

December 4, 2015

Chris Thomas, Director  
Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building – 1<sup>st</sup> Floor  
Lansing, Michigan 48918

Re: **Matter involving Attorney General Bill Schuette**

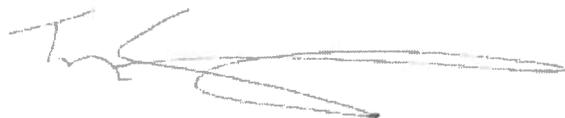
Dear Mr. Thomas:

We represent Attorney General Bill Schuette. On behalf of Mr. Schuette, I am writing to inform you of a recent issue that has come to Mr. Schuette's attention. On June 25, 2015, at 10:15 p.m., Mr. Schuette inadvertently sent an e-mail message to a fundraiser for his candidate committee from his State of Michigan e-mail account. Mr. Schuette sent the e-mail message when he was out of the office using a personal portable device that was linked to both his state e-mail account and his personal e-mail account. He mistakenly thought that he sent the message from his personal e-mail account rather than his state e-mail account. The use of his state e-mail account for this type of purpose was isolated and inadvertent. And Mr. Schuette has put in place safeguards to ensure this situation does not occur in the future. When he is out of the office, he will send messages from his state e-mail account only from a state-issued device that is not linked to any other e-mail account—thereby eliminating the possibility of this situation reoccurring.

Although this situation did not involve the use of any ascertainable monetary value of public resources, Mr. Schuette takes full responsibility for this inadvertent mistake and would like to expeditiously resolve this matter with your department.

I look forward to hearing from you.

Very truly yours,



Troy M. Cumings

13616802

**Schuette, Bill (AG)**

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**From:** Schuette, Bill (AG)  
**Sent:** Thursday, June 25, 2015 10:15 PM  
**To:** Katy Tylus  
**Subject:** bbq invites to pac

Katy,

we should send the TC invites to the pacs encouraging them to send their reps to our TC and other BBQ. ex bankers, realtors, etc

Sent from my iPad



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

May 19, 2016

Troy Cumings  
Warner Norcross & Judd LLP  
120 North Washington Square  
Suite 410  
Lansing, Michigan 48933

Dear Mr. Cumings:

The Department of State (Department) has completed its review of your letter dated December 4, 2015, which concerns a self-report by Attorney General Bill Schuette of a possible violation of section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257.

The MCFA and corresponding administrative rules require the Department to ascertain whether there may be "reason to believe that a violation of this act has occurred." MCL 169.215(10), R 169.55(3). If the Department finds that there may be "reason to believe that a violation of this act has occurred [,]" the Department is required by law to "endeavor to correct the violation or prevent a further violation by using informal methods." *Id.*

The MCFA prohibits a public body or an individual acting on its behalf from "us[ing] or authoriz[ing] the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure." MCL 169.257(1).

In your letter you stated that "Mr. Schuette inadvertently sent an e-mail message to a fundraiser for his candidate committee from his State of Michigan e-mail account." You further indicated that "he mistakenly thought he sent the e-mail from his personal account [,]" "the use of his State e-mail for this type of purpose was isolated and inadvertent [,]" and "Mr. Schuette has put in place safeguards to ensure this situation does not occur in the future."

It appears from a review of the e-mail, it was sent at 10:15 p.m. In your letter, you stated that the e-mail was sent while Mr. Schuette was "out of the office using a personal portable device [,]"

Based on the admission that Mr. Schuette mistakenly used his State of Michigan e-mail account to send one e-mail after business hours to a fundraising consultant, the Department finds that the evidence tends to support a conclusion that there may be reason to believe a violation of the Act has occurred. After making this determination, the Department must now attempt to resolve the matter informally. MCL 169.215(10). The purpose of an informal resolution is "to correct the violation or prevent a further violation[.]" *Id.*

Troy Cumings  
May 19, 2016  
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The Department notes that while use of the State e-mail system was improper, a review of the e-mail shows that it was not sent during normal business hours. Further, the Department takes Mr. Schuette at his word that it was not sent from a State office or while he was using a State-owned computer. Additionally, Mr. Schuette voluntarily brought this matter to the Department's attention and has put safe-guards in place to prevent a further violation. The Department also notes that the cost to the State for a single e-mail sent to a single person is minute and distinguishable from using State resources to send a mass mailing or to print campaign flyers or postcards, which would include costs for design, set-up, materials, printing, and mailing fees such as postage and envelopes - none of which apply in this instance. Given the inconsequential cost of sending a single email message from a privately owned device (albeit from a state email account) to a single recipient, in this particular instance the issuance of a warning letter is an appropriate resolution to this matter.

The Department reminds Mr. Schuette that 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. This notice may be used in future proceedings as evidence that tends to establish a knowing violation of the Act should Mr. Schuette commit a violation of the MCFA in the future. A knowing violation is a misdemeanor offense and may merit a referral for criminal enforcement action. MCL 169.257(4).

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State