

Campaign Finance Complaint Form Michigan Department of State

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 ELECTIONS/GRAND JURY

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201, et seq.). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>Richard Merrill</i>	Daytime Telephone Number <i>810 772 3194</i>	
Mailing Address <i>5000 Bishop Lk Rd B2</i>		
City <i>Brighton</i>	State <i>MI</i>	Zip <i>48116</i>

Section 2. Alleged Violator		
Name <i>Adam Dreher</i>		
Mailing Address <i>PO Box 2206</i>		
City <i>Howell</i>	State <i>MI</i>	Zip <i>48844</i>

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

Explain how those sections were violated:

See attached paperwork

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

X


Signature of Complainant

8-9-2017
Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

Section 3:

Section Violated: MCFA 169.226, 169.233 (10), MCFA 169.233 (11)

Committee to Elect Adam Dreher

Committee ID 518136

In the July Quarterly July 24th, 2017, the "Committee to Elect Adam Dreher" did not report all of the donations to his committee. On his summary page, he reported raising \$1365.00, with \$1125.00 itemized. Section 169.226 requires that "A campaign statement of a committee, other than a political party committee, required by this act shall contain" "" The full name of each individual from whom contributions are received during the period covered by the campaign statement, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual. The occupation, employer, and principal place of business shall be stated if the individual's cumulative contributions are more than \$100.00.""

On the summary page of "Committee to Elect Adam Dreher," there is a \$240.00 discrepancy between what the campaign claims is the amount raised (\$1125.00), verses the subtotal of contributions as well as the amount raised (\$1365.00). The donations reported added up to \$1125.00. There is no itemized record of who contributed the other \$240.00 to his campaign. That is almost 18%, a significant amount of the total receipts.

On Page 9 of the "Committee to Elect Adam Dreher," there is a report of \$240.00 in contributions due to a T-shirts sale fundraiser with 12 participants. This \$240.00 is the same amount as the discrepancy between the amount raised and the amount itemized. However, there are a total of 9 contributions listed in the committee's entire report. If these sales are separate from the reported contributions, then the committee failed to report a majority of its individual contributions as required, in the July Quarterly report.

Attached are pertinent statutes, along with the summary page and the committee's list of Itemized contributions. Adam Dreher lists himself as the treasurer for his committee. As Mr. Dreher is an assistant prosecutor and an attorney, he knows that inaccurate and incomplete filings are illegal and is or should be aware of the laws and the MCFA that governs his election.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

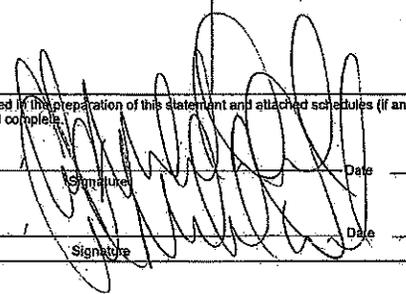
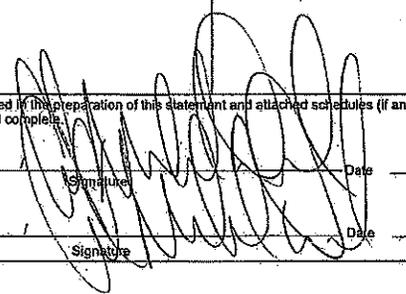
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**CANDIDATE COMMITTEE
COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

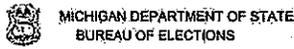
3. This Statement covers From: 05/22/17 to 07/20/17

1. Committee I.D. Number 518136		4. Candidate Last Name Dreher First Name Adam M.I. M.	
2. Committee Name Committee to Elect Adam Dreher		4a. Office Sought Including District # or Community Served (If applicable) State Senator District 22	
5. Committee's Mailing Address P.O. Box 2206 Howell, MI 48844		4b. County of Residence LIVINGSTON	
6. Treasurer's Name & Residential Address Adam Dreher 2460 Livernois Dr. Howell, MI 48843		8. Treasurer's Name & Residential Address Adam Dreher 2460 Livernois Dr. Howell, MI 48843	
Area Code and Phone (734) 660-3959 If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.		Area Code & Phone (734) 660-3959	
7. Treasurer's Business Address P.O. Box 2206 Howell, MI 48844		8. Designated Record keeper's Name and Mailing Address (If the committee has a Designated Record keeper)	
Area Code and Phone (734) 660-3959		Area Code and Phone	
9. TYPE OF STATEMENT 9a. <input checked="" type="checkbox"/> Pre-Election OR 9b. <input type="checkbox"/> Post-Election Pre-Election or Post-Election Statement relates to: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Convention <input type="checkbox"/> Special <input type="checkbox"/> Special <input type="checkbox"/> Caucus Date of Election, Convention or Caucus <u>08/07/17</u>		Required ONLY if candidate is not on the ballot for the current year. <input checked="" type="checkbox"/> July Quarterly <input type="checkbox"/> October Quarterly 9c. <input type="checkbox"/> Annual Statement (_____) Coverage Year 9d. <input type="checkbox"/> Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9a to indicate which Statement is being amended.)	
		9e. Dissolution of Candidate Committee <input type="checkbox"/> By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is hereby discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets; owes no taxes fees or has any outstanding debt. Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver. Effective date of dissolution: _____ Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.	
10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.			
Current Treasurer or Designated Record keeper Adam Dreher Type of Print Name		Signature  Date 07/23/17	
Candidate Adam Dreher Type of Print Name		Signature  Date 07/23/17	

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Next » (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=2>) |

Page 1



1. Committee I.D. Number 518136

**SUMMARY PAGE
CANDIDATE COMMITTEE**

2. Committee Name Committee to Elect Adam Dreher

RECEIPTS	Column I This Period	Column II Cumulative this election cycle
3. Contributions		
a. Itemized (Schedule 1A - Column 6)	(3a.) \$ <u>1,125.00</u>	
b. Unitemized (less than \$20.01 each - no Schedule)	(3b.) \$ <u>NOT APPLICABLE</u>	
c. Subtotal of "Contributions"	(3c.) \$ <u>\$1,365.00</u>	(18.) \$ <u>\$1,365.00</u>
4. Other Receipts (Schedule 1A -1, Column 6)	(4.) \$ _____	(19.) \$ _____
5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS (Add Line 3c + Line 4)	(5.) \$ <u>\$1,365.00</u>	(20.) \$ <u>\$1,365.00</u>
IN-KIND CONTRIBUTIONS & EXPENDITURES		
6. In-Kind Contributions (Schedule 1-K; Column 7)	(6.) \$ _____	(21.) \$ _____
7. In-Kind Expenditures (Schedule 1B-K; Column 8)	(7.) \$ _____	(22.) \$ _____
EXPENDITURES		
8. Expenditures		
a. Itemized (Schedule 1B, Column 6)	(8a.) \$ <u>\$997.43</u>	
b. Itemized Get-Out-the-Vote (Schedule 1B-G)	(8b.) \$ _____	
c. Unitemized (less than \$50.01 each - no Schedule)	(8c.) \$ <u>\$76.10</u>	
9. TOTAL EXPENDITURES (Add Line 8a + Line 8b + Line 8c)	(9.) \$ <u>\$1,073.53</u>	(23.) \$ <u>\$1,073.53</u>
INCIDENTAL EXPENSE DISBURSEMENTS (Officeholders Only)		
10. Disbursements		
a. Itemized (Schedule 1C, Column 6)	(10a.) \$ _____	
b. Unitemized (less than \$50.01 each - no Schedule)	(10b.) \$ _____	
11. TOTAL INCIDENTAL EXPENSE DISBURSEMENTS (Add Line 10a + Line 10b)	(11.) \$ _____	(24.) \$ _____
DEBTS AND OBLIGATIONS		
12. Debts and Obligations		
a. Owed by the Committee (Schedule 1E)	(12a.) \$ _____	
b. Owed to the Committee (Schedule 1E)	(12b.) \$ _____	
BALANCE STATEMENT		
13. Ending Balance of last report filed (Enter zero if no previous reports have been filed.)	(13.) \$ <u>\$0.00</u>	
14. Amount received during reporting period (Line 5, Total Contributions & Other Receipts)	(14.) + \$ <u>\$1,365.00</u>	
15. SUBTOTAL Add lines 13 and 14	(15.) = \$ <u>\$1,365.00</u>	
16. Amount expended during reporting period (Add lines 9 and 11)	(16.) - \$ <u>\$1,073.53</u>	
17. ENDING BALANCE (Subtract line 16 from line 15)	(17.) \$ <u>\$291.47</u>	

« Previous (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=1>) | Next » (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=3>) | Page 2



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**ITEMIZED CONTRIBUTIONS
SCHEDULE 1A
CANDIDATE COMMITTEE**

1. Committee I.D. Number **518136**
2. Committee Name **Committee to Elect Adam Dreher**

Enter contributor's name and address. If contribution is from an individual, enter last name, first name, middle initial. Check box to indicate if contribution is from a Political Committee or an Independent Committee (PAC) Report all contributions regardless of amount.		6. Amount	7. Cumulative for Election Cycle for Each Contributor (Through date of receipt)
3. Contribution #1 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>05/22/17</u> Name & Address: Adam Dreher 2460 Livemois Dr. Howell, MI 48843		\$ 250	\$ 250
5. If over \$100.00 cumulative, please provide: Occupation <u>Attorney</u> Employer <u>Ionia County Michigan</u> Click Here for Memo Itemization <input type="checkbox"/> Business Address <u>100 W. Main St., Ionia, MI 48846</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #2 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>06/11/17</u> Name & Address: Emily Kallunki-Pasternak 10481 Spring Grove Brighton, MI 48114		\$ 100	\$ 100
5. If over \$100.00 cumulative, please provide: Occupation <u>Accountant</u> Employer <u>Washtenaw Association for Community Advocacy</u> Click Here for Memo Itemization <input type="checkbox"/> Business Address <u>1100 N. Main St., Ste. 205, Ann Arbor, MI 48104</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #3 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>06/11/17</u> Name & Address: Emily Kallunki-Pasternak 10481 Spring Grove Brighton, MI 48114		\$ 5	\$ 105
5. If over \$100.00 cumulative, please provide: Occupation <u>Accountant</u> Employer <u>Washtenaw Association for Community Advocacy</u> Click Here for Memo Itemization <input type="checkbox"/> Business Address <u>1100 N. Main St., Ste. 205, Ann Arbor, MI 48104</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #4 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>06/11/17</u> Name & Address: Emily Kallunki-Pasternak 10481 Spring Grove Brighton, MI 48114		\$ 95	\$ 200
5. If over \$100.00 cumulative, please provide: Occupation <u>Accountant</u> Employer <u>Washtenaw Association for Community Advocacy</u> Click Here for Memo Itemization <input type="checkbox"/> Business Address <u>1100 N. Main St., Ste. 205, Ann Arbor, MI 48104</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			

Page Subtotal \$450.00

Grand Total of All Schedules 1A.
(Complete on last page of Schedule)

Enter this total on line 3a of Summary Page.

Page 1 of 3

« Previous (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=2>) | Next » (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=4>) | Page 3



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**ITEMIZED CONTRIBUTIONS
SCHEDULE 1A
CANDIDATE COMMITTEE**

1. Committee I.D. Number 518136
2. Committee Name Committee to Elect Adam Dreher

Enter contributor's name and address. If contribution is from an individual, enter last name, first name, middle initial. Check box to indicate if contribution is from a Political Committee or an Independent Committee (PAC) Report all contributions regardless of amount.		6. Amount	7. Cumulative for Election Cycle for Each Contributor (Through date of receipt)
3. Contribution # 1 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>06/13/17</u> Name & Address: Judy Daubenmier 4490 Lakeshore Court Brighton, MI 48116		\$ 100	\$ 100
5. If over \$100.00 cumulative, please provide: Occupation <u>N/A</u> Employer <u>N/A</u>		Click Here for Memo Itemization	
Business Address Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #2 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>07/06/17</u> Name & Address: Daniel Michniewicz 1805 Fair Street Ann Arbor, MI 48103		\$ 150	\$ 150
5. If over \$100.00 cumulative, please provide: Occupation <u>Cook</u> Employer <u>Granger LLC</u>		Click Here for Memo Itemization	
Business Address <u>118 West Liberty, Ann Arbor, MI 48103</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution # 3 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>07/09/17</u> Name & Address: Michael Hensley 7718 S. Indian Ave Tulsa, OK 74132		\$ 250	\$ 250
5. If over \$100.00 cumulative, please provide: Occupation <u>Sales Manager</u> Employer <u>ChemTreat</u>		Click Here for Memo Itemization	
Business Address <u>7718 S. Indian Ave., Tulsa, OK 74132</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution # 4 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>07/14/17</u> Name & Address: Bonita Patterson 1113 Hasper Dr. Ann Arbor, MI 48103		\$ 25	\$ 25
5. If over \$100.00 cumulative, please provide: Occupation <u>Registered Nurse</u> Employer <u>VA Hospital</u>		Click Here for Memo Itemization	
Business Address <u>2215 Fuller, Ann Arbor, MI 48105</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			

Page Subtotal \$525.00

Grand Total of All Schedules 1A
(Complete on last page of Schedule)

Enter this total on line 3a of Summary Page.

Page 2 of 3

« Previous (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=3>) | Next » (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=5>) | Page 4



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**ITEMIZED CONTRIBUTIONS
SCHEDULE 1A
CANDIDATE COMMITTEE**

1. Committee I.D. Number **518136**
2. Committee Name **Committee to Elect Adam Dreher**

Enter contributor's name and address. If contribution is from an individual, enter last name, first name, middle initial. Check box to indicate if contribution is from a Political Committee or an Independent Committee (PAC) Report all contributions regardless of amount.		6. Amount	7. Cumulative for Election Cycle for Each Contributor (Through date of receipt)
3. Contribution #1 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt <u>07/10/17</u> Name & Address: Katherine Litow 3669 Middleton Ann Arbor, MI 48105		\$ <u>150</u>	\$ <u>150</u>
5. If over \$100.00 cumulative, please provide: Occupation <u>Psychiatrist</u> Employer <u>Beaumont Hospital</u> Click Here for Memo Itemization <input type="checkbox"/> Business Address <u>2001 S. Merriman, Ste. 100, Westland, MI 48186</u> Type of Contribution: <input checked="" type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #2 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt _____ Name & Address _____		\$ _____	\$ _____
5. If over \$100.00 cumulative, please provide: Occupation _____ Employer _____ Click Here for Memo Itemization <input type="checkbox"/> Business Address _____ Type of Contribution: <input type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #3 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt _____ Name & Address _____		\$ _____	\$ _____
5. If over \$100.00 cumulative, please provide: Occupation _____ Employer _____ Click Here for Memo Itemization <input type="checkbox"/> Business Address _____ Type of Contribution: <input type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			
3. Contribution #4 PAC Receipt? <input type="checkbox"/> YES 4. Date of Receipt _____ Name & Address _____		\$ _____	\$ _____
5. If over \$100.00 cumulative, please provide: Occupation _____ Employer _____ Click Here for Memo Itemization <input type="checkbox"/> Business Address _____ Type of Contribution: <input type="checkbox"/> Direct <input type="checkbox"/> Loan from a person <input type="checkbox"/> Fund Raiser			

Page Subtotal \$150.00

Grand Total of All Schedules 1A (Complete on last page of Schedule) \$1,125.00

Enter this total on line 3a of Summary Page.

Page 3 of 3

« Previous (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=4>) | Next » (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=6>) | Page 5



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**FUND RAISER SCHEDULE 1F
CANDIDATE COMMITTEE**

1. Committee I.D. Number 518136
2. Committee Name Committee to Elect Adam Dreher

- USE A SEPARATE SHEET FOR EACH EVENT -

3. Date Event Was Held <u>07/04/17</u>	4. Number of Individuals Attending or Participating (whichever is greater) <u>12</u>	5. Type of Fund Raising Activity <u>T-Shirt Sale</u>	6. Address and Name (if any) of the place where the activity was held. <input type="checkbox"/> Private Residence
---	---	---	--

7. Total Contributions \$240.00
8. Other Receipts _____
9. Gross Receipts (Add lines 7 and 8) \$240.00
10. Total Cost of Event \$248.56
(Total Cost includes In-Kind Contributions and All Expenditures Made For the Event)

11. Check if event was a joint fund raiser and complete the following:

Co-Sponsor(s)	Contribution Split (%)	Expenditure Split (%)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- The committee is required to file a separate Fund Raiser Schedule for each fund raising event held during the period covered by the Campaign Statement.
- Receipts and expenditures listed on a Fund Raiser Schedule must also be reported on the Itemized Contributions Schedule (1A), Itemized In-Kind Contributions Schedule (1-IK), Itemized Expenditures Schedule (1B) and the Summary Page.
- Each committee that participated in a joint fund raiser must file a Fund Raiser Schedule for the event.

Page 1 of 1

« Previous (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=7>) | Next » (<https://cfrsearch.nictusa.com/documents/444054/details?type=scanned&page=9>) | Page 8

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.233 Campaign statements; filing schedule; report; late filing fee; violation as misdemeanor; penalty; prohibitions; filing incomplete or inaccurate statement or report; civil fine; violation as felony; seizure and forfeiture of money; inventory statement of money seized; notice; hearing; decision; appeal; commencement of action.

Sec. 33. (1) A committee, other than an independent committee or a political committee required to file with the secretary of state, supporting or opposing a candidate shall file complete campaign statements as required by this act and the rules promulgated under this act. The campaign statements shall be filed according to the following schedule:

(a) A preelection campaign statement shall be filed not later than the eleventh day before an election. The closing date for a campaign statement filed under this subdivision shall be the sixteenth day before the election.

(b) A postelection campaign statement shall be filed not later than the thirtieth day following the election. The closing date for a campaign statement filed under this subdivision shall be the twentieth day following the election. A committee supporting a candidate who loses the primary election shall file closing campaign statements in accordance with this section. If all liabilities of that candidate or committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the thirtieth day following the election.

(c) For candidate committees only, in a year in which there is no election for the candidate the candidate committee is supporting or opposing:

(i) Not later than July 25 with a closing date of July 20 of that year.

(ii) Not later than October 25 with a closing date of October 20 of that year.

(2) For the purposes of subsection (1):

(a) A candidate committee shall file a preelection campaign statement and a postelection campaign statement for each election in which the candidate seeks nomination or election, except if an individual becomes a candidate after the closing date for the preelection campaign statement only the postelection campaign statement is required for that election.

(b) A committee other than a candidate committee shall file a campaign statement for each period during which expenditures are made for the purpose of influencing the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question.

(3) An independent committee or a political committee other than a house political party caucus committee or senate political party caucus committee required to file with the secretary of state shall file campaign statements as required by this act according to the following schedule:

(a) Not later than April 25 of each year with a closing date of April 20 of that year.

(b) Not later than July 25 of each year with a closing date of July 20 of that year.

(c) Not later than October 25 of each year with a closing date of October 20 of that year.

(4) A house political party caucus committee or a senate political party caucus committee required to file with the secretary of state or a political party committee for a party attempting to qualify as a new political party under section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, shall file campaign statements as required by this act according to the following schedule:

(a) Not later than January 31 of each year with a closing date of December 31 of the immediately preceding year.

(b) Not later than April 25 of each year with a closing date of April 20 of that year.

(c) Not later than July 25 of each year with a closing date of July 20 of that year.

(d) Not later than October 25 of each year with a closing date of October 20 of that year.

(e) For the period beginning on the fourteenth day immediately preceding a primary or special primary election and ending on the day immediately following the primary or special primary election, not later than 4 p.m. each business day with a closing date of the immediately preceding day, only for a contribution received or expenditure made that exceeds \$1,000.00 per day.

(f) For the period beginning on the fourteenth day immediately preceding a general or special election and ending on the day immediately following the general or special election, not later than 4 p.m. each business day with a closing date of the immediately preceding day, only for a contribution received or expenditure made that exceeds \$1,000.00 per day.

(5) Notwithstanding subsection (3) or (4) or section 51, if an independent expenditure is made within 45 days before a special election by an independent committee or a political committee required to file a campaign statement with the secretary of state, a report of the expenditure shall be filed by the committee

with the secretary of state within 48 hours after the expenditure. The report shall be made on a form provided by the secretary of state and must include the date of the independent expenditure, the amount of the expenditure, a brief description of the nature of the expenditure, and the name and address of the person to whom the expenditure was paid. The brief description of the expenditure must include either the name of the candidate and the office sought by the candidate or the name of the ballot question and state whether the expenditure supports or opposes the candidate or ballot question. This subsection does not apply if the committee is required to report the independent expenditure in a campaign statement that is required to be filed before the date of the election for which the expenditure was made.

(6) A candidate committee or a committee other than a candidate committee that files a written statement under section 24(5) or (6) or that is automatically considered to have made a statement under section 24(5) is not required to file a campaign statement under subsection (1), (3), or (4) unless it received or expended an amount in excess of \$1,000.00. If the committee receives or expends an amount in excess of \$1,000.00 during a period covered by a filing, the committee is then subject to the campaign filing requirements under this act.

(7) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who fails to file a statement as required by this section shall pay a late filing fee. If the committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee shall be \$25.00 for each business day the statement remains unfiled, but not to exceed \$500.00. If the committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee shall not exceed \$1,000.00, determined as follows:

(a) Twenty-five dollars for each business day the report remains unfiled.

(b) An additional \$25.00 for each business day after the first 3 business days the report remains unfiled.

(c) An additional \$50.00 for each business day after the first 10 business days the report remains unfiled.

(8) If a candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 35 and both of the statements remain unfiled for more than 30 days, that candidate, treasurer, or other designated individual is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both.

(9) If a candidate is found guilty of a violation of this section, the circuit court for that county, on application by the attorney general or the prosecuting attorney of that county, may prohibit that candidate from assuming the duties of a public office or from receiving compensation from public funds, or both.

(10) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than \$1,000.00.

(11) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly omits or underreports individual contributions or individual expenditures required to be disclosed by this act, that individual is subject to a civil fine of not more than \$1,000.00 or the amount of the contributions and expenditures omitted or underreported, whichever is greater.

(12) If a candidate committee's account has a balance of \$20,000.00 or more and a candidate, treasurer, or other individual designated as responsible for that committee's record keeping, report preparation, or report filing fails to file campaign statements required under this act for 2 consecutive years, that candidate, treasurer, or other individual is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than \$5,000.00, or both. Any money in a candidate committee account described in this subsection is subject to seizure by, and forfeiture to, this state as provided in this section.

(13) Not more than 5 business days after seizure of money under subsection (12), the secretary of state shall deliver personally or by registered mail to the last known address of the candidate from whom the seizure was made an inventory statement of the money seized. The inventory statement shall also contain notice to the effect that unless demand for hearing as provided in this section is made within 10 business days, the money is forfeited to this state. Within 10 business days after the date of service of the notice, the candidate may by registered mail, facsimile transmission, or personal service file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state for a determination as to whether the money was lawfully subject to seizure and forfeiture. The candidate is entitled to appear before the secretary of state or a person designated by the secretary of state, to be represented by counsel, and to present testimony and argument. Upon receipt of a request for hearing, the secretary of state or a person designated by the secretary of state shall hold the hearing within 15 business days. The hearing is not a contested case proceeding and is not subject to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After the hearing, the secretary of state or a person designated by the secretary of state shall render a decision in writing within 10 business days of the hearing and, by order, shall either

declare the money subject to seizure and forfeiture or declare the money returnable to the candidate. If, within 10 business days after the date of service of the inventory statement, the candidate does not file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state, the money seized is forfeited to this state by operation of law. If, after a hearing before the secretary of state or a person designated by the secretary of state, the secretary of state or a person designated by the secretary of state determines that the money is lawfully subject to seizure and forfeiture and the candidate does not appeal to the circuit court of the county in which the seizure was made within the time prescribed in this section, the money seized is forfeited to this state by operation of law. If a candidate is aggrieved by the decision of the secretary of state or a person designated by the secretary of state, that candidate may appeal to the circuit court of the county where the seizure was made to obtain a judicial determination of the lawfulness of the seizure and forfeiture. The action shall be commenced within 20 days after notice of a determination by the secretary of state or a person designated by the secretary of state is sent to the candidate. The court shall hear the action and determine the issues of fact and law involved in accordance with rules of practice and procedure as in other in rem proceedings.

History: 1976, Act 388, Eff. June 1, 1977;^[1]Am. 1977, Act 307, Imd. Eff. Jan. 4, 1978;^[2]Am. 1982, Act 308, Imd. Eff. Oct. 13, 1982;^[3]Am. 1985, Act 138, Imd. Eff. Oct. 22, 1985;^[4]Am. 1989, Act 95, Eff. Jan. 1, 1990;^[5]Am. 1995, Act 264, Eff. Mar. 28, 1996;^[6]Am. 1999, Act 238, Imd. Eff. Dec. 28, 1999;^[7]Am. 2012, Act 273, Eff. Dec. 30, 2012;^[8]Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;^[9]Am. 2015, Act 239, Eff. Mar. 21, 2016;^[10]Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.226 Campaign statement of committee other than political party committee; contents; report; list of expenditures; bundled contribution.

Sec. 26. (1) A campaign statement of a committee, other than a political party committee, required by this act shall contain all of the following information:

(a) The filing committee's name, address, and telephone number, and the full name, residential and business addresses, and telephone numbers of the committee treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing.

(b) Under the heading "receipts", the total amount of contributions received during the period covered by the campaign statement; under the heading "expenditures", the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as an in-kind contribution by the third party. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures. A contribution or expenditure that is by other than completed and accepted payment, gift, or other transfer, that is clearly not legally enforceable, and that is expressly withdrawn or rejected and returned before a campaign statement closing date need not be included in the campaign statement and if included may, in a later or amended statement, be shown as a deduction, but the committee shall keep adequate records of each instance.

(c) The balance of cash on hand at the beginning and the end of the period covered by the campaign statement.

(d) The following information regarding each fund-raising event shall be included in the report:

(i) The type of event, date held, address and name, if any, of the place where the activity was held, and approximate number of individuals participating or in attendance.

(ii) The total amount of all contributions.

(iii) The gross receipts of the fund-raising event.

(iv) The expenditures incident to the event.

(e) The full name of each individual from whom contributions are received during the period covered by the campaign statement, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual. The occupation, employer, and principal place of business shall be stated if the individual's cumulative contributions are more than \$100.00. For contributions of \$5.00 or less by an individual to a political committee or independent committee, the secretary of state shall accept for filing any written communication from the political committee or independent committee that contains the information otherwise required under this subsection. Any such written communication does not need to contain an original signature.

(f) The cumulative amount contributed and the name and address of each individual, except those individuals reported under subdivision (e), who contributed to the committee. The occupation, employer, and principal place of business shall be stated for each individual who contributed more than \$100.00.

(g) The name and street address of each person, other than an individual, from whom contributions are received during the period covered by the campaign statement, together with an itemization of the amounts contributed, the date on which each contribution was received, and the cumulative amount contributed by that person.

(h) The name, address, and amount given by an individual who contributed to the total amount contributed by a person who is other than a committee or an individual. The occupation, employer, and principal place of business shall be stated if the individual contributed more than \$100.00 of the total amount contributed by a person who is other than a committee or an individual.

(i) The cumulative total of expenditures of \$50.00 or less made during the period covered by the campaign statement except for expenditures made to or on behalf of another committee, candidate, or ballot question.

(j) The full name and street address of each person to whom expenditures totaling more than \$50.00 were made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement; the purpose of the expenditure; the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee; the itemization regardless of amount of each expenditure made to or on behalf of another committee, candidate, or ballot question; and the cumulative amount of expenditures for or against that candidate or ballot question for an election cycle. An expenditure made in support of more than 1 candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both.

(2) A candidate committee or ballot question committee shall report all cumulative amounts required by

this section on a per election cycle basis. Except for subsection (1)(j), an independent committee or political committee shall report all cumulative amounts required by this section on a calendar year basis.

(3) A campaign statement of a committee, in addition to the other information required by this section, shall include an itemized list of all expenditures during the reporting period for election day busing of electors to the polls, get-out-the-vote activities, slate cards, challengers, poll watchers, and poll workers.

(4) For a reporting period in which a contribution is received that is to be part of a bundled contribution or a reporting period in which a bundled contribution is delivered to the candidate committee of a candidate for statewide elective office, a bundling committee shall report to the secretary of state, on a form provided by the secretary of state, all of the following information, as applicable, about each contribution received or delivered as part of a bundled contribution, and about each bundled contribution delivered, in the reporting period:

(a) The amount of each contribution, the date it was received by the bundling committee, and the candidate for statewide elective office whom the contributor designated as the intended recipient.

(b) Each contributor's name and address and, for each contribution exceeding \$100.00, the contributor's occupation, employer, and principal place of business.

(c) The date each contribution is delivered to the candidate's statewide elective office candidate committee.

(d) The total amount of bundled contributions delivered to that candidate committee during the reporting period and during the election cycle.

(5) With its delivery of a bundled contribution to the candidate committee of a candidate for statewide elective office, a bundling committee shall deliver a report to that candidate committee, on a form provided by the secretary of state, that includes all of the following information, as applicable, about each contribution delivered as part of the bundled contribution, and about all bundled contributions delivered to that candidate committee in the election cycle:

(a) The amount of each contribution, the date it was received by the bundling committee, and the statewide elective office candidate the contributor designated as the intended recipient.

(b) Each contributor's name and address and, for each contribution exceeding \$100.00, the contributor's occupation, employer, and principal place of business.

(c) The total amount of bundled contributions delivered to that candidate committee during the reporting period and during the election cycle.

(6) For a reporting period in which a bundled contribution is received, a candidate committee of a candidate for statewide elective office shall report to the secretary of state, on a form provided by the secretary of state, all of the following information, as applicable, about each contribution delivered as part of a bundled contribution received in the reporting period and about all bundled contributions received by that candidate committee:

(a) The amount of each contribution, the date it was received by the candidate committee, and the name of the bundling committee that delivered the contribution.

(b) Each contributor's name and address and, for each contribution exceeding \$100.00, the contributor's occupation, employer, and principal place of business.

(c) The total amount of bundled contributions received by that candidate committee during the reporting period and during the election cycle.

History: 1976, Act 388, Eff. June 1, 1977;^[1]Am. 1989, Act 95, Imd. Eff. June 21, 1989;^[2]Am. 1994, Act 117, Eff. Apr. 1, 1995;^[3]Am. 1995, Act 264, Eff. Mar. 28, 1996;^[4]Am. 1999, Act 237, Eff. Mar. 10, 2000;^[5]Am. 2001, Act 250, Eff. Mar. 22, 2002;^[6]Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."



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

September 5, 2017

Adam Dreher
P.O. Box 2206
Howell, Michigan 48844

Dear Mr. Dreher:

The Department of State (Department) received a formal complaint filed by Richard Merrill against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

The MCFA requires filed campaign finance statements and reports to be complete and accurate. MCL 169.233. A candidate who knowingly files an incomplete or inaccurate statement or report may be subject to a civil fine of up to \$1,000.00. MCL 169.233(10). A candidate who knowingly omits or underreports a contribution or expenditure may be subject to a civil fine of up to \$1,000.00, or the amount of the undisclosed contribution or expenditure, whichever is greater. MCL 169.233(11).

Mr. Merrill alleges that you failed to disclose certain contributions and contributor information regarding t-shirt sales on your 2017 July Quarterly campaign statement.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Mr. Merrill, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an

Adam Dreher
September 5, 2017
Page 2

administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Richard Merrill



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

October 20, 2017

Richard Merrill
5000 Bishop Lake Road B2
Brighton, Michigan 48116

Dear Mr. Merrill:

The Department of State received a response to the complaint you filed Adam Dreher, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Adam Dreher

Bourbonais, Lori (MDOS)

From: Adam Dreher <adam@adamdreher.com>
Sent: Monday, September 11, 2017 4:02 PM
To: Bourbonais, Lori (MDOS)
Subject: Complaint filed against me

Ms. Bourbonais,

A complaint was filed against me dated August 9, 2017. The notice of the complaint was dated September 5, 2017. On September 6, 2017 I filed an amended July quarterly statement (the basis of the complaint). The error from Mark Diljak (Department of State) was dated August 24, 2017.

I believe the basis of the error, and the complaint, were related to the same portion of the statement. Also, I believe the amended statement repaired the error. Do you still require a response from me?

--

Adam Dreher
Candidate
22nd District
Michigan Senate



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

September 28, 2018

Adam Dreher
P.O. Box 2206
Howell, Michigan 48844

Dear Mr. Dreher:

The Department of State (Department) received a formal complaint filed by Richard Merrill against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* From the outset, the Department apologizes for the delay in processing this complaint. Regrettably, the complaint was misfiled in our office and was not caught until recently.

The MCFA requires filed campaign finance statements and reports to be complete and accurate. MCL 169.233. A candidate who knowingly files an incomplete or inaccurate statement or report may be subject to a civil fine of up to \$1,000.00. MCL 169.233(10). A candidate who knowingly omits or underreports a contribution or expenditure may be subject to a civil fine of up to \$1,000.00, or the amount of the undisclosed contribution or expenditure, whichever is greater. MCL 169.233(11).

Mr. Merrill alleges that you failed to disclose certain contributions and contributor information regarding t-shirt sales on your 2017 July Quarterly campaign statement. Specifically, Mr. Merrill alleged that on your July Quarterly, you failed to itemize \$240 worth of campaign contributions raised by the sale of T-shirts at a fundraiser.

You emailed a response to the Department indicating that you were sent a Notice of Error or Omission (E&O) that you believed to be duplicate and corrected with the resolution of the E&O. Mr. Merrill elected not to file a rebuttal.

Upon review of your campaign statements, your July Quarterly was filed on July 24, 2017 and failed to properly itemize the contributions. On August 24, 2017, the Department issued you an E&O. The E&O stated that your committee reported receiving \$240.00 in T-shirt sales on the fundraiser schedule, but it failed to individually itemize the shirts with the contributors' names and addresses.¹ Then, on September 7, 2017, you filed an amended July Quarterly Statement correcting the issue and satisfying the E&O. Importantly, you amended your reports prior to receiving notice of the instant complaint.

¹ The E&O is available on the Department's website, available here:

<https://cfrsearch.nictusa.com/documents/446323/details?type=scanned&page=1>

Adam Dreher
September 5, 2017
Page 2

Accordingly, the Department dismisses this complaint because resolution of the E&O is determinate of the allegations in this complaint. The Department concludes that based on the resolution of the E&O, there is insufficient evidence likely to support a belief that a violation of the MCFA has occurred. The Department's file in this matter is closed and no further enforcement action will be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, sweeping initial "A" and a cursive "F".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Richard Merrill