



Kathy Smith
Chief Deputy Clerk

Anthony G. Forlini

Macomb County Clerk
Register of Deeds

MACOMB COUNTY ELECTION COMMISSION

MEETING NOTICE

Date/Time: Wednesday, January 20, 2021, 9:00 a.m.

Access online at: meet.google.com/mfz-jsza-eeb

Or access by phone: 1-669-500-5419 **PIN:** 448 560 462#

AGENDA

- I. Call to Order
- II. Adoption of Agenda
- III. Public Participation (*limited to five minutes*)
- IV. Approval of Minutes from January 8, 2021 Election Commission Meeting
- V. Judge Clarity and Factuality of Wording on Recall Petition Filed Against:
 - Edward Kabacinski, Warren City Council Member, District 5
 - Denise Aquino, Chippewa Valley Schools Board Member
 - Frank Bednard, Chippewa Valley Schools Board Member
 - Elizabeth Pyden, Chippewa Valley Schools Board Member
 - George Sobah, Chippewa Valley Schools Board Member
- VI. Unfinished Business
- VII. New Business
- VIII. Public Participation (*limited to five minutes*)
- IX. Adjournment

Macomb County Election Department

32 Market Street • Mount Clemens, MI 48043-5640

586-469-5209 • macombgov.org/elections • elections@macombgov.org

**MACOMB COUNTY ELECTION COMMISSION
SPECIAL MEETING
January 8, 2021
UNOFFICIAL MINUTES**

The Macomb County Election Commission met on Friday, January 8, 2021, through a video call using Google Meet with the following members present:

Larry Rocca – County Treasurer, Chairperson
Anthony Wickersham – County Sheriff
Anthony G. Forlini – County Clerk and Register of Deeds

Excused: Judge Kathryn George – Senior Probate Judge

Also Present: Michael Grix – Election Department
Goce Nedanovski – Election Department
Frank Krycia – Corporation Counsel's Office

CALL TO ORDER

Larry Rocca called the meeting to order at 9:00 a.m. Judge George was unable to attend the meeting, so Anthony Forlini made a motion to appoint Anthony Wickersham in Judge George's place. Larry Rocca seconded the motion. The motion carried.

MOTION TO ADOPT AGENDA

A motion to adopt the agenda was made by Anthony Wickersham. Anthony Forlini seconded the motion. The motion carried.

PUBLIC PARTICIPATION

Charles Langworthy spoke against the language.
Lisa Mankiewicz spoke against the language.
Frederick Nienstedt spoke regarding the hearing format and against the language.
Vicki Maximiuk spoke against the language.

APPROVAL OF MINUTES FROM DECEMBER 22, 2020 MEETING

Anthony Wickersham made a motion to approve the minutes as presented. Anthony Forlini seconded the motion. The motion carried.

JUDGE CLARITY AND FACTUALITY OF WORDING ON RECALL PETITION

- One Recall Petition filed on December 21, 2020 for Edward Kabacinski, Warren City Council Member, District 5

Frank Krycia gave his legal opinion regarding recall language statutes and standards. Edward Kabacinski spoke against the language. Anthony Wickersham made a motion to approve the recall petition. Larry Rocca seconded the motion. The motion passed 2-1 with Anthony Wickersham and Larry Rocca voting to approve the recall language and Anthony Forlini voting against approval of the language.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

PUBLIC PARTICIPATION

Unidentified speaker by phone.
Frederick Neinstedt spoke.

Unidentified speaker by phone.
Edward Kabacinski spoke.
Unidentified speaker by phone.

ADJOURNMENT

At 9:40 a.m., Anthony Wickersham made a motion to adjourn the meeting, seconded by Anthony Forlini. The motion carried and the meeting was adjourned.

Anthony G. Forlini
Macomb County Clerk and Register of Deeds



Macomb County Election Department

RECEIPT FOR RECALL LANGUAGE SEEKING CLARITY REVIEW

PERSON(S) BEING RECALLED

OFFICE HELD

Edward Kabacinski

City Council, Warren

District 5

Submitted By: Bridget Quinn

Address: 4661 E 9 mile rd

Warren MI 48091

Phone: (313) 236-7740

E-mail: quinn.frances@gmail.com

Signature:

Gocce Nedanowski
Election Clerk

FILED
21 JAN -5 PM 10:39

Macomb County Election Department

32 Market Street

Mount Clemens, MI 48043-5640

586-469-5209; Fax: 586-469-6927

macombgov.org/elections

elections@macombgov.org

TO: Board of County Election Commissioners
MACOMB COUNTY
MACOMB COUNTY CLERK

Re: WARREN CITY COUNCIL MEMBER Recall
Edward (Eddie) Kabacinski

Dear COMMISSIONERS:

Please accept this correspondence as a request to submit the attached petition form, which proposes a recall of the above designated office(s), to the Board of County Election Commissioners for MACOMB County. As you are aware and know, MCL 168.952 requires that the Board of County Election Commissioners hear this matter not less than 10 days nor more than 20 days from this date of submission and determine whether the stated reasons for recall are of sufficient clarity.

The petition language refers to specific course(s) of action by the aforementioned, during the current term in office. The language must be "of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall." In addition to the petition language, I have included an annotated copy of the petition language, which includes links to assist the board of canvassers in their assessment of the factuality of the petition language.

Please reference the State of Michigan court precedent, as stated in *Dimas v. Macomb County Election Commission*, 248 Mich.App. 624 (2001), in which the court stated that the standard review for clarity of recall petitions has been described as both "lenient," and "very lenient." Therefore, while the submitted and proposed petition language is clear, a meticulous and detailed statement of charges against the officeholder, is not required. It is sufficient if an officeholder is apprised of the course of conduct in office that is the basis for the recall drive, so that a defense can be mounted regarding that conduct. "Where the clarity of the reasons stated in the petition is a close question, doubt should be resolved in favor of the individual formulating the petition."

Dated: 1/6/2021



(Bridget Quinn)

Bridget Quinn
4661 E. 9 Mile Rd.
Warren, MI, 48091

(313) 236-7740

PETITION LANGUAGE:

On September 19, 2020, Warren City Councilperson (District 5) Edward (Eddie) Kabacinski participated in a counterprotest of the "March Against Racism," a demonstration in support for a local Black family, who were the victims of violent attacks and racist vandalism of their home. At the "March Against Racism" Kabacinski openly carried a firearm and falsely portrayed himself as a police officer. At a city council meeting that occurred on September 22nd, 2020, Kabacinski stated that he believed that the organizers of the "March Against Racism" were affiliated with terrorist organizations and should have been arrested and detained during the march. At a Trump Rally in Eastpointe on October 14, 2020, Kabacinski illegally handcuffed a 24-year-old Eastpointe resident.

ANNOTATED COPY OF PETITION LANGUAGE:

On September 19, 2020, Warren City Councilperson (District 5) Edward (Eddie) Kabacinski participated in a counterprotest of the "March Against Racism," a demonstration in support for a local Black family, who were the victims of violent attacks and racist vandalism of their home. At the "March Against Racism" Kabacinski openly carried a firearm and falsely portrayed himself as a police officer (1). At a city council meeting that occurred on September 22nd, 2020, Kabacinski stated that he believed that the organizers of the "March Against Racism" were affiliated with terrorist organizations and should have been arrested and detained during the march (2). At a Trump Rally in Eastpointe on October 14, 2020, Kabacinski illegally handcuffed a 24-year-old Eastpointe resident (3).

- (1) 14:50 - 15:06 <https://www.facebook.com/rob.baker.5050/videos/3610817882261595/>
- (2) 42:00 - 44:43 <https://vimeo.com/460931498>
- (3) <https://www.freep.com/story/news/local/michigan/macomb/2020/10/29/warren-councilman-wears-military-police-uniform-arraignment/6069003002/>

INSTRUCTIONS ON REVERSE SIDE

RECALL PETITION

- City
- Township
- Village of



WARREN

We, the undersigned registered and qualified voters of the _____, in the County of MACOMB, and State of Michigan, petition for the

calling of an election to recall EDWARD (EDDIE) KABACINSKI from the office of CITY COUNCIL, 5 for the following reason(s):
(Name of Officer) (Title of Office) (District, if Any)

On September 19, 2020, Warren City Councilperson (District 5) Edward (Eddie) Kabacinski participated in a counterprotest of the "march Against Racism", a demonstration in support for a local Black family, who were the victims of violent attacks and racist vandalism of their home. At the "march Against Racism" Kabacinski openly carried a firearm and falsely portrayed himself as a police officer. At a city council meeting that occurred on September, 22nd, 2020, Kabacinski stated that he believed that the organizers of the "march Against Racism" were affiliated with terrorist organizations and should have been arrested and detained during the march. At a Trump rally in Eastpointe on October 14, 2020, Kabacinski illegally handcuffed a 24-year-old Eastpointe resident.

WARNING - A PERSON WHO KNOWINGLY SIGNS A RECALL PETITION MORE THAN ONCE OR SIGNS A NAME OTHER THAN HIS OR HER OWN IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

← FOR CLERK'S USE ONLY

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FILED
 21 JAN 5 PM 10:38
 CLERK OF CIRCUIT COURT
 EAST LANSING, MICHIGAN

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence and was not obtained through fraud, deceit or misrepresentation; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [✓] in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

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CIRCULATOR — DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) (Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

Terry C Prince

January 3, 2021

Macomb County Clerk
Elections Department
32 Market St
Mt Clemens MI 48043

To whom it may concern:

Enclosed please find proposed recall petitions for four Chippewa Valley School Board members. These petitions are submitted for approval of the recall language. Also included as backup documentation is the applicable portions of the minutes of the Chippewa Valley Schools Board of Education meeting from Aug 10, 2020.

None of the members are in their first or last twelve months of office.

Please submit all communications to me.

Thanks,



Terry Prince
47869 Lavender Ct
Macomb MI 48044
586-350-5014

ENCL

FILED
21 JAN -7 PM 1:38
MI. CLERK. ELECTIONS

**CHIPPEWA VALLEY SCHOOLS
BOARD OF EDUCATION – REGULAR MEETING
ADMINISTRATION BUILDING**

August 10, 2020

President Bednard called the meeting to order at 6:31 p.m. and the Pledge of Allegiance was waived.

Present: Members Aquino, Bednard, Cardamone, DeMuyck Zech,
Patzert, Pyden and Sobah
Absent: None
Also, Present: Mr. Roberts, Mr. Sederlund, Dr. Blanchard, Dr. Brosky, Ms. Licari,
Mr. Sibley, Mr. Kozlowski, Ms. Blain, Ms. Monnier-White and Ms. Adlam

Note: Due to Governor Whitmer instituting Michigan Executive Directive 2020-02 – Public Meetings of State of Michigan Public Bodies during the COVID-19 Emergency, the board of education meeting was conducted virtually via GoToMeeting.

Recognition/Presentations

Superintendent Ron Roberts presented a review of the process to develop our *Return to School Plan*. He reviewed both parent and staff surveys and the major findings. He also reviewed current Macomb County health data related to COVID-19. Considering that data, the recommendation was made to begin the school year with remote instruction with the goal of returning to in-person instruction when conditions are safe. District students have two options: remote learning with the flexibility of returning to the classroom and the Chippewa Valley Virtual Academy (CVVA). This option is a commitment to a full year of on-line learning with limited timeframes for a return to the classroom.

- The Educational Services Department administrators discussed the differences between the two options. Both learning plans will use Chippewa Valley Schools curriculum and the Schoology platform. Learning expectations will be the same as in-person.

MOTION #08/04/20 – Moved by Member Cardamone and supported by Member Aquino to amend the agenda.

A roll call vote was taken. Member Cardamone, yes; Member Aquino, yes; Member Bednard, yes; Member DeMuyck Zech, yes; Member Patzert, yes; Member Pyden, yes, and Member Sobah, yes. **Motion carried.**

MOTION #08/09/20 - Moved by Member Pyden and supported by Member Aquino that the Chippewa Valley Schools Board of Education adopt a resolution to begin the 2020-2021 school year providing remote instruction and to monitor information related to COVID-19 for a possible return to in-person instruction at a later date.

WHEREAS, the Board of Education of the Chippewa Valley Schools has concluded that, based on current information concerning the COVID-19 pandemic, re-opening the District to in-person instruction at the beginning of the 2020-2021 school year poses an unreasonable threat to the health and safety of District staff, students, and families; and,

WHEREAS, the Board has carefully considered the threat posed by the COVID-19 pandemic in relation to the pros and cons of re-opening school for in-person instruction given the alternatives that exist for continuing the education of District students;

NOW, THEREFORE, IT IS RESOLVED:

1. The District will not re-open for in-person instruction at the beginning of the 2020-2021 school year; and, instead, will continue the education of all District students through various means of virtual instruction;
2. The Board will carefully monitor information concerning the COVID-19 pandemic and will re-open school for in-person instruction when, in the Board's discretion, it is reasonably safe to do so; and,
3. The Chippewa Valley Virtual Academy will remain an option for District parents and students during the 2020-2021 school year.

A roll call vote was taken. Member Pyden, yes; Member Aquino, yes; Member Bednard, yes; Member Cardamone, yes; Member DeMuynck Zech; no, Member Patzert, no and Member Sobah, yes. **Motion carried.**

INSTRUCTIONS ON REVERSE SIDE

RECALL PETITION

- City
 - Township
 - Village of
- (CHECK ONE)

We, the undersigned registered and qualified voters of the _____, in the County of Macomb, and State of Michigan, petition for the calling of an election to recall Denise Aquino from the office of School Board Vice President, Chippewa Valley Schools for the following reason(s):
(Name of Officer) (Title of Office) (District, if Any)
 On Aug 10, 2020, voted "yes" on motion #08/09/20, to not reopen the district for in-person instruction at the beginning of the 2020-2021 school year.

FOR CLERK'S USE ONLY

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 REGISTERED SECRETARY OF STATE
 LANSING, MICHIGAN

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CIRCULATOR — DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) _____ (Date) _____

(Printed Name of Circulator) _____

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code) _____

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

INSTRUCTIONS ON REVERSE SIDE

RECALL PETITION

We, the undersigned registered and qualified voters of the City Township Village of } _____, in the County of Macomb, and State of Michigan, petition for the calling of an election to recall Frank V. Bednard from the office of School Board President, Chippewa Valley Schools for the following reason(s):
(Name of Officer) (Title of Office) (District, if Any)
 On Aug 10, 2020, voted "yes" on motion #08/09/20, to not reopen the district for in-person instruction at the beginning of the 2020-2021 school year.

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FILED
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 CLERK OF COUNTY CLERK
 MACOMB COUNTY MICHIGAN

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(Date)

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INSTRUCTIONS ON REVERSE SIDE

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- City
 - Township
 - Village of
- (CHECK ONE)

We, the undersigned registered and qualified voters of the _____, in the County of Macomb, and State of Michigan, petition for the calling of an election to recall Elizabeth Pyden from the office of School Board Member (Trustee), Chippewa Valley Schools for the following reason(s):
(Name of Officer) (Title of Office) (District, if Any)
 On Aug 10, 2020, voted "yes" on motion #08/09/20, to not reopen the district for in-person instruction at the beginning of the 2020-2021 school year.

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