

**Calhoun County Election Commission Clarity / Factual
Recall Review Hearing March 30, 2023, at 9:00 am**

Calhoun County Building, Boardroom 3-C08 315 W. Green
Street, Marshall, MI

AGENDA

1. Call to Order, confirm notification of meeting [Call to order at 9:00am](#)
2. Pledge of Allegiance
3. Roll Call [Calhoun County Clerk & Register of Deeds Hinkley, Calhoun County Treasurer Wensauer, & Calhoun County Prosecutor Gilbert](#) were present
4. Approval of Agenda [Motion to accept agenda by Prosecutor Gilbert, 2nd by Treasurer Wensauer](#)
5. Role of the County Election Commission, MCL 168.952 [Clerk Hinkley read the Michigan Election Law dictating the purpose & authority of the Calhoun County Election Commission in the “Recall Process”.](#)
6. Consideration of recall language filed against Marshall Township Trustee Robert Lyng

- Reading of the recall petition language – Robert Lyng

[Robert Lyng was on the Board of Directors of MAEDA \(Marshall Area Economic Development Alliance\) while also serving as a Marshall Township Planning Commissioner and Trustee. He voted to approve PA 425 transfers to the City of Marshall](#)

- Comments presented by sponsor and trustee or a representative for the aforementioned:
(limited to 5 minutes each)
 - Sponsor: [Glenn Kowalske or representative Glenn Kowalske, Sponsor, presented during his 5 minutes comments referencing the hand-out he presented to the commission stating that Mr. Lyng sits on the boards mentioned in the language as is evidenced by his listing as a member on all the boards websites.](#)
 - Trustee: [Robert Lyng or representative Christopher Trebilcock, Attorney for Mr. Lyng presented for his client during his 5 minutes restating the Michigan Recall statute, reinforcing that the language must be of “sufficient clarity” for the officer & the electors to discern when the action took place. He submitted to the Commissioners that the language of the petition did not meet the standard](#)
- Motions, discussion by Election Commission [A motion was made by Treasurer Wensauer: “I move the commission vote on the petition language submitted for recall of Marshall Township Trustee Robert Lyng – to determine if each reason is factual and of sufficient clarity to enable office holder Robert Lyng and the electors of Marshall Township to identify the course of conduct that is the basis for the recall.” The motion was 2nd by Prosecutor Gilbert.](#)

Discussion: Prosecutor Gilbert asked a question of Calhoun County Corporate Counsel Jim Dyer whether the Commission is to, based on objections presented, and as Clerk Hinkley asked “ are the allegations stated in the recall petition based upon the officer’s conduct during the current term in office?” Sufficient to cover the date issue? Counsel Dyer responded that is the Commission’s decision, by looking only to the 4 corners of the petition, it is the Commissioners decision if the language is sufficiently clear to address whether the conduct is during the term of service the elected officer is currently serving. Treasurer Wensauer stated that he didn’t see anything unclear, Prosecutor Gilbert asked the Treasurer if he felt that PA 425 should be defined, Treasurer Wensauer responded “No”. Clerk Hinkley stated that when review language, she puts herself in citizens position, would an average citizen understand, this language is borderline, there is positives in the language, as well as negatives, this is a difficult petition to make a decision on.

- Vote of Election Commission Members:
 - Recall Petition – Robert Lyng A ROLL CALL Vote was taken: Clerk Hinkley: Reject, Treasurer Wensauer: Accept, Prosecutor Gilbert: Reject
 - Notices of Determination signed by Election Commissioners By a vote of 1 to approve, vs 2 to reject, the petition language was rejected.
 - Review 10-day appeal process Clerk Hinkley advised both Mr. Kowalske & Mr. Lyng of the 10-day appeal process & the ability to resubmit language.
7. Public / Citizen Comments (limited to 3 minutes each) A comment was taken during the “Public Comment” session from Jerry Bosserd – Marshall Township
 8. Election Commissioners’ Comments Clerk Hinkley addressed the attendees that during her 15 years as a township official every effort was taken, and the legal requirements met to notify the citizens of the township of meetings discussing changes. Very rarely was there a response or attendance from the residents. Clerk Hinkley encouraged residents to be involved all the time, not only when personally affected.
 9. Announcements None
 10. Adjournment 9:29am