

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE XI, SECTION 7 OF THE MICHIGAN CONSTITUTION OF 1963.

HOUSE RESOLUTION NO.165

Reps. DeSana, Friske, Fox, Smit, Maddock, Carra, Rigas and Schriver offered the following resolution:

1 A resolution directing the impeachment of Dana M. Nessel,
2 Attorney General of the state of Michigan, for corrupt conduct in
3 office.

4 Whereas, Article XI, Section 7 of the *Michigan Constitution of*
5 *1963* states, in part:

6 The house of representatives shall have the sole power of
7 impeaching civil officers for corrupt conduct in office
8 or for crimes or misdemeanors, but a majority of the
9 members elected thereto and serving therein shall be
10 necessary to direct an impeachment.

11 ; and

12 Whereas, Dana M. Nessel has failed to satisfy her duties and

1 abused her position as Attorney General. She has failed to charge
2 individuals responsible for submitting "clearly fraudulent" voter
3 registration applications while simultaneously bringing felony
4 charges against individuals who she has indicated do not have the
5 requisite specific intent to have committed the crimes charged. She
6 also improperly inquired about an investigation into a member of
7 her transition team, creating at least the appearance of
8 impropriety; now, therefore, be it

9 Resolved by the House of Representatives, That Dana M. Nessel,
10 Attorney General of the state of Michigan, is impeached for corrupt
11 conduct in office. The following Articles of Impeachment are
12 adopted by the House of Representatives and shall be exhibited to
13 the Senate:

14

15 ARTICLES OF IMPEACHMENT EXHIBITED BY THE HOUSE OF
16 REPRESENTATIVES OF THE STATE OF MICHIGAN IN THE NAME OF
17 ITSELF AND OF THE PEOPLE OF THE STATE OF MICHIGAN AGAINST
18 DANA M. NESSEL, ATTORNEY GENERAL OF THE STATE OF MICHIGAN,
19 IN MAINTENANCE AND SUPPORT OF ITS IMPEACHMENT AGAINST HER
20 FOR CORRUPT CONDUCT IN OFFICE.

21

22

ARTICLE I

23

24 Dana M. Nessel, Attorney General of the state of
25 Michigan, has violated her constitutional oath of office
26 by failing to faithfully discharge the duties of her
27 office. Despite the fact that an October 2020 investigation
28 found evidence that an organization submitted clearly
29 fraudulent voter registration applications to the Muskegon

1 City Clerk, Attorney General Nessel has failed to charge
2 those responsible for forging and filing these documents.

3 Article XI, Section 1 of the *Michigan Constitution of*
4 *1963* provides, in part, "All officers, legislative,
5 executive and judicial, before entering upon the duties of
6 their respective offices, shall take and subscribe the
7 following oath or affirmation: I do solemnly swear (or
8 affirm) that I will support the Constitution of the United
9 States and the constitution of this state, and that I will
10 faithfully discharge the duties of the office of
11 according to the best of my ability."

12 The attorney general is a position entrenched firmly
13 in the history of Western civilization, which at common
14 law possessed a broad array of powers beyond those
15 specifically conferred by statute. An officer of the
16 executive branch, the Attorney General in the state of
17 Michigan has continued this tradition, developing the
18 duties and obligations of this office. In particular, the
19 Attorney General has become the face of law enforcement in
20 this state, with the "responsibility, together with other
21 peace officers, for enforcement of the laws and the
22 preservation of the public peace," as stated in a 1977
23 opinion of the Attorney General.

24 Prior to the November 2020 election, an entity known
25 as GBI Strategies was conducting voter registration
26 activities in Michigan. Ann Meisch, the Muskegon City
27 Clerk, estimated that this group had delivered between
28 8,000 and 10,000 voter registration forms to the Muskegon
29 City Clerk's office by mid-October. Meisch discovered

1 numerous irregularities in some of these voter registration
2 applications, including similar handwriting on multiple
3 forms, mismatched signatures, invalid or nonexistent
4 addresses, and incorrect phone numbers. On October 16,
5 Meisch and Deputy Clerk Kimberly Young notified the
6 Muskegon Police Department that election crimes may be
7 taking place and delivered for examination 42 applications
8 the clerks suspected to be fraudulent.

9 On October 20, Brianna Hawkins, a supervisor at GBI
10 Strategies, delivered an estimated 2,500 additional voter
11 registration forms to the Muskegon City Clerk's office.
12 Meisch contacted the Muskegon Police Department, and
13 Hawkins was interviewed by the police. Hawkins had been
14 employed by GBI Strategies since August 2020, and she was
15 paid to provide individuals with voter registration forms.
16 GBI Strategies also supplied Hawkins with material
17 resources to assist her in this work, including a rental
18 car and lodging in local hotels. Hawkins initially told
19 investigators that employees of GBI Strategies who went
20 door to door registering residents to vote were paid for
21 each completed voter registration form, but she later
22 claimed these employees received a flat hourly rate.

23 The Michigan Department of Attorney General and the
24 Muskegon Police Department launched a joint investigation
25 into the alleged voter fraud. On October 21, Tom Fabus,
26 Chief of Investigations for the Michigan Department of
27 Attorney General, asked the Michigan State Police for their
28 assistance in this investigation. Investigators at the
29 Attorney General's office, the Muskegon Police Department,

1 and the Michigan State Police had several online meetings
2 with representatives from the Michigan Department of State
3 regarding this case.

4 Irregularities in voter registration forms filed in
5 the Muskegon City Clerk's office were analyzed and
6 investigated by both a Department of State analyst and a
7 Muskegon Police Department detective. In examining a batch
8 of 18 voter registration applications, the police found
9 that the handwriting on each form was the same; the
10 signatures had similarities; and multiple forms were
11 missing key information, had duplicate last names at
12 different addresses, and contained inaccurate information.
13 The police concluded that some quantity of the voter
14 registration application forms were "clearly fraudulent";
15 some quantity were "highly suspicious" because they
16 contained erroneous information or were missing key
17 information, such that they merited further follow-up; and
18 some quantity were legitimate.

19 The Michigan State Police, assisted by members of the
20 Attorney General's Criminal Investigation Division, also
21 conducted further investigations into GBI Strategies. This
22 enterprise and its predecessors received major funding from
23 political candidates and organizations, with some
24 committees reporting hundreds of thousands or millions of
25 dollars in expenditures where GBI Strategies was the
26 recipient. While this organization was based in Tennessee,
27 materials seized by the police indicate that they were
28 operating in numerous Michigan cities, including Benton
29 Harbor, Flint, Inkster, Muskegon, and Southfield. Job

1 postings indicate that the group may also have been
2 operating in Chicago, Illinois, and Washington, DC.

3 This case has remained open since the November 2020
4 election. In March 2021, the reports of the Attorney
5 General's Office, the Michigan State Police, and the
6 Muskegon Police Department were sent to the Federal Bureau
7 of Investigation to assist them in a related nationwide
8 investigation. The Michigan State Police have continued to
9 maintain the evidence in this case since that time. No one
10 has been charged by the Attorney General's Office in
11 connection with this investigation.

12 Attorney General Nessel's failure to bring charges
13 against those responsible for the fraudulent voter
14 registration applications identified in the October 2020
15 investigation constitutes neglect of duty. She has not
16 faithfully discharged her duties, thus violating her
17 constitutional oath of office and her promise to the people
18 of Michigan, and she has not acted in the best interests
19 of the people of this state.

20 Wherefore, Dana M. Nessel, by such conduct, warrants
21 impeachment and trial, and removal from office.

22
23 ARTICLE II
24

25 The state of Michigan's process for choosing our
26 Electors of President and Vice President is governed by
27 the Michigan Election Law and federal statute. Pursuant to
28 that statute, each party names a slate of Electors, and
29 the slate of Electors nominated by the party whose nominee

1 receives the most votes in the November general election
2 is elected. The Electors meet in the Capitol to cast their
3 votes for the nominees of their political party for
4 President and Vice President, signing a formal certificate
5 to document their votes, copies of which are transmitted
6 to the President of the United States Senate, the Michigan
7 Secretary of State, the Archivist of the United States,
8 and the United States District Court for the Western
9 District of Michigan.

10 In November 2020, the Michigan Board of State
11 Canvassers certified that the nominees of the Democratic
12 Party for President and Vice President received the
13 greatest number of votes at the November 3, 2020, general
14 election. As such, the Democratic Party's slate of Electors
15 were declared elected, and they met in the Capitol on
16 December 14, 2020, to cast their votes on the official
17 "Certificate of Votes for President and Vice President."
18 However, another 16 individuals, including 14 of the
19 Republican Party's original slate of 16 Electors and two
20 individuals selected to fill vacancies, also assembled as
21 Electors on December 14. They signed a document titled
22 "Certificate of the Votes of the 2020 Electors from
23 Michigan," asserting that they were the Electors of this
24 state, and cast their votes for the Republican nominees
25 for President and Vice President. Both certificates were
26 transmitted to the statutorily required recipients for the
27 official certificate.

28 In July 2023, Michigan Attorney General Dana M. Nessel
29 charged each of the 16 individuals who signed the

1 "Certificate of the Votes of the 2020 Electors from
2 Michigan" with eight felony counts, including forgery, MCL
3 750.248, election law forgery, MCL 168.933a, and uttering
4 and publishing, MCL 750.249, as well as conspiracy to
5 commit these offenses. Each of these crimes includes a
6 specific intent element: the conduct must be done with the
7 intent to defraud.

8 In September 2023, Attorney General Nessel was
9 recorded stating that the individuals she charged genuinely
10 believe that they were in the right and the Republican
11 nominee for President was the real winner of the November
12 2020 general election. This statement is entirely
13 inconsistent with the Attorney General's decision to charge
14 these individuals; she cannot simultaneously assert that
15 these individuals believed that the Republican nominee
16 actually won the election and that these individuals signed
17 the certificate with the intent to defraud. Attorney
18 General Nessel's own statements indicate that her decision
19 to charge these 16 individuals was an abuse of her
20 position, constituting corrupt conduct in office.

21 Wherefore, Dana M. Nessel, by such conduct, warrants
22 impeachment and trial, and removal from office.

23
24 ARTICLE III

25
26 On July 13, 2022, in an article published in *The*
27 *Detroit News*, it was alleged that Traci Kornak, the legal
28 guardian of an individual living at an assisted living
29 facility, had improperly billed an insurance company for

1 care provided to her ward. Joe LeBlanc, now-former chief
2 executive of the facility known as The Village of Heather
3 Hills, alleged that Kornak had used the facility's taxpayer
4 identification number and federal employer identification
5 number without their permission, and that she falsely
6 indicated that the individual providing these services -
7 later revealed to be Kornak's daughter - was an employee
8 of the facility. The article stated that, over the course
9 of two years, Kornak billed the insurance company nearly
10 50,000 dollars for this care.

11 Attorney General Dana M. Nessel immediately expressed
12 interest in this article, asking members of her staff
13 whether this was something they should investigate and
14 requesting that they keep her updated on the matter. In
15 response to Nessel's interest, the Financial Crimes Section
16 of the Criminal Investigation Division of the Department
17 of Attorney General began an investigation into Kornak.

18 During this investigation, Scott Teter, Division
19 Chief of the Financial Crimes Division, became concerned
20 about a conflict of interest presented by the past
21 professional relationship between Nessel and Kornak. In
22 2018, Kornak assisted with Nessel's transition into office
23 after she was elected Attorney General. Teter believed that
24 "it would create the appearance of impropriety for AG
25 Nessel to access information about this investigation."
26 "Specifically, if the Department of Attorney General
27 declined to seek charges against the suspect, it might
28 appear that the professional relationship between Attorney
29 General Nessel and Traci Kornak had influenced the

1 investigation." Therefore, he asked "for a conflict wall
2 to be established preventing Attorney General Nessel from
3 being provided or accessing any information related to this
4 investigation." The notice establishing this conflict wall
5 was distributed to all staff members in the Department of
6 Attorney General on September 7, 2022.

7 As of December 2022, this conflict wall was still
8 active. In a December 2 email, employees were reminded to
9 "[e]xclude Attorney General Dana Nessel from access to the
10 . . . files in this matter." On December 5, employees
11 assigned to the case discussed closing the case, but an
12 employee was still reviewing the matter. That same day,
13 however, Aubrey Sargent, Chief of Investigations of the
14 Criminal Investigations Division, emailed four reports on
15 the Kornak case to Attorney General Nessel, in seeming
16 disregard of the conflict wall.

17 On December 6, Attorney General Nessel emailed
18 Sargent and Solicitor General Fadwa Hammoud about this
19 case. Nessel stated that Kornak had contacted her seeking
20 the documents from the investigation, because the
21 allegations against her were holding up a potential
22 judicial appointment for Kornak in Kent County. Nessel
23 communicated her belief that Kornak "wants to be able to
24 assert that the claims made . . . were never substantiated
25 by our investigation and the case is closed." Nessel also
26 wrote: "There is some urgency to the matter in that she
27 needs to supply this information by the week's end." The
28 following day, Nessel forwarded the reports on the Kornak
29 investigation to Chief Deputy Attorney General Christina

1 Grossi.

2 While closing this investigation was being considered
3 by members of the Department of Attorney General's staff
4 in late September 2022 and was discussed again on December
5 2, the investigation was not formally closed until at least
6 December 19, when the staff member assigned to the matter
7 wrote a memorandum where he "recommend[ed] closing this
8 investigation." This phrasing indicates that the
9 investigation was officially still open before that date.
10 Thus, the investigation was closed well after the Attorney
11 General had communicated with staff on the case about
12 Kornak's urgent interest in being able to report that the
13 investigation had been closed. There is no way to know what
14 influence this had on the staff member's December 19
15 recommendation to close the investigation.

16 Attorney General Nessel created at least the
17 appearance of impropriety by communicating with staff
18 members involved in the investigation of Kornak, Nessel's
19 former associate, before the investigation was formally
20 closed. Regardless of whether Nessel's actions breached
21 the particular terms of the conflict wall, she should not
22 have contacted staff members assigned to the matter in
23 order to communicate Kornak's interest in having the
24 investigation closed quickly so that she could secure a
25 judicial appointment. Writing that "[t]here is some urgency
26 to the matter" could have put pressure on Nessel's
27 employees to close the file quickly, without further
28 review.

29 Wherefore, Dana M. Nessel, by such conduct, warrants

1 impeachment and trial, and removal from office.

2 ; and be it further

3 Resolved, That in accordance with Article XI, Section 7 of the
4 *Michigan Constitution of 1963*, the House of Representatives will
5 proceed with the election of three members from its own body whose
6 duty it shall be to prosecute such impeachment and that these
7 members are authorized and empowered to prepare and present the
8 Articles of Impeachment adopted by this resolution.