

# The A.R.T. of Securing County Elections

Action. Responsibility. Trust.

## A Sheriff's Role in Election Integrity Investigation

### U.S. Constitution

Article 1, Section 4;

***"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."***

### State Constitution

Division II, Section IV(h)

***"(h) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections. All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes..."***

### Michigan Election Law (EXCERPT)

Act 116 of 1954 - 168.941 Peace officers; duty to institute proceedings. Sec. 941.

***"It is hereby made the duty of any police, sheriff or other peace officer, present and having knowledge of any violation of any of the provisions of this act, to forthwith institute criminal proceedings for the punishment of such offender."***

### Federal Law

Help America Vote Act (HAVA)

Pg. 116, Stat 1705

Section 301a(2) Audit Capacity -

***"(A) In general.--The voting system shall produce a record with an audit capacity for such system.***

***(B) Manual audit capacity.--***

***(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.***

***(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.***

***(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used."***

### State Statutes - Michigan Election Law

ACT 116 of 1964: ***"AN ACT ... to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act."***

## Structure or MI Elections Systems

### MI Controlling Legal Authorities

The following entities hold control over the State of Michigan's decentralized election procedures, and are listed in the order of relevance;

- Secretary of State
- Board of State Canvassers
- Bureau of Elections
- County Clerks
- County Election Commissions
- Boards of County Canvassers
- City and Township Clerks
- City and Township Election Commissions
- City and Township Boards of Canvassers

### MI Election Legislation Sources

**MICHIGAN ELECTION LAW:** Established as Public Act 116 of 1954, Michigan election law is referenced as Michigan Compiled Law (MCL) 168.1-168.992. This statute shall be continually referenced as guidance to election officials, candidates, and the voting public.

***State Legislatures have the only authority in the State to make and Amend Election Laws.***

**HELP AMERICA VOTE ACT:** The Help America Vote Act (HAVA) was signed into law in 2002. HAVA established a number of changes in the administration of elections and also incentivised the adoption of computerized voting systems with federal funding made available to states for the purchase of new electronic voting systems.

***Our elections must have an auditable paper trail and the paper ballot shall be the official vote record.***

**PROMULGATED RULES:** Rules set forth by the Michigan Secretary of State with authority provided by Michigan election law that establish rules governing electronic voting systems and testing procedures.

***The Secretary of State does not have the authority to change, amend or waive election laws.***

**MICHIGAN ATTORNEY GENERAL OPINIONS:** Provide guidance where Michigan election law is unclear or found in conflict with other statutes.

***The AG should issue opinions favoring Constitutional interpretation of contradictory or unclear legislation.***

**VARIOUS FEDERAL AND STATE JUDICIAL RULINGS:** Various provisions in Michigan election law or federal law guiding election administration are challenged in the courts, these court decisions are applied to election administration. ***Case Law is not Election Law, and all Case Law in use must be compared to the existing statutes for their Constitutionality and compliance with Legislative Intent of their related statutes.***

### **Beginning the Case/ Evaluate Allegations**

A.R.T. of Poll Watching volunteers, who are educated and trained election observers/ challengers, or other volunteer citizen watchdogs will meticulously compile potential violations of State and Federal election laws into a concise complaint. This complaint will be a notarized record of their observations. Our observers/ challengers will happily provide your office with print outs of existing Law and links for you to verify standing statutes cited in their affidavits as having been violated.

*There is nuance to this type of investigation. We are watching our State's election laws, meant to secure our elections from undue influence, being actively thwarted in favor of contradictory codes and suspect legal opinions.*

### **Due Diligence/ Internal Investigation**

This short training will be the basis you will need to conduct an internal investigation and determine whether you agree that an election law was violated, regardless of intent to do so. This is simply looking at the Law and reviewing the complaint documented carefully and submitted to you.

### **Predication to Proceed**

Standing on the Constitutional grounds laid out in the column to the left, you have a solid foundation to determine whether a sufficient factual basis exists. This factual basis should be found in comparing standing statutes with the notarized witness statements that are carefully compiled and provided to your office. Once you spot the violation, you should order the investigation regardless of who is implicated in the violation, be it a Clerk at a polling place, a county election official, or the Secretary of State.

*Fraud at the administrative level is something that must be swiftly stamped out, and a Sheriff is uniquely positioned to provide this county-level justice.*

### **External Investigation/ Who Performed/ Authorized the Violations?**

Here is where you will need to carefully navigate the County Election structure. Whether an individual voter committed an offense through the negligence of county election staff, or whether election staff was trained to run an unlawful process, the details are where truth will be found.

Facilitation of election fraud through the abandonment or violation of state statutes and federal law must not be permitted.

### **Internal Witness Statements / Primary Subject Statements**

Obtaining statements from all persons associated with the alleged violations will be key to narrowing the scope of the investigation. The two most common facts established with violations of election laws are that employees were lazy and negligent, or that the unlawful process was authorized by someone in a position of authority. Regardless of authority, you know that the only mechanism of amending or establishing election procedures lies solely with the State Legislature.

*All subsequent processes or authorizations must adhere with state statutes, which themselves must adhere to the Constitutions both State and National. Statutes, or other legal opinions, which oppose or violate the Constitutions are rendered null and void.*

### **Prepare Final Report/ Decision to Refer for Prosecution or Decline**

Whether the culprit is a lowly poll worker or the person in the highest position in the state, a referral for prosecution is what we are looking for when violations of the Law are confirmed, or in question. As you already know, a referral for prosecution is not a guilty sentence, but is your duty when you have reason to believe a state law was violated based on your thorough investigation of the matter. We know that a county Sheriff is the most powerful position at the county level, and we are depending on you to investigate, enforce, and refer for prosecution all violations of state election statutes as you would with any other standing law violations.

*You are our only line of defense at the county level, and we elected you because we trust you to stand for the rule of law.*

## **The Most Disturbing Provision /“Promulgated Rules”**

***“Rules set forth by the Michigan Secretary of State with authority provided by Michigan election law that establish rules governing electronic voting systems and testing procedures.”***

This particular provision is part of a greater agenda being pushed into every state. The goal is to redirect authority from the State Legislature to the Secretaries of State, and in so doing spread thin accountability in the unlawful administration of elections statewide.

Legislation granting authority to the Secretaries of State should come with the necessary language BINDING the Secretaries of State from authorizing the violation of State Election Statutes, or waiving statutory requirements for administering secure elections.

As it stands, most of the issues affecting the auditability and security of our elections have been authorized or set in place by the Secretaries of State, under guidance from NGOs like the National Association of Secretaries of State (NASS), The Election Center - also known as the National Association of State Election Directors (NASED), Administrative Codes and Registers, The Center for Election Science, American Society for Public Administration, and the Center for Tech and Civic Life (CTCL). These organizations do not seem to have much regard for the U.S. Constitution as they push agenda items which undermine our Republican Form of Government in favor of pushing our sovereign nation into adopting a more global structure of government using opaque and subversive tactics to enact their designs at the State and County levels.

Traditionally held American philosophy dictates that if there is not a law specifically prohibiting certain actions, the actions are arguably “legal” and cannot be prosecuted criminally or even civilly. However, with our election processes, we must necessarily take the opposite approach... We must demand that our state legislatures amend the Election Codes by codifying into Law that any actions or processes outside of the prescribed manner of conducting Elections are ILLEGAL.

New ideas must be vetted and agreed upon by representatives allocated this authority by the People of a given state without the influence of global special interest.

Our laws are designed to protect and secure our elections, and the circumvention and violation thereof serves only to weaken the processes and obfuscate the procedures used. This is why our elections are not auditable.

The citizens of Michigan understand the value of a Constitutional Sheriff. They understand the overloaded and understaffed conditions Sheriff Departments currently operate under, and the People are with you every step you take while laying your lives and livelihood on the line in order to stand for the Rule of Law.

The most important role in the county is the Sheriff, as you hold the utmost authority over investigations and referral for prosecution when violations of the Law are brought to your attention. Do not doubt yourself or your lawful appointment to thoroughly and vigorously investigate Election Law violations. Whether a lowly polling place staffer is the source of the violation, or the local Clerk or the Secretary of State, only you can protect your county elections from undue influence and improper practice.

Help us reclaim our Republican Form of Government from those who would seek to undermine the intent of our Founding Fathers and State Legislatures in an apparent attempt to cast doubt on our Constitutional form of Self-Governance. We will not let you stand alone. We will go together into uncharted waters to preserve the Republic for our posterity.