MINUTES OF MEETING
WAYNE COUNTY BOARD OF CANVASSERS
THURSDAY, SPETEMBER 6, 2018 – 10:30 A.M.
COBO HALL CONVENTION CENTER, ROOM 310B
1 WASHINGTON BLVD., DETROIT, MI 48226

Call to Order: Chair Jonathan C. Kinloch, Wayne County Board of Canvassers called the meeting to order at 10:30 A.M.

Members present: Jonathan Kinloch, Chair
Krista Haroutunian, Vice Chair
Betty Smith, Member
Curtis Jacobson, Alternate Member

Also present: Greg Mahar, Director, Wayne County Elections
Jennifer Redmond, Assistant Director, Wayne County Elections
Janet Anderson-Davis, Wayne County Corporation Counsel
Margaret Weley
Gloria Rivera
William M. Davis
George Hagood
Cindy McCullen
Rueben Washington
Connie Orr
Gregg Newsom
Leonard Weber
Cynthia R. Jacobson
Cindy Darrah
Terri P. Hockenhull
Mark Toaz
Vicki Dobbins
Nabil Leach
Cynthia A. Johnson
Lula Gardfrey
Evelyn Ewing
William Hartmann
Dawn Jamison
Ed Martell
Linda S. Campbell

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

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

Agenda item: **Partial recount- Proposal R, City of Detroit**

Board action on agenda item: Chair Kinloch asked if there was a report. Greg Mahar informed the board that there were 50 AV precincts and 15 election-day precincts that were requested to be recounted and that all of the poll books ballot containers are accounted for. Chair Kinloch requested a motion to authorize the opening of the partial recount for Proposal R in the city of Detroit. Vice-Chair Haroutunian, duly supported by Member Smith moved to authorize the partial recount for Proposal R- city of Detroit. The motion was adopted unanimously by a voice vote.

Agenda item: **Review of Challenges- State Representative District 5**

Board action on agenda item: Jennifer Redmond informed the board that the State Bureau of elections is preparing the official results for State Representative District 5 and once they present the official results they'll also present any challenges for the Board to review.

The board took a brief recess at 10:32 a.m. Meeting reconvenes at 10:57 a.m.

Chair Kinloch recognizes Ms. Christie Duggan from the Michigan Department of Elections for the report on State Representative District 5. Christie Duggan informed the board the board that there were 104 precincts, 52 election-day precincts and 52 AV counting boards. Christie Duggan also stated that the total number of precincts that were determined to be recountable were 95 and 9 were not-recountable therefore the original certified results for those 9 precincts stand. The original results from the election were Candidate Johnson- 2,133 votes and Candidate Ross-2,126 votes for a difference of 7 votes. The recount totals for Candidate Johnson prevails with 2,149 votes and Candidate Ross with 2,140 votes for a difference of 9 votes. There were a total of 16 challenges to ballots of the recount teams' decisions. Mr. Brewer, attorney for Cynthia Johnson withdrew all of the challenges to

ballots. Mr. Allen Wilk on behalf of Rita Ross, states that they're withdrawing all of the challenges during the recount process.

Agenda item: **Recount Certification**

Board action on agenda item: Chair Kinloch recognized Vice-Chair Haroutunian for the purpose of a motion on the certification of the statement of votes from the recount for State Representative District 5. Vice-Chair Haroutunian, duly supported by Member Smith, requested a motion to certify the recount results as indicated on the recount sheet and the statement of recount precincts that's been presented to this board for State Representative District 5. The motion was adopted unanimously by a voice vote.

Meeting recessed at 11:04 a.m.

Meeting reconvenes at 8:53 p.m.

Members present: Jonathan Kinloch, Chair
Betty Smith, Member
William Hartmann, Alternate Member

Agenda item: **Partial recount- Proposal R, City of Detroit (cont.)**

Board action on agenda item: Chair Kinloch states the next item on the agenda is the report from staff as it relates to the statements of votes from the recounted precincts that occurred for Proposal R, city of Detroit. Mr. Mahar refers to corporation counsel. Ms. Anderson-Davis presents the following challenges to the board.

- Exhibit #1- (Precinct 418): City of Detroit Proposal R- inconsistent marking. Team Decision: Vote for Yes. Member Smith, duly supported by Member Hartmann moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #2- (Precinct 5): City of Detroit Proposal R- Different type of marking for "R" vote. Team Decision: Vote for Yes. Member Hartmann, duly supported by Member Smith moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #3- (Precinct 146): City of Detroit Proposal R- not all the way bubbled in. Team Decision: Vote for Yes. Member Smith, duly supported by Member Hartmann moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #4-(Precinct 418): City of Detroit Proposal R- inconsistent markings. Team Decision: Vote for yes. Member Smith, duly supported by Member Hartmann moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #6-(Precinct 482): City of Detroit Proposal R- ballot is different from every other-did not vote for every office/question. Team Decision: Ballot vote validly; voter not required to vote for every office. Member Hartmann, duly supported by Member Smith moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #12-(Precinct AV 311): City of Detroit Proposal R- inconsistent marking on ballot. Team Decision: Vote for yes. Member Smith, duly supported by Member Hartmann moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #13- (Precinct AV 311): City of Detroit Proposal R- yes vote exed out. Team Decision: Vote for yes. Member Hartmann, duly supported by Member Smith moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit # 25- (Precinct 296): City of Detroit Proposal R- Markings are inconsistent on only the proposal R. the rest of the ballot clearly has circles. Proposal R has an X. Team Decision: Vote for yes. Member Smith, duly supported by Member Hartmann moved not to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit # 27-(Precinct 415): City of Detroit Proposal R- Ballot looks as if elector tried to scratch our selection. Team Decision: Vote for yes. Member Hartmann, duly supported by Member Smith moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit # 28-(Precinct 133): City of Detroit Proposal R- The way yes vote was filled in doesn't match other votes very well. Looks like added later. And marks go beyond circle more than other votes. Team Decision: Vote for yes. Member Hartmann, duly supported by Chair Kinloch moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit # 30-(Precinct 147): City of Detroit Proposal R- The check mark is not a valid/acceptable method used to vote. Clearly, the person was uncertain of the proper procedure. Team Decision: Vote for yes. Member Hartmann, duly supported by Chair Kinloch moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #31-(Precinct 237): City of Detroit Proposal R- The ballot appears to have been tampered by being marked twice, once in pencil and then again in ink. Team Decision: Vote for yes. Member Hartmann, duly supported by Chair Kinloch moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #16-(Precinct 296): City of Detroit Proposal R- Incorrect precinct #396 inside box and sealed envelope that #396 doesn't belong in the sealed envelope or box. Team Decision: Precinct 396 not recounted by the team. Member Hartmann, duly supported by Chair Kinloch moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #18-(Precinct 281, 282, 283 & 284): City of Detroit Proposal R- All 4 precincts were in the box. Pct. 281 was not recountable. Thus the entire contents of this box are tainted. The obligation was not met to verify results. Quo warranto. I am aggrieved by this. Team Decision: Ballot container has 4

precincts. Petition asked for 281 & 284 to be counted. Ballots were intermingled. Counters separated the ballots. Member Smith, duly supported by Member Hartmann moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #21-(Precinct AV 294): City of Detroit Proposal R- # of ballots doesn't match # on tape or poll book. Multiple precincts are mixed together. Team Decision: Box has multiple precincts. 2 ballots missing from 294 were found in precinct 296. 98 votes on tape. 98 ballots counted. Precinct is recountable. Member Hartmann, duly supported by Member Smith moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #23-(Precinct 293, 294, 295, 455 & 296): City of Detroit Proposal R- Entire box challenged. Not recountable- Quo Warranto obligation to verify results. Precincts 294 & 296 in box not recountable. Team Decision: Ballot container has 4 precincts. Ballots were intermingled. Counters separated the ballots. Member Hartmann, duly supported by Chair Kinloch moved to uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #5-(Precinct 296): City of Detroit Proposal R- There are 3 duplicate ballots but only 2 original ballots. Cannot verify the ballots. Team Decision: Vote for yes on the dup which has no original. Physical count matched # on tape. When checking to make sure original ballots are same as dups, they found 3 dups & only 2 originals. Member Hartmann, duly supported by Member Smith moved to not uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit #8-(Precinct 257): City of Detroit Proposal R- Duplicate AV ballot and original AV ballot do not match. Team Decision: Dup ballot went through the machine. The counters will go by votes on the up ballot. Vote for "other". Member Hartmann, duly supported by Member Smith moved to not uphold the team's decision. The motion was adopted unanimously by a voice vote.

- Exhibit#9 was withdrawn

- Exhibit#10-(Precinct 257): City of Detroit Proposal R- Duplicate AV ballot and original AV ballot do not match. Team Decision: Dup ballot went through the machine. The counters will go by votes on the dup ballot. Vote for “other”. Member Smith, duly supported by Member Hartmann moved to not uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#15-(Precinct 379): City of Detroit Proposal R- Over vote. Both yes and no were selected on the original ballot. Yes was marked on the duplicate. Team Decision: Vote for yes per dup ballot. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#14-(Precinct 143): City of Detroit Proposal R- Failure to follow their own procedure under e. At the end of stacking- refused to count no vote. As well as D. Labeling other- instead of no vote. Team Decision: The label says “Other”. Where there are no votes for Prop R are placed in that stack. The “Other” votes (or those who didn’t vote for the proposal) are not counted. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#26-(All Precincts & AV Precincts Recounted): City of Detroit Proposal R- Failure to perform procedures 4D & 4E of the Board of Canvassers Recount Procedures: Wayne County Board of Canvassers Recount Procedures “4. Procedures D. & E: state: D. The ballots will be reviewed, the vote cast for Proposal R will be read and each ballot will be placed into a stack for that particular vote.(No, Yes, or No Vote) E. At the end of stacking the ballots, each stack will be individually counted & the total recorded on the official recount forms. The stack of “No Vote,” labeled “Other” at the recount tables, was not counted and recorded. In precinct 232 the no votes cast for proposal R won with 53, and “yes” had 48, and “no” had 45. The lack of vote cat on R proposal is indicative of an uniformed voting public. Your refusal to tabulate this is an indication you prefer to follow procedures

that leave citizens uniformed. Please publish the # of votes who did not vote on “R” by precinct. Team Decision: The label says “Other”. Where there are no votes for Prop R are placed in that stack. The “Other” votes (or those who didn’t vote for the proposal) are not counted. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#17-(Precinct AV 281): City of Detroit Proposal R- Not Recountable”. Quo warranto obligation to verify results. Only 155 of 176 ballots found. I am aggrieved as a voter. Team Decision: Ballot container has 4 precincts. Petition asked for 281 & 284 to be counted. Ballots were intermingled. Counters separated the ballots. Team decided 281 was not recountable. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#20-(Precinct AV 284): City of Detroit Proposal R- Not Recountable: Quo warranto. Obligation to verify results. Only 87 of 104 ballots counted. I am aggrieved as a voter. Team Decision: Not recountable. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#24-(Precinct 284): City of Detroit Proposal R- Only 87 of 104 ballots found in Pct 284. Challenge “quo warranto” as an aggrieved person. The duty to count election results not fulfilled as the precinct was deemed “unrecountable” by canvasser. Team Decision: Not recountable. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#29-(Precinct 229): City of Detroit Proposal R- Discrepancy between yes and no results and recount yes and no. Team Decision: Recount results often differ from Election night or certified results. Member Hartmann, duly supported by Member Smith moved to uphold the team’s

decision. The motion was adopted unanimously by a voice vote.

- Exhibit#7-(Precinct 482): City of Detroit Proposal R- Refused to count total of ballots Yes-80, No-69. Other no counted to determine if there is a total of 228-challenge in ballot not enough markings. Team Decision: “Others” are not counted; only yes/no votes counted. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#11-(Precinct 143): City of Detroit Proposal R- The canister did not contained the absentee ballot returned at the poll 278+32 spoiled=311. Total vote noted on canister is 733. Team Decision: Precinct is recountable. Member Hartmann, duly supported by Chair Kinloch moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#19-(Precinct AV 235): City of Detroit Proposal R- Tape said 104, ballots returned 95+5 late arrivals. The missing ballots could be in the write-in bin in the machine, according to Greg Mahar; please inspect the machine for the other ballots. The ballot count was 87. Please check “honesty” of this machine. Team Decision: Precinct is not recountable. Tape = 104 ballots. Team counted 87 ballots. Member Smith, duly supported by Member Hartmann moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

- Exhibit#22-(Precinct AV 235): City of Detroit Proposal R- Uncountable tape said 104 Pollbook said/recorded 104 but count is 87. Team Decision: Tape says 104. Counted 87 ballots. PB has 100. Not recountable. Member Hartmann, duly supported by Member Smith moved to uphold the team’s decision. The motion was adopted unanimously by a voice vote.

Chair Kinloch ask staff for report on the recount statement of votes. Ms. Redmond informs Chair Kinloch that adjustments

need to be made to the numbers regarding the determination of the challenges and asked for a quick break.

Meeting recessed at 10:12 p.m.

Meeting reconvenes 10:24 p.m.

Chair Kinloch recognizes staff for a report on the recount statement of precincts and the City of Detroit Proposal R. Ms. Redmond states the original yes votes that were requested to be recounted as 3,510. The recounted votes were 3,510. The original no votes that was requested to be recounted was 3, 134. The recounted total was 3, 145. For yes there was no net change and for no there was 11 votes gained. Chair Kinloch requested a motion to certify the statement of recount votes in the County of Wayne and the City of Detroit for Proposal R. Member Hartmann, duly supported by Member Smith, requested a motion to certify the statement of recount votes in the County of Wayne and the City of Detroit for Proposal R. The motion was adopted unanimously by a voice vote

Agenda item: **New Business.** None

Board action of agenda item: Chair Kinloch asked if there was any new business.

Agenda item: **Public Comment:** Chair Kinloch asked if there were any public comments to be made.

Mr. Fermin Mendez, counsel for Greg Newsom, allege that there has been deficiency in the proceedings. It was conducted initially as a Board meeting and not a hearing. A disenfranchised elector and they were unable to pursue the rights to their fullest extent in violation of statute. Second, it is believed that there has been material error within this election due to the fact that the number of ballots lost due to the failure of the city clerk, the Wayne County Board of Canvassers and any other affiliated parties complied with election laws in terms of precincts being eligible to be recounted.

Amina Kirk says that she is gravely disappointed in the behavior of the Board because the meeting was opened as a board meeting and not a hearing.to both the public and petitioner.

Joanne Warwick says she has very little faith in the City of Detroit Elections and asked why there are so many precincts that were not counted? Renard Monczunski wants to know when the meeting first

convened why didn't the board properly state what was the purpose of the meeting.

Gregg Newsom states ballots are missing. How does that happen? How do we get ballots counted into a box and they're missing?

Cindy Darrah asked for the board to decertify the election for several reasons. One reason is because there was not adequate notification to the voters. She also states the a newsletter from the city clerk's office mentions precinct delegates to the Wayne County convention and proposals, but never mentioned about voting on the city constitution.

Agenda item: **Adjournment.**

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

Meeting adjourned at 10:47 p.m.

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