



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

December 20, 2012

John Schwalm
1489 Lakeside Drive
Hudsonville, Michigan 49426

Dear Mr. Schwalm:

The Department of State (Department) has concluded its review of the complaint you filed against Brett Strick, 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 Mr. Strick violated section 44 of the Act when the Committee to Elect Brett Strick paid for a 12-page Voter's Guide which promoted a slate of candidates. The MCFA prohibits a candidate committee from making a "contribution to or an independent expenditure in behalf of another candidate committee." MCL 169.244(2). A knowing violation of section 44 is a misdemeanor punishable by a fine, imprisonment, or both. MCL 169.244(5).

You filed the complaint on August 7, 2012. Mr. Strick filed an answer on August 31, 2012, and you filed a rebuttal statement on September 26, 2012.

As evidence, you provided the Department a 12-page newsletter titled "Insider's Voting Guide to Georgetown Township Politics 2012 [.]". The publication contains a paid-for-by statement which includes Brett Strick's committee's name and address. One page of the publication contains a profile of Arlene Veach, candidate for township treasurer; one page contains a profile of Julie Weber, candidate for township clerk; and one page contains a profile of Jon Cade, candidate for township trustee. In addition, another page is dedicated to Mr. Cade's "thoughts about the [c]ulture and [m]anner in which the [b]oard [c]onducts the [p]ublic's [b]usiness [.]"

In his answer, Mr. Strick explained that the cost of the advertisement was \$5,649.68, which included printing and postage costs. Mr. Strick provided a receipt for the printing costs and his pre-election campaign finance statement which disclosed costs incurred by his committee for postage.

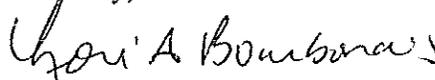
Mr. Strick further stated that he discussed the publication with the Ottawa County Clerk's office and was told that having each candidate fully reimburse Mr. Strick's committee for his or her proportionate share of the cost of the advertisement was "the best possible way" to comply with the MCFA. Mr. Strick stated that Arlene Veach and Julie Weber each paid \$474.55 (or 1/12 of the cost) and Mr. Cade paid \$949.10 (or 1/6 of the cost) towards the publication.

Additionally, the Department has reviewed each candidate's pre-election and post-election campaign finance statements for the August 2012 primary and discussed the matter via telephone with the Ottawa County Clerk's office. A review of the campaign finance statements substantiates Mr. Strick's explanation.¹

Section 44 of the Act prohibits a candidate from making "an independent expenditure in behalf of another candidate committee." MCL 169.244(2). Had the other candidates not reimbursed Mr. Strick's committee for each candidate's proportionate share of the printing and mailing of the publication, an independent expenditure would have been made. However, the evidence provided supports the determination that each candidate's committee did reimburse Mr. Strick's committee. The Department's discussion with the Ottawa County Clerk's office also supports this determination.

After reviewing the evidence submitted by the parties, the Department has concluded that Mr. Strick's committee did not make an independent expenditure in behalf of the other candidates' committees because each candidate committee paid its proportionate share of the cost of the publication. The Department finds that the evidence does not establish that there may be a reason to believe that Brett Strick violated section 44 of the MCFA, and your complaint is dismissed.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Secretary of State

c: Brett Strick

¹ The Department's discussion with the Ottawa County Clerk's office revealed that some of the money was directly reimbursed to Mr. Strick's committee and some of the cost was paid for by some of the other candidates by a direct expenditure for postage. This is reflected on the campaign finance statements filed by the candidates.