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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PETER BORMUTH,

Civil No:

Plaintiff,

Case:2:16-cv-13166

Judge: Edmunds, Nancy G.

MJ: Grand, David R.

Filed: 09-01-2016 At 11:16 AM

CMP BORMUTH V. JOHNSON ET AL (NA)

v.

M

RUTH JOHNSON, in her official capacity

as Michigan Secretary of State, and

BILL SCHUETTE, in his official capacity as

Michigan Attorney General

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Peter Bormuth files this complaint against Defendants and alleges as follows:

Nature of Action

1. Plaintiff brings this lawsuit to secure the rights of all Michigan candidates for public office who suspect fraud in an election to an official recount of ballots in any precinct they request so as to protect the rights of all Michigan voters to the integrity of election results. Specifically, the Plaintiff seeks declaratory and injunctive relief to force Ruth Johnson, in her official capacity as Secretary of State to authorize and fulfill the Petition for Recount under MCL 168.879 (as authorized by MCL 168.862) filed by the Plaintiff with the

Secretary of State on 8-11-16. The Plaintiff seeks to protect the right guaranteed to said qualified voters in the aforesaid election under Article One, Sections Two and Four of the Constitution to have their votes in the aforesaid election for the candidates of their choice for the office of Member of the Michigan House of Representatives cast and tabulated fairly and free from electronic voting machine error or manipulation of the tabulation; and the right guaranteed to said qualified voters by and under the Equal Protection and the Due Process Clauses of the Fourteenth Amendment to have their votes in the aforesaid election cast and tabulated fairly and free from electronic voting machine manipulation by persons charged under Michigan law with the operation and safe-keeping of the poll for said Precinct.

2. The Michigan Election Law, Act 116 of 1954 was passed by the Legislature to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; and to prescribe penalties and provide remedies. Section MCL 168.879 was included to allow a candidate (or state party chairman) to petition for a recount if they knew of, or simply suspected, mistake or fraud in the primary or general election process. Section MCL 168.862 was included to allow a recount in any precinct or precincts.

3. Manipulation of electronic voting machines is a relatively new form of voting fraud and a serious threat to our democracy. Several states use electronic voting machines that do not utilize a paper ballot leaving our elections open to manipulation by government, parties, corporations, or foreign intelligence agencies. Michigan utilizes optical scan voting machine that do utilize a paper ballot and thus the certification of election results can be checked by hand recounts. Experts have determined that random recounts of individual precincts are effective means of preventing this new form of voting fraud.
4. Plaintiff also brings this action to secure the right of candidates without computer skills to file campaign finance disclosure forms electronically by means of facsimile transmission with the Secretary of State Bureau of Elections. Specifically, the Plaintiff seeks injunctive and declaratory relief to force Ruth Johnson, in her official capacity as Michigan Secretary of State, to accept and file the Campaign Finance Disclosure forms required under the Michigan Campaign Finance Act (MCFA), Section 18(3) and Section 18(4) that were sent to the Bureau of Elections by the Plaintiff on 7-25-16 and 8-17-16. The Secretary of State interpretation of the MCFA Sections 18(1) and 18(2) has the effect of restricting candidate access to the ballot by denying the old, the poor, and other candidates without computer skills the ability to file the legally required forms. Section 18(2) specifically states that the Secretary of State shall offer each candidate committee the option of filing electronically, but does not require such filing.
5. The Michigan Campaign Finance Act, Act 388 of 1976, was passed by the Legislature to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate

anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; and to prescribe penalties and provide remedies. Sections 18(1) directed the secretary of state to develop and implement an electronic filing and internet disclosure system that permits committees that are required to file statements or reports with the secretary of state to file those statements or reports electronically and that provides internet disclosure of electronically filed statements or reports on a website. Section (2) requires the secretary of state to offer each committee required to file with the secretary of state the option of filing campaign statements or reports electronically.

6. For these reasons and those specifically alleged herein, the Plaintiff seeks a declaratory judgment requiring the Secretary of State to authorize a recount of County of Jackson, City of Jackson, Ward 1, Precinct 2 as requested in the Plaintiff's 8-11-16 petition. The Plaintiff also seeks a declaratory judgment requiring the Secretary of State to accept and file the Plaintiff's pre-primary and post-primary campaign finance disclosure forms that were sent to the Bureau of Elections by electronic facsimile on 7-25-16 and 8-17-16. The Plaintiff also requests a permanent injunction requiring the Secretary of State to honor any candidate's petition for recount under Section MCL 168.879 if the candidate alleges

mistake or fraud due to voting machine irregularities. Finally, the Petitioner requests a permanent injunction requiring the Secretary of State to accept campaign finance disclosure forms from any candidate by facsimile transmission.

The Parties

7. Plaintiff Peter Bormuth is a Pagan Druid and was a Democratic primary candidate in the August 2, 2016 Michigan primary election for the 64th District Michigan House of Representative seat currently held by Christian Republican Earl Poleski. Plaintiff lives in the City of Jackson, Michigan at 142 West Pearl Street.
8. Defendant Ruth Johnson is the Christian Republican Secretary of State of Michigan and is sued in her official capacity. The Secretary of State is the chief election officer of the State of Michigan, and as such, is responsible for the administration of State laws affecting voting, and for assuring that elections in the state are conducted in accordance with the law. Her principal office is in Lansing Michigan.
9. Defendant Bill Schuette is the Christian Republican Attorney General for the State of Michigan. The Attorney General is the chief law officer of the State and represents the State of Michigan in all legal matters. His office is in Lansing Michigan.

Jurisdiction and Venue

10. This Court has jurisdiction over the subject matter of this action under 18 U.S.C. § 241; 18 U.S.C. § 242; 28 U.S.C. § 1331; 28 U.S.C. § 1343(a)(3); 28 U.S.C. § 1343(a)(4); 28 U.S.C. § 2201(a); 28 U.S.C. § 2202; 42 U.S.C. § 1973i(a) and (c); 42 U.S.C. § 1983; as well as 42 U.S.C. § 1985(3).
11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

Factual Allegations

12. On December 1, 2015 the Plaintiff filed to run for the 64th District Michigan House seat as a Democratic candidate. The Plaintiff filed a Statement of Organization Form for Candidate Committees with Elections Director Colleen Garety at the Jackson County Courthouse office. It was stamped received by the Michigan Department of State on December 4, 2015. (see Exhibit A).
13. Plaintiff filed for the reporting waiver (spending under \$1,000) because he hoped to run unopposed in the primary. (see Exhibit A, line 10).
14. Local Democratic Party leaders (County Commissioner John Polaczyk; City Council member Derek Dobies; Democratic Party Treasurer Marty Griffin) who are Christian did not want the Plaintiff, who is a Pagan, to run unopposed and recruited Ron Brooks, a Christian minister with no previous political involvement, to enter the race.
15. Facing a primary challenge, the Plaintiff determined that he would exceed the \$1,000. non-reporting threshold. On 6-1-16 the Plaintiff went to the Jackson County Courthouse to request a form to amend his statement of organization. He spoke with Elections Director Colleen Garety, who called the Secretary of State office in Lansing and spoke with Director Evelyn Quiroga of the Disclosure Data Division. The Plaintiff was informed that he did not need to amend his statement of organization, but that he was now required to file pre-primary candidate campaign statement which was due on July 22, 2016.
16. On July 22, 2016 the Plaintiff went on the Secretary of State's website but could not find the link to the candidate campaign finance disclosure forms he was required to file. The Plaintiff is a techno-peasant with limited computer skills. Plaintiff can surf the web, send

e-mails, and use Microsoft Word to compose documents. Beyond those basics, his computer skills are nonexistent. The Plaintiff sent an e-mail to Disclosure@Michigan.gov requesting a link to the required forms. (see Exhibit B, e-mail #1)

17. On July 22, 2016 the Plaintiff received an e-mail response from Mark Diljak, Analyst in the Data Disclosure Division of the Michigan Bureau of Elections providing the Plaintiff with a link to the forms. (See Exhibit B, e-mail #2)
18. On July 25, 2016 the Plaintiff spent two hours at the Jackson College Library filling out the forms on-line. The Plaintiff discovered that the forms would not save the data he entered. The Plaintiff e-mailed Mark Diljak with this information and was told by Diljak that: "You can print and fill out the reports and then fax them to us if you like. Our fax number is 517-373-0941." (Exhibit B, e-mails #3 & #4)
19. The Plaintiff then had problems downloading the forms so he went to see Colleen Garety at the Jackson County Courthouse and she downloaded the forms for the Plaintiff.
20. Plaintiff then accurately filled out the forms to the best of his ability and faxed them to the number provided by Diljak at 4:25pm on July 25, 2016.
21. The Plaintiff sent Diljak an e-mail stating that the forms had been sent by fax and requesting confirmation that they had been received. (see Exhibit B, e-mail #5)
22. Diljak sent the Plaintiff confirming the Department received the Plaintiff's filing. (see Exhibit B, e-mail #6).
23. On July 26, 2016 the Plaintiff received a copy of a Complaint sent by Earl Poleski to the Secretary of State dated July 23, 2016 alleging a possible violation of the campaign finance law against the Plaintiff's candidate committee. Poleski is the current Christian Republican

incumbent in the 64th District whose seat the Plaintiff was seeking. Poleski saw one of the Plaintiff's Pagan pro-abortion/pro-environment anti-christian television political ads which offended him and he filed a complaint based on his knowledge of how much a TV ad costs. (see Exhibit C, Poleski complaint).

24. These ads, which can be viewed at www.peterbormuth.com, are the real reason why the Plaintiff is being persecuted by the partisan Christian Secretary of State in this matter.

25. On July 27, 2016 the Plaintiff took the Poleski complaint to Elections Director Colleen Garety, who made a copy for her files. Garety contacted Evelyn Quiroga who replied by e-mail that: "The committee attempted to file the Pre-Primary CS, but was required to file electronically. We have communicated this to the committee. The committee was not required to update the Statement of Organization." (see Exhibit B, e-mail #7).

26. On July 28, 2016 the Plaintiff received a letter from the Department of State interpreting the Michigan Campaign Finance Act (MCFA) Sections 18 (3) and 18(4) as requiring electronic filing, The letter informed the Plaintiff that his filing electronically by fax did not comply and that late filing fees were accruing. (see Exhibit D, 7/26/16 letter).

27. On July 28, 2016 the Plaintiff sent an e-mail to Director Quiroga asserting his Constitutional right to run for public office and to file required forms by certified mail or fax. The Plaintiff asserted that "there is no requirement in our Constitution, US or State, that a person must be computer literate to run for office." (see Exhibit B, e-mail # 8)

28. On July 29, 2016 the Plaintiff sent an e-mail to Quiroga requesting the section of the MCFA the Department of State was relying on since there is no definition of electronic in the statute. (see Exhibit B, e-mail #9)

29. Quiroga responded by e-mail on July 29, 2016 that: "Our interpretation of Section 18 is based in the first paragraph. This section required us to develop a system. The system developed requires either the use of the MERTS software or an approved vendor software. Therefore, email, fax, etc. are not considered electronically filed. Sec. 18.(1)..." (see Exhibit B, e-mail # 10)
30. The Plaintiff researched Section 169.218 and applicable case law and communicated to Quiroga by e-mail on July 29, 2016 that he felt that transmission by fax was a form of electronic filing that allowed posting on a web site through simple scanning of documents. The Plaintiff communicated to Quiroga that he felt the State's interpretation unnecessarily and unfairly burdened his important interest in the continued availability of political opportunity. (see Exhibit B, e-mail # 11).
31. Section 169.218(2) clearly states: "The secretary of state shall offer each committee required to file with the secretary of state **the option** of filing campaign statements or reports electronically, as described in subsection (1)." (bold emphasis added)
32. On August 2, 2016 the Plaintiff sent Quiroga an e-mail stating that: "In order to maintain an active case and controversy, I will not be refilling my pre-primary campaign disclosure forms, as I believe I complied with the electronic filing requirement when I followed the instructions of your elections analyst. Your reinterpretation of the law, after receiving a complaint from that evil Christian scum Earl Poleski, creates an unconstitutional restriction that excludes people without computer literacy from running for public office." (see Exhibit B, e-mail # 12)

33. On August 2, 2016 the primary vote was held in Michigan. The ballot contained the names of candidates running for the 7th District United States House of Representative seat. On the Republican side incumbent Tim Walberg was challenged by Douglas North. On the Democratic side, Gretchen Driskell was unopposed. (see Exhibit E - ballot)
34. On August 2, 2016 the Plaintiff went to his polling place to vote. While waiting in line to have his ID verified the Plaintiff made the innocent comment that: "I always vote, but this will be the first time I ever had an opportunity to vote for myself." The Precinct Captain who was standing nearby said: "O, who are you?" A volunteer at the table said: "You don't want to know." The precinct Captain looked over my shoulder at the voting form I was filling out at the same time I said "Peter Bormuth" and she started humming "Jesus is Lord" letting me know that she opposed my candidacy. (see Exhibit F – Affidavit of Peter Bormuth)
35. "The Plaintiff lost his race for the 64th District Michigan House seat to Ron Brooks. Preliminary reports indicated that the Plaintiff received 420 votes, a suspicious number since 420 is street slang for marijuana, and the Plaintiff's platform advocated the legalization of marijuana. Ron Brooks received 1239 votes. (see Exhibit G – Statement of votes cast – UNOFFICIAL)
36. On August 6, 2016 the Plaintiff sent an e-mail to Garety and Quiroga requesting a recount in his race due to possible manipulation of the voting machine tallies. (see Exhibit B, e-mail #13)

37. On August 11, 2016 the Plaintiff filed a Petition for Recount under MCL 168.879 with the Secretary of State for a recount in County of Jackson, City of Jackson, Ward 1, Precinct 2 and paid the \$125. fee. (see Exhibit H – 8/11/16 Petition for Recount)
38. MCL 168.179 states: “The votes cast for any candidate for the office of state senator or representative at any primary or election shall be subject to recount.”
39. MCL 168.162 states: “A candidate for office who believes he or she is aggrieved on account of fraud or mistake in the canvass or returns of the votes by the election inspectors may petition for a recount of the votes cast for that office in any precinct or precincts as provided in this chapter.”
40. On August 15, 2016 the Plaintiff sent an e-mail to Quiroga requesting advice on whether filing a Petition for Recount affected the requirement to file his post election statement and whether he had to keep his committee active while the recount process took place. (see Exhibit B, e-mail #14)
41. On August 15, 2016 Quiroga responded: “The post-primary filing date is not affected by the recount. However, the expenses are campaign related and until the committee is eligible for dissolution, it cannot be dissolved. This includes any fees or outstanding filing requirements. While you can zero out the committee bank account and request dissolution, as the filing official, this office determines if the committee qualifies for dissolution and grants the dissolution.” See Exhibit B, e-mail #15)
42. The Plaintiff participated in a phone conversation with Sally Williams and Lori Bourbonais of the Department of State on August 17, 2016. The gist of the conversation was that the Department of State would not honor the Plaintiff’s Petition for Recount because the

results of that one precinct would not affect the outcome of the election. Williams stated the Department would refund the Plaintiff's deposit and that the Plaintiff could review ballots under a FOIA request after final certification of the primary. The impasse over filing documents by fax was also discussed with Bourbonais.

43. On August 17, 2016 the Plaintiff filed his post-election statement forms with the Secretary of State by electronic transmission by facsimile. (see Exhibit I – post election filing).

44. Analyst Mark Diljak acknowledged receipt of the fax. (see Exhibit B, e-mail #16 & #17)

45. On August 17, 2016 the Plaintiff sent an e-mail to Quiroga informing her of the Plaintiff's filing and asking if the Department was going to grant dissolution of his committee. (see Exhibit B, e-mail #18)

46. Quiroga erroneously responded that they had received something from the Plaintiff on 8/16/16 but correctly noted it was filed by fax and deemed it unacceptable (see Exhibit B, e-mail #19)

47. On August 18, 2016 the Plaintiff received a NOTICE OF FAILURE TO FILE 2016 PRE-PRIMARY CS and a letter informing him his Committee lost the Reporting Waiver by spending more than \$1000. In an election. (see Exhibit J)

48. On August 18, 2016 the Plaintiff sent an e-mail to Quiroga, asking her to forward it to Williams, because the Plaintiff did not have an e-mail for Williams. (see Exhibit B, e-mail #20).

49. On August 18, 2016 the Plaintiff received an e-mail from Williams stating: "Your petition for a partial recount of the August 2, 2016 primary results for the office of State Representative, 64th District (Democratic Party) has been rejected. The purpose of a

recount under law is to confirm the election results as canvassed. A valid request for a partial recount must include a sufficient number of votes to possibly affect the outcome of the election. Your petition seeking the recount of a single precinct cannot meet this criteria and is therefore an insufficient filing....With respect to your \$125 deposit that accompanied your recount petition, your funds will be returned to you. Please acknowledge receipt of this email, and let us know if you prefer to pick up the deposit in person or would like the funds returned to you via US mail." (Exhibit B, e-mail #21)

50. The Plaintiff responded by e-mail on August 18, 2016 stating: "I do not want my funds returned to me. Please hold them as i plan to file a lawsuit to have my Petition for Recount honored by your office and the election results sampled for fraud based on the vulnerability of the Jackson County voting machines to manipulation." (Exhibit B, e-mail #22).

51. On August 24, 2016 the Plaintiff received a letter from the Secretary of State dated August 18, 2016 rejecting his post-primary filing because it was sent by fax. (see Exhibit K)

52. On August 24, 2016 the Plaintiff received a letter from the Secretary of State entitled NOTICE OF LATE FILING FEE DUE 2016 PRE-PRIMARY CS which assessed a \$1,000. late filing fee against the Plaintiff and threatened him with Department of Treasury collection. (see Exhibit L)

53. A University of Connecticut study [*Security Assessment of the Diebold Optical Scan Voting Terminal* by authors A. Kiayias; Michel A. Russell; A.A. Shvartsman from 2006 demonstrates that the AV-OS used in Jackson County "can be compromised with off-the-shelf equipment in a matter of minutes even if the machine has its removable memory

card sealed in place. The basic attack can be applied to effect a variety of results, including entirely neutralizing one candidate so that their votes are not counted, swapping the votes of two candidates, or biasing the results by shifting some votes from one candidate to another." (see Exhibit M - *Security Assessment of the Diebold Optical Scan Voting Terminal*)

54. In 2005, the Government Accountability Office (GAO) released an extensive report assessing the significant security and reliability concerns that have been identified with electronic voting systems. The GAO noted that "studies found (1) some electronic voting systems did not encrypt cast ballots or system audit logs, and it was possible to alter both without being detected; (2) it was possible to alter the files that define how a ballot looks and works so that the votes for one candidate could be recorded for a different candidate; and (3) vendors installed uncertified versions of voting system software at the local level." (see Exhibit N - *Elections: Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Underway, but Key Activities Need to Be Completed* (GAO-05-956), September 2005, p. 2).

55. In Barry County Michigan in 2006 the Diebold optical scan voting machines malfunctioned and 15 of the 16 precincts had to recount ballots by hand. Voting for the bond proposal showed a zero total for yes votes. The actual votes cast as yes were showing under the no total and the no total did not appear on the tape anywhere. (see Exhibit O – News 8 Report transcript)

56. Secretary of State Ruth Johnson is well aware of these issues and her current stance of refusing the Plaintiff a precinct recount is a partisan Christian effort to deny a Pagan

candidate a fair election. On October 11, 2008 while still Oakland County Clerk, Ms. Johnson sent a letter to the Election Assistance Commission in Washington DC stating that: "While problems with the performance and design of the [ES&S] M-100's have been documented, this is the first time I have ever questioned the integrity of these machines. The issue is this - four of our communities or eight percent – reported inconsistent vote totals during their logic and accuracy testing with the ES&S machines. The same ballots, run through the same machines, yielded different results each time." (see Exhibit P – Johnson 10/11/08 letter to Election Assistance Commission).

Cause of Action

57. The Plaintiff realleges each allegation contained paragraphs 1-56 above as if fully set forth herein.
58. The Constitution of the United States protects the right of all qualified citizens to vote in elections for federal office and requires these elections to be free of fraud. The Supreme Court has readily acknowledged the general right to vote as "implicit in our constitutional system." *Mixon v. State of Ohio*, 193 F.3d 389, 402 (6th Cir. 1999) (quoting *San Antonio Indep. School Dist. v. Rodriguez*, 411 U.S. 1, 35 n.78, (1973)). As such, this "precious" and "fundamental" right is afforded special protection by the courts, *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 670 (1966), as "voting is of the most fundamental significance under our constitutional structure." *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). 28 U.S.C. § 1343(a)(3) & (4) allow the Plaintiff to bring this lawsuit.
59. 42 U.S.C. § 1983 in pertinent part holds: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of

Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...”

60. Two or more employees of the Secretary of State have conspired to deny the Plaintiff his Constitutional rights under 42 U.S.C. § 1985(3) by denying a recount.

61. 42 U.S.C. § 1973i(c) has been held to protect two distinct aspects of a federal election: the actual results of the election, and the integrity of the process of electing federal officials. *United States v. Cole*, 41 F.3d 303 (7th Cir. 1994). In *Cole*, the Seventh Circuit held that federal jurisdiction is satisfied so long as a single federal candidate is on the ballot – even if the federal candidate is unopposed – because fraud in a mixed election automatically has an impact on the integrity of the federal election process. See also *United States v. Slone*, 411 F.3d 643 (6th Cir. 2005); and *United States v. McCranie*, 169 F.3d 723 (11th Cir. 1999) (jurisdiction under Section 1973i(c) satisfied by name of unopposed federal candidate on ballot). Since candidates Tim Walberg, Douglas North, and Gretchen Driskell for the 7th District U.S. House of Representatives were on the primary ballot, the actual results of a federal election and the integrity of the process of electing federal officials are both threatened by possible fraud.

62. The Plaintiff’s interest in recounting the votes of eligible voters is legitimate because the risk of voter fraud is real and a state’s “electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud...” *Crawford v. Marion County Election Bd.* 553 U.S. 181 (2008) at 197 (Stevens, J., op.). Every voter’s vote must be correctly counted

and reported. As stated in *United States v. Mosley*, 238 U.S. 383, 386, 59 L. Ed. 1355, 35 S. Ct. 904, "the right to have one's vote counted" has the same dignity as "the right to put a ballot in a box."

63. By denying the Plaintiff's Petition for Recount the Secretary of State has violated the right guaranteed to said qualified voters in the aforesaid election under Article One, Sections Two and Four to have their votes in the aforesaid election for the candidates of their choice cast and tabulated fairly and free from dilution by voting machine error or manipulation. "Every voter in a . . . election, . . . whether he votes for a candidate with little chance of winning or for one with little chance of losing, has a right under the Constitution to have his vote fairly counted, without its being distorted by fraudulently cast votes." *Anderson v. United States*, 417 U.S. 211, 227 (1974).

64. By denying the Plaintiff's Petition for Recount the Secretary of State has violated the right guaranteed to said qualified voters by and under the Equal Protection and the Due Process Clauses of the Fourteenth Amendment to have their votes in the aforesaid election cast and tabulated fairly and free from voting machine error or manipulation by persons charged under Michigan law with the operation and safe-keeping of the poll for said Precinct.

65. The Michigan Legislature obviously intended that every candidate have the right the Plaintiff seeks to exercise in passing MCL 168.179 which states: "The votes cast for any candidate for the office of state senator or representative at any primary or election shall be subject to recount" and in passing MCL 168.162 which states: "A candidate for office who believes he or she is aggrieved on account of fraud or mistake in the canvass or

returns of the votes by the election inspectors may petition for a recount of the votes cast for that office in any precinct or precincts as provided in this chapter.” The Secretary of State cannot refuse a duty placed on their office by the Legislature. The plain and unambiguous language of MCL 168.162 must be applied to this case. (see *Barnhart v. Sigmon Coal, Inc.* 534 U.S. 438, 450 (2002) holding, “the first step in a statutory construction case is to determine whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case”). “In any precinct or precincts” is plain and unambiguous language that allows random recounts to protect the integrity of the voting process.

66. Error or manipulation of tabulation by Diebold/Premier/ES&S voting machines is a real threat to our democratic process. These machines have been shown to be vulnerable to attack and prone to error. Secretary of State Johnson is completely aware of this problem, as shown by her October 2008 letter to the Election Assistance Commission. The Secretary of State’s refusal to perform a recount is a deliberate attempt by this Christian Secretary of State to deny a Pagan candidate and the voters in his district their Constitutional rights.
67. The Plaintiff’s Petition for Recount of one precinct serves four legitimate interests: (1) preventing voter fraud; (2) reducing costs of recounts by only targeting one precinct; (3) reducing administrative burdens of recounts by only targeting one precinct; and (4) increasing voter confidence in the voting system. This court cannot defer to the interpretations of the Secretary of State because the State’s determination is not reasonable. See *Frank v. Walker*, 768 F.3d 744, at 750 (7th Cir. 2014); see also *Munro*, 479 U.S. at 195–96.

68. The Plaintiff has no hard evidence that fraud took place in Ward 1, Precinct 2 or any other precinct. Ron Brooks may have won this election by the computed total certified by the Secretary of State. But Michigan law only requires that a candidate believe that fraud or mistake may have taken place (see MCL 168.162) and the Plaintiff knows that all Christians in Jackson were hostile to his Pagan candidacy. The Republican Party was hostile as evidenced by Representative Poleski's complaint. The Democratic Party was hostile as evidenced by their recruitment of Ron Brooks to run against the Plaintiff. At least one precinct captain was hostile to the Plaintiff. A vote count of 420 votes for the Plaintiff (later revised to 419) was very suspicious. And Diebold/Premier/ES&S voting machines are subject to mistake and/or attack and manipulation. If any candidate would be subject to fraud, it would be the Plaintiff. A recount of a random precinct is the best possible way to ensure voter confidence in Michigan's voting system and every candidate has that right under Michigan law.

69. The foundation Supreme Court cases for the application of the equal protection clause to the states in voting matters are *Reynolds v. Sims*, 377 U.S. 533, 12 L. Ed. 2d 506, 84 S. Ct. 1362 (1964); *Gray v. Sanders*, 372 U.S. 368, 9 L. Ed. 2d 821, 83 S. Ct. 801 (1963); and *Baker v. Carr*, 369 U.S. 186, 7 L. Ed. 2d 663, 82 S. Ct. 691 (1962). In *Baker v. Carr*, the Supreme Court recognized that: "A citizen's right to a vote free of arbitrary impairment by state action has been judicially recognized as a right secured by the Constitution, when such impairment resulted from dilution by a false tally, *cf. United States v. Classic*, 313 U.S. 299, 85 L. Ed. 1368, 61 S. Ct. 1031; or by a refusal to count votes from arbitrarily selected precincts, *cf. United States v. Mosley*, 238 U.S. 383, 59 L. Ed. 1355, 35 S. Ct. 904, or by a

stuffing of the ballot box, cf. *Ex parte Siebold*, 100 U.S. (10 Otto) 371, 25 L. Ed. 717; *United States v. Saylor*, 322 U.S. 385."

70. By refusing to accept the Plaintiff's Campaign Finance Disclosure forms because they were submitted by fax the Secretary of State has created computer literacy requirement for candidates that violates the Constitution. "[T]he rights of voters and the rights of candidates do not lend themselves to neat separation; laws that affect candidates always have at least some theoretical correlative effect on voters." *Bullock v. Carter*, 405 U.S. 134, 143, 92 S. Ct. 849, 31 L. Ed. 2d 92 (1972). "The impact of candidate eligibility requirements on voters implicates basic constitutional rights. . . . [I]t 'is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.'" *Anderson v. Celebrezze*, 460 U.S. 780, 786-87, 103 S. Ct. 1564, 75 L. Ed. 2d 547 (1983) (quoting *NAACP v. Alabama*, 357 U.S. 449, 460, 78 S. Ct. 1163, 2 L. Ed. 2d 1488 (1958)).
71. The equal protection clause also applies to state specification of qualifications for elective and appointive office. While one may "have no right" to be elected or appointed to an office, all persons "do have a federal constitutional right to be considered for public service without the burden of invidiously discriminatory disqualification. The State may not deny to some the privilege of holding public office that it extends to others on the basis of distinctions that violate federal constitutional guarantees." *Turner v. Fouche*, 396 U.S. 346, 362-63 (1970).

72. The creation of a computer literacy requirement for candidates discriminates against older candidates who may not have computer skills. It discriminates against poor candidates who may have not had computers in their home or classroom. It discriminates against the Plaintiff, who is a techno-peasant.

73. The Secretary of State interpretation was not intended by the Michigan Legislature. Section 169.218(2) of the MCFA clearly states: "The secretary of state shall offer each committee required to file with the secretary of state the option of filing campaign statements or reports electronically, as described in subsection (1)." The plain and unambiguous language of Section 169.218(2) must be applied to this case. (see *Barnhart v. Sigmon Coal, Inc.* 534 U.S. 438, 450 (2002) holding, "the first step in a statutory construction case is to determine whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case"). "Shall offer the option" is plain and unambiguous language that clearly shows that the Legislature intended there to be other options for filing the required forms.

74. The Plaintiff notes that some federal courts have an electronic filing requirement but they must still allow paper filings by pro se litigants. Federal Rule of Civil Procedure 5(d)(3) allows for local rules requiring electronic filing, but only if reasonable exceptions are allowed. And FRCP 5(d)(4) states: "*Acceptance by the Clerk.* The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice."

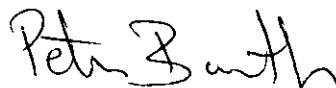
75. The Secretary of State must likewise make accommodations and cannot inflict penalties and fees on a candidate who files their required forms in a timely manner by fax. They have already fined the Plaintiff \$1,000. with more penalties accruing daily.
76. The fact that analyst Diljak told the Plaintiff to file by fax shows that the Secretary of State's employees themselves though filing by fax was a legal option under the MCFA. The subsequent refusal of the Secretary of State to accept the Plaintiff's filing after receiving a complaint from Representative Poleski is a deliberate attempt to harass and intimidate a Pagan candidate for advocating a Pagan morality in his campaign ads. This partisan attack on the Plaintiff by the Secretary of State and the Republican Party should not be allowed by this Court. Nominal damages are appropriate in this case. "Nominal damages are appropriate if a plaintiff establishes a violation of a fundamental constitutional right, even if he cannot prove actual injury sufficient to entitle him to compensatory damages." *Hughes v. Lott*, 350 F.3d 1157, 1162 (11th Cir. 2003).
77. Since a federal office was on the primary ballot, 28 U.S.C 1331 the factor of time and expediency required the Plaintiff to file this complaint in Federal Court. The November election is approaching rapidly, requiring an immediate decision on the recount. To this effect, the Plaintiff attached a Motion to Expedite as Exhibit M. (see Exhibit Q – Plaintiff's Motion to Expedite Hearing).

PRAYER FOR RELIEF

WHEREFORE the Plaintiff requests of this Honorable Court the following equitable relief:

- A. A preliminary and permanent order requiring the Defendants to accept Campaign Finance Disclosure filings by fax or paper from any candidate for any office and prohibiting the Defendants, their respective agents, servants, employees, attorneys, successors, and all persons acting in concert with each or any of them from assessing fees or penalties against any candidate for any office for filing in such a manner;
- B. A preliminary and permanent order requiring the Defendants to undertake the Recount requested by the Plaintiff in his Petition for Recount and prohibiting the Defendants, their respective agents, servants, employees, attorneys, successors, and all persons acting in concert with each or any of them from refusing to undertake a recount in any precinct upon receiving a properly filed Petition for Recount and payment of the required fee from any candidate for any office;
- C. Costs and nominal damages;
- D. Such other and further relief as this Honorable Court may deem necessary or proper.

Respectfully submitted,



Peter Bormuth
Druid
In Pro Per
142 West Pearl St.
Jackson, MI 49201
(517) 787-8097
earthprayer@hotmail.com

Dated: September 1, 2016

A



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

Exhibit A

4/15/27

1. Committee ID #: 517391		*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items:		Eff. Date: 11-25-15
*3. Full Name of Committee (must include Candidate's first and last name): Peter Bormuth				
*4a. Candidate Full Name: Last Name: Bormuth		First Name: Peter		M.I.: C
*4b. Political Party (if applicable): Democrat		*4c. County of Residence: Jackson		
*4d. Office Sought: 64th House Representative		*4e. District/Circuit # or Jurisdiction:		
*5. Date Committee was Formed: November 25, 2015				
*6a. Committee Phone: 517 787-8097		6b. Committee Fax #:		
6c. Committee Email Address:		6d. Committee Website Address:		
*7a. Complete Committee Mailing Address (May be PO Box): 142 West Pearl St Jackson, MI 49201				
*7b. Complete Committee Street Address (May not be PO Box): 142 West Pearl St Jackson, MI 49201				
*8. Treasurer Name and Complete Address: Peter Bormuth 142 West Pearl St				
Phone #: 517-787-8097		Email Address: Jackson MI, 49201		
9. Designated Record Keeper Name and Complete Address: Peter Bormuth 142 West Pearl St				
Phone #: 517-787-8097		Email Address: Jackson, MI 49201		
*10. REPORTING WAIVER REQUEST:				
<input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. <u>A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.</u>				
<input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post and Annual Campaign Statements even if the committee does not spend or receive in excess of \$1,000 in an election. I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.				
*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received.				
*Official Depository (name and address): Flagstar Bank 301 W. Michigan Ave. Jackson, MI 49201				
Secondary Depository (name and address):				
12. This item applies only to Gubernatorial Candidate Committees: Check if this committee intends to seek qualifying contributions or make qualifying expenditures.				
13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to Candidate Committees that file with the County Clerk's office.				
<input type="checkbox"/> Committee spent or received or expects to spend or receive in excess of \$20,000 and is required to file electronically.				
<input type="checkbox"/> Committee did not spend or receive or does not expect to spend or receive in excess of \$20,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee Manual.				
14. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)				
*Candidate: Peter C Bormuth		Date: 12-1-15		*Current Treasurer: Peter C Bormuth
Designated Record Keeper (Required only if filing electronically)		Date:		

B

Exhibit B #1

Campaign finance disclosure form



peter bormuth



Fri Jul 29 9:43 AM

Disclosure@Michigan.gov

Dear Sec of State

I am a candidate for the 64th District House seat in 2016. I went on-line to your web-site to locate a copy of the campaign finance disclosure form (pre-primary) i need to fill out and file by July 25, 2016.

I could not find the form to download anywhere on your site.

Would you please provide me with a link to the form?

Peter Bormuth

Exhibit B #2

RE: Campaign finance disclosure form

DM

Diljak, Mark (MDOS)



Reply

Fri 7/22, 10:20 AM

You;

Quiroga, Evelyn (MDOS) (QuirogaE1@michigan.gov);

SOS, Disclosure (Disclosure@michigan.gov)

Photos

You replied on 7/25/2016 2:44 PM

Peter,

[Here is a link to the Candidate Committee forms.](#)

http://www.michigan.gov/sos/0,4670,7-127-1633_8723_11893-310334--,00.html

Mark Diljak, Analyst
Data Disclosure Division
Michigan Bureau of Elections

Follow us on Twitter @MichCFR

RE: Campaign finance disclosure form



peter bormuth

From: peter bormuth [mailto:earthprayer@hotmail.com]

Sent: Monday, July 25, 2016 2:36 PM

To: Diljak, Mark (MDOS)

Subject: Re: Campaign finance disclosure form

Mark

When i fill these out and save them, the form just reverts to blank. It doesn't save the data i entered. What the f***. I am going to have to download them and mail the forms in to you. Is that ok? Do i need an extension? I can still get them in the mail today.

Peter Bormuth

Exhibit B #4

RE: Campaign finance disclosure form

DM

Diljak, Mark (MDOS)



Reply

Mon 7/25/16 2:45 PM

You;

Quiroga, Evelyn (MDOS) (QuirogaE1@michigan.gov);

SOS, Disclosure (Disclosure@michigan.gov)

Photos

You replied on 7/25/2016 4:25 PM:

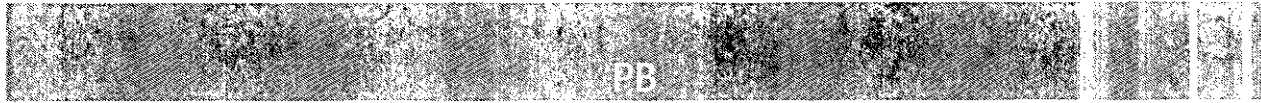
Peter,

You can print and fill out the reports and then fax them to us if you like. Our fax number is 517-373-0941.

Mark Diljak, Analyst
Data Disclosure Division
Michigan Bureau of Elections

Follow us on Twitter @MichCFR

Re: Campaign finance disclosure form



peter bormuth

From: peter bormuth [mailto:earthprayer@hotmail.com]

Sent: Monday, July 25, 2016 4:25 PM

To: Diljak, Mark (MDOS)

Subject: Re: Campaign finance disclosure form

I just faxed 12 pages to you. Please acknowledge if you received them.

RE: Campaign finance disclosure form

DM

Diljak, Mark (MDOS)



Reply

Mon 7/25 4:28 PM

You

Photos

You replied on 8/17/2016 9:04 AM.

We received it.

Mark Diljak, Analyst
Data Disclosure Division
Michigan Bureau of Elections

Follow us on Twitter @MichCFR

FW: Message from "RNP002673881C97"

Colleen Garety

Wed 7/27/16 4:01 PM

You

You replied on 7/27/2016 5:44 PM.

Mr. Bormuth,

I wrote to the campaign finance department head with the letter you received, attached. Below is her response. I would imagine they will inform Mr. Poleski with the same type of response.

Thanks,
Colleen

Colleen:

I think I spoke with you on this subject.

The committee attempted to file the Pre-Primary CS, but was required to file electronically. We have communicated this to the committee. The committee was not required to update the Statement of Organization. However, the committee has not filed the Pre-Primary CS according to our records. e

-----Original Message-----

From: Colleen Garety [<mailto:CGarety@co.jackson.mi.us>]

Sent: Wednesday, July 27, 2016 3:00 PM

To: Quiroga, Evelyn (MDOS)

Subject: FW: Message from "RNP002673881C97"

Hi Evelyn,

Peter Bormuth (a candidate for 64th State Rep) was just in our office with the attached letter. When his committee #517391 reached the \$1,000 limit and needed to change the waiver status, Mr. Bormuth came in to our office for assistance. I called the Bureau of Elections for guidance. Someone in the campaign finance office told me, Mr. Bormuth simply needs to file the pre-primary campaign finance report to satisfy the requirement and there was no need to submit a new form.

Can you please confirm that Mr. Bormuth's committee #517391 is in full compliance at this point and no violation of campaign finance law has occurred?

Thank you for your prompt attention to this.

Thank you,
Colleen Garety
Elections Director
Jackson County

Exhibit B #8

From: peter bormuth [mailto:earthprayer@hotmail.com]
Sent: Thursday, July 28, 2016 9:22 AM
To: Quiroga, Evelyn (MDOS)
Subject: Campaign Finance Disclosure Forms For Committee Peter Bormuth

Dear Ms. Quiroga

I find it interesting that when christian scum Earl Poleski files a complaint, you suddenly change the instructions i was given. Mark Diljak of your office told me i could fax the forms to you and he acknowledged receiving the completed forms on time. And finally, I am a person without a computer. I have to go to the public library to use one. But i could be a person who simply never uses a computer and i still would have a right to run for public office and to file required forms by certified mail or fax. There is no requirement in our Constitution, US or State, that a person must be computer literate to run for office.

So just because this christian scum Earl Poleski filed a complaint, don't interfere with my rights unless you want to go to Court. Evil Christian scum.

Peter Bormuth

From: peter bormuth [mailto:earthprayer@hotmail.com]
Sent: Friday, July 29, 2016 10:13 AM
To: Quiroga, Evelyn (MDOS)
Subject: Campaign Finance Disclosure Forms For Committee Peter Bormuth

Ms. Quiroga

Below is the e-mail chain between me and your analyst, Mark Diljak. I note that the link i was sent by your office to your MERTS software was defective and that i made two good faith attempts to fill out your forms on-line, save them, and send them to you by e-mail. Your forms would not retain the information i inserted into the boxes. Then i contacted Mr. Diljak with this problem. He clearly states that i could download your forms and fill them out and fax them to you, which i did. He also clearly states that you received them. So i followed the advice of your office. I filled out your official forms with accurate information. I signed and dated them. I sent them to your office by fax as instructed. They were received. The submission was timely. I am a first time candidate and obviously I am going to rely on the advice of your office.

No Judge is going to uphold late fee assessments in this case.

Also as i previously noted, i question the Constitutionality of the Michigan Campaign Finance Act if it indeed has an exclusive requirement for electronic submission of filings. This excludes anyone without computer skills from running for public office if they spend more than \$1,000. i would think this clearly unconstitutional upon review. When i submit pro-se filings in the Federal Court system, they have to allow me to file by a method other than by electronic submission.

At this point i have not read the Michigan Campaign Finance Act but i will do that this weekend and get back with you on Monday with regard to how i want to proceed. Based on my appraisal of the constitutionality of the Act's language, I will either request that you send me a new link that actually saves the information i fill out so i can submit my filing electronically, or i will challenge your demand that i submit electronically in Federal Court.

And please do not pretend that christian scum Poleski's complaint did not precipitate this action by your Department. Your analyst previously told me i was good.

Exhibit B 10

RE: Campaign Finance Disclosure Forms For Committee Peter Bormuth



Quiroga, Evelyn (MDOS)



Reply

Fri 7/29, 3:01 PM

You

You replied on 7/29/2016 7:57 PM.

Peter:

Please have your assistant contact me and I can assign a technician to work with them to file the statement.

Our interpretation of Section 18 is based in the first paragraph. This section required us to develop a system. The system developed requires either the use of the MERTS software or an approved vendor software. Therefore, email, fax, etc. are not considered electronically filed.

Sec. 18.

(1) The secretary of state shall develop and implement an electronic filing and internet disclosure system that permits committees that are required to file statements or reports under this act with the secretary of state to file those statements or reports electronically and that provides internet disclosure of electronically filed statements or reports on a website.

e

From: peter bormuth [mailto:earthprayer@hotmail.com]

Sent: Friday, July 29, 2016 2:18 PM

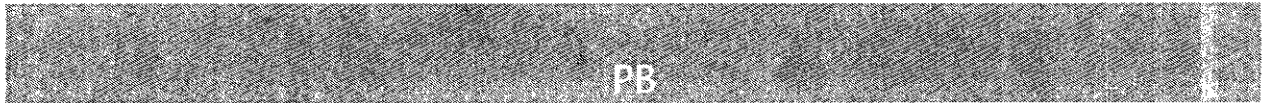
To: Quiroga, Evelyn (MDOS)

Subject: Re: Campaign Finance Disclosure Forms For Committee Peter Bormuth

And as i read the MCFA, the section i saw just says you are required to file electronically. Transmission by fax is an electronic form of filing.

Send me the section where electronically is defined.

Re: Campaign Finance Disclosure Forms For Committee Peter Bormuth



peter bormuth



Reply

Fri 7/29, 7:57 PM

Quiroga, Evelyn (MDOS) (QuirogaE1@michigan.gov)

and certainly an e-mail with an attached PDF of the filing forms would qualify under Section 18.

The Constitutional Convention's debate on the Committee of Detail's report discusses qualifications for office. The debate discloses much about the views of the Framers on the issue of qualifications. For example, James Madison urged its rejection, stating that the proposal would vest

"an improper & dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Govt., and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution. A Republic may be converted into an aristocracy or oligarchy as well by limiting the number capable of being elected as the number authorised to elect. . . . It was a power also which might be made subservient to the views of one faction agst. another. Qualifications founded on artificial distinctions may be devised by the stronger in order to keep out partizans of [a weaker] faction."

The Michigan Legislature, through the passage of the MCFA, has essentially allowed the Secretary of State to create a computer literacy requirement to hold public office. This is completely arbitrary and denies poor people and old people without computer skills the right to participate in our democratic process. The equal protection clause applies to state specification of qualifications for elective and appointive office. While one may "have no right" to be elected or appointed to an office, all persons "do have a federal constitutional right to be considered for public service without the burden of invidiously discriminatory disqualification. The State may not deny to some the privilege of holding public office that it extends to others on the basis of distinctions that violate federal constitutional guarantees." Turner v. Fouche, 396 U.S. 346, 362-63 (1970) (voiding a property qualification for appointment to local school board)

Legitimate state interest must be achieved by means that do not unfairly or unnecessarily burden the party's or the candidate's "important interest in the continued availability of political opportunity. The interests involved are not merely those of parties or individual candidates; the voters can assert their preferences only through candidates or parties or both and it is this broad interest that must be weighed in the balance." In the absence of reasonable alternative means of ballot access, the Court held, a State may not disqualify an indigent candidate unable to pay filing fees. *Lubin v. Parish*, 415 U.S. 709, 716, 722 (1974).

I would argue that a computer literacy qualification as the Legislature has added through the MCFA is equally burdensome and discriminatory and functions to remove candidates without computer skills from the ballot. To comply with the First and Fourteenth Amendments "the State must provide a feasible opportunity for... political organizations and their candidates to appear on the ballot." Decision whether or not a state statutory structure affords a feasible opportunity is a matter of degree, "very much a matter of 'consider[ing] the facts and circumstances behind the law, the interest which the State claims to be protecting, and the interest of those who are disadvantaged by the classification." *Lubin v. Parish*, 415 U.S. 709 at 730 (1974) (quoting *Williams v. Rhodes*, 393 U.S. 23, 30 (1968)). State interests in assuring voter education and treating all candidates equally were deemed insufficient to justify substantial impediments created by the Legislature. *Anderson v. Celebrezze*, 460 U.S. 780 (1983).

I note that Federal Rule of Civil Procedure 5(d)(3) allows for local rules requiring electronic filing, but only if reasonable exceptions are allowed. And FRCP 5(d)(4) states: "*Acceptance by the Clerk*. The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice."

Whether a similar standard would be required by the Courts in this case involving the MCFA is an open question. There is no case law addressing the issue.

Peter Bormuth

Exhibit B #12

Filing procedure



peter bormuth



Reply

Tue 8/2, 7:40 AM

QuirogaE1@michigan.gov

Dear Ms. Quiroga

In order to maintain an active case and controversy, I will not be refilling my pre-primary campaign disclosure forms, as I believe I complied with the electronic filing requirement when I followed the instructions of your elections analyst. Your reinterpretation of the law, after receiving a complaint from that evil Christian scum Earl Poleski, creates an unconstitutional restriction that excludes people without computer literacy from running for public office.

Peter Bormuth

Possible irregularities and request for hand count of ballots

PB

peter bormuth



Sat 8/6, 11:15 AM

Colleen Garety (CGarety@co.jackson.mi.us);

QuirogaE1@michigan.gov

Colleen

i would like a hand recount of the ballots in my primary race (64th District). i realize the vote was not close enough to normally warrant a recount but pre-primary polls showed me winning my race easily. I realize that pre-voting polls are not accurate because the people polled may not actually vote, unlike post-voting polls which normally reflect real results. So it is possible that the voters polled who supported me simply did not come out and cast ballots. But there are several studies, including one by the State of California and one by the State of Connecticut that show voting machines (DieBold/Premire/ES&S) are easily manipulated. There have been multiple past problems with these machines including incorrect total vote counts in Barry County, Michigan in 2008, to not accepting ballots in King County, Washington, to inaccuracies in the memory cards in Putnam County, Georgia.

A 2006 University of Connecticut "Security Assessment of the Diebold Optical Scan Voting Terminal" (Accutvote OS) which tabulates votes on paper ballots found that it was vulnerable to "a devastating array of attacks" including allowing no votes to be cast for a particular candidate, swapping votes for two candidates, and biasing the results by shifting some votes from one candidate to another."

Given that one of my campaign platforms was the legalization of marijuana, the final tabulation of votes for me (420) is rather suspicious. And given the depth of hostility towards me by the political establishment here in Jackson County (both Republican and Democratic), i request a hand count of the ballots in my race to make sure there was no illegal manipulation of the voting machines.

Peter Bormuth

Exhibit B #14

From: peter bormuth [mailto:earthprayer@hotmail.com]
Sent: Monday, August 15, 2016 6:51 AM
To: Quiroga, Evelyn (MDOS)
Subject: Please advise

Ms. Quiroga

I am seeking advice on my post primary election filing. I am ready to close down my committee and file my post primary disclosure forms but on Friday i filed a Petition for Recount with the Secretary of State.

Does this action effect the deadline for my post-primary filing?

Must i keep my committee active while this recount process takes place?

Peter Bormuth

Encl B #15

From: Quiroga, Evelyn (MDOS) <QuirogaE1@michigan.gov>
Sent: Monday, August 15, 2016 9:55 AM
To: peter bormuth
Cc: SOS, Disclosure
Subject: RE: Please advise

Peter:

The post-primary filing date is not affected by the recount. However, the expenses are campaign related and until the committee is eligible for dissolution, it cannot be dissolved. This includes any fees or outstanding filing requirements.

While you can zero out the committee bank account and request dissolution, as the filing official, this office determines if the committee qualifies for dissolution and grants the dissolution.

I hope you find this information helpful.

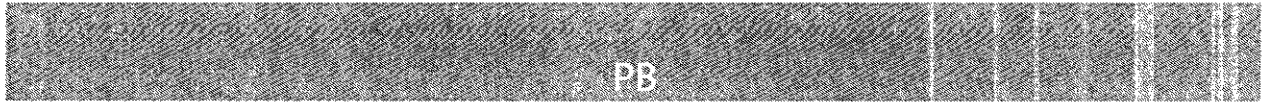
Evelyn Quiroga
Director, Disclosure Data Division
Michigan Department of State
Bureau of Elections
Phone: 517-335-2790

State filers must use e-SofO to file a new or amended Statement of Organization. See our [Website](#) for details!

Follow us on Twitter @MICHCFR

Ex. b-7 P #16

Re: Campaign finance disclosure form



peter bormuth



Reply

Wed 8/17, 9:05 AM

Diljak, Mark (MDOS) (DiljakM@michigan.gov)

Mr. Diljak

I just sent you my post election statement. Please verify that you received it even if you do not accept it for filing .

Peter Bormuth

RE: Campaign finance disclosure form

DM

Diljak, Mark (MDOS)



Reply

Wed 8/17, 10:05 AM

You

Photos

You replied on 8/17/2016 10:06 AM.

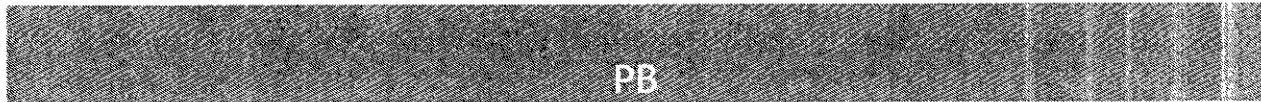
We received it.

Mark Diljak, Analyst
Data Disclosure Division
Michigan Bureau of Elections

Follow us on Twitter @MichCFR

EWB #18

Re: Please advise



peter bormuth



Reply

Wed 8/17, 10:09 AM

Quiroga, Evelyn (MDOS) (QuirogaE1@michigan.gov)

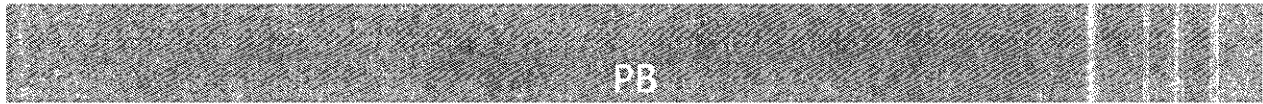
Ms. Quiroga

I filed my post primary disclosure forms today with your office by electronic transmission. My committee bank account is zeroed out. My campaign has no debts or obligations.

Please let me know if your office is granting dissolution.

Peter Bormuth

Re: Please advise



peter bormuth



Reply

Wed 8/17, 10:18 AM

Quiroga, Evelyn (MDOS) (QuirogaE1@michigan.gov)

i submitted the documents this morning by fax. I did not submit anything yesterday on 8/16.

please advise.

From: Quiroga, Evelyn (MDOS) <QuirogaE1@michigan.gov>

Sent: Wednesday, August 17, 2016 10:16 AM

To: peter bormuth

Cc: Diljak, Mark (MDOS)

Subject: RE: Please advise

Peter:

We have to check to see that the committee is in compliance with electronic filing. I checked the committee file and I don't see any electronic submissions. I will have an analyst assigned to review the statements and let you know.

While we did receive a document on 8/16, the document was not received electronically.

Evelyn Quiroga

Director, Disclosure Data Division

Michigan Department of State

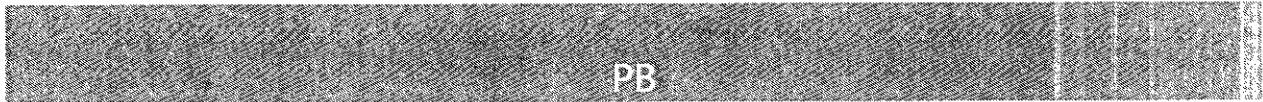
Bureau of Elections

Phone: 517-335-2790

State filers must use e-SofO to file a new or amended Statement of Organization. See our [Website](#) for details!

Follow us on Twitter @MICHCFR

please forward to Sally Williams



peter bormuth



Thu 8/18, 6:34 AM

QuirogaE1@michigan.gov

Ms. Williams

At this point i do not have your e-mail address so i am asking Ms. Quiroga to forward this e-mail to you as it is important follow up to our phone conversation yesterday.

In our telephone conversation yesterday you stated that a recount of one precinct could not take place because there were not sufficient votes in that precinct to change the election results. I believe you said that was State law, but i looked in the statute and could not find that section. Would you please provide me with the section you cited? If it is an administrative rule, alternatively please give me that citation.

I had not done any research on this issue before our conversation yesterday and after considerable thought on the matter I have decided that i want the Department to keep my deposit and issue a letter denying my Petition and stating why you could not authorize the recount. Other than that significant change from our conversation, I will follow your advice on how to FOIA the election results from the City Clerk thirty days from the time the State has certified all recounts. You said you would send me an e-mail when that action occurs. You also said your office would advise the City Clerk on how to proceed with a FOIA recount of ballots. Both of those steps are greatly appreciated.

Once again, please keep my deposit and issue a letter explaining why the State is not authorizing a recount.

Thank you for your time and consideration.

Peter Bormuth

From: Williams, Sally (MDOS) <WilliamsS1@michigan.gov>
Sent: Thursday, August 18, 2016 5:01 PM
To: earthprayer@hotmail.com
Cc: Bourbonais, Lori (MDOS)
Subject: RE: please forward to Sally Williams

Mr. Bormuth,

Your petition for a partial recount of the August 2, 2016 primary results for the office of State Representative, 64th District (Democratic Party) has been rejected. The purpose of a recount under law is to confirm the election results as canvassed. A valid request for a partial recount must include a sufficient number of votes to possibly affect the outcome of the election. Your petition seeking the recount of a single precinct cannot meet this criteria and is therefore an insufficient filing. As an alternative, we discussed the addition of precincts to your recount request; however, you stated this was not a viable option for you.

If you are interested in alternatives for verifying the August 2 primary results, we discussed the possible option of reviewing voted ballots under the Freedom of Information Act (FOIA). A request of this nature would need to be pursued with the specific city and/or township clerk(s) who retain possession of voted ballots under security. A ballot review of this type could take place in the local clerk's office in the presence of local clerk staff; or by requesting copies of voted ballots. A request of this nature would be subject to the jurisdiction's applicable FOIA procedures and fees.

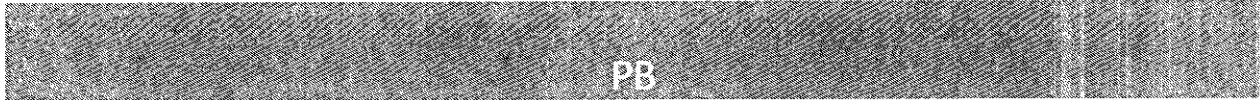
Please let us know if you intend to pursue the FOIA alternative, so that we may assist with the local jurisdiction(s) in providing procedures for conducting such a review. Currently, August 2, 2016 primary ballots are secured in local election official offices and are not available until 30 days after the final certification of the primary (approximately late September); unless a recount is scheduled for an affected jurisdiction, in which case the security period would be extended. We can confirm the availability date for you to review ballots from specific jurisdictions after the state recount request deadline elapses on August 24.

With respect to your \$125 deposit that accompanied your recount petition, your funds will be returned to you. Please acknowledge receipt of this email, and let us know if you prefer to pick up the deposit in person or would like the funds returned to you via US mail.

Thank you.

Sally Williams, Director
Election Liaison Division
Michigan Bureau of Elections
517-373-2540
WilliamsS1@Michigan.gov

Re: please forward to Sally Williams



peter bormuth



Reply

Thu 8/18, 10:01 PM

Williams, Sally (MDOS) (WilliamsS1@michigan.gov)

Ms. Williams

I do not want my funds returned to me. Please hold them as i plan to file a lawsuit to have my Petition for Recount honored by your office and the election results sampled for fraud based on the vulnerability of the Jackson County voting machines to manipulation.

Thank you for the information on a FOIA. I will contact the local City Clerk to explore that option. I will contact you after the State recount deadline of August 24, 2016 to let you know if i will also pursue that option.

Thank you for your time and consideration.

Peter Bormuth

e

Exhibit C

**EARL J POLESKI
5354 REYNOLDS ROAD
JACKSON MI 49201
517.563.8955**

July 23, 2016

Michigan Secretary of State
Bureau of Elections
Richard H Austin Building, 1st Floor
430 W Allegan
Lansing MI 48918

COMPLAINT: POSSIBLE VIOLATION OF CAMPAIGN FINANCE LAW

Ladies and Gentlemen:

It has come to my attention that a candidate committee may be in violation of campaign finance law.

Statement of Facts:

Committee #517391, "Peter Bormuth Committee", stated in its Statement of Organization that it expected to qualify for the reporting waiver, and the Bureau duly granted the waiver shortly after the committee's organization.

Recently, I have personally seen television advertising for this candidate. Given the cost of such advertising, I question whether this committee qualifies for the waiver.

Request for Action:

I ask the Bureau to ascertain whether candidate committee 517391 qualifies for the reporting waiver, and to take appropriate actions based upon its findings.

Thank you for your action on this matter.

Sincerely,

Earl J Poleski

→ Copy: Peter Bormuth Committee, 142 W Pearl Street, Jackson, MI 49201

D



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

PETER BORMUTH COMMITTEE
PETER BORMUTH, TREASURER
142 W PEARL ST
JACKSON, MI 49201

July 26, 2016

ID#: 517391-9
Seq#: 425530

Dear Committee:

This correspondence is being sent to you concerning paper documents purporting to be your 2016 Pre-Primary Campaign Statement that was received in this office on July 25, 2016. As your committee is required to file electronic reports, these paper documents do not comply with the filing requirements of the Michigan Campaign Finance Act (MCFA) and must be re-submitted electronically. **Because the documents do not comply with the MCFA, late filing fees are accruing!**

The mandatory electronic filing requirement is provided under Section 18 states:

Section 18(3) Beginning with the annual campaign statement due January 31, 2014, each committee required to file with the secretary of state that received or expended \$5,000.00 or more in the preceding calendar year or expects to receive or expend \$5,000.00 or more in the current calendar year shall electronically file all statements and reports required under this act, as described in subsection (1).

Section 18(4) If a committee was not required to file a campaign statement under subsection (15) only because it did not meet the applicable threshold of receiving or expending \$5,000.00 or more, but the committee later reaches that threshold, the committee shall notify the secretary of state within 10 business days after reaching that threshold and shall subsequently file electronically all statements and reports required under this act.

On December 27, 2013 PA 252 was signed into law with immediate effect. This change lowered the electronic filing threshold to \$5,000.00 from \$20,000.00.

Because the committee exceeded the \$5,000.00 electronic filing threshold, all campaign statements must be filed electronically beginning with the Campaign Statement referenced above.

It is imperative that your committee obtain the MERTS software as soon as possible in order to file the electronically as required by the MCFA. Some points to remember concerning mandatory electronic filing:

- MERTS electronic filing software is available at no charge for all state level committees. MERTS software training and information is available on line at: www.mertsplus.com.

Page 2

ID#: 517391-9

Seq#: 425530

- Activity occurring in the current election cycle may need to be entered into the software to reflect accurate cumulative totals and Summary Page totals.
- A campaign statement or a late contribution report filed on paper or software that has not been approved will not meet the mandatory electronic filing requirement. Late filing fees will be assessed if a committee meeting the mandatory electronic filing threshold fails to file a required report electronically by a filing deadline.
- All late contributions must be filed electronically via the Department's Immediate Disclosure Internet Application (e-IDR). This application is found at www.michigan.gov/elections:

Select "Campaign Finance Disclosure"

Select "Electronic Filing"

If you have any questions or concerns, I can be reached at this office.

Sincerely,

Veronica Wright
ad

Veronica Wright, Analyst
Disclosure Data Division

returned.doc

E

Exhibit E

OFFICIAL BALLOT
Primary Election
Tuesday, August 2, 2016
Jackson County, Michigan
City of Jackson, Ward 2, Precinct 1

PARTISAN SECTION

VOTE ONLY 1 PARTY SECTION

PROPOSAL SECTION**COUNTY**

**REPUBLICAN
PARTY
SECTION**



**DEMOCRATIC
PARTY
SECTION**

CONGRESSIONAL

**REPRESENTATIVE IN CONGRESS
7th DISTRICT**

Vote for not more than 1

Doug North ☐Tim Walberg ☐☐**CONGRESSIONAL**

**REPRESENTATIVE IN CONGRESS
7th DISTRICT**

Vote for not more than 1

Gretchen D. Driskell ☐☐**LEGISLATIVE**

**REPRESENTATIVE IN STATE
LEGISLATURE
64th DISTRICT**

Vote for not more than 1

Phil Tripp ☐Julie Alexander ☐John M. Griffin ☐☐

**REPRESENTATIVE IN STATE
LEGISLATURE
64th DISTRICT**

Vote for not more than 1

Peter C. Bormuth ☐Ron Brooks ☐☐**COUNTY****PROSECUTING ATTORNEY**

Vote for not more than 1

William G. Rappleye ☐☐**COUNTY****PROSECUTING ATTORNEY**

Vote for not more than 1

Jerry Jarzynka ☐☐**SHERIFF**

Vote for not more than 1

☐**SHERIFF**

Vote for not more than 1

Steve Rand ☐☐**CLERK/REGISTER OF DEEDS**

Vote for not more than 1

☐**CLERK/REGISTER OF DEEDS**

Vote for not more than 1

Amanda L. Riska ☐☐**TREASURER**

Vote for not more than 1

Kevin Commet ☐☐**TREASURER**

Vote for not more than 1

DRAIN COMMISSIONER

Vote for not more than 1

**JACKSON COUNTY
MEDICAL CARE FACILITY
MILLAGE PROPOSAL**

For the purpose of funding of the Jackson County Medical Care Facility, including providing funds to maintain services for persons needing medical care, for ongoing upkeep, renovation, and operations, and for continuation of the mandated Maintenance of Effort (MOE) Medical Care Facility, shall the Constitutional limitation upon the total amount of taxes which may be assessed in one (1) year upon all property within the County of Jackson, Michigan, be increased, and shall the County be authorized to levy, up to 0.25 mill (\$0.25 per \$1,000 of Taxable Value) for a period of fifteen (15) years, 2016 through 2030 inclusive?

If approved and levied in full, this millage will raise an estimated \$1,079,489 for providing funds for the Jackson County Medical Care Facility in the first calendar year of the levy based on taxable value. If approved and levied, in accordance with State law a portion of the millage may be distributed to the Downtown Development Authorities of the City of Jackson, the Villages of Grass Lake and Springport, and the Townships of Blackman and Leoni; the Local Development Finance Authorities of the Village of Parma and the Township of Blackman; and the Brownfield Redevelopment Authority of the City of Jackson.

YES ☐NO ☐**CITY**

**MILLAGE RENEWAL FOR PUBLIC
TRANSPORTATION SERVICES IN THE CITY
OF JACKSON**

Shall the Jackson Area Transportation Authority be authorized to levy for a period of five years (2018-2022 inclusive) for the purpose of providing public transportation services 1 mill on each dollar (\$1.00 per \$1,000.00) of taxable value as finally equalized.

The estimated revenue to be collected in the first year the millage is authorized and levied is \$550,000.

The proposed millage is a renewal of a

TREASURER

Vote for not more than 1

Karen Coffman ☐

Lauri Sue Olney ☐

DRAIN COMMISSIONER

Vote for not more than 1

☐

SURVEYOR

Vote for not more than 1

☐

The proposed millage is a renewal of a previously authorized millage of one mill on August 7, 2012 and does not constitute new additional millage.

YES ☐

NO ☐

DRAIN COMMISSIONER

Vote for not more than 1

Frank James McGinn ☐

Geoffrey W. Snyder ☐

COUNTY COMMISSIONER

7th DISTRICT

Vote for not more than 1

Daniel J. Mahoney ☐

☐

SURVEYOR

Vote for not more than 1

Dean R. Gutekunst ☐

☐

COUNTY COMMISSIONER

7th DISTRICT

Vote for not more than 1

☐

VOTE BOTH FRONT AND BACK OF BALLOT

FRONT Card 69 RptPct 30 "City of Jackson, Ward 2, Precinct 1"

F

Exhibit F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PETER BORMUTH,

Civil No:

Plaintiff,

v.

RUTH JOHNSON, in her official capacity
as Michigan Secretary of State, and
BILL SCHUETTE, in his official capacity as
Michigan Attorney General

Defendants.

AFFIDAVIT OF PETER BORMUTH

Case: 2:16-cv-13166
J Judge: Edmunds, Nancy G.
MJ: Grand, David R.
M Filed: 09-01-2016 At 11:19 AM
CMP BORMUTH V. JOHNSON ET AL (NA)

Peter Bormuth
Druid
In Pro Per
142 West Pearl St.
Jackson, MI 49201
(517) 787-8097
earthprayer@hotmail.com

AFFIDAVIT OF PETER BORMUTH

STATE OF MICHIGAN)

)ss.

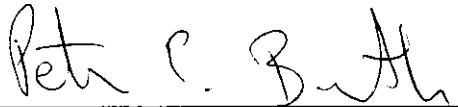
COUNTY OF JACKSON)

NOW COMES, Plaintiff Peter Bormuth, being duly sworn, deposes and states as follows:

1. On August 2, 2016 the Plaintiff went to his polling place to vote at 801 South Mechanic Street in Jackson Michigan at approximately 7:20 am.
2. Ironically that address houses Saint John's United Church of Christ, the very church the Plaintiff was forced to attend as a child. In 2012 the Plaintiff sent a letter to the Bureau of Elections complaining about having to vote in a church but was told it is legal in Michigan to use churches as polling places.
3. While waiting in line to have his Michigan driver's license address verified on the roll of voters the Plaintiff made the innocent comment that: "I always vote, but this will be the first time I ever had the opportunity to vote for myself."
4. A woman that the Plaintiff knows as a Precinct Captain, was standing nearby and asked: "O, who are you?"
5. A volunteer seated at the table that the Plaintiff recognized from the Democratic Woman's Caucus replied: "You don't want to know."

6. The Precinct Captain looked over the Plaintiff's shoulder while he was filing out the voting form at the same time he replied: "Peter Bormuth."
7. The Precinct Captain started humming "Jesus is Lord" to let the Plaintiff know she opposed his candidacy on religious grounds.
8. The Plaintiff reported this inappropriate behavior to Colleen Garety, Director of Elections in Jackson County.

Further, the Affiant sayeth not.



Peter C. Bormuth

Subscribed and sworn before me, a notary public, on this 1st day of September, 2016.



Notary Public

State of Michigan, County of Jackson

My Commission Expires:

Acting in Jackson County

LINDA SAMON
NOTARY PUBLIC, Jackson County, MI
My Commission Expires April 23, 2018

9

Exhibit C

Statement of Votes Cast

Jackson County, MI

2016 General Primary

SOVC For Jurisdiction Wide, All Counters, No Precinct Delegates

UNOFFICIAL RESULTS

Date:08/02/16

Time:22:59:34

Page:120 of 230

DEM D64 Representative									
	Reg. Voters	Vote For	Times Counted	Total Votes	Peter C. Bormuth (DEM)		Ron Brooks (DEM)		Write-In Votes
Jurisdiction Wide									
City of Jackson, Ward 1, Precinct 1	1632	2	101	49	11	22.45%	38	77.55%	0 0.00%
City of Jackson, Ward 1, Precinct 2	1887	2	135	100	15	15.00%	84	84.00%	1 1.00%
City of Jackson, Ward 2, Precinct 1	1712	2	182	54	18	33.33%	35	64.81%	1 1.85%
City of Jackson, Ward 2, Precinct 2	1387	2	86	34	8	23.53%	26	76.47%	0 0.00%
City of Jackson, Ward 3, Precinct 1	728	2	60	37	12	32.43%	23	62.16%	2 5.41%
City of Jackson, Ward 3, Precinct 2	1578	2	202	63	18	28.57%	45	71.43%	0 0.00%
City of Jackson, Ward 3, Precinct 3	1197	2	152	37	10	27.03%	26	70.27%	1 2.70%
City of Jackson, Ward 4, Precinct 1	1397	2	141	35	9	25.71%	26	74.29%	0 0.00%
City of Jackson, Ward 4, Precinct 2	1274	2	140	36	8	22.22%	28	77.78%	0 0.00%
City of Jackson, Ward 4, Precinct 3	1242	2	274	57	12	21.05%	45	78.95%	0 0.00%
City of Jackson, Ward 5, Precinct 1	747	2	29	21	11	52.38%	10	47.62%	0 0.00%
City of Jackson, Ward 5, Precinct 2	932	2	76	28	9	32.14%	19	67.86%	0 0.00%
City of Jackson, Ward 5, Precinct 3	1241	2	78	23	5	21.74%	18	78.26%	0 0.00%
City of Jackson, Ward 6, Precinct 1	1220	2	358	86	16	18.60%	70	81.40%	0 0.00%
City of Jackson, Ward 6, Precinct 2	1365	2	202	63	14	22.22%	49	77.78%	0 0.00%
City of Jackson, Ward 6, Precinct 3	1412	2	328	75	19	25.33%	56	74.67%	0 0.00%
Concord Township, Precinct 1	1984	2	499	35	7	20.00%	27	77.14%	1 2.86%
Hanover Township, Precinct 1	1271	2	350	34	9	26.47%	25	73.53%	0 0.00%
Hanover Township, Precinct 2	1557	2	360	27	7	25.93%	20	74.07%	0 0.00%
Napoleon Township, Precinct 1	1725	2	288	52	19	36.54%	33	63.46%	0 0.00%
Napoleon Township, Precinct 2	1642	2	306	46	15	32.61%	31	67.39%	0 0.00%
Napoleon Township, Precinct 3	1825	2	374	46	15	32.61%	30	65.22%	1 2.17%
Parma Township, Precinct 1	2027	2	296	41	9	21.95%	32	78.05%	0 0.00%
Pulaski Township, Precinct 1	1404	2	351	46	6	13.04%	39	84.78%	1 2.17%
Sandstone Township, Precinct 1	1229	2	297	28	3	10.71%	24	85.71%	1 3.57%
Sandstone Township, Precinct 2	856	2	237	16	0	0.00%	16	100.00%	0 0.00%
Sandstone Township, Precinct 3	789	2	163	22	4	18.18%	18	81.82%	0 0.00%
Spring Arbor Township, Precinct 1	2785	2	731	33	11	33.33%	22	66.67%	0 0.00%
Spring Arbor Township, Precinct 2	2463	2	502	47	9	19.15%	38	80.85%	0 0.00%
Summit Township, Precinct 1	2082	2	243	44	12	27.27%	32	72.73%	0 0.00%
Summit Township, Precinct 2	2125	2	524	66	27	40.91%	39	59.09%	0 0.00%
Summit Township, Precinct 3	1987	2	398	58	14	24.14%	44	75.86%	0 0.00%
Summit Township, Precinct 4	1980	2	507	44	10	22.73%	34	77.27%	0 0.00%
Summit Township, Precinct 5	1889	2	522	40	10	25.00%	30	75.00%	0 0.00%
Summit Township, Precinct 6	1332	2	251	30	9	30.00%	21	70.00%	0 0.00%
Summit Township, Precinct 7	2722	2	438	80	18	22.50%	62	77.50%	0 0.00%
Summit Township, Precinct 8	2356	2	229	35	10	28.57%	25	71.43%	0 0.00%
Total	58981	74	10410	1668	419	25.12%	1240	74.34%	9 0.54%

H

Exhibit H

RECEIVED
2016 AUG 11 AM 9:48
STATE CLERK OF THE HOUSE
STATE OF MICHIGAN
MICHIGAN SECRETARY OF STATE
BUREAU OF ELECTIONS


**PETITIONER PETER BORMUTH'S PETITION FOR RECOUNT UNDER MCL 168.879 of
P.A. 116 of 1954**

Peter Bormuth
64th District House Democratic Primary Candidate
142 West Pearl St.
Jackson, MI 49201
(517) 787-8097
earthprayer@hotmail.com


PETITIONER PETER BORMUTH'S PETITION FOR RECOUNT UNDER MCL 168.879 of P.A. 116 of 1954

Petitioner Peter Bormuth files this Petition for Recount in the 64th District House of Representatives Primary vote held August 2, 2016. The Board of Canvassers completed their canvass on August 9, 2016. This Petition is filed on August 11, 2016 with the Secretary of State Bureau of Elections and a copy is being filed with the Clerk of the House of Representatives. The recount (by hand) is requested in the County of Jackson, City of Jackson, Ward 1, Precinct 2.

The Petitioner is aggrieved over the possibility of fraud. A 2006 University of Connecticut "Security Assessment of the Diebold Optical Scan Voting Terminal" (Accutvote OS) which tabulates votes on paper ballots found that it was vulnerable to "a devastating array of attacks" including allowing no votes to be cast for a particular candidate, swapping votes for two candidates, and biasing the results by shifting some votes from one candidate to another." The Optical Scan Terminal voting machines (DieBold/Premire/ES&S) are used in City of Jackson polling places. There have been multiple past problems with these machines including incorrect total vote counts in Barry County, Michigan.


Peter C. Bormuth

Subscribed and sworn before me, a notary public, on this 10th day of August, 2016.


Notary Public
State of Michigan, County of Jackson
My Commission Expires:
Acting in Jackson County
LINDA SAMON
NOTARY PUBLIC, Jackson County, MI
My Commission Expires April 23, 2018

I

8-17-16

517-373-0941

Dear Mr Diljak

Here is my post-election (primary)
statement dissolving my candidate committee
transmitted to you electronically by fax

Peter Bormuth

142 West Pearl St

Jackson, MI 49201

517-787-8097

earthprayer@hotmail.com

: Committee ID number : 517391

Exhibit I

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS517-787-8097
ATT: Mark Diljak**CANDIDATE COMMITTEE
COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

1. Committee I.D. Number 517391		3. This Statement covers From: 7-25-16 to 8-17-16	
2. Committee Name Peter Bormuth		4. Candidate Last Name Bormuth First Name Peter M.I. C 4a. Office Sought Including District # or Community Served (If applicable) 64th District House 4b. County of Residence Jackson	
5. Committee's Mailing Address 142 West Pearl St Jackson, MI 49201 Area Code and Phone 517-787-8097 <small>If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.</small>		6. Treasurer's Name & Residential Address Peter Bormuth 142 West Pearl St Jackson MI 49201 Area Code & Phone 517 787-8097	
7. Treasurer's Business Address 142 West Pearl St Jackson, MI 49201 Area Code and Phone 517 787-8097		8. Designated Record keeper's Name and Mailing Address (If the committee has a Designated Record keeper) X Area Code and Phone _____	
9. TYPE OF STATEMENT 9a. <input type="checkbox"/> Pre-Election OR 9b. <input checked="" type="checkbox"/> Post-Election Pre-Election or Post-Election Statement relates to: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Convention <input type="checkbox"/> Special <input type="checkbox"/> School <input type="checkbox"/> Caucus Date of Election, Convention or Caucus 8-2-16		Required ONLY if candidate is not on the ballot for the current year: <input type="checkbox"/> July Quarterly <input type="checkbox"/> October Quarterly 9c. <input type="checkbox"/> Annual Statement (_____) Coverage Year 9d. <input type="checkbox"/> Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)	
		9e. Dissolution of Candidate Committee <input checked="" type="checkbox"/> By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no late fees or has any outstanding debt. Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver. Effective date of dissolution 8-17-16 Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.	
10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.			
Current Treasurer or Designated Record keeper Peter Bormuth Type or Print Name		Signature Peter Bormuth Date 8-17-16	
Candidate Peter Bormuth Type or Print Name		Signature Peter Bormuth Date 8-17-16	



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

1. Committee I.D. Number 517391

2. Committee Name Peter Barmeth

**SUMMARY PAGE
CANDIDATE COMMITTEE**

RECEIPTS		Column I This Period	Column II Cumulative this election cycle
3. Contributions			
a. Itemized (Schedule 1A - Column 6)	(3a.) \$	<u>125.00</u>	
b. Unitemized (less than \$20.01 each - no Schedule)	(3b.) \$	<u>NOT APPLICABLE</u>	
c. Subtotal of "Contributions"	(3c.) \$	<u>125.00</u>	(18.) \$ <u>18,525.00</u>
4. Other Receipts (Schedule 1A -1, Column 6)	(4.) \$	<u>125.00</u>	(19.) \$
5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS (Add Line 3c + Line 4)	(5.) \$	<u>125.00</u>	(20.) \$ <u>18,525.00</u>
IN-KIND CONTRIBUTIONS & EXPENDITURES			
6. In-Kind Contributions (Schedule 1-IK, Column 7)	(6.) \$	<u>24.00</u>	(21.) \$ <u>24.00</u>
7. In-Kind Expenditures (Schedule 1B-IK, Column 6)	(7.) \$	<u>0</u>	(22.) \$ <u>0</u>
EXPENDITURES			
8. Expenditures			
a. Itemized (Schedule 1B, Column 6)	(8a.) \$	<u>781.00</u>	
b. Itemized Get-Out-the-Vote (Schedule 1B-G)	(8b.) \$	<u>0</u>	
c. Unitemized (less than \$50.01 each - no Schedule)	(8c.) \$	<u>0</u>	
9. TOTAL EXPENDITURES (Add Line 8a + Line 8b + Line 8c)	(9.) \$	<u>781.00</u>	(23.) \$ <u>18,525.00</u>
INCIDENTAL EXPENSE DISBURSEMENTS (Officeholders Only)			
10. Disbursements			
a. Itemized (Schedule 1C, Column 6)	(10a.) \$	<u>0</u>	
b. Unitemized (less than \$50.01 each - no Schedule)	(10b.) \$	<u>0</u>	
11. TOTAL INCIDENTAL EXPENSE DISBURSEMENTS (Add Line 10a + Line 10b)	(11.) \$	<u>0</u>	(24.) \$ <u>0</u>
DEBTS AND OBLIGATIONS			
12. Debts and Obligations			
a. Owed by the Committee (Schedule 1E)	(12a.) \$	<u>0</u>	
b. Owed to the Committee (Schedule 1E)	(12b.) \$	<u>0</u>	
BALANCE STATEMENT			
13. Ending Balance of last report filed (Enter zero if no previous reports have been filed.)	(13.) \$	<u>656.00</u>	
14. Amount received during reporting period (Line 5, Total Contributions & Other Receipts)	(14.) + \$	<u>125.00</u>	
15. SUBTOTAL Add lines 13 and 14	(15.) = \$	<u>781.00</u>	
16. Amount expended during reporting period (Add lines 9 and 11)	(16.) - \$	<u>781.00</u>	
17. ENDING BALANCE (Subtract line 16 from line 15)	(17.) \$	<u>0</u>	



**ITEMIZED CONTRIBUTIONS
SCHEDULE 1A
CANDIDATE COMMITTEE**

1. Committee I.D. Number 517391
2. Committee Name Peter Bormuth

Enter contributor's name and address. If contribution is from an individual, enter last name, first name, middle initial. Check box to indicate if contribution is from a Political Committee or an Independent Committee (PAC) Report <u>all</u> contributions regardless of amount.		6. Amount	7. Cumulative for Election Cycle for Each Contributor (Through date of receipt)
3. Contribution # 1	PAC Receipt? <input type="checkbox"/> YES	4. Date of Receipt	
Name & Address: <u>Peter Bormuth</u> <u>142 West Pearl St</u>			
5. If over \$100.00 cumulative, please provide: Occupation <u>Druid</u> Employer <u>self</u> Business Address <u>142 West Pearl St Jackson MS 39201</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser		\$ <u>125.00</u>	\$ <u>18,525.00</u>
		Click Here for Memo Itemization	
3. Contribution #2	PAC Receipt? <input type="checkbox"/> YES	4. Date of Receipt	
Name & Address			
		\$	\$
5. If over \$100.00 cumulative, please provide: Occupation _____ Employer _____ Business Address _____ Type of Contribution: <input type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser		Click Here for Memo Itemization	
3. Contribution #3	PAC Receipt? <input type="checkbox"/> YES	4. Date of Receipt	
Name & Address			
		\$	\$
5. If over \$100.00 cumulative, please provide: Occupation _____ Employer _____ Business Address _____ Type of Contribution: <input type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser		Click Here for Memo Itemization	
3. Contribution #4	PAC Receipt? <input type="checkbox"/> YES	4. Date of Receipt	
Name & Address			
		\$	\$
5. If over \$100.00 cumulative, please provide: Occupation _____ Employer _____ Business Address _____ Type of Contribution: <input type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser		Click Here for Memo Itemization	

Page Subtotal

Grand Total of All Schedules 1A
(Complete on last page of Schedule)

125.00
18,525.00
Enter this total on
line 3a of Summary
Page.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND CONTRIBUTIONS

SCHEDULE 1-IK

CANDIDATE COMMITTEE

1. Committee I. D. Number

517391

2. Committee Name

Peter Bormuth

3. Name and Address from whom received If contribution is from an individual, enter last name first. Check box to indicate if contribution is from a Political Committee or an Independent Committee (Both are commonly called PACs). Report all in-kind contributions.	4. Type of In-Kind Contribution (Check applicable box) 5. Date of Receipt 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Fair Market Value	8. Cumulative for Election Cycle (Through date in Item 5)
Contribution # 1 PAC Receipt? <input type="checkbox"/> Yes Name & Address: Kent Kleinschmidt 6096 Browns Lake Rd Jackson, MI 49203 If over \$100.00 cumulative, please provide: Occupation: Retail Carpet Store Owner Employer Name & Business Address: Collins Brothers 154 West Pearl St Jackson, MI 49201 <input type="checkbox"/> Fund Raiser Contribution	4. <input type="checkbox"/> Endorsement or Guarantee of Bank Loan <input type="checkbox"/> Goods Donated or Loaned <input checked="" type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Candidate or Others <input type="checkbox"/> Goods or Services Purchased by Candidate or Others- LOAN Description use of fax machine - 12 pages 5. Date Of Receipt: 7-25-16 6. Vendor Name & Address: Click Here for Memo Itemization	\$ 12.00	\$ 24.00
Contribution # 2 PAC Receipt? <input type="checkbox"/> Yes Name & Address: Kent Kleinschmidt 6096 Browns Lake Rd Jackson, MI 49203 If over \$100.00 cumulative, please provide: Occupation: Employer Name & Address: Collins Brothers 156 West Pearl St Jackson, MI 49201 <input type="checkbox"/> Fund Raiser Contribution	4. <input type="checkbox"/> Endorsement or Guarantee of Bank Loan <input type="checkbox"/> Goods Donated or Loaned <input checked="" type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Candidate or Others <input type="checkbox"/> Goods or Services Purchased by Candidate or Others- LOAN Description use of fax machine 5. Date Of Receipt: 8-18-16 6. Vendor Name & Address: Click Here for Memo Itemization	\$ 12.00	\$ 24.00
Contribution #3 PAC Receipt? <input type="checkbox"/> Yes Name & Address: If over \$100.00 cumulative, please provide: Occupation: Employer Name & Address: <input type="checkbox"/> Fund Raiser Contribution	4. <input type="checkbox"/> Endorsement or Guarantee of Bank Loan <input type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Candidate or Others <input type="checkbox"/> Goods or Services Purchased by Candidate or Others- LOAN Description 5. Date Of Receipt: 6. Vendor Name & Address: Click Here for Memo Itemization	\$	\$

Page Subtotal

24.00

Grand Total of all Schedules 1-IK
(Complete on last page of Schedule)

24.00

Enter this total
on line 6 of Summary
Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**ITEMIZED OTHER RECEIPTS
SCHEDULE 1A-1**

CANDIDATE COMMITTEE

1. Committee I.D. Number

517391

2. Committee Name

Peter Bormuth

3. Name & Address From Whom Received	4. Date of Receipt	5. Type of Receipt	6. Amount
Receipt #1 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Receipt #2 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Receipt #3 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Receipt #4 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Receipt #5 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Receipt #6 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Receipt #7 Name & Address:	Date of Receipt _____	<input type="checkbox"/> Loan from a Lending Institution <input type="checkbox"/> Interest <input type="checkbox"/> Refund \Rebate Click for Memo Itemization Type <input type="checkbox"/> Other (Specify) _____	\$ _____
	<input type="checkbox"/> Fund Raiser		
Page Subtotal			0
Grand Total of All Schedules 1A - 1 (Complete on last page of Schedule)			0

Enter this total on
line 4 of Summary
Page



**ITEMIZED EXPENDITURES
 SCHEDULE 1B
 CANDIDATE COMMITTEE**

1. Committee I. D. Number 517 391
 2. Committee Name Petr Bormuth

3. Name and address of person or vendor to whom paid	4. Purpose (Required Information)	5. Date	6. Amount
Expenditure #1 Name <u>Petr Bormuth</u> Address <u>142 West Paul St</u> <u>Jackson, MI 49201</u> <input type="checkbox"/> Fund Raiser	Purpose: <u>Payment for concept & creative design of ads</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>8-5-16</u> Date	<u>\$ 656.00</u> Click Here for Memo Itemization Type
Expenditure #2 Name <u>Secretary of State</u> Address <u>Lansing MI</u> <input type="checkbox"/> Fund Raiser	Purpose: <u>Petition for Recount Fee</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>8-11-16</u> Date	<u>\$ 125.00</u> Click Here for Memo Itemization Type
Expenditure #3 Name _____ Address _____ <input type="checkbox"/> Fund Raiser	Purpose: _____ <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	_____ Date	\$ _____ Click Here for Memo Itemization Type
Expenditure #4 Name _____ Address _____ <input type="checkbox"/> Fund Raiser	Purpose: _____ <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	_____ Date	\$ _____ Click Here for Memo Itemization Type
Expenditure #5 Name _____ Address _____ <input type="checkbox"/> Fund Raiser	Purpose: _____ <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	_____ Date	\$ _____ Click Here for Memo Itemization Type

Subtotal this page 781.00
 Grand Total of all Schedules 1B
 (Complete on last page of Schedule) 18,525.00
 Enter this total on line 8a of Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND EXPENDITURES

SCHEDULE 1B – IK CANDIDATE COMMITTEE

1. Committee I. D. Number

517391

2. Committee Name

Peter Bernuth

3. Name and Address of person to whom goods or services were donated or transferred.	4. Type of In-Kind Expenditure (Check appropriate box and fill in description)	5. Date:	6. Fair Market Value
Expenditure #1 Name & Address:	4. <input type="checkbox"/> Donation of goods or services to a Ballot Question Committee <input type="checkbox"/> Donation of assets to tax exempt charitable institution <input type="checkbox"/> Donation of assets to Political Party Committee <input type="checkbox"/> Other Description:	Date	\$
Expenditure #2 Name & Address:	4. <input type="checkbox"/> Donation of goods or services to a Ballot Question Committee <input type="checkbox"/> Donation of assets to tax exempt charitable institution <input type="checkbox"/> Donation of assets to Political Party Committee <input type="checkbox"/> Other Description:	Date	\$
Expenditure #3 Name & Address:	4. <input type="checkbox"/> Donation of goods or services to a Ballot Question Committee <input type="checkbox"/> Donation of assets to tax exempt charitable institution <input type="checkbox"/> Donation of assets to Political Party Committee <input type="checkbox"/> Other Description:	Date	\$
Expenditure #4 Name & Address:	4. <input type="checkbox"/> Donation of goods or services to a Ballot Question Committee <input type="checkbox"/> Donation of assets to tax exempt charitable institution <input type="checkbox"/> Donation of assets to Political Party Committee <input type="checkbox"/> Other Description:	Date	\$
Expenditure #5 Name & Address:	4. <input type="checkbox"/> Donation of goods or services to a Ballot Question Committee <input type="checkbox"/> Donation of assets to tax exempt charitable institution <input type="checkbox"/> Donation of assets to Political Party Committee <input type="checkbox"/> Other Description:	Date	\$

Page Subtotal

0

Grand Total of all Schedules 1B-1K
(Complete on last page of Schedule)

0

Enter this total
on line 7 of
the Summary
Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

EXPENDITURES FOR GET-OUT-THE VOTE ACTIVITIES

SCHEDULE 1 B - G CANDIDATE COMMITTEE

1. Committee I.D. Number

517391

2. Committee Name

Peter Barmuth

USE THIS FORM TO REPORT EXPENDITURES MADE FOR ELECTION DAY BUSING OF VOTERS TO THE POLLS, FOR SLATE CARDS, CHALLENGERS, POLL WATCHERS, POLL WORKERS, AND GET-OUT-THE VOTE ACTIVITY. Describe the specific Get-Out-The -Vote activity in Item 4f.
ALL EXPENDITURES ARE REQUIRED TO BE ITEMIZED

3. Name and address of person or vendor to whom the expenditure was made	4. Type of Activity	5. Date	6. Amount
Expenditure #1 Name & Address:	a. <input type="checkbox"/> Election Day Busing of Voters To The Polls b. <input type="checkbox"/> Slate Cards c. <input type="checkbox"/> Challengers d. <input type="checkbox"/> Poll Watchers e. <input type="checkbox"/> Poll Workers f. <input type="checkbox"/> Get-Out-The Vote Activity (Specify):	_____ \$ _____ Date	
For Activity Type b-f, check one: <input type="checkbox"/> In-Kind <input type="checkbox"/> Independent If in support of, or in opposition to, a ballot proposal, check one: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement			
Statewide Proposal Name _____ Local Proposal Name _____ Indicate County _____			
Expenditure #2 Name & Address:	a. <input type="checkbox"/> Election Day Busing of Voters To The Polls b. <input type="checkbox"/> Slate Cards c. <input type="checkbox"/> Challengers d. <input type="checkbox"/> Poll Watchers e. <input type="checkbox"/> Poll Workers f. <input type="checkbox"/> Get-Out-The Vote Activity (Specify):	_____ \$ _____ Date	
For Activity Type b-f, check one: <input type="checkbox"/> In-Kind <input type="checkbox"/> Independent If in support of, or in opposition to, a ballot proposal, check one: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement			
Statewide Proposal Name _____ Local Proposal Name _____ Indicate County _____			
Expenditure #3 Name & Address:	a. <input type="checkbox"/> Election Day Busing of Voters To The Polls b. <input type="checkbox"/> Slate Cards c. <input type="checkbox"/> Challengers d. <input type="checkbox"/> Poll Watchers e. <input type="checkbox"/> Poll Workers f. <input type="checkbox"/> Get-Out-The Vote Activity (Specify):	_____ \$ _____ Date	
For Activity Type b-f, check one: <input type="checkbox"/> In-Kind <input type="checkbox"/> Independent If in support of, or in opposition to, a ballot proposal, check one: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement			
Statewide Proposal Name _____ Local Proposal Name _____ Indicate County _____			

Subtotal this page

Grand Total of all Schedules 1B-G)
(Complete on last page of Schedule

Enter total
on Line 8b
Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**INCIDENTAL OFFICE EXPENSE
DISBURSEMENTS
SCHEDULE 1C
CANDIDATE COMMITTEE**

(For use by officeholders only)

1. Committee I. D. Number 517 391
2. Committee Name Peter Barmuth

3. Name and address of person to whom disbursement was made	4. Description of Disbursement (Be specific & you may assign a disbursement code*)	5. Date	6. Amount of Disbursement
Disbursement # 1 Name & Address:	Purpose _____	_____ \$ _____ Date	
Click for Memo Itemization Type			
<input type="checkbox"/> Check box if this disbursement is payment of debt or obligation reported on previous statement	Disbursement Code _____ <input type="checkbox"/> Fund Raiser		
Disbursement # 2 Name & Address:	Purpose _____	_____ \$ _____ Date	
Click for Memo Itemization Type			
<input type="checkbox"/> Check box if this disbursement is payment of debt or obligation reported on previous statement	Disbursement Code _____ <input type="checkbox"/> Fund Raiser		
Disbursement # 3 Name & Address:	Purpose _____	_____ \$ _____ Date	
Click for Memo Itemization Type			
<input type="checkbox"/> Check box if this disbursement is payment of debt or obligation reported on previous statement	Disbursement Code _____ <input type="checkbox"/> Fund Raiser		
Disbursement # 4 Name & Address:	Purpose _____	_____ \$ _____ Date	
Click for Memo Itemization Type			
<input type="checkbox"/> Check box if this disbursement is payment of debt or obligation reported on previous statement	Disbursement Code _____ <input type="checkbox"/> Fund Raiser		
Subtotal this page			<u>0</u>
Grand Total of all Schedules 1C (Complete on last page of Schedule)			<u>0</u>

Enter this total
on line 10a of
Summary Page

*PLEASE REFER TO INSTRUCTIONS FOR LIST OF DISBURSEMENT CODES

Note: No campaign expenditures are to be reported on this schedule; Incidental Office Expense Disbursements ONLY



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**FUND RAISER SCHEDULE 1F
CANDIDATE COMMITTEE**

1. Committee I.D. Number

517391

2. Committee Name

Peter Bormuth

- USE A SEPARATE SHEET FOR EACH EVENT -

3. Date Event Was Held

4. Number of Individuals Attending
or Participating (whichever is
greater)

5. Type of Fund Raising Activity

6. Address and Name (If any) of the
place where the activity was held.

☐ Private Residence

7. Total Contributions

8. Other Receipts

9. Gross Receipts (Add lines 7 and 8)

10. Total Cost of Event

(Total Cost includes In-Kind Contributions and All Expenditures Made For the Event)

11. ☐ Check if event was a joint fund raiser and complete the following:

Co-Sponsor(s)

Contribution Split
(%)

Expenditure Split
(%)

- The committee is required to file a separate Fund Raiser Schedule for each fund raising event held during the period covered by the Campaign Statement.
- Receipts and expenditures listed on a Fund Raiser Schedule must also be reported on the Itemized Contributions Schedule (1A), Itemized In-Kind Contributions Schedule (1-1K), Itemized Expenditures Schedule (1B) and the Summary Page.
- Each committee that participated in a joint fund raiser must file a Fund Raiser Schedule for the event.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

DEBTS AND OBLIGATIONS
SCHEDULE 1E
CANDIDATE COMMITTEE

1. Committee I.D. Number

517391

2. Committee Name

Peter Bermuth

This Schedule itemizes:

a ☐ Debts and obligations owed by or forgiven the committee OR b ☐ Debts and obligations owed to or forgiven by the committee.
(Check either a or b. Use only for the purpose checked.)

3. Name and Mailing Address of person, vendor or financial institution to whom debt is owed. Check box to indicate whether debt is owed to an incorporated business. If debt is a bank loan, please provide information regarding the endorser or guarantors, if any.	4. Type of Obligation (Description) 5. Indicate date debt was incurred 6. Indicate original amount of debt	7. Date and amount of each payment	8. Cumulative payment to date on debt	9. Outstanding Balance at close of this period (Item 6 minus Item 8)
Debt #1 Corp? <input type="checkbox"/> Yes Owed to or by:	4. Type: _____ 5. <u>Date Debt Was Incurred</u> : _____ 6. <u>Original Amount of Debt</u> : _____ \$ _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____	\$ _____	\$ _____ <input type="checkbox"/> FORGIVEN
If bank loan, name of endorser or guarantor: _____		Amount Endorsed: \$ _____		
Debt #2 Corp? <input type="checkbox"/> Yes Owed to or by:	4. Type: _____ 5. <u>Date Debt Was Incurred</u> : _____ 6. <u>Original Amount of Debt</u> : _____ \$ _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____	\$ _____	\$ _____ <input type="checkbox"/> FORGIVEN
If bank loan, name of endorser or guarantor: _____		Amount Endorsed: \$ _____		
Debt #3 Corp? <input type="checkbox"/> Yes Owed to or by:	4. Type: _____ 5. <u>Date Debt Was Incurred</u> : _____ 6. <u>Original Amount of Debt</u> : _____ \$ _____	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____	\$ _____	\$ _____ <input type="checkbox"/> FORGIVEN
If bank loan, name of endorser or guarantor: _____		Amount Endorsed: \$ _____		

Page Subtotal (Outstanding debt)

Grand Total of all Schedules 1E
(Complete on last page of Schedule showing amounts owed by or to the committee)

Enter this total on line 12a "owed by" or line 12b "owed to" of the Summary Page

A debt or obligation must be shown on this Schedule if there was an outstanding amount owed on it at the closing date of this Campaign Statement or it was forgiven during the period covered by this Campaign Statement.

J



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

PETER BORMUTH COMMITTEE
PETER BORMUTH, TREASURER
142 W PEARL ST
JACKSON, MI 49201

August 18, 2016

ID#: 517391-9
Seq#: 427047 - vw

**NOTICE OF FAILURE TO FILE
2016 PRE-PRIMARY CS**

Your immediate attention is required as late filing fees are accruing!

Our records indicate that this committee has not filed the 2016 PRE-PRIMARY CS as required under the Michigan Campaign Finance Act (MCFA), MCL 169.233(1)(A), which was due on July 22, 2016 for the Primary Election of August 2, 2016. If a required filing is not received in this office within 9 business days of the due date, MCL 169.216(8) requires the matter to be reported to the Attorney General.

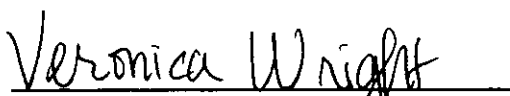
Note: If this committee is required to file electronically as mandated by MCL 169.218 and this statement was submitted on paper, it is considered NOT filed until the electronically filed statement is received.

Free electronic filing software (MERTS) can be downloaded at www.mertsplus.com. Paper forms are available at www.michigan.gov/elections.

The MCFA mandates that late filing fees be assessed for each business day a statement remains unfiled. A Notice of Late Filing Fee Due detailing the amount due will be sent under separate cover. Filing the required statement will stop the accrual of the fees.

If you have any questions, contact us by phone or by email at Disclosure@Michigan.gov.

Sincerely,


Veronica Wright, Analyst
Disclosure Data Division

JACKSON

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1



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

PETER BORMUTH COMMITTEE
PETER BORMUTH, TREASURER
142 W PEARL ST
JACKSON, MI 49201

August 18, 2016

ID#: 517391-9
Seq#: 427052

Dear Candidate Committee:

Information provided by the committee indicates that the committee has lost the Reporting Waiver by receiving or spending more than \$1,000.00 in an election.

Since the Reporting Waiver has been lost, you must now file detailed pre-election, post-election and annual campaign statements. The committee is also required to file Late Contribution Reports. Detailed information on the reporting schedule and other information can be found at www.michigan.gov/elections under the Campaign Finance Disclosure tab.

If, after filing the required campaign statement(s), the committee wishes to regain the Reporting Waiver, an amended Statement of Organization must be filed requesting the Reporting Waiver. To qualify for the Reporting Waiver, the committee's cash-on-hand and outstanding debts total must be reported as \$1,000.00 or less.

See Appendix C of the Committee Manual for more information on the Reporting Waiver.

Any committee that spends or receives \$5,000.00 or more in any calendar year is required to file electronically. Additional information on the mandatory electronic filing requirement can be found in Appendix D of the Committee Manual.

If you have any questions, please contact this office.

Sincerely,

Michigan Department of State
Bureau of Elections
Disclosure Data Division

waiverli.doc

K



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

PETER BORMUTH COMMITTEE
PETER BORMUTH, TREASURER
142 W PEARL ST
JACKSON, MI 49201

August 18, 2016

ID#: 517391-9
Seq#: 427048

Dear Committee:

This correspondence is being sent to you concerning paper documents purporting to be your 2016 Post-Primary Campaign Statement that was received in this office on August 17, 2016. As your committee is required to file electronic reports, these paper documents do not comply with the filing requirements of the Michigan Campaign Finance Act (MCFA) and must be re-submitted electronically. **Because the documents do not comply with the MCFA, late filing fees are accruing!**

The mandatory electronic filing requirement is provided under Section 18 states:

Section 18(3) Beginning with the annual campaign statement due January 31, 2014, each committee required to file with the secretary of state that received or expended \$5,000.00 or more in the preceding calendar year or expects to receive or expend \$5,000.00 or more in the current calendar year shall electronically file all statements and reports required under this act, as described in subsection (1).

Section 18(4) If a committee was not required to file a campaign statement under subsection (15) only because it did not meet the applicable threshold of receiving or expending \$5,000.00 or more, but the committee later reaches that threshold, the committee shall notify the secretary of state within 10 business days after reaching that threshold and shall subsequently file electronically all statements and reports required under this act.

On December 27, 2013 PA 252 was signed into law with immediate effect. This change lowered the electronic filing threshold to \$5,000.00 from \$20,000.00.

Because the committee exceeded the \$5,000.00 electronic filing threshold, all campaign statements must be filed electronically beginning with the Campaign Statement referenced above.

It is imperative that your committee obtain the MERTS software as soon as possible in order to file the electronically as required by the MCFA. Some points to remember concerning mandatory electronic filing:

- MERTS electronic filing software is available at no charge for all state level committees. MERTS software training and information is available on line at: www.mertsplus.com.
- Activity occurring in the current election cycle may need to be entered into the software to reflect accurate cumulative totals and Summary Page totals.

Page 2

ID#: 517391-9

Seq#: 427048

- A campaign statement or a late contribution report filed on paper or software that has not been approved will not meet the mandatory electronic filing requirement. Late filing fees will be assessed if a committee meeting the mandatory electronic filing threshold fails to file a required report electronically by a filing deadline.
- All late contributions must be filed electronically via the Department's Immediate Disclosure Internet Application (e-IDR). This application is found at www.michigan.gov/elections:

Select "Campaign Finance Disclosure"
Select "Electronic Filing"

If you have any questions or concerns, I can be reached at this office.

Sincerely,

Veronica Wright
ac

Veronica Wright, Analyst
Disclosure Data Division
returned.doc

L



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

PETER BORMUTH COMMITTEE
PETER BORMUTH, TREASURER
142 W PEARL ST
JACKSON, MI 49201

August 24, 2016

ID#: 517391-9

Seq#: 427404 - vw

**NOTICE OF LATE FILING FEE DUE
2016 PRE-PRIMARY CS**

THIS IS A BILL!

This late filing fee is assessed in accordance with the Michigan Campaign Finance Act (MCFA), MCL 169.233(7).

(Make checks payable to STATE OF MICHIGAN and forward to the address provided).

DOCUMENT OWED BY COMMITTEE	DATE RECEIVED	DATE DUE	DAYS LATE	PAYMENT DUE	AMOUNT DUE
2016 PRE-PRIMARY CS	NOT	07/22/2016	16+	09/23/2016	\$1000

If this committee was required to file electronically as mandated by MCL 169.218 and this statement was submitted on paper, it is considered NOT filed under the MCFA until the electronically filed statement is received.

If we do not receive prompt payment of the above referenced fee, the matter will be turned over to the Michigan Department of Treasury for further action. The MCFA holds candidates, treasurers and designated record keepers all equally and severally liable for late filing fees except those assessed under MCL 169.224. Therefore, the Department of Treasury may take collection actions against the personal financial holdings of these individuals to bring the account balance to zero. Collection actions by the Department of Treasury could include levy on wages, set off against state income tax refunds or any other means at the Department of Treasury's disposal. You are urged to make payment to avoid collection by the Department of Treasury.

The MCFA provides that late filing fees can be waived for good cause. A copy of the procedure for requesting a good cause waiver can be found at www.michigan.gov/elections. The Bureau of Elections must receive your request for appeal within 28 calendar days of this notice. We recommend using certified mail to ensure timely delivery within the 28 calendar days.

Partial payments are accepted. Committees that are unable to pay the entire fee amount immediately are encouraged to contact the Bureau of Elections to establish a periodic payment plan. Committees entering into a payment plan and meeting the agreed upon payment schedule will not be referred to the Department of Treasury for collection.

Note: Candidates required to file the Compliance Affidavit as required by MCL 168.848 must pay or otherwise resolve all committee fees in their entirety prior to executing the Affidavit of Identity.

If you have any questions, contact us by phone or by email at Disclosure@Michigan.gov.

Sincerely,

Veronica Wright, Analyst
Disclosure Data Division

CAN

1

M

Exhibit M

Fw: voting machines 2

From: **peter bormuth** (peterbngagspa@yahoo.com)
Sent: Fri 11/05/10 7:53 AM
To: wardance@live.com

----- Forwarded Message -----

From: peter bormuth <peterbngagspa@yahoo.com>
To: peterbngagspa@yahoo.com
Sent: Tue, November 2, 2010 4:00:09 PM
Subject: voting machines 2

Security Assessment of the Diebold Optical Scan Voting Terminal

A. Kiayias L. Michel A. Russell A. A. Shvartsman

UConn VoTeR Center and
Department of Computer Science and Engineering,
University of Connecticut

with the assistance of
M. Korman, A. See, N. Shashidhar, D. Walluck

Technical report: [uconn-report-os.pdf](#)

October 30, 2006

Security Assessment of the Diebold Optical Scan Voting Terminal

We present an independent security evaluation of the AccuVote Optical Scan voting terminal (AV-OS). We identify a number of new vulnerabilities of this system which, if exploited maliciously, can invalidate the results of an election process utilizing the terminal.

Furthermore, based on our findings an AV-OS can be compromised with off-the-shelf equipment in a matter of minutes even if the machine has its removable memory card sealed in place.

The basic attack can be applied to effect a variety of results, including entirely neutralizing one candidate so that their votes are not counted, swapping the votes of two candidates, or biasing the results by shifting some votes from one candidate to another. Such vote tabulation corruptions can lay dormant until the election day, thus avoiding detection through pre-election tests.

Based on these findings, we describe new safe-use recommendations for the AV-OS terminal.

Specifically, we recommend installation of tamper-resistant seals for (i) removable memory cards, (ii) serial port, (iii) telephone jacks, as well as (iv) screws that allow access into the terminal's interior; failure to seal any single one of these components renders the terminal susceptible to the attack outlined above.

An alternative is to seal the entire Optical Scan system (sans ballot box) into a tamper-resistant container at all times other than preparation for election and deployment in an election. An unbroken chain of custody must be enforced at all times. Post-election audits are also strongly advised.

(Look for download link under heading "Attachment" below)

The Diebold AccuVote Optical Scan voting terminals described in this report are going to be used in November 2006 election in several precincts in the State of Connecticut. The terminals are provided by the LHS Associates of Massachusetts. VoTeR Center personnel assisted the Office of the Connecticut Secretary of the State in developing safe use procedures for the Optical Scan terminals for this election. The procedures in place for the election includes strict physical custody policy, tamper-resistant protection of the equipment, and random post-election audits.

Fw: diebold

From: **peter bormuth** (peterbngagspa@yahoo.com)
Sent: Fri 11/05/10 7:52 AM
To: wardance@live.com


----- Forwarded Message -----

From: peter bormuth <peterbngagspa@yahoo.com>
To: peterbngagspa@yahoo.com
Sent: Tue, November 2, 2010 4:29:12 PM
Subject: diebold

Premier Election Solutions

From Wikipedia, the free encyclopedia
Jump to: [navigation](#), [search](#)

Premier Election Solutions

<u>Industry</u>	Electronic Voting hardware Consulting
<u>Founded</u>	 Ohio (January 22, 2002)
<u>Headquarters</u>	North Canton, Ohio, United States
<u>Products</u>	AccuVote-TSX , AccuVote-OS , AccuView Printer Module , Global Election Management System (GEMS), DIMS-NeT , ExpressPoll-2000 , ExpressPoll-4000 , VoteRemote Suite
<u>Website</u>	Premier Election Solutions

Premier Election Solutions^[1], formerly **Diebold Election Systems, Inc.** (DESI) was a subsidiary of [Diebold](#) that makes and sells [voting machines](#). In 2009 it was sold to competitor [ES&S](#). Another subsidiary selling [electronic voting systems](#) in [Brazil](#) is Diebold-Procomp, with minor market share in that nation.

Contents

[[hide](#)]

- [1 History](#)
- [2 Controversy](#)
 - [2.1 O'Dell's fundraising](#)
 - [2.2 Security and concealment issues](#)

- [2.3 States rejecting Diebold](#)
 - [2.4 Leaked memos](#)
 - [2.5 Stephen Heller \(whistleblower\)](#)
 - [2.6 Diebold and Kenneth Blackwell's conflict of interest](#)
- [3 Acquisition by ES&S](#)
- [4 See also](#)
- [5 References](#)
- [6 External links](#)
 - [6.1 Research and reports](#)

[edit] History

Premier Election Solutions, Inc. is currently run by David Byrd.^[2] Previously, DESI was run by [Bob Urosevich](#), who worked in the election systems industry since 1976. In 1979, Mr. Urosevich founded American Information Systems. He served as the President of AIS now known as [Election Systems & Software, Inc. \(ES&S\)](#) from 1979 through 1992. Bob's brother, Todd Urosevich, is Vice President, Aftermarket Sales with ES&S, DESI's chief competitor. In 1995, Bob Urosevich started I-Mark Systems, whose product was a touch screen voting system utilizing a smart card and biometric encryption authorization technology. Global Election Systems, Inc. (GES) acquired I-Mark in 1997, and on July 31, 2000 Mr. Urosevich was promoted from Vice President of Sales and Marketing and New Business Development to President and Chief Operating Officer. On January 22, 2002, [Diebold](#) announced the acquisition of GES, then a manufacturer and supplier of [electronic voting](#) terminals and solutions. The total purchase price, in stock and cash, was \$24.7 million. Global Election Systems subsequently changed its name to Diebold Election Systems, Inc.

In 2006, Diebold decided to remove its name from the front of the voting machines for strategic reasons. CEO Thomas Swidarski announced he would decide in the beginning of 2007 if Diebold stays in the election business.^[3] In August 2007 the company changed its name to "Premier Election Solutions".

[edit] Controversy

[edit] O'Dell's fundraising

In August 2003, [Walden O'Dell](#), chief executive of Diebold, announced that he had been a top fund-raiser for [President George W. Bush](#) and had sent a get-out-the-funds letter to [Ohio Republicans](#). In the letters he says he is "committed to helping Ohio deliver its electoral votes to the president next year." Although he clarified his statement as merely a poor choice of words, critics of Diebold and/or the Republican party interpreted this as at minimum an indication of a [conflict of interest](#), at worst implying a risk to the fair counting of ballot. He responded to the critics by pointing out that the company's election machines division is run out of [Texas](#) by a registered [Democrat](#). Nonetheless, O'Dell vowed to lower his political profile lest his personal actions harm the company. O'Dell resigned his post of chairman and chief executive of Diebold on 12 December 2005 following reports that the company was facing securities fraud litigation surrounding charges of insider trading.^[4]

[edit] Security and concealment issues

For more information in the 2004 elections see: 2004 United States presidential election: Specific issues relating to Diebold machines and practices

Avi Rubin, Professor of Computer Science at Johns Hopkins University and Technical Director of the Information Security Institute has analyzed the source code used in these voting machines and reports "this voting system is far below even the most minimal security standards applicable in other contexts."^[5] Following the publication of this paper, the State of Maryland hired Science Applications International Corporation (SAIC) to perform another analysis of the Diebold voting machines. SAIC concluded "[t]he system, as implemented in policy, procedure, and technology, is at high risk of compromise."^[6]

The company RABA did a security analysis of the Diebold AccuVote in January 2004 confirming many of the problems found by Avi Rubin and finding some new vulnerabilities.^[7]

In June 2005, the Tallahassee Democrat reported that when given access to Diebold optical scan vote-counting computers, Black Box Voting, a nonprofit election watchdog group founded by Bev Harris, hired Finnish computer expert Harri Hursti and conducted a project in which vote totals were altered, by replacing the memory card that stores voting results with one that had been tampered with. Although the machines are supposed to record changes to data stored in the system, they showed no record of tampering after the memory cards were swapped. In response, a spokesperson for the Department of State said that, "Information on a blog site is not viable or credible."^[8]

In early 2006, a study for the state of California corroborated and expanded on the problem:^[9] on page 2 the California report states that:

"Memory card attacks are a real threat: We determined that anyone who has access to a memory card of the AV-OS, and can tamper it (i.e. modify its contents), and can have the modified cards used in a voting machine during election, can indeed modify the election results from that machine in a number of ways. The fact that the results are incorrect cannot be detected except by a recount of the original paper ballots" and "Harri Hursti's attack does work: Mr. Hursti's attack on the AV-OS is definitely real. He was indeed able to change the election results by doing nothing more than modifying the contents of a memory card. He needed no passwords, no cryptographic keys, and no access to any other part of the voting system, including the GEMS election management server."

A new vulnerability, this time with the TSx DRE machines, was reported in May 2006. According to Professor Rubin, the machines are "much, much easier to attack than anything we've previously said... On a scale of one to 10, if the problems we found before were a six, this is a 10. It's a totally different ballgame." According to Rubin, the system is intentionally designed so that anyone with access can update the machine software, without a pass code or other security protocol. Diebold officials said that although any problem can be avoided by keeping a close watch on the machines, they are developing a fix. ^[10]

Michael I. Shamos, a professor of computer science at Carnegie Mellon University who is a proponent of electronic voting and the examiner of electronic voting systems for Pennsylvania, stated "It's the most severe security flaw ever discovered in a voting system." Douglas W. Jones, a professor of computer science at the University of Iowa, stated "This is the barn door being wide open, while people were arguing over the lock on the front door." Diebold spokesman

David Bear played down the seriousness of the situation, asserting that "For there to be a problem here, you're basically assuming a premise where you have some evil and nefarious election officials who would sneak in and introduce a piece of software. I don't believe these evil elections people exist."^[11]

On 30 October 2006, researchers from the University of Connecticut demonstrated new vulnerabilities in Diebold AccuVote-OS optical scan voting terminal. The system can be compromised even if its removable memory card is sealed in place.^[12]

On 2 November 2006, HBO premiered a documentary entitled "Hacking Democracy", concerning the vulnerability of electronic voting machines (primarily Diebold) to hacking and inaccurate vote totals. The company argued that the film was factually inaccurate and urged HBO to air a disclaimer explaining that it had not verified any of the claims.^{[13][14][15]} However, corroboration and validation for the exploits shown in Hacking Democracy was published in a report for the state of California (see above).

In January 2007, a photo of the key used to open Diebold voting machines was posted in the company's website. It was found possible to duplicate the key based on the photo. The key unlocks a compartment which contains a removable memory card, leaving the machine vulnerable to tampering.^[16]

A report commissioned by Ohio's top elections official on December 15, 2007 has found that all five voting systems used in Ohio (made by Elections Systems and Software; Premier Election Solutions (formerly Diebold Election Systems); and Hart InterCivic) have critical flaws that could undermine the integrity of the 2008 general election.^[17]

On 17 July 2008, Stephen Spoonamore made the claim that had "fresh evidence regarding election fraud on Diebold electronic voting machines during the 2002 Georgia gubernatorial and senatorial elections." Spoonamore is "the founder and until recently the CEO of Cybrinth LLC, an information technology policy and security firm that serves Fortune 100 companies." He claims that Diebold Election Systems Inc. COO Bob Urosevich personally installed a computer patch on voting machines in two counties in Georgia, and that the patch did not fix the problem it was supposed to fix.^[18] Reports have indicated that then Georgia Secretary of State Cathy Cox did not know the patch was installed until after the election.^[19]

[edit] States rejecting Diebold

In 2004, after an initial investigation into the company's practices, Secretary of State of California Kevin Shelley issued a ban on one model of Diebold voting machines in that state. California Attorney General Bill Lockyer, joined the state of California into a false claims suit filed in November 2003 by Bev Harris and Alameda County citizen Jim March. Here is a copy of the original lawsuit^[20] and here is the article showing it became the California false claims suit:^[21]

The suit charged that Diebold had given false information about the security and reliability of Diebold Election Systems machines that were sold to the state. To settle the case, Diebold agreed to pay \$2.6 million and to implement certain reforms.^[22] On August 3, 2007, California Secretary of State Debra Bowen decertified Diebold and three other electronic voting systems

after a "top-to-bottom review of the voting machines certified for use in California in March 2007."^[23]

In April 2007 the Maryland General Assembly voted to replace paperless touchscreen voting machines with paper ballots counted by optical scanners, effective in time for the 2010 general (November) elections. The law, signed by the Governor in May 2007, was made contingent on the provision of funding by no later than April 2008. The Governor included such funding in his proposed budget in January 2008,^[24] but the funding was defeated by the state House in July 2008.^[25]

In March 2009, California Secretary of State Debra Bowen decertified Diebold's GEMS version 1.18.19 after the Humboldt County Election Transparency Project discovered that GEMS had silently dropped 197 ballots from its tabulation of a single precinct in Eureka, California.^[26] The discovery was made after project members conducted an independent count using the free and open source ballot counting program Ballot Browser.

[edit] Leaked memos

In September 2003, a large number of internal Diebold memos, dating back to 1999, were posted to the BlackBoxVoting.org web site, resulting in the site being shut down due to a Diebold cease and desist order. Later, other website organizations Why War? and the Swarthmore Coalition for the Digital Commons, a group of student activists at Swarthmore College posted the memos. U.S. Representative Dennis Kucinich, a Democrat from Ohio, placed portions of the files on his websites.^[27] The full set of these internal memos is posted here: Original Diebold Memos—FULL SET ^[28]

Diebold attempted to stop the publication of these internal memos by sending cease-and-desist letters to each site hosting these documents, demanding that they be removed. Diebold claimed the memos as their copyrighted material, and asserted that anyone who published the memos online was in violation of the Online Copyright Infringement Liability Limitation Act provisions of the Digital Millennium Copyright Act found in §512 of the United States Copyright Act.

When it turned out that some of the challenged groups would not back down, Diebold retracted their threat. Those who had been threatened by Diebold then sued for court costs and damages, in OPG v. Diebold. This suit eventually led to a victory for the plaintiffs against Diebold, when in October 2004 Judge Jeremy Fogel ruled that Diebold abused its copyrights in its efforts to suppress the embarrassing memos.

[edit] Stephen Heller (whistleblower)

In January and February of 2004, a whistleblower named Stephen Heller brought to light memos from Jones Day, Diebold's attorneys, informing Diebold that they were in breach of California law by continuing to use illegal and uncertified software in California voting machines. California Attorney General Bill Lockyer filed civil and criminal suits against the company, which were dropped when Diebold settled out of court for \$2.6 million. In February 2006, Heller was charged with three felonies for this action.^{[29][30]} On 20 November 2006 Heller made a plea agreement to pay \$10,000 to Jones Day, write an apology, and receive three years probation ^[31]

[edit] Diebold and Kenneth Blackwell's conflict of interest

Ohio State Senator Jeff Jacobson, Republican, asked Ohio Secretary of State Ken Blackwell in July, 2003 to disqualify Diebold's bid to supply voting machines for the state, after security problems were discovered in its software, but was refused.^[32] Blackwell had ordered Diebold touch screen voting machines, reversing an earlier decision by the state to purchase only optical scan voting machines which, unlike the touch screen devices, would leave a "paper trail" for recount purposes. Blackwell was found in April 2006, to own 83 shares of Diebold stock, down from 178 shares purchased in January 2005, which he attributed to an unidentified financial manager at Credit Suisse First Boston who had violated his instructions to avoid potential conflict of interest, without his knowledge.^[33] When Cuyahoga county's primary was held on May 2, 2006, officials ordered the hand-counting of more than 18,000 paper ballots after Diebold's new optical scan machines produced inconsistent tabulations, leaving several local races in limbo for days and eventually resulting in a reversal of the outcome of one race for state representative. Blackwell ordered an investigation by the Cuyahoga County Board of Elections; Ohio Democrats demanded that Blackwell, who was also the Republican gubernatorial candidate in 2006, recuse himself from the investigation due to conflicts of interest, but Blackwell did not do so.^[34]

The Republican head of the Franklin County, Ohio Board of Elections, Matt Damschroder, said a Diebold contractor came to him and bragged of a \$50,000 check he had written to Blackwell's "political interests."^[35]

[edit] Acquisition by ES&S

ES&S acquired Premier Election Solutions on September 3, 2009. "ES&S President and CEO Aldo Tesi said combining the two companies will result in better products and services for customers and voters. ES&S also sells voting systems and services outside the United States". The sale does not affect the Brazilian division.^[36]

This acquisition still needs review by the Federal Trade Commission and/or the U.S. Dept. of Justice to determine whether it violates anti-trust laws.

Fw: accuvote os

From: **peter bormuth** (peterbngagspa@yahoo.com)
Sent: Fri 11/05/10 7:52 AM
To: wardance@live.com

----- Forwarded Message -----

From: peter bormuth <peterbngagspa@yahoo.com>
To: peterbngagspa@yahoo.com
Sent: Tue, November 2, 2010 4:13:14 PM
Subject: accuvote os

Pre-2008 election

Past Problems: Multiple problems have been encountered in a variety of jurisdictions, ranging from incorrect total vote counts in Barry County, Michigan, to not accepting ballots in King County, Washington, to delays in Putnam County, Georgia due to inaccuracies in the memory card totals.^[5] The problems have been encountered across multiple versions and after multiple certification procedures.

In July of 2005, a computer expert (Hursti 2005), was able to pre-load the AccuVote-OS electronic ballot box with negative and positive votes such that the zero tape printed at the beginning of the day showed all zeros but really contained some votes. In October of 2006, a group of computer scientists from the University of Connecticut (Kiayias et al. 2006) reported a number of vulnerabilities with the AccuVote-OS that didn't involve removing the memory card from the optical scan device including: allowing no votes to be cast for a particular candidate, swapping votes for two candidates, and another set of reporting problems where the data is right but what is reported is incorrect.

N

Exhibit N

United States Government Accountability Office

GAO

Report to Congressional Requesters

September 2005

ELECTIONS

Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Under Way, but Key Activities Need to Be Completed



September 2005



Highlights of GAO-05-956, a report to congressional requesters

ELECTIONS

Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Under Way, but Key Activities Need to Be Completed

Why GAO Did This Study

The Help America Vote Act of 2002 established the Election Assistance Commission (EAC) to help improve state and local administration of federal elections and authorized funding for state and local governments to expand their use of electronic voting systems. EAC began operations in January 2004. However, reported problems with electronic voting systems have led to questions about the security and reliability of these systems. GAO was requested to (1) determine the significant security and reliability concerns identified about electronic voting systems, (2) identify recommended practices relevant to ensuring the security and reliability of these systems, and (3) describe actions taken or planned to improve their security and reliability.

What GAO Recommends

To help ensure the security and reliability of electronic voting systems, GAO is recommending that EAC define specific tasks, processes, and time frames for improving the national voting systems standards, testing capabilities, and management support available to state and local election officials. In commenting on a draft of this report, EAC agreed with the recommendations and stated that the commission has initiatives under way or planned in these areas. The commission also sought additional clarification and context on reported problems.

www.gao.gov/cgi-bin/getrpt?GAO-05-956.

To view the full product, including the scope and methodology, click on the link above. For more information, contact David Powner at (202) 512-9286 or pownerd@gao.gov.

What GAO Found

While electronic voting systems hold promise for improving the election process, numerous entities have raised concerns about their security and reliability, citing instances of weak security controls, system design flaws, inadequate system version control, inadequate security testing, incorrect system configuration, poor security management, and vague or incomplete voting system standards (see below for examples). It is important to note that many of these concerns were based on specific system makes and models or a specific jurisdiction's election, and there is no consensus among election officials and other experts on their pervasiveness. Nevertheless, some have caused problems in elections and therefore merit attention.

Federal organizations and nongovernmental groups have issued both election-specific recommended practices for improving the voting process and more general guidance intended to help organizations manage information systems' security and reliability. These recommended practices and guidelines (applicable throughout the voting system life cycle) include having vendors build security controls and audit trails into their systems during development, and having election officials specify security requirements when acquiring systems. Other suggested practices include testing and certifying systems against national voting system standards.

The federal government has begun efforts intended to improve life cycle management of electronic voting systems and thereby improve their security and reliability. Specifically, EAC has led efforts to (1) draft changes to existing federal voluntary standards for voting systems, including provisions addressing security and reliability; (2) develop a process for certifying voting systems; (3) establish a program to accredit independent laboratories to test electronic voting systems; and (4) develop a library and clearinghouse for information on state and local elections and systems. However, these actions are unlikely to have a significant effect in the 2006 federal election cycle because important changes to the voting standards have not yet been completed, the system certification and laboratory accreditation programs are still in development, and a system software library has not been updated or improved since the 2004 election. Further, EAC has not consistently defined specific tasks, processes, and time frames for completing these activities; as a result, it is unclear when their results will be available to assist state and local election officials.

Examples of Voting System Vulnerabilities and Problems

- Cast ballots, ballot definition files, and audit logs could be modified.
- Supervisor functions were protected with weak or easily guessed passwords.
- Systems had easily picked locks and power switches that were exposed and unprotected.
- Local jurisdictions misconfigured their electronic voting systems, leading to election day problems.
- Voting systems experienced operational failures during elections.
- Vendors installed uncertified electronic voting systems.

Source: GAO analysis of recent reports and studies.

Contents

Letter		1
	Results in Brief	2
	Background	5
	Significant Concerns Have Been Raised about the Security and Reliability of Electronic Voting Systems	22
	Recommended Practices Address Electronic Voting Systems' Security and Reliability	38
	National Initiatives Are Under Way to Improve Voting System Security and Reliability, but Key Activities Need to Be Completed	43
	Conclusions	53
	Recommendations for Executive Action	53
	Agency Comments and Our Evaluation	54

Appendixes

Appendix I:	Objectives, Scope, and Methodology	60
Appendix II:	Selected Recommended Practices for Voting System Security and Reliability	63
Appendix III:	Summary of Selected Guidance on Information Technology Security and Reliability	78
Appendix IV:	Resolutions Related to Voting System Security and Reliability	84
Appendix V:	Comments from the Election Assistance Commission	86
Appendix VI:	Comments from the National Institute of Standards and Technology	92
Appendix VII:	GAO Contacts and Staff Acknowledgments	93

Bibliography		94
---------------------	--	----

Tables		
	Table 1: Common Types of Security and Reliability Concerns Viewed in Terms of the Voting System Life Cycle	24
	Table 2: Federal Initiatives Related to Improving the Security and Reliability of Voting Systems	44

Contents

Table 3: Nongovernmental Initiatives to Improve Voting System Security and Reliability	51
Table 4: EAC Security and Reliability Practices for All Types of Voting Systems	64
Table 5: EAC Security and Reliability Practices for Optical Scan Voting Systems	65
Table 6: EAC Security and Reliability Practices for Direct Recording Electronic Voting Systems	66
Table 7: NIST Security and Reliability Practices for Electronic Voting Systems	67
Table 8: Brennan Center Example Security and Reliability Practices for Direct Recording Electronic Voting Systems	68
Table 9: Election Center Security and Reliability Practices for Elections	69
Table 10: National Task Force on Election Reform Security and Reliability Practices for Voting Systems	71
Table 11: Caltech/MIT Security and Reliability Practices for Voting Systems	73
Table 12: Caltech/MIT Security and Reliability Practices for Electronic Voting Systems	74
Table 13: League of Women Voters Security and Reliability Practices for All Voting Systems	75
Table 14: League of Women Voters Security and Reliability Practices for Optical Scan Voting Systems	76
Table 15: League of Women Voters Security and Reliability Practices for Direct Recording Electronic Voting Systems	76
Table 16: A Compendium of Recommended Mitigation Measures to Address Selected Concerns with Electronic Voting Systems' Security and Reliability	77
Table 17: Examples of NIST Publications Addressing System Security and Reliability	79
Table 18: Resolutions Related to Security and Reliability of Electronic Voting Systems and Plans for Implementing Them in Future Standards	84

Figures

Figure 1: Stages of an Election Process	7
Figure 2: Precinct-Count Optical Scan Tabulator and Central-Count Optical Scan Tabulator	9
Figure 3: Two Types of DRE Systems—Pushbutton and Touchscreen	11

Contents

Figure 4: States Requiring the Use of Federal Voting System Standards and States Requiring National Certification Testing	18
Figure 5: A Voting System Life Cycle Model	20

Abbreviations

COTS	commercial off-the-shelf
DRE	Direct Recording Electronic
EAC	Election Assistance Commission
HAVA	Help America Vote Act
IT	information technology
NIST	National Institute of Standards and Technology
TGDC	Technical Guidelines Development Committee

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United States Government Accountability Office
Washington, D.C. 20548

September 21, 2005

Congressional Requesters

After the 2000 elections, Congress, the media, and others cited numerous instances of problems with the election process. In light of these concerns, we produced a series of reports in which we examined virtually every aspect of the election process, including challenges associated with electronic voting systems.¹ In these reports, we emphasized the contributions and necessary interactions of people, process, and technology to address these challenges. Subsequently, in October 2002, Congress passed the Help America Vote Act (HAVA), which authorized funding for local and state governments to make improvements in election administration, including upgrading antiquated voting systems. In addition, HAVA created the Election Assistance Commission (EAC) to provide support for election improvements and to administer payments to states under the act. As states have expanded their use of electronic voting systems, the media and others have reported problems with these systems that have caused some to question whether they are secure and reliable.

In view of the importance and growing role of electronic voting systems, you asked us to (1) determine the significant security and reliability concerns that have been identified about these voting systems; (2) identify recommended practices relevant to ensuring the security and reliability of such systems; and (3) describe the actions that federal agencies and other organizations have taken, or plan to take, to improve their security and reliability. To determine concerns and recommended practices, we analyzed over 80 recent and relevant reports related to the security and reliability of electronic voting systems. We focused on systems and components associated with vote casting and counting, including those that define electronic ballots, transmit voting results among election locations, and manage groups of voting machines. We assessed the various types of voting system issues reported to determine categories of concerns. We discussed the reports, concerns, and recommended practices with elections officials, citizen advocacy groups, and system security and testing experts, including members of GAO's Executive Council on Information

¹GAO, *Elections: Perspectives on Activities and Challenges Across the Nation*, GAO-02-3 (Washington, D.C.: Oct. 15, 2001); *Elections: Status and Use of Federal Voting Equipment Standards*, GAO-02-52 (Washington, D.C.: Oct. 15, 2001); and *Elections: A Framework for Evaluating Reform Proposals*, GAO-02-90 (Washington, D.C.: Oct. 15, 2001).

Management and Technology.² To describe actions to improve the security and reliability of electronic voting systems, we reviewed and analyzed pertinent documentation, such as EAC's draft voluntary voting system guidelines (which are expected to replace the 2002 voting system standards), and we attended public meetings and interviewed officials from EAC, its Technical Guidelines Development Committee (TGDC), and the Department of Commerce's National Institute of Standards and Technology (NIST). We also identified activities being performed by citizen advocacy groups, academic and standards bodies, and others that are intended to improve the security and reliability of electronic voting systems, reviewed materials from these activities, and discussed them with representatives of these groups. Appendix I provides additional details on our objectives, scope, and methodology. We performed our work from January through August 2005 in the Washington, D.C., metropolitan area, in accordance with generally accepted government auditing standards.

Results in Brief

While electronic voting systems hold promise for a more accurate and efficient election process, numerous entities have raised concerns about their security and reliability, citing instances of weak security controls, system design flaws, inadequate system version control, inadequate security testing, incorrect system configuration, poor security management, and vague or incomplete voting system standards, among other issues. For example, studies found (1) some electronic voting systems did not encrypt cast ballots or system audit logs, and it was possible to alter both without being detected; (2) it was possible to alter the files that define how a ballot looks and works so that the votes for one candidate could be recorded for a different candidate; and (3) vendors installed uncertified versions of voting system software at the local level. It is important to note that many of the reported concerns were drawn from specific system makes and models or from a specific jurisdiction's election, and that there is a lack of consensus among election officials and other experts on the pervasiveness of the concerns. Nevertheless, some of these concerns were reported to have caused local problems in federal elections—resulting in the loss or miscount of votes—and therefore merit attention.

²GAO's Executive Council on Information Management and Technology is made up of leading executives in government, industry, and academia.

A small, hand-drawn circle in black ink, located in the lower right quadrant of the page.

Exhibit 0

Reporting on Diebold

MAY 5, 2006

by Jeff Smith (GRIID)

Story:

WOOD 8 Newsreader: Well, election day hit a big glitch in one West Michigan county.

WOOD 8 Newsreader #2: Brand new voting machines stopped working in Barry County. The cause is believed to be a glitch in a computer program. 24 Hour News 8 is live in Hastings now, where all the ballots had to be hand-counted. Dan

Reporter: Yeah, thats right. This was literally a county-wide problem. Fifteen of the sixteen townships, as well as the city of Hastings were forced to hand count their results. And this comes after a federal law required the state to dole out money, and buy new voting machines for every county in the state.

A day later, and the votes are in. Clerks dropping of results at the Barry County HQ, the last step in what turned out to be a long night. The trouble came from machines like this one—twenty-six in all in Barry County. Its an optical scan voting machine. The ballot goes in, the machine records the vote. At the end of the night, clerks tally the final numbers and the machine prints out the results. Thats where the problem came to light.

Tom Emery: (Hastings City Clerk) The first precinct that we looked at, one candidate got zero votes, but there were ninety write-ins out of 125 votes cast.

Reporter: Forcing City Clerk Emery to do a double take.

Emery: Especially since the person who got zero votes was the person that I voted for, so I know the zero was wrong.

Reporter: Heres a closer look in the Thornapple School Board race. The computer had both candidates with zero votes, and the total for write-ins was 35. The biggest problem, the county clerk says, was for races dealing with bond proposals.

Debbie Smith: (Barry County Clerk) – To all of the printouts where there were any bond proposals showed a zero total for yes votes, and that it appears that the actual votes cast as yes were showing under the no total, and then the no total was not appearing on the tape anywhere.

Reporter: At four thousand dollars apiece, the state bought each machine for the county after federal law required all states to use the same optical system. Tuesdays election was the first time Barry County used these particular optical scan machines. The county had used a previous model before without having any problems. Why the printouts were scrambled, for now at least, remains a mystery.

We talked with several other West Michigan election officials to see if they experienced similar problems, but all say everything went off without a hitch. We also spoke with a spokesman for the company that makes those optical scan machines, Diebold, he says the company is looking into the problem, but adds these machines are typically very reliable.

Live in Hastings, Dan Bewley, 24 hour News 8.

P

Exhibit P



RUTH JOHNSON

OAKLAND COUNTY CLERK/REGISTER OF DEEDS

www.oakgov.com/clerkrod

October 24, 2008

Rosemary Rodriguez
Chairperson
Election Assistance Commission
1225 New York Avenue
Suite #1100
Washington, DC 20005

Dear Ms. Rodriguez,

An issue has been brought to my attention that involves the Election Systems & Software (ES&S) M-100 voting machine tabulators, which I understand are used in many of the polling places in the United States, per the Federal HAVA Act of 2002. As the Oakland County Clerk/Register of Deeds, I feel compelled to share this information with you.

While problems with performance and design with the M-100s have been documented, this is the first time I have ever questioned the integrity of these machines. The issue is this – four of our communities or eight percent – reported inconsistent vote totals during their logic and accuracy testing with the ES&S machines. The same ballots, run through the same machines, yielded different results each time.

When the issue was brought to our attention, my Director of Elections, Joe Rozell, the vendor used to print our ballots, Wil Wesley of ES&S and the local clerks involved met to determine the cause of the problem. ES&S determined that the primary issue was dust and debris build-up on the sensors inside the M-100. This has impacted the Digital to Analog Converter (DAC) settings for the two Contact Image Sensors (CIS).

Conflicting vote totals have reportedly surfaced in other areas of Michigan. This begs the question – on Election Day, will the record number of ballots going through the remaining tabulators leave even more build-up on the sensors, affecting machines that tested just fine initially? Could this additional build-up on voting tabulators that have not had any preventative maintenance skew vote totals?

My understanding is that the problem could occur and election workers would have no inkling that ballots are being misread.

Administrative Offices
1200 N Telegraph, Dept 415
Pontiac MI 48341-0415
(248) 858-0560
clerk@oakgov.com

Elections Division
1200 N Telegraph, Dept 417
Pontiac MI 48341-0417
(248) 858-0564
elections@oakgov.com

Legal & Vital Records
1200 N Telegraph, Dept 413
Pontiac MI 48341-0413
(248) 858-0581
clerklegal@oakgov.com

Register of Deeds Office
1200 N Telegraph, Dept 480
Pontiac MI 48341-0480
(248) 858-0605
deeds@oakgov.com

Rosemary Rodriguez
Page 2
October 24, 2008

Here in Michigan, in our county, our local clerks have been very diligent in carefully storing their voting machines. Unfortunately, they are prohibited from performing any maintenance/cleaning on the machines as it voids the warranties. ES&S has not performed any preventative maintenance under the state contract, since the machines were delivered three years ago.


As we are looking at what could be an historic election in terms of voter turnout, I would urge you to investigate whether vote totals could be affected by the failure to provide regular cleaning and preventative maintenance with the ES&S M-100 tabulators.

To ensure accuracy I am requesting a federal directive or law that would allow county clerks, under the supervision of their bi-partisan canvass board, to conduct random audits to test machine accuracy using voting tabulators that have had preventative maintenance within the last year.

If federal officials determine there is a potential problem, a concrete, workable plan must be in place for accurately canvassing election results. There is nothing within the existing election law or guidelines that would allow for the type of canvassing that could be required under these circumstances. In addition, an extension of canvassing time could be critical.

I believe this matter, which is not a partisan issue, but an issue of integrity, needs your immediate attention and I would urge you to investigate as so much is at stake.

Sincerely,



Ruth Johnson

johnsonr@oakgov.com

(248) 858-0560

Oakland County Clerk/Register of Deeds

RJ/mh

67

Exhibit Q

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PETER BORMUTH,

Civil No:

Plaintiff,

Case:2:16-cv-13166

Judge: Edmunds, Nancy G.

MJ: Grand, David R.

v.

M: Filed: 09-01-2016 At 11:19 AM

CMP BORMUTH V. JOHNSON ET AL (NA)

RUTH JOHNSON, in her official capacity

as Michigan Secretary of State, and

BILL SCHUETTE, in his official capacity as

Michigan Attorney General

Defendants.

REQUEST FOR EXPEDITED CONSIDERATION

Peter Bormuth

Druid

In Pro Per

142 West Pearl St.

Jackson, MI 49201

(517) 787-8097

earthprayer@hotmail.com

REQUEST FOR EXPEDITED CONSIDERATION

Plaintiff Peter Bormuth requests an expedited hearing in this case in order to avoid irreparable harm. The November 2016 election is rapidly approaching and the Plaintiff requires the requested relief of a recount of the primary vote in less time than is normally required by the Court to receive and consider a response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Bormuth", written in a cursive style.

Peter Bormuth

Druid

In Pro Per

142 West Pearl St.

Jackson, MI 49201

(517) 787-8097

earthprayer@hotmail.com

Dated: September 1, 2016

CIVIL COVER SHEET

County in which action arose: Jackson

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Peter Bormuth
142 West Pearl St

(b) Residence of First Listed Plaintiff

Jackson

Case: 2:16-cv-13166

Judge: Edmunds, Nancy G.

(c) MJ: Grand, David R.

Filed: 09-01-2016 At 11:16 AM

CMP BORMUTH V. JOHNSON ET AL (NA)

DEFENDANTS

Ruth Johnson
Bill Schuette

County of Residence of First Listed Defendant Ingham

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Bill Schuette

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1331

Brief description of cause:

Denial of Petition for Recount & Refusal to file Campaign forms

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

September 1, 2016

Ruth Johnson

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input checked="" type="checkbox"/>	Two (2) completed Civil Cover Sheets.	Case: 2:16-cv-13166 Judge: Edmunds, Nancy G. MJ: Grand, David R. Filed: 09-01-2016 At 11:16 AM CMP BORMUTH V. JOHNSON ET AL (NA) <div style="text-align: center;">HERE</div>
<input checked="" type="checkbox"/>	Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. <div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center; margin-right: 10px;"> $\frac{2}{\text{\# of Defendants}} + 2 = \frac{4}{\text{Total}}$ </div> <div style="text-align: center;">Complaints.</div> </div>	
	Received by Clerk: <u>NA</u> Addresses are complete: <u>No addresses on</u>	

<input type="checkbox"/>	If any of your defendants are government agencies: <u>complaint</u> Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.
--------------------------	--

If Paying The Filing Fee:	If Asking That The Filing Fee Be Waived:
<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: <div style="text-align: center;">Clerk, U.S. District Court</div>	Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms.
Received by Clerk: <u>NA</u> Receipt #: <u>DET095562</u>	Received by Clerk: _____

Select the Method of Service you will employ to notify your defendants:

Service via Summons by Self	Service by U.S. Marshal (Only available if fee is waived)	Service via Waiver of Summons (U.S. Government cannot be a defendant)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Two (2) completed summonses for each defendant including each defendant's name and address. Received by Clerk: <u>NA</u>	Two (2) completed USM - 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. <input type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form. Received by Clerk: _____	You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.

Clerk's Office Use Only

Note any deficiencies here: