



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

March 29, 2021

Paulette Skolarus
Genoa Township Clerk
2911 Dorr Road
Brighton, MI 48116
By E-mail

Dear Clerk Skolarus:

The Bureau of Elections has learned that you were formally charged by the Livingston County Prosecutor with crimes under the Michigan Election Law, 1954 PA 116, MCL 169.1 *et seq.*¹ These accusations stem from conduct that allegedly occurred while acting in your official capacity as Clerk for Genoa Township and relates to your alleged use of a disapproved ballot container for absentee ballots in the November 3, 2020 general election.

While the criminal charges you currently face could eventually be resolved in your favor, in order to ensure public trust and confidence in the integrity and security of elections, I am instructing you to refrain from administering any elections held in the Genoa Township while these charges are pending against you.

Under the Michigan Election Law, 1954 PA 116, as amended, MCL 168.1 *et seq.*, the Secretary of State is the Chief Election Officer of this State and "shall have supervisory control over local election officials in the performance of their duties under the provisions of this act." MCL 168.21. The Secretary of State is required by law to "issue instructions" and "[a]dvice and direct local election officials as to the proper methods of conducting elections." MCL 168.31(1)(a),(b). County clerks and Boards of Commissioners are required to comply with the instructions given by the Secretary of State. *Secretary of State v Berrien Co Bd of Election Comm'rs*, 373 Mich 526, 530-531 (1964). The Director of Elections is authorized to act at the Secretary's behest "with respect to the supervision and administration of the election laws." MCL 168.32.

In accordance with my authority under the Michigan Election Law, you are directed to refrain from the duties described below pertaining to voter registration and routine list maintenance; preparation, issuance, and processing of ballots (including absent voter ballots) and absent voter ballot applications; ordering or assembling election supplies and precinct supply kits; recruiting, placing and training election inspectors; logic and accuracy

¹ <https://www.wilx.com/2021/03/22/genoa-county-clerk-facing-criminal-charges/>.

testing; voter registration between the 14th day prior to Election Day and the close of polls; handling any Election Day issues that may arise; generation of unofficial election results; and working with the County Clerk's office through the post-election canvass process.

- **Performing Voter Registration and Routine List Maintenance.** You must refrain from any duties associated with processing voter registration applications and performing routine list maintenance. These functions must be performed by the Deputy Clerk or another qualified individual.
- **Ordering Election Supplies and Ballots.** You are prohibited from ordering election supplies and ballots; the Deputy Clerk or other qualified individual must order supplies and prepare the precinct materials. You are prohibited from handling any ballots, including blank ballots. The Deputy Clerk must secure and track all ballots, including blank ballots, that are ordered or delivered to your office.
- **Processing Absent Voter Ballot Applications and Issuing Absent Voter Ballots.** You are barred from issuing, handling, and processing any absent voter ballot applications, and prohibited from preparing, issuing, delivering, receiving, and handling any absent voter ballots, including the recording of issuance and receipt of ballots in the Qualified Voter File (QVF). Only the Deputy Clerk and his or her authorized designee(s) are permitted to perform any of these functions.
- **Preparing Polling Locations.** You are authorized to make the necessary arrangements to reserve polling locations prior to Election Day; however, you must not set up (or supervise the set up of) polling locations. The Deputy Clerk must perform (or supervise) the set up.
- **Recruiting, Assigning and Training Election Inspectors.** You must refrain from performing any tasks associated with poll worker recruitment, placement and training. Training must be conducted by an individual who is certified to train election inspectors. If supplemental training is necessary, it may be taught by the Deputy Clerk or other qualified individual, or the office of the County Clerk.
- **Membership on the Election Commission.** The Deputy Clerk shall replace you as a member of the Township Election Commission.
- **Role in Logic and Accuracy Testing.** You must not perform any duties in relation to logic and accuracy testing. Individuals designated by the Election Commission (other than yourself) may be authorized to complete the test decks, ballot charts, and initial testing for the preliminary logic and accuracy testing. The public accuracy test shall be conducted by the Election Commission, which is also responsible for sealing the equipment, recording seal numbers, and completing the required paperwork.
- **Addressing Election Day Issues.** Issues that arise on Election Day must be addressed by the Deputy Clerk. If the Deputy Clerk is unable to resolve the matter, the Deputy Clerk or other qualified individual should contact county or state election officials, as

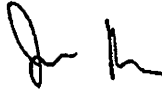
appropriate.

- **Compiling Unofficial Results/ Post-Election Canvass.** The Deputy Clerk will act as the Township's point of contact with the Livingston County Clerk's office involving all duties related to the compiling of unofficial results and the 14-day post-election canvass process.

You or your counsel are required to keep me apprised of the status of this case and promptly report any changes. This directive remains in effect until you are acquitted or the charges against you are dismissed, or you are otherwise notified in writing that this directive has been modified or terminated.

Please contact my office if you require additional information or clarification regarding these instructions.

Sincerely,



Jonathan Brater, Director of Elections
Michigan Department of State

C: Elizabeth Hundley, Livingston County Clerk
Joe Bridgman, Livingston County Elections Coordinator