



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

March 2, 2016

Christine Malzahn  
225 North Main Street  
Romeo, Michigan 48065

Dear Ms. Malzahn:

The Department of State (Department) has concluded its investigation of the complaint filed by you against Michael Lee, which alleged that Mr. Lee violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint, which was filed on October 27, 2014. Mr. Lee filed an answer on November 21, 2014 and you filed a rebuttal statement on December 19, 2014.

Your complaint alleged that Mr. Lee improperly used Village funds when he read a campaign speech at a Romeo Village Council meeting.

The MCFA prohibits a public body or an individual acting on its behalf from using or authorizing the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the nomination or election of a candidate. MCL 169.204(1), 169.206(1). A person who knowingly violates this provision may be charged with a misdemeanor offense. MCL 169.257(4).

In support of your complaint, you provided a transcript of the speech given by Mr. Lee. Additionally, the Department was able to view a video of the meeting on the WBRWTV website.

In his answer to the complaint, Mr. Lee stated that during his monthly President's report, he commented on an election forum that had been held, voiced his displeasure regarding how he was misrepresented at the forum, read a statement he had prepared, and "commented on answers made by some of the candidates at the forum [.]". Mr. Lee asserted that this was "simply an expression of [his] views as an elected public official who has policy making responsibilities [.]". He further asserted that he did not use any public funds or resources to make a contribution or expenditure. He contends that he used time at the village council meeting "to shed light on the policy issues that are and have been before the Romeo Village Council in [his] capacity as the Romeo Village President." Finally, Mr. Lee contends that his opponent was at the council meeting and could have also spoken at the meeting. No evidence has been provided to suggest any other person was denied the opportunity to speak at the meeting.

The evidence provided here is not sufficient to support a conclusion that Mr. Lee expended public funds when he made his verbal comments during the regularly scheduled public meeting

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of the village council. Further, no evidence has been provided to show that any attendee was prevented from an opportunity to speak in response. This equal opportunity to use village resources falls within the exception in MCL 169.257(1)(d).<sup>1</sup> Therefore, your complaint is dismissed.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

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<sup>1</sup> MCL 169.257(1)(d) provides that 57(1) does not apply to "The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility."