



# Winter 2015

Michigan Association of County Clerks

December 2015

## 2015 OFFICERS

Marney Kast  
Hillsdale County  
**PRESIDENT**

Sandra Moore  
Crawford County  
**1st VICE PRESIDENT**

Cindy Luczak  
Bay County  
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Jodi Fetting  
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Benzie County  
**Secretary**

Marcee Purcell  
Mecosta County  
**Immediate Past President**



Marney Kast  
Hillsdale County Clerk

## A Message From Your President

Dear Michigan Association of County Clerks,

I would like to start out by thanking all of you for your support over this past year. It has been an honor for me to serve as your President and to be able to represent the best association in this great state! The year has not been without challenges, but the Lord has given me the strength to endure. The biggest challenge in the upcoming years

will be how we can continue to conserve our funds. I believe as an association we have recognized that need and are willing to do what we can.

Dawn Olney will be stepping down as our secretary and I appreciate her hard work and dedication over the years. She has done an outstanding job. Thank you Dawn! Jill Nowak, Manistee County has stepped up to the plate to take over the secretary duties beginning in 2016. The 2015 Clerk of the Year, Kris Millard from Montcalm County was elected 3<sup>rd</sup> Vice President. Best wishes to you both!

The summer conference was a little bit different this year. I chose a Hawaiian theme. Everyone was very festive! Bonnie Friedrichs got real creative with her outfit – who would have thought a couple of football candy dishes would work in place of coconuts! It was also special to have ‘The Unforgettables’ come from my county and entertain us. Although, who would of guessed that we could of saved that money and had Diane Zuker and Jodi Fetting entertain us with hula hoops! The food was wonderful and everyone had an enjoyable time. The charity I selected this year was Alpha Omega Care Pregnancy Center. They were so thrilled and thankful with the amount of items and money that was collected, that it went in their newsletter. Thanks to all of you!

We certainly have had some great speakers and good times. I will be there for Sandy Moore as your 2016 President as other past presidents have been there for me. I can’t say enough about Tara. She has our back constantly and I appreciate her wealth of knowledge when it comes to getting the best deal for our conferences. I certainly would have been lost without her. Bill Zaagman, our

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lobbyist, is another one that works hard for our association. We have so much to be thankful for.

I would like to thank all of the clerks who will be retiring at the end of next year. There are too many to name. We have been so blessed with all of the knowledge you have shared with us over the years. May God bless you as you look forward to relaxing and enjoying life!

As I close this letter, please remember that I will continue to pray for each one of you and may the Lord bless you and your family during this upcoming Christmas season.

With love and warm thoughts,

*Marney*

Marney Kast, Hillsdale County Clerk  
MACC President 2015



**Bill Zaagman**  
GCSI  
MACC Legislative Liaison

# Legislative Update

## Legislature Jams Bill Eliminating Straight-Ticket Voting

In the late evening of the last day of session of 2015, the Republican-dominated Legislature was able to muster the votes to pass Senate Bill 13, a bill to eliminate straight ticket voting. This caps off a process started in November when the Senate passed the bill over to the House.

In the House, Rep. Lisa Lyons, chair of the House Elections Committee, tie-barred SB 13 to her bill House Bill 4727, legislation expanding absentee voting options and reported both from committee. A tie-bar is a procedural amendment that in essence states that one bill doesn't take effect, in this

case Senate Bill 13, unless another bill or bills are also enacted, in this case House Bill 4724. This was met with a strong rebuke from the Senate Republican Leadership and their party bosses. Despite this opposition, the House shipped the tie-barred bills over to the Senate setting up the showdown that unfolded the last week of session. After intense backroom arm-twisting, a Call of the Senate and having all member staff removed from the floor, Senate Majority Leader Arlan Meekhof secured the votes to break the tie-bar on SB 13 to HB 4724, a no-reason AV bill. The amendment passed 20-17, a bare majority of Republicans with one Democrat (Sen. Virgil Smith). One member was excused.

Republicans who voted to strip the tie-bar are as follows: Senators Booher, Brandenburg, Casperson, Hansen, Hildenbrand, Horn, Jones, Knollenberg, Kowall, Marleau, Meekhof, Nofs, O'Brien, Pavlov, Proos, Robertson, Schuitmaker, Shirkey, Smith and Stamas.

The following Republicans voted against removing the tie-bar: Senators Colbeck, Emmons, Hune, MacGregor, Rocca, Schmidt, and Zorn. They were joined by 10 Democrats.

The bill passed 24-13. Republican Senators Hune and Rocca joined a united Democratic caucus in opposing the bill.

On the north side of the Capitol building, the House acted quickly in concurring as 54 Republicans quickly went green. Similar arm-twisting occurred throughout the day as Speaker Kevin Cotter bucked his committee chair in allowing for the tie-bar to be broken. The entire Democratic caucus voted against the bill and were joined by the following Republicans: Rep. Lisa Lyons, Ben Glardon, Martin Howrylak, Dave Maturen, John Bizon and Phil Potvin.

The bill will be ordered enrolled and presented to the Governor for signature. At this juncture, it appears that the Governor will sign the measure. Many of you have asked me for an email address to the Governor and it is: [rick.snyder@michigan.gov](mailto:rick.snyder@michigan.gov) so you could share your thoughts with him.

I want to thank everyone who contacted their legislators. I had numerous legislators tell me that they had repeatedly heard from their clerks. Based on the legislators who voted with us, it is apparent as many of them were legislators who were in contact with their clerks.

### **E-Recording Fees Off to Governor**

Bills creating an electronic filing system for courts and establishing fees for these documents were sent to Governor Rick Snyder in the waning days of the Session. Senate Bills 531 through 533 and House Bills 5028 through 5030 establish the fees for electronic recording and create the Judicial Electronic Filing Fund, into which said fees will be deposited. The fund will be used to pay for the creation and maintenance of the e-filing system.

Under the bills, the following fees apply:

- \$25 in the Supreme Court, Court of Appeals, Court of Claims, circuit court and probate court;
- \$20 in district court if a claim for relief is both monetary and nonmonetary;
- \$5 in small claims court; and
- \$10 in district court if the preceding two instances do not apply, including actions for summary proceedings.

The fees are paid by the party who files the civil action regardless of whether the civil action is filed electronically or not. Additionally, the court may waive the fees for indigent persons. If the court waives the party's filing fee because of indigency or inability to pay, the court shall also waive the electronic filing system fee. The bills exempt a party that is a governmental entity from paying the electronic filing system fee and provides that the clerk may accept "automated payment of any fee being paid to the court" and it specifically addresses merchant transaction fees. The bills provide that, if the bank charges the court or funding unit a merchant transaction fee, then the court may charge the person paying the fee by automated payment (i.e. credit or debit card) the additional automated payment service fee, as authorized by the State Court Administrative Office, in an amount not to exceed the transaction fee, or 3 percent of the automated payment, whichever is less. If signed, these bills take effect January 1, 2016.

### **Robertson Drops Bill Impacting Voter Convenience**

In the closing days of the 2015 session, Senator Dave Robertson (R-Grand Blanc) introduced legislation significantly restricting clerk elections operations and eliminate the convenience of access for voters in several ways. The bill, Senate Bill 639, was referred to the Senate Elections & Government Reform Committee, chaired by Senator Robertson.

The bill amends the Michigan Election Law in the following ways:

- Prohibits a local unit of government from adopting an ordinance or resolution that grants authority to grant or conduct any election activity that is not permitted or expressly granted under this Act.
- Would eliminate the ability of a first-time voter who registered by mail to present photo ID at the clerk's office or the Department of State Branch Office for the purpose of voting absentee. Essentially this would require all individuals who register by mail to vote in person their first time.
- Would prohibit a clerk from deputizing another clerk for the purpose of verifying the identification of a first time voter for the purpose of voting AV.

- Permit individuals to be challengers up to 45 days before the election within the clerk's office.
- Extending the 100 feet prohibition on displaying political material near a polling location to the clerk's office 45 days prior to the election.
- Prohibits a clerk's office from being open beyond the normal business hours (i.e. evenings and weekends) for the purpose of processing, accepting or issuing AV ballots.
- Prohibits a clerk for operating a satellite office for the purpose of processing, accepting or issuing AV ballots.
- Requires each county clerk to separate and report by precinct the AV ballot election results.

It is unknown at this point whether Senator Robertson intends to take the bill up. He can be emailed at [sendrobertson@senate.michigan.gov](mailto:sendrobertson@senate.michigan.gov) or contacted at his office 517/373-1636 if you would like to share your thoughts on the bill with him.

### **Governor Signs Presidential Primary Fix**

Legislation to allow locals to piggyback with local questions on the March 2016 presidential primary is quickly making its way through the state legislature. The bill, House Bill 4904, corrects an unintended consequence that occurred as a result recently signed bills eliminating the February election date. Prior to those bills being signed, the February date was considered a regular election date where locals could place local questions on the ballot. In presidential primary years, the February election date was simply moved to coincide with the selected presidential primary date, but it was still considered a regular election date. By eliminating February as a regular election date, the presidential primary defaulted to a "special" election where local questions were not permitted. House Bill 4904 corrects this technical snafu and will permit locals to place those local questions on the ballot. The bill passed the House and is on the Senate floor awaiting action.

### **Legislature Passes Local Gag Provision**

In the late evening of the last day of session, the Legislature adopted and passed a substitute to Senate Bill 571 that effectively prohibits local bodies from using public resources for communications relating to local ballot questions within 60 days prior to the scheduled election. Existing law already prohibits use of public dollars for express advocacy for or against a local ballot question, but the language of SB 571 seemingly muzzles local bodies to the extent that they would not even be permitted to educate voters about what a ballot question does.

*Merry Christmas*

*and*

*Happy New Year from MACC!*

## RETENTION SCHEDULE BEING REVIEWED

On December 2, the Standardization & Review Committee met in Lansing at the Records Management Office to begin the review of the County Clerk Retention Schedule. Our schedule has not been updated since 2005, and it is past time for this review. Caryn Wojcik at Records Management has given us suggestions for improvements and we are in the process of reviewing them and making other suggestions.

If anyone has ideas regarding the retention schedule or if you have some documents that you don't know what to do with, please let any member of the Standardization Committee know. We will be holding a conference call meeting in January 2016 to finish the initial review. We hope to be able to present a new retention schedule to the Association to adopt sometime next year.

The members of the Standardization Committee are:

Tim Snow	Kalamazoo (Chair)
Diana Bosworth	Eaton
Lauri Braid	Shiawassee
Lisa Brown	Oakland
Barb Byrum	Ingham
Jodi Fetting	Tuscola
Bonnie Friedrichs	Alpena
Mary Hollinrake	Kent
Kris Millard	Montcalm
Dawn Olney	Benzie
Patti Truman	Alcona



### Greetings from Sandy Moore, Incoming President

I would like to thank Marney, Tara and the entire MACC Board for making 2015 a memorable year for our association. With financial hardships striking us, we had to make some tough financial decisions and ones that I hope will help us become more accountable to MACC and our individual counties.

As 2016 is fast approaching, I look forward to an exciting year as your President. We are all busy gearing up for the Presidential Primary in March, so we do not meet again until May 16-18 at UCOA in Lansing. Our Annual Conference is set for August 21-24 at the beautiful Amway Grand Hotel in Grand Rapids, (formal attire for the Tuesday night banquet), and our Fall Annual Conference also will be held in conjunction with UCOA on December 5-7 (location to be determined). My theme this year is "Michigan", so I am asking for Michigan or County made products for MACC-PAC.

I appreciate all you bring to our association and ask that you continue to stand strong for the betterment of our citizenry. We need your participation, and I encourage you to become more involved. Merry Christmas and cheers to another year and a chance to get it right!



# FALL QUARTERLY MEETING IN REVIEW

## Tim Snow Kalamazoo County Clerk

A good group of County Clerks attended the 2015 Fall Quarterly Meeting in Lansing on November 20-21. Sandy Moore, Diana Bosworth and the committee put together a great program.

Before the program actually began, Bill Zaagman and Chris Thomas addressed the group about Senate Bill 13 (elimination of straight party voting) and how important it is that the membership of MACC to contact their legislators to encourage them to oppose this bill.

Next, Deb Smith and Donna Payne from Michigan State Police gave a final update about the new CPL Law. They indicated that they are as ready as they can be. There could be some updates needed in the new portal, but no corrections will be made until into 2016.

The remainder of the Friday session was the first "Train the Trainer" session put on by the Bureau of Elections. Each of the trainers took a section to present. There are several new things coming our way in 2016:

- A new flip chart will be available in time for the March 8 Presidential Primary.
- A new provisional ballot form will be ready for use at the March 8 Presidential Primary.
- There is already a new video online about processing precinct delegates.

Friday evening featured a reception and supper at the offices of GCSI. We were able to watch the Silver Bells Parade (all 1 hour and 15 minutes of it!). Following the parade, several Clerks went down to the Capitol for the lighting of the State Christmas Tree and fireworks. It was a beautiful evening in downtown Lansing!

On Saturday, Marney Kast led her final meeting as President of the Association. Treasurer Becky Griffin explained that the Association needs to have additional revenue due to the reduction of Notary Funds available to MACC. After a good discussion, the Association voted to increase dues in all categories by \$50, at least for 2016. In addition, it was decided to raise registration fees for the Annual Conference and the quarterly meetings. These actions will ensure that MACC will be able to provide the same quality programs as it has in recent years.

Kris Millard presented her PowerPoint about the role of the County Clerk that was presented to the House Local Government Committee earlier this year. This will be available on the website. Clerks may download the presentation and change it to fit specific counties to show to the Board of Commissioners or other groups.

# SAVE THE DATE - Future Conference Locations

**UCOA/MACC Conference  
May 15-18, 2016  
Crowne Plaza, Lansing**



**MACC Summer Conference  
August 21-24, 2016  
Amway Grand, Grand Rapids**

