



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

July 31, 2013

Valentino Zavala  
2346 9<sup>th</sup>  
Wyandotte, Michigan 48192

Dear Mr. Zavala:

The Department of State (Department) has concluded its review of the complaint you filed against Stephen Breaux, 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. Breaux received contributions and spent more than \$500.00 for campaign signs, triggering an obligation to file a statement of organization for a committee and campaign finance statements.

The registration and reporting requirements of the MCFA apply to any "committee," which is defined as "a person who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question, if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4).

Under the MCFA, a committee is required to file a statement of organization within 10 days of its formation. MCL 169.224(1). The failure to timely file a statement of organization may result in the assessment of late filing fees or, in extreme circumstances, the filing of misdemeanor charges. *Id.*

Additionally, the Act requires a committee that receives or expends more than \$1,000.00 during any reporting period to file periodic campaign finance reports in compliance with the Act. MCL 169.233(6). The failure to file a single campaign statement may trigger the assessment of late filing fees, while the failure to file two or more campaign statements is a misdemeanor offense. MCL 169.233(7)-(8).

You filed your complaint on May 1, 2013, and Mr. Breaux filed a written response on May 13, 2013. You did not file a rebuttal statement with the Department.

As evidence, you provided the Department a copy of a news article from [www.wyandotte.patch.com](http://www.wyandotte.patch.com) and a printout of a Facebook page. Both reference signs stating "ANYONE BUT ZAVALA FOR CITY COUNCIL [.]". You further assert that "it was publicly

acknowledged at the April 15<sup>th</sup> City Council meeting that organizers were 'pooling' their funds in an effort to purchase campaign signage."

While you have provided addresses where you allege signs have appeared, and you allege that "[t]he 'Anyone but Zavala for City Council' campaign is a clearly organized campaign designed to influence or attempt to influence the action of voters against [your] election [,]" you have not provided any evidence which tends to support a conclusion that Mr. Breaux ordered or paid for the signs or set up the Facebook page. Nor has any evidence been provided which tends to support a conclusion that Mr. Breaux or a committee received any contributions.

In his response, Mr. Breaux stated that he has "not, ever, designed or initiated a web page, on Facebook or any other social media, in an attempt to create a campaign or committee for or against any candidate running for any political office." He also stated that he "was never aware of or involved in a committee or an official or mock campaign for or against any candidate during this past local election." He further stated that after hearing rumors regarding the signs, he asked for one to be placed in his front yard. He contends that a sign appeared in his yard within a few days of this request. No evidence has been provided to the contrary.

After reviewing the evidence submitted by the parties, the Department has concluded that there is insufficient evidence to support a determination that Mr. Breaux has violated the MCFA. Your complaint is dismissed without prejudice. You may submit a new signed complaint, along with all available evidence, if you should discover new evidence which supports a conclusion that Mr. Breaux, or a different person, received contributions or made expenditures of more than \$500.00 in relation to this campaign.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Stephen Breaux