



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

**Meeting
of the
Board of State Canvassers**

July 26, 2021

Called to order: 10:00 a.m.

Members present: Norm Shinkle – Chairperson
Julie Matuzak– Vice Chairperson
Tony Daunt
Jeannette Bradshaw

Members absent: None.

Agenda item: Consideration of meeting minutes for approval (July 13, 2021).

Board action on agenda item: The Board approved the minutes of the July 13, 2021 meeting as submitted. Moved by Matuzak; supported by Daunt. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Agenda item: Consideration of the sufficiency of the initiative petition filed by Fair and Equal Michigan, P.O. Box 10030, Lansing, Michigan 48901.

Board action on agenda item: The Board denied certification of the initiative petition sponsored by Fair and Equal Michigan due to having filed an insufficient number of valid signatures. Moved by Daunt; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Agenda item: Consideration of 32 recall petitions filed against Governor Gretchen Whitmer, Lieutenant Governor Garlin Gilchrist II, Secretary of State Jocelyn Benson, and Attorney General Dana Nessel submitted by David Blair on July 7, 2021.

Board action on agenda Items 3a-3b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Governor Whitmer marked as Agenda Items 3a-3b are as follows:

For signing Executive Order 2020-04, Declaration of State of Emergency, on March 10, 2020; For signing Executive Order 2020-17, Temporary restrictions on non-essential medical and dental procedures, on March 20, 2020; For signing Executive Order 2020-21, Temporary requirement to suspend activities that are not necessary to sustain or protect life, on March 23, 2020; For signing Executive Order 2020-32, Temporary restrictions on non-essential veterinary services, on March 30, 2020; For signing Executive Order 2020-33, Expanded emergency and disaster declaration, on April 1, 2020; For signing Executive Order 2020-42, Temporary requirement to suspend activities that are not necessary to sustain or protect life – Rescission of Executive Order 2020-21, on April 9, 2020; For signing Executive Order 2020-67, Declaration of state of emergency under the Emergency Powers of the Governor Act, 1945 PA 302, on April 30, 2020; For Signing Executive Order 2020-68, Declaration of states of emergency and disaster under the Emergency Management Act, 1976 PA 390, on April 30, 2020; For signing Executive Order 2020-92, Temporary requirement to suspend certain activities that are not necessary to sustain or protect life Rescission of Executive Orders 2020-77 and 2020-90, on May 18, 2020.

The Board moved to determine that the reasons for recall printed on Agenda Items 3a and 3b, which are submitted on July 7, 2021 by David Blair against Governor Whitmer, are factual and sufficiently clear. Moved by Daunt; supported by Shinkle. Ayes: Shinkle, Daunt. Nays: Matuzak, Bradshaw. Motion failed.

Board action on agenda Items 4a-4b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Governor Whitmer marked as Agenda Items 4a-4b are as follows:

On at least one occasion regarding last year's handling of COVID-19 by the state's executive offices, Gretchen Whitmer did not exhibit public favor or prioritize her oath to support the constitutions. Whitmer's negligence to influence and observe or carryout actions that were entirely aligned with upholding the constitutional rights of all state residents attributed to mass frustration coupled with avoidable harm to the state and its people. This lack of

moral obligation and distorted sense of duty and/or gross incompetence brings to question her motives, loyalties, and ability to faithfully discharge the duties of this office.

The Board determined that the reasons for recall printed on Agenda Items 4a and 4b, which are submitted on July 7, 2021 by David Blair against Governor Whitmer, are not factual and sufficiently clear. Moved by Daunt; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 9a-9b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Lieutenant Governor Gilchrist II marked as Agenda Items 9a-9b are as follows:

On at least one occasion regarding last year's handling of COVID-19 by the state's executive offices, Garlin Gilchrist II did not exhibit public favor or prioritize his oath to support the constitutions. Gilchrist's negligence to influence and observe or carryout actions that were entirely aligned with upholding the constitutional rights of all state residents attributed to mass frustration coupled with avoidable harm to the state and its people. This lack of moral obligation and distorted sense of duty and/or gross incompetence brings to question his motives, loyalties, and ability to faithfully discharge the duties of this office.

The Board determined that the reasons for recall printed on Agenda Items 9a and 9b, which are submitted on July 7, 2021 by David Blair against Lieutenant Governor Gilchrist II, are not factual and sufficiently clear because they contain statements of opinion. Moved by Matuzak; supported by Daunt. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 12a-12b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Secretary of State Benson marked as Agenda Items 12a-12b are as follows:

On at least one occasion regarding last year's handling of COVID-19 by the state's executive offices, Jocelyn Benson did not exhibit public favor or prioritize her oath to support the constitutions. Benson's negligence to influence and observe or carryout actions that were entirely aligned with upholding the constitutional rights of all state residents

attributed to mass frustration coupled with avoidable harm to the state and its people. This lack of moral obligation and distorted sense of duty and/or gross incompetence brings to question her motives, loyalties, and ability to faithfully discharge the duties of this office.

The Board determined that the reasons for recall printed on Agenda Items 12a and 12b, which are submitted on July 7, 2021 by David Blair against Secretary Benson, are not factual and sufficiently clear because they contain opinions. Moved by Matuzak; supported by Daunt. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 18a-18b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Attorney General Nessel marked as Agenda Items 18a-18b are as follows:

On at least one occasion regarding last year's handling of COVID-19 by the state's executive offices, Dana Nessel did not exhibit public favor or prioritize her oath to support the constitutions. Nessel's negligence to influence and observe or carryout actions that were entirely aligned with upholding the constitutional rights of all state residents attributed to mass frustration coupled with avoidable harm to the state and its people. This lack of moral obligation and distorted sense of duty and/or gross incompetence brings to question her motives, loyalties, and ability to faithfully discharge the duties of this office.

The Board determined that the reasons for recall printed on Agenda Items 18a and 18b, which are submitted on July 7, 2021 by David Blair against Attorney General Nessel, are not factual and sufficiently clear because they contain opinions. Moved by Matuzak; supported by Daunt. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 5a-5b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Governor Gretchen Whitmer marked as Agenda Items 5a-5b are as follows:

As a gubernatorial candidate and governor, Whitmer has repeatedly promised she would "Fix the damn roads." During her campaign and inauguration Gretchen Whitmer spoke often of "building bridges" both literally and

figuratively. As governor, Whitmer vetoed \$375 million in spending that was appropriated for roads and bridges.

The Board determined that the reasons for recall printed on Agenda Items 5a and 5b, which are submitted on July 7, 2021 by David Blair against Governor Whitmer, are not factual and sufficiently clear because they refer to conduct during her candidacy rather than the current term of office. Moved by Daunt; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 6a-6b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Governor Gretchen Whitmer marked as Agenda Items 6a-6b are as follows:

Whitmer used at-risk students, public safety, rural healthcare, opioid addiction treatment, and people with autism as political negotiating pawns. After the legislature did not support her plan to raise taxes, Whitmer vetoed funds for at-risk students, public safety, rural healthcare, opioid addition treatment, people with autism, veterans services.

The Board determined that the reasons for recall printed on Agenda Items 6a and 6b, which are submitted on July 7, 2021 by David Blair against Governor Whitmer, are not factual and sufficiently clear because they contain opinions and are lacking dates. Moved by Bradshaw; supported by Shinkle. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 7a-7b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Governor Gretchen Whitmer marked as Agenda Items 7a-7b are as follows:

Whitmer vowed to promote Michigan businesses and workers as governor. Whitmer's budget vetoes and actions taken through the Michigan Strategic Fund hurt Michigan business communities and cut funding for worker training and Pure Michigan advertisements. During a budget cycle, Whitmer vetoed \$37 million for Michigan's Going Pro worker training program and Pure Michigan advertisements. Additionally, the small communities of Paw Paw, Alpena, and Manistee got caught in a funding cut

from Michigan Strategic Fund grants as a result of Whitmer's failed budget negotiations.

The Board determined that the reasons for recall printed on Agenda Items 7a and 7b, which are submitted on July 7, 2021 by David Blair against Governor Whitmer, are not factual and sufficiently clear because they contain opinions. Moved by Matuzak; supported by Daunt. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Nays: None. Motion carried.

Board action on agenda Items 8a-8b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Lieutenant Governor Gilchrist II marked as Agenda Items 8a-8b are as follows:

For having signed House Bill 4044 into law on NOVEMBER 21, 2019 while Governor Whitmer was in Israel.

The Board moved to determine that the reasons for recall printed on Agenda Items 8a and 8b, which are submitted on July 7, 2021 by David Blair against Lieutenant Governor Gilchrist II, are factual and sufficiently clear. Moved by Daunt; supported by Shinkle. Ayes: Shinkle, Daunt. Nays: Matuzak, Bradshaw. Motion failed.

Board action on agenda Items 10a-10b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Lieutenant Governor Gilchrist II marked as Agenda Items 10a-10b are as follows:

During a time when our country really needed hope, unity and non-partisan cooperation across the board, Gilchrist II chose to take a less mature approach. In an already negative atmosphere, he used his elected position to take a politically charged and blame filled jab at President Trump. During a virtual event for progressive voters called "Fighting for Justice in Michigan", Lt. Gov. Gilchrist II said; "Donald Trump is a liar who has killed people, straight up." After mentioning he knew nearly two dozen people who had died amid the pandemic, Gilchrist stated, "We cannot afford another four years of this man at the helm." Fueling even more emotion provoking drama to this political maneuver, the lieutenant governor added; "There are literally millions of lives at stake" revealing an alternate agenda.

The Board determined that the reasons for recall printed on Agenda Items 10a and 10b, which are submitted on July 7, 2021 by David Blair against Lieutenant Governor Gilchrist II, are not factual and sufficiently clear because they contain opinion. Moved by Bradshaw; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

Board action on agenda Items 11a-11b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Secretary Benson marked as Agenda Items 11a-11b are as follows:

For violating the Administrative Procedures Act when she gave guidance to local clerks on how to verify signatures in October of 2020.

The Board determined that the reasons for recall printed on Agenda Items 11a and 11b, which are submitted on July 7, 2021 by David Blair against Secretary Benson, are not factual and sufficiently clear. Moved by Daunt; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

Board action on agenda Items 13a-13b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Secretary Benson marked as Agenda Items 13a-13b are as follows:

Benson refused to testify in front of a State House Oversight Committee hearing on the 2020 general election and said she would be willing to testify before the people's representatives when it made a good talking point for her and got her good press. Benson also refused to testify before Senate Oversight Committee on Michigan's election audits.

The Board determined that the reasons for recall printed on Agenda Items 13a and 13b, which are submitted on July 7, 2021 by David Blair against Secretary Benson, are not factual and sufficiently clear because they contain opinions. Moved by Daunt; supported by Bradshaw. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

Board action on agenda Items 14a-14b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Secretary Benson marked as Agenda Items 14a-14b are as follows:

Amidst election controversy and sworn testimony of election irregularities by poll watchers, Benson sent an outgoing communication requesting specific instructions be carried out. On December, 1st, 2020 Secretary of State, Jocelyn Benson issued a memo via her Board of Elections that stated: “E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (November 30, 2020) unless a petition for recount has been filed and the recount has not been completed, a post-election audit is planned but has not yet been completed, or the deletion of the data has been stayed by an order of the court or the Secretary of State.”

The Board determined that the reasons for recall printed on Agenda Items 14a and 14b, which are submitted on July 7, 2021 by David Blair against Secretary Benson, are not factual and sufficiently clear because they contain subjective statements and misidentify the Board of Elections. Moved by Matuzak; supported by Daunt. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

Board action on agenda Items 15a-15b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Attorney General Nessel marked as Agenda Items 15a-15b are as follows:

Dana Nessel, on Thursday, August 06, 2020, announced plans ramping up efforts to enforce Gov. Gretchen Whitmer’s Executive Order 2020-148.

The Board determined that the reasons for recall printed on Agenda Items 15a and 15b, which are submitted on July 7, 2021 by David Blair against Attorney General Nessel, are factual and sufficiently clear. Moved by Daunt; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

Board action on agenda Items 16a-16b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Attorney General Nessel marked as Agenda Items 16a-16b are as follows:

Attorney General Dana Nessel declined Senator Jim Runestads request to open investigation on COVID-19 related deaths in nursing homes.

The Board determined that the reasons for recall printed on Agenda Items 16a and 16b, which are submitted on July 7, 2021 by David Blair against Attorney General Nessel, are not factual and sufficiently clear because the Senator is misidentified. Moved by Matuzak; supported by Bradshaw. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

Board action on agenda Items 17a-17b: The reasons for recall printed in the heading of the two petition forms seeking the recall of Attorney General Nessel marked as Agenda Items 17a-17b are as follows:

Dana Nessel declined a request from Senate Republicans to commence an investigation related to COVID-19 deaths in Michigan nursing homes, and how Governor Gretchen Whitmer's administration handled its COVID-19 response in nursing homes.

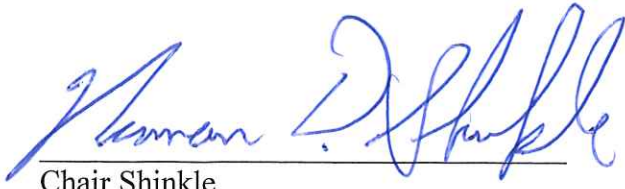
The Board determined that the reasons for recall printed on Agenda Items 17a and 17b, which are submitted on July 7, 2021 by David Blair against Attorney General Nessel, are not factual and sufficiently clear because they refer to more than one elected official. Moved by Daunt; supported by Matuzak. Ayes: Shinkle, Matuzak, Daunt, Bradshaw. Motion carried.

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

Board action on agenda item: None.

Adjourned:

12:50 p.m.



Chair Shinkle



Vice-Chair Matuzak



Member Daunt

Member Bradshaw

Date