

From:

Name: _____

Address: _____

To:

Name: Sen. Mike Shirkey
100 N. Capitol Avenue, Room #S-102
P.O. Box 30036, Lansing, MI 48909
SenMShirkey@senate.michigan.gov
(517) 373-5932; (fax) (517) 373-5944

NOTICE OF AFFIDAVIT

Now comes Affiant, _____, one of the people (as seen in Article 1 Section 1 of the Michigan Constitution) Sui Juris, in this court of record, do make the following claims:

Article I, Sec 1 of the Constitution of Michigan of 1963, as amended, states that "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." In line this this overarching theme, the Michigan Constitution gives every elector qualified to vote in Michigan, as a citizen of the United States, who has attained the lawful requirements, to demand an audit of the statewide election, by right, and in a matter that is self-executing. **This is a notice and demand for the audit process to be started and completed.**

Section 1 of Article II provides the qualifications of the electors:

§ 1 Qualifications of electors; residence.

Sec. 1.

Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.¹

¹ The age to vote was lowered to 18 by the Twenty-Sixth Amendment (proposed by Congress on March 23, 1971 and ratified by July 1, 1971).

Section 4 of Article II provides the place and manner of elections:

(1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

* * *

(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. [Emphasis added.]

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. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

By the power of one of the people, and the power declared in the above constitutional provision, I, Affiant, demand, require and order a complete audit of the statewide election results and all votes, machines and software. As seen above all rights that were set forth in the above section are self-executing, and since you are being given notice that this audit is demanded, please start the audit process and please respond to me at the given address with all information on the results; and

Any attempt to trample the people's rights after this notice will be considered a trespass with full knowledge and intent; and

Any man or woman who denies these claims are true must rebut them under penalty of perjury in the form of a sworn affidavit. Any man or woman who decides to suppress this affidavit agrees to pay \$30,000 and any disputes by any public officials or private actors who are bound by contract to the Michigan Constitution agrees to have these matters heard before an Arbitrator of my choice and to be bound thereby. Any man or woman denying these claims are true must rebut these claims point by point within (3) days (72-hrs). Failure to respond means that by acquiescence you agree that all claims are true.

VERIFICATION

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed in _____, Michigan on _____, 2021.

(print name)

NOTARY AS JURAT CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF _____)

On _____, 2021, before me, a Notary Public in and for said County, appeared _____, who being by me duly sworn, signed this document and acknowledged his signature to be his free act and deed.

_____, Notary Public
_____ County, Michigan
My Commission Expires: _____

AUDIT DEFINED

An "audit" is defined by the Michigan Department of State Bureau of Elections, Post-Election Audit Manual, January 2020, an independent examination and "thorough review of pre-election and election day documents to determine if procedures were properly followed according to state law and established procedures" including all of the following:

- A full review conducted after polls close for the purpose of determining whether the votes were counted accurately (*a results audit*)
- A full review conducted after polls close for the purpose of determining whether proper procedures were followed (*a process audit*).
- "Election notices, election inspector appointments and training, ePollbook security, test deck procedures, military and overseas voter applications, and a review of the *Pollbook* and ballot containers used on election day will be the primary focus of the audit. In addition, an audit of the results of up to three contests in a General election and one contest in other elections on the ballot in each precinct will be conducted." *Id.* at 3.
- Determine if the proper number of notices were published in a local newspaper prior to an upcoming election. The newspaper should supply an Affidavit of Publication to the publisher to confirm publication. *Id.* At 4.
- Review that all requirements of the Michigan Election Code were satisfied, including but not limited to: MCL 168.489(3); MCL 168.653a; MCL 168.798(1); MCL 168.674; 168.653a; MCL 168.677; MCL 168.68. *Id.* At 4-5.
- "A vital component to a successful election is the conduct of the preliminary and public Logic and Accuracy Testing prior to the election." *Id.* at 6.

- Ensure that the proper *Tabulator Program Testing and Security Certification* forms are complete and match the seal and serial numbers listed in the corresponding precinct's Preparation Certificate portion of the *Pollbook*
- Ensure that the Michigan Secretary of State has complied with MCL 168.797c and holds all source code for voting machines in trust. Pursuant to the Michigan Security Advisory Commission, the Michigan Secretary of State shall perform source code security audits or penetration testing on a frequent and regular basis (at a minimum annually).
- Ensure that all jurisdictions and governmental agencies in the State of Michigan have complied with 52 US 20701 and have retained and preserved all voting records for 22 months.
- "Review the *Voter Assist Terminal Preparation Checklist and Test Certification Form* and verify it was properly completed." *Id.* at 7.
- "Review the *Applications to Vote*. Physically count the *Applications to Vote* and determine if there is the same number of *Applications to Vote* as voters in the *Pollbook*." *Id.* at 8.
- "If auditing an election with a state or federal office, review the absent voter information posting required to be posted before and on election day." *Id.*
- "Verify the completion of a Receiving Board checklist on election day." *Id.*
- "Finally, review the remaining components of the *Pollbook*." *Id.*
- "Review the Clerk's Preparation Certificate." *Id.* at 9.
- "Ensure all checkboxes are completed in the Election Inspectors' Preparation Certificate and that the inspectors signed." *Id.*
- "Ensure all inspectors (including the chairperson) subscribed to the Constitutional Oath of Office." *Id.*
- "Ensure the oath administrator signed in the appropriate location(s)." *Id.*
- "Compare the signatures of the election inspectors with the Election Commission appointments to ensure all that signed the oath were appointed." *Id.*
- "If applicable, ensure the write-in portion of the *Pollbook* was completed. Votes should be properly totaled after the tally marks." *Id.*
- "Ensure the tabulator tape/statement of votes (should be affixed to the Statement of Votes signature page in the back of *Pollbook*) was signed by all election inspectors." *Id.*

- "Ensure the number of ballots tabulated on the totals tape matches the number of voters listed in the *Pollbook*." *Id.* This includes, but is not limited to, a complete examination and review of all paper ballots and all electronic reporting procedures and components to ensure that the proper votes were captured by the electronic voting machines and properly transferred to the county and state, without foreign interference.
- "Ensure the Ballot Summary (found in the *Pollbook*) is completed, balanced, and totals are accurate. The **Difference** should always be zero. If there is a valid discrepancy, was it remarked? If so, check the Remark box." *Id.*
- "Review the *Provisional Ballot Forms* with the *Pollbook* to ensure the number issued matches the number in the Ballot Summary." *Id.* at 11.
- "Determine based on the information provided on the form if the Envelope ballot was appropriately processed by the election inspector and/or the local Clerk." *Id.*
- "Ensure a master card is available for each voter issued an Affidavit or Envelope ballot verifying the voter was registered to vote after the election. Finally, if an envelope ballot was counted, verify it was sealed in an approved ballot container." *Id.*
- Does the number of spoiled ballots in the *Spoiled Ballot Envelope* equal the number of spoiled ballots listed in the *Pollbook*?" *Id.* at 12. In fact, on December 17, 2020, we saw that the number of spoiled ballots did not match the ballots in the envelope.

PROOF OF SERVICE and ADDITIONAL PEOPLE NOTICED

I declare that a true and accurate copy of the foregoing Notice of Affidavit was sent by **USPS Certified Mail, return receipt requested**, to the party listed below on _____, 2021

Respondent(s):

Served by: _____ (Person Serving the Document)

- To: Gretchen Whitmer (Governor), P.O. Box 30013, Lansing, Michigan 48909; governorsoffice@michigan.gov; (517) 373-3400; (fax) (517) 335-7858
- To: Dana Nessel (Attorney General), 525 W. Ottawa St., Lansing, MI 48906; miag@michigan.gov; (517) 335-7622; (fax) (517) 335-7644
- To: Jocelyn Benson (Secretary of State) 430 W. Allegan St., Richard H. Austin Building, 4th Floor, Lansing, MI 48918; elections@michigan.gov; (517) 335-3269
- To: Michigan Supreme Court (please notice all Justices), PO Box 30052 Lansing, MI 48909
- To: Sen. Mike Shirkey (R) (Michigan Senate Majority Leader), 100 N. Capitol Avenue, Room #S-102, P.O. Box 30036, Lansing, MI 48909; SenMShirkey@senate.michigan.gov; (517) 373-5932; (fax) (517) 373-5944
- To: Sen. Jim Ananich (D) (Michigan Senate Minority Leader), 100 N. Capitol Avenue, Room #S-105, P.O. Box 30036, Lansing, MI 48909; senjananich@senate.michigan.gov; (517) 373-0142; (fax) (517) 373-3938
- To: Rep. Jason Wentworth (R) (Michigan House Majority Leader), 124 N. Capitol Avenue, Room #164, P.O. Box 30014, Lansing, MI 48909; JasonWentworth@house.mi.gov; (517) 373-8962; (fax) (517) 373-5930
- To: Rep. Donna Lasinski (D) (Michigan House Minority Leader), 124 N. Capitol Avenue, Room #167, P.O. Box 30014, Lansing, MI 48909; DonnaLasinski@house.mi.gov; (517) 373-0828; (fax) (517) 373-5930
- To: Rep. Pamela Hornberger (R) (Michigan House Speaker Pro Tempore), 124 N. Capitol Avenue, Room #251, P.O. Box 30014, Lansing, MI 48909; PamelaHornberger@house.mi.gov; (517) 373-8931; (fax) (517) 373-5930
- To: Rep. Yousef Rabhi (D) (Michigan House Democratic Floor Leader), 124 N. Capitol Avenue, Room #141, P.O. Box 30014, Lansing, MI 48909; YousefRabhi@house.mi.gov; (517) 373-2577; (fax) (517) 373-5808

- To: Rep. Ben Frederick (R) (Michigan House Republican Floor Leader), 124 N. Capitol Avenue, Room #153, P.O. Box 30014, Lansing, MI 48909; BenFrederick@house.mi.gov; (517) 373-0841k (fax) (517) 373-7937
- To: Sen. Ed McBroom (R), 201 Townsend Street, Room #7200, P.O. Box 30036, Lansing, MI 48909; SenEMcBroom@senate.michigan.gov; (517) 373-7840; (fax) (517) 373-3932
- To: Sen. Dr. John Bizon (R), 201 Townsend Street, Room #3400, P.O. Box 30036, Lansing, MI 48909; SenJBizon@senate.michigan.gov; (517) 373-2426; (fax) (517) 373-2964