

BAY COUNTY ELECTION COMMISSION
JULY 26, 2000

THE BAY COUNTY ELECTION COMMISSION MET FOR A CLARITY HEARING ON WEDNESDAY, JULY 26, 2000, IN THE CONFERENCE ROOM ON THE FOURTH FLOOR OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN KAREN A. TIGHE AT 3:10 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COUNTY CLERK LINDA L. TOBER
PROBATE COURT JUDGE KAREN A. TIGHE, CHAIRMAN

EXCUSED: COUNTY TREASURER JEANETTE E. NEITZEL

ALSO PRESENT: LORAINA A. ROSECRANS, SECRETARY TO THE COUNTY CLERK
THURMAN T. ELSWICK, PETITIONER
VINCE STUART, CITY OF BAY CITY RESIDENT
MARY BLEAU, 4TH WARD CITY COMMISSIONER
COLIN HINTZ, 2ND WARD CITY COMMISSIONER
NEWS MEDIA

CHAIRMAN TIGHE ANNOUNCED THAT THE ELECTION COMMISSION WAS MEETING FOR THE PURPOSE OF CONDUCTING A CLARITY HEARING ON THE PROPOSED PETITION TO RECALL CITY OF BAY CITY COMMISSIONER MARY BLEAU OF THE 4TH WARD. FURTHER, CHAIRMAN TIGHE ANNOUNCED THAT THE THIRD MEMBER OF THE COMMISSION, JEANETTE E. NEITZEL, WAS EXCUSED FROM THE MEETING. THE LAW STATES THAT TWO MEMBERS OF THE COMMISSION CONSTITUTES A QUORUM.

CHAIRMAN TIGHE INVITED MR. ELSWICK TO OFFER ANY ARGUMENTS OR REASONS IN FAVOR OF APPROVING THE LANGUAGE AS CLEAR LANGUAGE FOR A RECALL PETITION. MR. ELSWICK FELT STRONGLY THAT THE PEOPLE OF THE 4TH WARD WERE NOT REPRESENTED PROPERLY BY MS. BLEAU. MR. ELSWICK PROCEEDED INTO THE REASONS FOR HIS FILING THE RECALL PETITION, AT WHICH POINT CHAIRMAN TIGHE INTERRUPTED TO EXPLAIN THAT BACKGROUND INFORMATION WAS NOT TO BE CONSIDERED BY THE ELECTION COMMISSION.

THE CHAIRMAN EXPLAINED THAT THE PURPOSE OF THE MEETING WAS TO DETERMINE WHETHER THE LANGUAGE WRITTEN ON THE RECALL PETITION WAS CLEAR. MS. BLEAU HAS A RIGHT UNDER THE LAW TO KNOW THE REASONS FOR THE RECALL, AND THE LANGUAGE ON THE PETITION MUST BE CLEAR ENOUGH SO THAT SHE COULD DEFEND AGAINST THE ALLEGATIONS. THE CHAIRMAN SUGGESTED THAT THE LANGUAGE ON ITS FACE WAS VERY VAGUE. THERE HAS TO BE A SPECIFIC CHARGE THAT SHE IS BEING CHARGED WITH WHICH IS A VIOLATION OF HER DUTY AS A CITY COMMISSIONER, AND IT HAS TO BE VERY SPECIFIC. TODAY WAS AN OPPORTUNITY FOR MR. ELSWICK TO EXPLAIN WHY THE WORDS

APPEARING ON THE RECALL PETITION WERE SPECIFIC ENOUGH TO RECALL HER. THE CHAIRMAN SUGGESTED THAT MR. ELSWICK MAY NEED ASSISTANCE IN DRAFTING THE LANGUAGE. AS IT IS STATED, THE PETITION DOES NOT INDICATE HOW, WHY, WHEN, ON WHAT DATE, ETC. IT MUST BE SHORT, BUT VERY SPECIFIC.

COUNTY CLERK LINDA L. TOBER REMINDED MR. ELSWICK THAT SHE HAD TRIED TO EXPLAIN TO HIM AT THE TIME OF FILING THE PETITION THAT THE WORDING NEEDED TO BE VERY SPECIFIC. THE LAW STATES, "SO LONG AS THE RECALL PETITION SETS FORTH ANY ACT OR ACTS IN COURSE OF CONDUCT IN OFFICE OF THE OFFICER." THE PETITION STATES "SHE DOES NOT TAKE CHILD SAFETY INTO CONCERN." THAT IS A CONCLUSION, BUT IS NOT A SPECIFIC ALLEGATION. HE SHOULD SPECIFICALLY STATE WHAT IT WAS ABOUT CHILD SAFETY THAT WAS A JOB RESPONSIBILITY AS A CITY COMMISSIONER THAT SHE DID NOT DO. IN OTHER WORDS, STATE WHAT SHE DID NOT DO AS A CITY COMMISSIONER THAT WOULD VIOLATE THE CHARTER AND WOULD SAY THAT SHE HAD TO BE RECALLED BECAUSE SHE VIOLATED ONE OF HER OBLIGATIONS AS A COMMISSIONER.

MR. ELSWICK STATED THAT HE THOUGHT THIS MEETING WAS TO DISCUSS THE PETITION. CHAIRMAN TIGHE RESPONDED THAT THE COMMISSION DOES NOT HELP DRAFT PETITIONS. THE COMMISSION DECIDES WHETHER SUBMITTED LANGUAGE MEETS THE STANDARD FOR A RECALL PETITION. THE COUNTY CLERK FURTHER STATED THAT THE LAW STATES, "NONFEASANCE OF OFFICE AS FAILURE TO CONDUCT BUSINESS FOR THE GOOD OF THE PEOPLE IS NOT A REASON FOR RECALL." IT IS INADEQUATE. THE REASONS WHY MUST BE STATED AND INCLUDED IN THE PETITION. THE BOARD GAVE SOME EXAMPLES OF REASONS, CLARIFYING THAT THEY MUST BE ACTIONS OR INACTIONS IN VIOLATION OF OFFICE.

CHAIRMAN TIGHE THEN INVITED COMMISSIONER BLEAU TO COMMENT. MS. BLEAU GAVE MORE DETAILS OF EVENTS WHICH LED TO FILING THE RECALL PETITION.

COUNTY CLERK TOBER MOVED THAT THE PETITION TO RECALL CITY COMMISSIONER MARY BLEAU BE DENIED AS CURRENTLY WORDED. IT WAS SUPPORTED BY CHAIRMAN TIGHE AND PASSED BY VOICE VOTE, 2 YEAS, 0 NAYS, 1 EXCUSED - NEITZEL.

THE CHAIRMAN STATED THAT THE PETITIONER COULD REWRITE AND AGAIN SUBMIT THE PETITION IF HE SO DESIRED, AFTER WHICH ANOTHER CLARITY HEARING WOULD BE HELD.

THE ELECTION COMMISSION MEETING WAS ADJOURNED AT 3:25 P.M.

RESPECTFULLY SUBMITTED,

LINDA L. TOBER
BAY COUNTY CLERK