a spread sheet that includes the name, address, phone number and signature date of any applicant that was rejected because of a fictitious address. ACORN conducted studies in numerous cities where election officials have provided ACORN with information about applications that result in returned disposition letters or voter cards. ACORN has been able to locate 15 and 25% of the applicants whose mailing is returned to election officials at the address on the application. There may be considerably more that ACORN could not reach during the time it conducted the studies. Often the applicant put the wrong zip code on the application. In other cases the address is an apartment building with no names on the mail boxes. In some cases there is no apparent reason for the failure to deliver the mail.

Please feel to call me if you have any questions or follow-up.

Sincerely,
Dave Lagstein
ACORN Head Organizer
313.963.1840 Ext. 227 - Office

Sheila Smith
ACORN Political Director
313.963-1840 Ext. 225 - Office

Cc: Brian Mellor
Faulty voter registrations bring more work for clerks

By CHARLES CRUMM
Of The Oakland Press

Allegations that groups are turning in duplicate or fraudulent voter registration forms is a good reason voter registration laws need an overhaul, state officials say.

Michigan Secretary of State Terry Lynn Land wants lawmakers to allow teens to register at 16 when they get their driver's licenses and to be allowed to vote anywhere.

"Registration at age 16 would eliminate the need for voter registration drives and streamline the process for younger voters," Land spokeswoman Kelly Chesney said. "When they turn 18, they would automatically be eligible to vote wherever they are, whether they're pursuing a job, recently moved or away at school.

"It would allow us to redirect the energy and resources in voter registration drives to voter participation. Hopefully, it would yield stronger participation on election day," Chesney said.

Local clerks have complained to county clerks and the state that a large number of voter registration applications are turned in that are either duplicate fraudulent.

Most, they say, have come from ACORN.

ACORN is the Association of Community Organizations for Reform Now, a community organization of low- and moderate-income families.

Field organizer David Lagstein said ACORN is completing a massive voter registration drive that has turned in 200,000 applications.

Lagstein said there's a number of reasons for flawed voter registration applications.

"I think there's some voter confusion, and they re-register," he said. "And some staff have cheated by turning in problematic cards."
"An extra 200,000 cards does create an extra work flow, and there's less than perfect cards that go through the process," he said.

Oakland County Clerk Ruth Johnson said a number of local clerks have complained.

In one case, they dealt with 12 voter applications with the same name.

"We recommend they send copies of them with a note to the Secretary of State office," Johnson said.

"We've been told by the local clerks they believe some are getting paid by each signature, which would probably lead to more of this happening," Johnson said.

Independence Township Clerk Shelagh VanderVeen said the problem in her community hasn't been with voter registration applications from ACORN, but rather from the Michigan Republican Party.

VanderVeen said the party is sending out applications with the names of GOP nominees John McCain and Sarah Palin on them.

"It's just causing a lot of confusion, especially with the elderly," VanderVeen said. "They're already registered. We get the blame."

Contact staff writer Charles Crumm at (248) 745-4649 or charlie.crumm@oakpress.com.

Click here to return to story:
GOP: Dems Guilty Of Voter Fraud

After the Michigan Democratic Party accused Republicans of trying to keep folks with homes in foreclosure from voting in Macomb County, the Michigan Republican Party (MRP) is crying vote fraud.

Dems cited a Michigan Messenger story and the GOP is pointing to a Detroit Free Press report. The Secretary of State says ACORN, a social service organization has submitted many duplicate and fraudulent voter registration applications, a story MIRS reported two months ago (See "Registration Drive Under Scrutiny," 7/25/08). The MRP slams the group as a "national Left-leaning, community organizing group" out to help Democrat Barack OBAMA.

ACORN officials told the SOS they're investigating.
Local news briefs

**Fraudulent applications for voters appearing**

DETROIT - Election officials say fraudulent and duplicate voter registration applications appear to be a widespread problem in Michigan.

The Detroit Free Press says most of the questionable applications have been submitted to local clerks by the Association of Community Organizations for Reform Now. ACORN, a nationwide advocacy group for low- and moderate-income families, has a large voter registration program.

Kelly Chesney, a spokeswoman for the Michigan Secretary of State, says her office has turned over several of the applications to the U.S. Attorney's Office. That office declined Friday to confirm whether an investigation was taking place.

The Detroit-based Michigan branch of ACORN has used mostly paid, part-time employees to register 200,000 voters statewide in recent months. Spokesman David Lagstein says ACORN will conduct its own investigation, but adds that any problems likely were not intentional.

**Moore to premier film at Ann Arbor theater**

ANN ARBOR - Michael Moore is releasing his new film "Slacker Uprising" online and for free, but the world premiere will take place the old-fashioned way: in a movie house.

It happens Thursday at the historic Michigan Theater in Ann Arbor, which seats 1,700. Admission is free and first-come, first-served.

Doors open at 4 p.m. Following a talk by Moore, the film starts at 6:20 p.m.

"Slacker Uprising" tells the story of Moore's 62-city tour during the 2004 presidential campaign.

**Restored '87 Chevy bursts into flames at first fill-up**

MOUNT PLEASANT - Joe Serrato Jr. says he spent a lot of money to restore his 1987 Chevrolet Monte Carlo. But it didn't take long for his efforts to go up in smoke.

The 21-year-old Serrato and a friend fled Friday as the car exploded into flames, moments after its gas tank was filled for the first time in 11 years.

The car barely made it out of the gas station before flames began roaring from under the hood.

A gasoline leak likely caused the blaze. There were no injuries, but the car appeared to be a total loss.
Serrato told the Morning Sun of Mount Pleasant that there's a silver lining: He got insurance for the car before the test drive.

**Wild pigs on the loose in Washtenaw County**

ANN ARBOR - Washtenaw County is a hot spot for wild boar.

Michigan Department of Natural Resources experts told The Ann Arbor News there were about 20 reports of the wild pigs last week from the area around Scio, Lodi and Saline townships. State law allows any registered hunter to shoot the animals on sight. The aggressive pigs are considered a threat to property and domestic livestock.

Trooper Arron Darkins of the state police post at Ypsilanti shot two of the wild boar in an Augusta Township cornfield a few weeks ago. The meat went to two residents who signed up to receive road kill.

- From wire reports
Bad voter applications found

Clers see fraudulent, duplicate forms from group

BY L.L. BRASIER
FREE PRESS STAFF WRITER

Several municipal clerks across the state are reporting fraudulent and duplicate voter registration applications, most of them from a nationwide community activist group working to help low- and moderate-income families.

The majority of the problem applications are coming from the group ACORN, Association of Community Organizations for Reform Now, which has a large voter registration program among its many social service programs. ACORN's Michigan branch, based in Detroit, has enrolled 200,000 voters statewide in recent months, mostly with the use of paid, part-time employees.

"There appears to be a sizeable number of duplicate and fraudulent applications," said Kelly Chesney, spokeswoman for the Michigan Secretary of State's Office. "And it appears to be widespread."

Chesney said her office has had discussions with ACORN officials after local clerks reported the questionable applications to the state. Chesney said some of the applications are duplicates and some appear to be names that have been made up. The Secretary of State's Office has turned over several of the applications to the U.S. Attorney's Office.

The U.S. Attorney's Office on Friday declined to confirm whether an investigation was taking place.

In recent years, ACORN's voter registration programs have come under investigation in Ohio, Colorado, Missouri and Washington, with some employees convicted of voter fraud.

ACORN officials said they were looking into the problem.

"We'll do an investigation to see what's happening," said David Lagstein, a spokesman for the Detroit office. "If it's really as many as that, it warrants further investigation."

In Pontiac, where several thousand applications have been submitted by ACORN in the last few weeks for the November election, the clerk's office is finding that numerous applications are sometimes filed under one name.

"What it causes is a slowdown of our operations," said Pontiac City Clerk Yvette Talley. "They're steadily coming in, and we are finding a huge number of duplications."

Talley said she could not provide an exact number.

Clerks are required to check their records against a statewide database of all registered voters within their jurisdiction, so it would be unlikely that duplications would allow voters to cast their votes more than once, Talley said.
"We catch them all, but it's taking up a lot of our time," she said.

In Oak Park, clerk Sandra Gadd said they have been seeing "lots of duplication" from ACORN in recent months but were reassured by ACORN officials that the group was working to correct the problem.

"They've been very cooperative," Gadd said. "I spoke with them this week. They called me, and they're willing to go door-to-door to do whatever they have to do to take care of this."

ACORN is the nation's largest community organization for low- and moderate-income families. Created more than 30 years ago, it has branches in 100 cities and claims 350,000 families as members. It works to help create affordable housing and health care, and to improve job conditions and neighborhood schools.

Lagstein said ACORN's Detroit office has hired dozens of employees for the voter registration program and that any problems likely stem from sloppiness or incompetence -- not an intent to let people vote more than once.

"We're proud of our efforts to increase voter registration, and we have aggressive training for our staff to make sure the cards are filled out appropriately," he said.

ACORN has a method to track the workers who filled out individual registration cards, which will allow investigators to question the workers, Lagstein said.

"We certainly do our best to keep the duplications as low as possible, so we'll have to evaluate what's happening here," he said.

Contact L.L. BRASIER at 248-858-2262 or brasier@freepress.com.
Voter registration applications are scrutinized
9/14/2008, 6:29 p.m. ET
The Associated Press

DETROIT (AP) — Elections officials say fraudulent and duplicate voter registration applications appear to be a widespread problem in Michigan.

The Detroit Free Press says most of the questionable applications have been submitted to local clerks by the Association of Community Organizations for Reform Now, ACORN, a nationwide advocacy group for low- and moderate-income families, has a large voter registration program.

Kelly Chesney, a spokeswoman for the Michigan Secretary of State, says her office has turned over several of the applications to the U.S. Attorney's Office. That office declined Friday to confirm whether an investigation was taking place.

The Detroit-based Michigan branch of ACORN has used mostly paid, part-time employees to register 200,000 voters statewide in recent months. Spokesman David Lagstein says ACORN will conduct its own investigation, but adds that any problems likely were not intentional.


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Voter registration applications are scrutinized

Associated Press

5:29 PM CDT, September 14, 2008

DETROIT

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ACORN members say their 'voices not heard' at meeting with Flint mayor

Posted by Shannon Murphy | The Flint Journal August 29, 2008 09:50AM

FLINT, Michigan – Members and supporters of the Flint Association of Community Organizations for Reform Now met this morning with Mayor Don Williamson and several staffers, including interim police Chief David Dicks and City Attorney Trachelle Young, to talk about violence in the city.

ACORN members had hoped to have an open dialogue with city officials on ways to reduce violence in the city but instead said they got the brushoff from the mayor during the private meeting.

Flint Journal extras

Previous articles on ACORN’s mission to open dialogue with city officials:

- Thursday, Aug. 28: Rally organizers to meet with Mayor
- Thursday, Aug. 28: Violence Promptis March
- Aug. 27, 2008: Flint interim police chief tells protest group he has plan to put 15 more officers on the street
- Aug. 26, 2008: City of Flint targets ACORN over bounced check; group blasts Williamson
- Aug. 26, 2008: Flint police investigating bad check claims at non-profit
- Aug. 18, 2008: 'Worst it's ever been:' Flint residents worry about crime; rally planned next week

"Our mission was not achieved, our voices not heard," said James Crews of ACORN’s Young Urban Voters Collective. "He told us we were not organized enough."

ACORN had hoped to discuss a list of demands to make the streets safer, including the appointment of a permanent police chief and reinstatement of laid-off police officers.

Outside City Hall, Dicks declined to comment on the meeting.
Earlier this week, the group staged a rally in front of City Hall, blowing whistles, banging drums and carrying a cardboard coffin.

Members attempted to meet with the mayor following the rally, but he was unavailable.

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Flint police investigating bad check claims at non-profit

Posted by Bryn Mickle | The Flint Journal August 26, 2008 11:50AM

FLINT, Michigan -- Flint police are investigating claims that a non-profit group that helps needy families has been writing bad checks to its employees.

Acting Flint Police Chief David R. Dicks issued a statement Tuesday that his department is conducting an investigation of the Association of Community Organizations for Reform Now.

ACORN's local director is cooperating with the probe, Dicks said.

Dicks could not be reached for comment on the statement and it was unknown how many checks are involved or the amounts of those checks.

A message was left with the Flint ACORN office.

ACORN's Web site states the group helps people with housing and is committed to "social and economic justice."

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MIRS Capitol Capsule, Friday, August 10, 2007

Case Reignites Voter Fraud Debate
Washington state prosecutors recently filed felony charges against seven people for allegedly submitting 1,800 phony registration cards on behalf of the liberal group Association of Community Organizations for Reform Now (ACORN), which had hired the seven at $8 an hour as part of a large-scale registration drive.

The case is similar to a 2004 case in Michigan where PIRGIM (Public Interest Research Group In Michigan) hired workers as part of a voter registration drive who ultimately took names out of a phone book (See "Clerks Warned Of Signature Fraud," 09/23/04).

ACORN and PIRGIM were cleared of any wrong-doing, but the cases bring up several points of interest. For one, should those hired to register voters be paid per voter signed up and should they be required to meet quotas?

Also, how should these groups react when the voter-related material they receive from their contractors turn out to be falsified?

They could just toss the documents away. They could toss the documents away and fire the person or group that turned in the documents. They could turn the document over to the appropriate law enforcement agency, which in turn could make arrests. This is what happened in Washington state with ACORN.

Taking the status of Michigan's current law into account, Secretary of State Terri Lynn LAND advises groups (a.k.a. sponsor or third-party groups) to call their appropriate prosecuting attorneys office if confronted with such situations.

In the Washington state case, the actual workers are the ones bearing the brunt of the alleged fraud, not the "third-party group" ACORN. And indications are that ACORN basically pointed out the dubious documents to law enforcement.

MIRS asked David LAGSTEIN, Michigan's head organizer for ACORN, if his organization tells the workers it hires that voter fraud is against the law.

"Absolutely," he responded.
Successfully falsifying voter registrations is not as easy to accomplish as some may believe. In fact, it appears that the major impact such false registrations have is on the amount of time and money it costs to weed them out (often at the last minute), and the hassle clerks go through in the process.

According to Land's office, in the 2004 election, many of Michigan's election officials were overwhelmed with last-minute voter registration applications that were collected by third-party organizations. It's not clear whether those groups included ACORN, PIRGIM or others.

In some cases, these applications were either fraudulent or duplicates of existing voter registrations. Land reported that the "massive filing of questionable applications at the eleventh hour" placed a tremendous burden on officials preparing for elections.

Land's approach to holding third-party organizations accountable for the voter registrations they collect was outlined in her "Michigan Elections: Meeting 21st Century Challenges," proposal from Jan. 27, 2006. The reforms include:

- Prohibiting third parties from paying via commission, quota or a per-application basis to collect voter registration applications.

- Establishing time frames for delivering voter-registration applications. Penalties would result for any third-party organization that turns in applications after the deadline.

- Requiring organizations to register with each county clerk before beginning a voter registration drive. This would allow officials to work with groups to ensure that they understand the correct process for collecting and submitting voter registrations.

- Requiring organizations to have a process in place to screen out obviously fraudulent or false applications.

- Establishing felony penalties for knowingly forging or submitting a false voter-registration application. This would be in addition to any forgery penalty that could be imposed.

Chances are slim that any of proposals will make their way through the Legislature and be enacted as long as Democrats control the House and Executive branch.

"We believe these proposal are overkill," said Michigan Democratic Party (MDP) Spokesman Jason MOON. "These, like other Republican election proposals, seem to be aimed at preventing voter registration rather than improving the system."

In regard to other election reforms (such as no-reason absentee voting) where Land
has seemed to be on the same page with the MDP, Moon said they appear to be "just lip service."

"If she really means it, why haven't those reforms been implemented?" Moon said.

At his ACORN branch, Lagstein said procedures are in place to prevent falsified voter registration from being turned in.

"We have a quality control system that we try to improve every year," Lagstein said. "In Michigan we work with the county and city clerks and stay in communication with them. We want to make it clear that what happened in Washington was not about trying to swing an election."