

FINANCE AND EQUALIZATION COMMITTEE MEETING

The Finance and Equalization Committee Meeting was called to order, in the Class Room of the Oceana County Services Building, by Chairperson Hardy on Thursday, May 13, 2021, at 10:00 a.m.

Roll was called. Present: Mr. Christians, Ms. Meyette, Mr. Hardy, Mr. Erickson, Mr. Morse, Mr. Beggs, and Mr. Walker.

Also present: Dr. Sobie, Oceana County Administrator; Ms. Anderson, Oceana County Clerk; and Mr. Gary Britton, legal counsel; Mr. Charles Ritchard, Oceana County Board of Canvassers Chairperson; Ms. Lori Green, Weare Township resident; Ms. Peggy Whitman, City of Hart resident; Mr. Andrew Sebolt, Elbridge Township resident; and Ms. Malinda Pego, Muskegon County Commissioner.

Moved by Mr. Walker and seconded by Mr. Morse to approve the minutes from the April 29, 2021 meeting as presented.

Voice vote. Motion carried.

Moved by Mr. Beggs and seconded by Mr. Christians to approve the agenda items as presented.

Voice vote. Motion carried.

Public Comment on Agenda Items

Mr. Andrew Sebolt, Elbridge Township resident, spoke first; mentioning that this was a unique opportunity/experience to hold a hearing regarding a public officer, or agent. Mr. Sebolt believes that generally harm, or damage, occurs before charges are issued. In this case, the opportunity to succeed, to fulfill one's duties, or fail at them was not presented. Mr. Sebolt does not feel that due diligence was presented when suspending Mr. Ritchard from his duties as Chairperson of the Oceana County Board of Canvassers; Mr. Ritchard was never notified as to what the specific charges were, just that he was being suspended because he said and/or did something someone didn't agree with.

Ms. Peggy Whitman, City of Hart resident, declared that she lives in America and would like to continue to live in America. She recited part of the Pledge of Allegiance and specifically noted "with liberty and justice for all." Ms. Whitman believes that if the commissioners were to listen to the facts, they would realize that Mr. Ritchard was simply doing his job; something Ms. Anderson did not want him to do. Because of this, Ms. Anderson would not be an adequate representation of the people. Ms. Whitman specified that she is one of the people and would like to see the situation with Mr. Ritchard handled fairly and honestly; to give God the glory.

Ms. Lori Green, Weare Township resident, noted that the Canvass Board Member's Manual has an introduction stating the four duties of every Canvass Board Member. The fourth duty addresses how citizens can raise questions and concerns regarding ballots, elections, and tabulators. Ms. Green inquired as to what point does a person, because they are on a board, stop being a private citizen. To her knowledge, a person does not give up their citizen rights simply because they are on a board. She implied that Mr. Ritchard should have been able to continue in his role as Chairperson of the Board of Canvassers and still have fundamental citizen rights to question whether or not there was blatant election fraud.

Chairperson Hardy inquired if there were any other public comments regarding agenda items and then promptly turned the discussion over to Ms. Anderson, Oceana County Clerk, and Mr. Gary Britton, legal counsel. The discussion would involve a hearing, regarding a recommendation from the Oceana County Clerk, to permanently remove a member from the Oceana County Board of Canvassers.

Mr. Britton asked Mr. Ritchard if he would choose to have the hearing publicly or private. Mr. Ritchard chose to have a public hearing.

Ms. Anderson provided each Commissioner with the following: duties and responsibilities of the Canvass Board Members as per the manual from the Secretary of State, the process for appointing members, an email from Mr. Ritchard dated 04-23-2021, and the Oath of Office Mr. Ritchard that was given upon his reappointment.

The duties of the Canvass Board are:

- To complete the canvass and certification of elections and forward the results to the Board of State Canvassers in Lansing
- Conduct recounts
- Resolve claims involving malfunctioning voting equipment and defective ballots that may have affected the outcome of a vote for an office appearing on the ballot, if the claim is filed by an aggrieved candidate. The same process happens for proposals on a ballot as well.
- Inspect ballot containers, every four years all containers in the county are inspected.

The purpose of a canvass is to verify the proper completion of records related to the election at hand. Investigation of alleged election law violations is not a part of the canvass and the Board of County Canvassers does not have the authority to pass upon the legality of an election.

The appointment process for a Canvass Board Member stems from each political party submitting three potential candidate names to the County Clerk no later than September 1st of each year. The County Clerk will then present the names to the Board of Commissioners and let them elect position by ballot. The County Clerk is then responsible for notifying all persons placed on the County Board of Canvassers within five days of the appointment. (MCL 168.24a(3); MCL 168.24c) This process holds true for any type of vacancy and temporary members can be appointed only until the business at hand has been transacted.

If a County Board of Canvassers fails to certify the election within 14 days, the Canvass Board should immediately deliver all necessary forms and documents to the Secretary of State to let the State Board of Canvassers certify the election and charge all costs incurred to the County in question.

The email received from Mr. Ritchard, on 04-23-2021, noted that Mr. Ritchard sent a letter to the Secretary of State informing them of his intent to not certify the next election using electronic means. This email made it necessary to suspend Mr. Ritchard from his duties as Chairperson of the Oceana County Canvass Board due to his violation of the Oath of Office he swore/affirmed to uphold.

Ms. Anderson recommended permanent removal of Mr. Ritchard from the Oceana County Board of Canvassers.

Mr. Britton opened the floor for any questions the Commissioners might have.

Mr. Walker inquired as to how Ms. Anderson notified Mr. Ritchard of his suspension. Ms. Anderson replied that she sent him a letter via certified mail.

Mr. Walker then wondered if the letter to Mr. Ritchard said why he was being suspended. Ms. Anderson affirmed that the letter called for his suspension due to the email that was sent on April 23rd.

Ms. Meyette speculated as to whether or not the Dominion machine manual said anything about weighted race results. There are experts who say that Dominion machines, and other election suppliers, give out fractional votes to each candidate. On the other hand, there are experts who say that fractional votes are impossible and cannot happen. Ms. Meyette mentioned a report in the *New York Times* and some issues with fractional voting that seemed to have occurred. Ms. Anderson disclosed that the voting machines are tested numerous times before every election.

Ms. Meyette was curious if Oceana County has received different machines than every other county and if there was software in the machines that splits the voting. Ms. Anderson responded that neither of those occurred in Oceana County.

Ms. Meyette then switched topics, to the matter at hand, and wanted to know the reason as to why Judge Lambrix and Sheriff Mast were at the last meeting between interested parties. Ms. Anderson asked for clarification as to what meeting Ms. Meyette was referring to and wondered if she meant the Canvass Board meeting on May 5th. Ms. Meyette was unsure of the date of the meeting, but still wanted to ask questions regarding it.

Ms. Anderson informed Ms. Meyette that the Board of Canvassers typically meets at 1:00 p.m. the day after the election to begin canvassing. Ms. Meyette wondered what election Ms. Anderson was talking about. Ms. Anderson responded that it is typical to start canvassing at 1:00 p.m. the next day, after any election.

Ms. Anderson mentioned that Judge Lambrix was at the Canvass Board meeting because it is the Probate Judge's responsibility to deliver the sealed Canvass Board Envelopes after an election. Ms. Anderson also mentioned that Canvass Board meetings are public meetings and that anyone can attend.

Ms. Meyette then questioned the formality of the Canvass Board meetings and questioned if they were the same as the Board of Commissioners meetings. Ms. Anderson confirmed that they were formal meetings.

Ms. Meyette felt concern over how long it took for Ms. Anderson to respond to Mr. Ritchard's email from 04-23-2021 and wondered if Mr. Ritchard had been denied access to the Canvass Board meeting because of his suspension. Ms. Anderson stated that Mr. Ritchard was not an active member of the Board of Canvassers, but was allowed to come to the meeting. Ms. Meyette wondered if anyone else besides Judge Lambrix, Sheriff Mast, the Canvass Board Members, and Ms. Anderson attended the May 6th meeting. Ms. Anderson responded that, besides those Ms. Meyette listed, her Chief Deputy Melanie Coon and two unknown members of the public were in attendance.

Mr. Morse asked about the precedence of suspending someone, ahead of time, who states that they will not fulfill their duties. Mr. Britton noted that there is precedence for this-

Mr. Britton explained that this is not a criminal matter and that criminal charges were not filed but was in fact a question as to whether or not a member of the Canvass Board would violate the Oath of Office that he swore to.

Mr. Britton also indicated that in the position of Canvass Board member, their general scope of duties is limited. In Michigan, members of the Board of Canvassers are considered ministerial and therefore do not require a member to exercise his/her own judgment upon the propriety or impropriety of the act done. By sending an email on 04-23-2021, stating that he would not certify the election until certain actions were taken by the Secretary of State, there was an anticipatory breach of his oath of office. Ms. Anderson did not have to wait for Mr. Ritchard to physically breach his duties because she was provided with information that he had already planned to do so. Upon Mr. Ritchard's assertion that he would not certify the election then the County of Oceana would have had to turn over all relevant election materials, forms, etc. to the State Board of Canvassers in Lansing; costing the county an exorbitant amount of money.

Mr. Britton suggested that Mr. Ritchard's hesitancy to certify the election comes from controversy, after the November 2020 election, in south east Michigan. However, with several cases having went through the court system, it was found that Canvass Board members have a ministerial duty and cannot be part of the complaint process. One does not have to give up their citizen's rights by being on the board, but would have to give up their position on the board if they wanted to make those kinds of claims.

On May 6th, Mr. Goeff Hansen was appointed and sworn in by Ms. Anderson, according to statute, the canvass was completed and certified. Without Mr. Hansen being sworn in, due to Mr. Ritchard' suspension and the absence of the second Republican Canvass Board Member, there would not have been a quorum to hold the meeting.

Mr. Beggs speculated as to under what authority Ms. Anderson was able to suspend a Canvass Board Member. Ms. Anderson stated that she had suspended a member of the Canvass Board under advice from legal counsel. Mr. Britton mentioned that is indicated in the Board of County Canvassers Manual as to why a member could not serve; one of those reasons is being removed by authority. Mr. Britton feels that Ms. Anderson is considered proper authority and could make the decision to suspend a member if she felt it was necessary.

Mr. Beggs questioned that since Ms. Anderson was in a supervisory role over the Canvass Board members and their conduct, at what point in Mr. Ritchard's term of office was corrective action taken to get his actions to align with the board. Mr. Britton responded that Mr. Ritchard's concerns and complaints weren't just directed to Ms. Anderson, but to the Bureau of Elections as well. The Bureau of Elections responded and informed Mr. Ritchard that every concern/complaint that he felt was warranted had been investigated by several different agencies.

Ms. Meyette interposed and wanted to know which newspaper she could find those reports in. Mr. Britton assured her that he could provide her with the responses from the Secretary of State's office regarding concerns/complaints of election tampering/fraud.

Mr. Beggs wondered that within the last seven months, since the November 2020 election, if Ms. Anderson had attempted to bring Mr. Ritchard's actions into alignment with what is written in the *Board of County Canvassers Manual*. Ms. Anderson responded that she had provided Mr. Ritchard with a copy of the manual, even though he had downloaded a copy for himself, and that the Canvass Board members attend training every two years. Ms.

Anderson also noted that she had been in contact with the Bureau of Elections seeking guidance for several of the questions that Mr. Ritchard had asked.

Mr. Beggs mentioned that even though Mr. Ritchard was not part of an employer/employee relationship in the position, he understood that Ms. Anderson did have a supervisory role over the Canvass Board. He stated that in the private business world, if an employee does not comply with company policy, corrective actions are taken before suspension. Mr. Beggs does not see where corrective actions were taken to have Mr. Ritchard comply with what was expected of him.

Mr. Christians posited upon the process of how votes come in, independent machine testing, safeguarding of voting machines, and how machines record votes. Safeguarding elections is done with every precinct, government agency, and every clerk who has taken an oath to uphold the integrity of elections. Ms. Meyette wondered what the adjudication was that everyone talked about; such as when a ballot went through it had to be adjudicated. Mr. Christians responded that the machines did not do that, they instead counted the number of votes. Mr. Britton mentioned that a citizen or a candidate complaint starts that complaint.

Mr. Beggs inquired if there were documents that accompany the complaint from the elector or candidate. Mr. Britton declared that he had not seen a document but knows that this would be the process. Ms. Anderson confirmed that there is not a specific document, but complaints can be written out and turned in.

Mr. Erickson indicated that the May 4th election impacted the tax payers and there were only three issues on the ballot. He expressed that a hand count could take place at a Canvass Board meeting, but only under certain circumstances. From what Mr. Erickson understands, the tabulation machines were flawlessly tested and the results could be hand counted if need be. This election was regarding millages, which is a tax payer issue, not partisan politics.

Mr. Walker considered that this issue comes down to one item with two parts: did Mr. Ritchard take an oath, and did he violate his oath when he sent the email to Ms. Anderson stating that his intent was to not certify the election. Mr. Walker then read from the *Board of County Canvassers Manual*; where it states that the role of the Board of Canvassers is to verify the proper completion of an election and that the Board of County Canvassers does not have the authority to pass upon the legality of election law.

Ms. Meyette established that the completion of a canvass is a careful review and authentication of relevant material to document the vote cast at the polls. If the machines are wrong and Mr. Ritchard documented the vote, then he would be documenting a machine, not the actual vote.

Ms. Meyette professed that machines in 28 states are owned, or leased, by Dominion and wondered at what failure rate should we, as citizens, accept the results. Ms. Meyette declared that there have been many indications where over 50% of voters are convinced there was fraud in the November 2020 election.

Ms. Meyette personally believes election fraud occurred and then questioned the AV ballot process. She questioned the unusual amount of AV ballots cast in November 2020. Ms. Anderson explained why so many more AV ballots were cast and informed Ms. Meyette that in 2018, Proposal 18-3 passed which allowed voters a "no reason AV". Ms. Meyette speculated that voter fraud happens all across the country and started to ask questions about different states AV process.

Mr. Morse attempted to direct the conversation back to the matter at hand. Ms. Meyette declared that she was simply trying to make the point that she doesn't trust the voting machines because they are fraudulent throughout the country. Experts have said that non-polling metrics are never wrong and that the deviation is too far out of the norm to be okay. Ms. Meyette was leery of the vote fluctuation and how it was not consistent with previous elections.

Mr. Hardy attempted to explain that this hearing was to determine if Mr. Ritchard had violated his oath of office, if Ms. Anderson's suspension of Mr. Ritchard should become a permanent removal, and not to decide if there was voter fraud due to machine tampering. Ms. Meyette diligently expressed her belief that Mr. Ritchard had done the right thing and wondered why the machines have not been fully investigated.

Mr. Walker agreed that there could have been issues with the November 2020 election, however it had been clearly stated that the investigations of election fraud were not part of the Board of County Canvassers scope of duty. Ms. Meyette interjected wanting to know whose responsibility it would be then, if not the Board of County Canvassers. Mr. Walker respectfully tried to explain that this was simply about Mr. Ritchard and whether or not he had violated his oath of office.

Mr. Erickson thanked Ms. Meyette for her unique insight, but reiterated that this past election was strictly a non-partisan issue. One proposal on the ballot was not originated from Oceana County, but from Mason County, where West Shore ESD is located. Not certifying could hold back other counties from certifying their elections as well. Ms. Meyette argued that Michigan's Secretary of State and Attorney General were against machine inspection. Mr. Erickson rebutted that the results of the May 4th election had nothing to do with either of those people and what Ms. Meyette was arguing was a moot point in regards to May 4th.

Ms. Whitman vehemently declared that she would like a forensic audit of the November 2020 election. Mr. Walker informed her that she would have to be recognized by Chairperson Hardy to be able to speak.

Mr. Hardy suggested a ten-minute break.

Mr. Hardy called the hearing/meeting to order after the break and asked if Mr. Ritchard would care to speak.

Mr. Ritchard thanked the Commissioners for the opportunity to speak. He informed them that he had already filed a law suit, in Federal District Court, and that the Commissioners/County Clerk would be served later in the day, if they had not been already.

Mr. Ritchard questioned if the Commissioners knew of his background in Aerospace and how when there was an issue, or dispute, corrective actions should be done. He feels that Elections are just as serious as Aerospace and that the same process of corrective actions should take place when an issue/dispute is brought to light. Mr. Ritchard believes that there is an integral responsibility where if someone knows that there is an issue, it should be fixed; and, therefore will restore election integrity. He acknowledged that regardless of what the Commissioners feel, how would they know for sure that there isn't something wrong with the election equipment.

Mr. Ritchard has been all across the state speaking of election integrity and feels that what happens in other counties is important. He suggested that the election process is not

fair and wondered why the Commissioners allowed Ms. Anderson to render a suspension. Mr. Walker informed Mr. Ritchard that only two members of the Board of Commissioners were aware of the actions brought forth by Mr. Ritchard's email from 04-23-2021. Mr. Ritchard questioned the actions taken and wondered if this was common precedence. Mr. Walker assured him that it was because they wanted to make sure there were no violations of the Open Meetings Act.

Mr. Ritchard repeatedly asked if the Commissioner's had voted to send the suspension letter. Mr. Walker noted that a vote had not occurred. Mr. Ritchard stated that at the Canvass Meeting, on May 5th, he was directed by the County Clerk to not sit at the table. He also believes that in the *Board of County Canvassers Manual* it does not specifically mention the County Clerk as being in a supervisory position, but rather in a subservient position.

Mr. Ritchard expounded on the many errors that he believes happens with election testing. He believes that if he had refused to certify the election on May 5th, then he would have been in error. However, he asked for corrective action and was not afforded a chance to even state his position at the Canvass Board meeting as Chairperson. Mr. Ritchard does not believe any auditing done by the Secretary of State is random. He does not feel that there is enough election security in place to conduct an election by electronic means.

Mr. Ritchard expected more action from the Commissioners and thought they would do their due diligence and investigate the claims made in the 04-23-2021 email.

Mr. Britton interjected and declared that this should not be an inquisition of the Board of Commissioners, but to have the relevant facts stated so that the Commissioners could make a decision.

Mr. Walker asked Mr. Britton, if the Commissioners should continue answering questions knowing that Mr. Ritchard has started litigation in Federal Court against the Commissioners.

Mr. Erickson wondered if perhaps Mr. Ritchard should have waited until the May 5th Canvass Board meeting to make his claims and therefore would have had more credibility to his assertions. Mr. Ritchard responded that he was attempting to be proactive instead of reactive.

Mr. Ritchard continued to explain how he believed his first amendment rights were violated, was exposed to intimidation, and how the events of May 5th caused another Canvass Board Member to have an anxiety attack. He was also disheartened that the Commissioners were not willing to have an open dialogue/conversation regarding his suspension from the Oceana County Board of Canvassers.

Dr. Sobie did not read the claims for payment, however the following was available for review:

Oceana County Administrator

REVIEW OF CLAIMS FOR PAYMENT (>= \$1,000 and Other Noteworthy Expenditures)

Fund #	Dept. #	Dept. Name	Amount	Purpose
Special Revenue Funds				

210 - Ambulance Fund	\$ 5,830.00	to Pentwater Area Fire for 1st quarter MFR fees.
249 - Building Department Fund	\$ 7,364.20	to Randy Miller for permits, residential plan reviews, and commercial plan reviews.
	\$ 3,059.10	to Richard Story for permits, residential plan reviews, and commercial plan reviews.
	\$ 3,705.85	to Randy Neuman for permits, residential plan reviews, and commercial plan reviews.
254 - Foreclosure Fund	\$ 4,620.00	to Oceana County Register of Deeds for recordings.
	\$ 2,548.56	to Title Check LLC for parcel administration.
256 - Automation Fund	\$ 4,111.95	to Avenu Holdings for software fees.
277 - CDBG Fund	\$ 5,100.00	to Redeemed Construction LLC for approved home repair project.
292 - Child Care Fund	\$ 3,398.40	to Fountain Hill Center for out-of-home placement.
298 - Technology and Innovation Fund	\$ 1,137.20	to Charter Communications for fiber optic cable connection between buildings.
	\$ 3,258.56	to SHI for computer equipment.
General Fund		
101 - Board of Commisioners	\$ 6,907.64	to H Security & Investigation for courthouse security for May and April OT.
131 - Circuit Court	\$ 4,661.35	to Newaygo County Treasurer for judge reimbursement costs.

136 - District Court	\$ 1,718.19	to Newaygo County Treasurer for judge reimbursement costs.
141 - Friend of the Court	\$ 1,080.00	to John Bulger for referee services.
228 - Data Processing	\$ 22,685.00	to BS&A for software maintenance contract.
245 - Remonumentation	\$ 17,000.00	to Randy Hepworth for remonumentation fees.
257 - Equalization	\$ 16,500.00	to V&V Assessing for equalization services.
262 - Elections	\$ 1,781.40	to Ludington Daily News for general election notices.
265 - Courthouse and Grounds	\$ 2,057.45	to City of Hart for Utilities.
275 - Drain Commissioner	\$ 1,648.00	to BS&A for software maintenance contract.
301 - Sheriff	\$ 1,758.71	to Huntington Bank for equipment purchases.
	\$ 3,174.97	to Affordable Auto for vehicle repairs.
	\$ 4,884.51	to Kiesler's Police Supply for various supplies.
	\$ 2,908.04	to Wex Bank for fuel.
351 - Jail	\$ 3,355.45	to City of Hart for Utilities.

528 - Transfer Station	\$ 15,238.84	to American Classic Dumpster for removal of trash and recycling material.
	\$ 1,587.00	to C M Rubber Recycling for recycling of tires.
602 - Health Department	\$ 5,300.00	to DHD#10 for monthly lease payment.
971 - Community Mental Health	\$ 10,833.33	to West Michigan Community Mental Health for monthly appropriation.
~ Total	\$ 163,383.70	

Administrator's Report

Administration

We received a scheduled revenue sharing payment from the state in the amount of \$85,779.

I submitted the county's request to the U.S. Department of the Treasury for our allocation of American Rescue Plan funds.

I've previously referenced an ongoing project to update our financial systems' chart of accounts. Those updates have been sent to our vendor and are undergoing testing. I expect to receive feedback by the end of May regarding any identified errors with the numbering system.

Michigan Economic Development Corporation (MEDC)

I'm working on the final project closeout requirements with the MEDC regarding the business expansion project at Peterson Farms. The required single audit will not be completed until the end of June.

Courts

Efforts in the legislature to realign some circuit and district courts in the state is moving forward according to a recent communication from Chief Judge Robert Springstead and information he received from Senator Jon Bumstead's office.

Prosecuting Attorney

Mr. Chad DeRouin, the Assistant Prosecuting Attorney, was recently appointed to serve as the Prosecuting Attorney for a county in the Upper Peninsula. His last day is May 28 and recruiting for his replacement has started.

PUBLIC COMMENT:

Ms. Malinda Pego, Muskegon County Commissioner, addressed the Commissioners and informed them that their statues and opinions, are superseded by the Constitution. She believes Mr. Ritchard was doing his duty, as bound by the Constitution, and therefore has not violated his oath of office. She also believes that the Commissioners should do the same.

There being no further business to discuss, Chairperson Hardy adjourned the Finance and Equalization Committee meeting at 11:52 a.m.

Respectfully,

Amy L. Anderson
Oceana County Clerk