MINUTES OF MEETING
WAYNE COUNTY BOARD OF CANVASSERS
TUESDAY, AUGUST 31, 2021 – 9:00 A.M.
TCF CENTER, ROOM 420B, 1 WASHINGTON BLVD., DETROIT, MI 48226

Call to Order: Chair Monica Palmer, Wayne County Board of Canvassers called the meeting to order at 9:18 A.M.

Members present: Monica Palmer, Chair
Richard Preuss, Member
William Hartmann, Member

Members absent: Mary Ellen Gurewitz, Member (excused)

Also present: Gregory P. Mahar, Director, Wayne County Elections
Jennifer Redmond, Deputy Director, Wayne County Elections
Nkrumah Johnson-Wynn, Chief Assistant Corporation Counsel
Drew Van de Grift, Principal Attorney, Corporation Counsel
Rebecca Camargo, Assistant Corporation Counsel
Kevin Kavanagh, Consultant, Wayne County Corporation Counsel
Enjoli Conley, Admin. Assistant, Wayne County Elections
Edward McRae, Admin. Assistant, Wayne County Elections
Toe Joe Barrow
Lory Parks
Clyde Lynch
Yvonne Williams Jones
Ruby Riley
L. Thompson
Terri Jeffery
Raymond Stephen
Denis P. Shillingford
Acha Doeng
Benyne Goldston
Renla Session
David Bonner
Lucinda Darrah

Agenda item: **Consideration of Agenda approval.**

Board action on agenda item: Chair Palmer requested a motion to adopt the agenda. Member Preuss, duly supported by Member

Hartmann, moved to adopt the agenda. The motion was adopted unanimously by a voice vote.

Agenda item: **Approval of Minutes of August 25, 2021**

Board action on agenda item: Chair Palmer requested a motion for approval of the meeting minutes of August 25, 2021. Member Hartmann, duly supported by Member Preuss, moved to approve the minutes of the meeting held August 25, 2021. The motion was adopted unanimously by a voice vote.

Agenda item: **Recount – Office of Mayor, City of Detroit**

Chair Palmer asked for a staff report. Jennifer Redmond, Deputy Director of Elections, indicated that the Board was conducting a recount as a result of a recount petition that was filed by Detroit Mayoral candidate Tom Barrow. She indicated that staff was present, the ballot containers were delivered, and the poll books and materials are available and staff is ready to begin.

Ms. Redmond informed the Board that there was an email communication received from the City of Detroit Department of Elections Director Gina Avery-Walker, which indicated that for AVCB 80 there were some ballots that were tabulated on Election Night that were not secure and stored in the ballot container with the other ballots that were tabulated. The email indicates that when the ballots were discovered they were placed in a separate ballot container and placed under seal. Ms. Redmond further indicated that because the ballots were not properly sealed in the container with the remainder of the voted ballots, this absentee precinct is not recountable.

Petitioner Tom Barrow indicated that a lawsuit has been filed in Circuit Court demanding that the recount be treated as a fraud investigation for malfeasance and has advised that counsel has been served and Judge Kenny will be ruling on the issue.

Ms. Redmond gave instructions to the candidates, challengers, and observers regarding the process for how the recount will be conducted. Mr. Mahar gave an overview regarding the steps for a determination of recountability.

After instructions from Wayne County Elections staff, the meeting recessed until the recount was conducted.

** Meeting recessed at 9:20 a.m. **

** Meeting reconvened at 5:49 p.m. **

Agenda item: **Review of Challenges – Office of Mayor, City of Detroit**

Chair Palmer requested a staff report regarding the recount for the Office of Mayor, City of Detroit.

Ms. Redmond indicated that the recount has concluded and that staff was diligent and thorough with conducting the recount. She advised that 19 AV precincts of the 20 AV precincts requested were recounted. She provided the Board with the Recount Statement of Precincts and the Recount Calculation worksheet which contained the recounted results.

Board action on agenda Item: Chair Palmer asked if there were any challenges filed. Corporation Counsel Drew Van de Grift indicated that there were three challenges filed during the recount and presented them to the Board for review.

The Board reviewed and considered the following challenges:

Exhibit #1 – All 20 AVCB Precincts – Blanket Challenge
Reason for Challenge: "Ballot Containers from AV precincts do not include unused ballots, investigation required per petition per MCL 168.869 & 870."
Team Decision: "Precincts are recountable; AV precincts do not include unused ballots."

Mr. Barrow spoke in favor of his challenge, insisting that the Board must investigate the factual allegations of his recount petition on pages three (3) and four (4). He stated that none of the facts in his petition have been investigated and what he is requesting is for documents to be produced, subpoena witnesses for testimony, and to question officials regarding the allegations.

Board action on agenda item: Chair Palmer asked if there was a motion regarding this challenge. Member Hartmann, duly supported by Member Preuss, moved to support the team's decision. Chair Palmer asked if there was any discussion. The motion was adopted unanimously by a voice vote.

Exhibit #2 – AV 15
Reason for Challenge: "Both 44 original and their duplicates are folded. Duplicates should not be folded; insufficient investigation of factual allegations in petition."

Team Decision: “Duplicate ballots are recountable, AV 15 duplicated to reflect AV 13.”

Mr. Barrow stated that the explanation offered by staff as to why that was the case was logical and rational and he requested to withdraw the challenge. **Challenge withdrawn.**

Exhibit #3 – AV 28
Reason for Challenge: “Precinct not recountable due to presence of 5 ballots from AV 29 mixed into the other ballots throughout.”
Team Decision: “Precinct recountable, physical count for AV 28 was 573. Five (5) ballots for AV 29 are in the container”

Mr. Barrow indicated that the precinct should not be recounted because no one has any idea where those ballots came from and they were dispersed throughout the stack of ballots for AV 28.

Member Preuss asked what did the poll book state regarding this counting board.

Ms. Redmond indicated that the number of voters according to the poll book was Five Hundred and seventy-three, and the number of ballots casts according to the totals tape was Five hundred and seventy-three. The recount team did a physical count on the ballots and there were Five hundred and seventy-eight ballots in the container. When there is a discrepancy in the number of physical ballots and the number tabulated or the number of voters, a supervisor is called over for assistance. She further indicated that she was the supervisor that was called over to the table to do a second count on the ballots. As she was counting, there were five ballots that belonged to AV 29 intermingled with AV 28. Those five ballots cannot be counted with AV 28, which means the precinct is recountable.

Board action on agenda item: Chair Palmer asked if there was a motion regarding this challenge. Member Hartmann, duly supported by Member Preuss, moved to support the team’s decision. Chair Palmer asked if there was any discussion. The motion was adopted unanimously by a voice vote.

Corporation Counsel Van de Grift stated for the record that there were no challenges alleging the existence or identification of any test ballots during the recount.

Director Mahar stated that none of the Board’s assistants found any test ballots, no preprinted test ballots, and no ballots with filled in

lithographic imprinted ovals were found mixed in with the ballots recounted today.

Mr. Barrow indicated that those were not allegations of fact that required investigation. Mr. Barrow indicated that there was also a challenge filed for AV 80. Counsel Van de Grift stated that he does not have a challenge for counting board 80.

Corporation Counsel Kevin Kavanagh stated that at the beginning of the recount AV 80 was determined to not be recountable because there were a number of ballots missing. At that time Mr. Barrow made a blanket challenge regarding all AV precincts.

Chair Palmer stated that the Board is ready to address AV 80. She stated that on August 27th, there was a phone call and an email communication from the City of Detroit to Wayne County officials indicating that there were voted ballots found after Election Day in the supply containers and/or ballot box. On the list provided is AV 80, which states that there were 102 ballots found for this counting board that were not sealed in the container with the other voted ballots on Election Night.

Chair Palmer indicated that because the Board cannot verify chain of custody of these 102 ballots, AV 80 would not be recountable. She further stated that even though the precinct isn't recountable, she would like someone from the Detroit Department to explain how this happened.

Director Mahar indicated that he had the Director of Elections, Gina Avery-Walker from the City of Detroit on the phone. Chair Palmer asked some questions regarding the list that was provided to the County staff. She asked the Director when where the ballots sealed into a ballot container. Mrs. Avery-Walker indicated that the date of the letter is the date the ballots were sealed into a container. Chair Palmer requested Mrs. Avery-Walker to provide the email that was originally sent to the Wayne County Staff.

Agenda Item: **Certification of Recount – Office of Mayor, City of Detroit**

Chair Palmer read the following recount results into the record:

Candidate	Certified Results	Recount Results
Anthony Adams	894	894
Tom Joe Barrow	534	534
Kiawana Brown	125	123
Mike Duggan	9,220	9,226

Candidate	Certified Results	Recount Results
Myya Jones	328	328
Jasahn M. Larsosa	85	85
Charleta U. McInnis	37	37
DaNetta L. Simpson	41	41
Art Tyus	40	40
D. Etta Wilcoxon	117	117
Doris Anderson(W/I)	0	0
Articia Bomer(W/I)	0	0
Jerome Hendri Cobb, Jr. (W/I)	0	0
Joel Haashiim	0	0
Michael Wesley Harris	0	0
Carolyn Ann Huff	0	0
Winnie Atieno Imbuchi	0	0
Jacob Elijah Johnson	0	0
Tyrone Perry	0	0
Stephanie K. Washington	0	0
William Watson	0	0
Cheryl Roshanna Webb	0	0

Board action on agenda item: Chair Palmer requested a motion for certification of the recount results for the Office of Mayor, City of Detroit. Member Hartmann, duly supported by Member Preuss, moved to certify the recount results for the Office of Mayor, City of Detroit. The motion was adopted unanimously by a voice vote.

Agenda item: **New Business**

Board action on agenda item: Chair Palmer asked if there was any new business. Ms. Redmond reminded the Board at their last meeting on August 25, 2021, they denied Mr. Barrow's amended petition for recount as it was not timely submitted. Typically there is an authorization by the Board to refund the petitioner the recount deposit that was paid at the time the petition was submitted. She asked if the Board would authorize a refund.

Board action on item: Member Preuss, duly supported by Member Hartmann, moved to authorize refund of the recount deposit if it is to be refunded. The motion was adopted unanimously by a voice vote.

Agenda Item: **Public Comment**. Tom Barrow thanked his volunteers for assisting with the recount. Cindy Darrah made a comment about posting zoom video chats online and requested more transparency.

Agenda Item: **Adjournment**.

Board action on agenda item: Chair Palmer requested a motion to adjourn. Member Preuss, duly supported by Member Hartmann, moved to adjourn the meeting. The motion was adopted unanimously by a voice vote.

Meeting recessed at 6:23 p.m.

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