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August 16, 2024

**By email**  
clerk@villageofclarkston.org

Ms. Evelyn Bihl  
Deputy City Clerk  
City of the Village of Clarkston  
375 Depot Road  
Clarkston, MI 48346

**By email**  
elections@oakgov.com

Mr. Joseph Rozell  
Director of Elections  
Oakland County Elections Division  
1200 N. Telegraph Rd., Dept. 417  
Pontiac, MI 48341-0417

Dear Ms. Bihl and Mr. Rozell:

We are residents and registered voters in the City of the Village of Clarkston. We write to challenge the validity of the nominating petitions for election to the Clarkston city council submitted by Erica Jo Jones. Those petitions have the following facial defects:

- The designation of whether the petitions are for a city or township office was not properly filled out. The petition form contains the words “City” and “Township” and the instruction “Strike One.” Nothing was stricken, leaving the petitions without a designation as to whether the position sought is a city or township position. We note that this form is statutorily required by MCL 168.544a, which incorporates the form in MCL 168.544c(1).
- The space for “Title of Office/Term Expiration Date” contains no expiration date for the office sought.
- The petitions state they are for an office “to be voted for at the Primary Election to be held on the 5 [sic] day of November 2024.” There is no primary election that will be held on that day. The primary was held on August 6, 2024. The petitions contain an inherent contradiction, referring to a primary but using the general election date.

The case law requires strict compliance with the provisions of election law. These defects disqualify this candidate from appearing on the November 5, 2024, general election ballot. *Stand Up v Secretary of State*, 492 Mich 588, 601-602; 822 NW2d 159 (2012) (strict compliance, not substantial compliance, is required for statutory petition forms); *GWCC Holdings, LLC v Alpine Twp*, \_\_ Mich App \_\_; \_\_ NW3d \_\_ (2024)

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(Docket No. 367925), 2024 WL 1813471, slip opin at 8 (“strict, rather than substantial, compliance” is required for election petitions; rejecting substantial compliance argument; required statutory statement did not appear in proper location on petition); *Beydoun v Bd of State Canvassers*, \_\_ Mich App \_\_; \_\_ NW3d \_\_ (2024) (Docket No. 371167), 2024 WL 2884712, slip opin at 4 (“strict compliance with statutory requirements is required”; invalidating petitions that contained candidate’s post office box rather than street address). See also the recent decision in *Woodrow v Board of State Canvassers*, unpublished per curium opinion of the Court of Appeals, issued August 15, 2024 (Docket No. 371344) (holding that filling in the general election date for a primary petition invalidated petitions, even though no primary would be held). *Woodrow* shows that strict compliance with the designation of the type of election and the election date is required and petitions must be rejected if, as here, there is not strict compliance.

Enforcing the requirement of strict compliance is particularly appropriate here in light of the disqualification of the nominating petitions of six other candidates for Clarkston city council and mayor because of defects in their affidavits of identity. The sole candidate who may have filed a proper affidavit of identity should not appear on the ballot when her petition forms do not strictly comply with the election law.

Sincerely,



Richard Bisio



Susan Bisio

cc: Thomas J. Ryan, City Attorney (by email)  
Heather L. Kadulski, Oakland County Elections Division (by email)