

Livonia council investigates city clerk for 'mistakes' in election procedures



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The Detroit News

The Livonia City Council is investigating City Clerk Lori Miller for allegedly notarizing documents with an expired notary license and errors in affidavits of council candidates who have been approved to appear on the city's Aug. 5 primary ballot.

Livonia City Council members who spoke to The Detroit News said they decided to conduct the investigation for the sake of transparency and public trust in the clerk's office, not politics.

But Miller contends the investigation was unfair and has been fueled by vague rumors and gossip.

The City Council voted May 7 on a vague resolution initiating the investigation without naming the clerk or her department.

"The council does hereby refer the subject matter of an investigation into city departments and their procedures as it relates to the City's Charter to the Committee of the Whole for its report and recommendation," the May 7 resolution reads.

Miller said she has made some mistakes but has addressed them as they've come to her attention. The council's discussion at its May 12 committee meeting startled her because she thought, based on the May 7 resolution, that council members were investigating all city departments.

"None of these concerns pertain in any way to our city charter. And as a legislative body, it's not in their role, to me, to investigate rumors," Miller said in an interview.

Council member Laura Toy, who made the motion to refer an investigation to the Committee of the Whole, said the inquiry is about preserving public trust in the clerk's office, especially given the importance of the clerk's role as the city's official record keeper and top election official.

"I'm not trying to play politics here," Toy told The News. "I'm trying to do what's right and fair."

Council President Brandon McCullough characterized the topics on the body's list for investigation as "minor." He said the probe is not intended to be a "witch hunt," but with several concerns about the clerk's office brought to the council's attention, members had a responsibility to look into them.

"Obviously, it's an uncomfortable topic at times, but our job is to be transparent," he said. "Politics play a part in people's perception, but at the end of the day, we're just making sure that we can be transparent with the residents."

McCullough did not comment on whether City Council might consider taking actions as a result of its investigation.

Miller took office Jan. 1, 2024, after being the deputy clerk since January 2018. Miller was elected 53.8%-46.2% over Lynda Scheel in the November 2023 election. She has worked for the city for 18 years.

Livonia's charter gives City Council broad investigatory powers.

Carter Fisher, head of the city's legal department, said the council has a range of options for actions to take based on their findings in an investigation, from making recommendations for changes to going to court to force action. Though he was not making any comments specifically on their investigation of Miller, or on any legal advice he gave the council on the matter, he said taking a claim to court would be an unlikely step.

"Could they go to court? Hypothetically. But that would be, probably, a last resort, and I don't know that there's any history of council doing that or viewing that as a good option," he said.

Nineteen City Council candidates are set to appear on the Aug. 5 primary ballot this summer. As an example of one candidate affidavit containing a mistake, a copy provided to The News of the affidavit by council candidate Kathleen McIntyre — a former member of council and president — shows blank spaces where candidates are supposed to fill in dates of the elections in which they intend to run.

Miller said she went through 15 years of candidate affidavits and found more than 45 that had missing or incorrect information, but were certified for the ballots for their respective elections. She said based on historical practice, a mistake that doesn't amount to a material fact has not been a reason to disqualify a candidate.

She said by contrast, two candidates for the upcoming primary made misrepresentations on their affidavits that they did not have outstanding fines, and were disqualified from the ballot.

Miller believes it's important to follow those past practices. As long as a candidate met the city charter's requirements of being a qualified elector in the community and having lived there for at least a year, she certified them for the ballot.

"All of the candidates that I certified met those qualifications under our charter," she said.

Steve King, a candidate for City Council who provided the affidavit to The News and spoke to the Committee of the Whole at its May 12 meeting, said his motivation for bringing up the errors is not political. He contends the mistakes discovered would likely be enough to disqualify the candidates from appearing on the ballot, and said all candidates should be held to a consistent standard.

Although he has worked as a precinct chairperson and trusts the security of elections, King said, it's important for preserving public trust in their integrity.

"It does cast aspersions when you find out that people have spoiled their affidavits, and no consequences," he said.

McIntyre, who served two terms on the City Council from 2016 to 2023, declined to comment about the council's investigation.

"I'm certified to the county, and I'm on the ballot, and that's my comment on it," she said.

There is a prominent example of a political candidate being disqualified from the ballot based on what the candidate himself said at the time was a technicality, but a court disagreed: Detroit Mayor Mike Duggan.

The Wayne County Circuit Court, and then the Michigan Court of Appeals, ruled Duggan was ineligible to appear on the primary ballot in the 2013 mayoral election because he filed his petition signatures a few weeks before he had resided in the city for a full year, according to his residency registration, as required by Detroit's charter.

The rulings came out of a legal challenge to Duggan's residency — he moved back to the city from Livonia to run for mayor — by a fellow candidate, and after the Detroit Election Commission voted to allow Duggan to remain on the primary ballot.

Duggan went on to win his first term as mayor as a write-in candidate, and then two more four-year terms.

As for her notary license, Miller acknowledged she certified one City Council candidate at the beginning of this year after it lapsed last December. But she said she had someone else in her office notarize the affidavit as soon as the candidate notified her of the issue, in time for the candidate filing deadline to appear on the ballot.

Miller said allowing her notary license to expire, which is valid for six years, was an oversight because she does not often notarize documents. It was officially renewed on May 5, according to a record from the Secretary of State's office.

The council's Committee of the Whole had a second, brief meeting on the subject of the investigation on May 19. However, the City Council has not decided whether to take action based on its investigation.

Miller said she hopes the council is satisfied with the answers she's provided them, and that members can conclude their inquiry.

"I have acknowledged the mistakes I've made, and we're all human," she said. "So, I am hopeful that we can have better open and constructive dialogue between (the clerk's) office and council."

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