

From: [REDACTED] (DE) (FBI)
Sent: Tuesday, November 16, 2021 4:22 PM
To: [REDACTED] (DE) (FBI)
Subject: Fwd: [REDACTED]

Just so you're aware, I sent the below message to [REDACTED] last week. I haven't yet gotten a response. I'm not really comfortable closing the case at this point without raising these issues. I'm also not thrilled with the wording from [REDACTED] stating that the PIN concurs with our decision not to pursue it as opposed to the PIN directing us not to pursue it.

From: [REDACTED] (DE) (FBI)
Sent: Thursday, November 11, 2021 1:31:01 PM
To: [REDACTED] (USAMIW) <[REDACTED]>
Subject: FW: [REDACTED]

In our initial meeting regarding this case, I was somewhat unprepared, having not previously been involved in election-related investigations. I recall from that meeting, you had concerns regarding proving how the fraudulent voter registration applications could impact the election as well as showing that it was done "willfully". I was recently provided with "Federal Prosecution of Election Offenses", put out by the DOJ's Public Integrity Section, December 2017. After reading through it, I have some concerns regarding whether closing the matter is appropriate. Some of the relevant portions of the manual include:

- Under the heading, "What is election fraud?"
 - "Simply put, then, election fraud is conduct intended to corrupt... the process by which voters are registered." (pg. 22)
- Under the heading, "Conduct that Constitutes Federal Election Fraud"
 - "Submitting fictitious names to election officers for inclusion on voter registration rolls, thereby qualifying the ostensible voters to vote in federal elections (52 U.S.C. §§ 10307(c), 20511(2))." (pg. 24)
 - "Providing false information concerning a person's name, address, or period of residence in a voting district to establish that person's eligibility to register or to vote in a federal election (52 U.S.C. §§ 10307(c), 20511(2)). (pg. 25)
 - "Causing the production of voter registrations that qualify alleged voters to vote for federal candidates, or the production of ballots in federal elections, that the actor knows are materially defective under applicable state law (52 U.S.C. § 20511(2)). (pg. 25)
- Under the heading, "False Information in, and Payments for, Registering and Voting: 52 U.S.C. § 10307(c)"
 - "Section 10307(c) is particularly useful for two reasons: (1) it eliminates the unresolved issue of the scope of the constitutional right to vote in matters not involving racial discrimination, and (2) it eliminates the need to prove that a given pattern of corrupt conduct had an actual impact on a federal election. It is sufficient under Section 10307(c) that a pattern of corrupt conduct took place during a mixed election; in that situation it is presumed that the fraud will expose the federal race to potential harm. *Slone* 411 F.3d at 647 (collecting cases)." (pg. 39 – 40)
- Under the heading, "False information to an election official"

- “The “false information” provision of Section 10307(c) prohibits any person from furnishing certain false data to an election official to establish eligibility to register or to vote in a federal election. The statute applies to three types of information: name, address, and period of residence in the voting district.” (pg. 40)
- “Some, but not all, states permit a practice commonly known as “bounty-hunting,” that is, paying people to collect voter registrations on a per-registration basis. Where it is allowed, it is not unusual to find that this method of remuneration provides a motive for the unscrupulous to forge voter registrations and to enhance the piecework payments they can receive. While this situation usually does not result in fraudulent votes actually being cast, it does cause voter registration offices to become overloaded with the task of processing large numbers of bogus registrations immediately prior to an election, when the resources of those offices should be directed at preparing ballots and staffing polling sites. It also risks overloading voter rolls with “deadwood” names , which in turn undermines public confidence in the election process. Thus, even when no fraudulent votes result from bounty-hunting, the fraudulent registrations that arise from this conduct are not victimless offenses. Federal prosecutors should be cognizant of these circumstances and, when evidence of fraudulent registrations inspired by bounty-hunting is discovered, should consider prosecuting the individuals submitting the false registrations, as well as, in appropriate circumstances, the organizations that employ and pay them, under Section 10307(c).” (pg. 42 - 43)

Although, it doesn't appear [REDACTED] was paying on a per-registration basis, it is reasonable for the canvassers to believe they would not keep the job if they weren't somewhat productive, and regardless of what they believed, they still submitted fraudulent voter registration applications. I understand that proving this was done “willfully” would still be difficult, but I wanted to raise my concerns before closing the case.

From: [REDACTED] (DE) (FBI) <[REDACTED]>
Sent: Wednesday, November 3, 2021 9:40 AM
To: [REDACTED] (DE) (FBI) <[REDACTED]>
Subject: Fwd: [REDACTED]
FYSA

From: [REDACTED] (CRM) <[REDACTED]>
Sent: Wednesday, November 3, 2021, 9:35 AM
To: [REDACTED] (DE) (FBI)
Subject: [EXTERNAL EMAIL] - RE: [REDACTED]

[REDACTED]
Sorry I missed your calls. I'll send an email today memorializing PIN's agreement with the decisions of the USAO and FBI to not seek prosecution here. I'll also copy [REDACTED] of USAO-W.D. Mich.

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, October 20, 2021 10:28 AM
To: [REDACTED] (CRM) <[REDACTED]>
Subject: [REDACTED]
Hello [REDACTED]

We previously discussed the current state of the [REDACTED] investigation, the results of our financial review, and the content of the Michigan Attorney General's Office casefile that was provided to

us. Would you be able to provide an undated letter regarding DOJ/PIN's view on concurrence/nonconcurrence?

Please don't hesitate to call with any questions or if you need additional information.

Thanks,

A small black rectangular redaction mark covering the signature.