



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

April 28, 2022

John Gleason
Genesee County Clerk/Register
Genesee County Administration Building
1101 Beach St.
Flint, MI 48116
By E-mail

Dear Clerk Gleason:

The Bureau of Elections has learned that you were formally charged with crimes under MCL 750.122(7)(a) (Witnesses – Bribing/Intimidating/Interfering) and MCL 750.478 (Public Officer – Willful neglect of duty). These accusations stem from conduct that allegedly occurred while acting in your official capacity as Genesee County Clerk.

Our legal system presumes that persons accused of criminal conduct are innocent until proven guilty and the criminal charges you currently face could eventually be resolved in your favor; however, allegations that you have intimidated a witness to interfere with an official proceeding and willfully failed to perform a legal duty threaten to fundamentally undermine voter confidence in the integrity of elections in Genesee County.¹ Therefore, in order to ensure public trust and confidence in the integrity and security of elections, I am instructing you to refrain from administering any elections held in Genesee County while these charges are pending against you.

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

In accordance with my authority under the Michigan Election Law, you are directed to refrain from any and all official duties, including those described below, pertaining to elections in Genesee County. With the understanding that County Elections Supervisor Kathy Funk is

¹ On April 20, 2022, the Genesee County Board of Commissioners voted unanimously to contact the Secretary of State regarding election concerns in Genesee County, reflecting significant public concern that currently exists.

currently on leave because of unrelated criminal charges, these duties should be performed by the Chief Deputy Clerk until further notice.

- **Performing Voter Registration Responsibilities.** You must refrain from any duties associated with processing voter registration applications, sharing voter registration applications with municipal clerks, and sharing voter list maintenance data. These functions must be performed by the Chief Deputy Clerk or her designee.

- **Ordering Election Equipment, Supplies, and Ballots.** You are prohibited from ordering election supplies and ballots; the Chief Deputy Clerk or her designee must order supplies and prepare the precinct materials. You are prohibited from handling any ballots, including blank ballots. The Chief Deputy Clerk or her designee must secure, distribute, and track all ballots, including blank ballots, that are ordered or delivered to your office.

- **Training Election Inspectors.** You must refrain from performing any tasks associated with poll worker recruitment, placement and training. Training must be conducted by an individual who is certified to train election inspectors. If supplemental training is necessary, it may be taught by the Chief Deputy Clerk or other qualified individual designated by the Chief Deputy Clerk.

- **Membership on the Election Commission.** The Chief Deputy Clerk or her designee shall replace you as a member of the County Election Commission.

- **Programming of Election Equipment.** You must not perform or participate in the programming of the election management system, tabulators, voter assist terminals, and election result reporting software. The Chief Deputy Clerk or her designee shall perform these functions.

- **Role in Voting Equipment Testing.** You must not perform any duties in relation to logic and accuracy testing or other testing of voting equipment. Individuals designated by the Election Commission (other than yourself) may be authorized to participate in voting equipment testing.

- **Unofficial Results Reporting, Post-Election Canvass, and Official Results Reporting.** The Chief Deputy Clerk or her designee will act as the County's point of contact with the Michigan Bureau of Elections, Genesee County Election Commission, and Genesee County Board of Canvassers for all duties involving related to the compiling and reporting of unofficial results, conduct during the post-election canvass, and compiling and reporting of official election results.

- **Post-Election Audits.** The Chief Deputy Clerk or her designee shall perform the County's responsibilities related to post-election audits.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Brater', with a stylized flourish at the end.

Jonathan Brater
Director of Elections

c: Leslie Raleigh, Genesee County Chief Deputy Clerk
Joshua Freeman, Director of Administration, Genesee County Board of Commissioners