MINUTES OF MEETING
WAYNE COUNTY BOARD OF CANVASSERS
WEDNESDAY, DECEMBER 16, 2020 – 12:00 NOON
FORD COMMUNITY PERFORMING ARTS CENTER, HUBBARD BALLROOM,15801 MICHIGAN AVE., DEARBORN, MICHIGAN 48126

Call to Order: Chair Monica Palmer, Wayne County Board of Canvassers called the meeting to order at 1:15 P.M.

Members present: Monica Palmer, Chair
Jonathan C. Kinloch, Vice-Chair
William Hartmann, Member

Members absent: Allen Wilson, Member (Excused)

Also present: Jennifer Redmond, Deputy Director, Wayne County Elections
Janet Anderson-Davis, Lead Attorney, Corporation Counsel
En'Joli Conley, Administrative Assistant, Wayne County Elections
Edward McRae, Administrative Assistant, Wayne County Elections
Mark Brewer
Matthew Wilk
A. Rocky Raczkowski
Kimberly Campbell-Voytal
James Mazurek
Leah Gress

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

Board action on agenda item: Chair Palmer requested a motion to adopt the agenda. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to adopt the agenda as submitted. The motion was adopted unanimously by a voice vote.

Agenda item: **Approval of Minutes of December 10, 2020**

Board action on agenda item: Chair Palmer requested a motion for approval of the meeting minutes of December 10, 2020. Vice-Chair Kinloch, duly supported by Member Hartmann, moved for approval of the meeting minutes of November 25, 2020 with any necessary corrections. The motion was adopted unanimously by a voice vote.

PROPOSED

Agenda item: **Review of Challenges – Office of School Board Member – Northville Public Schools**

Corporation Counsel Janet Anderson-Davis addressed the Board and indicated that there were seven (7) challenges for the Board to review. She indicated that a chart was distributed to the Board that listed six (6) challenges, however there are seven (7) challenges for review.

The Board reviewed and determined the following challenges:

Exhibit #1 – Novi Pct.16-B
Reason for Challenge: "Overvote – voter voted for 5 candidates"
Team Decision: "Not an over vote. Mark for Sarah Prescott is not consistent with the other marks."

Board action on agenda item: Chair Palmer asked if there was a motion. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision. Chair Palmer asked if there was any discussion.

Mark Brewer, attorney for Kimberly Campbell-Voytal, addressed the Board by saying the Bureau of Elections guide is clear that a mark in the target area is a vote. The marking is not a stray mark, or a dot and the voter did not indicate on the ballot that they made a mistake. It is a clear overvote.

Rocky Raczkowski, attorney for James Mazurek, addressed the Board and concurred with the team's decision. He stated the marking is not consistent with the other markings on the ballot and is not an overvote.

Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

Exhibit #2 – Northville Twp. Pct. AV 3
Reason for Challenge: The ballot has (5) markings that would signify an overvote. There is no voter intent drafted or signified on the ballot to signify which candidate the voter intended to vote for.
Team decision: Mark is a correction. Count votes for Prescott, Wilson, Voytal and Mathie.

Board action on agenda item: Chair Palmer asked if there was a motion. Vice-Chair Kinloch, duly supported by Member Hartmann,

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moved to uphold the team's decision. Chair Palmer asked if there was any discussion.

Attorney Raczkowski asked to see the ballot. He stated that they believe it was a vote, and it is an overvote.

Attorney Brewer stated they support the team's decision. This was a classic case of a correction being made to the ballot.

Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

Exhibit #3 – Northville Township Pct. AV 4
Reason for Challenge: "The marks look like a consideration, but not an actual vote, because it is not consistent with the rest of all markings on the ballot. Does not qualify as proof of voter intent. Further, ballot instructions state for a voter to completely darken an oval."
Team decision: Vote for Campbell-Voytal & Kulkarni

Board action on agenda item: Chair Palmer asked if there was a motion. Vice-Chair Kinloch, duly supported by Chair Palmer, moved to uphold the team's decision.

Attorney Raczkowski spoke in favor of their challenge saying the marking looks like a consideration but not an actual vote and are not consistent with the other markings on the ballot. Instructions state for the voter to completely darken in the oval.

Attorney Brewer opposed and indicated that the markings are in line with the ballot marking instructions which state a marking in the pre-determined target area is a valid vote. These are not stray marks and clearly marked the ballot for the candidates.

Mr. Raczkowski and Mr. Brewer rebutted regarding stray marks, discussion ensued. Chair Palmer read the following excerpt from the manual regarding stray marks. "Note, a cross or checkmark appearing in the predefined target area is not considered a stray mark and is a valid vote even if the voter does not consistently mark the entire ballot with a cross or checkmark."

Vice-Chair Kinloch, duly supported by Chair Palmer, moved to uphold the team's decision. **AYE:** Palmer, Kinloch **NAY:** Hartmann

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Exhibit #4 – Northville Township Pct. AV 3
Reason for Challenge: "This ballot shows intent of the voter to select five (5) individual choices when only four are allowed, thus creating an overvote and should not be counted for school board vote."
Team decision: "Not a valid marking. Not an overvote. Vote for McIntyre, Prescott, Winfield and Campbell-Voytal."

Board action on agenda item: Chair Palmer asked if there was a motion. Vice-Chair Kinloch duly supported by Member Hartmann, moved to override the team's decision.

Chair Palmer asked for Counsel Anderson-Davis to re-read the team's decision.
Team Decision: Not a valid marking. Not an overvote. Vote for McIntyre, Prescott, Winfield and Campbell-Voytal."

Vice-Chair Kinloch stated that although the marking is not consistent with the rest of the ballot, it is within the pre-determined target area.

Attorney Brewer objected saying that you must examine the entire ballot and you will find the markings are not consistent and they agree with the team's decision. It is not an overvote

Attorney Raczkowski stated this is exactly the same type of markings the Board just considered in the last challenge. The ballot should be considered an overvote.

Board action on agenda item: Vice-Chair Kinloch duly supported by Member Hartmann, moved to override the team's decision.
AYE: Palmer, Kinloch **NAY:** Hartmann

Exhibit #5 – Northville Township Pct. AV 12
Reason for Challenge: "This ballot is being challenged as a overvote and should not be counted. Five (5) votes were cast for four (4) positions & an extraneous X was placed on a candidates last name only, and not the voting oval, thus creating an inability to discern voter intent.
Team decision: "Correction. Not an overvote. Vote for McIntyre, Prescott, Winfield and Voytal."

Board action on agenda item: Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision.

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Attorney Raczkowski argued that the ballot should be considered an overvote. He stated that an X is not over the entire name or over the oval and should be considered a stray mark.

Attorney Brewer stated that the voter can make corrections in more than one way. The voter chose to cross out the name and is shows intent to not have the vote counted for that candidate. The ballot should be considered a correction and not an overvote.

Chair Palmer stated that there needs to be some clarity regarding the predefined area. Vice-Chair Kinloch indicated that the X over the voter's name and can be associated with a corrective action and the intent was to not have the vote for that candidate included.

Attorney Razckowski referenced that the target area and valid votes are defined by MCL 168.799(a)(3).

Attorney Brewer pointed to the example that is in the Board's manual and that words written outside of the target area can indicate a voter's correction to the ballot.

Board action on agenda item: Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

Exhibit #6 – Northville Township AV 2
Reason for Challenge: "5 ovals marked as votes which is an overvote in this election."
Team decision: Note an overvote. Marking for McIntyre is not valid. Votes for Mathie, Mazurek, Miller and Wilson.

Attorney Brewer indicated that this was their challenge and requested that the Board be consistent and that the team's decision should be over turned.

Attorney Wilk argued that the marking was inconsistent with the other markings on the ballot. The voter started around the outside of the oval and should not be considered a vote and should be a stray mark.

Attorney Brewer again requested that the Board be consistent when dealing with challenges and stated that this is a valid marking in the oval and should be considered an over vote.

Board action on agenda item: Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision.

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AYE: None **NAY:** Palmer, Kinloch **ABSTAINED**: Hartmann
The motioned failed by a roll call vote.

Vice-Chair Kinloch duly supported by Chair Palmer, moved to override the team's decision.
AYE: Palmer, Kinloch **NAY:** Hartmann

Exhibit #7 – Northville Township Pct. AV 11
Reason for Challenge: "Six votes are clearly cast. The two X's are also not consistent. Unknown if this is six votes thus disqualified or five votes, also leading to disqualification.
Team Decision: "The two x's mean voter changed his mind. Vote for McIntyre, Prescott, Winfield, and Voytal.

Board action on agenda item: Vice-Chair Kinloch, duly supported by Member Hartmann moved to uphold the team's decision. Chair Palmer asked if there was any discussion.

Attorney Raczkowski stated that this is an overvote. Attorney Brewer objected stating that this is a classic correction and it not an overvote.

Board action on agenda item: Vice-Chair Kinloch, duly supported by Member Hartmann moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

Agenda item: **Certification of Recount – Northville Public Schools**

Deputy Director Jennifer Redmond requested a brief recess while she update the results based on the Board's decisions regarding the challenges.

****Meeting recessed at 1:57 p.m. ****

****Meeting re-convened at 2:13 p.m.****

A copy of the Recount Statement of Precincts was presented to the Board. Chair Palmer read the following recount results into the record:

Candidate	Recounted Results
Kimberly Campbell-Voytal	7,861
Harihar Kulkarni	3,449
Blake A Mathie	5,115

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James Mazurek	7,861
Lisa McIntyre	8,836
Douglas Miller	2,914
Sarah Prescott	11,391
Lindsey Wilson	7,959
Sherrie Winfield	7,734
Jonathan Edward Edison	71

Board action on agenda item: Chair Palmer requested a motion to certify the recount results as read into the record. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to certify the recount statement of precincts as read into the record for the Office of Northville Public Schools. The motion was adopted unanimously by a roll call vote.

Agenda item: **New Business.** Deputy Director Redmond stated that the petitioner Mr Khodr Farhat for the Dearborn Public Schools Recount, submitted a request to withdraw his petition and to end the recount.

Agenda item: **Public Comment.** Attorney Mark Brewer, Kimberly Campbell-Voytal, Matthew Wilk and James Mazurek made comments thanking the Board and the staff for their work and professionalism.

Agenda item: **Adjournment.**

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

Meeting adjourned at 2:21 p.m.

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