



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

January 7, 2016

D. Howard Sherman  
2200 Mayer Road  
Columbus, Michigan 48063

Dear Mr. Sherman:

The Department of State (Department) has completed its investigation of the complaint filed by you against Pat Iseler, which alleged Ms. Iseler violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of your complaint.

You filed your complaint on August 10, 2015. Ms. Iseler filed an answer on September 15, 2015, and you filed a rebuttal statement on October 6, 2015.

The Department first notes that the complaint process you have invoked may only be used to resolve allegations of a violation of the MCFA. See MCL 169.215(5) (“[a] person may file with the secretary of state a complaint that alleges a violation of *this act* [.]”) and MCL 169.215(10) (the secretary of state may “refer the matter to the attorney general for the enforcement of a criminal penalty provided by *this act*.”) (Emphasis added). The Department further notes that the allegations contained in the complaint regarding absent voter applications, ballots, and lists are governed by a different statute (the Michigan Election Law, 1954 PA 116, MCL 168.1 et seq.) and were addressed by this office in 2013, when those allegations were first brought to the Department’s attention. At that time Ms. Iseler was counseled by this office as to proper procedures and her duties under the Michigan Election Law. The Department was satisfied with Ms. Iseler’s response at that time, and it considers the matter regarding those issues closed.

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, or the qualification, passage, or defeat of a ballot question. 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).

Your complaint alleged that Ms. Iseler improperly used public funds by “campaigning while at the township office and by using the phone or telling residents who to vote for, while at the township offices.”

In support of your complaint, you provided letters from 4 previous township employees. Three of the letters were dated in July or August of 2013, and one was undated. Ms. Barbara Spencer, the former township treasurer, stated in her letter that Ms. Iseler "would suggest who [a person] should vote for when asked and never supported a school millage [.]". Ms. Spencer did not specify when or where Ms. Iseler allegedly made these suggestions. Mr. Hilgendorf, the former township building inspector and zoning administrator, stated in his letter that he has "heard Pat advise people how and whom to vote for [.]". and that she "advised people to vote 'no' on all school elections for the Richmond Schools millage requests for the past 10 years." Mr. Hilgendorf stated that he had personally heard the conversations in the township hall at the front counter or on the township phone. The other two letters filed by you did not address any allegation that would give rise to a violation of the MCFA.

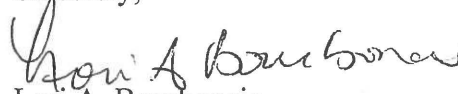
In her answer, Ms. Iseler asserted that she "never used the office of the Township Clerk for campaigning for any candidate [.]". that she has not "used the township telephone system to tell anyone 'who to vote for' [.]". that she has "never advised or told people how to vote in any election [.]". and that she knows "that type of activity is against the law." Additionally, Ms. Iseler provided portions of the minutes from the June 11, 2013 and July 9, 2013 township board meetings. These minutes indicate that Mr. Hilgendorf gave his two-week notice of resignation at the June meeting.

The MCFA expressly prohibits a township clerk from advocating for or against a candidate or ballot question while on township time and while using township resources. Here, the only evidence provided to refute Ms. Iseler's denial that she engaged in this type of activity, is a 2-year-old letter signed by a former employee who omitted important details from his statement such as dates and times of alleged conversations and the names of voters who participated in the alleged conversations with the clerk. In his letter, the employee contends that he witnessed the alleged illegal behavior for 10 years, but did not attempt to file a complaint regarding the alleged behavior until now.

When evaluating a section 57 complaint, the type of evidence that would be sufficient to overcome a denial would include evidence such as an affidavit from a voter who was instructed how to vote or a complete listing of dates and times when specific activity occurred. The evidence you provided here, regrettably, does not include this essential information.

Based on the above, the Department finds that the evidence is insufficient to find a reason to believe that a violation has occurred. Because the evidence does not support a conclusion that Ms. Iseler used or authorized the use of township funds to make a contribution or expenditure, your complaint is dismissed.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Pat Iseler