



Office of the County Clerk

Cathy M. Garrett
Wayne County Clerk

Transmitted via Electronic Mail & Regular Mail

April 8, 2008

Ms. Terri Lyn Land
Secretary of State
430 W. Allegan Street
1st Floor Richard H. Austin Bldg
Lansing, Michigan 48918

Christopher Thomas
Director of Elections
430 W. Allegan Street
1st Floor Richard H. Austin Bldg
Lansing, Michigan 48918

RE: FORMER MAYOR KWAME KILPATRICK'S ANNUAL 2008 - CAMPAIGN FINANCE STATEMENT LEGAL EXPENDITURE

Dear Secretary Land and Mr. Thomas:

The Michigan Campaign Finance Act (PA 388 of 1976, as amended, MCL 169.201 – 169.282) designates the County Clerks as the filing official for local candidates and committees statewide. As the chief elections official of the largest county in the State of Michigan, I am duty bound to discharge elections and campaign finance laws promulgated by the State Legislature in keeping with spirit and intent of the law. The Campaign Finance Act provides that the Secretary of State act as a resource to interpret and clarify ambiguous areas of election law.

On April 2, 2009, representatives of former Mayor Kwame M. Kilpatrick filed the 2008 Annual Campaign Finance Statement with my office. In reviewing the campaign finance report, staff discovered that the Committee paid legal fees from the Committee's campaign finance proceeds. A cursory review of this area of the campaign finance law reveals that the laws are overbroad and vague as it relates to allowable expenditure of campaign finance funds. As such, under Section 15(2) of the Michigan Campaign Finance Act, 1976 P.A. 388, I am requesting a declaratory ruling from the Secretary of State on this issue.

DECLARATORY QUESTION PRESENTED

Does the Campaign Finance Act of 1976, P.A. 388, as amended explicitly or implicitly prohibit the use of campaign finance funds to pay direct or indirect legal expenses associated with the office holder?

I thank you in advance for a speedy response. Please feel free to contact me at 313-224-0536, or Ms. Deborah Mathis at 313-224-2380 with any questions. Thank you.

Sincerely,

Cathy M. Garrett
Wayne County Clerk

Cc: Deborah Mathis