

# Judge correct to kick lawsuit against Sabaugh

**A** Macomb County Circuit Court judge wisely dismissed this week a frivolous lawsuit brought by a handful of Republicans to embarrass Macomb County Clerk Carmella Sabaugh.

The lawsuit asked the court to prevent Sabaugh from mailing absentee ballot applications to all senior citizens 60 and older in 14 communities in the county.

The Republicans who brought the lawsuit claimed that Sabaugh, as a county clerk, lacked the legal standing to mail the applications, and that mailing the applications would invite voter fraud.

They were wrong on both counts, and this week Judge David Viviano dismissed the allegations.

Sabaugh was not conducting a mass mailing of actual ballots. She mailed applications for ballots to about 50,000 senior citizens, regardless of their political affiliation or lack of political affiliation. If a senior chose to avail himself or herself of the application, it was to be mailed to their local municipal clerk, who would then mail out a ballot. Without the return of a valid application, no ballot was mailed.

This was no invitation to voter fraud, as those who filed the lawsuit claimed.

The men who filed the lawsuit last October should have noted that the Michigan Secretary of State's Office said in September that Sabaugh could mail the applications. Secretary of State Terri Lynn Land, a Republican, was being challenged by Sabaugh when she made that ruling. How embarrassing for the state party that one of its own — the chief elections officer in the state — signed off on the mailings before the lawsuit was filed.

The lawsuit might have had merit if Sabaugh conducted mass mailings of actual ballots. However, Sabaugh only mailed applications. Municipal clerks in 10 Macomb County communities already conduct mass mailings of absentee voter applications. The clerks in many Oakland County communities do the same.

Ten municipal clerks in Macomb County and clerks across Oakland County have conducted the same practice for a number of years, but the state GOP Party somehow seemed to leave those clerks off its list for lawsuits.

The Macomb County Board of Commissioners approved Sabaugh's plan before she mailed the applications, yet the lawsuit targeted only Sabaugh, the Democratic candidate for secretary of state at that time. The lawsuit did not name as a defendant the board that approved and funded the program.

When the lawsuit was filed, one of the plaintiffs, a candidate for state representative in the November 2006 election, told The Macomb Daily the Republican Party asked him to sign on to the lawsuit. The party actually had to go fishing for someone in Macomb County who allegedly was outraged by the mailings. Another plaintiff was an Ingham County resident over 60. His lawyers tried to argue that it was unfair that he didn't receive an automatic ballot application. What that complaint had to do with Macomb County was a clear grasping at straws.

Fortunately Viviano, using established state law, recognized this lawsuit for the weak political ploy it was and tossed it out of court.

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