



# Michigan Department of State Campaign Finance and Financial Disclosure Complaint Form

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA), the Candidate for Office Financial Disclosure Act, or the Public Officers Financial Disclosure Act (financial disclosure acts). Electronic submission of the form to [BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov) is strongly recommended. For instructions on how to complete this form, see the Campaign Finance and Financial Disclosure Complaint Guidebook document. All spaces are required unless otherwise indicated.

## Section 1. Complainant

Your name		Daytime telephone number
Judy Daubenmier		734-612-7137
Mailing address		
4490 Lakeshore Court		
City	State	Zip
Brighton	MI	48116
Email (recommended)		
jdaubenm@gmail.com		

## Section 2. Alleged Violator (Respondent)

Name		
Jay Drick		
Mailing address		
505 W. Caledonia St.		
City	State	Zip
Howell	MI	48843
Email (recommended)		
jdrick@ilvgov.com		
Committee ID (optional)		

Please include email addresses to expedite processing time and mitigate mail delays.

## Section 3. Allegations (use additional sheets if more space is needed)

I allege a violation of the following:

- ☒ MCFA
- ☐ Public officer disclosure
- ☐ Candidate disclosure

Identify the section(s) of the MCFA or relevant financial disclosure act section(s) alleged to be violated and explain how the section(s) were violated:

See Attached

Evidence included with the submission of the complaint that supports the allegations:

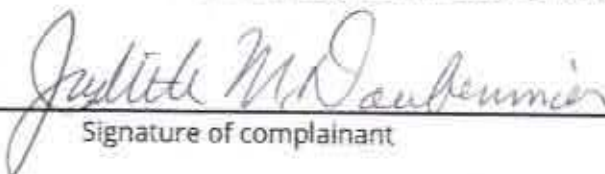
Evidence of the violation:

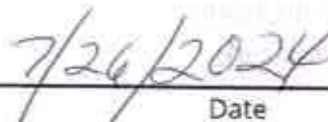
The meeting was recorded on Zoom and published on youtube.com and is available on youtube.com at <https://www.youtube.com/watch?v=0VIm2ULRH7g>.

Jay Drick' s comments in the first call to the public run from 100:51 to 103:28 and his comments during the second call to the public run from 1:24:19 to 1:26:47.

#### Section 4. Certification (required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

  
Signature of complainant

  
Date

## Section 5. Certification without Evidence *(supplemental to Section 4)*

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may make the following certification:

*I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:*

---

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000 and some, or all, of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint. MCL 169.215(16).

The financial disclosure acts prohibit a person from filing a complaint with a false certification. MCL 169.313(7); MCL 15.713(7).

## Section 6. Submission

Once completed, submit the complaint form with your evidence to [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov). Alternatively, you may mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building – 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918





Jay Drick, chair of the Livingston County Commission, violated Sec. 57 (f) of the Michigan Campaign Finance Act on July 22 when he campaigned for re-election while presiding over an official meeting of the county commission.

Appendix I of the Michigan Campaign Finance Manual, titled "Use of Public Facilities, Funds, etc. Prohibited," includes the following paragraph:

**"Can a public official campaign while on publicly paid time?** No. At no time can a public official campaign when being paid to work. A public official must use personal time or accrued leave time to campaign during working hours."

Jay Drick is chair of the Livingston County Commission and as such he is a public official whose salary is paid for by the taxpayers of Livingston County. He is being challenged in the Republican primary by Heather Williams, the wife of former county commissioner Steve Williams.

The county commission meeting began at 6 p.m. on July 22 with Drick conducting the meeting as chair. During the call to the public, Steve Williams spoke and criticized the county commission for breaking its own rules, taking credit for balancing its budget when it is required by law to do so, and for campaigning while on the job.

After all members of the public had spoken, Drick spoke and rebutted allegations that have been made against him during the campaign. He did so while remaining in his seat as chair of the county commission and while receiving his salary as a county commission chair.

After the commission conducted its business, Steve Williams again criticized the board, saying, "You're using public property to advance somebody's career and holding employees hostage ... forcing them to attend a political rally." (County employees who are department heads are required to attend commission meetings in case the commissioners have questions about board agenda items.)

Again, Drick responded while remaining in his board chair. He criticized Heather Williams for having lived in the county only four years and lacking the expertise needed to serve on the commission. He said filings in federal bankruptcy court showed she had \$358,000 in unsecured debts that she failed to repay. "That's 358,000 reasons not to let her anywhere near our county budget or borrowing," he said.

The statements Drick made while conducting a public meeting as chair constitute campaigning as they amount to a rebuttal of complaints raised by his opponent in campaign mailings and elsewhere, as well as laying out his own experience and qualifications. That is the essence of campaigning.

Drick did not state that he was taking personal time to make these statements. He did not step down from his commission seat and go to the Call to the Public table to make his remarks, as another commissioner, Doug Helzerman, did earlier. He remained in his position as board chair. By doing so, he lent the color of official information to his remarks against his opponent and used public facilities.

This constitutes a violation of the Michigan Campaign Finance Act. As an attorney, Jay Drick should be familiar with the act's requirements.



The maximum penalty is up to a \$1,000 fine and up to a year in jail or both. Drick should face a sizeable penalty. Not only should he be familiar with the law as an attorney, but he is also the veteran of multiple campaigns as he stated during the meeting. In addition, his remarks were not off the cuff in the heat of the moment but premeditated and planned. He can be seen reading from a written statement, looking down and turning pages.

He intentionally violated the law and should be called to account.

#### Evidence of the violation

The meeting was recorded and published on Zoom and is available on youtube.com at <https://www.youtube.com/watch?v=0VIm2ULRH7g>

Jay Drick's comments in the first call to the public run from 100:51 to 103:28 and his comments during the second call to the public run from 1:24:19 to 1:26:47.







STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

August 1, 2024

Jay Drick  
505 W. Caledonia St.  
Howell, MI 48843

Re: *Daubenmier v. Drick*  
Campaign Finance Complaint No. 24-104

Dear Mr. Drick,

The Department of State (Department) has received a formal complaint filed against you by Judy Daubenmier. The complaint alleges that you violated the Michigan Campaign Finance Act (MCFA or ACT) by using the County Commissioner meeting to advocate for your reelection.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize 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 qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4). A public body is, however, allowed produce or disseminate factual information concerning issues relevant to the function of the public body. MCL 169.257(1)(b).

Ms. Daubenmier alleges that you advocated for your reelection and criticized your opponent during the County Commissioner meeting and that was an improper contribution.

The purpose of this letter is to inform you of the Department’s examination of these matters and of your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint are governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the investigation process is enclosed with this letter and a copy is available on the Department’s [website](https://www.michigan.gov/Elections).

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit.

All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 420 West Allegan Street, Lansing, Michigan 48918. Materials should also be sent via email to [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov) given the ongoing pandemic. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answers will be provided to Ms. Daubenmier who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all the statements and materials provided by the parties, the Department will determine whether “there may be reason to believe that a violation of [the MCFA] has occurred.” MCL 169.215(10).

Sincerely,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

Enclosure  
c: Judy Daubenmier

COHL, STOKER & TOSKEY, P.C.  
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601 NORTH CAPITOL AVENUE  
LANSING, MICHIGAN 48933  
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OF COUNSEL  
RICHARD D. McNULTY

August 13, 2024

Michigan Department of State  
Bureau of Elections  
c/o Regulatory Section  
Richard H. Austin Building, 1<sup>st</sup> Floor  
420 W. Allegan  
Lansing, MI 48918  
[BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov)

*Sent Via E-Mail*

Re: *Daubenmier v. Drick*; Michigan Campaign Finance Complaint 24-104

Dear Sir or Madam:

This office represents Livingston County Board of Commissioners Chairman Jay Drick, in his capacity as an elected public official. The allegations contained in the July 26, 2024, formal Complaint filed by Judy Daubenmier do not constitute violations of the Michigan Campaign Finance Act (MCFA), MCL 169.201 *et seq.* The allegations misinterpret Michigan law and lack legal merit. The formal complaint fails to demonstrate facts in support of the claim that Commissioner Drick provided a quantifiable contribution or expenditure of public funds in connection with his speaking at the July 22, 2024, Board of Commissioners meeting, and lacks legal merit. Further, Chairman Drick's expression of his views during public comment is protected by both the plain language of the MCFA (see MCL 169.257(1)(a)), the First Amendment to the United States Constitution, U.S. Const. Am. I, and Mich Const 1963, art. 1, §5.

**I. ANSWER TO COMPLAINT:**

Chairman Drick responds to each of the allegations contained in the formal Complaint as follows:

1. Admitted that the Livingston County Board of Commissioners meets the definition of a "Public Body" pursuant to MCL 169.211(7).
2. Admitted only to the extent that Chairman Drick is an individual who, in his position as an elected public official, may act for a public body (the Livingston County Board of Commissioners) as contemplated by the language of MCL 169.257(1), which speaks for itself.

3. Denied for the reason it is untrue. The allegation fails to accurately describe the language of MCL 169.257, which speaks for itself. Ms. Daubenmier omits critical language of the statute which provides, in pertinent part, as follows:

This subsection **does not apply** to any of the following:

(a) **The expression of views by an elected or appointed public official who has policy making responsibilities.** [*emphasis added*] MCL 169.257(1)(a)

4. Admitted only to the extent “Expenditure” is defined by the MCFA at MCL 169.206(1), which speaks for itself.
5. Denied to the extent that Chairman Drick was on his own personal time, as it was the public comment section of the meeting, and he expressed his personal views while exercising his right to address the Board as a member of the community under a clear exception to the application of MCL 169.257(1).
6. Admitted only to the extent that *Buckley v Valeo*, 424 US 1, 96 S Ct 612, 46 L Ed 2d 659 (1976)<sup>1</sup>, which was superseded by statute, contains a footnote 52 which speaks for itself.<sup>2</sup> By way of further answer, the allegation that Chairman Drick was campaigning has no bearing on the meritless claim by Ms. Daubenmier that public resources were expended by him addressing the Board of Commissioners. First, only the incidental use of public resources, if any, occurred when Chairman Drick spoke. Second, the “campaigning” of the Chairman is expressly exempt from the prohibitions of the MCFA in light of the facts in this case. The Chairman expressed views as an elected public official, and these views are exempt from the prohibitions of the MCFA.

## **II. CONCLUSION AND REQUEST FOR RELIEF:**

The Complaint against Chairman Drick is without merit. No evidence was produced to show the actions fall outside the exemption to the MCFA. MCL 169.257(1)(a). Further, no support exists for the allegation that an expenditure or contribution of public resources was made by the Board other than hosting the public meeting. Minimally, the MCFA definitions for “contribution” and “expenditure” require “anything of ascertainable monetary value” to apply (see MCL 169.204(1) and MCL

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<sup>1</sup> *Buckley v Valeo*, 424 US 1, 96 S Ct 612, 46 L Ed 2d 659 (1976) **Superseded by Statute as Stated in *McConnell v Fed. Election Comm'n*, 540 US 93, 124 S Ct 619, 157 L Ed 2d 491 (2003) Overruled by *Citizens United v Fed Election Comm'n*, 558 US 310, 130 S Ct 876, 175 L Ed 2d 753 (2010)**

<sup>2</sup> FN 52: “This construction would restrict the application of s 608(e)(1) to communications containing express words of advocacy of election or defeat, such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject.” *Buckley v Valeo*, 424 US 1, 96 S Ct 612, 46 L Ed 2d 659 (1976)

169.206(1)). Chairman Drick's act of speaking during the public comment portion of a public meeting is only the incidental use of public resources, if any. Further the Department of State has articulated the following position which has direct application to the facts at issue:

**Consistent with the First Amendment, section 57(1)(a) makes it clear that public officials are entitled to express their views on policy issues.** Indeed, public officials have an obligation to take positions on controversial political questions so that constituents are fully informed and better able to assess their qualifications for office. [See OAG, 1969-1070, No 4647, p 87 (September 29, 1969)]. **The occasional, incidental use of public resources to communicate with a constituent or media on a ballot question falls within this exemption,** as there are no resources devoted to an effort to assist or oppose the qualification, passage or defeat of that question. [*emphasis added*] *Interpretive Statement to David Murley* (Oct. 31, 2005)

The former Michigan Attorney General Frank Kelley authored OAG, 1969-1970, No 4647, p 87 (September 29, 1969) regarding freedom of speech of elected officers. Attorney General Kelley provided a summary of the fundamental protections of the First Amendment as follows:

The highest court in the land has ruled in *Wood v. Georgia*, (1962), 370 U.S. 375<sup>3</sup>], **that elected public officials, as well as private citizens, have a federally protected right to freedom of speech guaranteed by the First Amendment to the Constitution of the United States.** This freedom extended to written statements of public officials criticizing other public officials. [*emphasis added*] OAG, 1969-1970, No. 4647, p 87, at p 88 (September 29, 1969)

...

The court concluded that the utterances of the elected officials were entitled to be protected.

"The First Amendment envisions that persons be given an opportunity to inform the community of both sides of the issue under such circumstances." (p. 391) OAG, 1969-1970, No 4647, p 87, at p 88 (September 29, 1969)

...

The First Amendment to the Federal Constitution forbidding the abridgement of freedom of speech protects expressions by elected public officials on controversial subjects. **The First Amendment in a representative government has been held to protect the rights of elected officials to express their views on issues of policy with the widest latitude.** [*emphasis added*] OAG, 1969-1970, No 4647, p 87, at p 89 (September 29, 1969)

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<sup>3</sup> *Wood v Georgia*, 370 US 375, 82 S Ct 1364, 8 L. Ed. 2d 569 (1962). This case has not been overruled or superseded and remains controlling legal precedent.



Ms. Daubenmier's Complaint effectively seeks a ruling which ignores more than 50 years of judicial interpretation of the First Amendment to the United States Constitution and the plain language of the MCFA, excepting the type of communication at issue here from the prohibitions of the statute. Nothing of ascertainable monetary value was provided by Chairman Drick or the County in this case. The incidental use of public resources, if any, which occurred during the public comment period of an open meeting with a candidate expressing his views is covered by the exemption in MCL 169.257(1)(a).

For all of the foregoing reasons, Chairman Drick respectfully requests that the Department of State:

1. Find that the actions by Chairman Drick did not violate MCL 169.257(1) or any other provision of the MCFA;
2. Dismiss the July 26, 2024 Complaint filed by Ms. Daubenmier and close this investigation; and
3. Grant Chairman Drick any other relief that is justified under the circumstances.

Sincerely,

COHL, STOKER & TOSKEY, P.C.

*/s/ Mattis D. Nordfjord, Esq.*

MDN/nam

cc: Nathan Burd, Livingston County Administrator

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STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

September 4, 2024

Judy Daubenmier  
4490 Lakeshore Court  
Brighton, MI 48116

Re: *Daubenmier v. Drick*  
Campaign Finance Complaint No. 24-104

Dear Judy Daubenmier:

The Department of State received a response from Jay Drick to the complaint you filed against them alleging a violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided with this letter.

You may file a rebuttal statement after reviewing the response. If you elect to file a rebuttal statement, you are required to do so within 10 business days of the date of this letter. The rebuttal statement may be emailed to [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov) or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

Attachment  
c: Jay Drick

4490 Lakeshore Court  
Brighton, MI 48116  
Sept. 13, 2024

Michigan Department of State  
Bureau of Elections  
c/o Regulatory Section  
Richard H. Austin Building, 1st Floor  
420 W. Allegan  
Lansing, MI 48918  
BOERegulatory@michigan.gov  
Re: Daubenmier v. Drick; Michigan Campaign Finance Complaint 24-104

To Whom It May Concern:

Attached is my rebuttal statement to Jay Drick's response to my complaint regarding his improper use of public resources for campaign purposes.

Cordially,

Judy Daubenmier

I have received Commissioner Jay Drick's response to my complaint regarding his violation of Michigan Campaign Finance Law at the July 22, 2024, Livingston County Commission meeting when he spent two and a half minutes attacking the qualifications of his opponent in the Aug. 6 Republican primary and another two minutes discussing allegations against him.

Jay Drick's response, prepared by the county's taxpayer-paid attorney, claims that Department of State's past guidance states that "public officials are entitled to express their views on policy issues" and that this somehow applies to Jay Drick's attack on his political opponent during a public board meeting.

To fully rebut the claim that "policy" was the object of Jay Drick's remarks, it is useful to read the transcript of his remarks in both calls to the public.

A transcript of Jay Drick's remarks in the first call the public is here:

"The chair will now address as call to the public. I have that right to be the last person to speak. I have sat here quietly week after week listening to a litany of allegations, bogus issues about three commissioners running for re-election.

"I've looked the three challengers, and their husband and their father and their friends in the eye from this seat as they have attempted time and time to discredit our good works and I have never responded until now. And I have never responded until now.

"The county did not spend the alleged \$58,000 on an employee survey. The county spent \$19,000. That's roughly a third, and it was purposely inflammatory by the speaker. The board has not been punished by SEMCOG by receiving zero dollars for Livingston County Roads at the road commission. In fact, for 2024, they expect to receive \$11 million from SEMCOG.

"The board has not closed the courts. We've not defunded the courts. We've not starved the courts. The 2024 budget for the courts was an increase of \$1.3 million and that's the constitution talking. We cannot tell them how to spend it. They cannot tell us how much.

"For the record, I have never stolen or vandalized an opponent's political sign in my life. And I've had lots of campaigns.

"I find it incredible the woman who accused me of serving only to go to higher office is married to an ex-commissioner who actually attempted to do that, not once but twice.

"And I hear tonight that we should not take credit in our postcards for having the lowest millage rate, but I have a postcard from an ex-commissioner, that is very tall, that took credit a long time ago when he was running for commissioner also.

"That's all I have. Thank you."

There is no discussion of "policy" in these remarks. Instead, he is discussing the merits of political attacks by his opponents, the content of their campaign literature as it pertains to him, and the claim that he had stolen or vandalized an opponent's yard sign. In his introductory statement, he makes it clear that he is not discussing policy, referring instead to "a litany of allegations" and "bogus issues" about commissioners running for re-election.

The discussion of road commission funds was not a “policy” discussion, but a refutation of an allegation against the commissioners by their opponents.

Jay Drick claims that he took “personal time” when he was speaking, but it is clear he did not. He refers to himself as “chair” and that he has “that right to be the last person to speak” – a prerogative available only to the chair. In other words, he is speaking as chair in his official capacity, not as a member of the public on “personal time” exercising his First Amendment right to address the board.

He exercises the same prerogative in the second call to the public at the end of the meeting.

“The chair will exercise its option to be the last to speak.

“From my research, less than four years ago my opponent married and moved to Livingston County. After less than four years here, having never served on an elected board or as a government official, she’s now decided she has the qualifications to run our entire county. By contrast, I’ve lived in this county for more than 40 years. I’ve provided service to many different people in many different ways. I’ve worked the events. I’ve flipped the pancakes, I’ve served the spaghetti, I’ve raised the funds. I’ve been the treasurer, I’ve been the secretary, I’ve been the president, I’ve been the cleanup crew, I’ve licked the envelopes, I’ve taken attendance, I’ve signed guests in. I’ve volunteered. I’ve purchased hundreds of sponsorships. I’ve eaten thousands of rubber chickens at charity events, and I’ve bid at their auctions.

“As a county commissioner, I watch over taxpayer funds to ensure they are spent wisely and responsibly. My opponent claims this board of commissioners needs a former loan officer with experience in developing budgets, according to her latest postcard.

“My research into her finances shows extreme concern. My research shows a public record of a Detroit federal bankruptcy judge revealing that my opponent confessed under the penalty of perjury to her 100 percent failure to keep approximately 16 written promises to repay money owed. She broke all 16. The unsecured debt totaled over \$358,000. That’s 358,000 reasons not to let her anywhere near our county budget or bonds or borrowing. This is not evidence of a fiscally responsible individual.

“I promised taxpayers that I would live up to three things that my parents taught me. I spend less than we earn here. We save for a rainy day. We shun debt. I’ve kept my promise.

“Thank you.”

Not a single sentence in Jay Drick’s remarks refer to any public policy under consideration by the commission that night. How many rubber chickens he’s eaten and how many stamps he’s licked are self-aggrandizing braggadocio about his “service” at community events. The statements may be true, but they are not county business. The board agenda for that night does not include any reference to a board resolution naming Jay Drick Person of the Year or discussing his past contributions to charitable events which might conceivably transform this campaign attack into a “policy” discussion.



Jay Drick does have the right to free speech and to campaign against his opponent, but he does not have the right to do it while chairing a public meeting in a public building. He launched his campaign attack in the county board room, which was built and is maintained by taxpayers. It was broadcast on Zoom, a service paid for by taxpayers. County employees, whose salaries are paid by taxpayers, were present to take minutes. The cameras and personnel needed to monitor and post the videos are all paid for by the taxpayers. To claim that this is an incidental expense is ridiculous.

Again, Jay Drick claims that he was on “personal time” when he made the remarks. He did not step down from his seat on the dais where the chair sits when he made his remarks. Other commissioners, such as Doug Helzerman, take that step. Instead, it was clear Jay Drick was speaking as the commission chair, as a moment before he had admonished the spouse of his opponent to address only the chair. Jay Drick understood that had he stepped down and sat where members of the public sit, his back would have been to the camera. By remaining in his seat, Drick made sure that the public could see him in his official capacity as chair.

To allow conduct such as Jay Drick’s attack on his opponent during a public meeting to stand without rebuke risks turning public meetings into taxpayer-paid campaign rallies, undermining trust in government, subjecting public employees to unwanted campaign speeches and turning them into campaign props.

The Bureau has previously decided the question of whether public officials are exempt from Section 57. In *Raezler v. Cooper* dated Dec. 20, 2012, the bureau dealt with the question of whether the Oakland County prosecutor could endorse a candidate on office letterhead. The prosecutor argued she was exempt using the same “policy-making” exemption cited by Drick’s attorney. The bureau noted that the “plain language of Section 57” prohibits public bodies from using public resources to make a contribution or expenditure and that any exemptions for public officials are “narrow.” “The suggestion that Section 57 does not apply to the Prosecuting Attorney because of his or her ‘enumerable policy making responsibilities’ begs the question, if the statute does not apply to this official or his or her office, to whom does it apply?”

The same can be said regarding Jay Drick – in spades.

Furthermore, Jay Drick’s taxpayer-funded attorney maintains his use of the public meeting was not a “contribution.” Section 169.204 says a contribution is anything of “ascertainable monetary value.” Certainly, the use of the county board room, its Zoom service and youtube channel as well as the staff to maintain them has a monetary value. A political opponent who tried to duplicate that would face rental fees, personnel costs, and Zoom subscription fees. In fact, it couldn’t be duplicated.

The *Raezler v. Cooper* decision revolved around an endorsement on office letterhead. If that is a contribution, surely the use of a public meeting for two speeches attacking his opponent qualifies.

The bureau has found much shorter statements to constitute contributions. In Phillip Kwik v Nayeem Choudhury for City Council (August 18, 2023), the bureau dealt with a candidate who announced his campaign fundraiser during a public meeting of the city council.

“Use of your position on the city council to announce what may be considered a campaign fundraiser constitutes the use of public resources by a public body. While the resources used may be minimal, they are quantifiable and require reimbursement to the public body,” the bureau noted.

If the same law does not apply to Drick’s actions, it begs the question, “What does it apply to?”

The law does allow the use of public facilities if the facilities are made available to other candidates on an equal basis. It strains credulity to maintain that the county would make available the county commission board room, its employees, its camera system, its Zoom subscription, and its youtube channel to opponents. Therefore, Jay Drick’s use of a public meeting to attack his opponents and tout his own accomplishments does not fall under this exception to the use of public facilities for campaigning.

Jay Drick must be found to have violated Michigan Campaign Finance Law for having used public facilities and resources for campaign purposes.

In summary, the MERTSPlus manual

(<https://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixI>) states in “Appendix I: USE OF PUBLIC FACILITIES, FUNDS, ETC. PROHIBITED,” that:

“Section 57 of the Michigan Campaign Finance Act (MCFA) stipulates a public body or person acting for a public body **must not use or authorize the use of public funds or resources** to make a contribution or expenditure to further the nomination or election of a candidate or the qualification, passage or defeat of a ballot question. Section 57 of the MCFA does not restrict the constitutionally protected right to associate or to engage in political speech. It is intended to prevent those who control public resources from using those resources to influence the outcome of an election.

**“It is up to the people and not public bodies to decide elections.”**

Failure to sanction Jay Drick will embolden public officials in Livingston County to use public resources to influence elections in even more brazen ways from here on out.

Please leave the power to decide elections in the hands of the people by finding Jay Drick in violation of Michigan Campaign Finance laws.



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

September 27, 2024

Jay Drick  
505 W. Caledonia St.  
Howell, MI 48843

Re: *Daubenmier v. Drick*  
Campaign Finance Complaint No. 24-104

Dear Jay Drick:

The Department of State has received a rebuttal to your response regarding your alleged violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the rebuttal is provided with this letter.

At this point, the Department will commence the determination phase of the campaign finance complaint process, during which time all submitted materials will be reviewed. Within 45 business days of its receipt of the enclosed rebuttal, the Department will make a determination as to whether there may be reason to believe that a violation of the MCFA occurred. If you have any questions about this process, you may contact [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov).

Sincerely,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

Attachment  
c: Judy Daubenmier



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

December 18, 2024

Mattis D. Nordfjord  
Attorney for Jay Drick  
601 N Capitol Ave  
Lansing, MI 48933

Re: *Daubenmier v. Drick*  
Campaign Finance Complaint No. 24-104

Dear Mr. Nordfjord:

The Department of State (Department) has finished investigating the campaign finance complaint filed against your client by Judy Daubenmier alleging that your client violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that your client used the County Commissioner meeting to advocate for his reelection and simultaneously criticized the qualifications of his opponent.

You responded to the complaint. In your response, you claimed the complaint against Chairman Drick was without merit and failed to show that the comments were outside of the scope of the exemption in MCL 169.257(1)(a). Additionally, you asserted that your client has a First Amendment right that allows him to express his views on policy issues. [OAG, No. 4647 \(September 29, 1969\)](#)

Judy Daubenmier provided a rebuttal statement. In that statement, she argued that your client's conduct was not covered by the exception because no policy issues were being discussed during Mr. Drick's "public comment."

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize 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 qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The Department has independently reviewed the video of the Livingston County Board Meeting. Chairman Drick gave two different speeches during the “public comment” period while presiding over the meeting. The first speech Chairman Drick defended the boards decisions on various policy and budget decisions. The Department has determined these comments by Chairman Drick fall within the exceptions in MCL 169.257(1)(a), thus permitting your statement. Section 57(1)(a) allows for the “expression of views by an elected or appointed public official who has policy making responsibilities” and the Department finds that your actions meet this.

However, this exception is limited to expression of views relating to your role on the Livingston County Board as it pertains to policy issues impacting Livingston County. Additionally, the Department has previously issued an interpretive statement that addresses this current situation. ([\*Interpretive Statement to Steven Daunt, Aug. 17, 2000\*](#)). This statement addressed a situation where a municipal council passed a resolution relating to the endorsement of a ballot. *Id.* The Department held that “[i]t is therefore clear that at council meetings individual council members are free to discuss their opposition to or support of a ballot question that relates to ‘municipal concerns, property and government.’” *Id.*

Additionally, Attorney General Frank Kelley issued a more recent opinion regarding the issue: “I am of the opinion that, while a commission or board may expend appropriated funds to inform the public in an objective manner on issues relevant to the function of the commission or board, it may not expend public funds to urge the electorate to support or oppose a particular candidate or ballot proposal.” [\*Opinion No. 5597 \(November 28, 1979\)\*](#). These restrictions do not infringe on a public officials freedom of speech, but ensure that public resources aren’t unfairly utilized to amplify the speech of public officials over the public.

As such, Chairman Drick’s second “public comment” from his position as chairman were directed at his opponent and criticizing their qualifications for public office and were outside the scope of the exemption in MCL 169.257(1)(a).

This letter serves to notify you and your client that the Department has determined there may be reason to believe that Chairman Drick’s second public comment may have violated the Act and to notify you and your client that the Department is beginning the informal resolution process. “If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

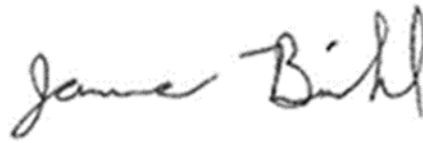
- (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
- (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation.”

MCL 169.215(11).

Please contact the undersigned at [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov) by May 2, 2025 to discuss a resolution to matter.

Sincerely,



A handwritten signature in dark ink, reading "James Biehl". The signature is written in a cursive style, with the first name "James" and the last name "Biehl" clearly legible.

James Biehl, Regulatory Attorney  
Regulatory Section  
Bureau of Elections  
Michigan Department of State

**From:** [Nathan Burd](#)  
**To:** [Biehl, James \(MDOS\)](#)  
**Subject:** Drick Reimbursement to Livingston County  
**Date:** Wednesday, April 30, 2025 4:19:04 PM  
**Attachments:** [image001.png](#)

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**CAUTION: This is an External email. Please send suspicious emails to  
[abuse@michigan.gov](mailto:abuse@michigan.gov)**

Mr. Biehl:

I am the County Administrator for the County of Livingston. At the request of Commissioner Drick, I calculated the possible reimbursement sum for purposes of conciliation arising from Commissioner Drick's two minute public comment. There were two hourly Fiscal and IT staff assigned to the BOC meetings, who in 2024, were paid \$31.81 and \$38.75 per hour, respectively. This equates to 53 (\$0.53) cents and 65 (\$0.65) cents per minute or a total of = \$2.36. In addition, utilities for the entire Administration Building in July 2024 averaged \$149 per day which equates to .10 per minute. Two minutes of utility usage for the entire building would equate to 20 cents.

This is also to confirm that Commissioner Drick has tendered this sum to the County, in compliance with the conciliation agreement, on April 30, 2025.

Thanks,

**Nathan Burd**  
**Livingston County Administrator**  
(517) 540-8800  
[nburd@livgov.com](mailto:nburd@livgov.com)  
[www.livgov.com](http://www.livgov.com)





LIVINGSTON COUNTY TREASURER  
200 E. GRAND RIVER

MISCELLANEOUS RECEIPT

Receipt Number	252488
Receipt Date	05/02/25
Receipt Time	08:31:15
Received By	DRICK JAY
Payment Method	CASH

Account Name:

TREASURER

Clerk: glockhart

CHARGE CODE	DESCRIPTION	COMMENT			AMOUNT
101RMB	REIMBURSEMENT	REIMB OF RESOURCES U			\$2.56
GL INFORMATION		ORG	OBJ	PROJ	AMOUNT
REIMBURSEMENTS		10110100	676000		\$2.56
		PAYMENT TYPE	QUANTITY	REF	AMOUNT
		CASH			\$2.56

Amount Tendered	\$2.56
Amount Applied	\$2.56
Change	\$0.00



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

May 8, 2025

Rich McNulty  
Attorney for Jay Drick  
601 N Capitol Ave  
Lansing, MI 48933

Re: *Daubenmier v. Drick*  
Campaign Finance Complaint No. 24-104

Dear Rich McNulty:

The Department of State (Department) is in receipt of your email, submitted in response to the Department's December 18, 2024 determination that there may be reason to believe that you violated the Michigan Campaign Finance Act (MCFA or Act).

In your email dated April 30, 2025, you indicated that Jay Drick would be agreeable to reimbursing Livingston County for the two minutes of the Board of Commissioners meeting where the Department determined that his speech may have been an improper use of public resources.

The Livingston County administrator emailed the Department and concluded that the cost for that portion of the meeting was \$2.56. This calculation included both staff and use of the facility. Additionally, included in the email was a receipt indicating that Jay Drick reimbursed the county. Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and considers the matter concluded. The Department will take no further action against Mr. Drick regarding the alleged violation at the board meeting on July 22, 2024. Thank you for your resolution of this matter.

Sincerely,

A handwritten signature in dark ink that reads "James Biehl".

James Biehl, Regulatory Attorney  
Regulatory Division  
Bureau of Elections  
Michigan Department of State

c: Judy Daubenmier