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Letter from the President



*Carol Vernon
MACC President*

Dear Clerks:

Welcome returning clerks and new clerks. I wish you all a healthy, happy and safe new year. I am looking forward to being president of MACC for 2013 and working with all of you. Please contact me at any time. We are always looking for new training topics, round table discussions and standardization ideas that will benefit us all. We have a wonderful team of clerks that ranges from brand new to 30+ years of service. That makes for a delightful group that has a lot to give, take and share with each other.

Attached to this newsletter is our current committees list. I hope you'll take a few minutes to review it, noting the descriptions for each committee, and send me an e-mail letting me know which committees you'd like to serve on. Some committees are more active than others, some are "seasonal," and some are ongoing, but each one plays an important part in our organization. We look forward to having your input and participation.

And thank you to those who are so willing to be district chairs and chairs of committees. We couldn't do it without you and you are very much appreciated by all.

It will be a busy January with new boards, organizational meetings, school coordinator meetings, CEO/Legislative meeting January 16, UCOA legislative January 27-30, and for those of us lucky enough - preparing for a February 26th election, along with all of our other duties. I hope I'll get to see many of you at all the upcoming events you are able to attend.

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Legislative Update



Bill Zaagman

Governmental Consultant Services, Inc.
MACC Lobbyist



As the 96th Legislature drew to a close, a number of elections bills—discussed below—with broad impact to clerks were taken up and signed by the Governor. Last year was the second in the two-year Session which means that all bills not signed by the Governor died on December 31, and must be reintroduced during the 97th Legislature which convened on January 9th to swear in the members of the new session. The State House will see 28 new members—a quarter of the 110-member body. The Senate, not up for re-election in 2012, saw one vacancy as state Senator John Gleason departed the upper chamber after he was elected Genesee County Clerk. This drops the 38-member body to 37 members. Republicans hold a 26-11 seat advantage until a special election, called by Governor Snyder in May, to fill the vacancy occurs.

Governor Signs Omnibus Election Law

What started out as a short seven-page bill to move village elections from September to November ended up a 38-page omnibus election code bill used to address a variety of “loose ends” that various stakeholders wanted to get done during the last days of the 2011-2012 Legislative session.

Public Act 523 of 2012, which takes effect **March 27, 2013**, addresses the following issues:

- **September Village Elections Eliminated**

Beginning in 2013, villages will no longer be permitted to hold September elections. Those currently with a September date, must hold their elections at the even-November election date moving forward. Under the existing provisions of MCL 168.644, the terms of sitting officers are automatically extended until November 2014. Terms are not permitted to be shortened, only extended.

- **Education Offices Reordered on Ballot**

Two education offices are re-ordered on the non-partisan portion of the ballot. Now community college trustees and ISD board members will appear immediately following judges of the district court and before city officers appear.

- **Citizenship Question, Part Deux**

As part of the changes included, applications to vote will be modified to add a statement where the voter affirms his or her United States citizenship by signing the application. The voter will not be required to check

a box affirming citizenship, which was the approach sought in legislation vetoed by the Governor last year. Similar affirmative statements are incorporated into the absentee voter applications along with a new statement on citizenship added to the “warning” statements.

- **Absentee Voters to Show ID**

Voters applying for an absentee ballot at the clerk’s office will be required to show ID under changes included in Public Act 523 of 2012 or sign the affidavit of identity. However, if a voter applies in-person without ID and does not present ID upon returning the ballot or returns the ballot by mail, the ballot shall be processed as a challenged ballot under MCL 168.727. The photo ID requirement does not apply to a voter who applies for an absentee ballot by mail. The change takes effect March 27, 2013.

- **Citizens to Show ID when Registering to Vote In-person**

Effective March 27, 2013, registering to vote in-person will require photo identification under changes to the Michigan Election Law. Under MCL 168.497C, a person registering to vote at a branch office or a clerk’s office will be required to show acceptable photo identification proving identity or sign an affidavit to that effect.

- **Cities Can Opt to Even-November Elections**

Cities are now permitted to move their governing body elections to the even-year election date. Under prior law, cities were required to hold their elections on the odd-November date. The governing body of any city desiring to move to the even-November date must hold a hearing and adopt a resolution in compliance with MCL 168.642. Under MCL 168.321, a city is permitted to move its election by adopting a resolution in compliance with MCL 168.642 regardless of any charter provision to the contrary.

- **Clerks Required to Track Voters without ID**

Effective March 27, 2013, local clerks are required to report to the county clerk, within 7 days following an election, the number of affidavits signed by voters under MCL 168.523(2). These are voters who did not present ID, but executed an affidavit of identity. County clerks will have an additional 7 days to compile a county-wide report and transmit it to the Secretary of State. This same provision was contained within legislation vetoed last year by the Governor over the citizenship language.

Legislative Update continued...

- **Some MOVE Ballots to be Accepted Longer**

Clerks who miss the 45-day MOVE deadline will be ordered to accept those ballots after the Election Day deadline under a new provision. Under the change to MCL 168.759A, the Secretary of State is required to order local clerks to accept MOVE ballots for a total number of days equal to the number of days the 45-day deadline was missed. For example, if a local clerk sends MOVE ballots 40 days prior to the election, the Secretary of State is required to order the local clerk to accept MOVE ballots for an additional five days beyond the deadline. This provision was in response to a court settlement with the Department of Justice over the large number of clerks statewide who missed the MOVE deadline at the August primary.

- **Ballot Coaching Notice**

The Secretary of State is required to develop a poster explaining ballot coaching and indicating that it is an illegal activity. The poster is required to be prominently displayed for a period of 45 days before each election at each residential care facility in the state. This same provision was contained within legislation vetoed last year by the Governor over the citizenship language.

All of the changes can be viewed at www.michiganlegislature.org. Click on "Public Act (Signed Bills)" which appears on the left column. Enter "523" in the appropriate box and be sure "2012" appears in the box below. Click on either the PDF or text icons appearing next to Public Act.

Fast-moving Recall Reform Bills Signed

A bi-partisan sponsored package of bills reforming the recall process moved swiftly through the Legislature and were signed by the Governor in late December. House Bills 6058 through 6063 were introduced on November 28, 2012 and several of the bills passed the House the following week. The Senate did not refer the bills to committee, instead holding them on the floor for full action the last week of Session. Ultimately, House Bills 6060 and 6063 were further modified by the Senate, the changes concurred in by the House and the bills were signed by the Governor on December 20, 2012. They are now Public Acts 417 & 418 of 2012. The bills take immediate effect.

The new Acts amend various sections of the Michigan Election Code pertaining to the recall of an elected official. The first major change to the process involves when a recall may begin. Prior to the new Acts being signed, existing law provided that a recall petition could not be filed against an office holder during the first six months of the term of office or during the last six months of the term of office. This provision remains,

but only applies to an office that has a term of 2 years or less. For an office that has a term of more than 2 years, the new law prohibits the filing of a recall petition during the first year of the term of office or during the last year of the term of the office.

The next major change involves the process of approving or denying a recall petition. Under the new law, a parallel recall process is set up for state office holders. A recall petition for a state office (representative, senator, congressman, U.S. senator, governor, etc.) shall be submitted to the Board of State Canvassers instead of an appropriate county board of elections. The recall petition shall be submitted prior to circulating and the board of state canvassers shall approve or deny the recall petition between 10 and 20 days after filing. In addition to reviewing the petition for sufficient clarity, the board of state canvassers shall also review the recall petition to determine "factualness." A determination by the Board of State Canvassers may be appealed to the Michigan Court of Appeals within 10 days after the determination. Signatures may not be obtained during the appeal process until a Court of Appeals determination is made or 40 days, whichever is sooner.

There are several similar changes to the local recall process as well. For local offices, the appropriate board of county election commissioners will also be charged with determining that each reason for the recall is stated both "factually" and clearly. Factualness is not defined nor does the new Act give guidance as to what it means beyond the plain definition. The board of election commissioners is still required to approve or deny a recall petition between 10 and 20 days after filing. An appeal of the board's decision is filed with the circuit court within 10 days. Signatures may not be obtained during the appeal process until a circuit court determination is made or 40 days after the date of the appeal, whichever is sooner. Finally, signatures are now only valid for 60 days as opposed to 90.

Once a recall petition has been approved and any appeals have been resolved, a recall election is called. Under the new law, a recall election can only be held on the May or November election date of any year. A recall election is no longer a "question" of whether to recall the office holder or not. It is now an election with candidates opposing the office holder facing recall. If the office is a partisan office, the county (or local) party executive committee shall name the candidate who will appear on the ballot with the office holder facing recall. Under the new provisions, the office holder facing recall shall have 10 days after the recall election is called to withdraw from the ballot. If this occurs, the county (or local) party executive committee shall name

Legislative Update continued...

a replacement candidate to appear on the ballot. For non-partisan offices, candidates file with the appropriate filing official and paying a \$100 non-refundable fee.

For those offices listed in MCL 168.959, the new law requires a “recall primary” to be held to determine which candidates will face the office holder on the “recall general.” The incumbent office holder will not face a primary and is the presumed nominee unless he or she withdraws within 10 days after the recall is scheduled. If the incumbent office holder withdraws, then a recall primary election to determine a nominee for that party shall be held.

For offices named in MCL 168.960, the new law bypasses the aforementioned “recall primary” and permits the county/local party to name candidates to appear on the recall election. Again, the incumbent office holder is the presumed nominee unless he or she withdraws within 10 days of the recall being called. If the incumbent office holder withdraws, the appropriate county/local executive committee or committees shall name a replacement.

For the recall of a governor, the recall election shall be conducted as a question, similar as it has been, but with a twist. The reasons for the recall shall be condensed into a 200 word statement of the reason or reasons for the recall. Additionally, a governor facing a recall election may submit his or her own statement of 200 words or less explaining the justification of his or her conduct in office. In other words, there will be a 200 word statement calling for the recall and a 200 word rebuttal submitted by the Governor.

Finally, if the office holder resigns subsequent to a recall petition being filed, he or she may not be appointed to fill the vacancy he or she created. If the office holder resigns after an election has been called, the recall election or recall primary election shall not be held and the vacancy shall be filled according to state law.

Governor Vetoes CPL Bill

Governor Snyder delivered a surprise veto of legislation that would have revised the concealed pistol license permitting process and expanded the areas where licensees would be permitted to carry a concealed weapon. Senate Bill 59, introduced by Senator Mike Green (R-Mayville), would have eliminated the county gun board and transferred the powers to the county sheriff. The role of the county clerk would have remained essentially the same with a few additional responsibilities. As originally introduced, the bill would have eliminated the gun board and transferred the entire process to the Secretary of State to be carried

out at branch offices. The MACC, along with a number of other groups, strenuously objected to the loss of local control. At that point, members of the MACC Concealed Weapons Committee began meeting with the sponsor to identify our concerns and work collaboratively with the bill sponsor to address them and improve the process for applicants on initial applications and renewals. After more than 18 months, the MACC was able to support the final version of the bill as it related to the processing of permits. However, many stakeholders strongly objected to provisions which would have allowed permit holders to carry concealed weapons in “gun-free” zones with additional training. The Governor asked for an amendment that would have allowed all of the “gun-free” zones to continue to enforce a gun-free policy with approval from their governing body. The bill sponsor believed the amendment would have created more confusion and did not include it in the final version. In the end, the Governor vetoed the bill stating he would have signed the bill if it had included the provision he requested.

Bill to Limit County Officials Ability to Sue Dies

Legislation that would have prohibited a countywide official from suing the county board over a budget matter died in the final days of session. House Bill 5076, introduced by Representative Peter Pettalia (R-Alpena), amended the Uniform Budgeting Act of 1962 to limit lawsuits against a county board arising over funding disputes with county departments. The bill would have only permitted suits against a county board initiated by a the county executive, the county administrator or the chief judge of the circuit court. County clerks, register of deeds, prosecutors, treasurers and sheriffs would no longer have been permitted to initiate a suit against the county board over funding disputes. Additionally, House Bill 5076 established a threshold that budgets adopted by the county board are “presumed” to fund the mandated operations of the department at a “serviceable” level. This would shift the burden from the board to the plaintiff to prove the budget does not adequately fund mandated operations.

The MACC opposed the legislation arguing that as constitutional county-wide officers, clerks have a duty to protect the autonomy of the office and protect its ability to seek redress in the courts. These suits are extremely rare, but it is a tool to ensure that constitutional offices are funded at appropriate levels to carry out our mandated functions and responsibilities for the citizens of each county. I expect that the bill will be reintroduced during the 97th Legislature.

Meet Your New Clerks!



Diana Bosworth
Eaton County

Diana previously served as the Chief Deputy County Clerk and Elections Clerk. Diana has been with Eaton County for 19 years, with 12 of those working with retired clerk Fran Fuller.

Diana earned her Bachelor's degree in Management from Spring Arbor University. She is a life-long Eaton County resident, and proud mother of three grown children and 3 grandsons.



Lisa Brown
Oakland County

Lisa Brown is currently serving her first term as Oakland County Clerk/Register of Deeds. A lifelong resident of Oakland County, Brown is a graduate of Michigan State University

and the Detroit College of Law. She is a member of the State Bar of Michigan. She previously served as State Representative for Michigan's 39th District from 2009 to 2012, which included Commerce Township, West Bloomfield and Wolverine Lake.



Barb Byrum
Ingham County

Barb has owned Byrum Hardware in Charlotte since 1999, and served in the Michigan House of Representatives for three terms, from 2007 until 2012. She obtained a Bachelors of Science in

AgriBusiness from Michigan State University before going on to earn a Juris Doctorate from Michigan State University College of Law. She lives with her husband, Brad, and their two sons Blake (5), and Bryce (3).



Jodi Fetting
Tuscola County

Let me introduce myself as the new Tuscola County Clerk, Jodi Fetting. I have lived in Tuscola County my entire life. Our county has many small towns and is very family orientated.

I started in the Clerk's office in September 2008 as a Circuit Court Clerk and was promoted to Chief Deputy Clerk for Margie White in 2010. One thing that I love about the Clerk's office is the variety of tasks that happen everyday. There is never a dull moment!

I have one son, Coby, who is 10-years old. He is very active in sports and keeps me running. I am the President of the Caro Youth Football and Cheerleading Program. In my spare time, I love to go camping, kayaking and spending time with family and friends.

I am looking forward to all of the new adventures ahead!



John J. Gleason
Genesee County

A lifetime resident of Genesee County, John J. Gleason has a long record of service to his community.

First elected to the Genesee County Board of Commissioners in 1994, Gleason was a strong voice for fiscal responsibility in county government and a champion for working families. In 2002, John J. Gleason was elected to the Michigan House of Representatives where he has been an independent voice and reliable advocate for Genesee County. After winning a crowded Democratic primary for the 27th State Senate seat in 2006, and a second term in 2010.

John is married to his wife Karen, and they have two children, Eamonn and Clancy Rose. John worked as a skilled trade millwright for 30 years before being elected the first time.

John is a dedicated Irishman who is well known for wearing green daily, displaying shamrocks and using Irish quotes as often as possible.

Meet Your New Clerks!



Sheryl A. Guy
Antrim County

Sheryl Guy has been a lifelong resident of Bellaire, the County seat of Antrim. She is married to Alan, and they have two sons Patrick and Bradley.

In the summer months she enjoys boating on the Chain of lakes, and loves to spend time with her family year round.

Sheryl has been with the Clerks Office since 1979. She has held positions of increasing responsibility throughout the years, including Family Court Clerk, Deputy Clerk, and Administrative Assistant. She started her first term of office in 2013.



Monica Kennedy
Cass County

Monica Kennedy has worked at Cass County for ten years; beginning her time in the Information Systems Department and serving the past six as Chief Deputy of the Clerk/Register's Office.

Prior to Cass County, Kennedy worked at the Cass District Library as the Local History Librarian.

After growing up in Cassopolis, Monica ventured to the University of Michigan where she studied Anthropology and was a member of the Michigan Marching Band. After graduation, she returned home where she now resides with her husband John and two children, Isabel and James Richard.



Minde B. Lux
Isabella County

My name is Minde B. Lux and I was elected November 6th, 2012 as the County Clerk for Isabella County. I was born and raised in Shepherd, Michigan and have

lived my entire life in Isabella County. I am married to Charles Lux and we have four children under the age of twelve. I have worked for Isabella County for over fourteen years. Five of those years I worked for the Veterans Affairs Department and the other ten years I worked for the Register of Deeds as a deputy clerk. I am very active within my community serving on numerous boards, organizations and community events. I am honored to be presented with this opportunity to represent the community of Isabella County as the new clerk.



Ann Marie Main
Presque Isle County

Thank you for this opportunity to introduce myself. My name is Ann Marie Main, I am the newly elected County Clerk for Presque

Isle County. Before becoming the Clerk, I did work for the county for over 18, starting in 1994 as a 9-1-1 Dispatcher and Corrections officer before moving to the Clerk's office in 2005. I reside in Millersburg with my husband Greg. I have 4 step-children of whom are all married and 5 grandchildren. While working at the Sheriff Dept. I returned to college to finish my Associates from Alpena Community College and my Bachelor's degree for Lake Superior State University. I am also and EMT with Allied EMS in Rogers City and a volunteer firemen and First Responder with Case Twp Fire and Rescue. In my spare time my husband and I enjoy camping, hiking and many site-seeing activities where I can dabble in my newfound pastime of photography. I look forward to serving the residents of my county to the best of my ability and to meeting my fellow elected officials, both newly elected and *Experienced*, to share ideas and strategies with.

MACC Calendar of Events

January 27-30
UCOA - Legislative
Lexington Hotel
Lansing

April 12 & 13
Spring Quarterly Meeting
Doherty Hotel
Clare

August 25 - 28
Summer Conference
Radisson
Kalamazoo

November 1 & 2
Fall Quarterly Meeting
The H
Midland

Meet Your New Clerks!



Bonnie Scheele
Grand Traverse County

I have been employed with Grand Traverse County for 26 1/2 years. I started working in the Friend of the Court office as an Accounting Technician and worked my way up to a Case Manager. For the last 15 1/2 years, I was the Deputy Director to the County Clerk (second in command). I have a Bachelor of Science degree in Business Administration and an Associate of Applied Science degree in Computer Science. My husband Robert and I have four children and four grandchildren.



Sharon Tyler
Berrien County

Sharon Tyler served in the Michigan House of Representatives from 2009 to 2012 for District 78. Tyler has a long record of experience as an economic developer. Her 30 years of experience have earned her the MEDA Medalist Award in 2009 and the State of Michigan Economic Developer of the Year award in 2004.

Tyler's previous experience includes serving as the executive director of the Southwestern Michigan Economic Growth Alliance, Inc., executive director at the Berrien County Manufacturers Council, Interim Niles City administrator, Lincoln Charter Township trustee, and as the Berrien County Economic Development Department's financial services manager. She has also served on the Buchanan City Brownfield Redevelopment Authority, Niles City Brownfield Redevelopment Authority, Lincoln Charter Township Planning Commission, and served on several local boards.



Michelle Stevenson
Roscommon County

Michelle worked as a Township Deputy Clerk for almost 3 years before running for Clerk/Register of Deeds. Prior to that she spent

12 years following her husband around the world while he served in the U.S. Air Force. After leaving the Air Force, Michelle and her husband, Andy, chose to return to Houghton Lake to raise their two daughters, Faith and Hannah.

MACC Would Like to Recognize the Following Clerks for their Dedicated Years of Service

January 1

Carmella Sabaugh

Macomb County – 20 years

Karen Bluhm

Osceola County – 20 years

Nancy Huebel

Iosco County – 5 years

January 28

Roxann Holloway

Lenawee County – 5 years

July 12

Jim Riffle

Mason County – 10 years

November 6

Dan Krueger

Ottawa County – 35 years

New Clerk Training A Success

by Tim Snow

Kalamazoo County Clerk & Register of Deeds

The quadrennial training for newly elected County Officers was held December 9 – 12, 2012 at Bay City. An excellent program featured sessions for all officers and break-out sessions for specific offices. Eleven new County Clerks attended the training, along with many experienced Clerks. Here is a review of the topics covered at the training.

So, Now You're the Boss – David Hulings emphasized that the title should refer to being the “Leader” rather than the “Boss”. He pointed out several items that all of us should remember, not just the new people.

All leaders should identify these important areas:

- Leadership Mission
- Leadership Principles
- Leadership Appe-Type
- Staff Appe-Type
- Culture (in the office)
- Approach to Conflict
- Attitude Toward Control-Delegation Issues
- Decision Making Process

Rights and Responsibilities of Elected Officials –

Attorney Bonnie Toskey discussed a variety of issues that all County Elected Officials should be aware of. There are many references about the authority that we all have within the State Constitution and the laws of the State of Michigan. Bonnie's primary emphasis was the relationship with the County regarding employees of elected officials. The role of the Board of Commissioners is economic in nature, in that the Board sets the Budget, including salaries and benefits for all County employees. The Elected Official can determine Non-Economic Issues, such as hiring, day-to-day operations, assignment and scheduling of employees, promotion, and many others. The Board of Commissioners and the Elected Official must work together regarding an effective Personnel Policy and collective bargaining with unions. There are several recent changes to collective bargaining procedures through State law that were also covered.

CLERK-SPECIFIC TOPICS

2012 MACC President Lauri Braid discussed the MACC organization, its by-laws, the Notary Fund and what it provides and several other items, including our role as Clerk to the Board of Commissioners.

State Registrar Glenn Copeland gave a review of vital records and distributed new Vital Records manuals to all present. More counties are coming into the EDRS (Electronic Death Record System) all the time. A grant has been received to make improvements to EDRS over the next 18 months.

Debra Smith, Director of the Firearms Records Unit of the Michigan State Police, reviewed the procedures for issuing Concealed Weapons Permits, noting that a new application form will be coming in early 2013.

Representatives from the State Court Administrator's Office reviewed their procedures and the various manual that Clerks should be aware of.

Throughout the sessions, other smaller topics were discussed:

- MACC Website and the new “DropBox” application
- Role as Clerk to the Board of Commissioners
- Marriage issues and ceremonies
- Assumed Names
- Many others

Bill Zaagman from GCSI the Legislative Committee gave a review of the 2012 legislation relating to County Clerks and what to look forward to in 2013. The Legislative Committee is working on a list of priorities for 2013.

The Fall Quarterly Meeting of MACC was held in conjunction with the New Officer Training, and featured a lengthy training session with the Bureau of Elections. Some of the topics covered were:

- MERIT e-mail
- Elections Management Portal
- Voter Registration issues
- QVF & Street Index
- e-Wizard
- Electronic Pollbook
- Military & Overseas Voters
- School Election Plans
- Ballot Production Standards

The New Officer Training and Fall Quarterly Meeting were full of good information for all. The documentation distributed at the sessions will be available through MACC.