



Michigan Association of Municipal Clerks

Quarterly Newsletter | Fall 2020

Letter from the President



My Fellow Clerks,

Most of us would agree that we have just survived the most challenging election of our careers. The changes brought about by the Promote the Vote Constitutional Amendment combined with the voting pattern changes influenced by the COVID-19 pandemic have made “change” the name of the game in administering elections.

Through this, MAMC has been advocating for you. We asked for tools from the Michigan legislature that would give you more options. While we had some success, the changes adopted did not go far enough nor did they help enough of us. I have been outspoken in the media about the challenges given to Michigan clerks without the appropriate tools or resources for so many of us.

We value your participation in MAMC, and I hope you find your membership to be a thing of value. Whether you are a veteran clerk who has seen many changes in our profession through the years, or you are an incoming clerk who was just elected, MAMC is working to serve your needs.

Sincerely,

Chris Swope, MiPMC/MMC
MAMC President

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2021 CLERK OF THE YEAR NOMINATIONS

Stephanie McMillen, MiPMC/CMC
Chair, Ways & Means/Media

Please consider submitting a nomination for an outstanding Clerk and Deputy Clerk from your city, township, or village to be considered for the 2021 Clerk of the Year Awards. The deadline for nomination is **January 30, 2021**.

A maximum of five nominees in each category will be chosen for placement on the ballot by a committee consisting of the previous Clerk of the Year winners based on the following criteria:

- Years of experience as a municipal clerk;
- Demonstration of greater-than-average performance in the position;
- Involvement in county, state and national associations;
- Demonstrated interest in improving their professional and personal skills, and in the advancement of the profession;
- A record of contributing to the improvement of their community and the respect of community leaders; and
- Must be a member of the MAMC in 2020 and must continue their membership in 2021.

The nomination form is available on the MAMC website www.michiganclerks.org or by contacting the Clerk of the Year Committee Chair Stephanie McMillen at smcmillen@grcity.us or 616.456.3015.

SOCIAL MEDIA AND WEBSITE UPDATES

Adam Wit, MiPMC/CMC
3rd Vice President
Chair, Newsletter/Website

Social Media

We know Facebook has become a hotspot for the networking, questions and, yes, venting for a lot of our members. This has previously been a “public” group, but was recently changed to “private” to give our members a safe area to talk. We want our Clerks to be able to ask the questions they have and get honest answers to best serve their constituents.

Website

The only thing missing when you visit our website is the sounds of the modem connecting. Earlier this month we held a kickoff meeting with the vendor that will be redesigning our MAMC website. The goal will be to update it to make the things important to our members, like education, legislation and chatting with our peers, accessible and easy to use. If you have any feedback on what you want to see, please reach out to me at awit@harrison-township.org

EDUCATION UPDATE

Melanie D. Ryska, MiPMC/CMC
Chair, Education Committee

Rachelle Enbody
Vice Chair, Education Committee

2020 was whirlwind of a year!! We all deserve to take 2021 off to recoup, but we won't do that because clerks never quit!

If you would like to serve on the Education Committee, please visit the MAMC website for committee application. We look forward to a rewarding year with great educational opportunities!

2021 SAVE THE DATES

- Institute – March 14-19, 2021 OR March 21-26, 2021 – Mt. Pleasant
- IIMC Annual Conference – May 9-13, 2021 – Grand Rapids – Michigan is hosting the IIMC 75th Celebration
- Clerking 101 Boot Camp – TBD
- Free Education Day – September 2021 – Frankenmuth (details to come)
- Master Academy – November 30 – December 2, 2021 – Mt. Pleasant

IT'S TIME TO RENEW YOUR MEMBERSHIP!

Jackie Beaudry, MiPMC/MMC
Chair, Membership/MiPMC Program

Look for your MAMC Membership renewal form in this newsletter and on the MAMC website.

Please renew before January 31 to avoid late fees and to keep your membership current!

Member benefits include:

- Professional Education Programs
- Summer Conference
- Michigan Professional Municipal Clerk Certification Program
- Legislative Lobbying
- Professional Networking and Access to Online Forum
- Members Only Website Access
- AND MORE!

MiPMC REMINDER

As we get into the final month of 2020 and wrap up the 2020 Election cycle,

- if you were eligible but did not certify or re-certify under the CMMC program, **OR** were told to wait for the new MiPMC program
- **AND** have more than 20 points earned,

a one-time “certificate” will be awarded to anyone submitting more than 20 points during the 2020 calendar year.

This extra points certificate offer is good only through December 31, 2020, after that, points must be submitted timely for levels – no points will carry over.

CEO/LEGISLATIVE COMMITTEE UPDATE

Pam Smith, MiPMC/MMC
2nd Vice President
Chair, Legislative Committee

Mary Clark, MiPMC
1st Vice President
Chair, CEO Committee

Wow! 2020 was the year of Elections and from that legislation that:

- Allowed for combined absent voter counting boards
- Clarified the ability to use shifts on the absent voter counting boards
- Provided for drop box requirements for new drop boxes purchased after October 1, 2020
- Allowed for pre-processing of absentee ballots for those communities with a population of at least 25,000 for the November 3, 2020 Election Only

As a Board we hope to continue some of the work we started in 2020 (and most likely years before that) including continued conversations on early processing of absentee ballots for all future Elections.

We would love to hear from the membership on any issues that you want brought forward for discussion and look forward to 2021 when we can hopefully resume our monthly meetings!

Financial Report

Lanie McManus, MiPMC
Garfield Charter Township
MAMC Treasurer

Financial Report for September 30, 2020

Bank Statement	
Beginning Balance	\$250,488.37
Deposits/Credits	\$4,566.00
Interest	0
Withdrawals	\$78,441.06
Ending Checking Balance	\$176,613.31
Ending Savings Balance	\$42,807.93
TOTAL FUNDS	\$219,421.24

CAPITOL UPDATE

Bill Zaagman

Governmental Consultant Services, Inc.

MAMC Lobbyist

zaagman.w@gcsionline.com



Republicans Maintain Control of State House

House Republicans, nervous heading into Election Day, were elated to maintain their majority and thus control of the State House for the 2021-2022 session. Not only did they keep their 58-52 seat majority, they did it by beating two sitting Democrats in areas where President Trump performed well. Republican Timmy Beson bested State Representative Brian Elder in Bay County and Republican David Martin defeated State Representative Sheryl Kennedy in a rural, blue collar district in Genesee County.

Democrats needed to pick up four seats in a year many believed was their year. Despite losing two incumbents, they picked up two open seats previously held by Republicans. Christine Morse bested Republican Bronwyn Haltom in the open 61st seat in Kalamazoo County to replace term limited Rep. Brandt Iden (R-Oshtemo Twp.). However, many of the needed gains expected to materialize in Oakland County suburbs didn't. And while Democrats did also take the open 38th district (Novi) with Kelly Breen over Republican Chase Turner to replace term limited Rep. Kathy Crawford (R-Nov), they weren't successful in knocking off incumbent Rep. Ryan Berman (R-Commerce Twp.) or taking the open 45th District to replace third term Rep. Mike Webber (R-Rochester Hills) when Republican Mark Tisdell defeated Democrat Barb Anness. Also targeted in Oakland County was Rep. Andrea Schroeder (R-Independence Twp.), who ended up winning easily. In other closely watched races, Rep. Laurie Pohutsky (R-Livonia) held on to win a second term and the Republicans kept Traverse City in their column with John Roth defeating Dan O'Neil in the 104th District. Later in the election cycle, Republicans went after Rep. Darrin Camilleri (D-Brownstown Twp.), but he won comfortably, and Democrats were eyeing seats on the Westside, however, Republican Bryan Posthumus won in the open 73rd seat and Rep. Steve Johnson (R-Wayland) was re-elected. For the next session, there will be a total of 28 new members of the State House—13 Republicans and 15 Democrats.

Wentworth Elected Next Speaker

State Representative Jason Wentworth, a Clare Republican, was elected Speaker of the Michigan House for the 2021-2022 Legislative Session. Representative Ben Frederick (R-Owosso) was elected Majority Floor Leader and Representative Pam Hornberger (R-Chesterfield Township) was elected Speaker Pro Tempore.

The Democratic Caucus also held their leadership elections where State Representative Donna Lasinski (D-Ann Arbor)

was elected the House Democratic Leader and State Representative Yousef Rabhi (D-Ann Arbor) was elected the House Minority Floor Leader.

Gov Signs Legislation to “pilot” AV ‘Pre-Processing’

Legislation designed to allow clerks to perform limited “pre-processing” of absentee ballots on the day before the election finally cleared the Legislature and was signed by Governor Whitmer in early October becoming Public Act 177 of 2020. As introduced by (former Secretary of State) Sen. Ruth Johnson (R-Holly), Senate Bill 757 was intended to allow clerks from larger communities facing significant increases in absentee balloting to open the AV return envelope and remove the ballot and secrecy sleeve from the mailing envelope. However, the bill grew to include more than just pre-processing and has aspects that impact every city and township clerk across the state.

- **Pre-Processing:** For the November 2020 election only, clerks in communities with a population of at least 25,000 may “pre-process” absentee ballots between 10 a.m. and 8 p.m. on the day before the election. The clerk must notify the Secretary of State not later than 20 days prior to the election if they elect to pre-process. The pre-processing activities must be conducted by inspectors appointed by the board of canvassers and challengers must be permitted to be present. Pre-processing consists of standard activities up to and including the opening of the absent voter ballot return envelopes, the removal of the secrecy sleeve containing the ballot and verification that the numbered ballot stub agrees with the ballot number on the return envelope. The ballot is not permitted to be removed from the secrecy sleeve. Once the numbered ballot stub is verified, the ballot and the secrecy sleeve must be placed in and stored overnight in secure ballot storage containers.
- **Ballot Spoiling:** To accommodate pre-processing activities, the deadline for a voter to spoil a ballot that has been returned to the clerk was moved from 4 p.m. on the Monday before the election to 10 a.m. on the Monday before the election. This applies to every jurisdiction. (Sec. 765b(3)) In addition, the deadline for a clerk to mail a replacement ballot to a voter who lost, spoils or has not received his or her absent voter ballot was moved to 5 p.m. on the Friday before the election. This is consistent with the deadline for a clerk to mail an absent voter ballot.
- **Inspector Shifts Clarification:** Senate Bill 756 was

merged into Senate Bill 757 to clarify existing guidance that permits a clerk to appoint elections inspectors to work in shifts. Election inspectors are not permitted to leave the absent voter counting board prior to polls closing at 8 p.m. This applies to all jurisdictions using an AVCB. (Sec. 765a (10))

- **Ballot Drop-box Restrictions:** The bill creates a new section (Sec 761d) and adopts requirements for the installation and placement of ballot drop boxes for any boxes ordered and installed after October 1, 2020. Ballot boxes installed prior to October 1 or ordered before October 1 are grandfathered and not subject to the requirements of Sec 761d.
- **Signature Curing:** Sec 761 and 765a were amended to require local clerks to notify an absent voter within 48 hours if the clerk rejects the absent voter ballot application or absent voter ballot because the signature does not sufficiently agree or it was returned without a signature. The notice requirement applies to absent voter applications or absent voter ballots received before 8 p.m. on the day before the election. Notice of rejection must occur by email, phone, or mail. The clerk is not required to provide a rejection notice for applications or ballots received after 8 p.m. on the day before the election.

The bill and all the provisions within it took effect upon signature. Public Act 177 of 2020 can be viewed: [here](#). In addition, the BOE has updated the Elections Officials Manual to reflect the changes enacted.

Governor Awaiting MOVE Bill

As part of the agreement to move Senate Bill 757, the Legislature passed Senate Bill 117 after expanding it to include the spouses of active duty military serving overseas. As originally introduced by Sen. Ruth Johnson (R-Holly), the bill permitted active duty military serving overseas to return their MOVE ballots electronically to their local clerk using their Common Access Card issued by the United States Military. Under the version that passed both chambers, the bill was amended to extend this to those spouses who are also overseas and would permit both the active duty military and the spouse to return their ballots electronically using any email domain. This amendment caused a bit of a kerfuffle with the sponsor, who, along with several other Republicans, removed their names from the bill. Despite passing the same day as SB 757, this bill has yet to be transmitted to the Governor for signature. No timeline has been given to send the bill to the Governor.

Legislature Criminalizes Submission of False AV Applications

Submitting an absent voter ballot application with fraudulent or false information, with another person's information without consent or with the intent to obtain multiple ballots would be a crime under legislation awaiting the Governor's

signature. Senate Bill 977, introduced by Sen. Kevin Daley (R-Lum), would classify all three instances a Class E felony and make it a felony to knowingly submit an application with a forged signature.

The bill passed the Legislature in September and was presented to the Governor for signature.

Address Confidentiality Bills Awaiting Final Votes

Legislation establishing the "Address Confidentiality Program" within the Department of the Attorney General is awaiting final action by both the House and the Senate. The multi-bill package would allow an individual to participate in the program if he or she were a victim of domestic violence, stalking, human trafficking, or sexual assault, or risked physical harm if his or her address were disclosed. Participants would be required to be 18 years of age or older, an emancipated minor, the legal parent or guardian appointed by a court, or the guardian of a ward to apply for certification on behalf of himself or herself, or his or her minor or ward, as a participant in the Program.

Once approved for the program, each enrollee would be issued a designated mailing address at which the Department of Technology, Management, and Budget (DTMB) would receive the participants' mail and be responsible for forwarding that mail the participants actual mailing address. Each participant's permanent address would become confidential and could not be released. The term of the participation would be four years, unless canceled as provided under the proposed Act. The bills are Senate Bills 70 through 76 and House Bills 5054 through 5058.

Of interest to the clerk community will be Senate Bill 71, which amends the Michigan Election Law and provides that a program participants address is confidential and cannot be released. The bill, awaiting action on the House floor, specifies that a program participant's voter registration application would be confidential and not subject to disclosure under the Freedom of Information Act. In addition, the bill provides that:

1. The Qualified Voter File would have to contain his or her unique ID number issued by the Attorney General.
2. Any poll list or poll book created for an election to include only the participant's name and a notation for the precinct election inspector to contact the city or township clerk.
3. A participant must vote by absent ballot while he or she was enrolled in the Program.
4. Require a city or township clerk who received an absent voter ballot application from a Program participant to mail a ballot to the participant at the designated address.

House Bills 5054 through 5058 are awaiting final action by the full Senate while Senate Bills 70 through 76 are awaiting final action by the full House.

MICHIGAN ASSOCIATION OF MUNICIPAL CLERKS SR-47

CODE OF ETHICS AND CONDUCT

Purpose

The Code of Ethics and Conduct ensures a uniform adherence to the Association's long-standing policies related to legal, moral and professional standards of conduct as it directly relates to his/her professional role as a public official and an active member of this Association. This code also informs the public at large as to how the Association approaches matters involving ethics. The principles set forth in this code will govern the conduct of all members of the Michigan Association of Municipal Clerks.

Standards of Behavior

All MAMC members must affirm their commitment and willingness to abide by the Code of Ethics and Conduct.

Fiduciary Responsibility

A member will exercise prudence and integrity in the management of funds in his/her custody and in all financial transactions for which he/she is responsible and will maintain the safety of monies placed in his/her public trust.

Responsibility as Public Officials

A member will adhere to concepts of effective and efficient local government service being provided by elected and appointed Clerks, Deputy Clerks, and Election Administrators. A member will conduct himself/herself at all times in a manner, which serves the public interest and enhances the stature of the profession. A member will uphold the letter and spirit of the law and report violations of the law to the appropriate authorities.

Professional Development

A member will observe professional technical standards and continually strive to acquire knowledge and improve levels of competence in the statutory duties of the Clerk. A member shall encourage colleagues to improve their competence and set an example for those seeking to enter the field of Public Service.

Professional Integrity – Information

A member will respect and protect privileged information. A member will conduct government openly so the public may make informed judgements and hold public officials accountable. A member will be sensitive and responsive to inquiries from the public and the media.

Professional Relationships

A member will maintain the highest ideals of honor, integrity, and objectivity in all professional relationships.

Interactions with Others

Unwelcome or unwanted conduct or behavior that objectively causes a negative impact, which can include, but is not limited to, comments or behaviors to or from an individual or group that disparage, demean, threaten, intimidate, humiliate, abuse authority, sabotage work, or show disrespect for another.

Any form of discrimination or harassment that violates policy will not be tolerated. This policy forbids any unwelcome conduct that is based on an individual's age, race, religion, sex, national origin, ancestry, marital status, sexual orientation, gender identity, veteran status, physical or mental disability, legally protected medical condition or association with anyone who has, or is perceived to have, any protected characteristic, or any other basis protected by state, federal or local law.

Conflict of Interest

A member will not seek any favor or accept any personal gains, which would influence, or appear to influence, the objectivity or conduct of official duties.

Member Misconduct

The Code of Ethics and Conduct Rules of Procedure will be initiated if a *Request to Investigate an Alleged Violation of Improper Conduct* form is received and/or an active member is convicted by a court of law or censured by their employer for violations relating to the provisions of this Code of Ethics and Conduct.

This process may result in restricted membership rights including, but not limited to, losing voting privileges, the right to serve on committees, or participate in membership services; revocation of CMMC and CMC or MMC designations, and grievous violations may result in expulsion from MAMC without the refund of dues.

Ethical Standards Committee

An Ethical Standards Committee (ESC) is an Ad Hoc Committee that the Board appoints upon receiving a complaint against a member who has allegedly violated the Code of Ethics and Conduct. The ESC will consist of the Immediate Past President, who will serve as the ESC Chair, the current President, and three additional board members they deem appropriate. The committee's primary function is to investigate and file a report with a recommendation to the MAMC Board of Directors. Only MAMC members can submit complaints against another MAMC member for a violation of the Code of Ethics and Conduct.

Investigation and Report

The Ethical Standards Committee is mandated to conduct investigations, including accepting verbal or written statements from other MAMC members, witnesses, or individuals with personal knowledge of the situation and to hold teleconferences with these individuals. The Ethical Standards Committee summarizes the findings to the Board of Directors and recommends whether or not any censure to be applied against the person(s) in the alleged complaint. Given the need to protect members' right to their good name and reputation, complaints that are determined to be frivolous or without factual basis may also incur censure.

Action

Only the Board of Directors has the authority to apply sanctions for violations of the Code of Ethics and Conduct.

By accepting membership in the Michigan Association of Municipal Clerks, each member agrees to be bound and governed by this Code of Ethics and Conduct.

MICHIGAN ASSOCIATION OF MUNICIPAL CLERKS



2021 MEMBERSHIP APPLICATION

Membership expires December 31, 2020

Renewal application due by January 31, 2021 to avoid late fees

Name _____ Title _____

Municipality _____ County _____

Mailing Address _____

Work Phone _____ Home/Cell _____

Email _____ Fax _____

Status New Member Renewal

Certification MAMC-MiPMC IIMC-MMC IIMC-CMC

MEMBERSHIP TYPE (By-Laws Article III; SR-41)	DUES
<input type="checkbox"/> Active Member (Active Clerk, Deputy Clerk, or counterpart with different title)	60.00
<input type="checkbox"/> Associate Member (Previous member, or person or business connected with government)	85.00
<input type="checkbox"/> Honorary Member (Prior Clerk or dignitary; requires a majority vote of the Board)	0.00
<input type="checkbox"/> Membership Pin	6.00
<input type="checkbox"/> Late fee applies for renewals only if postmarked after due date of January 31, 2021	15.00
TOTAL AMOUNT ENCLOSED	\$

I do hereby subscribe to the principles and ethics as described in MAMC's SR-47 Code of Ethics and Conduct, which I affirm will govern my personal and professional conduct as a Municipal Clerk in the State of Michigan. I attest to having read, and understand, the Code of Ethics and Conduct, and as a member of MAMC agree to uphold all ethics rules as written.

Applicant Signature (required)

Date

Apply on-line at: www.michiganclerks.org

Payable by credit card or check made payable to MAMC

Memberships are non-transferable

Office Use Only

Date Received: _____ Check #: _____

Amount: _____



Michigan Association of Municipal Clerks
120 N. Washington Sq., Suite 110A
Lansing, MI 48933

WWW.MICHIGANCLERKS.ORG

75th Annual IMC Conference
Embrace the Rapids:
Maneuvering in a
Changing World
Grand Rapids, MI • May 9-13, 2021

The banner features a stylized illustration of a dam with water flowing through its spillways. The background is a gradient from yellow at the bottom to blue at the top. The text is in bold, sans-serif fonts, with the main title in black and the event details in red and yellow.

Quarterly Newsletter

MICHIGAN ASSOCIATION OF MUNICIPAL CLERKS