

BAY COUNTY ELECTION COMMISSION

PORTSMOUTH SUPERVISOR RECALL
AUGUST 14, 1991

THE BAY COUNTY ELECTION COMMISSION MET ON WEDNESDAY, AUGUST 14, 1991 IN THE COMMISSIONER'S GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING FOR THE PURPOSE OF WORDING REVIEW TO BE PLACED ON A RECALL PETITION FOR PORTSMOUTH TOWNSHIP SUPERVISOR, ROBERT PAWLAK. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DONER AT 8:40 A.M. WITH THE FOLLOWING ATTENDING.

ROLL CALL: JUDGE PAUL DONER, CHAIRMAN
GEORGE MULLISON, PROSECUTOR
BARBARA ALBERTSON, CLERK
CYNTHIA A. LUCZAK, SECRETARY
JOHN MCQUILLAN, TWP. ATTORNEY
NEWS MEDIA

PETITIONER EDWARD BRISTOW WAS ABSENT FROM THE MEETING AT THIS TIME. THE COMMISSION DECIDED TO ATTEND TO OTHER BUSINESS WHILE WAITING FOR MR. BRISTOW TO APPEAL.

CHAIRMAN DONER ACCEPTED PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT. AS NO ONE WISHED TO ADDRESS THE COMMISSION, THEY PROCEEDED TO CONDUCT THE REGULAR BUSINESS.

MOTION #1: GEORGE MULLISON AUTHORIZED BAY COUNTY CORPORATION COUNSEL, PATRICK DUGGAN, TO FILE A MOTION FOR MORE DEFINATE STATEMENT IN THE CASE OF DONALD KRZEWINSKI VS. THE BAY COUNTY ELECTION COMMISSION (BAY CO. FILE 91-3379-AA). JUDGE DONER SUPPORTED THE MOTION AND IT WAS CARRIED BY ROLL CALL VOTE OF 3 YEAS, 0 NAYS.

JUDGE PAUL DONER STATED HE WOULD REFRAIN FROM INTRODUCING A MOTION HE HAD BEEN CONSIDERING UNTIL THE MATTER COULD BE REVIEWED BY CORPORATION COUNSEL.

THE COMMISSION WAS WILLING TO ACCEPT THE INPUT OF PETITIONER BRISTOW HAD HE ARRIVED UP TO THIS POINT. COMMISSION WAITED FOR HIM TO APPEAR UNTIL 8:45 A.M.

ATTORNEY MCQUILLAN ADDRESSED THE BOARD BY STATING ALL STATEMENTS MADE AT PRIOR CLARITY HEARINGS WOULD BE APPLICABLE AT THIS SESSION. FURTHER, THAT MCLA 168.952 WAS THE GUIDE WHICH THE ELECTION COMMISSION MET TO CONSIDER CLARITY OF PETITION WORDING AND/OR BASIS FOR RECALL. STATUTE WORDING ALSO LIMITED THE

PETITION LANGUAGE TO 200 WORDS OR LESS, THIS PETITION EXCEEDED THAT AMOUNT ACCORDING TO MR. MCQUILLAN. IT WAS THE TOWNSHIP'S OPINION, THIS PETITION ALSO LACKED CLARITY AS TO DEFINITION OF FUNCTIONS TO BE PERFORMED BY TOWNSHIP SUPERVISOR AND NOT NECESSARILY THOSE OF THE TOWNSHIP SUPERINTENDENT, SHOULD NO TOWNSHIP SUPERINTENDENT BE APPOINTED BY THE TOWNSHIP BOARD, THE DUTIES WOULD BE THE RESPONSIBILITY OF THE SUPERVISOR. MR. MCQUILLAN FELT PETITIONER BRISTOW HAD MISINTERRUPTED THE STATUTE AND WAS THEREFORE UNCLEAR IN NATURE. DID NOT CLEARLY STATE ANY TYPE OF MALFEASANCE OR MISFEASANCE ON THE PART OF TOWNSHIP SUPERVISOR.

MOTION #2: GEORGE MULLISON MOVED DENY THE PETITION SUBMITTED BY MR. BRISTOW FOR RECALL OF THE PORTSMOUTH TOWNSHIP SUPERVISOR AS THE PETITION WAS STATUTORILY INCORRECT FOR EXCEEDING THE 200 WORD LIMITATION AND LACKED CLARITY WITH NO SPECIFIC ALLEGATIONS TO RESPOND TO. BARBARA ALBERTSON SUPPORTED THE MOTION AND IT WAS CARRIED BY ROLL CALL OF 3 YEAS, 0 NAYS.

AS THE RECALL WORDING HAD NOT BEEN APPROVED BY THE COMMISSION, WOULD NOT BE CIRCULATED TO THE ELECTORATE.

MR. DONER INDICATED THE PETITIONER WOULD BE NOTIFIED OF THE PETITIONS REJECTION.

MOTION #3: GEORGE MULLISON MOVED TO RECESS TO THE CALL OF THE CHAIR. JUDGE DONER SUPPORTED THE MOTION THUS PASSED BY VOTE OF 3 YEAS, 0 NAYS.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK