

March 21, 2022

MINUTES: CALHOUN COUNTY ELECTION COMMITTEE – RECALL EFFORT FILED AGAINST NORA JACKSON

LOCATION: Calhoun County Building, Boardroom 3-C08, 315 W Green St, Marshall MI 49068

CALL TO ORDER: 9:03am. Judge Jaconette called the hearing to order, welcomed all in attendance, explained reason for today's hearing, and notified audience that meeting was being recorded, and minutes taken.

ROLL CALL: PRESENT – Calhoun County Clerk Kimberly Hinkley, County Treasurer Brian Wensauer, Calhoun County Probate Judge Michael Jaconette.

APPROVAL OF AGENDA: Judge Jaconette asked for a motion to cojoin the 2 hearings to avoid duplicating #'s 1 thru 5 on the agenda, skipping directly to #5 during the hearing for the language to recall Linda LaNoue. A motion was made by Treasurer Wensauer to amend the agenda, 2nd by Clerk Hinkley. By voice vote the motion was passed.

ROLE OF THE COUNTY ELECTION COMMISSION: Judge Jaconette read MCL 168.952 Michigan law regarding the purpose of the hearing and how the commission determines whether the language is of sufficient clarity and factual nature.

CONSIDERATION OF RECALL LANGUAGE: The sponsor and presenter of the recall language is Cressie Vargo.

READING OF THE RECALL PETITION LANGUAGE:

Council Member Jackson sought to personally enrich herself & her nonprofit organization by submitting a proposal for recreation tax dollars to the city manager, & only rescinded the proposal after a FOIA request for the information was filed by a citizen.

COMMENTS OF SPONSOR AND OFFICE HOLDER:

JUDGE JACONETTE: addressed the Recall Sponsor Representative, Linda Leffel. Ms. Leffel are the allegations stated in the recall petition based upon the officer's conduct during his current term in office? Linda Leffel: "Yes".

JUDGE JACONETTE: Ms. Leffel, do you as a representative wish to comment on the recall petition language? Linda Leffel: "Yes"

SPONSOR COMMENTS: 5 minutes: We have copies of emails between Ms. Jackson and the Albion City Manager discussing Section 1 of the Charter which addresses public resources and how they can be used.

Judge Jaconette: Does Nora Jackson, or a representative, wish to comment on the recall petition language filed? Nora Jackson: "Yes".

OFFICERS COMMENTS: 5 minutes: (-) In response to the allegation I sought to "personally enrich myself, The City Manager asked me to provide a budget, a budget was provided. The recall petition language is not factual because it contains the opinion of the recall sponsor. The use of the word only is

an opinion. It shows the recall sponsor speculated about my intent, motivation, and mental state in carrying out alleged behavior based on that one word. You should reject this language.

MOTION: Clerk Hinkley made a motion “Your Honor: I move the Commission vote on the petition language submitted for the recall of Albion City Council Member Nora Jackson – to determine if each reason is factual and of sufficient clarity to enable office holder Nora Jackson and the electors of Albion City District #3 to identify the course of conduct that is the basis for the recall”.

DISCUSSION BY COMMISSION MEMBERS:

TREASURER WENSAUER: This is another difficult judgement. To “personally enrich yourself”. I tried to figure out how else I could explain to somebody that a person in charge of a non-profit... I was trying to come up with other words... Can I come up with anything other than what the member was trying to convey in presenting the language. I don’t see a whole lot of difference that I could have come up with. I looked at this over the weekend. The person was trying to get at it the best that they could in the amount of space... they’re not attorneys, they’re people from the area they live in trying to explain what they felt.

CLERK HINKLEY: No Comment

JUDGE JACONETTE: Whenever we do these types of hearings, I’m a lawyer and judge, I maybe look at it differently than others. I know there’s case law that addresses how an Election Commission should be reviewing language, and we’re supposed to be doing this very broadly because it’s ultimately a political process and essentially what the language in the petition must do is it must be clear, factual, and give the officeholder what the recall is all about. So, the officeholder has an opportunity to respond. We are supposed to be reading the language broadly, by that I mean, error on the side of allowing the language if it’s a close call. If I were the person who were the sponsor of the petition, would I have drafted this differently? I would have. That does not mean that it’s not clear and factual. I recognize what Ms. Jackson is saying by focusing on that word “only”. The argument that she’s making is that’s an opinion, and that it’s an opinion because what’s implied is that if not for the FOIA request, she would not have rescinded the proposal. That may be true that that’s an opinion, but I think she is on notice as to how she wishes to respond. We’re not here to weigh in on either side whether it’s true or not, there’s case law that says the truth of what’s in the allegation is not for us to decide. What we’re here to do is to determine whether it is clear, and there are factual allegations. Ultimately, when I look at this, I think that it meets those minimal standards in a way that the officeholder can respond. Any additional comments?

ROLL CALL VOTE: Clerk Hinkley: Approve, Treasurer Wensauer: Approve, Judge Jaconette: Approve. By a vote of 3 – 0, the petition language is accepted.

NOTICE OF DETERMINATION: THE COMMISSION MEMBERS TO SIGN A Notice of Determination for the recall language submitted.

REVIEW OF 10 DAY APPEAL PROCESS was read by Judge Jaconette to Ms. Leffel and Ms. Jackson.

PUBLIC / CITIZEN COMMENT: No comments.

ELECTION COMMISSIONERS’ COMMENTS: Clerk Hinkley: I just want to reiterate, this is a hard process, and it’s a political process, and our job can seem broad at times, and yet narrow with our decision

process. I always try to say is this something the average citizen of whatever area or district that a member is being recalled can understand what the petitioner is trying to get across. I think that's what we determined here today. I wish both sides the best.

ANNOUNCEMENTS: No comments.

RECESS AT 9:28 to continue with recall hearing for Linda LaNoue at 9:30

Respectfully Submitted by Jill L. Stout