

CLINTON COUNTY ELECTION COMMISSION
Clarity/Factual Recall Review Hearing
June 8, 2023

CALL TO ORDER AND PLEDGE OF ALLEGIANCE	The Clinton County Election Commission met Thursday, June 8, 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	Dennis Strahle, Patti Schafer, Richard Jones, Jamie Laffavor, Ann Jones, Jamie Schafer, Vincent Sallan, Jill Schafer, George Bedard, Todd Thomann, Sara Mathews Clark, Kathy Oberg, David VanderBroek, Chelsea Hoppes, Jeff Oberg, Stephanie Dush, and Carolyn Simon
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.
PATTI SCHAFFER BY CHELSEA HOPPES	
READING OF RECALL LANGUAGE – SUPERVISOR PATTI SCHAFFER	“On March 25 th , 2023, at a meeting of the Eagle Township board, Eagle Township Supervisor, Patti Schafer, voted against a resolution to request Clinton County to hold amending the Clinton County Comprehensive plan. This act went against the majority of Eagle Township resident’s pleas.”
STATEMENTS BY SPONSOR	Judge Sullivan called for comments by the sponsor of the recall. <ul style="list-style-type: none">Chelsea Hoppes, 15048 S. Tallman Road, Eagle Township, told the members that she believes the language is clear, states fact and identifies the misconduct. Ms. Hoppes submitted meeting minutes to show the meeting attendance and identify that residents spoke against a comprehensive plan.
STATEMENT BY OFFICEHOLDER	Judge Sullivan called for comments by the proponent of the recall effort. <ul style="list-style-type: none">Vincent Sal, Clark Hill Law Firm, submitted a written response to the Election Commission. Mr. Sal stated that the language must be both factual and of sufficient clarity. Mr. Sal noted the reasons why he believed that the petition does not comply with the Michigan Election Law.
PUBLIC COMMENTS	Judge Sullivan called for public comments. <ul style="list-style-type: none">Sara Mathews Clark spoke in support of Patti Schafer, and noted what she believed to be flaws in the language.Dennis Strahle, Eagle Township Trustee and resident, expressed his feeling that the residents deserve the opportunity to vote on this so it can be determined if this is what the residents want.
DISCUSSION	Judge Sullivan opened the hearing up to discussion by the Election Commission members. <ul style="list-style-type: none">Judge Sullivan explained that the commission is charged with making sure that if this goes to the ballot, the voters understand what it’s about and the official understands what he or she has to defend against, and it isn’t just opinion or conclusion. Judge Sullivan noted that the statement about the majority of the Eagle Township resident’s pleas seems to be conclusory and not a fact.Clerk Sutherland agreed that the statement about “the majority of the resident’s pleas” seem like an opinion rather than fact.Treasurer Wiswasser spoke of the seriousness of these matters. He agreed as well and felt the language was clear, however found fault in the misconduct indicated.

Judge Sullivan further clarified that the commission is charged with a specific task. The commission is not trying to delay the process; however, the standards must be met.

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.

KATHY OBERG BY GEORGE BEDARD

READING OF RECALL LANGUAGE – TREASURER KATHY OBERG

“On May 18, 2023 Eagle Township Treasurer, Kathy Oberg, proposed an amendment to the meeting agenda to include a resolution to resume work on amending the Clinton County Comprehensive Plan. The agenda was amended after public comment and therefore, limited meeting attendees ability to comment “

STATEMENTS BY SPONSOR

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

- George Bedard, 12950 State Road, Grand Ledge, stated that he and Ms. Hoppes represent hundreds and hundreds of Eagle Township voters. He expressed his belief that Ms. Oberg has continually failed to represent the people. Mr. Bedard further added that the language is clear, factual and meets the criteria. He respectfully asked the board to consider approval of the petition language.

STATEMENT BY OFFICEHOLDER

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

- Kathy Oberg, Eagle Township Treasurer, explained the Eagle Township Board's actions in passing a resolution to halt the Giffels Webster study, the approval of a township planning commission, and the resolution requesting the study continue. Ms. Oberg justified her actions according to the Eagle Township board policy and does not believe there was any misconduct.

PUBLIC COMMENTS

Judge Sullivan called for public comments.

- Chelsea Hoppes, noted her belief that Ms. Oberg's conduct in amending the agenda at the meeting rather than prior to the meeting was intentional.
- Sara Mathews Clark, questioned if there was any misconduct by Ms. Oberg. She spoke of public comments and the ability to amend agendas in meetings and believes Ms. Oberg's actions comply with the Open Meetings Act and the rules established by the township.
- Patti Schafer, 110388 W. Herbison Road, Eagle Township, noted that there are times when the word "shall" is used, meaning must, and times when the word "may" is used in the board policy. Ms. Schafer quoted the board policy as stating "the public *may* also be provided an opportunity to add their comments after or during the discussion".
- Dennis Strahle, 12833 W. Clark Road, Eagle Township, spoke of the timing of this action as he had notified the board that he would be on vacation during the month of May and was, therefore, not in attendance at the meeting.

DISCUSSION

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

- Treasurer Wiswasser spoke of meeting experiences serving on a township board and the processes. He believed the language to be clear for the benefit of both the petitioner and the officeholder.
- Clerk Sutherland expressed the initial thought of the language seeming clear, factual and the misconduct identified.
- Judge Sullivan did not believe that the misconduct seemed clear other than proposing an amendment to the agenda and didn't feel confident that the electorate would be clear in identifying the specific misconduct.
- Clerk Sutherland acknowledged Judge Sullivan's comments about the implication of the statement "a proposed amendment to the agenda" and not indicating clear misconduct to the electorate.

**DETERMINATION BY THE
ELECTION COMMISSION**

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

**RICHARD JONES BY
GEORGE BEDARD**

**READING OF RECALL
LANGUAGE – TRUSTEE
RICHARD JONES**

“On March 16th, 2023, Eagle Township Trustee, Richard Jones, was observed to have fallen asleep at multiple points during the Eagle Township Board Meeting. Due to this, he failed to render his duties as Eagle Township Trustee.”

**STATEMENTS BY
SPONSOR**

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

- George Bedard, 12950 State Road, Eagle Township, acknowledged that Mr. Jones has serious health issues and wished him the best, however noted that it is impacting his ability to fulfill his duties. He urged the commission members to approve the language and allow the Eagle Township voters to act on the petition.

**STATEMENT BY
OFFICEHOLDER**

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

- Jamie Lafavor, 15762 Jones, Eagle Township, spoke on behalf of her grandfather, Richard Jones. Ms. Lafavor advised that her grandfather is experiencing health issues, however, has continued to diligently render his duties as a township trustee as reflected in meeting minutes.

PUBLIC COMMENTS

Judge Sullivan called for public comments.

- Sara Mathews Clark, 13450 S. Bauer Road, Eagle Township, noted that Mr. Jones did participate in the specified meeting, voted on several action items, and fulfilled his duties.

DISCUSSION

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

- Treasurer Wiswasser noted struggling with the language of the petition as fact.
- Clerk Sutherland felt the statement “falling asleep” was more of an opinion rather than a fact.
- Judge Sullivan did not believe that the statement of rendering duties was clear and does not allow the ability to defend the allegation on it’s face. There is nothing clear as to the misconduct.

**DETERMINATION BY THE
ELECTION COMMISSION**

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

**RICHARD JONES BY
CHELSEA HOPPE**

**READING OF RECALL
LANGUAGE – TRUSTEE
RICHARD JONES**

“On May 18th, 2023, at a meeting of the Eagle Township Board, Eagle Township Trustee, Richard Jones, voted in favor of a resolution to request Clinton County to resume work amending the Clinton County Comprehensive Plan. This act went against the majority of Eagle Township’s residents requests.”

**STATEMENTS BY
SPONSOR**

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

- Chelsea Hoppes, 15048 S. Tallman Road, Eagle Township, expressed her belief that the petition states facts, is clear and identifies misconduct.

**STATEMENT BY
OFFICEHOLDER**

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

- Jamie Lafavor, once again spoke on behalf of Mr. Jones. In response to the submitted petition language, Ms. Lafavor explained that part of Mr. Jones’s responsibility was to vote and noted that the statement about the “majority” of the residents is not a fact.

PUBLIC COMMENTS

Judge Sullivan called for public comments.

- Sara Mathews Clark, reiterated earlier comments regarding the acts going against the majority of the township residents and believes that is not a fact. She expressed her belief that the petition language should be rejected for that reason.

DISCUSSION

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

- Judge Sullivan noted reservations on this petition based on the statement that the “majority of the residents requests”; consistent with the first petition discussed.
- Treasurer Wiswasser agreed and to be consistent with the early decision that the statement “majority of the residents” is an opinion.
- Clerk Sutherland concurred with the other members in that the statement regarding the “majority” of the residents is an opinion and to be consistent with the earlier decision.

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.

Judge Sullivan added that although documentation and arguments are presented, the Election Commission is only able to consider what is displayed on the petition form.

ADJOURNMENT

With no further business to come before the Election Commission, Judge Sullivan declared the hearing adjourned at 9:04 a.m.

Debra A. Sutherland

Debra A. Sutherland, Clinton County Clerk