



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

August 7, 2015

Loyd Romick  
33437 Michele Court  
Livonia, Michigan 48150

Dear Mr. Romick:

The Department of State (Department) has completed its investigation of the complaint filed by you against Livonia Public Schools (LPS), which alleged LPS violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257, when an email supporting certain LPS board member candidates was sent to LPS email addresses. This letter concerns the disposition of your complaint.

You filed your complaint on February 23, 2014. LPS filed an answer on March 23, 2015, and you filed a rebuttal statement on April 6, 2015.

In support of your complaint, you provided a copy of the MI Capital Confidential story in which the superintendent of LPS is quoted as saying the email "was sent by a staff member of the local EA (education association) who inadvertently sent it to the wrong email list [;]" a copy of an email sent from an mea.org email address, which lists the "Screening and Recommendation Committee['s]" recommended candidates for the LPS school board; and a link to a video of a portion of an LPS school board meeting.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the nomination or election of a candidate. MCL 169.204(1), 169.206(1). A person who knowingly violates this provision may be charged with a misdemeanor offense. MCL 169.257(3).

The complaint alleged that LPS improperly provided the Livonia Education Association (LEA) and the Michigan Education Association (MEA) "access to employee email addresses [and] district servers to campaign for the then current school board president and vice president, while failing to provide equal access to other candidates."

In its answer, LPS asserted that the MEA "is a labor organization, which is an entity completely separate and distinct from the [LPS]" and that the LEA is a local affiliate of the MEA which represents certain LPS employees. LPS further asserted that, as a result of certain contractual

provisions in the collective bargaining agreement between LPS and the LEA<sup>1</sup>, the LEA does “have access to the [LPS] email system as a means of communicating with those [LPS] employees who are members of [its] bargaining units.”

Finally, LPS asserts that the email “was sent, not by [LPS] but rather, by an MEA employee, who mistakenly used the School District’s email system [.]” LPS states that “[r]epresentatives of the MEA immediately acknowledged, and apologized, for this error.”

Section 57 of the MCFA prohibits **a public body or an individual acting on its behalf** to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1) (emphasis added).

Here, an email was sent by a secretarial employee of the LEA<sup>2</sup>, not by LPS or an individual acting on its behalf; it originated from the LEA employee’s MEA email address. A public body’s receipt of an email message does not trigger a violation of the Act. Further, no evidence has been provided to support a conclusion that LPS provided an email list to the LEA or MEA for campaign purposes. The collective bargaining agreement noted above suggests that the LEA or MEA were already in possession of the email addresses of LPS employees for legitimate, non-campaign purposes.

Because the evidence does not tend to support a conclusion that LPS or an individual acting on its behalf used or authorized the use of LPS resources to send the email, your complaint is dismissed.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

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<sup>1</sup> The answer provides Article IV, Section D of the collective bargaining agreement, which states, in pertinent part: “The ASSOCIATION shall have the exclusive right as a teacher organization for the use of inter-school mail system and teacher mailboxes for communications to teachers.” This section also provides that such access is not to include communications which endorse candidates for political offices.

<sup>2</sup> The sender of the email is Pat Gearns, who is listed as the Secretary for the LEA on the LEA’s website at: <http://www.leadtoday.org/lea-office.html>.