

MINUTES OF MEETING
WAYNE COUNTY ELECTION COMMISSION
WEDNESDAY, OCTOBER 14, 2020 – 2:00 P.M.
COLEMAN A. YOUNG MUNICIPAL BUILDING - ROOM 211
2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226
****Meeting held via Zoom Video Conferencing****

Call to Order: The meeting was called to order at 2:09 p.m.

Members present: Honorable Freddie G. Burton, Jr., Chief Judge, Probate Court
Honorable Eric Sabree, Member – Wayne County Treasurer
Honorable Cathy M. Garrett, Secretary – Wayne County Clerk

Members absent: None

Also present: Janet Anderson-Davis, Asst. Corporation Counsel
Gregory Mahar, Director, Wayne County Elections
Jennifer Redmond, Deputy Director, Wayne County Elections
En’Joli Conley, Administrative Assistant, Wayne County Elections
Lisa Williams, Communications Director, Wayne County Clerk
John Knappmann
Duane Ballard
Barbara Matney

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

Board action on agenda item: Chair Burton requested of Gregory Mahar, Director of Elections, to read the agenda into the minutes. Chair Burton requested a motion to adopt the agenda. Member Garrett, duly supported by Member Sabree, moved to adopt the agenda. The motion was adopted unanimously by a voice vote.

Agenda item: **Approval of Minutes of October 8, 2020**

Board action on agenda item: Chair Burton requested a motion to approve the minutes of the meeting held on October 8, 2020. Member Sabree, duly supported by Member Garrett, moved to approve the minutes of the meeting held October 8, 2020. The motion was adopted unanimously by a voice vote.

Agenda Item: **Determination of Clarity – Gabe Leland, Office of City Council #7, City of Detroit**

Chair Burton asked Janet Anderson-Davis, Asst. Corporation Counsel to remind the Election Commission and members of the public of its role regarding a determination of clarity. Janet Anderson-Davis, Asst. Corporation Counsel reminded the commission that their role is to determine whether each reason as stated on the recall 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 for the recall pursuant to MCL 168.952. She also summarized an opinion issued by Judge Levy regarding a determination of clarity in the case of White vs. Wayne County Election Commission.

Board action on agenda item: Chair Burton requested a motion to bring 5A-1 before the commission for discussion purposes.

Reason for recall as printed on the Recall Petition 5A-1 for Gabe Leland:

“Being charged with misconduct in office by Monroe County.”

Board action on agenda item: Member Garrett, duly supported by Member Sabree, moved to bring item 5A-1 before the commission for discussion purposes. The motion was adopted unanimously.

Chair Burton asked if the petitioner wished to offer any additional comments regarding the petition. No additional comments.

Chair Burton asked if counsel for Gabe Leland wished to offer any comments to the Commission. Attorney John Knappmann indicated that the language itself was not factual. He indicated that the way the language is worded implies that the entire County of Monroe is charging Mr. Leland instead of the Monroe County Prosecutor himself.

Chair Burton indicated that the petitioner was not present. Corporation Counsel Anderson-Davis stated that the statute requires that it be an action of the office holder and the way the petition language is worded, it does not identify an action or course of conduct.

Board action on agenda item: Chair Burton requested a motion regarding item 5A-1. Member Garrett, duly supported by member Sabree moved to reject item 5A-1 for lack of clarity. The motion was adopted unanimously by a voice vote.

Agenda Item: Determination of Clarity – Gabe Leland, Office of City Council #7, City of Detroit

Reason for recall as printed on the Recall Petition 5A-2 for Gabe Leland, filed by Wendy Caldwell-Liddell:

“On July 17, 2020, Monroe County prosecutor charged Councilman Leland with misconduct in office. Councilman Leland's continued presence on city council violates section 2-107.B subsections C-F of the charter.”

Board action on agenda item: Chair Burton requested a motion regarding item 5A-2. Member Garrett, duly supported by Member Sabree, moved to bring item 5A-2 before the commission for discussion purposes. The motion was adopted unanimously by a voice vote.

Member Sabree asked if the quoting of the section in the petition has any bearings on whether the language is clear or not. Counsel Anderson-Davis advised that the standard states it must make a declaratory statement.

Chair Burton asked if the last word of the language was charter. Director Mahar indicated the last words of the petition language are “of the charter”.

Attorney Knappmann objected to the language that it does not identify a course of conduct of the office holder and the section of the charter it references is not clear as it is improperly cited and is misleading.

Counsel Anderson-Davis advised that the first sentence of the petition language does not state an action of the councilman, only the action of the Monroe County Prosecutor. She further advised that the second sentence appears to be a declaratory statement; however, the statute states that each reason has to be clear and that does not appear to be the case.

Board action on agenda item: Chair Burton requested a motion regarding item 5A-2. Chair Burton duly supported by Member Sabree moved for reject the petition for lack of clarity. The motion was adopted unanimously by a voice vote.

Agenda item: New Business. Director Mahar indicated that another recall petition was filed and will be scheduled.

Agenda item: Public Comment. None

Agenda item: **Adjournment.** Chair Burton requested a motion to adjourn. Member Sabree, duly supported by Member Garrett, moved to adjourn the meeting. The motion was adopted by unanimously by a voice vote.

Meeting adjourned at 2:17 p.m.