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**From:** bisiolaw@gmail.com  
**Sent:** Monday, July 22, 2024 5:03 PM  
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**Cc:** smithj@villageofclarkston.org; 'Thomas Ryan'  
**Subject:** Petition to amend city charter  
**Attachments:** 07-22-24 Complaint -- filed.pdf

Dear Council Members:

Today I filed the attached complaint against the city clerk in her official capacity.

On July 2, 2024, I submitted an initiatory petition on behalf of a registered ballot question committee to seek an amendment to the city charter regarding the Historic District Commission. The petitions contained a mere 54 signatures for the clerk to “canvass,” meaning she needed to double check the signer names and signatures against the voter rolls, count the verified signatures, confirm the number of signatures is equal to 5% of the number of Clarkston registered voters, and then certify the ballot language to the Oakland County Clerk no later than August 13, 2024. (The clerk goes through a similar procedure when you submit a petition to run for city council, except that the number of required signatures is different.)

In my July 2 cover letter and later by email on July 15 and 18, I requested the status of the clerk’s canvass of the petition to determine whether it satisfied the requirements for validity and number of signatures. I copied those communications to the city manager and city attorney. I asked for confirmation that the clerk would complete her canvass by the August 13, 2024, deadline for certifying ballot language to the Oakland County Clerk for the November 5, 2024, election. The Clerk responded to my inquiries on July 22 (more than two weeks after the original July 2 letter). Her response said only that the petition was “in process.” Neither she nor anyone else from the city has given any assurance that the clerk’s canvass will be completed, and the ballot question certified, by the August 13, 2024, deadline.

Two years ago, the city attorney and former clerk Speagle deliberately delayed certification on a different initiative petition seeking a proposed charter change. After completing her canvass, the former clerk delayed certification until a time where she claimed there was insufficient remaining time to get the proposed charter amendment on the ballot for the upcoming election. During the ensuing litigation, both the circuit court and court of appeals concluded the clerk’s delay was deliberately designed to keep the charter proposal off the ballot and ordered that the charter proposal be placed on the ballot.

It is unfortunate that the city administration and its lawyer are not responsive to simple inquiries regarding this matter. Given the clerk’s evasive response and the city’s past attempts to keep an initiatory petition off the ballot through delay, we are seeking court intervention simply to guarantee that the clerk timely completes her statutory duty to canvass the petition, and if there are enough signatures remaining after the canvass, to certify the ballot language to the Oakland County Clerk by August 13.

The city can avoid further litigation and legal expense by voluntarily agreeing to a court order that will commit the clerk to timely completing her canvass so that ballot language can be submitted to the county clerk by August 13. Otherwise, the ballot question committee will seek a prompt hearing and entry of an order against the clerk compelling her to do so.

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