

# INITIATION OF LEGISLATION

Initiated Legislation: An Act by the People of the State of Michigan to make findings of fact and conclusions of law regarding the integrity of the 2020 general election and finding by a preponderance of the evidence that fraud changed the outcome. The People must legally determine the proper winner of the 2020 election, properly assign the electoral votes of Michigan to the rightful winner, and urge advocacy by the Michigan government for correction of the 2020 Presidential election in other states. This petition instructs the legislature on a new election system and the rights of the People.

## AN INITIATED LEGISLATIVE ACT BY THE PEOPLE OF THE STATE OF MICHIGAN, TO

1. MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW;
2. DECERTIFY THE 11/3/2020 ELECTION;
3. RECALL AND REPLACE THE PRESIDENTIAL ELECTORS OF THE 2020 ELECTION;
4. REQUIRE THE MICHIGAN LEGISLATURE TO SEEK PROCEEDINGS TO LEGALLY ESTABLISH THE RIGHTFUL PRESIDENT OF THE UNITED STATES, WITH A CLAUSE FOR SEVERABILITY;

AND TO INSTRUCT THE LEGISLATURE ON

1. REFORM OF THE MICHIGAN VOTING SYSTEM; AND
2. CERTAIN CONSTITUTIONAL RIGHTS OF THE PEOPLE OF THE STATE OF MICHIGAN

### Preamble

We, the People of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and to the future generations of Michigan, do hereby make the following reaffirmation of law.

As stated in the Constitution of the State of Michigan:

1. "The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people." All political power is inherent in the People. Government is instituted for their equal benefit, security, and protection. Article 1 Section 1 of Michigan Const. 1963
2. "No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation." Article 1 Section 2 Clause 1 of Michigan Const. 1963

3. “The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.” Article 1 Section 3 of Michigan Const. 1963
4. “The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.” Article 1 Section 23 of Michigan Const. 1963

The US Constitution was and remains a compact made between the People of the states, acting as states within the union. These ‘peoples’ sought to retain the rights of self-government and created a federalist constitutional republic.

In the express language of the US Constitution, Article 2 Section 1 Clause 2, the framers reserved *to the state legislatures* the right to establish the method of selection of the electors. The Michigan Legislature has in turn passed legislation, as an expression of the will of the People, to fulfill this obligation and reserved the power to the People in a democratic election.

In Public Act 116 of 1954 Chapter 4, the Michigan Legislature requires the Michigan Presidential Electors to vote the slate of ALL electoral votes for the candidates (President and Vice-President) of the political party which receives the greatest number of votes in the general election.

The People find that in the Presidential election held on November 3, 2020, the processes and protections of the election system failed to report the candidate who received, in fact, the greatest number of votes by the citizens of Michigan, who were eligible by law to cast a ballot.

Specifically, the People make the following findings of fact, by a preponderance of the evidence and conclusions of law, in accordance with the political power reserved to the People in Article 1 Section 1 of the Constitution of Michigan of 1963:

1. The 1963 Michigan Constitution provides in Article 2 Section 4(1)(h) for “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 voter’s rights in order to effectuate its purposes.”
2. Michigan Election Law Act 116 of 1954, Section 168.31a delegates authority to the Secretary of State to prescribe procedures for a state-wide audit and permits the Secretary of State to select a limited number of precincts to audit, instead of conducting a full state-wide audit.
3. We the People find these vague legislated guidelines for the conduct of statewide election audits to be inadequate and a violation of the directive contained in the Michigan Constitution.
  - a. For the November 3, 2020 election, the audit methods selected by the Secretary of State to audit the Absentee Counting Boards within four cities found that a significant number of precincts were unreconciled in the

reported county canvass, and some still could not be reconciled following further effort, after the election was certified.

- b. The process for auditing of ballot images was voluntary, which is not an ‘audit’ as commonly understood, and may be more appropriately called a survey. Furthermore, the limited number of ballots selected are not representative of a statewide audit. Following the audit, the Board of Elections published a five (5) page report, which states that the audit relied upon ‘voluntary participation’ by preselected precincts. The report further states that the number of ballots that were audited was significantly less than the number of ballots requested to be reviewed.

“Overall, 669 ballots were randomly selected statewide, and 591 were able to be retrieved.”

No explanation was offered for the 11.65% of the ballots that were unable to be retrieved. To the People, this is a failed audit, survey, or review.

- c. The Secretary of State official audit report contained errors and inaccuracies, as later reported by the Office of the Inspector General in their 2022 Report on the Bureau of Elections. The Inspector General also reported that required training for the post-election county led audit was not completed by more than half of the clerks required to take the training.
  - d. The only county-wide hand recount that occurred was in Antrim County, which resulted in three significantly different vote totals being posted at various times, as well as a change in the outcome of a township ballot proposal, which was the subject of a lawsuit.
  - e. Following the November 3, 2020 election, the Secretary of State initiated a Risk Limiting Audit. However, too many jurisdictions failed to provide the required data, resulting in an inability to meet the requirements of the Risk Limiting Audit. As a result, the audit was reclassified as an “exercise”.
  - f. The legislated guidelines for a statewide audit do not currently ensure the right of the People to a meaningful state-wide audit and are therefore contrary to the Michigan Constitution’s express assignment to the legislature, by the People of the State of Michigan.
- 4. Furthermore, MCLA 168.31a is an improper delegation of authority to the executive branch, and therefore a violation of the People’s constitutionally guaranteed and inherent right to representative government and the doctrine of the separation of powers. Delegation of this critical responsibility to the Secretary of State is too broad and without sufficient guidance to protect the integrity of the election process and ensure that we the People are confident in the result.
  - 5. The Michigan Legislature is specifically directed in Article 2 Section 4(2) of the Michigan Constitution “to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting”.

6. We the People find that the *Purpose* of Article 2 Section 4(2) was not achieved in the November 3, 2020 election, to wit: The election was not pure, and the elective franchise was abused. Furthermore, the manner in which the limited audit was executed falls short of a good faith effort to achieve the enumerated *Purpose*.
7. The unfettered discretion granted to the Secretary of State in MCLA 168.31a to select a sample of precincts does not qualify as a state-wide audit.
8. We the People find that many of the other current election laws enacted by the legislature, and as enforced by the executive branch, fail to preserve the purity of Michigan elections.
9. We the People find that the laws enacted by the legislature, and as enforced by the executive branch, fail to guard against abuses of the elective franchise, to wit:
  - a. a significant and substantial number of ballots were counted, that were not cast by eligible Michigan voters.
  - b. a significant and substantial number of ballots were omitted, that were cast by eligible Michigan voters; and
  - c. the Qualified Voter File (QVF), which records the eligibility and history of voter participation, is not secure, accurate, or properly maintained. As a result, a significant number of individuals who are not eligible to vote, are included within the QVF as eligible to vote, some of which are reported to have cast a ballot.
10. We the People find that there has been a lack of transparency within many parts of the election system, with respect to records, data, and information regarding the election system. All information concerning the election system (except for the secrecy of the ballot) belongs to the People. This information is not readily accessible to the People, who find that there have been many instances where the release of public information is being hindered. We further find that the laws and rules regarding preservation of digital and paper records following all Michigan elections are inadequate to provide confidence in the integrity of the election system.
11. We the People have grave concerns regarding the tabulator machines that are utilized in Michigan and in particular, that the vendors rely on claims of intellectual property to prevent the People from verifying that the devices work properly, are accurate, and are secured against foreign or domestic interference. Furthermore, the decision by the Secretary of State and the Attorney General to advocate for the secrecy of the machine source code, over the right of the People to be informed and trusting in our elections, is offensive to the People.
12. We the People have grave concerns regarding the use of arbitrary data retention requirements, resulting in the destruction of election records, artifacts, information, and electronic data, either intentionally or due to lack of requirements to preserve the data. In addition, short preservation time limits do not support any legitimate government interest. Storage of information is

inexpensive, especially digital information. Once collected, the information must be maintained and available for fully transparent examination by the People, which is not presently the case.

- a. An example is the brief timeline for preservation of digital data, which has been limited by the Secretary of State to 30 days after the election canvass is completed. This duration is also followed for State and local elections, which only require preservation of the ballots for 30 days after canvass. In contrast, federal law requires ballots for federal offices to be retained for 22 months.
- b. This current data retention scheme creates a perception that the government is concealing or covering up evidence that they have a duty to preserve and make available for timely review by the People, so they may have full faith and confidence in our election processes. This lack of confidence is amplified when there is a lack of transparency and access to data, while at the same time making claims that the People have produced no evidence to support their claims of election interference and fraud.

13. We the People have produced reasonable suspicion to justify an investigation of the election, but we have been largely ignored, ridiculed, or silenced.
14. We the People find that few members of the executive branch have acted in a timely manner to investigate credible information regarding election offenses, as required by MCLA 168.939-941.
15. We the People find that the legislature should consider the credible information and evidence found by the People, subsequent to the legislatures limited investigation, which was incomplete, premature, and limited in scope.
16. We the People have united to examine the election system and results, with significant findings of fraud, despite widespread lack of transparency, media blackouts, and threats of prosecution.
17. We the People continue to assemble peacefully, in order to examine the November 3, 2020 election, and have resolved to continue exercising our civil liberties, until the identified election problems are addressed.
18. We the People find by a preponderance of the evidence that a sophisticated system of coordinated election fraud was executed, which included in part ballot box stuffing and the omission of votes that were lawfully cast by eligible voters. Investigation of election fraud has been further hindered by the willful failure of the Secretary of State to maintain the Qualified Voter File (QVF) in a secure and accurate manner, in accordance with State law.
19. We the People find that the recount rules are ineffective in ensuring that disputes regarding the vote count are resolved fairly and transparently, including the unreasonably brief time limits, cost, and chain of custody requirements.
20. We the People find that the laws regarding election oversight duties of the State Board of Canvassers and County Boards of Canvassers are ineffective, in their stated purpose of certifying the integrity of Michigan elections on behalf of the

People. We the People also find the elimination of precinct and municipal canvass boards to have weakened the integrity of our election system.

21. We the People find that the high voter turnout (a ratio of the number of ballots recorded to the voting age population) relative to historic turnout, indicates that a statistically improbably number of ballots were cast. This finding has been confirmed by canvass teams of the People in many areas of the state. In many cases, ballots were cast by voters who are not real people, not located at real addresses, or not possessing the residency and right to vote in the November 3, 2020 election.
22. We the People have identified through canvass teams in many areas of the state, persons who lawfully cast a ballot on Election Day, but have no recorded vote in the election records.
23. We the People have found through canvassing that in many precincts the election records are inaccurate, altered, or incomplete.
24. We the People find reasonable suspicion that the election fraud has included alteration of outcomes in previous elections, including the selection of candidates in primary elections.
25. We the People have found that there is a preponderance of evidence of unauthorized access, computer manipulation, and irregularities, indicating an attempt to manipulate election outcomes within our voting system and records, which has diminished the People's confidence in the security of our election system.
26. We the People find that this attack on American elections crossed state lines and affected the integrity of elections in other states in our Union.
27. We the People demand that the 2020 election be investigated, and the conspirators be brought to justice, whether foreign or domestic enemies of the People, and without respect to political party affiliation.
28. We the People agree that we need to act immediately to safeguard our election system and preserve the limited constitutional republic of America, which is one nation, under God, with liberty and justice for all.

THEREFORE, THE PEOPLE OF THE STATE OF MICHIGAN ENACT

[1] We the People DECLARE that the election result of November 3, 2020, shall be decertified:

[A] The election results are not pure or accurate, nor conducted in a manner to ensure the accuracy of the election;

[B] The official election result reported did NOT represent the will of the People, as expressed by their valid ballots on November 3, 2020;

[C] The People recognize that our institutions of government have failed to guard against abuses of the elective franchise.

[2] We the People hereby REQUIRE that all remaining election data, from all three of the 2020 statewide elections, be preserved for a period of ten (10) years after a legislative commission or independent counsel conducts a full investigation and delivers a final report. The election data includes all electronic data, digital artifacts, and physical records.

[A] The Secretary of State, the Board of Elections, head of the State Board of Canvassers, all County clerks, heads of all County Boards of Canvassers, and all precinct clerks shall each prepare and submit to the legislature a report that inventories all election data related to the three 2020 statewide elections. The reports shall be submitted no later than thirty (30) days following passage of this act. Any official whom fails to comply shall be guilty of a misdemeanor. Any government official or other person who willfully destroys election data or physical records from the 2020 election after passage of this act shall be guilty of a felony.

[B] The legislature shall appoint a bipartisan legislative commission to make recommendations regarding policy, laws, and rules; in order to improve the election system.

[C] The legislature shall appoint an independent counsel to investigate all statewide elections of 2020, with authority to study the election data, subpoena witnesses and records, institute criminal charges in any county, or delegate authority to the county prosecutor to institute charges.

[D] These investigations shall include the forensic examination of all digital, electronic, machine, and computer devices, as well as the software used with those devices in the 2020 election.

[3] The US Constitution grants the Michigan Legislature power to appoint Electors in a manner of their choosing. The Michigan Legislature has in turn has granted power to the People of Michigan to choose those Electors through an election, based on the candidates (President and Vice-President) receiving the greatest number of votes. Inherent in Michigan's legislative structure is that the People have final authority to decide who the Electors are and how the Electors will vote at the Electoral College.

[A] Article 2 Section 1 of the US Constitution states that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

[B] Public Act 116 of 1954 Chapter 4 Section 42 of Michigan states that "The candidates for electors of president and vice-president who shall be considered elected are those whose names have been certified to the secretary of state by that political party receiving the greatest number of votes for those offices at the next November election."

[4] Therefore, in recognition that the November 3, 2020 Presidential election was deemed invalid and is decertified, there remains a continuing duty to express the will of the People of the State of Michigan in the selection of Electors for the 2020-2024 Presidential term. The People do hereby, in passage of this initiated act, find that Republican Donald J. Trump was the duly elected Presidential Candidate entitled to receive the Michigan Electoral College Votes. Furthermore, we demand that the 2020 electors for the Democratic Party be returned and that the 2020 electors for the Republican Party be sent to vote the Michigan Electoral Votes for the State of Michigan, in accordance with the law.

[5] It is recognized that the Michigan Judiciary, the Michigan Legislature, and the Michigan Executive Branch have been unwilling to investigate and resolve the disputed November 3, 2020 election outcome, in order to align with the will of the People. Furthermore, the election safeguards failed as specifically directed in Article 2 Section 4(2) of the Michigan Constitution “to preserve the purity of elections, to preserve the secrecy of the ballot, and to guard against abuses of the elective franchise”.

[6] The proper course to resolve this issue is by vote of the People in a new election. However, since passage of this Initiated Legislation resolves the issue by majority vote, a new election is not required for the determination of the Proper Electors.

[7] We the People find that the events of January 6, 2021 disrupted the congressional proceedings to consider the validity of the election. It is further recognized that the processes and proceedings of the 12<sup>th</sup> Amendment to the US Constitution were underway, when the events of January 6, 2021 occurred at the US Capitol, which materially changed the proceedings and prematurely ended the debate. In consideration of this important issue, we the People demand that Michigan Government (all three branches) exercise the process of the 12<sup>th</sup> Amendment to review the electoral college vote and advocate through civil processes for the restoration of the duly elected and rightful President of the United States, Donald J. Trump. This shall include, but not be limited to, cooperating with other states to petition the US Supreme Court or commence proceedings in the US House or Senate.

[8] This Act shall be self-executing. Legislation may be enacted to facilitate implementation of this Act, but no law shall limit or restrict the application of this Act. If any part of this Act is held to be invalid or unconstitutional, the remaining parts of this Act shall not be affected but will remain in full force and effect. The People of Michigan declare that all the provisions of this Act shall be deemed severable from the remainder of this Act, in the event any provision is held invalid.

[9] We the People require that a new election system in Michigan be enacted into law, that provides for meaningful protection of all votes under the equal protection and due process clauses of the US and Michigan Constitutions. In accordance with our reserved power to *instruct* the legislature, we demand the election system of Michigan include the following minimum protections:

[A] The integrity of Michigan elections rests first on the unfettered right of the precinct clerk to control the list of voters qualified to vote in the precinct. A system in which there is the ability to make changes to the list of voters without



local approval and control is unacceptable to the People. Registration 'suggestions' from a consolidated state or national voter roll must be subject to local verification. Maintenance of the list of eligible voters in a precinct is to remain under the local control of the precinct clerk. Failure to properly maintain the registered voter roll in accordance with procedures established by the legislature shall be addressed and penalized as part of a new election system.

[B] Absentee Counting Boards shall be abolished and the election precincts required to count each ballot, only after verification by the precinct clerk (or on-site designees of the precinct clerk residing in the precinct), that the person is entitled to vote in the precinct. Persons who are denied the right to vote in a precinct shall be permitted to cast a provisional ballot and request a review of eligibility, to be conducted by the county clerk. The clerk will then make a recommendation to the county board of canvassers, who will decide whether the voter is eligible to vote, and whether the ballot is to be counted in the final election tally.

[C] All ballots shall be checked in, registered, verified, and counted on Election Day. Precincts in Michigan are small enough in size that there is no justifiable reason to check absentee ballots into a computerized system before election day, which creates the potential for tracking of voter turnout and participation.

[D] The People require that the system empower the local Board of Canvassers. Election results that are not certified or cannot be recounted shall require the election to be reheld. Timing for the reholding of an election shall be coordinated with the legislature's scheduling of elections. A legislative review shall occur following any recount and meaningful requirements must be established for the Board of Canvassers to certify election results.

[E] A meaningful statewide audit shall be conducted under standards established by the legislature. The auditor of the election shall be independent of the Secretary of State and shall be required to conduct an examination of a legislatively determined percentage of the ballots, in order to confirm voter participation or lack of participation, and also confirm the actual voter turnout, based on an established percentage of the registered voters.

[F] A system of real voter identification that limits participation in elections to citizens of Michigan that are eligible to vote, and does not permit an ineligible person to either cast a vote or dilute the vote of another person.

[G] The use of machine tabulators shall be reviewed, with the requirement that any machine tabulator uses open-source code that is transparent and available for the People to inspect. Furthermore, the tabulators shall not be able to connect to the internet in any manner. Each county, township, or municipality shall have the right to require counting of ballots by hand.

[H] Key election processes must be transparent, streamed live, and video recorded. This shall at a minimum include the adjudication of ballots, ballot counting, and recounts after the secrecy of the ballots has been preserved.

[10] We the People are facing an erosion of liberty and have grave concerns regarding the globalization of national power, nationalization of state power, state usurpation of local regulation, and control over our lives. The United States is a constitutional republic with representative representation. We also have the right to democratic processes, including the right of every citizen to vote without discrimination, the right to petition the government of grievances and seek redress, as well as the right to instruct our government.

[11] The People of the State of Michigan instruct all of the branches of government, State and Federal, in the Principles of the Republic of the United States as explained by of the Supreme Court of the United States in State v Mosley, 238 US 383; 35 S Ct 904; 59 L Ed 1355 (1914); “it is unquestionable that the right to have one’s vote counted is as open to protection...as the right to put a ballot in a box.

- a. Furthermore, as stated by Justice O’Conner in Gregory v Ashcroft, 501 US 452, 111 S Ct 2395; 115 L Ed 2d 410 (1991); “In the tensions between federal and state power lies the promise of liberty. Quoting James Madison, “In a single republic, all the power surrendered by the people is submitted to the administration of a single government.; and usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among separate and distinct departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.” From Federalist 51 p 323.
- b. Furthermore, as stated in Reynolds v Sims, 377 US 533; 84 S Ct 1362; 12 L Ed 2d 506 (1964); “The right to vote is protected however by equal protection in the manner in which a vote is exercised. Having granted the right to vote on equal terms, the State may not, by arbitrary and disparate treatment value one person’s vote over another. (Harper v Virginia Board of Elections, 383 US 663; 86 S Ct 1079; 16 L Ed 2d 169 (1966) Once franchise is granted to the electorate lines may not be drawn inconsistent with the Equal Protection Clause of the Fourteenth Amendment. It must be remembered that the right of suffrage [to cast a vote] can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise. The right to vote can neither be denied outright, nor can it be destroyed by alteration of ballots nor diluted by ballot box stuffing. Qualified voters in a state have a right to cast their ballots and to have them counted. The right of suffrage can be denied by debasement or dilution of weight of a citizen’s vote just as effectively as wholly prohibiting the free exercise of the franchise. The right to vote freely for candidates of one’s choosing is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. A state election system should be designed to give approximately equal weight to each vote cast. The constitution forbids sophisticated as well as simple minded modes of discrimination. Vote-diluting is discrimination. Each citizen has an

inalienable right to full and effective participation in political processes of his state's legislative bodies; full and effective participation requires that each citizen has an equally effective voice in the election.

PAID FOR WITH REGULATED FUNDS BY THE COMMITTEE TO REVIVE MICHIGAN ELECTIONS, LLC 8484 M-119, Suite 17C, Harbor Springs, MI 49740