



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

June 13, 2013

Randy St. Laurent
5485 Linger Lane
Lapeer, Michigan 48446

Dear Mr. St. Laurent:

The Department of State (Department) has concluded its investigation of the complaint you filed against the Bridget Mary McCormack for Justice candidate committee, which alleged a 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.

The MCFA requires a candidate or the treasurer of a committee to file complete and accurate campaign finance statements and reports. A person who knowingly files an incomplete or inaccurate statement may be subject to a civil fine of up to \$1,000.00. MCL 169.233(10). Additionally, a candidate, treasurer, or record-keeper who "knowingly omits or underreports individual contributions or individual expenditures . . . is subject to a civil fine of not more than \$1,000.00 or the amount of the contributions and expenditures omitted or underreported, whichever is greater." MCL 169.233(11).

The MCFA also sets limits on contributions that may be made by individuals to candidates. An individual may contribute up to \$3,400.00 to a candidate for state elective office. MCL 169.252(1)(a). A candidate committee shall not accept a contribution in excess of the limitations. MCL 169.252(7). A knowing violation of section 52 of the Act is a misdemeanor offense. MCL 169.252(9).

You filed your complaint on January 16, 2013. Michael Hodge filed an answer on behalf of the committee on February 15, 2013, and you filed a rebuttal statement on March 14, 2013.

You alleged that the committee omitted in-kind contributions from "*The West Wing*" actors who appeared in a YouTube video promoting Justice McCormack's candidacy, and that the value of the actors' professional services exceeded the \$3,400.00 contribution limit for individual contributors. As evidence, you provided an article from The Detroit News discussing the video and a copy of the committee's amended post-convention campaign statement in-kind contribution schedule which discloses an in-kind expenditure of \$760.50 for "gifts to cast in West Wing web video."

In response, Mr. Hodge stated that "several actors did volunteer their personal services" for a video that "does expressly advocate the election of Justice Mary McCormack to the Supreme Court." However, Mr. Hodge asserted that these were personal volunteer services, that the actors received no compensation, and that the MCFA "expressly authorize[s] volunteer activities of this

nature without putting a value on those services.” Mr. Hodge further asserts that these volunteer services are expressly omitted from the definition of “contribution.”

The Act defines an in-kind contribution or expenditure as “a contribution or expenditure other than money.” MCL 169.209(3). However, the Act further states that “contribution” does not include “volunteer personal services provided without compensation.” MCL 169.204(3).

If the acting services provided for the YouTube video are volunteer personal services, then they fall outside of the definition of “contribution” under the MCFA, and the omission of these services from the committee’s campaign statement was proper.

You contend that the Act distinguishes between “professional” volunteer services and “personal” volunteer services. You argue that the acting services provided to make the video are “professional” services, and that the Act contemplates “personal” volunteer services to cover activities such as answering phones, handing out literature, door-to-door campaigning, and the expenses associated with these types of activities.

However, after a review of the Act, the associated Administrative Rules, Attorney General opinions, and Department declaratory rulings and interpretive statements, the Department finds no legal authority which distinguishes so-called “professional” from “personal” volunteer services in the manner you have suggested.

Additionally, the ordinary meaning of the phrase “personal services” also leads the Department to the conclusion that the actors’ time does not give rise to a contribution. Black’s Law Dictionary defines “personal service” as “[a]n act done personally by an individual.”¹ The American Heritage Dictionary defines “personal” as “of or pertaining to a particular person” and “[d]one, made, or performed in person[.]”² and it defines “professional” as “[e]ngaged in a specific activity as a source of livelihood” and “[p]erformed by persons receiving pay.”³ It appears from these collective definitions that whether an act is “personal” or “professional” does not turn on the type of work done or the skill involved, but rather on whether or not pay is involved.

Based on the above, the Department finds that the acting services provided without compensation for the YouTube video fall under “personal volunteer services” and, therefore, do not constitute an in-kind contribution. It was appropriate that the committee did not report any in-kind contribution on its campaign statements for these services. The Department further finds

¹ Black’s Law Dictionary 1180 (8th Ed. 2004).

² The American Heritage Dictionary of the English Language 978 (New College Ed. 1976).

³ *Id.* at 1045.

that these volunteer services did not cause the committee to accept contributions in excess of the contribution limits. Therefore, your complaint is dismissed.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Michael Hodge

