

# LAKE TOWNSHIP

Huron County, Michigan

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## CERTIFICATION OF INADEQUACY AND DEFICIENCY

### REGARDING ZONING REFERENDUM PETITION

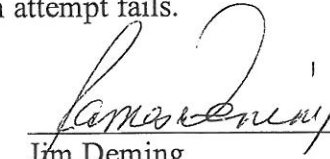
#### PURSUANT TO MCL 125.3402

On October 26, 2023, Lake Township (the "Township") received a Petition for a zoning referendum election, pursuant to MCL 125.3402. Altogether, 125 total signatures on a total of 17 signed Petition sheets were filed with the Township. For the election of November 8, 2022, a total of 459 votes in total were cast for Michigan Governor within Lake Township. Fifteen percent (15%) of 459 is 69, which is the minimum number of valid referendum petition signatures that must be obtained in this matter to certify the referendum for the election ballot, pursuant to MCL 125.3402.

The petition circulators did not use a standard state-sanctioned petition form. Although they were not required to do so, the petition form must nevertheless meet all of the applicable requirements of state law. That was not done. Accordingly, the signed Petition sheets that were submitted to the Township were fatally flawed under Michigan law.

Under my statutory authority and duties as the Clerk of Lake Township (in Huron County), I hereby certify that there are no (0) valid signatures of registered electors of Lake Township in total on the zoning referendum Petition sheets that were filed with the Township on October 26, 2023, due to the legal defects with the Petition. Therefore, the number of validated petition signatures falls short of the required number of 69. The Petition is deemed to be inadequate and defective, such that the zoning referendum attempt fails.

Dated: 11/13, 2023

  
Jim Deming  
Lake Township Clerk

**LAKE TOWNSHIP  
HURON COUNTY**

**FINDINGS AND DETERMINATIONS REGARDING THE  
ZONING REFERENDUM PETITION AS TO  
TOWNSHIP ORDINANCE NO. 2023-2**

The Notice of Adoption for the zoning amendment to the Lake Township Zoning Ordinance (the “Zoning Ordinance”) commonly known as “Township Ordinance No. 2023-2” (hereinafter, the “Ordinance Amendment”) appeared in the Huron County View newspaper on September 28, 2023. Thirty (30) days from the date of that notice was October 28, 2023.

On October 4, 2023, Ms. Lynnea Matthews filed a “Notice of Intent to File Petition for Elector Approval of Lake Township (Huron County) Ordinance No. 2023-2” (“Notice of Intent”) with Lake Township (the “Township”), pursuant to MCL 125.3402, seeking a referendum of the electors regarding the Ordinance Amendment.

On October 26, 2023, a petition (comprising numerous signed petition sheets) was filed with the Township (“the Petition”) pursuant to the Notice of Intent regarding the Ordinance Amendment. The Petition consisted of a total of 17 pages (i.e., “Petition Sheets”), purporting to bear a total of 125 signatures of electors.

A total of 459 electors within Lake Township voted in the general election for the office of Michigan Governor on November 8, 2022. Fifteen percent (15%) of 459 is 69. Therefore, the Petition was required to contain at least 69 valid signatures from registered electors residing within Lake Township in order for the Ordinance Amendment to be put to a referendum vote of the Township’s electors, pursuant to MCL 125.3402. After a careful review of the Petition Sheets, and as certified in a separate document by the Lake Township Clerk, I find that there are no (0) valid signatures of registered electors from Lake Township on the Petition Sheets given

that the Petition is legally defective under Michigan law. Therefore, the Petition is found to be inadequate because it does not meet the minimum required threshold of 69 valid elector signatures on proper Petition Sheets, as required by MCL 125.3402, to place a referendum on the election ballot for the Lake Township electors regarding the Ordinance Amendment.

After careful review, I have determined that each of the 17 Petition Sheets filed with the Township are invalid on their face, for the following reasons:

- A. The statements appearing beneath the petition heading on each of the Petition Sheets do not match and correspond to the statement language as required by MCL 168.482(4). Because the mandatory language is not present, the Petition Sheets do not satisfy this statutory requirement and any resulting elector signatures thereon are invalid.
- B. The “Warning” statement required by MCL 168.482(5) must appear “immediately above the place for signatures.” The “Warning” statement appears at the bottom of the page on each of the Petition Sheets; and, therefore, not “immediately above” the place for signatures. Because the “Warning” statement appears in the wrong place, the Petition Sheets do not satisfy this statutory requirement and any resulting elector signatures thereon are invalid.
- C. The “Certificate of Circulator” and warning to the circulator language, required to be included on each Petition Sheet, pursuant to MCL 168.482(6) and MCL 168.544c(1), do not appear on any of the Petition Sheets. Because these mandatory statements are missing, the Petition Sheets do not satisfy this statutory requirement and any resulting elector signatures thereon are invalid.

D. There may be additional statutory requirements, of which the Petition Sheets do not satisfy, for which further review or verification is not required at this time. Additionally, the language included in the Petition, as it appeared on each of the 17 Petition Sheets, may have been confusing or unclear to the electors, and the Petition may have been further deficient for this reason. The Township reserves the right to investigate and raise any additional deficiencies should a court action commence.

Because the Michigan Election Law, MCL 168.1, *et seq.*, and the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*, both require strict compliance with petition-formatting and wording standards, each of the 17 Petition Sheets are found to be facially and wholly invalid. Therefore, for this reason, all of the signatures appearing on the 17 Petition Sheets are found to be invalid.

Apart from the facial deficiencies with the Petition Sheets discussed above, I have also reviewed the individual signatures appearing on the Petition Sheets. Upon my review, I have determined that the following signatures on the Petition Sheets are invalid, and I have attached the relevant evidence hereto as exhibits which correspond to the alphabetical letters below:

- A. The signature of Sean Hogan is invalid because the date on the petition is not complete. (Sheet 2 as attached hereto).
- B. The signature of Shawn T. Conners is invalid because the date on the petition is not complete. (Sheet 2 as attached hereto).
- C. The signature of Judith Carlson is invalid because the date on the petition is not complete. (Sheet 2 as attached hereto).
- D. The signature of Tiffani Sprague is invalid because she is not registered to vote in Lake Township, Huron County, Michigan (Sheet 2 as attached hereto).

- E. The signature of Joseph Hayter is invalid because the address does not match the address on file; date incorrect (Sheet 2 as attached hereto).
- F. The signature of Ben Kopcan is invalid because the date on the petition is incomplete (Sheet 2 as attached hereto).
- G. The signature of James P. Doyle is invalid because the signature does not match the printed name on the petition. (Sheet 4 as attached hereto).
- H. The signature of Reese Scoviac is invalid because the signature does not match the signature on file (Sheet 6 as attached hereto).
- I. The signature of Tina Hoody is invalid because she is not registered to vote in Lake Township, Huron County, Michigan (Sheet 7 as attached hereto).
- J. The signature of Drew Sandercott is invalid because he is not registered to vote in Lake Township, Huron County, Michigan. (Sheet 8 as attached hereto).
- K. The signature of Dave Cavender is invalid because the address does not match the address on file (Sheet 10 as attached hereto).
- L. The signature of Caroline Langley is invalid because the signature does not match the signature on file (Sheet 10 as attached hereto)
- M. The signature of Arlene Boesler is invalid because the signer printed name in both the signature and printer name spaces on the petition. (Sheet 12 as attached hereto)
- N. The signature of Dennis Hussey is invalid because he is not registered to vote in Lake Township, Huron County, Michigan. (Sheet 13 as attached hereto).
- O. The signature of Gordon Krueger is invalid because the signature does not match the signature on file. (Sheet 14 as attached hereto).

P. The signature of Debra Cargial is invalid because she is not registered to vote in Lake Township, Huron County, Michigan. (Sheet 14 as attached hereto).

Q. There may be other deficiencies in the signatures on the Petition Sheets for which verification is not required at this time. The Township reserves the right to investigate and raise any additional deficiencies should a court action commence.

Finally, there may have been additional irregularities associated with the manner in which the signatures on the Petition Sheets were obtained, which may have included the following:

A. Upon information and belief, one or more of the Petition Sheets may have been left in a local retail establishment, and may have been left unattended at times. Therefore, it is not clear whether the purported petition circulators witnessed all of the signatures and properly certified to the same. The Township reserves the right to further investigate and raise such issues should a court action commence.

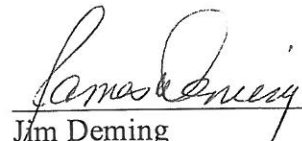
B. Upon information and belief, one or more of the Petition Sheets may have been left in a local hospitality establishment, and may have been left unattended at times. Therefore, it is not clear whether the purported petition circulators witnessed all of the signatures and properly certified to the same. The Township reserves the right to further investigate and raise such issues should a court action commence.

For these additional reasons, there may have been improper conduct in the manner in which the signatures were obtained on each of the Petition Sheets. Improperly obtained signatures may invalidate the Petition Sheets and/or the individual signatures obtained thereon. Because the Petition Sheets have been deemed invalid for other reasons, it was unnecessary to further investigate these claims at this time, but the Township reserves all rights to do so should a court action commence.

The above is true to the best of my knowledge, information, and belief.

Respectfully submitted by,

Dated: 11/13, 2023

  
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Jim Deming  
Lake Township Clerk