



ELIZABETH HUNDLEY LIVINGSTON COUNTY CLERK

COUNTY CLERK
200 E Grand River Ave
Howell, Michigan 48843-2399
517-546-0500
E-mail: countyclerk@livgov.com

CIRCUIT COURT CLERK
204 S Highlander Way, Suite 4
Howell, Michigan 48843-1953
517-546-9816
E-mail: circuitcourtclerk@livgov.com

May 3, 2024

Via email and U.S. Mail

Cole V. Lussier
Dickinson Wright
123 W Allegan St, Suite 900
Lansing, MI 48933
CLussier@dickinson-wright.com

Robert J. Bezotte
4155 Prairie Rose Dr
Howell, MI 48843
buzz3737@att.net

Dear Mr. Lussier and Mr. Bezotte:

This office is in receipt of the May 1, 2024 letter from Mr. Lussier, which was in response to the challenge raised by Daniel Wholihan by letter dated April 24, 2024, alleging that the statement of Mr. Bezotte's residential address on his Affidavit of Identity was false. The challenge was supported by a sworn statement by Shelia Bezotte.

Pursuant to MCL 168.558(2), an Affidavit of Identity must contain the candidate's residential address. Further, MCL 168.558(4) states:

An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a candidate who executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section.

Upon review of your May 1, 2024 letter and the accompanying Affidavit of Robert Bezotte, and based upon all of the evidence provided, the Livingston County Clerk has concluded that Mr. Bezotte's recitation of his residential address on the Affidavit of Identity was false.

He did not provide any evidence that the stated residential address was his actual residential address in light of the challenge, did not state what his actual residential address is, and did not provide any evidence that his actual residential address is within the electoral district.

Therefore, the Livingston County Clerk has disqualified Robert J. Bezotte from the ballot as a candidate for State Representative for the 50th District, and will not certify his name to the Livingston County Board of Election Commissioners.

Sincerely,

Elizabeth Hundley
Livingston County Clerk



123 W. ALLEGAN STREET, SUITE 900
LANSING, MI 48933-1816
TELEPHONE: 517-371-1730
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

COLE V. LUSSIER
CLussier@dickinson-wright.com
517-487-4709

May 1, 2024

VIA E-MAIL AND FIRST CLASS MAIL

Joseph Bridgman, CERA, MMC, MiPMC
Elections Coordinator/Deputy Clerk
Livingston County Elections
200 E. Grand River Avenue
Howell, MI 48843-2399

Re: Robert Bezotte

Dear Mr. Bridgman:

This law firm represents Representative Robert J. Bezotte and the Bob Bezotte for State Rep Committee regarding a complaint that Daniel J. Wholihan submitted to the Livingston County Clerk on April 24, 2024 (the “Complaint”), challenging Rep. Bezotte’s Affidavit of Identity (“AOI”). Please accept this letter as Rep. Bezotte’s response to the Complaint.

Mr. Wholihan alleges that Rep. Bezotte “is staying at” 4155 Prairie Rose Drive in Howell, Michigan. According to Mr. Wholihan, the AOI “is falsified”—not because Rep. Bezotte failed to disclose the above Prairie Rose address—but because Rep. Bezotte did so under the “mailing address” section of the AOI form instead of in the “residential address” box. Of course, the Prairie Rose address is located within the 50th House District where Rep. Bezotte seeks reelection.

Despite admitting that the AOI actually includes the Prairie Rose address (where Rep. Bezotte is alleged to live), Mr. Wholihan believes that the voters of the 50th House District should be denied the choice to consider Rep. Bezotte’s candidacy on the ballot. But Rep. Bezotte’s AOI contained all information required by the Michigan Election Law, and Mr. Wholihan’s request to deny Mr. Bezotte access to the ballot is meritless.

Under Michigan law, there is no statutory defect in Rep. Bezotte’s AOI. In relevant part, MCL 168.558(2) requires that an “affidavit of identity” include the candidate’s “residential address.” So long as an AOI includes “all of the requested and required identification information and statements ... it strictly complies with the requirements of MCL 168.558(2).” *Stumbo v Roe*, 332 Mich App 479, 487 (2020) (which allowed a candidate to stay on the ballot—even though the AOI form contained a “facially obvious defect”—where a candidate’s signature was dated differently than the date of notarization). That is true even if the required information is mistakenly placed in the wrong section of the AOI form. As the Michigan Court of Appeals found in a recent

Joseph Bridgman
May 1, 2024
Page 2

binding decision, “although certain requirements were not completed in the box provided, *they were nonetheless on the form, rendering it facially compliant. To conclude otherwise would elevate form over substance.*” *Nykoriak v Napoleon*, 334 Mich App 370, 381-82 (2020) (emphasis added).

That is exactly the case here. Even if Mr. Wholihan’s allegation is true and Rep. Bezotte resides at the Prairie Rose address, that fact provides no legal reason to deny Rep. Bezotte access to the ballot. As Michigan courts have made clear, so long as the required statutory information is provided on the AOI, the AOI is proper. In this case, Rep. Bezotte clearly and accurately listed the address of the location where he allegedly lives (see enclosed copy of AOI). An AOI that accurately lists the alleged address—even if not in the right section of the form—is not a legal basis to prohibit a candidate from appearing on the ballot.

The purpose of the affidavit of identity requirement is also instructive. As the Michigan Supreme Court explained in *Sullivan v Hare*, “[i]t has been the legislature’s constant purpose to insist upon full and complete identification of candidates for public office in order to provide the electorate with the information necessary for the electorate to cast their ballot of choice.” 373 Mich 627, 630-31 (1964). Here, the voters have all such information at their disposal as required by MCL 168.558(2). If Rep. Bezotte had hoped to conceal the address where he allegedly lives, listing that address on his public AOI would have been a curious way to do so. It of course was never Rep. Bezotte’s intention to conceal anything—which is why he included the Prairie Rose address in full accordance with MCL 168.558(2). This is simply not a case where a candidate is accused of concealing his actual address from voters. Not by any measure. Rep. Bezotte instead fully disclosed both addresses associated with him—in strict compliance with MCL 168.558(2).

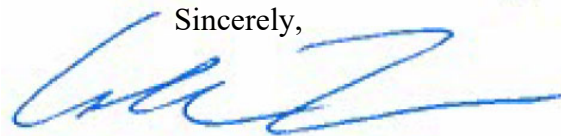
Last, Mr. Wholihan claims that “it is known” that Rep. Bezotte has spent much of the past five months in Arizona or Illinois. Mr. Wholihan fails to specify who supposedly “knows” this information, as well as how often in the last five months Rep. Bezotte has allegedly stayed out of state. The allegation contains no information regarding specific addresses in Arizona or Illinois, nor does it even definitively allege that one of these states is actually where Rep. Bezotte resides. Such an allegation is conclusory, void of any details or evidence, and lacks any support from an affiant or other identifiable witness. Regardless, as Rep. Bezotte makes clear in the enclosed affidavit, he is not a resident of Arizona or Illinois. As he explains, he took one trip to these locations since the Legislature convened in mid-January, and he did so to visit his ailing sisters. The Complaint’s vague, unsupported allegation regarding out-of-state travels do not come close to demonstrating that any information in the AOI is false—and is by no means a reason not to certify Rep. Bezotte’s name on the ballot.

To conclude, the Complaint is facially without merit. Assuming for the sake of argument that Rep. Bezotte lives at the Prairie Rose address, he indisputably listed that address on the AOI. Such strict compliance with MCL 168.558(2) does not provide grounds to deny Rep. Bezotte from appearing on the ballot. Respectfully, the Complaint should be dismissed as an unfortunate waste of public resources that attempts to exploit Rep. Bezotte’s ongoing family matter.

Joseph Bridgman
May 1, 2024
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Thank you for your consideration of this response, and please do not hesitate to contact me if you have any questions.

Sincerely,



Cole V. Lussier

CVL:Imp
Enclosures

AFFIDAVIT OF ROBERT J. BEZOTTE

I, Robert J. Bezotte, being first duly sworn, depose and state as follows:

1. At no time in the past five months have I been a resident of either the state of Arizona or the state of Illinois. I do not own or lease any property in either state.

2. I recently traveled to visit with my three sisters. I have two sisters who live in Illinois and one sister who lives in Arizona—all are unfortunately dealing with various health issues.

3. Since the current session of the Michigan Legislature began on January 10, 2024, I have traveled once to see my sisters in Illinois before traveling to visit my sister in Arizona. I decided to take this trip because my youngest sister, who lives in Illinois, was suffering from poor health and hospitalized for multiple days.

4. I previously had taken a similar trip over the holidays to visit my sisters. I returned to Michigan from that trip before the start of the current legislative session, which began on January 10, 2024.


5. I am currently a resident of Howell, MI, where I have continuously lived for over 25 years.

FURTHER AFFIANT SAYETH NOT.



Robert J. Bezotte

Subscribed and sworn to before me,
a Notary Public, this 1st day of
May 2024.



LISA PAGE
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF EATON
My Commission Expires August 24, 2028
Acting in the County of Ingham

RECEIVED / FILED
LIVINGSTON COUNTY CLERK
APR 22 2024
COUNTY CLERK
ELECTIONS / VITAL RECORDS

Affidavit of Identity and Receipt of Filing

All information must be completed unless otherwise noted. Missing or incorrect information may result in disqualification. Judicial candidates should use a combined judicial affidavit of identity/qualification form rather than this form.

SECTION 1 Candidate information	First name	Robert	Middle name	JAMES	Last name	BEZOTTE
	Year of birth	50	<input type="checkbox"/> My name has formally changed in the last 10 years for a reason other than marriage or divorce. My former name is: _____			
	Residential address			City	ZIP	
	Mailing address, if different than above			City	ZIP	
	Phone number	Email	Campaign website, if applicable			
SECTION 2 Office & ballot information	Office name		Jurisdiction		District/Ward	
	STATE REPRESENTATIVES		LIVINGSTON COUNTY		55TH	
	Select one	<input checked="" type="checkbox"/> I am running for a partisan office, and my political party is: <u>REPUBLICAN</u>				
		<input type="checkbox"/> I am running for a nonpartisan office without party affiliation (judicial office: see note above)				
		<input type="checkbox"/> I am running for a partisan office without party affiliation.				
<input checked="" type="checkbox"/> Primary election		DATE (MM/DD/YYYY)	<input checked="" type="checkbox"/> General election	DATE (MM/DD/YYYY)		
		Aug 16 2024			11-5-24	
Term of office (select one): <input checked="" type="checkbox"/> Regular term <input type="checkbox"/> Partial term expiring: _____ <input type="checkbox"/> Recall						
Indicate exactly how you want your name to be printed on the ballot (use upper and lowercase letters):						
ROBERT J BEZOTTE						
Filing method (Select one): <input type="checkbox"/> Petitions <input type="checkbox"/> Return to me in January <input type="checkbox"/> Destroy in January						
<input checked="" type="checkbox"/> \$100 filing fee (if applicable) <input type="checkbox"/> Certification of party nomination and certificate of acceptance (if applicable)						
SECTION 3 Certification & acknowledgment	<input checked="" type="checkbox"/> I previously ran in Michigan for office that required filing reports under the Michigan Campaign Finance Act. I ran in the following counties: <u>LIVINGSTON COUNTY</u>					
	By signing, I certify that:					
	<ul style="list-style-type: none"> At this date, all statements, reports, late filing fees, and fines required of me or any candidate committee organized to support my election under the Michigan Campaign Finance Act have been filed or paid; and I am a United States citizen and meet the statutory and constitutional requirements for the office sought; and I acknowledge that making a false statement in this affidavit is perjury - a felony punishable by a fine up to \$1,000 or imprisonment for up to five years or both and may result in disqualification from the ballot. 					
	Candidate signature				Date	
	ROBERT J BEZOTTE				4-22-24	
Notary signature			Notary name			
JOSEPH BRIDGMAN			JOSEPH BRIDGMAN			
County of commission			Acting in the County of			
Wayne			LIVINGSTON			
My commission expires			Date of notarization			
10-16-2024			4-22-2024			
Office use only	Date of filing	Received by	Reviewed by	Check number		
	4/22/24	JB	BRK	CASH		
Number of petition sheets			Campaign Finance Number			
x			51916B			



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April 26, 2024

Robert J. Bezotte
4155 Prairie Rose Dr
Howell, MI 48843

Dear Mr. Bezotte,


This letter is notice that this office has received a formal challenge to your Affidavit of Identity (AOI). The challenge is that you made a false statement on your AOI by listing your residential address as 2031 Peavy Rd, Howell, MI 48843, and that you do not actually reside at that address.

The County Clerk has a duty to use due diligence to investigate and make an independent determination of the residency of the candidate upon a challenge to the AOI.

This office is contacting you to ask if you dispute this challenge that is set forth in the letter from Dan Wholihan, and supported by the affidavit submitted by Shelia Bezotte. If so, please submit a counter-affidavit no later than Wednesday, May 1, 2024.

Contact our office if you have any questions.

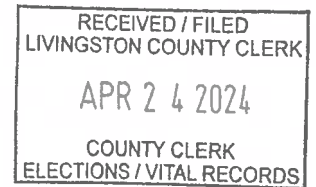
Respectfully,


Joseph Bridgman, CERA, MMC, MiPMC
Elections Coordinator/Deputy Clerk

Livingston County Elections
200 E Grand River Ave
Howell MI 48843-2399
Office: (517) 546-8177
Fax: (517) 546-4354

Enclosures

DANIEL J WHOLIHAN – Attorney at Law
P.O. Box 1182
Brighton, MI 48116
(517) 896-9992



April 24, 2024

Livingston County Clerk
Attn: Elizabeth Hundley
Elections Division
200 E Grand River
Howell, MI 48843

Dear Ms. Hundley:

Re: Robert Bezotte, 50th District, State Representative

I, Daniel J. Wholihan, am a resident and registered elector of the 50th State House District residing at 8162 Majestic Blvd, Fowlerville, MI 48836. I have resided here since December of 2024. I am and have long been acquainted with Mr. Robert J “Bob” Bezotte, as well as his estranged wife, Shelia Bezotte for many years.

On April 22, 2024, Robert “Bob” Bezotte filed to run as a candidate for the 50th District of the Michigan State House of Representatives. Mr. Bezotte is the current incumbent House Member representing this district and is as of April 24, 2024, one of five candidates seeking the position to be decided in the elections on August 6, 2024 and November 5, 2024. The filing deadline for candidates to run for this position was April 23, 2024.

On Mr. Bezotte’s Affidavit of Identity, he listed 2031 Peavy Road Howell, Michigan 48843 as his residential address and 4155 Prairie Rose Dr Howell, Michigan 48843 as his “mailing address”. I have reason to believe that Mr. Bezotte falsified his affidavit of identity in terms of his residence. It is known that Mr. Bezotte has spent much of the past five months in either Arizona or in Illinois, even through he currently is a sitting Representative in the State House. In addition, when he is not dwelling in Arizona or Illinois, he is staying at the “mailing address” of 4155 Prairie Rose Drive, which is not what he claims as his residential address. The mailing address is believed to be the home of one of Mr. Bezotte’s daughters.

Around November 30, 2023, Mrs. Shelia Bezotte filed for divorce from Mr. Bezotte. In December 2023, I have reason to believe that he left his marital home of 2031 Peavy Road. He has abandoned that home for months, including all the 30 days before the filing deadline of April 23, 2024. Mrs. Bezotte has an affidavit confirming that Mr. Bezotte has not lived in his listed

residential address since December of 2023, more than 100 days before the April 23rd, filing deadline.

MCL 168.11 "Residence" defined.

Sec. 11.

(1) "Residence", as used in this act, for registration and voting purposes means that place at which a **person habitually sleeps**, keeps his or her personal effects, **and** has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her spouse, **that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act.** This section does not affect existing judicial interpretation of the term residence.

Mr. Bezotte and Mrs. Bezotte are separated. The place where Mr. Bezotte resides is not the place where Mr. Bezotte listed on his affidavit of identity. It may be Mr. Bezotte's daughter's residence which was listed as his mailing address. It may be someplace in Arizona or Illinois as he has spent much time there over the past few months. It is not however the "residential" address at 2031 Peavy Road.

On all notarized affidavit of identity forms, a candidate acknowledges that "I acknowledge that making a *false statement in this affidavit* is perjury – a felony punishable by a fine up to \$1000 or imprisonment for up to five years or both, and may result in disqualification from the ballot."

MCL 168.558 states

2) An affidavit of identity must contain the candidate's name and residential address; a statement that the candidate is a citizen of the United States; the title of the office sought including the jurisdiction, district, circuit, or ward; the candidate's political party or a statement indicating no party affiliation if the candidate is running without political party affiliation; the term of office; the date of the election in which the candidate wishes to appear on the ballot; a statement that the candidate meets the constitutional and statutory qualifications for the office sought; other information that may be required to satisfy the officer as to the identity of the candidate; and the manner in which the candidate wishes to have his or her name appear on the ballot. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name. If the affidavit of identity is for a candidate for precinct delegate, the candidate shall include his or her precinct number on the affidavit of identity. If the affidavit of identity is for a judicial candidate, the candidate shall include on the affidavit of identity whether the office sought is an incumbent position, a nonincumbent position, or a new judgeship.

(3) The requirement to indicate a name change on the affidavit of identity does not apply if the name in question is 1 of the following:

(a) A name that was formally changed at least 10 years before filing as a candidate.

(b) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(c) A name that was changed because of marriage.

(d) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(e) A name that constitutes a common law name as provided in section 560b.

(4) An affidavit of identity must include a signed and notarized statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement **in the affidavit** is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail, facsimile, or electronic transmission. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail, facsimile, or electronic transmission. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a candidate who executes an affidavit of identity that contains a false statement with regard to **any information** or statement required under this section.

Section 4 states a false statement “in the affidavit” as perjury, which references the entire document. It did not limit that to simply campaign finance matters. Furthermore, the same section references a false statement to **“any”** information OR statement required.

Livingston County is a hallmark of election integrity. When a candidate falsifies his or her residency on the Affidavit of Identity, it is proper that the County Clerk disqualifies that individual from appearing on the ballot. As Mr. Bezotte has falsified his affidavit of identity in terms of his residential address, he should not be allowed to appear on the August 6, 2024 ballot in the primary election.

Thank you for your time and consideration.

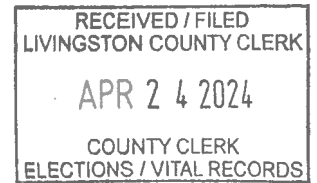
Sincerely:



Daniel J Wholihan
Attorney at Law

(517) 896-9992

Resident of 50th Michigan State House District at 8162 Majestic Blvd, Fowlerville MI 48836



AFFIDAVIT

My name is Shelia Bezotte and I reside at 2031 Peavy Rd. Howell, Michigan. I am signing this knowing that I am under oath when I am signing this affidavit knowing the penalty of perjury and I will state the same if needed to testify.

1. I personally know Bob Bezotte because Bob Bezotte is my husband.
2. Bob Bezotte and I have been married for approximately 52 years.
3. Bob Bezotte and I moved into Livingston County approximately in the year of 1973.
4. I am stating the facts of this affidavit because I have become recently aware that Bob Bezotte has filed an affidavit of Identity for reelection as it pertains to the State Representative race 50th district.
5. I am concerned as to this affidavit because Bob Bezotte stated on this affidavit that he has been residing at the residence located at 2031 Peavy Rd. Howell, Michigan and his mailing address is a different location.
6. I personally know that Bob Bezotte is NOT residing at the 2031 Peavy Rd. Howell, Michigan for the following reasons:
 - A. I am residing at the above referenced address and Bob Bezotte moved out of the residence in December of 2023.
 - B. I know that Bob moved out of the house because Bob Bezotte and I went to a wedding together on or about December 16, 2023, and a few days after the wedding Bob Bezotte left the house and has not returned.


- C. I have personally knowledge that the mailing address that was used on the affidavit is the address of our daughter Wendy and Bob Bezotte has been residing with Wendy since approximately December 20, 2023.
- D. I am also aware that Bob Bezotte has not spent any evenings in the bed at the house located on Peavy Rd. Howell, Michigan because Bob Bezotte and I are going through a divorce.
7. I am writing this affidavit because of my fear of safety concerns. If Bob Bezotte states on his affidavit that he resides at the same house I reside at on Peavy Rd. Howell, Michigan; he may reenter the marital house.

I state that the above is true and accurate to the best of my ability. I state I am signing this knowing that I am under oath when I am signing this affidavit knowing the penalty of perjury and I will state the same if needed to testify.

4-24-24
Date


Shelia Bezotte

Signed on behalf of the Notary on 24th day of April of 2024


In the County of ~~Livingston~~ Wayne
Acting in the County of Livingston
My commission ends on 10-16-2024

