



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

May 3, 2012

William W. Hall  
Warner Norcross & Judd LLP  
Attorneys at Law  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503-2487

Dear Mr. Hall:

The Bureau of Elections acknowledges receipt of your letter dated March 27, 2012 concerning your request, made on behalf of the Libertarian Party of Michigan, for clarification of our interpretation of MCL 168.695, the state's "sore loser" law. We understand that the Libertarian Party of Michigan is considering nominating Gary Johnson, a presidential candidate formerly of the Republican Party, as its candidate for President of the United States at the November 6, 2012 general election.

At the outset, we wish to inform you that Governor Johnson's name was placed on the Republican Presidential Primary ballot *at his request* following numerous communications with this office and Secretary of State Ruth Johnson on November 8 and 9, 2011. On November 11, 2011, the Secretary of State released a list of presidential candidates "generally advocated by the national news media," to appear on Michigan's Presidential Primary ballot, including Governor Johnson. MCL 168.614a. On November 21, 2011, Secretary Johnson mailed a letter to Governor Johnson advising him that, "[t]he placement of your name on the [Secretary of State's and Republican Party's lists] automatically qualifies you for Michigan's February 28, 2012 Presidential Primary ballot [.]". Copies of these communications are enclosed with this letter.

Under section 615a of the Michigan Election Law, 1954 PA 116, MCL 168.615a, a candidate who wished to withdraw from the Presidential Primary was required to file an affidavit indicating a preference for another political party "*no later than 4 p.m. on the second Friday in December of the year before the presidential election year or the affidavit is considered void.*" (Emphasis added). Because Governor Johnson's affidavit was received at 4:03 p.m. on December 9, 2011, after the statutory deadline had elapsed, his request to withdraw was void. Governor Johnson was authorized by law to withdraw his name from the ballot until 4:00 p.m. on December 9, 2011, but the governing statute simply does not allow a candidate to effectuate a withdrawal at any time after that. MCL 168.615a(1). Governor Johnson's failure to comply with the requirements of the Michigan Election Law left the Secretary of State with no choice

but to include his name on the February 28, 2012 Presidential Primary ballot as a candidate for the Republican Party's nomination.

You ask whether we will disqualify Governor Johnson from appearing on the November 6, 2012 general election ballot as the Libertarian Party of Michigan's candidate for President on the basis of the sore loser law, MCL 168.695, which provides,

No person whose name was printed or placed on the primary ballots or voting machines as a candidate for nomination on the primary ballots of 1 political party shall be eligible as a candidate of any other political party at the election following the primary.

Your letter sets forth a number of arguments to support your contention that MCL 168.695 does not apply to Governor Johnson or in any case where the Libertarian Party of Michigan nominates a candidate for President of the United States.

It is your position that because the 1955 enactment of the sore loser law predates the modern presidential primary, "the legislature could not have intended that [MCL 168.695] apply to a presidential primary." Although the state legislature may not have considered the sore loser law's application to a presidential primary in 1955, 1972 PA 60 re-established the presidential primary in Michigan. Over the past four decades, the laws governing presidential primaries have been amended several times, allowing the legislature to consider the effect of MCL 168.695 on several occasions. In fact, the legislature has exempted presidential primaries from the ordinary procedures that govern election recounts, which do not apply to a presidential primary. MCL 168.879a. In addition, presidential candidates are exempt from the Affidavit of Identity filing requirement. MCL 168.558(1). Had the legislature intended to enact a similar exemption from the sore loser law for presidential primary candidates, it could have easily done so.

And while it is true that a person who does not win the Michigan presidential primary ballot could be nominated at the national party convention and subsequently appear on the November general election ballot, this result is not contrary to MCL 168.695.<sup>1</sup> Section 695 bars a candidate whose name appears on the primary ballot for one political party from running in the general election as the nominee of a different political party. Thus, Michigan's sore loser statute is distinguishable from the Kentucky statute at issue in *Anderson v Mills*, 664 F 2d 600 (CA 6, 1981), which barred a candidate who was defeated in a primary election from having his or her name placed on the ballot at the next general election as a candidate for the same office. The Sixth Circuit noted that if the Kentucky statute applied to presidential candidates, a candidate who lost the Kentucky primary but later won his or her party's nomination at the national convention would be barred from appearing on the general election ballot. To avoid this absurd result, the court construed the Kentucky statute as limited in its application "to those offices where a nomination is gained or lost through the primary process, not through a national convention." *Id.* at 605.

---

<sup>1</sup> For example, John McCain received fewer votes than Mitt Romney for the Republican Party nomination in the 2008 Michigan Presidential Primary election, yet Senator McCain's name appeared on the November 2008 Michigan general election ballot as the presidential candidate of the Republican Party.

You also invoked the 1980 presidential campaign of John Anderson as support for your contention that the Libertarian Party of Michigan is not precluded from nominating Governor Johnson as its candidate for President at the upcoming general election, yet Anderson's candidacy differs from Governor Johnson's in several important respects. For instance, Michigan's sore loser law does not bar the candidate of one political party whose name appears on the primary ballot from running as an independent candidate at the subsequent election. Although by 1980 the courts had made clear that independent candidates must have reasonable ballot access, at that time state law did not provide independent candidates a mechanism to qualify for the ballot. See, e.g., *McCarthy v Austin*, 423 F Supp 990, 1000 (WD MI, 1976), holding that Michigan's election laws "are constitutionally deficient" to the extent that they fail to "permit independent candidates not affiliated with any political party a position on the official State ballot on terms and conditions equal to those of partisan candidates [.]"

Regrettably, this deficiency in state law had not yet been rectified by the legislature when in 1980, Anderson, a former candidate for the Republican Party's nomination for President of the United States, sought to appear on the general election ballot as a candidate of the Anderson Coalition political party. Thus, in 1980, there was no mechanism for an independent candidate for President to obtain access to the ballot.<sup>2</sup> In lieu of securing ballot access as an independent candidate through a nonexistent procedure, Anderson sought and was granted a position on the ballot as the Anderson Coalition's candidate for President of the United States. Had the Bureau of Elections challenged Anderson's candidacy, it would have been in the untenable position of denying him access to the ballot without providing the constitutionally required alternative method of qualifying as an independent candidate. Unlike Anderson in 1980, Governor Johnson may resort to the statutory procedures for qualifying as a candidate without political party affiliation if he wishes to secure a position on the general election ballot. See MCL 168.590 to 168.590h.

You also cited the Fourth Circuit case of *Anderson v Babb*, 632 F.2d 300 (CA 4, 1980) for the proposition that the Libertarian Party of Michigan may nominate Governor Johnson as its candidate for President despite MCL 168.695. However, that case involves the interpretation of a North Carolina statute which is significantly different than the Michigan statute at issue here. The North Carolina statute at issue in *Anderson v Babb* precluded a person who "participated" in the presidential preference primary of a particular party from being placed on the general election ballot as the candidate of any other party. In determining what constituted "participation in the primary," the court emphasized that Anderson publicly announced his intention to withdraw his name as a Republican presidential candidate in favor of pursuing an independent run for office, did not visit North Carolina, did not set up a campaign apparatus there, and spent less than \$2,500.00 to "determine the political climate in North Carolina with respect to Anderson's candidacy." *Id.* at 303. On the basis of its finding that Anderson did not "participate" in the presidential primary, the Fourth Circuit held that he was not barred by the North Carolina statute from appearing on the ballot in the general election.

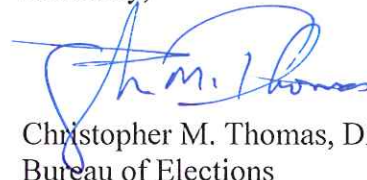
---

<sup>2</sup> Chapter XXIVa of the Michigan Election Law, MCL 168.590 to 168.590h, establishes the procedure by which a candidate without political party affiliation may qualify for the general election ballot.

Michigan's sore loser law is distinguishable in that it does not apply to a person who participates in a primary election, only a "person whose name was printed or placed on the primary ballots [.]" MCL 168.695. Because Governor Johnson's name lawfully appeared on the Republican Presidential Primary ballot in Michigan, he is not "eligible as a candidate of any other political party at the election following that primary." Id.

The foregoing represents our interpretation of MCL 168.695. In our opinion, Governor Johnson would be barred from appearing on the ballot at the November 6, 2012 general election as a presidential candidate for the Libertarian Party of Michigan.

Sincerely,



Christopher M. Thomas, Director  
Bureau of Elections  
Michigan Department of State

**Malerman, Melissa**

---

**From:** SOS, Elections  
**Sent:** Tuesday, November 08, 2011 12:59 PM  
**To:** Williams, Sally A  
**Cc:** Malerman, Melissa; Pierce, Carol  
**Subject:** FW: Question/Comment from Contact the Secretary of State (ContentID - 25634)

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

**From:** johncruz@garyjohnson2012.com [mailto:johncruz@garyjohnson2012.com]  
**Sent:** Tuesday, November 08, 2011 11:58 AM  
**To:** SOS, Elections  
**Subject:** Question/Comment from Contact the Secretary of State (ContentID - 25634)

**name:** John Cruz  
**email:** johncruz@garyjohnson2012.com  
**email:** johncruz@garyjohnson2012.com  
**phone:** 313-799-2789  
**topic:** My question or comment is about  
**comments:** Secretary Johnson,

It is my understanding that on Friday, your office will submit lists to the Michigan Democratic and Republican parties for the list of candidates who will be on the primary ballot on Feb. 28, 2012. While Michigan has a record of being an inclusive state, I am writing to make sure that GOP candidate and former New Mexico Governor Gary Johnson will be on the list sent to the MiGOP district Chairs.

Please feel free to contact me about this manner at 313-799-2789 or johncruz@garyjohnson2012.com

Sincerely,

John Cruz  
Michigan Campaign Coordinator, Gary Johnson 2012

**Malerman, Melissa**

---

**From:** john@cruzweb.net on behalf of John Cruz [johncruz@garyjohnson2012.com]  
**Sent:** Wednesday, November 09, 2011 7:31 PM  
**To:** Malerman, Melissa  
**Subject:** Re: FW: Question/Comment from Contact the Secretary of State (ContentID - 25634)  
**Attachments:** Michigan-letter-national.pdf; johnson-ballot-letter-sos.pdf

Ms. Malerman,

Thank you for your prompt response to my initial inquiry. Thank you for the legal clarification, although I am aware of the law. Our wishes are simply to let Secretary Johnson know that we feel that the campaign meets all requirements for inclusion. Attached is a letter from our national campaign headquarters expressing these feelings, as well as a preface letter from myself as coordinator of the Michigan campaign efforts.

Much obliged.

On Tue, Nov 8, 2011 at 4:46 PM, Malerman, Melissa <[malermanm@michigan.gov](mailto:malermanm@michigan.gov)> wrote:

Mr. Cruz,

The Bureau of Elections acknowledges receipt of your email message sent November 8, 2011 concerning the February 28, 2012 presidential primary in Michigan. The Michigan Election Law, MCL 168.614a(1), requires the Secretary of State to, "issue a list of the individuals generally advocated by the national news media to be potential presidential candidates for each party's nomination [.]". This list will be issued by 4:00 p.m. on November 11, 2011. The chairpersons of the Republican and Democratic parties will then submit to the Secretary of State, "a list of individuals whom they consider to be potential presidential candidates [.]". MCL 168.614a(2). A candidate appearing on either list will be notified by the Secretary of State of the procedures that apply to the presidential primary. MCL 168.615a(1).

A candidate whose name does not appear on one of these lists may qualify for the ballot by submitting nominating petitions containing a sufficient number of valid signatures. Pursuant to MCL 168.615a(2):

"The name of an individual who is not listed as a potential presidential candidate under section 614a shall be printed on the ballot for the appropriate political party for the presidential primary election if he or she files a nominating petition with the secretary of state no later than 4 p.m. on the second Friday in December of the year before the presidential election year. The nominating petition shall contain valid signatures of registered and qualified electors equal to not less than 1/2 of 1% of the total votes cast in the state at the previous presidential election for the presidential candidate of the political party for which the individual is seeking this nomination. However, the total number of signatures required on a nominating petition under this subsection shall not exceed 1,000 times the total number of congressional districts in this state. A signature on a nominating petition is not valid if obtained before October 1 of the year before the presidential election year in which the individual seeks nomination. To be valid, a nominating petition must conform to the requirements of this act regarding nominating petitions, but only to the extent that those requirements do not conflict with

12/8/2011

the requirements of this subsection."

A candidate seeking placement on the Republican primary ballot must submit at least 10,244 valid signatures.

Feel free to contact me if you have any other questions or require additional information.

Sincerely,

Melissa Malerman, Election Law Specialist

Bureau of Elections

Michigan Secretary of State

[malermanm@michigan.gov](mailto:malermanm@michigan.gov)

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

From: [johncruz@garyjohnson2012.com](mailto:johncruz@garyjohnson2012.com) [mailto:[johncruz@garyjohnson2012.com](mailto:johncruz@garyjohnson2012.com)]

Sent: Tuesday, November 08, 2011 11:58 AM

To: SOS, Elections

Subject: Question/Comment from Contact the Secretary of State (ContentID - 25634)

name: John Cruz

email: [johncruz@garyjohnson2012.com](mailto:johncruz@garyjohnson2012.com)

email: [johncruz@garyjohnson2012.com](mailto:johncruz@garyjohnson2012.com)

phone: [313-799-2789](tel:313-799-2789)

topic: My question or comment is about

comments: Secretary Johnson,

12/8/2011

It is my understanding that on Friday, your office will submit lists to the Michigan Democratic and Republican parties for the list of candidates who will be on the primary ballot on Feb. 28, 2012. While Michigan has a record of being an inclusive state, I am writing to make sure that GOP candidate and former New Mexico Governor Gary Johnson will be on the list sent to the MiGOP district Chairs.

Please feel free to contact me about this manner at [313-799-2789](tel:313-799-2789) or [johncruz@garyjohnson2012.com](mailto:johncruz@garyjohnson2012.com)

Sincerely,

John Cruz

Michigan Campaign Coordinator, Gary Johnson 2012

--

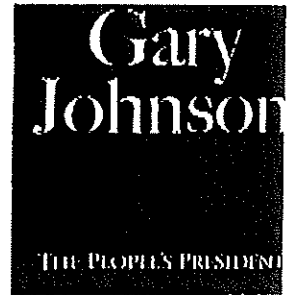
John Cruz  
Michigan Campaign Coordinator, Gary Johnson 2012  
[johncruz@garyjohnson2012.com](mailto:johncruz@garyjohnson2012.com) | 313-799-2789

5 Hubbard St. Mount Clemens, MI 48043

12/8/2011



Participate in your freedom.



November 8, 2011

To: Ruth Johnson, Secretary of State

Governor Gary E. Johnson is fully committed to running a national campaign seeking the Republican nomination for the office of the President of the United States of America. Governor Johnson has traveled through more than 35 states in his ongoing efforts to spread his message, while seeking the Republican nomination.

Governor Gary E. Johnson respectfully requests to be placed on Michigan's primary election ballot.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant K. Huihui".

Grant K. Huihui

Grant K. Huihui  
Campaign Scheduler  
Gary Johnson 2012  
731 E South Temple  
Salt Lake City, UT 84102  
Office: (801) 303-7903  
E-mail: [granthuihui@garyjohnson2012.com](mailto:granthuihui@garyjohnson2012.com)

November 9, 2011

To: Ruth Johnson, Secretary of State

Secretary Johnson,

It is my understanding that in compliance with MCL 168.14a(1) you will be issuing on November 11, 2011 a list of presidential candidates who are "generally advocated by the national news media to be potential presidential candidates".

As the campaign director for Gary Johnson 2012, I can tell you that we are fully committed to running a nationwide campaign and wish it to be made known that while Governor Johnson has not gotten the media attention of other candidates, he has polled consistently on par with many who have gotten considerable attention.

We hope you keep this in mind when your list is compiled and sent to the Michigan GOP district chairs. Attached you will find a letter from our campaign headquarters expressing our desire for inclusion.

If you have any questions, comments, or concerns I will be happy to field them at your convenience. My contact information is listed below.

Sincerely,

John Cruz  
Michigan Campaign Director, Gary Johnson 2012  
313-799-2789 | johncruz@garyjohnson2012.com



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

November 21, 2011

Mr. Gary Johnson  
c/o Mr. John Cruz, Michigan Campaign Coordinator  
5 Hubbard St.  
Mt. Clemens, MI 48043

Dear Mr. Johnson:

Please be advised that Michigan will conduct a Presidential Primary on Tuesday, February 28, 2012. In preparation for the Presidential Primary, I am required to issue a list of individuals generally advocated by the national news media to be potential presidential candidates for both the Republican and Democratic parties. The chairpersons of Michigan's Republican and Democratic parties are similarly required to provide a list of individuals whom they consider to be potential presidential candidates for their respective parties. Both lists have now been filed. Your name was placed on one or more of these lists (see [www.michigan.gov/elections](http://www.michigan.gov/elections)).

The placement of your name on the above-referenced list(s) automatically qualifies you for Michigan's February 28, 2012 Presidential Primary ballot; no further action on your part is required. The following options, however, are available:

- If you do not wish to appear on Michigan's Presidential Primary ballot, you may withdraw by filing a sworn statement, executed by you and witnessed by a notary public, expressing your desire to have your name removed from the ballot. If you wish to avail yourself of this option, you must, "file an affidavit with the secretary of state specifically stating that '(candidate's name) is not a presidential candidate', and the secretary of state shall not have that presidential candidate's name printed on a presidential primary ballot." MCL 168.615a(1). The affidavit must be received in the office of the Michigan Department of State's Bureau of Elections no later than 4:00 p.m. (E.S.T.) on Friday, December 9, 2011.
- If you wish to express a preference for a political party which differs from the party designation assigned to you on the above-referenced list or wish to declare that you have "no political party preference", you may effect such a change by filing a sworn statement, executed by you and witnessed by a notary public, which states your interest in altering your party designation. MCL 168615a(1). The affidavit must be received in the office of the Michigan Department of State's Bureau of Elections no later than 4:00 p.m. (E.S.T.) on Friday, December 9, 2011.

Mr. Gary Johnson  
November 21, 2011  
Page 2

(The Republican Party and the Democratic Party are the only political parties that are qualified to participate in Michigan's Presidential Primary. Consequently, if you express a preference for a party other than the Republican Party or the Democratic Party or declare that you have "no political party preference", your name will not be printed on Michigan's Presidential Primary ballot.)

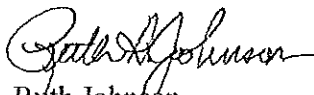
- If you wish to participate in Michigan's Presidential Primary, but wish to have your name appear on the ballot in a form other than the form shown on the above-referenced list (*Gary Johnson*) you may modify the form of your name by submitting a written request to this effect. If you wish to request a modification, please notify the Michigan Department of State's Bureau of Elections in writing no later than 4:00 p.m. (E.S.T.) on Friday, December 9, 2011.

Should you wish to exercise any of the above options, please direct the appropriate communication to the Michigan Department of State, Bureau of Elections, PO Box 20126, Lansing, MI 48901-0726. Overnight mail address: 430 West Allegan, Lansing, MI 48933-1592. Fax: (517) 241-2784. The communication must bear your original signature.

If you do not submit any of the documentation described above, your name will appear on the February 28, 2012 ballot as: **Gary Johnson**.

The provisions of Michigan election law which govern the conduct of Michigan's Presidential Primary are enclosed for your reference. If you have any questions, please contact the Department's Bureau of Elections at (517) 373-2540.

Sincerely,



Ruth Johnson  
Secretary of State

Enclosures

c: Christopher Thomas, Michigan Director of Elections

Act No. 163  
Public Acts of 2011  
Approved by the Governor  
October 4, 2011  
Filed with the Secretary of State  
October 4, 2011  
EFFECTIVE DATE: October 4, 2011

STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011

Introduced by Senator Richardville

## ENROLLED SENATE BILL No. 584

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; 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; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 613a. (1) A statewide presidential primary election shall be conducted under this act on the fourth Tuesday in February in each presidential election year.

(2) A political party that received 5% or less of the total vote cast nationwide for the office of president in the last presidential election shall not participate in the presidential primary election.

(3) Except as otherwise provided in sections 614a to 616a, 624g, 759a, 759c, and 879a, the statewide presidential primary election shall be conducted under the provisions of this act that govern the conduct of general primary elections.

Sec. 614a. (1) Not later than 4 p.m. of the second Friday in November of the year before the presidential election, the secretary of state shall issue a list of the individuals generally advocated by the national news media to be potential presidential candidates for each party's nomination by the political parties for which a presidential primary election will be held under section 613a. The secretary of state shall make the list issued under this subsection available to the public on an internet website maintained by the department of state.

(2) Not later than 4 p.m. of the Tuesday following the second Friday in November of the year before the presidential election, the state chairperson of each political party for which a presidential primary election will be held under section 613a shall file with the secretary of state a list of individuals whom they consider to be potential presidential candidates for that political party. The secretary of state shall make the lists received under this subsection available to the public on an internet website maintained by the department of state.

(3) After the issuance of the list under subsection (1) and after receipt of names from the state chairperson of each political party under subsection (2), the secretary of state shall notify each potential presidential candidate on the lists of the provisions of this act relating to the presidential primary election.

Sec. 615a. (1) Except as otherwise provided in this section, the secretary of state shall cause the name of a presidential candidate notified by the secretary of state under section 614a to be printed on the appropriate presidential primary ballot for that political party. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating his or her party preference if different than the party preference contained in the secretary of state notification and the secretary of state shall cause that presidential candidate's name to be printed on the appropriate presidential primary ballot for that political party. If the affidavit of a presidential candidate indicates that the candidate has no political party preference or indicates a political party preference for a political party other than a political party for which a presidential primary election will be held under section 613a, the secretary of state shall not cause that presidential candidate's name to be printed on a ballot for the presidential primary election. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state specifically stating that "(candidate's name) is not a presidential candidate", and the secretary of state shall not have that presidential candidate's name printed on a presidential primary ballot. A presidential candidate shall file an affidavit described in this subsection with the secretary of state no later than 4 p.m. on the second Friday in December of the year before the presidential election year or the affidavit is considered void.

(2) The name of an individual who is not listed as a potential presidential candidate under section 614a shall be printed on the ballot for the appropriate political party for the presidential primary election if he or she files a nominating petition with the secretary of state no later than 4 p.m. on the second Friday in December of the year before the presidential election year. The nominating petition shall contain valid signatures of registered and qualified electors equal to not less than 1/2 of 1% of the total votes cast in the state at the previous presidential election for the presidential candidate of the political party for which the individual is seeking this nomination. However, the total number of signatures required on a nominating petition under this subsection shall not exceed 1,000 times the total number of congressional districts in this state. A signature on a nominating petition is not valid if obtained before October 1 of the year before the presidential election year in which the individual seeks nomination. To be valid, a nominating petition must conform to the requirements of this act regarding nominating petitions, but only to the extent that those requirements do not conflict with the requirements of this subsection.

(3) The names of the presidential candidates on each political party ballot shall be rotated on the ballot by precinct. Each ballot shall contain a space for an elector to vote uncommitted.

Sec. 615c. (1) In order to vote at a presidential primary election, an elector shall indicate in writing, on a form prescribed by the secretary of state, which political party ballot he or she wishes to vote when appearing at a presidential primary election.

(2) The secretary of state shall develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary election that contains the printed name, address, and qualified voter file number of each elector and the political party ballot selected by that elector at the presidential primary election.

(3) The information acquired or in the possession of a public body indicating which political party ballot an elector selected at a presidential primary election is not exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(4) Within 71 days after the presidential primary election, the secretary of state shall make available to the public in an electronic format a file of the records for each political party described under subsection (2). The secretary of state shall set a schedule for county, city, and township clerks to submit data or documents required under subsection (2). The secretary of state and county, city, and township clerks shall destroy the information indicating which political party ballot each elector selected at the presidential primary election as recorded in subsection (2) immediately after the expiration of the 22-month federal election records retention period.

Sec. 759a. (1) An absent uniformed services voter or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to an absent uniformed services voter and an overseas voter.

(2) Upon the request of an absent uniformed services voter or an overseas voter, the clerk of a county, city, township, or village shall electronically transmit a blank voter registration application or blank absent voter ballot application to the voter. The clerk of a county, city, township, or village shall accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter. A voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter shall contain the signature of the voter.

(3) A spouse or dependent of an overseas voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified and registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a city or township of this state.

(4) An absent uniformed services voter or an overseas voter, whether or not registered to vote, may apply for an absent voter ballot. Upon receipt of an application for an absent voter ballot under this section that complies with this act, a county, city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms

necessary for registration, and instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If a federal postcard application is filed, the clerk shall accept the federal postcard application as the registration application and shall not send any additional registration forms to the applicant. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be tabulated. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(5) Not later than 45 days before an election, a county, city, township, or village clerk shall electronically transmit or mail as appropriate an absent voter ballot to each absent uniformed services voter or overseas voter who applied for an absent voter ballot 45 days or more before the election.

(6) Upon the request of an absent uniformed services voter or overseas voter, the clerk of a county, city, township, or village shall electronically transmit an absent voter ballot to the voter. The voter shall print the absent voter ballot and return the voted ballot by mail to the appropriate clerk.

(7) The secretary of state shall prescribe electronic absent voter ballot formats and electronic absent voter ballot transmission methods. Each county, city, township, or village clerk shall employ the prescribed electronic ballot formats to fulfill an absent voter ballot request received from an absent uniformed services voter or overseas voter who wishes to receive his or her absent voter ballot through an electronic transmission. The secretary of state shall establish procedures to implement the requirements in this section and for the processing of a marked absent voter ballot returned by an absent uniformed services voter or overseas voter who obtained his or her absent voter ballot through an electronic transmission.

(8) The secretary of state shall modify the printed statement provided under section 761(4) and the absent voter ballot instructions provided under section 764a as appropriate to accommodate the procedures developed for electronically transmitting an absent voter ballot to an absent uniformed services voter or overseas voter. A statement shall be included in the certificate signed by the absent voter who obtained his or her absent voter ballot through an electronic transmission that the secrecy of the absent voter ballot may be compromised during the duplication process. The absent voter ballot instructions provided to an absent uniformed services voter or overseas voter shall include the proper procedures for returning the absent voter ballot to the appropriate clerk.

(9) The size of a precinct shall not be determined by registration forms completed under this section.

(10) An absent uniformed services voter or an overseas voter who submits an absent voter ballot application is eligible to vote as an absent voter in any local or state election occurring in the calendar year in which the absent voter ballot application is received by the county, city, village, or township clerk, but not in an election for which the application is received by the clerk after 2 p.m. of the Saturday before the election. A county, city, or township clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to a village clerk and the school district election coordinators, where applicable, the necessary information to enable the village clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. A village clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to the township clerk and the school district election coordinators, where applicable, the necessary information to enable the city or township clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. If the local elections official rejects a voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter, the election official shall notify the voter of the rejection.

(11) An electronic mail address provided by an absent uniformed services voter or overseas voter for the purposes of this section is confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) Under the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-7, the state director of elections shall approve a ballot form and registration procedures for absent uniformed services voters and overseas voters.

(13) For a presidential primary election, the secretary of state shall prescribe procedures for contacting an elector who is an absent uniformed services voter or an overseas voter, as described in this section, and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary election, offering the elector the opportunity to select a political party ballot for the presidential primary election.

(14) As used in this section:

(a) "Absent uniformed services voter" means any of the following:

(i) A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.

(ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.

(iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(ii) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(c) "Overseas voter" means any of the following:

(i) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of an election.

(ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(iii) A person who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which he or she was domiciled before leaving the United States.

(d) "Uniformed services" means the army, navy, air force, marine corps, coast guard, the commissioned corps of the public health service, the commissioned corps of the national oceanic and atmospheric administration, a reserve component of a uniformed service, or the Michigan national guard as defined in section 105 of the Michigan military act, 1987 PA 150, MCL 32.505.

(15) This section applies to the August 3, 2010 election and to each succeeding election conducted in this state.

Sec. 759c. For a presidential primary election, the secretary of state shall revise the absent voter ballot application form described in section 759 or provide a separate form to require that a presidential primary elector indicate a political party ballot selection when requesting an absent voter ballot.

Enacting section 1. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, it is the intent of the legislature that the provisions of this amendatory act are severable and that the remainder of the amendatory act shall be valid, operable, and in effect.

Enacting section 2. Section 495a of the Michigan election law, 1954 PA, 116, MCL 168.495a, is repealed.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor





SECCHIA - WEISER  
REPUBLICAN CENTER  
520 N. Seymour Street  
Lansing, MI 48933

P. (517) 487-5413  
F. (517) 487-0090  
www.migop.org

November 15, 2011

*By Personal Delivery*

Honorable Ruth Johnson  
Secretary of State  
Executive Office  
Treasury Building - 1st Floor  
430 West Allegan Street  
Lansing, MI 48918

Dear Secretary Johnson:

Re: Presidential Nominees for Republican Party to be included on February 28, 2012 Ballot

Pursuant to the Michigan Election Code, the following is a list of Republican Party presidential nominees whose names are to be included on the February 28, 2012 Presidential primary ballot:

1. Mitt Romney
2. Ron Paul
3. Rick Perry
4. Rick Santorum
5. Michelle Bachmann
6. Newt Gingrich
7. Herman Cain
8. Jon Huntsman
9. Buddy Roemer
10. Fred Karger
11. Gary Johnson

ELECTIONS DIVISION  
2011 NOV 15 PM 1:46  
DEPARTMENT OF STATE

If you have any questions or require any additional information, please contact the undersigned.

Respectfully submitted,

MICHIGAN REPUBLICAN PARTY

  
Robert L. Schostak, Chair

Paid for by The Michigan Republican Party with regulated funds.  
Not authorized by any candidate or candidate's committee.  
520 N. Seymour Street, Lansing, MI 48933



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

Candidate Listing  
PRESIDENTIAL PRIMARY  
February 28, 2012

Republican Party

Michele Bachmann

Herman Cain

Newt Gingrich

Jon Huntsman

Gary Johnson

Fred Karger

Ron Paul

Rick Perry

Buddy Roemer

Mitt Romney

Rick Santorum

Democratic Party

Barack Obama

**Malerman, Melissa**

---

**From:** kimblanton@nsoninfo.com  
**Sent:** Friday, December 09, 2011 4:03 PM  
**To:** Malerman, Melissa  
**Subject:** Affidavit from Gary Johnson 2012  
**Attachments:** 8013556335\_111209\_461040496.pdf

Please confirm you received this affidavit from Gary Johnson 2012.

Thank you

Kim

Kim Blanton  
NSON Opinion Strategy  
731 E South Temple  
Salt Lake City, UT 84102  
801-359-3373 phone  
214-291-3277 fax

**XFINITY Connect**

forest.baker@comcast.net

± Font Size ±

**Please Notarize ASAP**

From : granthuihui@nsoninfo.com

Fri, Dec 09, 2011 04:18 PM

Subject : Please Notarize ASAP

1 attachment

To : Gary Johnson <gejerik@hotmail.com>

Cc : Ron Nielson <rnielson@nsoninfo.com>, forest baker <forest.baker@comcast.net>

Gary,

Below and attached is an affidavit I need you to sign and notarize today. I have briefed Forest on the matter and he knows exactly what to do. After it's been notarized, I need you to Fax it to (214) 291-3277 and (801) 355-6335. After you have faxed the affidavit to both numbers, please FedEx (ACCT # 481000058 and overnight it) to:

Michigan Bureau of Elections  
Attn: Melissa Malerman  
430 West Allegan St., 1<sup>st</sup> Floor  
Lansing, MI 48918

State of Michigan  
SECRETARY OF STATE

Gary Johnson 2012

**Affidavit of (Full legal name)**

1. My name is Gary E. Johnson. I am a candidate for President of the United States.
2. In a letter dated November 21, 2011 from Michigan Secretary of State Ruth Johnson, I was advised that my name is currently on the list of Republican candidates for President to appear on the ballot for Michigan's Presidential Primary election scheduled to occur on February 28, 2012.
3. I do not wish to have my name appear on the ballot as a candidate because my political party preference differs from the Republican Party specified in the November 21, 2011 letter.
4. Therefore, pursuant to MCL 168.615a(1), I respectfully request that you do not print my name on the ballot for Michigan's Presidential Primary.

Gary E. Johnson

Signed and sworn to before me this 9<sup>th</sup> day of December, 2011.

*Gary E Johnson*

Grant K. Hulixl

*Bhaskar Patel*  
*Notary Public*  
*12/9/2011*

NSON Opinion Strategy

731 East South Temple

Salt Lake City, Utah 84102

801-303-7903



[www.nsoninfo.com](http://www.nsoninfo.com)

*Attached Jurat*

# Jurat

State of California

County of Santa Clara

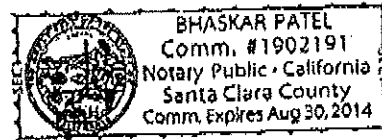
Subscribed and sworn to (or affirmed) before me on this 9 day of Dec

20 11 by GARY F JOHNSON

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Bhaskar Patel  
Signature

(Notary seal)



## OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any Jurat completed in California must contain verbiage that indicates the notary public either personally knew the document signer (affiant) or that the identity was satisfactorily proven to the notary with acceptable identification in accordance with California notary law. Any jurat completed in California which does not have such verbiage must have add the wording either with a jurat stamp or with a jurat form which does include proper wording. There are no exceptions to this law for any jurat performed in California. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

### DESCRIPTION OF THE ATTACHED DOCUMENT

Attendant  
(Title or description of attached document)

Attendant  
(Title or description of attached document continued)

Number of Pages 1 Document Date 12/9/11

(Additional information)

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - ◊ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ◊ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document

**Malerman, Melissa**

---

**From:** granthuihui@nsoninfo.com  
**Sent:** Friday, December 09, 2011 4:03 PM  
**To:** Malerman, Melissa  
**Cc:** granthuihui@garyjohnson2012.com  
**Subject:** Affidavit from Gary E. Johnson  
**Attachments:** 8013556335\_111209\_461040496.pdf

Melissa,

Please see attached. Affidavit from Gary E. Johnson of Gary Johnson 2012. Please confirm. Thanks.

Grant K. Huihui

NSON Opinion Strategy

731 East South Temple

Salt Lake City, Utah 84102

801-303-7903

[www.nsoninfo.com](http://www.nsoninfo.com)

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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

Subject: fax  
From: <[kimblanton@nsoninfo.com](mailto:kimblanton@nsoninfo.com)>  
Date: Fri, December 09, 2011 2:00 pm  
To: "Grant Huihui" <[granthuihui@nsoninfo.com](mailto:granthuihui@nsoninfo.com)>

Kim Blanton  
NSON Opinion Strategy  
731 E South Temple  
Salt Lake City, UT 84102  
801-359-3373 phone  
214-291-3277 fax

**XFINITY Connect**

forest.baker@comcast.net

± Font Size ±

**Please Notarize ASAP**

From : granthuihui@nsoninfo.com

Fri, Dec 09, 2011 04:18 PM

Subject : Please Notarize ASAP

1 attachment

To : Gary Johnson <gejenk@hotmail.com>

Cc : Ron Nielson <rnielson@nsoninfo.com>, forest baker <forest.baker@comcast.net>

Gary,

Below and attached is an affidavit I need you to sign and notarize today. I have briefed Forest on the matter and he knows exactly what to do. After it's been notarized, I need you to Fax it to (214) 291-3277 and (801) 355-6335. After you have faxed the affidavit to both numbers, please FedEx (ACCNT # 481000068 and overnight it) to:

Michigan Bureau of Elections  
Attn: Melissa Maierman  
430 West Allegan St., 1<sup>st</sup> Floor  
Lansing, MI 48918

State of Michigan  
SECRETARY OF STATE

Gary Johnson 2012

**Affidavit of (Full legal name)**

1. My name is Gary E. Johnson. I am a candidate for President of the United States.
2. In a letter dated November 21, 2011 from Michigan Secretary of State Ruth Johnson, I was advised that my name is currently on the list of Republican candidates for President to appear on the ballot for Michigan's Presidential Primary election scheduled to occur on February 28, 2012.
3. I do not wish to have my name appear on the ballot as a candidate because my political party preference differs from the Republican Party specified in the November 21, 2011 letter.
4. Therefore, pursuant to MCL 168.615a(1), I respectfully request that you do not print my name on the ballot for Michigan's Presidential Primary.

Gary E. Johnson

Signed and sworn to before me this 9<sup>th</sup> day of December, 2011.

*Gary E Johnson*

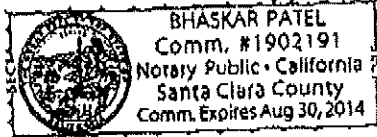
Grant K. Huihui

NSON Opinion Strategy

*Bhaskar Patel*  
*Notary Public*  
*12/9/2011*

731 East South Temple

Salt Lake City, Utah 84102



801-303-7903

[www.nsoninfo.com](http://www.nsoninfo.com)

*Attached Jurat*

# Jurat

State of California

County of Santa Clara

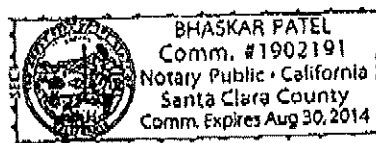
Subscribed and sworn to (or affirmed) before me on this 9 day of Dec

20 11 by Gary F Johnson

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Bhaskar Patel  
Signature

(Notary seal)



## OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any Jurat completed in California must contain verbiage that indicates the notary public either personally knew the document signer (affiant) or that the identity was satisfactorily proven to the notary with acceptable identification in accordance with California notary law. Any jurat completed in California which does not have such verbiage must have add the wording either with a jurat stamp or with a jurat form which does include proper wording. There are no exceptions to this law for any jurat performed in California. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

### DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit  
(Title or description of attached document)

Affidavit  
(Title or description of attached document continued)

Number of Pages 1 Document Date 12/9/11

(Additional information)

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - ◊ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ◊ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document





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

December 13, 2011

Gary Johnson  
Gary Johnson 2012  
Attn: Ron Nielson  
731 East South Temple  
Salt Lake City, Utah 84102

Dear Mr. Johnson:

This letter concerns the affidavit you executed on December 9, 2011 for the purpose of withdrawing from the Presidential Primary that will be conducted in Michigan on February 28, 2012. On November 11, 2011, the Secretary of State released a list of individuals generally advocated by the national news media as candidates for the Presidential Primary. On November 15, 2011, the Michigan Republican Party issued its list of Presidential Primary candidates. Your name appeared on both of these lists.

The Michigan Election Law, 1954 PA 166, MCL 168.1 et seq., permits a presidential candidate to withdraw from Michigan's Presidential Primary if he or she expresses a preference for a different political party than the one identified in the lists issued by the Secretary of State and party chairperson. To effectuate withdrawal, the candidate must file an affidavit with the Secretary of State "no later than 4 p.m. on the second Friday in December of the year before the presidential election year or the affidavit is considered void." MCL 168.615a(1).

At 4:03 p.m. on Friday, December 9, 2011, the Secretary of State's Bureau of Elections received two email messages from your campaign, both of which included a signed affidavit indicating that you did not wish to appear on Michigan's Presidential Primary ballot as a candidate of the Republican Party. The affidavit containing your original signature was sent via Federal Express and was received in this office on Monday, December 12, 2011 at 10:18 a.m. Copies of records indicating the date and time of filing are enclosed with this notice. Due to the belated filing on Friday, your affidavit must be "considered void" in accordance with MCL 168.615a(1). Therefore, your name will appear with the names of other Republican candidates on ballots issued for the February 28, 2012 Presidential Primary.

Sincerely,

Christopher M. Thomas, Director of Elections

c: Ruth Johnson

**Malerman, Melissa**

---

**From:** granthuihui@garyjohnson2012.com  
**Sent:** Tuesday, February 14, 2012 1:17 PM  
**To:** Malerman, Melissa  
**Cc:** Ronald Nielson  
**Subject:** I need Confirmation  
**Attachments:** 8013556335\_120214\_481470838.pdf

Melissa,

We received this letter this morning from the Michigan GOP. Can you now provide confirmation that Governor Johnson will not be on the ballot in Michigan as a Republican?

Grant K. Huihui  
National Campaign Scheduler

Gary Johnson 2012

731 East South Temple

Salt Lake City, Utah 84102

801-303-7903

[www.GaryJohnson2012.com](http://www.GaryJohnson2012.com)

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

2/14/2012



---

SECCHIA - WEISER  
REPUBLICAN CENTER  
520 N. Seymour Street  
Lansing, MI 48933

---

P. (517) 487-5413  
F. (517) 487-0090  
www.migop.org

February 7, 2012

The Honorable Gary Johnson  
Gary Johnson 2012, Inc.  
731 E South Temple  
Salt Lake City, UT 84102

Dear Governor Johnson:

In accordance with Rule 19E of the *Republican Party of Michigan Rules for Selection of Delegates and Alternates to the 2012 Republican County, State and National Conventions*, I am required to hereby inform you that the Credentials Committee of the Michigan Republican Party has determined that you are running for President of the United States as the Libertarian Party candidate. As a result, you will not be eligible to receive allocation of National Convention delegates and alternates from Michigan.

If you disagree with the Credentials Committee's determination, you may file an appeal with the Michigan Republican State Committee (MRSC) by February 12, 2012. Provided that a timely appeal is filed, a majority vote of the MRSC (either present at any meeting, telephonic conference, or voting by Internet/e-mail) shall be necessary to reverse the determination of the Credentials Committee.

Thank you for your principled service to our country. I wish you only the best in all your future endeavors.

With appreciation,



Robert Schostak, Chairman

Cc: Ms. Sharon Wise, Co-Chair  
Mr. Saul Anuzis, National Committeeman  
Mrs. Holly Hughes, National Committeewoman  
Mr. Eric Doster, General Counsel  
Mr. Bill Runco, MRSC Budget Committee Chairman  
Mr. Mike Cox, MRSC Policy Committee Chairman

Paid for by The Michigan Republican Party with regulated funds.  
Not authorized by any candidate or candidate's committee.  
520 N. Seymour Street, Lansing, MI 48933

**Malerman, Melissa**

---

**From:** Malerman, Melissa  
**Sent:** Tuesday, February 14, 2012 2:45 PM  
**To:** 'granthuihui@garyjohnson2012.com'  
**Subject:** RE: I need Confirmation  
**Attachments:** Gary Johnson Ltr.pdf

Grant,

Governor Johnson remains on the Republican Presidential Primary ballot in Michigan, as we advised you on December 13, 2011.

Sincerely,

Melissa Malerman  
Bureau of Elections  
Michigan Secretary of State  
[www.michigan.gov/elections](http://www.michigan.gov/elections)

---

**From:** granthuihui@garyjohnson2012.com [mailto:granthuihui@garyjohnson2012.com]  
**Sent:** Tuesday, February 14, 2012 1:17 PM  
**To:** Malerman, Melissa  
**Cc:** Ronald Nielson  
**Subject:** I need Confirmation

Melissa,

We received this letter this morning from the Michigan GOP. Can you now provide confirmation that Governor Johnson will not be on the ballot in Michigan as a Republican?

Grant K. Huihui  
National Campaign Scheduler

Gary Johnson 2012

731 East South Temple

Salt Lake City, Utah 84102

801-303-7903

[www.GaryJohnson2012.com](http://www.GaryJohnson2012.com)

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

2/14/2012



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

December 13, 2011

Gary Johnson  
Gary Johnson 2012  
Attn: Ron Nielson  
731 East South Temple  
Salt Lake City, Utah 84102

Dear Mr. Johnson:

This letter concerns the affidavit you executed on December 9, 2011 for the purpose of withdrawing from the Presidential Primary that will be conducted in Michigan on February 28, 2012. On November 11, 2011, the Secretary of State released a list of individuals generally advocated by the national news media as candidates for the Presidential Primary. On November 15, 2011, the Michigan Republican Party issued its list of Presidential Primary candidates. Your name appeared on both of these lists.

The Michigan Election Law, 1954 PA 166, MCL 168.1 et seq., permits a presidential candidate to withdraw from Michigan's Presidential Primary if he or she expresses a preference for a different political party than the one identified in the lists issued by the Secretary of State and party chairperson. To effectuate withdrawal, the candidate must file an affidavit with the Secretary of State "no later than 4 p.m. on the second Friday in December of the year before the presidential election year or the affidavit is considered void." MCL 168.615a(1).

At 4:03 p.m. on Friday, December 9, 2011, the Secretary of State's Bureau of Elections received two email messages from your campaign, both of which included a signed affidavit indicating that you did not wish to appear on Michigan's Presidential Primary ballot as a candidate of the Republican Party. The affidavit containing your original signature was sent via Federal Express and was received in this office on Monday, December 12, 2011 at 10:18 a.m. Copies of records indicating the date and time of filing are enclosed with this notice. Due to the belated filing on Friday, your affidavit must be "considered void" in accordance with MCL 168.615a(1). Therefore, your name will appear with the names of other Republican candidates on ballots issued for the February 28, 2012 Presidential Primary.

Sincerely,

Christopher M. Thomas, Director of Elections

c: Ruth Johnson