

False Slate Transcript

On December 14, 2020, certified electors in all 50 states convened to carry out their official duties related to the 2020 presidential election and award their state's electoral votes in accordance with their state's election laws.

The election in Michigan was procedurally the same as in every previous modern presidential election. Nearly 5.5 million Michigan voters cast their ballots. A successful canvass in all 83 counties, and multiple audits performed by the Secretary of State, determined that the Democratic nominee, Joseph R. Biden, received over 2.8 million votes – approximately 154,000 more votes than the Republican incumbent, Donald J. Trump. The results were then certified by the bipartisan Michigan Board of State Canvassers, and the sitting Governor officially recognized Michigan's 16 electors, who, in accordance with Michigan's election laws, convened on December 14th in the State Senate at 2 o'clock PM.

Despite this, the groundwork was laid for a plan to send alternative slates of Trump "electors" to Congress in an attempt to outmaneuver and circumvent the long-standing electoral college process. As part of this orchestrated plan, we allege that 16 Michigan residents met covertly in the basement of Michigan GOP Headquarters and knowingly and of their own volition signed their names to multiple certificates stating that they were:

"...the duly elected and qualified electors for President and Vice President of the United States of America for the State of Michigan."

That was a lie. They weren't the duly elected and qualified electors, and each of the defendants knew it. They carried out these actions with the hope and belief that the electoral votes of Michigan's 2020 election

would be awarded to the candidate of their choosing, instead of the candidate that Michigan voters actually chose.

After signing these fraudulent electoral documents, some of the False Electors attempted to enter the state capitol and deliver their fabricated electoral votes to the Senate floor but were turned away. The false electoral documents were then conveyed to the United States Senate and the National Archives, with the intent that Vice President Pence would overturn the results of the election using the false electoral slate.

This plan – to reject the will of the voters and undermine democracy – was fraudulent and legally baseless. The False Electors’ actions undermined the public’s faith in the integrity of our elections, and not only violated the spirit of the laws enshrining and defending our democracy but, we believe, also plainly violated the laws by which we administer our elections in Michigan and peaceably transfer power in America. Therefore, we have filed charges against the following 16 individuals:

Kathy Berden,

William Choate,

Amy Facchinello,

Clifford Frost,

Stanley Grot,

John Haggard,

Mary-Ann Henry,

Timothy King,

Michele Lundgren,

Meshawn Maddock,

James Renner,
Mayra Rodriguez,
Rose Rook,
Marian Sheridan,
Ken Thompson, and,
Kent Vanderwood.

Each of them has been charged with:

- One count of: Conspiracy to Commit Forgery, a 14-year felony,
- Two counts of: Forgery, a 14-year felony,
- One count of Conspiracy to Commit Uttering and Publishing, a 14-year felony,
- One count of Uttering and Publishing, a 14-year felony,
- One count of: Conspiracy to Commit Election Law Forgery, a 5-year felony, and,
- Two counts of: Election Law Forgery, a 5-year felony.

We intend to prove the following elements beyond a reasonable doubt:

1. That the defendants knowingly made, filed, or published a false document for a purpose under Michigan Election Law, and acted with the intent to defraud,
2. The defendants did falsely make, alter, forge, or counterfeit a public record with the intent to defraud,
3. The Defendants did utter and publish as true, a certain false, forged, altered or counterfeit record, with intent to injure or defraud, knowing said instrument to be false, altered, forged or counterfeit,
4. And that they unlawfully conspired together, or with others, to carry out these acts.

Undoubtedly, there will be those who will claim these charges are political in nature. But where there is overwhelming evidence of guilt in

respect to multiple crimes, the most political act I could engage in as a prosecutor would be to take no action at all.

Our department has investigated and sought the prosecutions of multiple election fraud cases.

Some of these election law cases include the following:

- A nursing home employee who completed absentee ballot applications for residents who had not requested one,
- A grandmother who forged her grandson's signature on his absentee ballot envelope,
- A guardian who obtained absentee ballots for legally incapacitated persons under her care.
- A township clerk who tampered with the seal of a ballot canister.
- A city clerk who falsely altered entries in the state's voter database.
- A former mayor and city council candidate charged with failing to report a violation on a nominating petition.

While these are cases impacting a relatively small number of votes, the citizens of our State and the public at large understand the legal necessity of pursuing such election law violations. As Michigan's top law enforcement officer, I am obligated to hold bad actors accountable whenever and wherever such violations occur, irrespective of party affiliation. One cannot possibly justify continuing to investigate and prosecute such matters while, at the same time, ignoring an organized effort to circumvent the lawfully cast ballots of millions of Michigan voters during a presidential election. A failure to act in the face of such evidence would constitute malfeasance of the greatest magnitude.

It is important to note that these individuals are presumed innocent until proven guilty beyond a reasonable doubt in a court of law. But we

believe the evidence will demonstrate there was no legal authority for the false electors to purport to act as “duly elected presidential electors” and execute the false electoral documents. Violating the law was the only avenue that remained in the desperate effort of these defendants, who we have charged with deliberately attempting to interfere with and overturn our free and fair election process, and along with it, the will of millions of Michigan voters.

These defendants may have believed the now long-debunked myths of vote tampering or ballot dumps. They may have felt compelled to follow the call to action from a President they held fealty to. They may have even genuinely believed that this was their patriotic duty. But none of those reasons or feelings provide legal justification to violate the law and upend our constitution and our nation’s traditions of representative government, self-determination, and a government by the people.

The 2020 Presidential Election had concluded 41 days prior and the election results had been officially certified. Every serious challenge had been denied, dismissed, or otherwise rejected by the time the False Electors convened. The Trump campaign never appealed for a recount at any time or on any scale, despite the clear ability and legal authority to do so.

There simply are no historically analogous situations. Unlike the 1960 presidential recount in Hawaii, there was no pretense of a necessary ‘back-up’ slate or document. There was no constitutional crisis looming. There was no legitimate legal avenue nor any plausible use of such a document or an alternative slate of electors. No state or federal court had provided credence to even a single claim that could have impugned the authority of the rightful slate of Biden electors. The United States Supreme Court itself, the highest court in all of America, had issued an

order 3 days earlier declining to hear a challenge to the certification of Michigan's presidential election. There remained no question of the outcome of this election and no reason to necessitate the creation of a back-up slate of electors, other than to unlawfully overturn the election. That the effort failed, and democracy prevailed does not erase the crimes of those who enacted the False Electors plot to overturn the election and circumvent the will of Michigan voters.

As presidential elections go, there are always winners and losers. The democratic process calls for us as citizens to respect the will of the majority and allow for a peaceful transfer of power. This certainly was not the first presidential election that led to disappointment or was even contested. As many will recall, the 2000 presidential election between George W. Bush and Al Gore resulted in a recount dispute in Florida. The Florida Supreme Court ordered a recount, which prompted the Bush campaign's successful petition to the United States Supreme Court to halt the recount. This led to Florida awarding its electoral votes to Bush.

Despite the disappointment, the lost legal battles, and the sincerely held belief of Gore supporters that the election was awarded to the wrong candidate, Gore supporters accepted the decision. The Gore electors never drafted, executed, or submitted fraudulent documents to official bodies of U.S. government. And they certainly did not attempt to override the cornerstone of our democracy and subvert the democratic process.

Free and fair elections are the foundation of our system of government, and one of the most important principles in our democracy. People should have confidence in our election system and a belief that their

vote counts. Our democracy must be perpetually defended by every generation of Americans.

While today we are announcing charges against these 16 defendants, this remains an ongoing investigation, and our department has not ruled out potential charges against additional defendants. I look forward to presenting the evidence in court and to a swift, speedy, and deliberate resolution that best serves the interests of justice.

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