



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

February 19, 2016

C. William Howe
11211 Tamarack Trail
Bath, Michigan 48808

Dear Mr. Howe:

The Department of State (Department) has completed its investigation of the complaint filed by you against Jeff Garrity, which alleged that Mr. Garrity violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. This letter concerns the disposition of your complaint.

You filed your complaint on September 11, 2016. Mr. Garrity filed a response on October 22, 2016, and you filed a rebuttal statement on November 17, 2016.

The MCFA requires a committee that receives or expends more than \$1,000.00 during any election to file periodic campaign finance reports in compliance with the Act. MCL 169.233(6). The failure to file a single campaign statement may trigger the assessment of late filing fees, while the failure to file two or more campaign statements is a misdemeanor offense. MCL 169.233(7)-(8).

Your complaint alleged that although Mr. Garrity filed a written statement with the Clinton County Clerk indicating that his candidate committee was eligible for a reporting waiver, the committee received or spent an amount in excess of \$1,000.00 in relation to the 2012 Bath Township Treasurer election, and failed to file required campaign statements.

You alleged that Mr. Garrity ran for election as part of a slate of candidates which included Paula Clark, Leon Putler, and Ryan Fewins-Bliss. You asserted that because the other candidates reported what appear to be slate-related expenditures in excess of \$1,000.00, Mr. Garrity must have also reached the \$1,000.00 expenditure threshold. In support of your complaint, you provided a copy of a slate card which indicated that it was paid for in part by Mr. Garrity's candidate committee and campaign finance statements filed by Ms. Clark, Mr. Puttler, and Mr. Fewins-Bliss.

In his answer to the complaint, Mr. Garrity stated that while he did participate in some of activities with 3 other candidates in the 2012 Bath Township election, he did not participate in all of the activities. As evidence, Mr. Garrity provided his campaign committee bank statements from September 18, 2012 through February 28, 2013. A review of these bank statements shows total expenditures of \$437.88 by the committee and total contributions of \$536.00 to the committee.

The Department notes that while you asserted in your rebuttal statement that “all contributions, expenditures and in-kind contributions count toward the \$1,000 threshold [,]” this is not a correct statement of law. The Act requires a committee that receives contributions in excess of \$1,000.00 or makes expenditures in excess of \$1,000.00 during an election to file certain statements and reports. It is not a cumulative total of contributions and expenditures. A committee qualifies for the reporting waiver if it both receives contributions of \$1,000.00 or less and makes expenditures of \$1,000.00 or less during an election.

Here, the only evidence provided to the Department that Mr. Garrity’s committee participated in any of the slate activities is the copy of the slate card mailer that includes a paid-for-by statement which indicates Mr. Garrity’s committee paid for a portion of mailer, and Ms. Clark’s campaign statement which shows a payment by Mr. Garrity’s committee to Ms. Clark’s committee in the amount of \$231.05 for an ad, food for a rally, and the slate card mailers. The bank statements provided by Mr. Garrity confirm this \$231.05 expenditure.

A review of the committee bank statements supports a conclusion that Mr. Garrity’s committee made expenditures of \$437.88, well under the \$1,000.00 threshold. No evidence has been provided to show that the Committee made any expenditures in excess of the \$437.88.¹

Because Mr. Garrity asserts that he did not participate in all of the slate-related activities and the evidence provided only shows expenditures in the amount of \$437.88, the Department finds that the evidence does not support a reason to believe that Mr. Garrity’s committee expended more than \$1,000.00 and failed to file required reports. Therefore, your complaint is dismissed.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

¹ Even if the Department concluded that the Committee made an additional \$281.25 expenditure for the billboard that you assert included his picture, the total amount of expenditures for the committee would be \$719.13, still below the \$1,000.00 threshold.