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**INTERNAL  
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CITY OF DETROIT  
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**CITY COUNCIL**

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**TO:** Detroit City Council

**FROM:** David Whitaker, Director 

**DATE:** September 7, 2018

**RE:** **Report on the Charter Commission Election Proposal Recount Conducted by the Wayne County Board of Canvassers**

The Legislative Policy Division (LPD) provided in its report on August 31, 2018, the manner in which a qualified elector could petition for a recount pursuant to Public Act 116 of 1954, Michigan Election Law, MCL 168.1 et seq. As previously reported in our August 31, 2018 report, three Petitions for a Recount were approved by the Wayne County Board of Canvassers (WCBC) regarding Proposal R: General Revision of the 2012 Detroit City Charter. On Thursday, September 6, 2018, in room 310B at Detroit’s Cobo Hall Convention Center the recount was conducted by the WCBC. The members of the WCBC present were the Chair, Jonathan Kinloch; Betty Smith; and William Hartmann.

The recount was conducted pursuant to MCL 168.871(4)(a) Manual Tally of the ballots. The room was set up with tables that allowed two recount petitioners (Challengers) and two WCBC Staff Counters (Staff Counters). The sealed ballot boxes containing the ballots would be unsealed. The seal number on the ballot box would be matched with the seal number on the envelope that is sealed containing the precinct ballots, and the sealed poll book which contains the number of persons voting in the precinct. The number of persons voting in the precinct must match the number of ballots in the precinct ballot envelope. If the numbers do not match the precinct is not re-countable. Under state law, unless the discrepancy between the required matching seal numbers or number of ballots on the poll book and the number of ballots in the precinct envelope can be adequately explained to the Board of Canvassers, the precinct ballots are not eligible for recount and the original return count shall be taken as correct.<sup>1</sup>

<sup>1</sup> MCL 168.871(3) If a board of canvassers conducting a recount pursuant to this chapter determines that the ballots of a precinct are not eligible for recount under this section, the original return of the votes for that precinct shall be taken as correct.

During the manual recount, the Staff Counters would count the number of ballots and match them with the number of voters on the Poll Book. The Staff Counters would then visually take each ballot to determine whether the vote on Proposal R was a “yes” or “no” or whether no vote was taken “other”. The Staff Counter would verbally indicate the type of vote taken, show the ballot to the Challengers and place each “yes”, “no” or “other” in a separate pile. Once the precinct ballots votes were reviewed, the “yes” vote and “no” votes would be tallied. If there was a discrepancy in determining whether a vote should be counted as a “yes” or “no” vote, the challenger would announce a challenge, and the WCBC supervisory team would make a determination, then have the challenger fill out an envelope stating the exact challenge made. In addition, a Challenger would challenge whether the precinct ballots were eligible for recount. The challenge would then be placed in an envelope and sealed for final review by the WCBC. The WCBC would determine if the supervisory team’s determination was upheld or overruled.

The three recount petitions requested that an aggregate total of 65 precincts be recounted, during the recount, the WCBC found that 4 precincts were ineligible for recount. Prior to the precinct recount, the “yes” votes from the petitioned precincts was 3,510. The “no” votes from the petitioned precincts prior to the recount was 3134. After the recount was completed, the number of “yes” votes was 3,510. The number of “no” votes from the petitioned precincts after the recount had increased by 11 to 3,145. The WCBC certified the recount numbers, but indicated that if the petitioners could present evidence that would show a probability of fraud or violation of law they would look into whether an investigation could be undertaken by the WCBC.

The recount results having been certified means that as it currently stands the General Revision of the 2012 Detroit City Charter will take place. The members of the Charter Commission will be elected during the November 6, 2018 general election for the list of 16 candidates that submitted petitions to be placed on the ballot (see attached)<sup>2</sup>. Of the Charter Commission candidates on the November ballot, 9 will be selected by the voters to sit on the Charter Commission beginning January 2019.

The initiation of revisions to the City Charter are of significant import to City government and its residents. LPD believes that this Honorable Body may wish to initiate through the Law Department and City Council Division staff, a review of the current Charter and provide a report to the City Council identifying Charter language that may be in need of revision, amendment and/or clarification in order to improve efficiency of this important document. If your Honorable Body desires, additional research or comment from LPD, please advise.

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<sup>2</sup> The list of candidates for the November 6, 2018 election for Charter Commission provided was as of the August 2018. The list may be subject to change as it is LPD’s understanding that another candidate had challenged being left off the ballot.

**City of Detroit - Department of Elections  
Official Charter Revision Commission Nominees\***

FIRST NAME	LAST NAME	ADDRESS	ZIP
Emily	Dabish	15 E. Kirby, #207	02
Graham	Davis	4430 3rd	01
Michael R.	Griffie	18924 Oak Drive	21
Taylor	Harrell	4805 Farmbrook	24
Karissa	Holmes	75 Winder	01
Laura A.	Hughes	1353 Bagley	26
Quincy	Jones	405 Chandler	02
Richard	Mack	1525 Balmoral	03
Denzel Anton	McCampbell	12031 Beaverland	39
Byron	Osbern	1526 Edison	06
Tracy	Peters	3494 Harvard Road	24
Nicole	Small	13245 Vassar	35
JoAnna	Underwood	11383 Auburn	28
Carol	Weaver	17326 Prairie	21
Barbara Anne	Wynder	3403 Iroquois	14

\*Names to be placed on November 6, 2018 General Election Ballot

**Legislative Policy**

**AUG 14 2018**