



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

March 1, 2016

Bill Colovos
12142 Dix-Toledo Road
Southgate, Michigan 49195

Dear Mr. Colovos:

The Department of State (Department) has completed its investigation of the complaint filed against you by Phillip Rauch, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on a certain mailer. This letter concerns the disposition of Mr. Rauch's complaint, which he filed on October 28, 2015. You filed an answer on November 17, 2015, and Mr. Rauch filed a rebuttal statement on December 11, 2015.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

Mr. Rauch alleged that you failed to include your committee name and address on a mailer. In support of his complaint, Mr. Rauch provided the mailer which stated, "From the desk of COUNCILMAN BILL COLOVOS [,]" and "State of the City Update – Fall 2015."

In your response you indicated that your literature was not "a political request for votes [,]" but "an announcement informing the residents of current events and telephone numbers." Additionally, you pointed out that your name and address were "clearly listed next to [your] picture on the mailing label page."

MCL 169.47(5) provides that "a communication otherwise entirely exempted from this act under section 6(2)(j)" must contain a paid-for-by statement "if that communication references a clearly identified candidate . . . within 60 days before a general election . . . in which the candidate . . . appears on a ballot and is targeted to the relevant electorate where the candidate . . . appears on the ballot by means of . . . mass mailing [,]"¹ While the Department believes that the mailer is exempted from the Act under section 6(2)(j), your name appeared as a candidate for city council on the November 3, 2015 City of Southgate ballot, and it appears to the Department that the identification requirement contained in section 47(5) applies.

¹ "Mass mailing" includes a mailing by United States mail "of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period."

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As you noted in your answer, your name and address appear next to your picture on the mailing label page. Additionally, under your picture, it states, "Paid for by Bill Colovos." While the Mich Admin Rule 169.36(2) requires an identification statement to "include the words 'Paid for by,' *followed by* the full name of the person or committee paying for the material and the person's or committee's street number or post office box, city or town, state, and zip code" (emphasis added), the Department notes that all of the required information was on the mailer in the upper right hand corner of the mailing label page.

The Department believes that the evidence provided supports a conclusion that your mailer contained an imperfect identification statement, and Mr. Rauch's complaint is dismissed. However, the Department reminds you that you must include a complete identification statement that consists of the words "Paid for by" *followed by* your or your committee's name and address on all of your campaign material. The Department now considers this matter closed.

Sincerely,

A handwritten signature in black ink that reads "Lori A Bourbonais". The signature is written in a cursive style with a large initial 'L'.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Phillip Rauch