

# Calhoun County Election Commission Clarity / Factual Recall Review Hearing April 11, 2023, at 3:30pm

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

## Minutes

1. Call to Order, confirm notification of meeting [Call to order 3:30pm](#)
2. Pledge of Allegiance
3. Roll Call [Calhoun County Clerk & Register of Deeds Hinkley, Calhoun County Treasurer Wensauer, Calhoun County Probate Judge Jaconette](#) were present
4. Approval of Agenda [Motion to accept agenda by Treasurer Wensauer, 2<sup>nd</sup> by Clerk Hinkley](#)
5. Role of the County Election Commission, MCL 168.952 [Judge Jaconette 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 the Marshall Area Economic Development Alliance while also serving as a Marshall Township Planning Commissioner and Trustee. On January 26 and February 20, 2023 he voted yes, approving the public act 425 land transfers to the city of Marshall as trustee of Marshall Township.](#)

- 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 that the petition language was chosen to be simple and factual for the benefit of the petition signors, then detailed support for the language thru meeting minutes and websites.](#)
  - [Trustee: Robert Lyng or representative Christopher Trebilcock, Attorney for Mr. Lyng presented for his client during his 5 minutes that there are a number of issues with the language used of the petition that failed to meet the statutory standard, the statute requires you to look at each reason.](#)
- [Motions, discussion by Election Commission Clerk Hinkley made a motion that “the Commission vote on the petition language submitted for the 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”. Treasurer Wensauer 2<sup>nd</sup> the motion.](#)  
[Discussion:](#) [Judge Jaconette state that he was at the not hearing for the 1<sup>st</sup> submitted language & had he been here he would have found language not sufficient as well. He also discussed how it is important to remain consistent with determinations of former Clarity / Factual Hearings. Judge Jaconette stated 1<sup>st</sup> sentence is a factual statement, 2<sup>nd</sup> sentence clearly demonstrates during current](#)

term of office. This language does give enough clarity – the office holder has the opportunity to defend against the language, as well as present why he should remain in office. There is nothing about this that is opinion based, which is typically the issue when analyzing petition language. Treasurer Wensauer thanked the petitioners, that he learns with each hearing, and the Commissioners are not here to debate whether or this should go thru or not. Voted to approve 1<sup>st</sup> submission language, but other Commissioners did not agree. Clerk Hinkley commented that 1<sup>st</sup> submission language lacked sufficient clarity. Sponsor Kowalske acted on comments from 1<sup>st</sup> hearing. Clerk Hinkley commented that she agrees with the Judge, & Commissioners need to look at the four corners of the language.

- Vote of Election Commission Members:
  - Recall Petition – Robert Lyng A ROLL CALL VOTE was taken: Clerk Hinkley: Approve, Treasurer Wensauer: Approve, Judge Jaconette: Approve.
- Notices of Determination signed by Election Commissioners By a vote of 3 to Approve, vs -0- to reject, the petition language was approved.
- Review 10-day appeal process Judge Jaconette advised both Mr. Kowalske & Mr. Lyng of the 10-day appeal process.

7. Public / Citizen Comments (limited to 3 minutes each) None
8. Election Commissioners' Comments Judge Jaconette commented that he has friends on both sides of the issue. Whatever becomes of the petition, whether enough signatures will be gathered, the determination of the Calhoun County Election Commission, everyone should understand that this hearing is not an endorsement of Mr. Kowalske or Mr. Lyngs' position.
9. Announcements None
10. Adjournment 4:01pm