



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DRAFT

**Meeting
of the
Board of State Canvassers**

**September 3, 2013
Cadillac Place, Suite L-150, 1st Floor
3044 West Grand Boulevard
Detroit, Michigan**

Called to order: 2:02 p.m.

Members present: Colleen Pero – Chairperson
Jeannette Bradshaw – Vice Chairperson
Julie Matuzak
Norman Shinkle

Members absent: None.

Agenda item: Completion of the canvass and certification of the August 6, 2013 primary election for the City of Detroit.

Board action on agenda item: Two separate motions were offered.

First, the Board moved to certify that the attached is a true statement of the votes given at the August 6, 2013 primary election, based on an examination of the votes cast at the August 6, 2013 primary for candidates who sought nomination to the offices of Mayor, Clerk, City Council, and Police Commissioner of the City of Detroit. The Board further moved to certify that the following candidates were nominated to appear on the November 5, 2013 general election ballot for the offices indicated:

Mike Duggan and Benny N. Napoleon – Mayor

D. Etta Wilcoxon and Janice M. Winfrey – Clerk

David Bullock, Saunteel Jenkins, Brenda Jones, and
Roy McCalister, Jr. – City Council At-Large

Wanda Jan Hill and James Tate – City Council, District 1

Richard J. Bowers, Jr. and George Cushingberry, Jr. –
City Council, District 2

Francine Adams and Scott Benson – City Council, District 3

Bettie Cook Scott and Andre L. Spivey – City Council, District 4

Adam Hollier and Mary Sheffield – City Council, District 5

Raquel Castaneda-Lopez and Isaac Robinson – City Council, District 6

John K. Bennett and Gabe Leland – City Council, District 7

Willie E. Bell and Henry L. Williams, Jr. – Police Commissioner,
District 4

Marcelus Brice and Willie E. Burton – Police Commissioner, District 5

The Board further moved that a copy of this certification be transmitted to the Wayne County Board of Canvassers and the Detroit City Election Commission. Moved by Matuzak; supported by Shinkle. Ayes: Pero, Bradshaw, Matuzak, Shinkle. Nays: None. Motion carried.

Second, the Board moved to direct the staff to assess the costs of the recount to the State of Michigan and, pursuant to MCL 168.822(2), transmit them to Wayne County for payment. Moved by Shinkle; supported by Matuzak. Ayes: Pero, Bradshaw, Matuzak, Shinkle. Nays: None. Motion carried.

Agenda item: Such other and further business as may be properly presented to the Board.

Board action on agenda item: None.

Adjourned: 2:34 p.m.

Chairperson

Vice-Chairperson

Member

Member

Date



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
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LANSING
MEMORANDUM

DATE: September 3, 2013

TO: Board of State Canvassers

FROM: Christopher M. Thomas, Director of Elections and Secretary of the Board of State Canvassers

SUBJECT: Completion of the canvass and certification of the August 6, 2013 primary election for the City of Detroit – *Primary for the Offices of Mayor, Clerk, City Council, and Police Commissioner*

Background: Under 2013 PA 51, effective June 11, 2013, the duty to canvass the results of city elections rests exclusively with the Board of County Canvassers (BCC). MCL 168.323. In past years cities having more than 5 precincts were authorized by law to establish city canvassing boards, which were formerly responsible for canvassing and certifying the results of city elections.

The BCC is required by law to complete the canvass and certify the results within 14 days of the election. MCL 168.822(1). However,

If the board of county canvassers fails to certify the results of any election for any officer or proposition within the 14 days as provided, the board of county canvassers shall immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to the election. The board of state canvassers shall meet immediately and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the board of county canvassers. The cost of the canvass shall be borne by the county involved.

MCL 168.822(2). Upon the BCC's failure to certify the results of an election, the Board of State Canvassers is empowered to "make the necessary determinations" to facilitate certification, and thereby assumes the statutory powers ordinarily reserved to the BCC. *Id.*

August 6, 2013 Primary Election in the City of Detroit: On August 6, 2013, a citywide primary election was held in Detroit for the purpose of determining the nominees who would advance to the November 5, 2013 general election for elective offices for the City of Detroit. The Wayne County Board of Canvassers failed to certify the results of any of these contests and on August 20, voted 4-0 to send the matter to the Board of State Canvassers.

Completion of County Canvass by the Board of State Canvassers: On August 22, 2013, certain election records and materials – poll books, statements of votes, the Wayne County Board of Canvassers’ canvass report and recommendations prepared by staff of the Wayne County Clerk, and various reports generated by that staff were transferred to the Michigan Department of State, Bureau of Elections staff on behalf of the Board of State Canvassers. This transfer of the canvass occurred by operation of law and started the 10-day mandated period to complete the canvass. MCL 168.822(2). On August 23, 2013, Bureau of Elections staff conducted an initial review of these materials. The staff’s review confirmed that the Wayne County canvass report only counted write-in votes where precinct inspectors used hash marks to record write-in vote totals. However, canvass documents, the tabulator tapes in particular, clearly told the county canvassers that the write-in oval was completed on far more ballots than there were hash marks. This was clear evidence that the inspectors had not counted all of the ballots as provided under Michigan Election Law. Section 823(3) provides:

In the alternative to summoning the election inspectors before them, the board of county canvassers may designate staff members from the county clerk's office to count any ballots that the election inspectors failed to count, to make correct returns in case, in the judgment of the board of county canvassers after examining the returns, poll lists, or tally sheets, the returns already made are incorrect or incomplete, and the board of county canvassers shall canvass the votes from the corrected returns. When the examination of the papers is completed, or the ballots have been counted, they shall be returned to the ballot boxes or delivered to the persons entitled by law to their custody, and the boxes shall be locked and sealed and delivered to the legal custodians.

MCL 168.823(3). Consequently, MCL 168.823 compelled the counting of write-in ballots in order to obtain correct and complete returns. The Wayne County Board of Canvassers, contrary to legal advice received, had authority to correct the returns and should have done so, if the results had been made available to them prior to the last day of the canvass.

After the initial review of the materials provided by Wayne County, the Bureau of Elections developed several recommendations for the Board of State Canvassers’ consideration related to the completion of the Wayne County canvass. On August 27, 2013, a Board of State Canvassers meeting was held. The Board received the report of staff’s preliminary findings and voted unanimously to allow staff to finish the examination of the records from the write-in votes that were cast in the August 6, 2013 Detroit mayoral primary, including opening up ballot containers and examining any ballots, if necessary. The Board took these actions under the authority granted to them in Michigan Election Law as it became the Board’s duty to continue and complete the canvass. MCL 168.822(2).

The Board of State Canvassers’ process began in the afternoon on August 27, 2013 and concluded at noon on August 29, 2013. The State canvass was supervised by Michigan Department of State, Bureau of Elections staff who specialize in election administration in Michigan. The staff members overseeing the canvass are the same staff members who train Michigan’s county, city and township clerks on how to run elections and the 83 boards of county canvassers on how to conduct canvasses and recounts. All appropriate steps were taken when unsealing and re-sealing ballot containers to thoroughly document the process and to ensure any recount that has or will be requested after the election is certified will not be impeded.

Approximately 40 individuals participated in the completion of the county canvass under the direction of Bureau of Elections staff. These workers included State staff and others provided by

Wayne County and the City of Detroit. Each day, 12-15 two-person *count teams* used structured procedures developed by the Bureau of Elections to review and count write-in votes for declared Detroit mayoral write-in candidates (see Attachment 1, *Count Team Instructions*). These teams utilized a uniform write-in tally sheet developed and provided by the Bureau of Elections to record all mayoral write-in name variations and associated tallies for each name variation in increments of 5 (see Attachment 2, *Detroit Mayoral Write-in Summary Sheet*). Bureau of Elections staff handled the sealing and re-sealing of all ballot containers utilizing standard procedures (see Attachment 3, *Sealing/Resealing Station Procedures*).

The completed tally sheets were reviewed by Bureau of Elections staff, who then compared each name variation recorded by the count teams to the list of approved name variations developed by the Wayne County Board of Canvassers (see Attachment 4). Totals for all approved name variations were then assigned to the appropriate declared write-in candidate. These totals were then entered into a master tracking spreadsheet (see Attachment 5).

In sum, ballots were reviewed from a total of 385 of Detroit’s 614 precincts. These precincts represented both Election Day and Absent Voter Counting Board precincts in any case where the City of Detroit’s Statement of Votes total differed from the total listed on the canvass report provided by the Wayne County Board of Canvassers. Overall totals showing the differences between the final State total and the final total reported by Wayne County are summarized below, by candidate. A precinct-by-precinct summary is also provided in Attachment 5.

	Total – Wayne County	Total – BSC (State)	Difference
Mike Duggan	23,970	48,716	24,746
Michael Thaddeus Dugeon	445	51	-394
Alga Marie Anderson-Bowlson	53	5	-48
Ricardo Brown	0	0	0
Tawanza Brown	5	3	-2
Walter Cole	6	9	3
Velina Patterson Dockery	2	2	0
Cheryl Franklin	5	6	1
Clyde Darnell Lynch	1	1	0
Willie McLeod	0	0	0
Percy Robert Ross, III	6	6	0

Other Notes Related to the Canvass: There were specific issues discovered with seals and ballot containers in a small number of precincts – these issues may affect recountability in any recounts that are conducted after the certification of the August 6, 2013 Detroit primary election. Totals for all of these precincts are included in the above summary and attached master spreadsheet (Attachment 5). Notations were also made in each affected poll book. Final decisions on the recountability of these precincts must be made during the recount process, which will be conducted by Wayne County. The specific issues included:

- No seal on container: Precincts 159, 291, AV 25
- Seal broken/open: Precincts 186, 251
- Seal number did not match container certificate: Precincts 62, 66, 428
- No ballots in container: Precinct 244

In addition, the City of Detroit reported that approximately 300 absent voter ballot envelopes were discovered on or around August 9, 2013 (three days after the August 6, 2013 primary election). These envelopes, which likely contain voted ballots, were never provided to the Wayne County Board of Canvassers and were never tabulated. Given the time that has elapsed, and after consultation with the City of Detroit and the Wayne County election staff, the Bureau of Elections does not recommend tabulating and adding these votes to the final totals.

The results for the offices of Mayor, Clerk, City Council, and Police Commissioner are summarized below.

DETROIT MAYOR

A citywide primary election was held on August 6, 2013 to determine the two nominees who are entitled to advance to the November 5, 2013 general election for the office of Mayor.

TOP TWO ADVANCE (Detroit City Charter, §3-110)

DETROIT MAYOR	
CANDIDATE NAME	NUMBER OF VOTES
Tom Barrow	3,699
Angelo Scott Brown	182
D'Artagnan M. Collier	91
Krystal A. Crittendon	5,311
Fred Durhal, Jr.	842
Herman Griffin	165
Lisa L. Howze	4,591
Willie G. Lipscomb, Jr.	303
Mark Murphy	142
Benny N. Napoleon (nominee)	28,391
John Olumba	1,329
Sigmunt John Szczepkowski, Jr.	146
John Telford	110
Jean Vortkamp	138
Alga Marie Anderson-Bowlson	5
Ricardo Brown	0
Tawanza Brown	3
Walter Cole	9
Michael Thaddeus Dugeon	51
Mike Duggan (nominee)	48,716
Velina Patterson Dockery	2
Cheryl Franklin	6
Clyde Darnell Lynch	1
Willie McLeod	0
Percy Robert Ross, III	6
TOTAL VOTES CAST	94,239

DETROIT CLERK

A citywide primary election was held on August 6, 2013 to determine the two nominees who would advance to the November 5, 2013 general election for the office of Clerk.

TOP TWO ADVANCE (Detroit City Charter, §3-110)

DETROIT CITY CLERK	
CANDIDATE NAME	NUMBER OF VOTES
Scotty Boman	4,456
James Cole, Jr.	8,222
Lucinda J. Darrah	2,868
D. Etta Wilcoxon (nominee)	14,946
Janice M. Winfrey (nominee)	57,672
Anthony C. Ewell	33
TOTAL VOTES CAST	88,197

DETROIT CITY COUNCIL

Under Detroit City Charter §3-108, the city elects seven city council members by district and two at-large. In the seven geographical districts, the top two candidates advance. Detroit City Charter, §3-110. In the at-large district that comprises the entire city, the top four candidates advance to the general election. Id.

TOP FOUR ADVANCE (Detroit City Charter, §3-110)

DETROIT CITY COUNCIL AT-LARGE	
CANDIDATE NAME	NUMBER OF VOTES
Cedric Banks	5,325
David Bullock (nominee)	15,746
Angles Lisa Hunt	5,523
Saunteel Jenkins (nominee)	51,971
Brenda Jones (nominee)	45,594
Monica Lewis-Patrick	9,775
Roy McCalister, Jr. (nominee)	13,414
Jessica M. Rayford-Clark	4,516
Derrick A. Coates	1
Charles Coleman	44
Dobey Gavin	1
R. E. Lee	7
Hosea Lee Walker, Jr.	4
Cheryl A. Wellman	8
Bobby Mae White	2
TOTAL VOTES CAST *	151,931

* Voters were instructed to vote for not more than 2 candidates.

TOP TWO ADVANCE (Detroit City Charter, §3-110)

DETROIT CITY COUNCIL DISTRICT 1	
CANDIDATE NAME	NUMBER OF VOTES
James Kyle Beeler	849
Osei Bomani	690
Darryl D. Brown	1,617
Laura Goodspeed	868
Wanda Jan Hill (nominee)	2,001
Ulice Sherman	187
James Tate (nominee)	9,349
Kathryn A. Montgomery	36
Marc Cayce	10
TOTAL VOTES CAST	15,607

DETROIT CITY COUNCIL DISTRICT 2	
CANDIDATE NAME	NUMBER OF VOTES
Ervin Bassett	257
Richard J. Bowers, Jr. (nominee)	2,890
Terrance A. Burney	666
George Cushingberry, Jr. (nominee)	4,678
Barbara Herard	764
Leslie Love	2,798
Derrick Muhammad	1,822
Carron L. Pinkins	1,392
Ken Scott	1,412
Hollie R. Tugwell	259
John Cromer	1
Aaron Renaldo Smith	35
TOTAL VOTES CAST	16,974

DETROIT CITY COUNCIL DISTRICT 3	
CANDIDATE NAME	NUMBER OF VOTES
Francine Adams (nominee)	1,425
Russ Bellant	1,114
Myron Cash Benford	215
Scott Benson (nominee)	3,229
Wanda Redmond	928
Eugene Slappy	1,196
Dorthea E. Thomas	801
Melia Howard	0
TOTAL VOTES CAST	8,908

DETROIT CITY COUNCIL DISTRICT 4	
CANDIDATE NAME	NUMBER OF VOTES
Albert Aaron	201
Jessie Lee Fennie	326
Khalil Ligon	1,672
Bernard Parker	2,010
Bettie Cook Scott (nominee)	2,353
Andre L. Spivey (nominee)	4,028
Enos Philip Walker	0
TOTAL VOTES CAST	10,590

DETROIT CITY COUNCIL DISTRICT 5	
CANDIDATE NAME	NUMBER OF VOTES
Adam Hollier (nominee)	4,248
Mary Sheffield (nominee)	4,192
DaNetta L. Simpson	480
Mary Waters	2,990
Brian White	2,339
Naomi Anderson	3
Yusef Shakur	2
TOTAL VOTES CAST	14,254

DETROIT CITY COUNCIL DISTRICT 6	
CANDIDATE NAME	NUMBER OF VOTES
Tyrone A. Carter	1,521
Raquel Castaneda-Lopez (nominee)	2,613
Nina Fawaz	231
Vince Keenan	1,598
Isaac Robinson (nominee)	2,246
Davonte D. Sherard	329
TOTAL VOTES CAST	8,538

DETROIT CITY COUNCIL DISTRICT 7	
CANDIDATE NAME	NUMBER OF VOTES
John K. Bennett (nominee)	2,626
Robb Bennett	392
Dustin H. Campbell	1,731
Gabe Leland (nominee)	3,896
Regina Ross	2,576
Milton Hudson	0
Charmaine Johnson	70
Tonya Renay Wells	1
TOTAL VOTES CAST	11,292

DETROIT BOARD OF POLICE COMMISSIONERS

A primary election was held in two city police commissioner districts, Districts 4 and 5. (An insufficient number of candidates filed in the remaining districts to trigger a primary election; candidates in these districts are qualified to appear on the November 5, 2013 general election ballot.)

TOP TWO ADVANCE (Detroit City Charter, §3-110)

DETROIT POLICE COMMISSIONER DISTRICT 4	
CANDIDATE NAME	NUMBER OF VOTES
Willie E. Bell (<i>nominee</i>)	2,892
Konrad A. Greene	1,717
William O. Thompson	1,851
Henry L. Williams, Jr. (<i>nominee</i>)	2,397
TOTAL VOTES CAST	8,857

DETROIT POLICE COMMISSIONER DISTRICT 5	
CANDIDATE NAME	NUMBER OF VOTES
Marcelus Brice (<i>nominee</i>)	4,363
Willie E. Burton (<i>nominee</i>)	5,111
Jamie S. Fields	2,818
TOTAL VOTES CAST	12,292