

## 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 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.

#### Election Commission Meeting January 8, 2021 Page 2

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



PERSON(S) BEING RECALLED

# Macomb County Election Department

OFFICE HELD

# RECEIPT FOR RECALL LANGUAGE SEEKING CLARITY REVIEW

. =	
Edward Kabacinski	City Council, Warren
	District 5
	**************************************
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Submitted By: Bridget Quin	n
Address: 4661 E 9 Mil	erd 6
Warren MI	48091
Phone: (313) 236-774	<i>' O</i>
E-mail: <u>quinn</u> frances	@gmail.com
Signature:	
·	Dr UN - Goce Nedaronski

#### **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/

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NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.				FORM APPROVED BY DIRECTIONS. STATE OF MICHIGAN						

: FORM APPROVED BY DIRECTOR OF ELECTIONS, STATE OF MICHIGAN

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

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# 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, DeMuynck 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 DeMuynck 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:

- 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;
- 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.

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FOR CL	WARNING - A PERSON WHO KNOW THE PROVISIONS OF TH	INGLY SIGNS A RECA	LL PETITION MORE THA	N ONCE O	R SIGNS A NAME O	THER THAN HIS OR HE	R OWN	IS VIO	LATI	NG
	SIGNATURE	<del></del>	INTED NAME	S	STREET ADDRESS OR RURAL RO	DUTE	ZIP CODE	DATE (		
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the pern	undersigned circulator of the above petition asserts that petition was signed in his or her presence and was not ol nitted a person to sign the petition more than once and has where and helief each signature is the genuine signature.	obtained through fraud, deceit or mis as no knowledge of a person signing a of the person purporting to sign the	der and a United States citizen; that ead srepresentation; that he or she has neit the petition more than once; and that, to be petition, the person signing the petition	her caused nor his or her best was at the time		LATOR — DO NOT SIG : UNTIL AFTER CIRCUL		PETITI(	ON.	<u> </u>
this circu	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 [V] 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.							ot enter a p	ost off	ice box]
WA A F	ARNING-A CIRCULATOR KNOWINGLY PERSON NOT A CIRCULATOR WHO IME OTHER THAN HIS OR HER OWN	MAKING A FALSE STATE SIGNS AS A CIRCULAT	TOR. OR A PERSON WHO	SIGNS A	(City or Township, State, Zip C	ode)  gistered to Vote, of a Circulator who : FORM APPROVED BY DIRI	o is not a Re	esident of	Michiga REV. 10 OF MICHIG	an) V15 GAN