

BAY COUNTY ELECTION COMMISSION

APRIL 28, 1987

THE BAY COUNTY ELECTION COMMISSION MET ON APRIL 28, 1987 FOR A CLARITY HEARING FOR THE RECALL PETITION FILED BY MR. & MRS. LOUIS GREEN FOR THE RECALL OF VIRGINIA HUTTER, 7TH WARD CITY COMMISSIONER-BAY CITY. THE MEETING WAS CALLED TO ORDER AT 2:00 PM BY JUDGE DONER.

PRESENT WERE: JUDGE PAUL DONER, CHAIRMAN  
EDWARD LEWANDOWSKI, TREASURER  
BARBARA ALBERTSON, CLERK

ALSO PRESENT: ANGELA MULDER, SECRETARY TO THE COUNTY CLERK  
MR. & MRS. LOUIS GREEN, PETITIONERS  
VIRGINIA HUTTER, 7TH WARD CITY COMMISSIONER  
NEWS MEDIA

JUDGE DONER: THIS IS THE CONTINUATION DATE FOR HEARING ON A, A HEARING THAT WAS SCHEDULED BEFORE US TWO WEEKS AGO TO DETERMINE THE CLARITY OF A RECALL PETITION. WE ADJOURNED THE MATTER, THE UH, PETITIONER WAS NOT PRESENT AND THE COMMISSION DETERMINED THAT WE WERE UNABLE TO DETERMINE THE CLARITY BECAUSE WE WEREN'T SURE WHAT SOME OF THE LANGUAGE REFERRED TO. UH, NOTE THE UH, AND NOTICE, RENOTICES WENT OUT BOTH TO THE PETITIONER AND TO THE COMMISSIONER ABOUT WHOM THE RECALL IS BEING SOUGHT. I DON'T KNOW THE PARTIES, IS THE PETITIONER PRESENT? THAT WOULD BE, I'M SORRY I FORGOT THE NAMES.

ALBERTSON: GREEN.

JUDGE DONER: GREEN. MR. GREEN. MRS. HUTTER IS PRESENT, AND WE ARE THEN READY TO PROCEED. WHEN WE MET TWO WEEKS AGO, MR. GREEN, THE UH, THE THREE OF US HAD SOME QUESTIONS ON THE MEANING OF THE LANGUAGE IN THE RECALL PETITION. UM, ESPECIALLY ON THE LANGUAGE IN THE UH, SENTENCE THAT STARTS WITH "COMMISSIONER HUTTER HAS INTERFERED WITH THE CONTRACT NEGOTIATIONS OF THE FIREFIGHTERS UNION IN VIOLATION OF THE CITY CHARTER. (ARTICLE IV, SEC. 28)." CAN YOU TELL US WHAT THAT'S ALL ABOUT?

MR. GREEN: YOU'LL HAVE TO EXCUSE ME. I HAVE A VERY SORE THROAT.

JUDGE DONER: O.K. WELL, MAYBE YOU COULD COME UP TO ONE OF THE SEATS A LITTLE CLOSER SO WE CAN HEAR YOU A LITTLE BETTER PLEASE.

MR. GREEN: O.K. ON THEREABOUTS, SAY, SAY JANUARY 16TH, RIGHT AROUND THAT DAY WE UH, THAT EVENING I WENT TO A, WE WENT TO A CITY COMMISSION MEETING AND THIS IS THE FIRST TIME THAT UH, IT WAS BROUGHT UP ABOUT THE TREES WITH THE PEOPLE ON CENTER AVENUE AND GOT UP AND SPOKE FOR 17 MINUTES ON TREES. AND I'M KIND OF CONCERNED A LITTLE BIT ABOUT WHAT THIS WOMAN HAD TO SAY SO I WAS LISTENING VERY GOOD. WELL, EVEN A LITTLE BIT FURTHER, THE NEXT, I THINK IT WAS WITHIN THAT WEEK I HAD CALLED AND TALKED TO VIRGINIA ABOUT A COUPLE OF THINGS AND WE WERE ON THE PHONE FOR ABOUT I'D SAY A GOOD TWO HOURS. AND WE TALKED A LITTLE BIT ABOUT EVERYTHING AND THEN SHE SAID THAT SHE WAS GOING TO RECOMMEND ME FOR A SOME TYPE OF A VOLUNTEER TO, CAUSE I WAS LAID OFF AT THE TIME, FOR A SOMETHING TO DO WITH THE FIREMEN AND F.O.P. AND I ASK HER A COUPLE OF QUESTIONS AND WE BROUGHT UP THAT SHE WAS SOMETHING CONCERNING THE FIRE DEPARTMENT IN THE CONTRACT AND IT NEVER STRUCK ME ANY DIFFERENT UNTIL I STARTED LOOKING INTO A FEW THINGS, THEN GOING TO A FEW MORE COMMISSION MEETINGS AND WATCHING COMMISSION MEETINGS ON TELEVISION. HER VOTING RECORD IS VERY, VERY POOR.

JUDGE DONER: NOW WAIT A MINUTE. WE'RE NOT GETTING INTO MERITS AND WHETHER OR NOT THERE IS A BASIS FOR RECALL, WE SIMPLY...

MR. GREEN: O.K. IS THAT...THE LETTER, THE LETTER, O.K. THE ARTICLE STATES...

JUDGE DONER: WANT TO KNOW...

MR. GREEN: THAT, THE ARTICLE STATES THAT SECTION 28 RELATION OF COMMISSION TO ADMINISTRATIVE BRANCH. MEMBERS OF THE CITY COMMISSION SHALL DEAL WITH ADMINISTRATIVE OFFICIALS AND EMPLOYEES SOLELY THROUGH THE CITY MANAGER AND THROUGH A FEW PEOPLE THAT I TALKED TO OVER THE PERIOD THAT I WAS WRITING THIS LETTER WAS THAT SHE HAD MINGLED INTO THE FIREMAN CONTRACT TALK, AND I ALSO FOUND OUT THROUGH SOME INFORMATION THAT I HAD THAT SHE WAS CALLED ALSO ON THE (INAUDIBLE) FOR DOING THIS AND SHE SAID THAT SHE PROBABLY WOULD NEVER DO IT AGAIN. THIS IS WHAT I UNDERSTAND. SO, I FINALLY GOT THIS ARTICLE FROM THE BAY CITY CODE AND I STARTED READING IT AND

GREEN: BREAKING IT DOWN. AND IN MY EYES THIS IS WHAT SHE HAD DONE. THAT SHE FURNISHED INFORMATION AND NO MEMBER OF THIS COMMISSION SHALL INTERFERE DIRECTLY OR INDIRECTLY WITH THE CONDUCT OF ANY DEPARTMENT OR CITY GOVERNMENT OR GIVE ANY ORDERS TO ANY DEPARTMENT HEADS, ADMINISTRATIVE OFFICIALS OR EMPLOYEES EITHER PUBLICLY OR PRIVATELY. NO CITY OFFICIAL, UH, NO CITY OFFICIAL, OFFICER OR EMPLOYEE SHALL SOLICIT ACTION A COMMISSIONER WHICH SHOULD OR WOULD CONSTITUTE A VIOLATION OF THIS SECTION. ANY VIOLATION PROVIDE (INAUDIBLE) WITH THIS SECTION. THE PROVISION OF THIS SECTION SHALL BE A MISDEMEANOR AND A COMMISSION, OR OF ANY COMMISSIONER, OFFICIAL, OFFICER OF EMPLOYEE CONVICTED THEREFORE SHALL FORFEIT HIS OFFICE OR EMPLOYMENT. ADDED BY ELECTOR SEPTEMBER 1, 1964.

LEWANDOWSKI: IS THAT ARTICLE VI, SECTION 28 YOU JUST READ?

GREEN: PARDON ME SIR?

LEWANDOWSKI: IS THAT ARTICLE VI, SECTION 28 YOU JUST READ?

GREEN: ARTICLE VI, SECTION 28.

JUDGE DONER: I GUESS THE QUESTION BEFORE US IS WHETHER SIMPLY CITING THE ARTICLE AND SECTION NUMBER IS OF SUFFICIENT CLARITY UH, TO EXPLAIN TO SOMEONE WHO WOULD BE ASKED TO SIGN THIS PETITION TO UNDERSTAND WHAT IT WAS AND JUST SO THAT EVERYONE, AGAIN IS CLEAR AS TO WHAT WE ARE DEALING WITH, WE ARE NOT DEALING WITH WHETHER IT'S CORRECT OR INCORRECT, WHETHER IT IS TRUE OR UNTRUE, WE ARE SIMPLY FACED WITH THE DECISION AS TO WHETHER OR NOT THE LANGUAGE OF THE RECALL PETITION WOULD EXPLAIN TO SOMEBODY THAT YOU APPROACHED ON THE STREET TO SIGN YOUR PETITION, WHETHER THEY WOULD UNDERSTAND WHAT THIS IS ALL ABOUT, WITHOUT FURTHER EXPLANATION FROM YOU. BUT THE PETITION ITSELF...

GREEN: NOW I HAVE A QUESTION FOR YOU, OR FOR YOU PEOPLE. IS THE WORDING ON THIS PETITION IS IT CORRECT? IS IT O.K.? THIS IS WHAT I AM TRYING TO FIND OUT. BECAUSE THEN IF NOT, I WILL REWORD IT AND I WILL SUBMIT ANOTHER ONE.

JUDGE DONER: WELL, LET'S FIRST DECIDE WHETHER THIS ONE IS SUFFICIENTLY CLEAR. IF IT IS, IT GOES, THEN YOU ARE ELIGIBLE TO CIRCULATE IT. IF IT IS NOT, THEN, I THINK YOU ARE ENTITLED TO KNOW WHY IT IS NOT. OBVIOUSLY WE CANNOT TELL YOU WHETHER TO SUBMIT ANOTHER ONE OR NOT AND WE CAN'T TELL YOU WHAT THE LANGUAGE IS BUT WE CAN TELL YOU IF THERE IS A PROBLEM. BARB...

ALBERTSON: I DO NOT FEEL THAT JUST ARTICLE VI OF SECTION 28, IS THAT CLEAR. FOR THE FACT THAT WHATEVER HE IS GOING TO CIRCULATE HAS TO BE ON THE PETITION ITSELF. WHAT YOU JUST QUOTED, OR READ TO US I DO NOT BELIEVE TO HAVE ENOUGH SPACE EVEN FOR A PETITION AND I AM JUST CHECKING TO SEE IF THAT DOESN'T HAVE TO BE WITHIN A CERTAIN AMOUNT OF WORDS, WORDS ON THE PETITION AS IT IS CIRCULATED.

JUDGE DONER: I THINK LAST TIME WE DISCUSSED... THERE IS A RESTRICTION...

ALBERTSON: TWO HUNDRED, TWO HUNDRED WORDS OR LESS I BELIEVE. YEA.

JUDGE DONER: ON THE NUMBER OF WORDS I BELIEVE. DOES ANYONE HAVE ANY COMMENTS? YES?

LEWANDOWSKI: WELL, THIS IS MY PERSONAL OPINION. THE WAY I FEEL I WOULDN'T SIGN A PETITION IF I DIDN'T KNOW WHAT, SO I THINK IT WOULD BE BETTER FOR YOU TO SPELL IT OUT INSTEAD OF STATING ARTICLE VI, SECTION 28. A LOT OF PEOPLE WOULDN'T KNOW WHAT IT IS.

GREEN: THAT IS WHY I HAVE A COPY.

LEWANDOWSKI: IT WOULD BE BETTER TO SPELL IT OUT.

JUDGE DONER: DO WE HAVE A, DID YOU FIND IT?

ALBERTSON: IN SECTION UM, 966 (1) "THE REASON FOR DEMANDING A RECALL OF THE OFFICER AS SET FORTH IN THE PETITION SHALL BE PRINTED ON THE RECALL BALLOT USED AT THE ELECTION IN NOT MORE THAN 200 WORDS. IF THE STATEMENT OF REASON SET FORTH IN THE PETITION SHALL CONTAIN MORE THAN 200 WORDS, THEN THE STATEMENT SHALL BE CONDENSED BY THE SPONSOR OF THE PETITION FOR USE ON THE BALLOT. IF THE SPONSOR FAILS TO FURNISH THE CONDENSED STATEMENT WITHIN 48 HOURS FOLLOWING WRITTEN DEMAND THEN THE STATEMENT SHALL BE CONDENSED BY THE OFFICIAL PREPARING THE BALLOT." I DON'T EVEN KNOW HOW MANY WORDS NUMBER ONE, THAT WE HAVE HERE WITHOUT INCLUDING SOMETHING THAT EXPLAINS WHAT IS HERE.

JUDGE DONER: I THINK IT IS PRETTY OBVIOUS THAT THE PETITION ITSELF ALONG WITH THE ENTIRE WORDING IN THAT IS GOING TO BE OVER 200. YOU DON'T HAVE TO HAVE THE, THE EXACT LANGUAGE OF THE STATUTE IN YOUR RECALL PETITION ITSELF. BUT, IF I UNDERSTAND WHAT MY COLLEAGUES HERE COMMENTED ON, AND WHICH I AGREE WITH, WE DO HAVE TO HAVE SOMETHING MORE THAN JUST A CITATION OF WHAT THE ARTICLE AND SECTION NUMBER IS. YOU SHOULD HAVE IN YOUR OWN WORDS, IF NECESSARY, A SUMMARY OF WHAT IT SAYS AND SOME INDICATION OF HOW AND IN WHAT MANNER YOU ARE ALLEGING THAT IT WAS VIOLATED.

LEWANDOWSKI: IT HAS 102 WORDS NOW.

ALBERTSON: ON THE PETITION RIGHT NOW?

LEWANDOWSKI: UM-HMMM.

ALBERTSON: PLUS WHAT YOU READ TO US...

JUDGE DONER: SOUNDS TO ME LIKE THAT'S MORE THAN 100 WORDS IN THAT STATUTE, IN THAT ARTICLE. IT SAYS "COMMISSIONER HUTTER HAS INTERFERED WITH..." AND SO ON, AND THEN IT CITES THE SECTION. I THINK WHAT WE'RE SAYING IS THAT YOU WOULD HAVE TO SPELL OUT WHAT IT IS THAT SHE VIOLATED AND SPECIFICALLY HOW SHE INTERFERED WITH IT, SO THAT YOU APPROACH SOMEONE TO SIGN THIS PETITION OR IF IT APPEARED IN THIS FASHION ON THE BALLOT SIMPLY BY READING IT, CAUSE YOU WON'T HAVE A CHANCE TO EXPLAIN TO PEOPLE, IF IT GETS TO THAT POINT, AND THE BALLOT WHERE THEY VOTE, YOU WON'T HAVE A CHANCE TO EXPLAIN TO THEM. THEY HAVE TO BE ABLE TO UNDERSTAND SO THAT THEY CAN MAKE A CONSCIOUS DECISION, DID SHE OR DID SHE NOT, SHOULD SHE BE RECALLED ON THAT BASIS. UM, I GUESS I WOULD ALSO MENTION THAT THE NEXT STEP OF THIS IS THAT UH, THE PETITION ITSELF STAYS OR FALLS ON THE BASIS OF ITS ENTIRETY. AND THAT YOU EITHER HAVE A PETITION WITH VALID LANG...CLEAR LANGUAGE IN IT OR IT'S NOT. AND THIS IS NOT SUFFICIENTLY CLEAR THEN THERE IS NOT A PETITION FOR US THAT HAS SUFFICIENT CLARITY TO MEET THE STANDARDS OF SECTION 952 OF THE RECALL SECTION. UH, IS THERE ANYONE ELSE THAT WISHES TO COMMENT ABOUT THE ARGUMENT ONE WAY OR THE OTHER ON WHAT IS BEFORE US? AGAIN, NOT ON THE ISSUES OF WHETHER THERE IS GOING TO BE A RECALL OR NOT, OR WHETHER IT IS VALID OR NOT, BUT, ON THE BASIS OF WHETHER THIS IS SUFFICIENTLY CLEAR OR NOT?

LEWANDOWSKI: IS THERE A TIME ELEMENT INVOLVED? (INAUDIBLE).

ALBERTSON: WELL, THIS 90 DAYS STARTS AFTER WE APPROVE, ONCE APPROVED IT. IT TAKES FROM NOW UNTIL...

LEWANDOWSKI: YES, BUT WOULDN'T THAT , THE PRIMARY ...

ALBERTSON: WELL, WE'LL HAVE TO GO AFTER ANOTHER DATE.

LEWANDOWSKI: OH, IT WOULD BE AFTER THE PRIMARY ON ANOTHER DATE.

ALBERTSON: YES. IT DEPENDS UPON HOW LONG IT'S GOING TO BE TO GET SIGNATURES, IF HE GETS ENOUGH

LEWANDOWSKI: SAY THAT AGAIN. HE HAS 90 DAYS AFTER WE ACCEPT IT.

ALBERTSON: FROM THE TIME THAT WE HAVE, BUT YOU'RE, YOU'RE UH, YOU'RE OTHER UH, YOUR PERSON THAT YOU HAVE PETITIONED AGAINST HAS TIME TO APPEAL THIS. WE HAVE TO ALLOW THAT TIME SPAN FIRST.

LEWANDOWSKI: SO WE WOULDN'T HAVE ENOUGH TIME BEFORE THE ELECTION.

JUDGE DONER: IF, IF WE REJECT THIS AS NOT BEING SUFFICIENTLY CLEAR AND MR. GREEN DECIDES TO SUBMIT ANOTHER PETITION, WE WOULD THEN HAVE TO HAVE ANOTHER MEETING ON THE CLARITY OF THAT.

ALBERTSON: THAT'S CORRECT.

JUDGE DONER: FOLLOWING THAT DECISION AND AGAIN ASSUMING THAT IT , THAT THAT ONE WAS CLEAR, THAT WE WERE SATISFIED THAT IT WAS CLEAR ON ITS FACE AND THE ELECTED OFFICIAL WOULD THEN HAVE 10 DAYS...

ALBERTSON: I BELIEVE IT'S TEN DAYS.

JUDGE DONER: TEN DAYS TO APPEAL AND THEN THE 90 DAYS FOR CIRCULATING THE PETITION STARTS.

ALBERTSON: AFTER, AFTER IT IS ONCE APPROVED. AFTER THE APPEAL PERIOD.

JUDGE DONER: AFTER THE APPEAL PERIODS.

LEWANDOWSKI: WE APPROVE IT AFTER THE APPEAL PERIOD.

JUDGE DONER: NOW, IF WE APPROVE THE PETITION THE APPEAL WOULD BE FROM OUR DECISION APPROVING IT.

ALBERTSON: CORRECT.

JUDGE DONER: SO WE WOULD HAVE TO FIRST SAY, O.K. THIS IS A CLEAR PETITION AND IT COULD GO FORWARD. THEN, MRS. HUTTER WOULD HAVE 10 DAYS TO APPEAL. AND THEN, AND ONLY THEN, COULD THEY START BEING CIRCULATED. WELL, NO THEY COULD PROBABLY START CIRCULATION RIGHT AWAY. THEY WOULDN'T HAVE TO WAIT FOR THE APPEAL PERIOD. THEN IF THE APPEAL IS SUCCESSFUL THE...

ALBERTSON: RECALL WOULD BE REJECTED. RIGHT.

JUDGE DONER: WOULD BE REJECTED. AND THE SIGNATURES WOULD NOT BE GOOD ANYWAY. BUT THERE WOULD BE 90 DAYS. IT DOESN'T HAVE TO TAKE THE FULL 90. AS SOON AS HE HAS ENOUGH SIGNATURES ON THE PETITION ...

LEWANDOWSKI: SUPPOSED TO TAKE 90...

ALBERTSON: THAT IS THE MAXIMUM DAYS THAT YOU WOULD HAVE TO ACQUIRE.

LEWANDOWSKI: O.K.

JUDGE DONER: I I GUESS MY THINKING IS THAT WE CAN'T BE CONCERNED WITH DATES AND TIMES AND WHETHER IT WOULD BE IN TIME FOR THE PRIMARY OR NOT, WE JUST, OUR, OUR, THE DETERMINATION OF THIS BODY IS WHETHER THIS PETITION AS BEFORE US, IS SUFFICIENTLY CLEAR.

ALBERTSON: THAT'S RIGHT.

JUDGE DONER: UH, ANYTHING MR. GREEN ANY FURTHER COMMENTS THAT YOU WOULD LIKE TO MAKE?

GREEN: NO.

JUDGE DONER: UH, WE WOULD LIKE TO HAVE IT IN THE FORM OF A MOTION SO WE HAVE SOMETHING? OH, I'M SORRY DO YOU HAVE SOMETHING YOU WISH TO SAY?

HUTTER: JUDGE, UH, THE ONLY THING THAT I KNOW THIS HAS UH, LITTLE BEARING ON YOUR PANEL, BUT I DO HAVE A TAPE THAT THE PRESIDENT AND VICE-PRESIDENT OF THE FIREFIGHTERS UNION AT A FINANCE POLICY MEETING DENYING ANY CHARGES OF INTERFERENCE. I ALSO HAVE MANAGEMENT ON THE OTHER HAND THAT ALSO SAT IN ON THE NEGOTIATIONS ALSO CLAIMING THE SAME THING. I KNOW THIS PROBABLY HAS NO BEARINGS TO THIS PANEL BUT I DO THINK IT SHOULD BE TAKEN INTO CONSIDERATION. I KNOW I HAD TO...CAN REBUTTAL HIS, WHAT HE SAID, WHICH IS COMPLETELY WRONG, BUT THAT'S HIS OPINION. AND UH, I CAN PROVE THAT, BUT UH, UNDER THE CIRCUMSTANCES I THINK IT IS VERY CLEAR RIGHT HERE IN THE TAPE THAT WAS IN A FINANCE POLICY MEETING.

JUDGE DONER: THAT WOULD BE CERTAINLY SUBJECT MATTER FOR REBUTTING DURING THE TIME PERIOD FOR THE RECALL THAT IS TAKING PLACE. BUT, NEITHER BEFORE US, NOR THE APPEAL DOES THE WHETHER WHAT IS STATED HERE IS FACT, THAT IS NOT AN ISSUE HERE WE ARE CALLED ON TO DETERMINE. MR. GREEN MADE THE STATEMENT AND THE PETITION THAT IS IN THE FORM OF AN ALLEGATION AND YOU HAVE RESPONDED BUT WE'RE NOT GOING TO DISCUSS THAT AND I'M, AS CHAIRMAN OF THIS BODY I'M NOT GOING TO ALLOW AN EXPANDED DISCUSSION ON WHETHER IT IS CORRECT OR NOT, BECAUSE IT'S NOT AN ISSUE THAT IS BEFORE US. IF THE PETITION IS CLEAR AND IF IN FACT IT IS CIRCULATED AND ENOUGH SIGNATURES ARE OBTAINED AND IT GOES ON THE BALLOT THEN YOU AS THE ELECTED OFFICIAL AND THE PETITIONER AS THE ONE SPONSORING IT ARE AT ODDS AS TO WHETHER WHAT IS IN HERE, THE PETITION, IS TRUE OR NOT. AND YOU WOULD ELECT WHAT EVER FORM THAT YOU HAVE OR WHATEVER MANNER YOU HAVE TO CONVINCING YOUR CONSTITUENTS EACH OF YOU ON THE ONE HAND THAT IT'S TRUE AND THE OTHER THAT IT IS NOT. AGAIN THAT IS NOT BEFORE US.

ALBERTSON: YOUR HONOR. UH, SHE HAS UP TO 200 WORDS ALSO FOR JUSTIFICATION ON THE BOTTOM OF THAT BALLOT.

JUDGE DONER: YES, THERE IS A PROVISION FOR A RESPONSE. NOT JUST HERE, BUT ON THE BALLOT. IT'S NOT JUST...

ALBERTSON: IF AND WHEN IT COMES TO THE FACT OF THE BALLOT BEING PRINTED, YOU ARE ALLOWED UP TO 200 WORDS FOR A JUSTIFICATION TO THE ACCUSATIONS.

JUDGE DONER: THAT WOULD, THAT WOULD BE THE TIME THAT YOU WOULD RESPOND OFFICIALLY IN WRITING. NOT TO US, BECAUSE I GUESS BY THE LANGUAGE OF THE RECALL STATUTE, UM, EVEN IF WE WERE SATISFIED THAT EVERYTHING WAS ABSOLUTELY TRUE, OR ON THE OTHER HAND IF WE WERE SATISFIED IN OUR OWN MINDS IT WAS ABSOLUTELY UNTRUE, WE HAVE NO BASIS FOR MAKING THAT DECISION. A CONSTITUENT OF YOURS CAN FILE A RECALL PETITION. IF IT IS CLEAR IT GOES, AND YOU HAVE A CHANCE TO RESPOND. IF IT IS NOT CLEAR, AND WE HAVE DECIDED IT'S NOT, THEN IT DOESN'T GO, AND THE PETITIONER OR ANYBODY WANTS

JUDGE DONER: FILE ANOTHER ONE, THEN THEY HAVE THAT OPTION.

HUTTER: I UNDERSTAND THAT, THANK YOU.

JUDGE DONER: ANYBODY ELSE? BEFORE WE COME TO A VOTE. DOES SOMEBODY WANT TO MAKE A MOTION ONE WAY OR THE OTHER? OUR DECISION IS TO REJECT THIS.

LEWANDOWSKI: I'LL MAKE A MOTION TO REJECT THIS.

JUDGE DONER: THAT WE REJECT IT ON THE BASIS THAT IT IS NOT CLEAR. IT IS NOT SUFFICIENTLY CLEAR.

LEWANDOWSKI: THE WORDING IS NOT RIGHT. YEA.

ALBERTSON: I'LL SUPPORT THAT.

JUDGE DONER: UH, LET'S TAKE A , JUST SO IT IS RECORDED LET'S TAKE A ROLL CALL VOTE.

YEAS: DONER, LEWANDOWSKI, ALBERTSON

IT IS A UNANIMOUS DECISION BY THE ELECTION COMMISSION THAT THE RECALL PETITION AS SUBMITTED IS NOT SUFFICIENTLY CLEAR AND PURSUANT TO MCLA 168.952 THAT DETERMINATION IS REACHED. THIS PETITION HAS BEEN REJECTED. MR. GREEN I THINK WE HAVE EXPLAINED THE BASIS OF WHY IT IS UNCLEAR AND YOU KNOW WHAT YOUR ALTERNATIVES ARE WHEN THE TIME COMES, MRS. HUTTER YOU WILL KNOW THEN WHAT YOUR ALTERNATIVES ARE AS WELL. UNLESS THERE IS FURTHER BUSINESS TO COME BEFORE THIS COMMISSION THIS AFTERNOON...

LEWANDOWSKI: ARE WE GOING TO SET A DATE FOR THE NEXT ONE?

ALBERTSON: WE'LL HAVE TO WAIT UNTIL THE...

JUDGE DONER: WE DON'T HAVE ANYTHING TO SET ONE FOR, THERE IS NOTHING FOR US...

THE MEETING WAS RECESSED AT 2:20 PM.