

## Testimony of Christina L. Lirones

Members of the Senate Committee on Elections and Campaign Oversight:

June 29, 2007

My name is Christina Lirones, Treasurer of Pittsfield Charter Township. I fully support the proposals of the Michigan Election Reform Alliance, which would establish independent checks and balances over election law enforcement. Currently, we have almost no law enforcement at all, with enforcement left to some of the very agencies that do not follow the law or interpret it to their own benefit. I will give you my experience in the area of recall election law enforcement.

As state legislators, you may never have to face the pain of a recall campaign, but at the local government level, opponents use it as a constant threat. The number of signatures required is very low, and even worse, the reasons given on a recall petition do not have to be true, only “clear.”

Pittsfield Township has over 30,000 residents, urban services, and is financially solid, well-run, and responsive to its citizens. Yet in the August, 2006, election, the three full time elected officials—Supervisor, Clerk, and Treasurer, who also comprise the full-time administration of the Township—were subjected to a recall vote. The recall was a campaign by failed candidates from the last election, disgruntled former officials, and a group who opposed a Wal-Mart store, locating in an area long zoned for the use. Like so many recalls, it had nothing to do with the performance of the officers, or the function of the Township. It was simply a vendetta carried out by a small, inconsolable group who bore a grudge against the officials.

This vote never would have made it to the ballot had swift and effective election law enforcement taken place. This recall campaign caused great pain to the community and its officers, created a constant negative media focus on this top quality Township, cost uncountable hours of County staff and legal time, cost over \$80,000 in private donations in the campaign to defend the Township Officers—and it failed miserably. What a waste.

We officers were retained by a higher margin than when we were elected, due to our ability to educate the voters about the deceitful nature of the recall campaign. Voters were angry that our community had to be put through this, especially when they learned that they had been lied to by petitioners to fraudulently obtain their signatures.

Michigan law specifically forbids recall petitioners from using “false statements” or “fraud, deceit, or misrepresentation” [MCL 168.957] in order to obtain signatures. The consequence of a violation of this law is supposed to be the immediate disqualification of any sheet of signatures gathered through the use of deceit. This violation is a misdemeanor, with a possible fine and jail sentence. Similar consequences occur when circulators knowingly gather duplicate signatures, or when a person who did not carry the petition signs as circulator. All of these occurred in this recall campaign.

Immediately after the Pittsfield recall petitions were filed, we began to review the signatures and saw names of people who are our supporters and friends. We talked to signers and quickly gathered affidavits from confused and shocked voters who had been duped into signing by multiple violations of the prohibited conduct listed in MCL 168.957.

Some petition carriers fraudulently pretended that the petitions were merely a mid-term “job evaluation.” Often they said signers did not have to agree, but it would just “put it on the ballot,” which is false in a recall, where signers endorse the reasons specifically. One long-time supporter thought she was signing to recall us to office, not from office. Some circulators explicitly told voters that the petition was NOT a recall but merely a way to let the Board know the signers were opposed to the new Wal-Mart. Circulators discouraged voters from reading the petition, giving a list of bullet points (also false) that were not on the petition, but were more simple and inflammatory. Circulators told voters not to date their signatures (“don’t worry, we’ll fill that in”), or signed as if they had circulated the petition, when they had not (confirmed by the State Police through interviews with signers). The number of violations, added to numerous errors, unregistered and duplicate signers, and other problems, should have disqualified the petitions.

As the targets of these illegal petitions, we immediately provided detailed documentation to the State Police, supplying signed affidavits by signers who had been lied to, signers who confirmed that the person signing as circulator had not circulated the petition (this was easiest when a woman had circulated and a man signed later), and other specific violations of the law. We also supplied the evidence to the County Clerk, who nonetheless certified the petitions as sufficient for an election. He stated that he could not examine this evidence, and urged us to go to court for justice, saying that he wished he could do more.

We went to court, hiring an attorney with private, not public funds, asking only for more time so the County Clerk could examine the evidence. The County Clerk, who had urged us to court, then hired an expensive out of town law firm to fight us, at taxpayer expense. It was unfortunate that he fought our request for more time, which would have helped his office prepare a more accurate count. A delay would have saved his deputy from signing a sworn statement that contained embarrassing errors, such as claiming signers were counted as registered based on the date they filled out the registration form, not the date they were legally registered, and claiming that the County had not accidentally added up signatures twice when counting, as happened several times. But, in the end, the deputy county clerk’s misstatements did not matter, since the judge, a long time political foe of the current Township officials, declared the County Clerk had supreme authority and could not be challenged in any court. The judge, after issuing his ruling, then installed a number of “Vote Yes on the recall” signs on his Pittsfield property.

We eventually prevailed, at great personal cost and sacrifice, in the recall elections. After many months, the State Police detective on our case interviewed signers and circulators, and found merit with all of our findings of clear violations of the law. He even found that

one of the failed former candidates readily admitted she had filled in dates and other information, and even that she did the same thing whenever she ran for office, which she had done twice in the past.

Unfortunately, after all of our work, and after all of the detective's work, **a year later** the County Prosecutor decided not to charge anyone. There will be no justice for us, or for our family members, who were slandered by the recall leaders in on-line chat rooms, just as we were, and who we abandoned for months as we campaigned to save our community, our good names, and our jobs. There will be no justice for our loyal staff members, traumatized by uncertainty. There will be no justice for the taxpayers, whose funds were wasted at every turn. There will be no justice for our community, now tainted by the sense that it is a bizarre place where citizens threaten to remove good officers who brought only peace, prosperity, parks, and utility improvements to Pittsfield. A recall never can be pointed to with pride by the Chamber of Commerce, but I am happy to say, businesses were relieved when we were retained, and we are on the upward trail economically, after a year of businesses watching and waiting to see if Pittsfield would be left with no full time leadership.

I call upon you to protect other communities and officials from this trauma. I urge you to convene a Blue Ribbon Commission to hold hearings on the current woeful state of election law enforcement in Michigan, and to consider the excellent proposals MERA and others have made to solve the problems you will hear about. What good are laws if we do not enforce them?

Thank you.

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