



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

June 12, 2015

Kim Jorns  
520 Seymour Street  
Lansing, Michigan 48933

Dear Ms. Jorns:

This letter concerns the disposition of your complaint against Mark Schauer for Governor committee (respondent), which alleges that the respondent made contributions to Lisa Brown's Committee to Elect Mark Schauer (Brown committee) in violation of section 44(2) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.244(2). You alleged that the respondent made unlawful payments for a website, yard signs, and fundraiser invitations that read, "Mark Schauer | Lisa Brown for Michigan," in advance of Ms. Brown's formal nomination to the office of Lieutenant Governor at the Democratic party's nominating convention.

The MCFA generally bars one candidate committee from making "a contribution to or independent expenditure in behalf of another candidate committee [,]" subject to a small number of exceptions. *Id.* Among these exceptions are the provisions that allow a candidate committee to purchase tickets up to \$100.00 in value for another candidate committee's fundraising event and the mandate for "candidates for the office of governor and lieutenant governor of the same political party in a general election [to] be considered as one candidate." *Id.*, MCL 169.203(1).

An individual is nominated for the office of Lieutenant Governor at a party's fall state convention. MCL 168.72. A party's nominees for Governor and Lieutenant Governor are elected jointly. MCL 168.60. Accordingly, the MCFA treats a party's gubernatorial ticket as a unitary candidate "in a general election". MCL 169.203(1). Without this provision, a party's candidates for Governor and Lieutenant Governor could separately solicit and receive contributions from the same donors in a general election, obliterating the contribution limits that would ordinarily apply to the unitary candidate committee. MCL 169.269.

Although the MCFA requires a political party's gubernatorial ticket to be treated as a single candidate "in a general election," the Act does not define the phrase "in a general election" or "general election."<sup>1</sup> The Act likewise does not prevent a gubernatorial candidate from naming

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<sup>1</sup> Under the Michigan Election Law, 1954 PA 116, MCL 168.1 *et seq.*, "general election ... means the election held on the November regular election date in an even numbered year." MCL 168.2(h). Under the MCFA, the term "election" is meant to include "a primary, general, special, or millage election held in this state or a convention or caucus of a political party held in this state to nominate a candidate" and includes a recall election. MCL 169.205(2).

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his or her preferred nominee for Lieutenant Governor in the general election earlier than the fall state convention.

In this instance, the financial activity of the Brown committee consisted solely of two in-kind contributions totaling \$2,100.00 from a single contributor, and that contributor made not other direct or in-kind contributions or expenditures. In turn, that contributor's contributions to the respondent were at least \$100,000.00 less than the maximum amount it could lawfully contribute to a candidate for Governor. MCL 169.269(3). If aggregated, this contributor's contributions to the Brown committee and respondent would not have exceeded the applicable contribution limit for the unitary candidate. Thus, in this instance, the harm that MCL 169.244(2) seeks to prevent did not occur.

Given the unique circumstances described above, the Department has dismissed your complaint. No further enforcement action will be taken with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel. Malerman", written over a horizontal line.

Melissa Malerman, Election Law Specialist  
Michigan Bureau of Elections

c: Mark Brewer