



October 11, 2020

This is an official update from the Grosse Ile Township Clerk's Office. This information is intended to address a new decision by the Grosse Ile Township Clerk's Office in the Voter Challenge initiated by a citizen complaint on July 10, 2020.

It is a primary function of every Township Clerk's Office in Michigan to support, uphold, and enforce Michigan State Law and Michigan State Election Law. When presented with a voter challenge – as provided by MCL 168.512 – there is a due process to be followed and only then can a decision based on law be made. Our Oath of Office as elected officials compels us to follow a prescribed and deliberate path – based on local, state and federal law – in everything we do.

However, that prescribed and deliberate path through Michigan Election Law can become complicated and difficult to decipher. A voter challenge, in accordance with MCL 168.512, was presented to the Grosse Ile Clerk's office on July 10, 2020, alleging that a certain candidate running for local office was not in fact a qualified elector in the jurisdiction of Grosse Ile.

As I have reported before, we immediately informed our Township Attorney and proceeded to act in accordance with our understanding of the law. We ultimately based our decision on our understanding of MCL 168.10 and 168.11(1). Based on the facts presented, we felt that we had no choice but to find that the challenged voter did not meet the requirement of residency under these statutes.

In a continued effort to assure that Grosse Ile Township voters were properly represented, we continued our efforts to seek the interpretation of the legal staff at the Michigan Bureau of Elections. After finally speaking with them, we were advised that their interpretation of MCL 168.497 was that a presented Michigan Driver's license or affidavit is proof of residency and with that our role was complete. Whether the license or affidavit was accurate was for criminal investigation, not our review. This is where our path got complicated and difficult to decipher, because we knew the challenged voter did not currently live in his house in Grosse Ile Township. The BOE staff also explained that while there is no law on point, in addition to accepting the license and affidavit as proof, they would also consider that the challenged voter was not living in his home due to the fact that he is renovating it, and although his renovation is taking a long time, he "intends to return." The BOE staff concluded in advising us that according to their understanding of Michigan Election Law the challenged voter met the challenge and should remain an eligible elector of Grosse Ile.

Based on this new interpretation from the Michigan Bureau of Elections, the Grosse Ile Clerk's Office has no choice but to change its decision, and our office will reinstate the challenged voter as an eligible elector immediately as of Monday, October 12, 2020. (While our ongoing research and investigations were pending, the challenged voter's family members were never removed from the voter rolls.)

We sincerely apologize to the challenged voter, and his family. We pursued the process and followed the statutes to the best of our understanding. This process and our decisions were never made arbitrarily. The BOE staff agreed that the Grosse Ile Clerk's office did its best to follow the process, and that Michigan Election Law was complex and that knowing how best to enforce it properly was not always clear.

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