



250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

February 16, 2024

**VIA ELECTRONIC MAIL**

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan St.  
Lansing, MI 48918

[MDOS-File-Canvass@Michigan.gov](mailto:MDOS-File-Canvass@Michigan.gov)

Michigan Board of State Canvassers  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan St.  
Lansing, MI 48918

[MDOS-Canvassers@Michigan.gov](mailto:MDOS-Canvassers@Michigan.gov)

**Re: Submission of Independent Candidate Qualifying Petitions by Political Action Committee**

Dear Secretary Benson and Members of the Board of State Canvassers,

We write on behalf of Third Way, a national non-profit think tank. Public press reports indicate that American Values 2024, a federal super PAC supporting Robert F. Kennedy, Jr., intends to collect and submit qualifying petitions in support of Mr. Kennedy’s candidacy for President of the United States in Michigan. Michigan law prohibits you from accepting qualifying petitions for a candidate for President that are submitted by a third-party organization operating independently of that candidate. We write to urge adherence to the law; it is critical to protect the integrity of one of the most fundamental aspects of our democratic system – access to the ballot.

Robert F. Kennedy Jr. became a candidate for U.S. President for federal campaign finance purposes no later than October 17, 2023.<sup>1</sup> According to recent public reporting, a federal super

---

<sup>1</sup> 52 U.S.C. 30101(2) (defining a “candidate” as an individual who has received contributions aggregating in excess of \$5,000 or made expenditures in excess of \$5,000 in support of their election to federal office); 11 C.F.R. § 101.1(a) (requiring an individual to designate a principal campaign committee within 15 days of becoming a

political action committee (“PAC”) named American Values 2024 has hired signature-gathering vendors to collect and submit qualifying petitions to obtain ballot access for Mr. Kennedy in several states, including Michigan.<sup>2</sup>

Federal campaign finance law requires American Values 2024 to undertake this effort independently of Mr. Kennedy.<sup>3</sup> We therefore assume for purposes of this letter that American Values 2024 efforts in Michigan will be conducted entirely independently of Mr. Kennedy or his campaign. **However, Michigan law does not permit a third-party organization to collect and submit qualifying petition signatures independently of the qualifying candidate.**

*First*, Michigan law authorizes county and city clerks to provide blank qualifying petitions only *to the candidates seeking office*. A clerk “shall provide blank qualifying petition forms *to a person who wishes to appear as a candidate* on a ballot in the clerk’s jurisdiction as a candidate without political party affiliation.”<sup>4</sup> The plain text of the law does not contemplate a third party acting independently of a candidate receiving a blank petition form. The Secretary should instruct all county and city clerks not to provide blank qualifying petition forms to any entity other than a candidate or that candidate’s authorized representative.

*Second and most importantly* the law requires *the candidate* to file the completed qualifying petition. A qualifying petition is defined as a petition “filed by a person to qualify to appear on an election ballot as a candidate . . .”<sup>5</sup> A person filing a qualifying petition must meet the qualifications prescribed by law to hold the office.<sup>6</sup> A filing officer “who receives a qualifying petition *from a candidate* who has met the requirements of this act shall certify to the proper board or boards of election commissioners the candidate’s name, post office address, and office sought.”<sup>7</sup> **Michigan law does not allow the Secretary of State to accept presidential candidate qualifying petitions from a third-party entity operating independently of the named candidate.** The policy reason for this is obvious – the integrity of the ballot requires that the decision to run for office and place one’s name on the ballot be made by an individual candidate.

We urge you to adhere to Michigan law and refuse to accept any candidate qualifying

---

candidate); Robert F. Kennedy, Statement of Candidacy (October 17, 2023), available at <https://docquery.fec.gov/pdf/800/202310179598479800/202310179598479800.pdf>.

<sup>2</sup> Vaugh Hillyard and Katherine Koretski, *RFK Jr.’s Super PAC Hires Signature-Gathering Vendors as Ballot Effort Ramps Up*, NBC News (Jan. 12, 2024) <https://www.nbcnews.com/politics/2024-election/rfk-jr-super-pac-ballot-access-rcna133734>. American Values 2024 is set up as a hybrid PAC. See American Values 2024 FEC Statement of Organization, <https://docquery.fec.gov/pdf/985/202401189600114985/202401189600114985.pdf>. A hybrid PAC is an entity that maintains two accounts - a super PAC account and a regular, hard money PAC account. See *Carey v. FEC*, Civ. No. 11-259-RMC (D.D.C. 2011); FEC Statement on *Carey v. FEC* (Oct. 6, 2011), available at <https://www.fec.gov/updates/fec-statement-on-carey-v-fec/>. American Values 2024 has made clear to the press the petition effort is being conducted by the super PAC account. See Hillyard and Koretski, *supra* note 2; Brittany Gibson, *RFK Super PAC Rolls Out Ballot Access Priorities*, Politico (Dec. 22, 2023) <https://www.politico.com/news/2023/12/22/rfk-jr-super-pac-rolls-out-ballot-access-priorities-00133142>.

<sup>3</sup> Super PACs are prohibited from coordinating their spending with federal candidates. See *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310 (2010); *SpeechNow.org v. Fed. Election Comm’n*, 599 F.3d 686 (D.C. Cir. 2010).

<sup>4</sup> Mich. Comp. Laws § 168.590e.

<sup>5</sup> *Id.* § 168.590(1).

<sup>6</sup> *Id.* § 168.590(3).

<sup>7</sup> *Id.* § 168.590f(3) (emphasis added).

petitions submitted by American Values 2024 absent proof that the organization is expressly operating under the direction of Mr. Kennedy, as his agent.

Sincerely,

Jacquelyn K. Lopez  
Elizabeth P. Poston

Counsel to Third Way