Letter from the President

Another great conference is over. It’s success was due to many hours of planning and many hands to help. Michigan Clerks are the best! The MAMC Board has never been let down when a call for volunteers was sent out. Your willingness to go beyond the prescribed statutory duties, to take on any challenge, to flex and embrace new ideas and another new law; is the reason why I, and every president before me, has said “it is a privilege to serve you in this capacity.

I look forward to working with the Board. They are a group of truly dedicated over achievers. Our strategic planning session is planned for October. Please check the website for minutes and information on the Boards’ activities.

Thank you for this honor.

Proposed Bylaw Changes

The MAMC Board of Directors presented the membership with three (3) proposed bylaw changes at the annual meeting in June. The first proposed change to Article IV, Section 4, eliminating Board of Directors term limits was passed.

Proposed changes to Article IV, Section 6, to allow the President more flexibility in role assignments of the 1st, 2nd, and 3rd Vice Presidents to better accommodate a board member’s skill and interest; was defeated.

Article V, Section 3, limiting the number of conference calls permitted for attendance at board meetings for MAMC directors was postponed to allow the Board time to further review the issue. After discussion at its July meeting the Board voted to leave the bylaw unchanged, with no limit on the number of times a director may participate in a meeting via phone conference or similar method. However, in recognition of the Board’s desire to encourage in-person attendance at meetings, a standing rule, or policy, was enacted asking that directors limit their electronic participation in meetings to no more than twice a year.

To view a complete copy of the MAMC bylaws please visit the MAMC website.
Bill to Give Clerks More Ability to Share Services

Introduced

Clerks would more easily be able to share election services with neighboring jurisdictions or county clerks under a proposal by Secretary of State Ruth Johnson. The proposal is embodied in House Bill 4878, sponsored by Rep. Bradford Jacobsen (R-Oxford). The bill permits local units of government to enter into an agreement with a neighboring jurisdiction to conduct certain election administration duties, including, but not limited to: AV ballot application processing; transmission of MOVE ballots; voter registration processing, street index and QVF list maintenance; and, establishment of polling locations. The bill is permissive and does not require any jurisdiction to transfer duties to another jurisdiction.

Additionally, the legislation would permit two adjoining jurisdiction with only one precinct each to consolidate those precincts into a single precinct provided the combined active electors are not greater than 2,999. Finally, the bill would allow for the Secretary of State to establish a pilot project to test “super precincts” and select the local units of government that will participate. What constitutes a super precinct is undefined in the bill at this point, except that it could not have more than 10,000 active registered voters. Both the MAMC and the MACC have had conversations with the BOE to discuss the legislation and its impact. They categorize the bill as a starting point for discussion. The reiterated the Secretary of State’s position that any sharing or transfer of duties be voluntary on the part of participating clerks. Furthermore, they clarified that super precincts are not intended to mean early voting, but the ability of a jurisdiction to have multiple precincts across a jurisdiction at one polling location. We will continue to work with the Secretary of State to refine this bill should it move forward.

House Committee Moves Bill Raising Recount Fees

The price of a recount would go up under legislation unanimously reported from the House Elections and Ethics Committee in June. House Bill 4833, sponsored by Rep. Kurt Heise (R-Plymouth), increases the costs paid by a petitioner in a recount case and creates a two-tier fee for a recount. For those close contests where the outcome could reasonably be in question, the bill proposes increasing the recount fee from $10 to $25 per precinct. Those close contests are defined in the bill as contests where the vote differential is 50 votes or 0.5 percent of the total votes cast in the race, whichever is greater. For those contests where the results are really not in question, but the losing candidate calls for a recount for various other reasons, the cost to recount the precinct would be $125 per precinct. This fee is a closer reflection of what the actual costs of conducting a recount are. The intent in creating a two-tier approach is to not financially penalize a candidate or petitioner who calls for a recount when the vote differential is reasonably close. The House is expected to take the bill up this fall.

Court Rules Petition Signature Date Not Needed

A recent Court of Appeals (COA) ruling ordering a challenger in the Detroit City Clerk’s race on the August 6 ballot could have ramifications statewide. The case involves the validity of nominating petition signatures filed by city clerk candidate D. Etta Wilcoxon. Historically, elector signatures without a date were invalidated. This COA ruling holds that the plain language of the statute (MCL 168.544c) does not require that the elector affix a date to his or her signature.

According to the facts of the case, Ms. Wilcoxon turned in nominating petitions with 561 signatures. The City of Detroit’s Department of Elections determined that 58 of the signatures were invalid, leaving 503 valid signatures—three above the 500 needed to be placed on the ballot. However, following the department’s review, an outside challenge to Wilcoxon’s petitions was filed which eventually invalidated two entire pages of signatures because the circulator signed those pages with an erroneous date of November 7, 2013. With these new invalidations, Ms. Wilcoxon dropped to 475 valid signatures—25 less than the 500 needed. As a result, the Detroit Election Commission did not certify Wilcoxon as a candidate.

Ms. Wilcoxon filed appeals with the Secretary of State and the Bureau of Elections and eventually sued in Wayne County Circuit Court to get on the ballot. The Circuit Court found that enough of the invalidated signatures should have been approved to give Wilcoxon the needed 500. On appeal, the COA upheld the lower court ruling and ordered Ms. Wilcoxon on the ballot.

In the opinion, the COA found that Wilcoxon should appear on the ballot because signatures that were invalidated
including those that weren’t dated by the elector signing the petition. The COA wrote at one point, MCL 168.544c “does require that the circulator ‘shall’ properly date the petition,” however, the section “does not contain any language requiring that the elector shall ‘date’ the petition.” The court further opined, “we cannot conclude that a person’s failure to date his or her signature renders the signature invalid.” This is a major departure from Bureau of Elections guidance advising those signatures be invalidated. Without an appeal to the State Supreme Court or a change to law, elector signatures missing a date are valid.

Other signatures were invalidated by the clerk’s office because the voter registrations in question couldn’t be confirmed. But the COA found that the clerk’s office didn’t give Ms. Wilcoxon the proper opportunity to rebut the invalidations. “It is clear from the record of the hearings below that, had this signature review taken place before defendants determined that several signatures were invalid, that this whole proceeding may have been avoided,” the COA wrote in its opinion.

The case is D. Etta Wilcoxon v. City of Detroit Election Commission (Opinion No. 317012).

House Passes Bills Moving Ballot Question Deadlines

The House unanimously passed several bills consolidating varying deadlines to call for certain local ballot questions to a single date. As passed, House Bills 4393-4397 move several of those deadlines from 60 or 70 days to 4 p.m. on the twelfth Tuesday before the election that the ballot question is to appear. Similar bills were introduced last session and were not able to be completed. The Senate is expected to consider the bills this fall.

Local Canvassing Boards Eliminated

Legislation eliminating local board of canvassers was recently signed by the Governor. Public Acts 51 through 53 of 2013 eliminate township and city boards of election canvassers and transfer any remaining responsibilities and functions to the board of county canvassers. The bills take immediate effect.

County Commissioner Vacancy Elections Eliminated

Legislation to cancel a special election for a county commission vacancy that occurs in the odd-year was signed by Governor Snyder in June. Public Act 84 of 2013 amends the Michigan Election Code to require a county commission vacancy occurring in the odd-year to be filled by appointment rather than by special election. However, if the county commission fails to appoint a replacement within 30 days, a special election shall be called. The bill takes immediate effect.

Capitol Update continued

As announced at the MAMC’s annual conference on June 20th at the Bavarian Inn in Frankenmuth the following persons have been elected by their peers and awarded the prestigious honor of MAMC City and Township Clerk of the Year. Please join the MAMC Board and take this opportunity to again recognize our 2013 “COTY” winners!

A vote of the membership elected as City Clerk of the Year:

Heidi A. Isakson, CMC, MMC
City of Wyoming, Kent County

Ms. Isakson began her career in 1996. She is an active participant in county, state and national associations. Ms. Isakson has conducted many training sessions at both state and local levels, including the MAMC “Clerking 101.” Ms. Isakson is very well respected in her community and in her position as City Clerk. As stated by her Mayor and City Manager, “Ms. Isakson is an asset to our community, her performance is exemplary and she is a leader in her field.”

This year there was a surprise in that we had a tie for the Township Clerk of the Year. The two winners are:

Robert C. Crawford
Fort Gratiot Township, St. Clair County

Robert has worked with Fort Gratiot Township for 21 years! He has served in many varied ways throughout his municipality and greater community. Mr. Crawford has applied for and received many grants for local projects and; in addition, Robert has tackled several Human Resource issues including healthcare.

Robert made the following comment when swearing his fellow officials in last November: “May our minds be open, our hands extended to help another and decisions be made in the best interest of our community.”

Barbara Pallotta, CMC
Independence Township, Oakland County

Barbara has been in the clerking profession for 13 years. In Independence Township she relocated precincts from the elementary schools as a safety measure for students.

Her community outreach includes Friends of the Library, Clarkston Youth Assistance, Shoes for Kids, and the Clarkston Senior Program just to name a few.

In her role as clerk, Barb remarked, “The clerk best promotes the profession by conducting herself/himself with the highest of moral standards.”
If you were in attendance in June at the Clerk Is Right! MAMC Conference in Frankenmuth you know our attendance was up!!! In fact we had to split a few meals into separate areas to accommodate everyone. We just want to thank you for your patience and are sorry if this caused you any inconvenience!

Overall the increase of attendees is a great thing! We recently sent a Survey Monkey asking for attendee’s feedback. By giving us your feedback each time we send a survey it helps us know what you want to see offered at conference and we will continue to work toward that goal.

Mark your calendar now for 2014 Conference in Grand Rapids on June 24-27, 2014! In the Fall MAMC Newsletter we will announce the Conference theme! Stay tuned!

This is a BIG thank you to all the participants and helpers at the 5K Walk/Run in Frankenmuth. We had 32 participate in the run/walk.

The winners of the 5K run were:

1st place Leon Wight, Clerk of Van Buren Charter Township in 23.30 minutes
2nd place Charles Hitchcock from Code Publishing at 23.31 minutes
3rd place, Ann Marie Singer, Deputy Clerk from Marine City at 24.27 minutes

The winners of the 5K walk were:

1st place Sue deSteiguer, Director of Elections for Kent County at 43.11 minutes
2nd place Marne McGrath, Deputy Clerk from the City of Ferndale at 43.55 minutes
3rd place, Cherilynn Brown, Clerk from the City of Ferndale at 43.56 minutes

I hope you had fun and I hope to see all of you at the 9th 5K Walk/Run in Grand Rapids in 2014.

Betty Kennedy, MAMC Treasurer

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**Financial Report**

Betty Kennedy, MMC
Village of North Branch
Treasurer

**MAMC - Financial Report for July 2013**

**Bank Statement**

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Ending Balance

| Main Bank Account | $125,332.87 |

Total Funds

| Total Funds         | $125,332.87 |
### 2013-14 MAMC Board of Directors

**Carolyn Boersma, CMC**  
PRESIDENT  
Spring Lake Township (Ottawa)

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<tr>
<th>Position</th>
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<td>President</td>
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<td>Sue A. Hillebrand, MMC</td>
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<td>Sarah Bydalek, CMC</td>
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<td>Betty L. Kennedy, MMC</td>
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<td>Chair, Legislative</td>
<td>Susanne Courtade, CMC</td>
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### Event Calendar

**2014**

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<td>May 18 - 22</td>
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<td>June 24 - 27</td>
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