



# WASHTENAW COUNTY ELECTION COMMISSION

December 15, 2005

## MINUTES

A meeting of the Washtenaw County Election Commission was held in the Lower Level Conference Room of 200 North Main Street, Ann Arbor, Michigan on Thursday, December 15, 2005.

**MEMBERS PRESENT:** Archie C. Brown, Circuit Court Judge  
Lawrence Kestenbaum, Clerk/Register  
Catherine McClary, Treasurer

**OTHERS PRESENT:** Derrick Jackson, Director of Elections  
Stephen Kirschner, Deputy Clerk  
Matthew Yankee, Deputy Clerk  
Feliziana Meyer Pittsfield Township Clerk  
Christina Lirones, Pittsfield Township Treasurer  
James Walters, Pittsfield Township Supervisor  
Gavin Clarkson  
Mary Ellen Gurewitz  
Paul Backlas  
Stuart Dowty  
Amy Longcore  
V. Glenn Tarcea  
Kristin Judge  
Victor Douvan  
Sabrina Gross  
Bernard Wisner  
Michael Armitage  
Sherry Steinwedel  
Timothy Gibelyou  
Martha Churchill

Judge Brown called the meeting to order at 11:15 a.m.

Judge Brown asked who was present on behalf of Martha Churchill, Timothy Gibelyou and Patricia Chatell.

Mary Ellen Gurewitz stated that she was representing Timothy Gibelyou and Martha Churchill.

Catherine McClary asked if there was anyone present to represent the petitioner.

No one was present on behalf of Patricia Chatell, petitioner.

## **NEW BUSINESS**

Lawrence Kestenbaum stated that he felt that the second reason on petitions submitted for the recall of Martha Churchill and Timothy Gibelyou was not unclear.

Catherine McClary moved that the petitions be rejected for lack of clarity. Lawrence Kestenbaum requested that each of officeholders' petitions be discussed separately. He stated that he felt that one set of language was acceptable but that the other was not.

Judge Brown stated that he felt that reason number two for both petitions was clear.

Catherine McClary moved that the petition language to recall Timothy Gibelyou be rejected. 3 Yeas. Motion passed unanimously.

Catherine McClary moved that the petition language to recall Martha Churchill be rejected. 1 Yea; McClary. Motion failed.

Lawrence Kestenbaum moved to approved the petition language to recall Martha Churchill. 1 No; McClary. Motion passed.

Judge Brown stated that the hearing would now discuss the petition language submitted for the recalls of Pittsfield Township Supervisor, Treasurer, and Clerk.

#### **PUBLIC PARTICIPATION**

Gavin Clarkson spoke to the Commission about his previous filings and their rejections. He stated that he had found case law where a petitioner had filed 9 separate sets of language to the Election Commission for the recall of an officeholder. He stated that he feels that his submissions have been held to a higher standard than previous petitioners, and provided language previously approved by this Commission.

Lawrence Kestenbaum explained how the staff had collated the petitions for review.

Judge Brown stated that he was made aware that a lawsuit had been filed by Dr. Clarkson against the Election Commission.

Dr. Clarkson stated that he felt that the Election Commission had exceeded the scoped of their authority by investigating factual evidence regarding petition language. He stated that the language presented was different than that associated with the lawsuit.

Judge Brown stated that this could present a procedural dilemma if two sets of language were available.

Dr. Clarkson stated that it was in fact allowable to have two sets of language for an individual officeholder.

Mary Ellen Gurewitz stated that she is disgusted with the actions of Dr. Clarkson. She stated that accusing a decision-maker of criminal behavior because of a disagreement was appalling and unethical. She asked that he be admonished by the Commission and the Courts after this hearing. She asked for the rejection of the language submissions. She stated that once a recall is set in motion with petitions submitted that other petitions were precluded from moving forward. She also argued against Dr.

Clarkson's ability to select which language, either that presently before the Commission or those being appealed in the Court, is presented to the electorate. Stated that the office holders for whom recall is being sought will be unable to respond if they do not know which set of language is selected.

Catherine McClary stated that Jim Reach, Counsel for the Election Commission was present to assist in determining how the Commission should proceed. Jim Reach recommended that the Commission recess in closed session to discuss how to proceed.

Judge Brown recessed the meeting.

Judge Brown called the meeting to order. He stated that the Commission was not precluded from proceeding with the Clarity Review. He referred to the first set of language labeled 'A' for Christina Lirones.

Mary Ellen Gurewitz stated that the language 'A' had already been rejected by the Commission.

Dr. Clarkson stated that the Commission had not previously voted on each specific reason.

Catherine McClary moved to reject the first set of petition language for Christina Lirones. 3 Yeas. Motion carried.

Lawrence Kestenbaum moved to reject the first set of petition language for James Walter. 3 Yeas. Motion carried.

Lawrence Kestenbaum moved to reject the first set of petition language for Feliziana Meyer. 3 Yeas. Motion carried.

Discussion was held regarding set 'B' of the petition language.

Catherine McClary moved to reject set 'B' of the petition language for each of the three officers for whom recall is being sought. 3 Yeas. Motion carried.

Discussion was held regarding set 'C' of the petition language.

Lawrence Kestenbaum moved to accept the set 'C' language for all 3 officials for whom recall is being sought. 2 Yeas; Kestenbaum and Brown. Motion carried.

Discussion was held regarding the remaining petitions. Gavin Clarkson stated that he would withdraw petitions D through H for each officeholder.

## **OTHER BUSINESS**

None.

## **ADJOURNMENT**

Lawrence Kestenbaum moved that the meeting adjourned. 3 Yeas. Motion carried.

Meeting adjourned.

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Judge Archie Brown, Chair

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Lawrence Kestenbaum, Secretary

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Lyn Sebestyen, Deputy Clerk

APPROVED: \_\_\_\_\_

DRAFT