



Anthony G. Forlini

Macomb County Clerk
Register of Deeds

Kathy Smith
Chief Deputy Clerk

Jennifer Walker
Deputy Register of Deeds

MACOMB COUNTY ELECTION COMMISSION

MEETING NOTICE

Date/Time: Thursday, May 30, 2024, 1:30 p.m.

Location: Macomb County Court Building
Probate Courtroom of Hon. Sandra A. Harrison (5th Floor)
40 North Main Street, Mount Clemens, 48043

AGENDA

- I. Call to Order
- II. Adoption of Agenda
- III. Public Participation (*limited to five minutes*)
- IV. Approval of minutes from May 16, 2024 Election Commission Meeting
- V. Certification of Remaining Candidates for the August 6, 2024 Primary Election
- 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
May 16, 2024**

UNOFFICIAL MINUTES

The Macomb County Election Commission met on Thursday, May 16, 2024, in the courtroom of Judge Harrison on the 5th Floor, 40 North Main, Mount Clemens with the following members present:

Judge Sandra A. Harrison – Senior Probate Judge
Larry Rocca – County Treasurer
Anthony G. Forlini – County Clerk and Register of Deeds

Also Present: Michael Grix – Election Department
Goce Nedanovski – Election Department
Frank Krycia – Corporation Counsel
Molly Zappitell – Corporation Counsel

CALL TO ORDER

Judge Harrison called the meeting to order at 1:00 p.m. Roll call was taken by Judge Harrison. All members of the commission were present.

ADOPTION OF AGENDA

A motion to adopt the agenda was made by Larry Rocca. Anthony Forlini seconded the motion. The motion passed unanimously.

PUBLIC PARTICIPATION

None

APPROVAL OF MINUTES FROM APRIL 30, 2024 ELECTION COMMISSION MEETING

Anthony Forlini made a motion to approve the minutes as presented. Larry Rocca seconded the motion. The motion passed unanimously.

CERTIFY CANDIDATES FOR THE AUGUST 6, 2024 PRIMARY ELECTION

Anthony Forlini discussed the issue regarding whether candidate Kristi Dean can run for two offices. Frank Krycia spoke about the matter and explained why we are asking for an opinion from the Attorney General. He also gave an update regarding ongoing appeals against some of the Probate Court New Judgeship candidates. Larry Rocca made a motion to postpone a decision regarding Kristi Dean and the Probate Court New Judgeship candidates race until May 30. Anthony Forlini seconded the motion. The motion passed unanimously. Larry Rocca made a motion to certify the rest of the candidate list. Anthony Forlini seconded the motion. The motion passed unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

PUBLIC PARTICIPATION

None

ADJOURNMENT

At 1:17 p.m., Anthony Forlini made a motion to adjourn the meeting, seconded by Larry Rocca. The motion passed unanimously, and the meeting was adjourned.

Anthony G. Forlini
Macomb County Clerk and Register of Deeds



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

via email
 via first-class mail

May 28, 2024

Jim Kelly
Attorney for Jevona C. Fudge
30300 Northwestern Hwy, Ste 324
Farmington Hills, Michigan 48334

Re: Appeal of Macomb County Clerk Determination

Dear Ms. Fudge:

The Department of State acknowledges receipt of the appeal regarding the Macomb County Clerk's determination of your sworn complaint challenging Benjamin Schock's petitions submitted for Macomb County Probate Judge. This letter concerns the disposition of your appeal.

Macomb County placed Benjamin Schock on the ballot for Macomb County Probate Judge on April 29, 2024. You challenged Schock's placement on the ballot, arguing that the header was not filled out correctly. The Macomb County Clerk denied your challenge on May 9, 2024. This office received your appeal on May 13, 2024.

The Michigan Election Law, 1954 PA 116, MCL 168.1 *et seq.*, authorizes a person feeling aggrieved by a determination made by the county clerk to have the determination reviewed by filing an appeal with the Secretary of State within 3 days of the clerk's official declaration, unless the third day falls on a weekend or holiday, in which case the appeal must be filed by 4:00 p.m. on the next secular day. MCL 168.552(6).

In *Steven A. Freeman v Board of State Canvassers*, the Michigan Court of Appeals reviewed a nominating petition submitted by a candidate for circuit court. There, the heading of the petition read, "We, the undersigned ... voters of the County of EATON and State of Michigan, nominate STEVE FREEMAN ... as a candidate for the office of CIRCUIT JUDGE, REGULAR TERM NON INCUMBENT, _____, TO BE VOTED FOR AT THE Primary Election ..." The blank space is where the candidate would enter the district number, if any. Eaton County is the only county assigned to the 56th Judicial Circuit.

On review, the Court of Appeals held that not listing "56th District" on a nomination petition for an Eaton County Circuit Court judgeship did not render the petition invalid because there was no corresponding district. *Steven A. Freeman v Board of State Canvassers*, (Docket No. 310933, issued July 13, 2012). As in *Freeman*, because the Macomb County Probate Court is not part of a district, there is no corresponding district to be identified.

Jevona C. Fudge

May 28, 2024

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Further, with respect to the heading of the petition, there is only one position available for Probate Court Judge – New Judgeship in Macomb County. The heading of the petition is sufficient in that it indicates that the petition was circulated in Macomb County and the position sought is Probate Court Judge, New Judgeship.

As such, your appeal to this office is denied. If you have any questions concerning this matter, you may contact us at MDOS-File-Canvass@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Brater', with a stylized flourish at the end.

Jonathan Brater
Director of Elections

c: Anthony Forlini, Macomb County Clerk
Michael Grix, Macomb County Elections Director



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

via email
 via first-class mail

May 28, 2024

Jim Kelly
Attorney for Jevona C. Fudge
30300 Northwestern Hwy, Ste 324
Farmington Hills, Michigan 48334

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Dear Ms. Fudge:

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Jevona C. Fudge

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Jonathan Brater
Director of Elections

c: Anthony Forlini, Macomb County Clerk
Michael Grix, Macomb County Elections Director