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ELECTIONS/GREAT SEAL

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June 29, 2018

Sally Williams, Elections Director
Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
Lansing, MI 48918

Re: Self-Reporting of Mistaken Identification

Dear Ms. Williams,

On behalf of Restore Michigan Fund (the “Fund”), we are sending this letter to self-report misidentification of the payer of a letter funded by a campaign committee under the Michigan Campaign Finance Act (the “Act”). Specifically, it appears that the letter included a disclaimer mistakenly identifying the Fund as paying for the letter when the organization which in fact paid for the letter was the Mike McCready for State Senate campaign committee (the “Committee”).

The letter is addressed to “Dear Neighbor” and includes policy positions of a member of the Michigan legislature. The letter is signed by Mike McCready with the name of the campaign committee, “Mike McCready for State Senate,” under the signature. This reference to the Committee correctly identified the payer of the letter -- the entire cost of the letter was paid for by the Committee prior to its distribution.

Yet underneath the signature and committee identification the following appears: “Paid for by Restore Michigan Fund, 106 W. Allegan, Lansing, MI 48933.” While the address in the disclaimer correctly identifies the address for the Committee, the disclaimer incorrectly names the Fund as paying for the letter.

We understand that “Restore Michigan Fund” was inserted accidentally by a third party vendor during the final stages of production of the letter. When the Fund discovered the error, it immediately asked for distribution of the letter to cease. The Fund was notified that distribution did in fact cease promptly.

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The expenditures made by the Committee relating to production and distribution of the letter will be timely and properly disclosed as required under the Act. Furthermore, the Fund has taken action to ensure that such an error does not happen in the future, including notifying the vendor to forward all draft communications using the name of the Fund for review by legal counsel. Likewise, the Committee has asked that all draft communications using its name be forwarded to legal counsel for review prior to distribution.

Please do not hesitate to contact us with any questions or comments.

CLARK HILL PLC

A handwritten signature in black ink, appearing to read "Andrew C. Richner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew C. Richner



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

July 24, 2018

Andrew Richner
Attorney for Restore Michigan Fund
Clark Hill PLC
500 Woodward Avenue
Suite 3500
Detroit, Michigan 48226

Via email: arichner@clarkhill.com

Re: *Self-Report: Restore Michigan Fund*
Campaign Finance Complaint
No. 2018-07-027-47

Dear Mr. Richner:

The Department of State (Department) is in receipt of your self-reporting a violation of MCL 169.247 of the Michigan Campaign Finance Act (MCFA) in which you state correspondence contained an improper paid for by statement on certain campaign-related materials.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]". MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]". *Id.*

In your letter you indicate that a letter was mailed to voters and is addressed to "Dear Neighbor." You state that the bottom of the letter contains Senator Mike McCready's signature followed by "Mike McCready for State Senate" but the paid for by statement stated the following: "Paid for by Restore Michigan Fund, 106 W. Allegan, Lansing, MI 48933." You further state that the Mike McCready for State Senate committee actually paid for the costs to mail the letter.

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Your letter also indicates that the Fund discovered the error and immediately sought distribution of the letter to cease. You further state that procedures have been put into place to ensure that this type of error will not occur in the future.

Upon review, it appears that a violation of MCL 169.247 has occurred because the letter fails to contain an accurate identification statement. Given this, the Department is hereby advising you that MCL 169.247(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. The MCFA tasks the Department to ensure violations of the MCFA do not occur and attempt to resolve any potential violations through informal methods. MCL 169.215(10). Because internal procedures have been put into place, and because this is a self-reported violation, the Department concludes that this warning is an appropriate resolution to the self-reported violation.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department considers the instant action closed and resolved.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State