

**INGHAM COUNTY ELECTION COMMISSION
MINUTES
June 19, 2018**

The regular meeting of the Ingham County Election Commission was called to order at 9:00 a.m. by Judge Garcia. The meeting was held in the Board of Commissioners Room at the Grady Porter Building in Lansing, MI.

MEMBERS PRESENT: Barb Byrum, Ingham County Clerk
Richard Garcia, Chief Probate Judge
Eric Schertzing, Ingham County Treasurer

MEMBERS ABSENT: None

OTHERS PRESENT: Liz Noel, Election/Clerk Coordinator
Lindsey LaForte, Recording Secretary
Courtney Gabbara, Ingham County Attorney
Sarah Belanger, Williamston School Board member
Greg Talberg, Williamston School Board member
Monica Schafer, petitioner
Lori Johnecheck, petitioner
Chris Johnecheck, Williamston community member
Chris Patterson, Williamston community member

Approval of Minutes

Moved by Treasurer Schertzing, supported by Clerk Byrum, to approve the minutes of the June 11, 2018 Election Commission Meeting.

MOTION CARRIED UNANIMOUSLY.

Remarks from Clerk Byrum

Clerk Byrum stated that August 2018 Primary Election ballots should be shipped to the local clerks later this week, and would be ready for military and overseas ballots.

Consideration of Recall Petition Language

Judge Garcia asked anyone who wanted to comment on any petition language to come forward.

Monica Schafer, petitioner, stated that she had submitted three of the petitions and they were based on a culmination of the previous 40 versions of petition language submitted. She further stated that extra attention was paid to being factual and clear.

Ms. Schafer stated that at a previous meeting the Election Commission rejected petition language she had filed because they wanted further clarification from their legal counsel. She further

stated that the Election Commission should have requested that information in the 20 days between the petition being filed and the Election Commission meeting.

Greg Talberg, Williamston School Board member, stated that per MCL 168.952(3), the Election Commission shall determine if the petition language was factual and clear. He further stated that should the Election Commission determine that it was permissible for additional language be attached or included on the back of the petition, he requested that the language on the front of the petition still be held to the same standard as set for in the law.

Mr. Talberg stated that when people saw the words “gender identity,” the first thing they thought of was restrooms, but Policy 8011 did not include any references to restrooms. He further stated that the people leading the recall efforts had spent a lot of time, resources, and energy to misinform the public.

Mr. Talberg provided a copy of a billboard and Facebook post by Williamston for Truth, which are included as Attachment A.

Mr. Talberg stated that the policy clearly protected students’ privacy and also clearly stated that parents should be involved. He further stated that attacking the School Board’s willingness to protect privacy and parental involvement was untruthful.

Mr. Talberg stated that the ability to recall an elected official was an important right, but he requested the Election Commission also consider the rights of the electorate and the elected official. He further stated that as a target of the recall he should not have to hope that the petition circulators were honest and forthcoming.

Mr. Talberg provided an article about petition circulators stretching the truth, which is included in the minutes as Attachment B.

Mr. Talberg stated that he had witnessed someone collecting petition signatures at the Ingham County Fair last year who had blatantly lied to the person signing the petition. He further stated that the electorate had the right to clearly see the language on the front and back of the petition.

Mr. Talberg provided a copy of a sample ballot initiative petition submitted for inclusion in the minutes at the May 31, 2018 Election Commission meeting by Monica Schafer 3, which is included in the minutes as Attachment C.

Mr. Talberg stated that this sample petition included a clear synopsis of what the proposed legislation was and not just a bill number or reference number to a law. He further stated that the synopsis was provided on the front of the petition, not attached or included on the back.

Mr. Talberg stated that there was not a good reason to include information on the back of the petition when it could be provided as a synopsis on the front. He further stated that it was easier for the electorate to have the information provided on the front of the petition.

Mr. Talberg submitted sample recall petition language against himself, which is included in the minutes as Attachment D.

Mr. Talberg stated that this sample petition included recall language exclusively on the front, including a synopsis of the policy. He further stated it was possible to be clear and factual without additional attachments.

Discussion.

Lori Johnecheck, stated that the hearing was to look at recall petition language and what Mr. Talberg shared was irrelevant. She further stated that a circulator's right to free speech did not end because they were collecting signatures on a petition.

Ms. Johnecheck stated that it was not up to the Election Commission to speculate what the voter may or may not think. She further stated that this meeting was only to decide if the petition language was clear and factual.

Ms. Johnecheck stated that if the School Board members could mount a defense for the petition language, the language must be clear. She further stated that they must have understood their own conduct and the petition.

Ms. Johnecheck provided a statement concerning her petition against Christopher Lewis, which is included as Attachment E.

Ms. Johnecheck introduced the petition language from the petition she filed against Christopher Lewis. She further stated that, although not required by law, she has attached the policy language to the back of the petition.

Ms. Johnecheck stated that if Mr. Lewis could mount a defense against the language, it must be clear enough for him to understand, and certainly someone else could understand it enough to sign it. She further stated that it was factual language.

Ms. Johnecheck provided a statement concerning her petition against Greg Talberg, which is included as Attachment F.

Ms. Johnecheck introduced the petition language from the petition she filed against Greg Talberg. She further stated that the policy was too open and she disagreed with it.

Ms. Johnecheck stated that if the policy did not state a person must use the bathroom of their biological sex, it was concerning for the entire Williamston community.

Sarah Belanger, Williamston School Board member, stated that she continued to have an issue with the policy language being attached to the petition. She further stated that by placing language on the back of the petition, it would fundamentally change the petition which would be against state law.

Ms. Belanger referred to the statement provided by Christopher Lewis, Williamston School Board member, which is included as Attachment G.

Ms. Belanger stated that the rules on the petition were reduced to a smaller size and difficult for many to read. She further stated that there would be lack of time for a voter to be fully informed.

- o Sarah Belanger – filed by Monica Schafer on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

Treasurer Schertzing asked Courtney Gabbara, County Attorney, about the petitions with the policy on the back versus the policy being attached to the petitions. He asked if there was any legal precedent for accepting one form or the other.

Ms. Gabbara stated that she would prefer to give legal advice in a closed session, but would comment very broadly on the issue.

Treasurer Schertzing asked what kind of guidance was provided in the law about attachments to recall petitions.

Ms. Gabbara stated that, in general, the Election Commission had a lot of discretion to review the language. She further stated that the Secretary of State guidance allowed some discretion also.

Treasurer Schertzing asked about the size of the font to be legible and if someone, such as the Clerk, could work to make it more readable.

Ms. Gabbara stated that there was specifications for the font size for certain parts of the petition. She further stated that there was some parts that could be changed, for example, the amount of signature lines could be varied to allow more room for text at the top of the petition.

Clerk Byrum stated that there were some guidelines offered by the Bureau of Elections. She further stated that the actual petition filed was on legal size paper and would be handed back over to the petitioner to be copied and circulated, if approved.

Ms. Gabbara stated that MCL 168.544(c) was referring to initiative petitions, not recall petitions. She further stated that the guidelines were different for the standards of recall petitions.

Treasurer Schertzing asked about the four petitions with the policy language attached. He further stated that he was concerned about circulators providing the second sheet, and he was more comfortable with the information being provided on the back of the petition instead.

Treasurer Schertzing stated that he was concerned with circulators not providing truthful information.

Ms. Gabbara stated that circulators could provide any additional information or flyers at the same time that they sought signatures. She further stated that the Election Commission only needed to find the front of the petition clear and factual.

Treasurer Schertzing stated that the language being approved was talking about having information attached.

Ms. Gabbara stated that the attachments were not something the Election Commission needed to consider, as they were to approve what was on the face of the recall petition.

Clerk Byrum stated that the petitions filed by Julie Conley included a paper-clipped attachment of the policy.

Judge Garcia stated the motion was only for the petition filed by Monica Schafer against Sarah Belanger.

Clerk Byrum called the question.

THE MOTION CARRIED UNANIMOUSLY.

- Christopher Lewis – filed by Monica Schafer on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

THE MOTION CARRIED UNANIMOUSLY.

- Greg Talberg – filed by Monica Schafer on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

THE MOTION CARRIED UNANIMOUSLY.

- Christopher Lewis – filed by Lori Johnecheck on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia to approve the petition language.

THE MOTION FAILED FOR LACK OF SUPPORT.

Moved by Clerk Byrum, supported by Treasurer Schertzing, to reject the petition language due to lack of clarity.

Judge Garcia stated that he did not agree that this petition language was not clear as the text of the policy was provided.

THE MOTION CARRIED. Yeas: Clerk Byrum and Treasurer Schertzing.

Nays: Judge Garcia.

- Greg Talberg – filed by Lori Johnecheck on June 1, 2018

Judge Garcia read the petition language.

Moved by Treasurer Schertzing, supported Clerk Byrum, by to reject the petition language due to lack of clarity.

Judge Garcia stated that he was unsure what was unclear about the petition language because it states what the concern was and what the policy was, plus had the policy on the reverse.

THE MOTION CARRIED. Yeas: Clerk Byrum and Treasurer Schertzing.
Nays: Judge Garcia.

- o Sarah Belanger – filed by Julie Conley on June 1, 2018

Judge Garcia read the petition language.

Moved by Clerk Byrum, supported by Treasurer Schertzing, to reject the petition language due to lack of clarity.

Judge Garcia stated that he was not sure how the attached language was not clear. He further stated that attaching the policy did not cause lack of clarity.

Clerk Byrum stated that what had been presented to the committee as samples with attachments had not been recall petition language, but initiative petitions. She further stated that she stood by her position.

Treasurer Schertzing asked about guidance for what was allowed for the physical attachment.

Ms. Gabbara stated that she searched in various places, such as Lexus Nexus, and there was little information to be found.

Treasurer Schertzing stated that the Election Commission findings could always be appealed. He further asked about unpublished opinions.

Ms. Gabbara stated that she did see some of those opinions but none them were binding. She further stated that in some other states, attachments were allowed on recall petitions.

THE MOTION FAILED. Yeas: Clerk Byrum.
Nays: Judge Garcia and Treasurer Schertzing

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

THE MOTION CARRIED. Yeas: Judge Garcia and Treasurer Schertzing.
Nays: Clerk Byrum

- o Nancy Deal – filed by Julie Conley on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

THE MOTION CARRIED. Yeas: Judge Garcia and Treasurer Schertzing.

Nays: Clerk Byrum

- Christopher Lewis – filed by Julie Conley on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

THE MOTION CARRIED. Yeas: Judge Garcia and Treasurer Schertzing.

Nays: Clerk Byrum

- Greg Talberg – filed by Julie Conley on June 1, 2018

Judge Garcia read the petition language.

Moved by Judge Garcia, supported by Treasurer Schertzing, to approve the petition language.

THE MOTION CARRIED. Yeas: Judge Garcia and Treasurer Schertzing.

Nays: Clerk Byrum

Public Comment:

Clerk Byrum stated that she was handing over to Monica Schafer the three petitions with approved language that Ms. Schafer had submitted. She further stated that Julie Conley was not present to be given the four petitions with approved language that she had filed.

Clerk Byrum stated that she would call and email Ms. Conley. She further stated that the petitions would be available in the County Clerk's Office in Mason for pickup within an hour.

Adjournment:

Moved by Clerk Byrum, supported by Treasurer Schertzing to adjourn the meeting.

The meeting was adjourned at approximately 9:38 a.m.



BARB BYRUM, CLERK OF THE BOARD

“But we have to send a message!”

FB on 06.15.18

Well, Greg, Chris and Sarah, you have certainly sent a strong, mocking message with this photo: “We don’t care how offensive this policy is to you. We will do as we please. Privacy? Parental rights? Humph. Conform. We know what’s best for you, Williamston.”

We disagree. Recall efforts continue – with good reason.



Attachment A – Submitted by Greg Talberg

RECALL

WCS BOARD OF EDUCATION
TALBERG, LEWIS, BELANGER, DEAL

PRIVACY & PARENTS AREN'T OPTIONAL

Billboard with optional finish by Custom Signs In Motion (CSM) P.O. Box 744 Williamsport, PA 17751.
Not authorized by any trademark owners. © Copyright 1998 CSM

Billboard located on Grand River Ave.

Michigan petitioners stretch truth for signatures

Journalist Dunlop, Detroit News Lansing Bureau ...
1:28 AM ET Aug. 2, 2017

Lansing — Summer is petition season in Michigan, where paid circulators are taking advantage of warm weather and public events to collect signatures for at least three statewide initiatives — and sometimes stretching the truth in their sales pitch to voters.

A circulator working a park concert last month in Lansing approached a Detroit News reporter and requested signatures for two separate petitions, including one she said was “for the teachers and construction workers to help protect their wages, benefits and pensions,” a claim she repeated twice.

The initiative actually seeks to repeal the state’s prevailing wage law, which guarantees union-level wages and benefits for workers on some government-funded construction projects. It has no direct connection to teacher compensation, but supporters contend it would reduce school construction costs. Critics argue it would drive down worker pay on construction projects.

Describing the second petition, the circulator said “recreational marijuana will be legal in about a year, and they don’t want anyone under 21 to be able to indulge.”

She did not explain that the petition itself seeks to legalize recreational marijuana in Michigan. Under the potential 2018 ballot proposal, the drug would remain prohibited for anyone younger than 21.

While petition backers said they encourage accurate descriptions and try to weed out problem circulators, Michigan has no law against inaccuracies about the content of a

petition. Critics say circulators paid by the signature have a perverse incentive to do whatever they can to convince voters to sign a petition.

"We've heard this happen over and over and over again," said state Sen. Curtis Hertel Jr., D-East Lansing, who has proposed legislation seeking to crack down on petition circulators who lie.

His bill would make it a misdemeanor crime for a paid or volunteer circulator to "knowingly and willfully circulate, publish, or exhibit a false statement or misrepresentation concerning the contents, purport or effect" of a statewide petition. Violators could face up to 93 days in jail and/or a fine of up to \$500.

"I believe that the petition process is a fundamental part of our democracy here in Michigan, but you're stealing that from somebody when you lie to them, when people think they're signing one thing and they're actually signing something else," Hertel said.

Similar anti-lying legislation was introduced in the House by Rep. Jeremy Moss, D-Southfield, but the proposals have not yet been taken up by Republican majorities in either chamber.

GOP Rep. Aaron Miller of Sturgis, who chairs the House Committee on Elections and Ethics, said he is worried the proposed law could be difficult to enforce. But Miller said he is open to holding a potential hearing on the legislation this fall if there is room on the committee schedule.

Although it's not clear how widespread the problem is, Miller said he has heard isolated incidents of circulators allegedly misrepresenting various petition drives.

"It's kind of on all sides, on all issues," he said. "It's wrong."

Senate Majority Leader Arlan Meekhof, R-West Olive, is "willing to look at the issue, but his office has not been made aware of any instances of petition circulators lying," said spokeswoman Amber McCann.

Self-policing petition drives

Michigan Secretary of State Ruth Johnson's office offers logical advice to voters: Read any petition "thoroughly" before signing it.

"The petition form is required to contain the description and the full text of the amendment of initiative," said Fred Woodhams, a spokesman for Johnson. "How a circulator describes a petition isn't regulated."

There have been several documented instances this summer.

Hertel's brother, Democratic state Rep. Kevin Hertel of St. Clair Shores, recently snapped a photo of a petition circulator for Lt. Gov. Brian Calley's part-time Legislature proposal, whose committee is using a combination of paid and volunteer signature gatherers.

The circulator advertised the petition with a sign reading "no more free lifetime health care for Lansing politicians we pay for."

As the younger Hertel noted, Michigan legislators haven't received lifetime health benefits in several years. A 2011 law eliminated retiree health insurance for all state employees, including lawmakers. Calley's petition would constitutionally ban the benefits already prohibited under statute.

The MIRS subscription news service last month reported a circulator describing the prevailing wage repeal petition as an attempt to raise Michigan's minimum wage, which it

would not do, and describing the recreational marijuana legalization proposal as an attempt to expand the availability of medical pot.

Organizers for the prevailing wage petition drive said they immediately fired the circulator in question. Both the Protecting Michigan Taxpayers committee and the Coalition to Regulate Marijuana Like Alcohol are paying National Petition Management of Brighton to collect signatures.

"We try to police it the best we can, but you're always going to have a few stragglers," said Jeff Wiggins, president of the prevailing wage repeal petition committee and state director for the Associated Builders and Contractors of Michigan, which is funding the effort.

Petitioners are provided with talking points designed to help them "accurately present what we're trying to accomplish," Wiggins said. "The first line of the petition is 'repeal Michigan's prevailing wage law. It's right there on the petitions."

Protecting Michigan Jobs, a labor-backed committee opposing the repeal effort, has alleged an overt attempt to confuse voters.

"Don't be fooled," the group says in two new billboards on Interstate 96, with one near Webberville and one near Portland. "Read every petition you are asked to sign."

The prevailing wage petition may be the only chance voters have to weigh in directly on the issue.

Unlike other petitions in the field this summer, organizers are not expecting their proposal to go to the ballot. Instead, they anticipate the Republican-led Legislature will approve

the initiative within a 40-day window allowed by the Michigan Constitution, effectively bypassing opposition from GOP Gov. Rick Snyder.

The Coalition to Regulate Marijuana Like Alcohol has a “zero tolerance policy” about circulators who misrepresent the pot petition, said spokesman Josh Hovey, who added the group would not accept petitions from a circulator found lying.

“When we do find out, we’re very aggressive in making sure that does not continue,” Hovey said.

Some states more strict

Some states have moved to regulate circulators more heavily than Michigan, which primarily relies on self-policing.

Ohio law holds that no person shall “willfully misrepresent the contents” of any initiative or referendum petition, punishable by fines of between \$100 and \$500.

In Oregon, it is a felony to make “false statements” to anyone who signs a petition or requests information about it. Paid circulators must also register with the state and review training materials. Violating petition laws can land a person up to five years in prison and/or a fine of up to \$125,000.

Petition drives to initiate law or amend the state constitution, originally envisioned as avenues for citizens to directly shape their government, have become big business in Michigan and across the country.

Most successful petition drives are managed by professional companies hired to collect valid signatures. Groups on pace to make Michigan’s 2018 ballot – or advance a

measure to the Legislature – will likely spend around \$1.5 million to get there, said Craig Mauger of the Michigan Campaign Finance Network.

State law gives Michigan petitioners a 180-day window to collect signatures. This year, it will take 252,523 valid signatures to advance initiated legislation or 315,654 signatures to amend the state constitution.

“The signature threshold is so high, you pretty much either have to have an amazing grassroots organization, which is really hard to set up and takes a lot of money to establish, or you have to pay for signatures,” Mauger said.

Some states have attempted to ban paid petitioners or payments per signature, but such laws in at least five states have been ruled unconstitutional, including a Colorado pay-per-signature statute struck down on First Amendment grounds.

“There’s an incentive to get the signatures, so there’s an incentive to lie,” Hertel said.

“We’ve got to balance that out in some way, and I think that by making it a crime, they’d be less likely to do that.”

Submitted May 31, 2018 From Board of Supervisors
 → addresses key components of proposed legislation

An initiative of legislation to amend 1955 PA 188, entitled "Initiative to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties" (MCL 408.561 to 408.583); and to provide for an appropriation or reserves purposes, if not enacted by the Michigan Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation will be voted on at the November 6, 2018 General Election.

For the full text of the proposed legislation, please see the reverse side of this petition.

Yes, the undersigned qualified and registered voters, residents in the county of _____ State of Michigan, respectfully petition for initiation of legislation.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, or violates the provisions of the Michigan election law.

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS	CITY	STATE	ZIP CODE	MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.								
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.								
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	3.								
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CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	9.								
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	10.								

INITIATION OF LEGISLATION

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is a United States citizen who has reached the age of 18 on his birthday or her birthday, is a resident of the county in which the petition was filed, is not a registered voter in the county in which the petition was filed, and has not been convicted of a felony crime involving moral turpitude within the past 10 years. The undersigned circulator certifies that he or she is not a circulator of this petition for the purpose of any legal proceeding to bring the petition before the Michigan State Board of Elections, the Michigan State Board of Canvassers, or the Michigan State Board of Registrars. The undersigned circulator certifies that he or she is not a circulator of this petition for the purpose of any legal proceeding to bring the petition before the Michigan State Board of Elections, the Michigan State Board of Canvassers, or the Michigan State Board of Registrars. The undersigned circulator certifies that he or she is not a circulator of this petition for the purpose of any legal proceeding to bring the petition before the Michigan State Board of Elections, the Michigan State Board of Canvassers, or the Michigan State Board of Registrars.

CIRCULATOR - Do not sign or date certificate until after circulating petition.

 (Signature of Circulator) _____ (Date) _____

 (Printed Name of Circulator)

 (Complete Residential Address (Street and Number of Rural Route) [Do Not Enter a Post Office Box])

 (City or Township, State, Zip Code)

 (County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with included funds by Protecting Michigan Taxpayers, P.O. Box 14192, Lansing, MI 48901

INITIATION OF LEGISLATION

An initiation of legislation to repeal 1985 PA 188, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," (MCL 408.551 to 408.558); and to provide for an appropriation for related purposes.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Enacting section 1. 1985 PA 188, MCL 408.551 to 408.558, is repealed.

Enacting section 2. For the fiscal year ending September 30, 2018, \$75,000.00 is appropriated from the general fund to the department of licensing and regulatory affairs. The appropriation under this section is designated as a work project under section 4574 of the management and budget act, 1984 PA 437, MCL 18.1451e, for the purpose of implementing and communicating information about the repeal of 1985 PA 188, MCL 408.551 to 408.558, to be accomplished by state employees or by contract with an estimated cost not exceeding \$75,000.00 and an estimated completion date by December 31, 2018.

Enacting section 3. If any part or parts of this act are found to be in conflict with the State Constitution of 1963, the United States Constitution, or federal law, this act shall be implemented to the maximum extent that the State Constitution of 1963, the United States Constitution, and federal law permit. Any provision held invalid or unenforceable shall be severable from the remaining portions of this act.

SAMPLE

Attachment E – Submitted by Lori Johnecheck

What conduct do I find offensive?

While in office, Chris Lewis voted to adopt policy 8011 Gender Identity that includes redundant “equal educational opportunity” language. Every student is protected by policy 8010 Equal Educational Opportunity. It is that specific portion of language that I take issue with and that is why I have stated it in the petition language.

What is the standard of clarity according to Election Law?

Election Law only requires that wording is clear enough for Mr. Lewis (the elected official) to understand the conduct the petitioner does not agree with. The electors must also understand the conduct that the petitioner finds offensive. The conduct must also have occurred while the elected official was in office.

Nothing more. Nothing less.

Mr. Lewis submitted a statement that I have read. The language must be clear since he has mounted a defense based on that language.

He is eligible to sign the petition. Based on that alone, the petition language is clear enough to understand why I disagree with an action he took while in office.

Attachment F – Submitted by Lori Johnecheck

While in office, Greg Talberg voted to adopt policy 9260 Access to Gender-Segregated Activities and Facilities. What I take objection to with that policy is that it does not expressly state that everyone must use the bathroom, changing facility and shower that matching their biological sex.

This was a key concern among Williamston Community Members. It was requested time and time again that this language be included in any type of “bathroom policy.” The Election Commission can read the policy to verify this specific language is not included. That is the issue I take with this policy. What someone votes to leave out of a policy can be just as objectionable as the language it contains.

Election Law only requires that wording is clear enough for Mr. Talberg (the elected official) to understand the conduct the petitioner does not agree with. The electors must also understand the conduct that the petitioner finds offensive. The conduct must also have occurred while the elected official was in office.

Mr. Talberg will mount a defense on his behalf today. This confirms the language is clear by default.

He is eligible to sign the petition. Based on that fact alone, one can logically conclude that someone signing the petition could also understand the conduct that I find objectionable.

Attachment G – Submitted by Christopher Lewis

From: Christopher Lewis <dadofdivas@gmail.com>
Sent: Monday, June 18, 2018 7:59 AM
To: inghamclerk inghamclerk
Subject: Response to Mrs. Johnnecheck's Petition

Follow Up Flag:
Flag Status:

Categories:

I will not be able to be at the meeting tomorrow due to work commitments. Please submit the following response to Mrs. Johnnecheck's petition:

This recall petition by Mrs. Johnnecheck categorically is making an assumption that both policies 8010 (Equal Educational Opportunity) and policy 8011 (Gender Identity) are the same and they are not. By only selecting specific sentences from the two policies and setting them on the front of the petition, voters are being misled to what the policies actually are about.

In policy 8010, the sentence following the sentence that was selected that was purposely left off of the language from the front of the petition explains how policy 8010 is different from policy 8011. As it reads "The board shall treat its students without discrimination as this pertains to course offerings, athletics, counseling, employment assistance, and extracurricular activities." Whereas, policy 8011, in the second paragraph separates itself from 8010 as it reads " WCS shall accept the gender identity that each student asserts reflecting the student's legitimately held belief once the student and/or his or her parent/guardian, as appropriate, notifies District administration that the student intends to assert a gender identity that differs from previous representations or records." As you can see, there is a fundamental difference in these policies even though Ms. Johnnecheck continues to assert otherwise.

By attempting to create a correlation where no correlation exists, it begs the question of whether the average voter in Williamston will understand this, even when they are supposed to read it on the back of the petition. As stated in board policy 1032, it is the role of the school board to "make reasonable bylaws, policies, and regulations relative to anything necessary for the proper establishment, maintenance, management and carrying on of the public schools of the district." Having different policies for different reasons is under the working purview of the day-to-day operation of a board.

I also continue to have an issue with the idea that the policy language can be attached or included as a part of the petition as there is no language that supports this as listed in the MCL, nor in the rules specified by the Board of Electors.

Placing language on the back of a petition will fundamentally change the petition itself which is against state statute. Also, in look at examples provided by petitioners to how this would look, both the policy and circulating rules have been shrunk down to a size that many would find illegible, making it unclear to all voters what the policy states. Also for the petition circulator, by shrinking the rules, again, the petition itself becomes unclear as to the role that they must abide by for the signatures collected to be valid. Finally, in watching petitions for other causes being circulated, having a policy on the back or even attached will not be read, instead it will again be up to the petition circulator to share their subjective stance to why the person should sign the petition without the voter being fully aware of everything due to lack of time to be fully informed.

Based on the above reasons, I state today that the language written by Mrs. Johnnecheck is not specific enough to make it clear what the electorate is signing.