

Via U.S. Mail and Facsimile

December 2, 2016

Secretary of State Ruth Johnson
Michigan Department of State
Bureau of Elections
Attn: FOIA Coordinator
Richard H. Austin Building - First Floor
430 West Allegan
Lansing, Michigan 48918
Fax: (517) 373-0941

Dear Secretary Johnson:

Under Michigan's Freedom of Information Act ("FOIA"), MCL 15.231 et seq, certain persons can receive copies or make inspections of most public records of public bodies upon written Request. See "Michigan's Freedom of Information Act Attorney General," prepared by the Office of the Attorney General in July 2007.¹

I am requesting on behalf of Freedom Watch an opportunity to inspect or obtain copies of the following public records held in the possession, custody, or control of the Michigan Department of State, Bureau of Elections including any of its local, County, or regional offices.

I am also requesting expedited treatment of this FOIA records request. We request a response in writing within five (5) days.

- 1) Inspection of the ballots cast in Michigan in the November 8, 2016, general election and/or all paper, electronic, or computerized records constituting recordation of votes cast in Michigan in the November 8, 2016, general election for president of the United States.

(Please include all responses of a voter in reference to the election for president whether a write-in vote for a candidate not named on the ballot, an under vote apparently choosing no one for president, an over vote apparently choosing more than one candidate for president, or a normal vote for a candidate. Of course, a vote for a presidential candidate in this context refers to a vote for the electors

¹ Accessible at: http://www.michigan.gov/documents/ag/FOIA_Pamphlet_380084_7.pdf

nominated to vote for a candidate for president along with a companion candidate for vice president.)

- 2) Inspection of voting information for each precinct including for each precinct on November 8, 2016, the number of voters who cast ballots, the tabulated results, the number of voters registered in the precinct, any reported problems, provisional ballots received, voters refused the opportunity to vote, and other information maintained for each precinct's voting on November 8, 2016. If records containing this information is not maintained on a precinct by precinct level, provide records at the organizational level at which such records are available.
- 3) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any change to the number of votes tabulated for the office of president of the United States from the November 8, 2016, general election as a result of any recount, challenge, or context.
- 4) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any request for a recount of the votes cast and/or vote totals and/or election results in Michigan of the November 8, 2016, general election for president of the United States.
- 5) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes between presidential candidate Jill Stein and/or the Green Party and the Michigan Elections Commission concerning any recount of, contest of, challenge to, or investigation of voting in the November 8, 2016, general election for president of the United States.
- 6) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes between presidential candidate Hillary Clinton and/or Hillary Clinton's campaign "Hillary for America" and the Michigan Elections Commission concerning any recount of, contest of, challenge to, or investigation of voting in the November 8, 2016, general election for president of the United States.
- 7) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes between the Democratic National Committee and the Michigan Elections Commission concerning any recount of, contest of, challenge to, or investigation of voting in the November 8, 2016, general election for president of the United States.
- 8) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any

evidence of fraud or "hacking" (i.e., any manipulation or alteration of data) in the votes cast and/or vote totals and/or election results in Michigan of the November 8, 2016, general election for President of the United States.

- 9) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to the actual performance of voting machines in terms of reliability and accuracy in Michigan in the November 8, 2016, general election for President of the United States (i.e., a voting machine meaning any mechanical and/or electronic device or machine used in Michigan to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum).
- 10) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any defects in voting machines in Michigan in the 2016 primary or general election (i.e., a voting machine meaning any mechanical and/or electronic device or machine used in Michigan to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum).
- 11) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any vulnerabilities of voting machines used in Michigan during the November 8, 2016, general election to unauthorized manipulation or alteration of vote totals or information on votes cast for candidates (i.e., any mechanical and/or electronic device or machine used in Michigan to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum).
- 12) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any defects or malfunctions in voting machines (i.e., any mechanical and/or electronic device or machine used in Michigan to allow voters to cast their votes and to record or tabulate the total number of votes cast for each candidate or referendum) in the 2016 primary or general election.
- 13) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any reports by Michigan voters or officials of voting irregularities or suspicious activities in the votes cast and/or vote totals and/or election results in Michigan of the November 8, 2016, general election for President of the United States.
- 14) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to procedures, instructions, or directions created specifically for the recount of votes

cast in Michigan of the November 8, 2016, general election for President of the United States.

- 15) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to any decision not to conduct a manual recount of votes cast in Michigan of the November 8, 2016, general election for President of the United States.
- 16) A copy of any and all documents, records, correspondence, letters, electronic mail (email) messages, cables, memoranda, reports, summaries, or faxes relating to the different types or levels of challenges, recounts, audits, and/or investigations of the November 8, 2016, general election for President of the United States available under Michigan law and the procedures of the Michigan Election Commissions.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. We request a response in writing, within the 5 days described by law, if you intend to deny this request. If you expect a significant delay in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

Governing this request under Michigan law, MCL 15.233 provides that:

(1) Except as expressly provided in section 13, upon providing a public body's FOIA coordinator² with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable. An employee of a public body who receives a request for a public record shall promptly forward that request to the freedom of information act coordinator.

* * *

(6) The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.

Michigan law provides that the Department of State may extend the time for responding by an additional 10 business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (6). Furthermore, Michigan law provides that dDue to the short statutory time period within which the Department must issue a written notice in response to the FOIA request, it is imperative that there be no delay in

² Note that Michigan's Bureau of Elections has published as the address where FOIA requests should be sent as "FOIA Coordinator" and has not provided a name for that person.

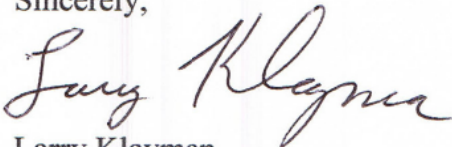
complying with the Departmental procedures and guidelines. *Id.*

I request a waiver of all fees for this request. If notwithstanding our request for a fee waiver, there are any fees for searching or copying these records, please inform me if the cost will exceed \$100.

Disclosure of the requested information to Freedom Watch is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in any commercial interest. Freedom Watch is engaged in the active dissemination of public information as is evident by our ongoing public interest legal work and continual fight against corruption within the United States government. Freedom Watch's website, freedomwatchusa.org serves as a primary means of disseminating that information, and is seen by millions of people annually. Freedom Watch is an Internal Revenue code §501(c)(3) non-profit organization.

Thank you for handling this request.

Sincerely,

A handwritten signature in cursive script, reading "Larry Klayman".

Larry Klayman
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