

**BAY COUNTY ELECTION COMMISSION  
AUGUST PRIMARY BALLOT INFORMATION  
JUNE 4, 2010**

THE BAY COUNTY ELECTION COMMISSION MET ON FRIDAY, JUNE 4, 2010 IN THE FIRST FLOOR CONFERENCE ROOM OF THE BAY COUNTY CLERK OFFICE FOR THE PURPOSE OF CONSIDERATION OF AUGUST 3, 2010 ELECTION BALLOT PREPARATION. THE QUESTION OF WHETHER TO PROCEED OR REFRAIN FROM THE BALLOT PRINTING WAS BEFORE THE CLERK AS A RESULT OF THE PENDING DETERMINATION FROM THE MICHIGAN COURT OF APPEALS ON THE INCUMBENCY DESIGNATION OF DISTRICT COURT JUDGE JENNIFER BARNES. THE MEETING WAS CALLED TO ORDER AT 8:30 A.M. WITH THE FOLLOWING MEMBERS PRESENT.

ROLL CALL:            RICHARD BRZEZINSKI, COUNTY TREASURER  
                          CYNTHIA A. LUCZAK, COUNTY CLERK  
                          KAREN A. TIGHE, PROBATE JUDGE

CLERK LUCZAK SPOKE OF THE PENDING BAY COUNTY CIRCUIT COURT CASE NUMBER 10-3352; MARK JANER AND STEVENS JACOBS VS. TERRI LYNN LAND, MICHIGAN SECRETARY OF STATE; JENNIFER BARNES, AND CYNTHIA A. LUCZAK, BAY COUNTY CLERK. THE LAWSUIT WAS FILED IN AN ATTEMPT TO CLARIFY THE "INCUMBENCY" DESIGNATION ON THE PRINTED AUGUST PRIMARY BALLOT. AS A DETERMINATION HAD BEEN MADE BY THE LOWER COURT ON JUNE 3, 2010, TO ALLOW THE PRINTING OF THE LABEL WITH THE NAME OF JENNIFER BARNES, THE PLAINTIFFS SOUGHT A REVERSAL OF THAT OPINION THROUGH THE COURT OF APPEALS.

MS. JENNIFER BARNES WAS APPOINTED THE DISTRICT COURT JUDGESHIP UPON THE RETIREMENT OF THE HON. SCOTT NEWCOMBE, WHICH WAS EFFECTIVE MAY 30, 2010.

THE CLERK EXPLAINED THAT A DECISION HAD NOT YET BEEN MADE BY THIS DATE, JUNE 4, 2010 AND THAT BALLOTS WERE TO BE IN THE HANDS OF THE LOCAL CLERKS FOR DISTRIBUTION, BY LAW, NO LATER THAN JUNE 9, 2010. PRINTING THE BALLOTS WITHOUT THE ORDER TO DO SO COULD RESULT IN A COSTLY ERROR THAT WOULD REQUIRE THE REPRINTING OF BALLOTS FOR BAY COUNTY.

ELECTION COMM.

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JUNE 4, 2010

GIVEN THE SITUATION, TREASURER BRZEZINSKI MOVED TO PROCEED WITH THE PRINTING OF THE AUGUST 3, 2010 PRIMARY ELECTION BALLOT TO INCLUDE THE INCUMBENCY DESIGNATION OF JENNIFER BARNES AS "JUDGE OF THE DISTRICT COURT". IT WAS SUPPORTED BY JUDGE TIGHE AND PASSED BY UNANIMOUS VOICE VOTE.

WITH NO OTHER BUSINESS TO ATTEND TO THE MEETING WAS ADJOURNED AT 8:45 P.M.

THE CLERK PROCEEDED WITH THE PRINTING AND DISTRIBUTION OF THE BALLOTS. THE COURT OF APPEALS AFFIRMED THE DECISION OF THE BAY COUNTY CIRCUIT COURT AND ON JUNE 18, 2010 ISSUED AN OPINION TO ALLOW THE INCUMBENCY DESIGNATION OF JUDGE JENNIFER BARNES.

RESPECTFULLY SUBMITTED

CYNTHIA A. LUCZAK  
BAY COUNTY CLERK

**From:** Karen Tighe  
**To:** Brian Elder; Brian Elder; Marty Fitzhugh; Tom Hickner  
**Date:** 6/4/2010 11:50 AM  
**Subject:** Re: Fwd: Janer v Barnes

The election Commission met this morning and authorized the ballots to be printed with the incumbent designation; if they have to be changed, we will cross that bridge later. There is no telling when or if the court of appeals will make a decision and if so, whether someone will appeal to the Supremes. Meanwhile, there are statutory deadlines to be met by the clerk, per her attorney's recommendation.  
Judge KTighe

>>> Marty Fitzhugh 6/4/2010 7:58 AM >>>  
Please see update on this matter through attached letter.

Marty

Martha P. (Marty) Fitzhugh  
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>>> "Matthew A. Tarrant" <[MATTAR@BKF-LAW.COM](mailto:MATTAR@BKF-LAW.COM)> 6/3/2010 5:09 PM >>>  
Please see the attached letter. Thank you.

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**CC:** Cindy Luczak; Michael Gray; Robert Redmond; Tim Quinn