

CLINTON COUNTY ELECTION COMMISSION
Clarity/Factual Recall Review Hearing
March 30, 2023

CALL TO ORDER AND PLEDGE OF ALLEGIANCE	The Clinton County Election Commission met Thursday, March 30, 2023 at 9:00 a.m. in the Clinton County Board of Commissioners Room, Courthouse, St. Johns.
ROLL CALL	Roll was called by Clerk Sutherland. Present were Commission Members Hon. Lisa Sullivan, Judge of Probate; Steven E. Wiswasser, Treasurer; and Debra A. Sutherland, County Clerk.
PRESENT	Starr Wirth, Patti Schafer, Jamie Schafer, Jill Schafer, Mike Pattwell, Dennis Strahle, George Bedard, Bob Trezise, Troy Stroud, Sara Clark, Jeff Rademacher
PURPOSE OF CLARITY HEARING	Judge Sullivan explained the purpose of the hearing to determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer, whose recall is sought, and the electors to identify the course of conduct that is the basis of the recall. Judge Sullivan pointed out that the recall commission does not determine the truth of any allegations.
READING OF RECALL LANGUAGE	“In the Spring of 2022, Eagle Township Supervisor Patti Schafer signed a non-disclosure agreement pertaining to the potential large-scale development of land in Eagle Township. This act limited the information available to Eagle Township residents affected by the potential development.”
STATEMENTS BY SPONSOR	Judge Sullivan called for comments by the sponsor of the recall. <ul style="list-style-type: none">• Troy Stroud, 12320 S. Bauer Road, Eagle, Michigan, spoke regarding the recall petition. Mr. Stroud explained that he filed the petition because Ms. Schafer has been unable to answer questions from residents regarding the proposed development due to a non-disclosure agreement that she signed.
STATEMENT BY OFFICEHOLDER	Judge Sullivan called for comments by the proponent of the recall effort. <ul style="list-style-type: none">• Mike Pattwell, with Clark Hill law firm, spoke on behalf of Patti Schafer. Mr. Pattwell urged the commission to reject the recall petition filed. He highlighted the reasons why the petition is misleading to the public:<ul style="list-style-type: none">○ It would lead the reader to believe that the NDA was signed unilaterally in the personal capacity of Ms. Schafer. Ms. Schafer signed on behalf of the township.○ The petition fails to identify the parties of the contract; the township and the Michigan Economic Development Corporation.○ The petition states that the signing of the NDA by Eagle Township limits information to the public which is not further from the truth. The petition is an attempt to mislead the public.• Mr. Pattwell stated that based on the objections, the commission must reject the petition.
PUBLIC COMMENTS	Judge Sullivan called for public comments. <ul style="list-style-type: none">• George Bedard, 12950 State Road, Eagle, pointed out that this hearing is to determine the that the language is clear and factual, and it is.• Bob Trezise, President and CEO of the Lansing Economic Area Partnership (LEAP). Mr. Trezise spoke in regard to the language, the total understanding was that the non-disclosure agreement was with the township, with the supervisor as the designated person to sign the agreement as the township representative. The desire of LEAP was to be as transparent as possible.• Dennis Strahle, 12833 W. Clark Road, Eagle, resident and trustee for Eagle Township. Mr. Strahle spoke about the non-disclosure agreement and the lack of transparency.• Sara Clark, 13450 S. Bauer Road, Eagle, noted that a lot of times, recalls are initiated because people do not like what it coming down the pike. Ms. Clark spoke

in support of Patti Schafer as a public servant and noted her hard work for the township. She expressed feeling that it is premature to say where the township stands. Ms. Clark stated that she regretted having to speak on behalf of a wonderful public servant and that a member her board spoke in support of the recall petition.

- Mr. Pattwell added that omissions can detract from clarity, especially when they are key. He cited MCL 168.957, which makes it a misdemeanor to obtain a signature on a recall petition by way of misrepresentation and omitting key facts are a misrepresentation.
- Mr. Stroud added that the background provided today was not available at township meetings. He noted that most township residents have not seen the NDA.

DISCUSSION

Judge Sullivan opened the hearing up to discussion by the members.

- Clerk Sutherland noted that the Election Commission's purpose is to determine whether the language in the petition is clear and factual, and she believes that to be the case.
- Treasurer Wiswasser agreed with the opinion on the language and questioned whether the officeholder's name on the petition as "Patti Schafer" rather than "Patti Jo Schafer" is considered a technicality.
- Clerk Sutherland did not feel that was a task for the Election Commission but rather only to look at the language.
- Judge Sullivan agreed that the charge of the commission is the factualness and clarity of the language on the petition. If someone believes there is a technical deficiency, that is something to be addressed in an appeal. Judge Sullivan reiterated that it is not the charge of the commission to determine if the language is true or false but rather that does the electorate know what is being alleged and does the official have enough to defend. She agreed that these are factual statements.
- Treasurer Wiswasser agreed that it has been stated very clearly.
- Judge Sullivan added that as elected officials, the members do not take lightly recall petitions, however it is a right of individuals to file these.

DETERMINATION BY THE ELECTION COMMISSION

Judge Sullivan asked the members to vote on the approval of the petition. Clerk Sutherland voted yes; Treasurer Wiswasser voted yes and Judge Sullivan voted yes. The language was approved, and a Determination of Election Commission was prepared and shared with the officeholder and the sponsor.

ADJOURNMENT

With no further business to come before the Election Commission, Judge Sullivan declared the hearing adjourned at 9:28 a.m.



Debra A. Sutherland, Clerk