

CLINTON COUNTY ELECTION COMMISSION
Clarity/Factual Recall Review Hearing
June 21, 2023

CALL TO ORDER AND PLEDGE OF ALLEGIANCE	The Clinton County Election Commission met Wednesday, June 21, 2023 at 8:00 a.m. in the Clinton County Board of Commissioners Room, Courthouse, St. Johns, Michigan.
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	Troy Stroud, Dennis Strahle, Jeff Oberg, Kathy Oberg, Richard Jones, Ann Jones, Jamie LaFavor, Patti Schafer, Stephanie Dush, Carolyn Simon and Theresa Nelson
PURPOSE OF CLARITY HEARING	Judge Sullivan introduced the Election Commission members and 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 Election Commission does not determine the truth of any allegations.
KATHY OBERG BY TROY STROUD	
READING OF RECALL LANGUAGE – TREASURER KATHY OBERG	“In the spring of 2022, Kathy Oberg voted yes to have Eagle Township Supervisor Patti Schafer sign 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.”
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 Township, stated that the petition is factual and clear and is a record of what happened.
STATEMENT BY OFFICEHOLDER	Judge Sullivan called for comments by the proponent of the recall effort. <ul style="list-style-type: none">• Kathy Oberg, 13330 S. Grange Road, Eagle Township, explained it is her statutory duty to vote as an Eagle Township officer and does not believe there was any misconduct in that act. She further noted that she did not believe there was any misconduct in approving the signing of a non-disclosure agreement. Ms. Oberg also pointed out that a recall petition was filed against her on May 4, 2023 with very few differences than the current petition filed and questioned why another petition was filed.
PUBLIC COMMENTS	Judge Sullivan called for public comments. <ul style="list-style-type: none">• Patti Schafer, 10388 W. Herbison Road, Eagle Township, read a statement from an attorney which would pertain to both the petitions being reviewed at this hearing. The statement said that without a non-disclosure neither the township board or the Eagle Township residents would have had any information about a potential development and felt the language in the petition is an opinion. The statement read by Ms. Schafer urged rejection of the petition based on opinion rather than fact.• Dennis Strahle, 12833 W. Clark Road, Eagle Township, expressed that he had an issue with the thought that the NDA did not limit information. He stated that he would have been more willing and able to share information and stressed that the NDA did limit information.

DISCUSSION

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

- Judge Sullivan noted that whether the NDA did or did not restrict information is not for us to determine truth or not. She felt that the language put the official on notice to defend an act and also advises the electorate of the allegation of misconduct.
- The members discussed the multiple petitions being submitted with similar language and upon research by members it is seemingly acceptable.
- Clerk Sutherland indicated that she believed the language to be clear, factual and identifies the misconduct being alleged.
- Treasurer Wiswasser stated that the language is clear and can be understood, and an elector could read and understand the language.

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.

RICHARD JONES BY TROY STROUD

READING OF RECALL LANGUAGE – TREASURER KATHY OBERG

“In the spring of 2022, Richard Jone voted yes to have Eagle Township Supervisor Patti Schafer sign 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.”

STATEMENTS BY SPONSOR

Judge Sullivan called for comments by the sponsor of the recall.

- Troy Stroud, 12320 S. Bauer Road, Eagle Township, believes the petition language is clear, factual and easy to read.

STATEMENT BY OFFICEHOLDER

Judge Sullivan called for comments by the proponent of the recall effort.

- Jamie LaFavor, 15762 Jones Road, Eagle Township, spoke on behalf of her grandfather, Richard Jones. She pointed out that he approved the signing of the non-disclosure agreement upon the advice of the township’s legal counsel. Ms. LaFavor added that the board did not have any information when the board approval took place; there was no information as to who the potential buyer was at the time of the action, so this was an effort to obtain additional information. Ms. LaFavor respectfully requested that the language be rejected.

PUBLIC COMMENTS

Judge Sullivan called for public comments. There were none.

DISCUSSION

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

- Treasurer Wiswasser spoke of the clarity and readability of the petition but noted that the officeholder’s name is misspelled as Jone rather than Jones. He also noted that Patti Schafer’s name was not legible in the language. Treasurer Wiswasser indicated that he would not vote to approve the language based on these reasons.
- Clerk Sutherland agreed with Treasurer Wiswasser in that the last name needs to be correct in order to circulate the language. The spelling is crucial.
- Judge Sullivan concurred that the names are important and must be correct and would reject for that reason.

DETERMINATION BY THE ELECTION COMMISSION

Judge Sullivan asked the members to vote on the approval of the petition. Clerk Sutherland voted no; Treasurer Wiswasser voted no; and Judge Sullivan voted no. The language was rejected, and a Determination of Election Commission was prepared.

ADJOURNMENT

With no further business to come before the Election Commission, Judge Sullivan declared the hearing adjourned at 8:30 a.m.

Debra A. Sutherland

Debra A. Sutherland, Clinton County Clerk