



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

February 28, 2023

American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Via Email

FREEDOM OF INFORMATION ACT NOTICE

The Michigan Department of State (Department) has finished processing your request for records received November 23, 2022, the next business day following transmission, pursuant to the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 *et seq.* A copy of your request is enclosed and incorporated herein.

Your request for “all email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Michigan Board of State Canvassers member Richard Houskamp or Chair Anthony Daunt to any email addresses ending in .com, .net, .org, .mail, .me, .ch, .us, .edu” (emphasis in original), and containing any of a list of key terms beginning with “Reproductive Freedom” and “RFFA” is granted in part as to existing, nonexempt public records determined to be responsive to your request.

Your request is denied in part to the extent it seeks privileged, attorney-client communications between the Board of Canvassers and their attorneys. Communications between Mr. Houskamp and/or Mr. Daunt and Assistant Attorneys General are denied as they are information or records subjected to the attorney-client privilege. MCL 15.243(1)(g). These emails are withheld entirely.

On December 16, 2022, the Department issued you a detail itemization of its estimate to process your FOIA request and requested a deposit of \$48.67, which you paid on January 4, 2023. Initially, it was estimated that there would be an outstanding balance of \$48.66 to be paid prior to production. However, the remaining balance is waived because the number of responsive documents was reduced when documents protected by attorney-client privilege were removed, redactions were not needed, and the number of documents to be produced does not require the use of a jump drive or postage.

The breakdown of the Department’s actual costs to process your FOIA request is attached. The charge for the Department’s labor is the burdened (salary + 50% of benefits) hourly rate of

lowest paid employee(s) capable of completing the necessary tasks. Records responsive to your request are enclosed with this correspondence.

With regard to the partial denial of your request, under FOIA (MCL 15.240) you may do one of the following:

1. Appeal this decision in writing to the Secretary of State's designated appeals officer at:

Secretary of State Jocelyn Benson
Attn: Michael J. Brady
Legal Services Administration
Michigan Department of State
P.O. Box 30204
Lansing, Michigan 48918

The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within 10 business days of its receipt. Under unusual circumstances, the time for a response may be extended by 10 business days.

2. File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs and disbursement, and possible damages.

If you have any questions, please contact me. The Department's FOIA Procedures and Guidelines can be accessed at www.michigan.gov/sos, under the "FOIA" tab at the bottom of the page.

Sincerely,



Jenny McInerney, FOIA Coordinator
Bureau of Elections
Michigan Department of State

Enclosures

McInerney, Jenny (MDOS)

From: Richard Houskamp <rhouskamp@neuralplanet.com>
Sent: Tuesday, December 6, 2022 7:42 PM
To: Brater, Jonathan (MDOS)
Cc: Fracassi, Adam (MDOS);Albro, Lisa (AG);Anthony Daunt;Bradshaw, Jeannette (MDOS-Contractor);Daunt, Anthony (MDOS-Contractor);Grill, Erik (AG);Gurewitz, Mary Ellen (MDOS-Contractor);Jeannette Bradshaw;Mary Ellen Gurewitz;Meingast, Heather (AG);Smith, Jessica (MDOS);Burns, Robert (MDOS);Bourbonais, Lori (MDOS)
Subject: Re: 12/5/22 BSC Meeting

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Thanks Jonathan!

On Tue, Dec 6, 2022, 4:01 PM Brater, Jonathan (MDOS) <BraterJ@michigan.gov> wrote:

Members,

For your reference, the recount schedule is posted here:

<https://www.michigan.gov/sos/-/media/Project/Websites/sos/Elections/Upcoming-Elections/Recount-Times-and-Locations.pdf?rev=cffd030a8c54519ad33976e7d98e9d9&hash=18DC1698E402126FCE8110B116674E85>

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Some times and locations are still being finalized – this is an unofficial list, and each county board notices the official meeting under the open meetings attached. This document along with the attached recount procedure document has been shared with the attorneys for both sides.

From: Brater, Jonathan (MDOS)
Sent: Monday, December 5, 2022 10:43 AM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>; Albro, Lisa (AG) <AlbroL@michigan.gov>; Anthony Daunt <daunt1978@yahoo.com>; Bradshaw, Jeannette (MDOS-Contractor) <BradshawJ@michigan.gov>; Daunt, Anthony (MDOS-Contractor) <DauntA@michigan.gov>; Grill, Erik (AG) <GrillE@michigan.gov>; Gurewitz, Mary Ellen (MDOS-Contractor) <GurewitzM@michigan.gov>; Jeannette Bradshaw <jbradtwp1@gmail.com>; Mary Ellen Gurewitz <megurewitz@gmail.com>; Meingast, Heather (AG) <MeingastH@michigan.gov>; Richard Houskamp <rhouskamp@neuralplanet.com>; Smith, Jessica (MDOS) <SmithJ124@michigan.gov>; Burns, Robert (MDOS) <BurnsR10@michigan.gov>; Bourbonnais, Lori (MDOS) <bourbonaisl@michigan.gov>
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Members,

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Members,

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I believe this covers everything, but if you have any questions, please do not hesitate to contact Jonathan or me. I will not have my work cell, but can be reached on my personal cell.

Adam Fracassi, *Regulatory Manager*

Michigan Bureau of Elections

P.O. Box 20126

Lansing, Michigan 48901

McInerney, Jenny (MDOS)

From: Daunt, Anthony (MDOS-Contractor)
Sent: Tuesday, December 6, 2022 5:55 PM
To: Brater, Jonathan (MDOS);Fracassi, Adam (MDOS);Albro, Lisa (AG);Anthony Daunt;Bradshaw, Jeannette (MDOS-Contractor);Grill, Erik (AG);Gurewitz, Mary Ellen (MDOS-Contractor);Jeannette Bradshaw;Mary Ellen Gurewitz;Meingast, Heather (AG);Richard Houskamp;Smith, Jessica (MDOS);Burns, Robert (MDOS);Bourbonais, Lori (MDOS)
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thanks for passing along. Great work by everyone over the past few weeks! Best of luck to the staff who will be handling this process.

Take care
TD

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Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901

McInerney, Jenny (MDOS)

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To: Brater, Jonathan (MDOS)
Cc: Fracassi, Adam (MDOS); Albro, Lisa (AG); Anthony Daunt; Bradshaw, Jeannette (MDOS-Contractor); Daunt, Anthony (MDOS-Contractor); Grill, Erik (AG); Gurewitz, Mary Ellen (MDOS-Contractor); Jeannette Bradshaw; Mary Ellen Gurewitz; Meingast, Heather (AG); Smith, Jessica (MDOS); Burns, Robert (MDOS); Bourbonnais, Lori (MDOS)
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Michigan Bureau of Elections

P.O. Box 20126

Lansing, Michigan 48901

--

Richard Houskamp

President



2450 44th St. Suite 103

Kentwood, MI 49512

f: 1.616.957.5655 x.504

c: 1.616.813.7954

w: www.neuralplanet.com

McInerney, Jenny (MDOS)

From: Richard Houskamp <rhouskamp@neuralplanet.com>
Sent: Friday, December 9, 2022 7:21 PM
To: Brater, Jonathan (MDOS)
Cc: Daunt, Anthony (MDOS-Contractor);Anthony Daunt;Gurewitz, Mary Ellen (MDOS-Contractor);Mary Ellen Gurewitz;Houskamp, Richard (MDOS-Contractor);Bradshaw, Jeannette (MDOS-Contractor);Jeannette Bradshaw;Meingast, Heather (AG);Grill, Erik (AG);Fracassi, Adam (MDOS);Burns, Robert (MDOS);Bourbonais, Lori (MDOS)
Subject: Re: Recount Updates

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Thanks for updating us Jonathan, and for your firm and measured response to Mr. Hartman. The reported actions of the EIFF challengers confirm some of the motivation and concerns discussed on Monday.

Have a wonderful weekend.

Best,

Richard

On Fri, Dec 9, 2022, 6:15 PM Brater, Jonathan (MDOS) <BraterJ@michigan.gov> wrote:

Members,

Please see the attached emails. The first was received from attorneys for challenger organizations in support of the proposals and was received Wednesday night; I did not realize it was not sent to you directly and apologize for not sending it earlier. The second is a letter I just sent to challenger organizations opposed to the proposal.

The first email alleges misconduct by challengers opposed to the proposals. These are allegations, but staff have made similar reports to me from recount sites. I decided to send the letter in the second email to challengers opposed to the proposals after an incident today in Marquette County which is described in the letter. If anyone has questions or would like to discuss further, please feel free to contact me.

Sincerely,

Jonathan Brater, *Director of Elections*
Michigan Department of State

Secretary of State Jocelyn Benson

Bureau of Elections

Mobile: 517-599-5723

----- Forwarded message -----

From: "Trebilcock, Christopher M." <ctrebilcock@clarkhill.com>

To: "Brater, Jonathan (MDOS)" <BraterJ@michigan.gov>, MDOS-Canvassers <MDOS-Canvassers@michigan.gov>,
"Burns, Robert (MDOS)" <BurnsR10@michigan.gov>

Cc: "sliedel@dykema.com" <sliedel@dykema.com>, "mbrewer@goodmanacker.com"
<mbrewer@goodmanacker.com>, "Brady, Mike (MDOS)" <BradyM@michigan.gov>, "Meingast, Heather (AG)"

<MeingastH@michigan.gov>, "Grill, Erik (AG)" <GrillE@michigan.gov>

Bcc:

Date: Thu, 8 Dec 2022 03:18:21 +0000

Subject: Recounts of Proposal 2022-2 and 2022-3 (IMMEDI

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Members of the Board and Director Brater:

On behalf on Promote the Vote 2022, Promote the Vote, and Reproductive Freedom for All ("the Sponsors"), we request that the Board of Canvassers authorize its designees supervising the Recount process for Proposal 2022-2 and Proposal 2022-3 direct the Election Integrity Fund and Force ("EIFF") to **immediately cease and desist** from all conduct and activities that violate the rules adopted by the Board of Canvassers on December 5, 2022 and the Michigan Election Law.

During the recount process in Oakland, Jackson and Midland Counties on December 7, attorneys and other individuals representing the Sponsors witnessed representatives of EIFF engage in the following unlawful conduct:

1. touching voting materials and equipment, including ballot containers, ballots, statements of votes, tally sheets, and recount forms, and other related voting materials; and
2. standing or squatting next to election workers on the "wrong side of the table" while the workers were sorting and counting ballots; and
3. repeatedly asking questions about the "chain of custody" of voting materials and request that election workers stop counting so that EIFF representatives could photograph or videotape various voting materials; and

4. threatening or loudly telling election workers that the workers were committing fraud and going to jail.

Collectively these actions and conduct are designed to hinder and delay the recount and must immediately stop. Any and all future conduct by any representative of EIFF should result in immediate injunction of the challenger and ban from participating in any other recount process in 2022. If requested, we can provide witnesses to these activities for an interview or submit an affidavit from these individuals.

We thank and applaud the excellent work of the staff of the Bureau of Elections, the county and local clerks, and all the election workers. They were all consummate professionals throughout the day and did their best to prevent and stop the unlawful and disruptive activities of EIFF. They did so under often difficult circumstances with multiple individuals videotaping interactions or appearing to live stream the interactions on social media.

In sum, we request that a directive be issued to the EIFF to cease and desist from all conduct and activities that violate the rules or state law and that failure to adhere to the directive will result in immediate discharge from the recount location. We also strongly encourage the Board to consider revoking the Interested Party status of EIF.

Thank you for your attention to these important matters. I have copied my colleagues Steve Leidel and Marl Brewer who join in this request.

Regards,

Chris

Christopher M. Trebilcock

Member

Clark Hill

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----- Forwarded message -----

From: "Brater, Jonathan (MDOS)" <BraterJ@michigan.gov>

To: "danjh1234@yahoo.com" <danjh1234@yahoo.com>

Cc: MDOS-Canvassers <MDOS-Canvassers@michigan.gov>, "Meingast, Heather (AG)" <MeingastH@michigan.gov>, "Grill, Erik (AG)" <Grille@michigan.gov>, "ctrebilcock@clarkhill.com" <ctrebilcock@clarkhill.com>, "sliedel@dykema.com" <sliedel@dykema.com>, "mbrewer@goodmanacker.com" <mbrewer@goodmanacker.com>

Bcc:

Date: Fri, 9 Dec 2022 23:10:13 +0000

Subject: Recount Correspondence

Dear Mr. Hartman,

Please see the attached correspondence.

Sincerely,

Jonathan Brater, *Director of Elections*
Michigan Department of State

Secretary of State Jocelyn Benson

Bureau of Elections

Mobile: 517-599-5723

McInerney, Jenny (MDOS)

From: Houskamp, Richard (MDOS-Contractor)
Sent: Thursday, December 1, 2022 3:17 PM
To: rhouskamp@neuralplanet.com
Subject: Fw: Recount Received
Attachments: Prop 3 Recount Request.pdf; Prop 2 Recount Request.pdf

From: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Sent: Thursday, December 1, 2022 11:00 AM
To: Albro, Lisa (AG) <AlbroL@michigan.gov>; Bradshaw, Jeannette (MDOS-Contractor) <BradshawJ@michigan.gov>; Brater, Jonathan (MDOS) <BraterJ@michigan.gov>; Daunt, Anthony (MDOS-Contractor) <DauntA@michigan.gov>; Grill, Erik (AG) <GrillE@michigan.gov>; Gurewitz, Mary Ellen (MDOS-Contractor) <GurewitzM@michigan.gov>; Jeannette Bradshaw <jbradtwp1@gmail.com>; Mary Ellen Gurewitz <megurewitz@gmail.com>; Meingast, Heather (AG) <MeingastH@michigan.gov>; Houskamp, Richard (MDOS-Contractor) <HouskampR@michigan.gov>; Smith, Jessica (MDOS) <SmithJ124@michigan.gov>; Burns, Robert (MDOS) <BurnsR10@michigan.gov>
Subject: Recount Received

Members,

We received two requests for a recount of proposals 2 and 3. The attached are the petitions that were filed.

As you know, we have to meet on Monday where the Board has to establish procedures for the recount and determine who is the "interested party" for purposes of being a challenger or watcher at the recount. I don't have much more information for you right now as to the details of the meeting, but will be in contact as we finalize everything.

Adam Fracassi, *Regulatory Manager*
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901