

**In the Matter Of:**  
**BOARD OF STATE CANVASSERS MEETING**

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**HEARING**  
*October 11, 2024*

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STATE OF MICHIGAN  
DEPARTMENT OF STATE  
JOCELYN BENSON, SECRETARY OF STATE

PUBLIC HEARING  
Binsfield Office Building  
201 Townsend Street, Lansing, Michigan  
Friday, October 11, 2024, 10:00 a.m.

RECORDED BY: Marcy A. Klingshirn, CER 6924  
Certified Electronic Recorder  
Esquire Deposition Solutions, LLC  
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APPEARANCES: MR. ADAM FRACASSI - Elections Staff  
MS. ALESSA BOES - Elections Staff

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1           Lansing, Michigan

2           Friday, August 16, 2024 - 10:00 a.m.

3           MS. BOES: Good morning. This hearing is being  
4 called to order at 10:00 a.m., on October 11, 2024, at the  
5 Binsfield Office Building, in Lansing, Michigan. My name is  
6 Alessa Boes, and I will be facilitating the hearing today.  
7 Also present with me is Adam Fracassi.

8           This is a public hearing on administrative rules  
9 entitled, Board of State Canvassers Procedures.

10          A notice of this hearing was published in three  
11 newspapers of general circulation: The Midland Daily News,  
12 on August 24, 2024; the Marquette Mining Journal, on August  
13 24, 2024; and the Kalamazoo Gazette, on August 25th, 2024.

14          This hearing is being conducted pursuant to  
15 Section 889 of the Michigan Election Law, MCL 168.889, and  
16 on behalf of the Board of State Canvassers.

17          The purpose of the hearing today is to listen to  
18 public comment on the proposed administrative rules.

19          Public comment will be limited to four minutes per  
20 person. Because the purpose of this hearing is to listen to  
21 public input related to the proposed rules, we will not  
22 answer questions. Note that public comment will remain open  
23 until 5:00 p.m. today, and written public comments can be  
24 submitted by e-mailing Elections-PublicComment@michigan.gov.

25          Currently there is nobody here in person in the

1 audience, but I know we have one individual on Zoom who  
2 wishes to comment.

3 Mr. Gallant, when you begin your public comment,  
4 please identify yourself with your name, the organization  
5 you represent, and your mailing -- and your  
6 e-mail address so that this information may be transcribed  
7 into the hearing report. You may comment whenever you are  
8 ready.

9 Mr. Gallant, if you are currently speaking, we  
10 cannot hear you. I believe we're working on unmuting. Mr.  
11 Gallant, if you could please unmute yourself? We cannot  
12 hear you if you are speaking. We're waiting.

13 MR. GALLANT: Can you hear me now?

14 MS. BOES: Yes, Mr. Gallant, we can hear you.  
15 Thank you. You may begin your comment.

16 MR. GALLANT: There you are. Sorry. I had to  
17 change devices. Okay. My name is James Gallant. I'm with  
18 the Marquette County Suicide Prevention Coalition.  
19 E-mail is mqtsuicidepreventioncoalition, all one word,  
20 @gmail.com.

21 MS. BOES: Great.

22 MR. GALLANT: Is that okay?

23 MS. BOES: Yep, that's good. Go ahead.

24 JAMES GALLANT

25 MR. GALLANT: Okay. I would ask the State Board

1 of Canvassers to please include in rule set 24-35st that is  
2 before you today and -- to include the common law  
3 parliamentary procedure under the Michigan Constitution as  
4 determined by Mike Brady, the Director of Legal Services for  
5 the Department of State, on September 17th, 2020. The  
6 transcripts of the Independent Citizens Redistricting  
7 Commission is attached. Secretary Benson was instructed by  
8 Mr. Brady, while she was presiding over the -- the  
9 Redistricting Commission, that she must follow Robert's  
10 Rules of Order as a public body in Michigan under the  
11 Constitution. You have -- and as a high level over- --  
12 overview he said, a motion and second brings the business  
13 before the committee, the -- the public body, and then you  
14 can discuss it, and then you can vote. This has to happen  
15 every single time. Because in America, under our  
16 Constitution, it's one question at a time. Mr. Brater has  
17 said about the Constitutional amendments, okay, it's one  
18 question, yes or no question, framed in the affirmative.  
19 These are all common law principles that should be in how  
20 you run this meeting to have an example across the whole  
21 state. And Mr. Brady is the one that determined this as the  
22 representative of the State under the -- for the  
23 Constitutional amendment.

24 Now, please request that the State direct- --  
25 director of personnel, the personnel director to create a

1 training that is state certified on Robert's Rules of Order  
2 for state employees to follow, so that we can have across  
3 the whole state all these appointed boards and committees  
4 that -- that the legislature makes and all these counties  
5 and tangents and everybody, we can all get on the same page  
6 on this. And if we can ask you to please ask for an  
7 attorney general opinion concerning this to clarify that the  
8 chair has stated at this -- at this meeting that you're  
9 assuming about a -- an attorney general opinion from the  
10 1970's that wasn't even about Robert's Rules. But the --  
11 the times have changed and we now have testimony from the  
12 Director of State, legal director from the Department of  
13 State that says you must follow Robert's Rules necessarily.  
14 And you have to do that.

15           And so please don't change the public comment rule  
16 that you've said we got every agenda item. Please don't  
17 change that. Because you stated in your application you  
18 weren't changing any rules and I believe that that's not a  
19 true statement. So if you withdraw that out of this, then  
20 you won't have to face the consequences of maybe you -- you  
21 lied about that. You said you weren't going to change it,  
22 and now you're changing the public comment rule. And I did  
23 say please set four minutes for the public comment time,  
24 just like you have today. Set that for at the canvassing  
25 board meetings also. Four minutes is reasonable. That's



1 the amount of time somebody can get a few sentences out  
2 and -- just like this. And -- and then you can thank them  
3 for a minute like I'm going to do right now until the end of  
4 my time.

5 Just like we need to have fundamental principles  
6 of parliamentary law included in our administrative rules  
7 for this, for our elections in our whole state. This is  
8 what's going to bring everybody together and all the  
9 canvassing boards locally. Now, you're certifying elections  
10 in Marquette County, they did it again in the presidential  
11 primary for 2024, they only had three members on the  
12 canvassing board. That is direct violation of the  
13 Constitution. You can have no majority. And the democrats  
14 were majority, and then you certified it anyway at the state  
15 level. Because you're just like, oh, they certified it, so  
16 you certified it. Well, no. And Wayne County did not  
17 follow the rules in 2020 in the presidential election.  
18 Remember when they voted twice? They voted down the  
19 certification and they did not rescind that and then they  
20 went and voted again, said, oh, let's do that and we'll get  
21 the audit, and blah, blah, blah, and it never happened.  
22 Okay? They voted twice. So the second time is  
23 illegitimate. That is null and void because you voted twice  
24 on the same subject at the same meeting. This is common law  
25 in America under our Constitution. And the way that our

1 U.S. House of Representatives runs is how Robert's Rules was  
2 created, to mimic that, so that in our whole country this is  
3 how we do it in America uniquely under our Constitution.

4 And that's how all countries do it. Their Constitution then  
5 delegates what their civil society down below that makes the  
6 recommendation to the state, like to you, that they would  
7 then follow those same rules so it's a semblance of order  
8 as, you know, in the name, rules of order, so that there is  
9 order and a semblance of order in our society. And it seems  
10 like the State Board of Canvassers is just determined on not  
11 having a question. You've been denying the certification of  
12 petitions. You vote yes to mean no. That is absolute null  
13 and void. That's out of order because you are saying,  
14 you're voting yes to deny the petition. No, the petition  
15 comes to you from the petitioner, this is the way it's  
16 written, it's a yes or no question. Approve as --

17 MS. BOES: Okay. Mr. -- Mr. Gallant, thank you so  
18 much. Your time is up. We appreciate your public comment.  
19 And we did receive the two comments that you sent via  
20 e-mail. But if you have additional comments, you may e-mail  
21 them before 5:00 p.m. today. So thank you for that.

22 At this time, there are still no individuals that  
23 have appeared in person wishing to speak and provide public  
24 comment on the proposed administrative rules. Given that  
25 there are no individuals wishing to provide public comment

1 in person and because the purpose of this hearing was to  
2 listen to public input on the proposed rules, I declare this  
3 hearing closed. The current time is 10:10 a.m. The record  
4 will remain open for additional written public comments  
5 until today at 5:00 p.m. Thank you for coming.

6 (Proceeding concluded at 10:10 a.m.)  
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CERTIFICATE

I, Marcy A. Klingshirn, a Certified Electronic Recorder and Notary Public within and for the State of Michigan, do hereby certify:

That this transcript, consisting of 10 pages, is a complete, true, and correct record given in this meeting on October 11th, 2024.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am not interested in the outcome of this matter, financial or otherwise.

IN WITNESS THEREOF, I have hereunto set my hand this 21st day of October, 2024.

*Marcy A. Klingshirn*

Marcy A. Klingshirn, CER 6924  
Notary Public, State of Michigan  
County of Eaton  
My commission expires: March 30, 2029

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HEARING  
BOARD OF STATE CANVASSERS MEETING

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