



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

March 6, 2014

Margaret M. Murray  
315 West Mechanic Street  
New Buffalo, Michigan 49117

Dear Ms. Murray:

The Department of State (Department) has concluded its investigation of the complaint you filed against Susan Gotfried and Regenia Zubrys, concerning an alleged violation of 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 alleged that Ms. Gotfried and Ms. Zubrys formed the Citizens for Recall Committee and did not file a Statement of Organization in violation of MCL 169.224.

You filed your complaint on November 26, 2013. Ms. Gotfried filed a written response on December 20, 2013, and Ms. Zubrys filed a written response on December 30, 2013. You did not file a rebuttal statement with the Department.

The MCFA requires a committee to file a statement of organization within 10 days after a committee is formed. MCL 169.224(1). By statutory definition, a committee is formed when "a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

As evidence, you provided the Department with a printout of a Facebook page which appears to belong to Citizens to Save New Buffalo.

A review of the Facebook printout shows that there was an effort to submit recall petition language, the circulation of petitions, meetings or gatherings, and perhaps the sale of t-shirts related to a recall effort in New Buffalo. However, the only evidence presented to the Department is the Facebook page.

The Act requires a committee to file a Statement of Organization within 10 days of its formation. However, the definition of "committee" is not met until a person receives or expends \$500.00 or more in a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate. While a recall effort would fall within this definition, the \$500.00 threshold must also be met.

Ms. Gotfried stated in her answer that “[a] few dozen donuts and several quarts of coffee were purchased” for one meeting and several ads were placed in local newspapers. However, she asserts that “the organization has not collected \$500 in contributions nor has it expended \$500.” Ms. Gotfried also stated that she is not a part of Citizens to Save New Buffalo.

Ms. Zubrys stated in her answer that the Citizens to Save New Buffalo Facebook page is “a social outlet for people to interact about what is generally going on around” New Buffalo. She further stated that “[i]t is a free-access page” started before the recall effort and that it will continue after the recall effort. She also asserted that she submitted a letter to the editor of the community newspaper, but “did not participate in receiving or spending anyone’s money.” Ms. Zubrys finally stated that “to [her] knowledge and belief [the] committee did not receive or spend funds over \$500.00.”

No evidence has been provided to refute Ms. Gotfried’s and Ms. Zubrys’ assertions.

The only evidence for the Department to review is the Facebook page printout. This is insufficient for the Department to make a determination that Ms. Gotfried and Ms. Zubrys reached the \$500.00 threshold necessary to meet the definition of committee. Had you provided evidence of newspaper ads and the costs associated, t-shirts, expenses for meetings, or expenses for petitions, etc., the Department may have concluded otherwise.

In the absence of evidence, the Department is constrained to conclude that the Citizens for Recall committee did not reach the \$500.00 threshold necessary for it to fall under the definition of committee under the Act. Therefore, your complaint is dismissed.

Sincerely,

  
Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Susan Gotfried  
Regenia Zubrys