

Mr. David Atchison
108 West Erie St.
Albion, MI. 49224

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

18 November 2021

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2021 NOV 23 PM 3:15
ELECTIONS/GREAT SEAL

Campaign Finance Complaint ICO: **Marshall Public Schools District**

To whom it may concern:

Name & phone number of persons filing the complaint: **David H. Atchison / Ph (301) 653-8354**

Address of person filing complaint: **108 West Erie St, Albion, MI. 49224**

The alleged violator's name: **Marshall Public Schools District**

The Alleged violator's address: **100 E Green St, Marshall, MI 49068**

Description of alleged violations:

1. Section 47 (5) (a) of the MCFA was violated by Marshall Public Schools (MPS) expending public funds to publish an advertisement in the 28 October 2021 edition of the local Albion newspaper, *The Recorder*, within 60 days before the 2 November 2021 general election; whereas the advertisement failed to "bear upon it an identification that contains the address of the person paying for the matter." A copy of the advertisement is provided as substantiating documentation.
2. Section 47 (5) (a) of the MCFA was violated by Marshall Public Schools (MPS) expending public funds to have a 9.5-inch X 18.5-inch, multi-color, double sided glossy direct mailer published and mass mailed to households across the Marshall Public School District during the month of October 2021, said mass mailing occurred within 60 days before the 2 November 2021 general election; whereas the direct mailer failed to "bear upon it an identification that contains the name and address of the person paying for the matter." A copy of the direct mailer is provided as substantiating documentation.
3. Section 57 of the MCFA was violated by Marshall Public Schools (MPS) by using school district facilities, social media accounts, IT systems, employees in a paid status and other public funded resources to influence the outcome of an election by overtly advocating for passage of a school bond. Specifically, MPS expended public resources to create, produce and distribute an "MPS 2021 Bond Information Sheet" which included graphic depiction of a **General Timeline** for the 2021 MPS school bond. Phase three of six encompassed the Aug- Nov 2021 timeframe, and was annotated as: **"Yes" Campaign and Information Sharing to voters**. This information sheet was posted to – displayed on the MPS District webpage throughout the months of September and October, This information sheet was not removed from the districts' webpage by MPS until after the

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election. Further, this information sheet was distributed – made available to members of the public during multiple public MPS Bond Information Forums planned, and presented using MPS district facilities, paid employees, IT resources and reproduction resources. This information sheet, displaying the **“YES” Campaign and Information Sharing** text, served as the core material distributed by MPS as bond information. The incorporation of the message: **“Yes” Campaign** as an integral part of the MPS District bond process, clearly demonstrates MPS Districts’ intent to overtly advocate for passage of the school bond, on an ongoing basis. By specifically designating August thru November 2021 for the district’s **“Yes” Campaign**, MPS violated the fundamental principal of Section 57 of the MCFA which is intended to prevent those who control public resources from using those resources to influence the outcome of an election. Section 57 of the MCFA requires school districts maintain strict government neutrality in elections to protect the integrity of the democratic process; which MPS District failed to do.

- **Substantiating evidence provided:** The two-page MPS 2021 Bond Information Sheet PDF document can be accessed online at the following link: https://drive.google.com/file/d/1xCCgyfsSafggRsji8QahPdd3j_yRUlbB/view?usp=drive_sdk A copy of the two page PDF is included with this complaint. Additionally, witness statements substantiating that MPS District employees were actively involved in promoting the YES VOTE are included/provided.

Supporting Expert Legal Analysis:

Michigan Campaign Finance Act Do’s and Don’ts -Miller Canfield (provided):

- Campaign literature may not be displayed in school district buildings.
 - Faculty offices, lounges, school district bulletin boards, and other areas within the school district building may not be used to disseminate literature.
 - The use of any school district facilities, including emails, phones, or social media accounts, by a campaign committee for the purpose of contacting voters or promoting a yes vote is prohibited.
- *Public Finance: Election Do’s and Don’ts for School Districts* -National Law Review, Volume XI, Number 265; September 22, 2021 (provided): A school district official is prohibited from using school district resources or social media accounts to send a mass email, mass mailing or other communication that expressly advocates for a candidate or ballot proposal.

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Supporting Campaign Finance Act Rulings issued by Michigan Secretary of State:

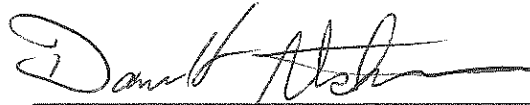
Ruling on 17 February 2006 to LaBrant, stating: *"It is imperative to maintain strict government neutrality in elections to protect the integrity of the democratic process. State and local units of government and their elected officials and their employees, share a heightened duty to safeguard public resources from misuses for political purposes."*
(Summary provided)

Ruling on 3 September 1996 to Baird, stating: *Section 57 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 does not prohibit community organizations or local governments from making the views of candidates or those supporting or opposing ballot questions available, provided that government resources are not used to influence the outcome of the elections.* (Summary provided)

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.

X



Signature of Complainant

18 Nov 2021

Date

<https://www.natlawreview.com/article/public-finance-election-do-s-and-don-ts-school-districts>
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Public Finance: Election Do's and Don'ts for School Districts

Wednesday, September 22, 2021

THE ACT

School district board members, administrators and employees are required to abide by the Michigan Campaign Finance Act. The Act prohibits the contribution of public funds or resources to a campaign for a candidate or ballot proposal while permitting the dissemination of objective factual information and permitting employees to volunteer services or express their views on their own time. Board members and policy-making administrators (at least the superintendent) may engage in advocacy at any time as long as no district resources are used to disseminate those views.

Section 57 of the Campaign Finance Act, in relevant part, states as follows:

1. (1) A public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a)... This subsection does not apply to any of the following:
 1. The expression of views by an elected or appointed public official who has policy making responsibilities.
 2. Subject to subsection (3)*, the production or dissemination of factual information concerning issues relevant to the function of the public body.
 3. The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.
 4. 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.
5. The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event.
6. An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services. The basic rule is that school district resources may not be used to advocate for a candidate or ballot proposal.

<https://www.natlawreview.com/article/public-finance-election-do-s-and-don-ts-school-districts>
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The basic rule is that school district resources may not be used to advocate for a candidate or ballot proposal.

The following "Do's and Don'ts" cover commonly asked questions regarding compliance with the Act.

DO'S

- School district employees may engage in campaign activities that support candidates and ballot proposals on their own time (not when acting on behalf of the district as part of employment) and as long as school district funds, facilities and other resources, including district emails and social media accounts, are not used.
- Anyone may recommend individuals for appointment to a campaign committee, but the school district should not make any appointments.
- Campaign committee members and volunteers may attend school district meetings regarding the election and make public comments as members of the audience at those meetings to advocate and pass out literature.
- Information disseminated by the school district must be factual and objective. Factual and objective information may be displayed in school district buildings other than on election day where a building serves as a precinct location.
- The school district may allow a campaign committee to use its facilities, but only on the same terms as it would allow any other nonprofit or other citizens or community group to use school district facilities, and the campaign committee must reimburse the school district for any costs incurred by the school district which would not otherwise have been incurred.
- The school district may produce or disseminate debates, interviews or commentary regarding an election if it's done in the regular course of broadcasting or publications (e.g., the normal, routine publication schedule of the broadcast or publication). n The Board of Education may adopt resolutions stating a position on ballot proposals relating to school district purposes or funding.
- Members of the Board of Education and superintendent are public officials and may engage in advocacy on ballot proposals that relate to school district purposes or funding, provided that, except as described above, school district resources are not used to disseminate those views.
- The school district must maintain objectivity. Steer clear of subjective words and phrasing in informational materials including "needs," modifiers such as "essential" or "critical," or projections of consequences of passage or failure or impact of projects

DON'TS

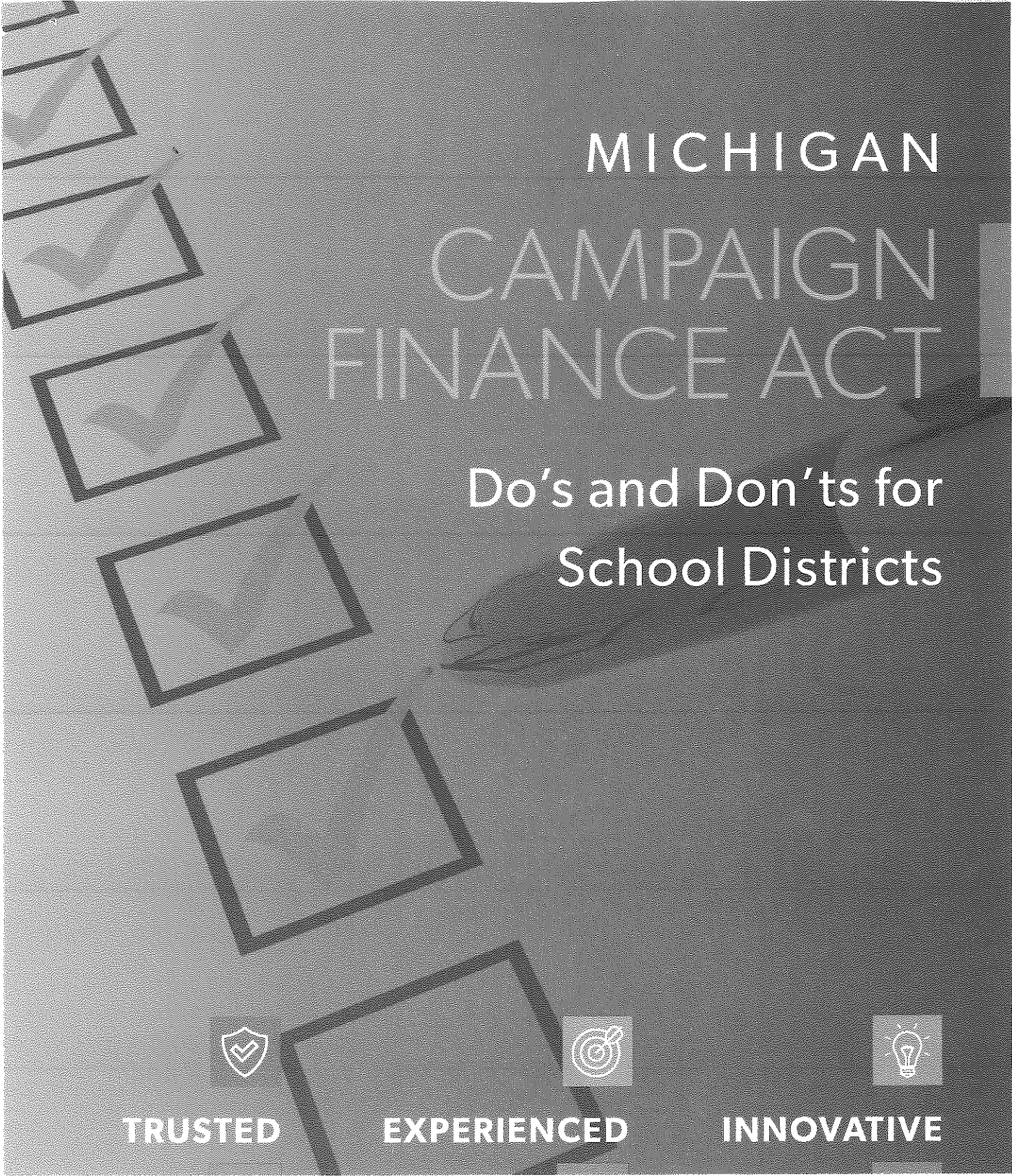
<https://www.natlawreview.com/article/public-finance-election-do-s-and-don-ts-school-districts>

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- The school district may not give or loan paper, pencils, computers, duplicating equipment, printing supplies, postage and sundry items to a campaign committee or candidate.
- The use of any school district facilities, including emails, phones, or social media accounts, by a campaign committee for the purpose of contacting voters or promoting a yes vote is prohibited.
- Faculty offices, lounges, school district bulletin boards, and other areas within the school district building may not be used to disseminate literature supporting a candidate even if printed by an outside organization, and a campaign committee may not send campaign literature home with students.
- The school district's website and social media pages and accounts may not provide Internet links to campaign sites, organizations, commentary or editorials.
- District officials and employees should not add taglines relating to the proposal or the election to their district emails. Campaign literature may not be displayed in school district buildings.
- A school district official is prohibited from using school district resources or social media accounts to send a mass email, mass mailing or other communication that expressly advocates for a candidate or ballot proposal.
- Unions and associations may not use school district resources (including mailboxes) to communicate with their members about election campaign matters.
- Do not suggest that the debt millage rate will be a fixed number. It will not. The rate will fluctuate with changes in the tax base.

IDENTIFYING INFORMATION REQUIREMENT

Information disseminated by a school district within 60 days before the general election or within 30 days before the primary election where a ballot question appears must contain certain identifying information if the communication is targeted to the relevant electorate. The identifying information included on the communication should generally be in the following form: "Paid for by ABC School District, 123 Anytown Avenue, Anytown, Michigan." The identifying information included on printed material must be in a place and in a print clearly visible and readable by an observer. Prerecorded telephone messages (robocalls) should also include the school district's telephone number.



MICHIGAN CAMPAIGN FINANCE ACT

Do's and Don'ts for School Districts



TRUSTED



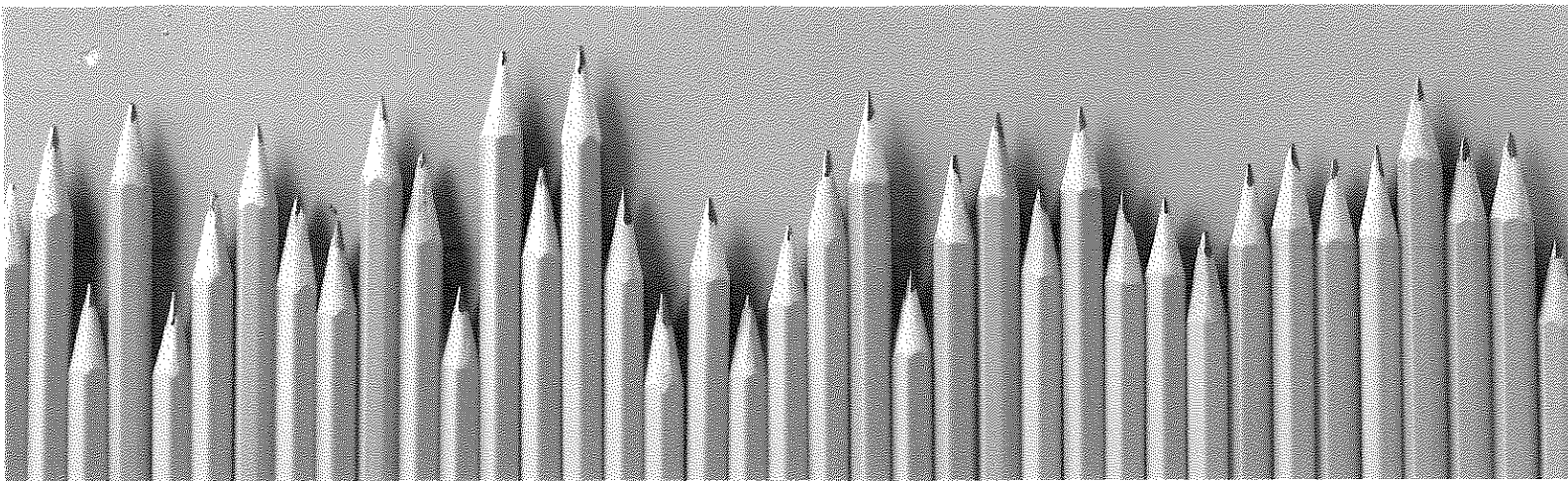
EXPERIENCED



INNOVATIVE

**MILLER
CANFIELD**

millercanfield.com



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- (a) The expression of views by an elected or appointed public official who has policy making responsibilities.*
- (b) Subject to subsection (3)*, the production or dissemination of factual information concerning issues relevant to the function of the public body.*
- (c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.*
- (d) 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.*
- (e) The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event.*
- (f) An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.*

The basic rule is that school district resources may not be used to advocate for a candidate or ballot proposal.

INFORM ☒ YES! ADVOCATE ☒ NO!

*In late 2015 the Michigan legislature passed Act 269, Public Acts of Michigan, 2015 ("Act 269"), which added Section 57(3) to the Act to put new restrictions on public bodies' ability to disseminate factual information referencing local ballot proposals within 60 days before an election. On April 28, 2016, United States District Court Judge John Corbett O'Meara issued a Consent Judgment granting a permanent injunction blocking enforcement of Section 57(3). Despite the injunction, Act 269 created a heightened awareness of the restrictions in the Act.

The following "Do's and Don'ts" cover commonly asked questions regarding compliance with the Act.

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LAWYERS SERVING SCHOOL DISTRICTS

Large firm resources with the personal service and attention of a specialized school law practice.

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Revenue Enhancement
Equipment Financing
Shared Services Agreements
Vendor Agreements
Student Conduct
Restructuring Counsel
Teacher Tenure and Evaluation
Construction-Related Agreements
FOIA/OMA/Governance
Technology
Labor Agreements
Environmental
Elections/Campaign Finance
Special Education
Employment Litigation/Grievances
School Reform/Accountability/Compliance
Pupil Accounting
Cybersecurity
Intellectual Property
Intergovernmental Agreements
Cash Flow Borrowings
Energy Conservation
Property Disposition/Real Estate
Investigations

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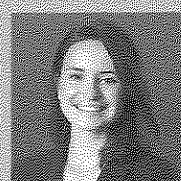
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millercanfield.com

DETROIT ANN ARBOR GRAND RAPIDS KALAMAZOO LANSING TROY

DATE	TO WHOM	TYPE OF RULING	SECTION OF LAW	SYNOPSIS/SUMMARY
2/17/2006	LaBrant	IS	55, 4, 30, 54,	A corporation is authorized to make an expenditure for administrative costs incurred in the operation of a payroll deduction plan on behalf of a labor organization's separate segregated fund (SSF), provided that the corporation receives timely, complete reimbursement for the actual amount of its expenditure. Methods for calculating corporate costs incurred in the collection of contributions for a labor union's SSF and the time limit for repayment depend on the nature of the corporation's business. A labor organization's failure to remit timely payment of the expenditure of corporate assets must result in the suspension of the payroll deduction plan. Nothing in the MCFA compels a corporation that operates a payroll deduction plan for contributions to its own SSF to offer the same opportunity to a labor organization. However, a corporation that voluntarily elects to finance the administrative expenses of a labor organization's SSF assumes an affirmative duty to comply with the MCFA by making an accurate calculation of its costs and obtaining full reimbursement of its expenses in a timely manner
9/3/1996	Baird	IS	57	Section 57 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 does not prohibit community organizations or local governments from making the views of candidates or those supporting or opposing ballot questions available, provided that government resources are not used to influence the outcome of the elections. Section 57 first became effective on March 28, 1996

Secretary of State: Michigan Campaign Finance Act Summary of Rulings

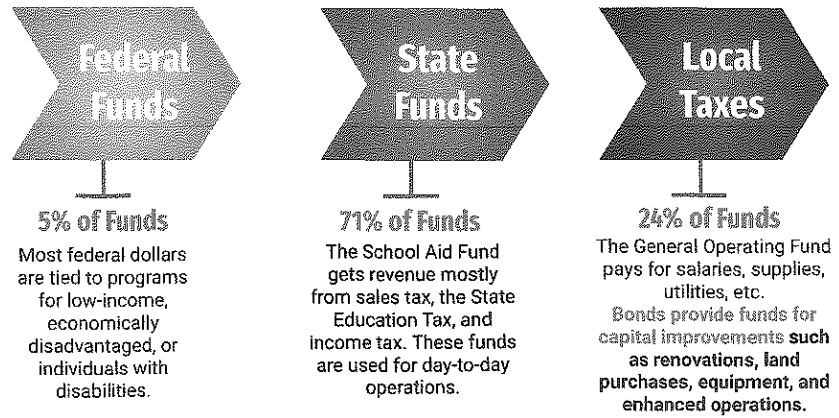
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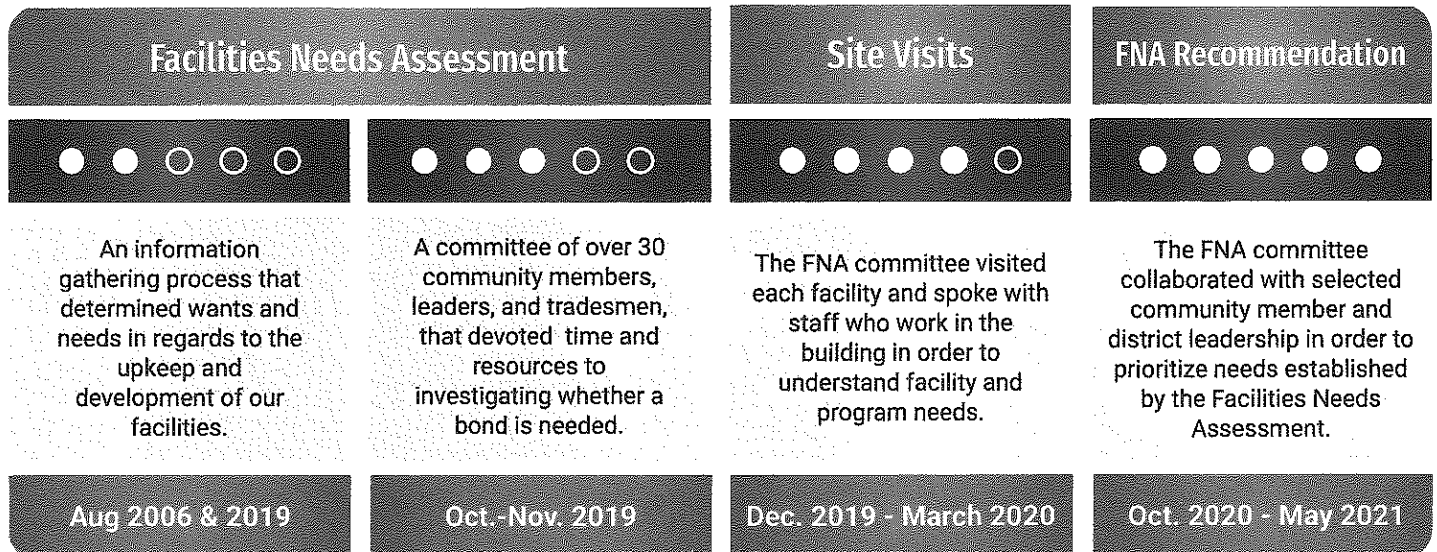
MPS 2021 Bond Info Sheet

School Finance Basics

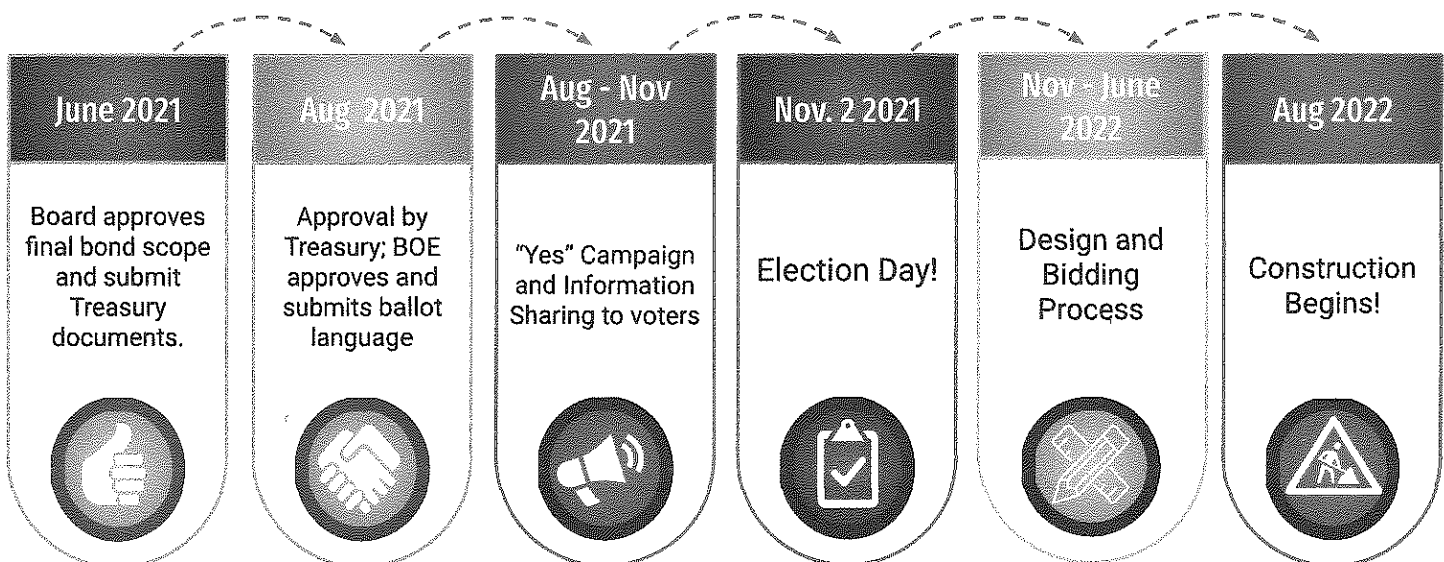
The majority of the funding for schools comes from three sources of revenue:



Multi-Year Bond Process



General Timeline



Facilities Needs Assessment Findings:

**\$55 Million
in Needs**

Auxiliary
Gym at MHS

Essential
Upgrades at
MOHS

Four
Classrooms
at Gordon

Classroom
Furniture
Districtwide

New
Soccer &
Softball
Complex

Essential
Upgrades at
MHS

New
Elementary
School
in Albion

Hughes
Learning
Spaces & Front
Office

5 year
Technology
Plan

Minor
Improvements
to Baseball
Field

Musical
Instruments
& Uniforms

Remodel
main MHS
athletic
stadium



2021 Bond Proposal

Vote November 2, 2021

New
Soccer
& Softball
Complex

New
Classroom
Furniture
Districtwide

Four
Classrooms
Added to
Gordon

Essential
Upgrades at
MOHS

Build
Auxiliary
Gym at
MHS

Air
Conditioning
at MMS &
Gordon

Essential
Upgrades at
MHS

Musical
Instruments

New
Elementary
School in
Albion

Remodel
Main Athletic
Stadium

Taxpayers in Marshall:
Zero mil increase
Extend current millage
through 2039.
Drop to 3 mil in 2041.

Taxpayers in Albion:
3.0 mil
.69 increase from last
year's millage rate.



Dave Atchison <albionsdaveatchison@gmail.com>

Bond meetings yes propaganda

5 messages

Erica Robinson <ericarobinson2365@gmail.com>
To: Dave Atchison <Albionsdaveatchison@gmail.com>

Tue, Oct 19, 2021 at 7:10 PM

I Erica Robinson am going on record. That the dates of 9/9/21 at the Bohm theater in Albion Mi 201 South Superior st 6p.m. The school board hosted an informative bond meeting to the public. I was given various flyers and paperwork. Ian who was also on site to present the bond handed me a few extra pieces I had missed. Included in this handout was a black half page cardboard rendering of the new proposed school. On the back was information about the school. This hand out also includes the VOTE yes Kids First campaign logo on both sides.

I then returned to the second bond meeting hosted at Marshall Middle School on 9/23/21 6p.m. There also placed on the table of papers for the public was more of these cardboard handouts. I even remarked I didn't think they're allowed to have vote yes stuff out at a school board sponsored meeting. Just to prove my point this wasn't one piece of literature I grabbed a small stack for my records.

I have all of these handouts in my possession.

We have never passed out vote no literature at a bond meeting.

Sincerely
Erica Robinson



20211019_185658.jpg
5687K

Dave Atchison <albionsdaveatchison@gmail.com>
To: Erica Robinson <ericarobinson2365@gmail.com>

Tue, Oct 19, 2021 at 8:20 PM

Thanks for sharing!

[Quoted text hidden]

--
Dave Atchison
(301) 653-8354

Dave Atchison <albionsdaveatchison@gmail.com>
To: Benjamin Hall <bhall@vanhewpc.com>

Tue, Oct 19, 2021 at 8:20 PM

[Quoted text hidden]

Erica Robinson <ericarobinson2365@gmail.com>
To: Dave Atchison <Albionsdaveatchison@gmail.com>

Thu, Oct 21, 2021 at 3:30 PM

[Quoted text hidden]

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10/24/21, 2:36 PM

Gmail - Bond meetings yes propaganda



5687K

Dave Atchison <albionsdaveatchison@gmail.com>
To: Erica Robinson <ericarobinson2365@gmail.com>

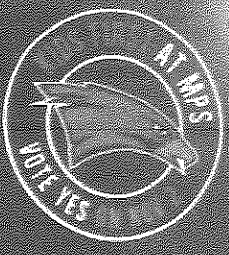
Thu, Oct 21, 2021 at 3:33 PM

Thank you nice lady!

[Quoted text hidden]

"Vote Kids First" Material was distributed at MPS even/property during District open forums on:

- 9/9/2021 @ BOHM Theater, Albion, MI
- 9/23/2021 @ Middle School Building, Marshall, MI



The Marshall Public Schools 2021 Bond includes an all-new K-5 elementary school in Albion.

We're proud of the youth in Albion. With enrollment at Harrington Elementary currently at capacity, this means that the Albion community is growing and full of potential. Passing the Marshall Public Schools 2021 Bond means that Albion children will have access to a state-of-the-art facility – the newest in the district.

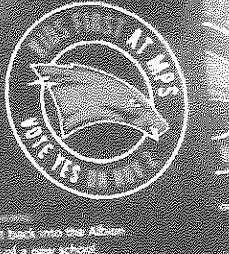
Features include:

- 56,000 square feet
- Upper and lower elementary playground equipment
- Separate bus and student drop-off zones
- General & special education classrooms
- Media center
- Art room
- Music room
- Gymnasium
- Cafeteria

Passing the 2021 bond means:

- \$16,920,000 will be put back into the Albion community in the form of a new school.
- Families of Albion will have access to a modern educational environment that's close to home.
- Albion taxpayers will experience a tax increase of 3.0 mills, whereas Marshall taxpayers will continue paying 7.05 mills.

VOTE "YES" NOVEMBER 2, 2021 | VoteKidsFirst.com



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**Marshall Public Schools
2021 Bond Information
Community Forum**

Thursday, September 9, 2021
6:00pm
Bohm Theatre - 201 S. Superior St. - Albion, MI 49224



Please Join Us!
-UPCOMING COMMUNITY FORUMS-

**Marshall Public Schools
2021 Bond Information
Community Forum Dates**

Thursday September 23, 2021 - 6:00pm
Marshall Middle School Auditorium - 100 E. Green St. - Marshall

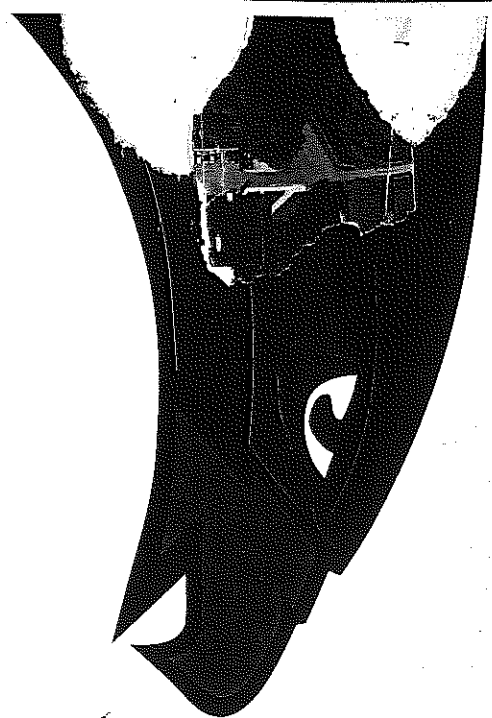
Tuesday October 5, 2021 - 6:00pm
Opportunity High School - 235 E. Walton St. - Albion

Tuesday October 12, 2021 - 6:00pm
Marshall Middle School Auditorium - 100 E. Green St. - Marshall

On Thursday September 23, 2021, I attended the bond forum meeting held at Marshall Middle School Auditorium, 100 E Green Street Marshall, MI. While in attendance, I was handed "VoteYES" material as pictured above by Rebecca Jones, Interim Superintendent for Marshall Public Schools. In this meeting, MPS Staff (Kelly Fitzpatrick, Rebecca Jones, and Ian Gilyard-Schnaitman) communicated to the audience that materials were available on the table if we wanted to pick them up as we left. On this table in the foyer outside the Auditorium at Marshall Middle School, I picked up an additional pamphlet that was not included in the materials handed in the meeting. This pamphlet had "VoteYES" printed on it, along with the address associated with the "VoteYES" Campaign.



Michele Johnson – Eckford Township, Michigan



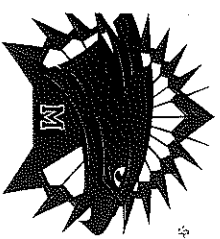
VOTE ON NOV 2ND



MARSHALL PUBLIC SCHOOLS 2021 BOND PROPOSAL

\$45,580,000 Millio

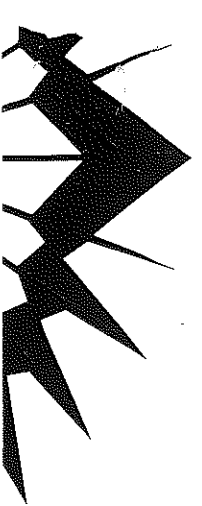
Albion taxpayers will experience a tax increase of 3 mills, whereas Marshall taxpayers will continue paying 7.05 mills.



MARSHALL
PUBLIC
SCHOOLS

100 E. Green Street
Marshall, MI 49068

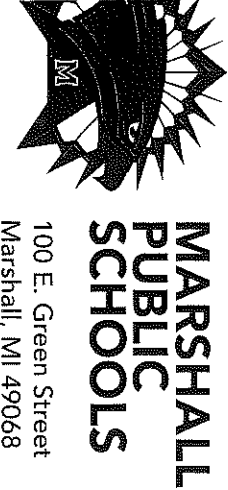
*****ECRWSSS*****
Local
Postal Customer



MARSHALL

2021 BOND PROPOSAL

Albion taxpayers will experience a tax increase of 3 mills, whereas Marshall taxpayers will continue paying 7.05 mills.



NONPRC
U.S. PK
P7
PERMIT
49

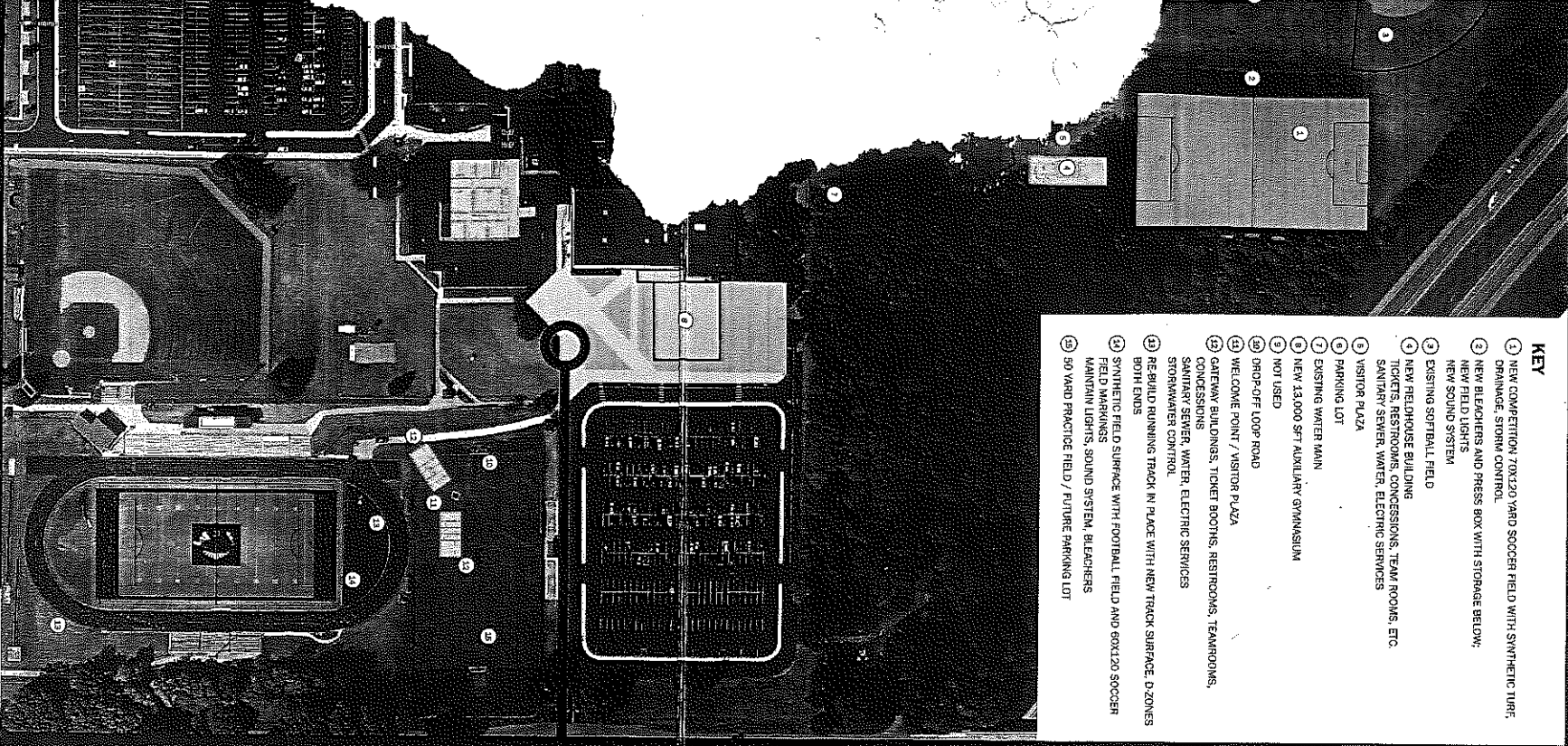
*****ECRWSS*****
Local
Postal Customer



MARSHALL PUBLIC SCHOOLS BONDING PROPOSAL

REMEMBER TO VOTE ON NOV 2ND!

REMEMBER TO VOTE ON NOVEMBER 2, 2024



- KEY**
- 1 NEW COMPETITION 70X120 YARD SOCCER FIELD WITH SYNTHETIC TURF, DRAINAGE, STORM CONTROL
 - 2 NEW BLEACHERS AND PRESS BOX WITH STORAGE BELOW, NEW FIELD LIGHTS, NEW SOUND SYSTEM
 - 3 EXISTING SOFTBALL FIELD
 - 4 NEW FIELDHOUSE BUILDING TICKETS, RESTROOMS, CONCESSIONS, TEAM ROOMS, ETC. SANITARY SEWER, WATER, ELECTRIC SERVICES
 - 5 VISITOR PLAZA
 - 6 PARKING LOT
 - 7 EXISTING WATER MAIN
 - 8 NEW 13,000 SFT AUXILIARY GYMNASIUM
 - 9 NOT USED
 - 10 DROP OFF LOOP ROAD
 - 11 WELCOME POINT / VISITOR PLAZA
 - 12 GATEWAY BUILDINGS, TICKET BOOTHS, RESTROOMS, TEAMROOMS, CONCESSIONS, SANITARY SEWER, WATER, ELECTRIC SERVICES, STORMWATER CONTROL
 - 13 RE-BUILD RUNNING TRACK IN PLACE WITH NEW TRACK SURFACE, D-ZONES BOTH ENDS
 - 14 SYNTHETIC FIELD SURFACE WITH FOOTBALL FIELD AND 60X120 SOCCER FIELD MARKINGS, SOUND SYSTEM, BLEACHERS
 - 15 50 YARD PRACTICE FIELD / FUTURE PARKING LOT

- Providing a modern educational environment for students in the Albion area
- 56,000 square feet with general and special education classrooms
- Separate bus and student drop off zones
- Upper and lower elementary playground equipment
- Media center, art room, music room, gymnasium, and cafeteria
- Construct a 4-classroom addition
- Complete adding A/C to the building
- Add water filtration system
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Replace classroom furnishings and equipment
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Upgrade mechanical and electrical systems to support A/C throughout the building
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Replace classroom furnishings and equipment
- Construct new auxiliary gymnasium
- Construct 2 gateway buildings for soccer/softball and football complexes
- Replace classroom furnishings and equipment
- Replace band instruments
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Install a new synthetic, all-weather track
- Add new turf soccer and football field
- Replace roof
- Replace classroom furnishings and equipment
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure

MILLAGE IMPACT FOR ALBION TAXPAYERS:

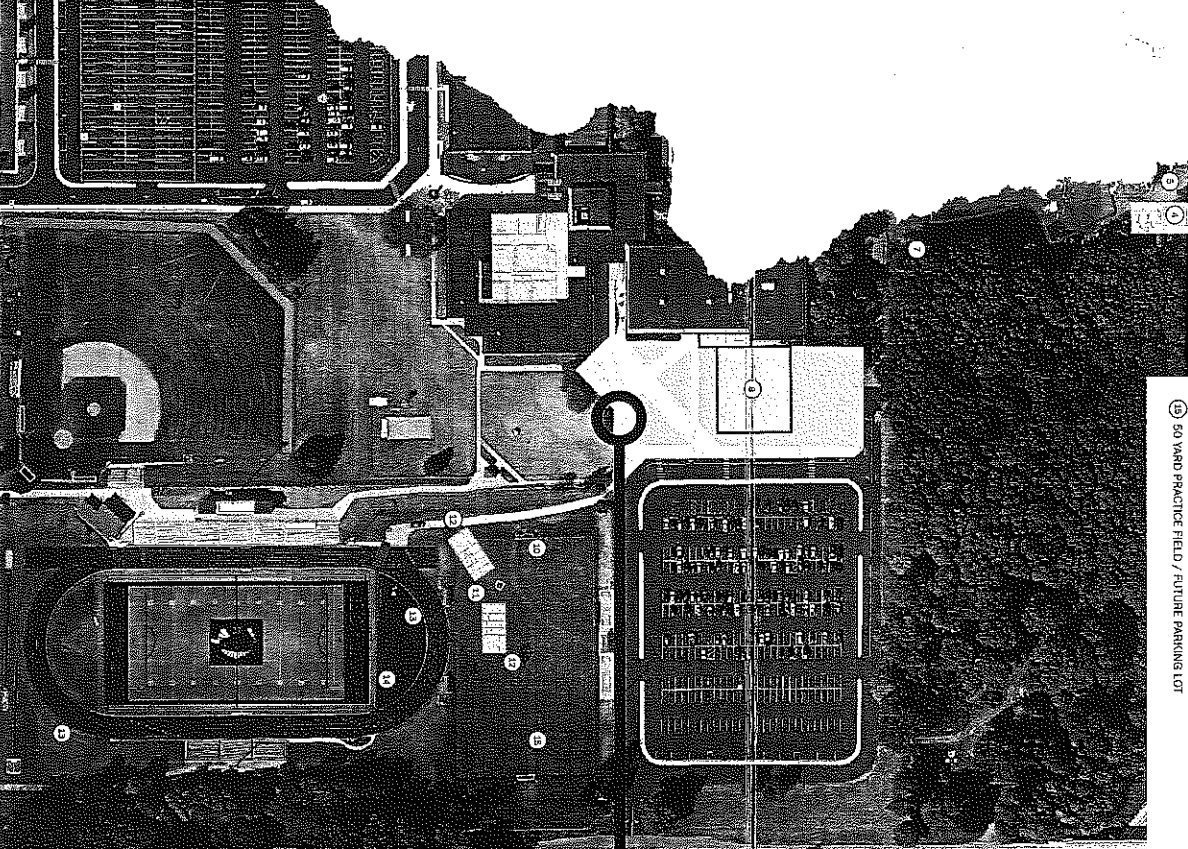
Market Value	Taxable Value	Annual Increase	Monthly Increase
\$50,000	\$25,000	\$75	\$6.25
\$75,000	\$37,500	\$112.50	\$9.38
\$100,000	\$50,000	\$150	\$12.50
\$150,000	\$75,000	\$225	\$18.75
\$200,000	\$100,000	\$300	\$25
\$250,000	\$125,000	\$375	\$31.25

Formula: Taxable Value ÷ 1000 x 3 = Annual Increase

BALLOT LANGUAGE
MARSHALL PUBLIC SCHOOLS BONDING PROPOSAL

Shall Marshall Public Schools, Calhoun and Jackson Counties, Michigan, borrow the sum of not to exceed Forty-Five Million Five Hundred Eighty Thousand Dollars (\$45,580,000) and issue its general obligation unlimited tax bonds therefor, for the purpose of:

number of years the bonds may be outstanding, exclusive of any refunding, is thirty (30) years. The estimated simple average annual millage anticipated to be required to retire this bond debt is 2.31 mills (\$2.31 on each \$1,000 of taxable valuation).



15) 50 YARD PRACTICE FIELD / FUTURE PARKING LOT

- technology infrastructure
- Replace classroom furnishings and equipment
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Replace classroom furnishings and equipment
- Upgrade mechanical and electrical systems to support A/C throughout the building
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Replace classroom furnishings and equipment
- Construct new auxiliary gymnasium
- Construct 2 gateway buildings for soccer/softball and football complexes
- Replace classroom furnishings and equipment
- Replace band instruments
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure
- Install a new synthetic, all-weather track
- Add new turf soccer and football field
- Replace roof
- Replace classroom furnishings and equipment
- Replace old student devices and instructional audio/visual equipment; upgrade supporting technology infrastructure

TAX IMPACT

VARS - ALL TAX PAYERS:
Extends existing millage for an additional 16 years, after which the millage rate begins to reduce, matching Albion's millage rate in 2039.

Market Value	Taxable Value	Annual Increase	Monthly Increase
\$50,000	\$25,000	\$75	\$6.25
\$75,000	\$37,500	\$112.50	\$9.38
\$100,000	\$50,000	\$150	\$12.50
\$150,000	\$75,000	\$225	\$18.75
\$200,000	\$100,000	\$300	\$25
\$250,000	\$125,000	\$375	\$31.25

Formula: Taxable Value ÷ 1000 × 3 = Annual Increase

BALLOT LANGUAGE
MARSHALL PUBLIC SCHOOLS BONDING PROPOSAL

Shall Marshall Public Schools, Calhoun and Jackson Counties, Michigan, borrow the sum of not to exceed Forty-Five Million Five Hundred Eighty Thousand Dollars (\$45,580,000) and issue its general obligation unlimited tax bonds therefor, for the purpose of:

erecting, furnishing, and equipping a new elementary school building; erecting additions to, and remodeling, furnishing and refurbishing, and equipping and re-equipping school buildings; acquiring and installing instructional technology and instructional technology equipment for school buildings; erecting, furnishing, and equipping athletic gateway buildings; and preparing, developing, improving, and equipping athletic fields, athletic facilities, playgrounds, play fields, and sites?

The following is for informational purposes only:

The estimated millage that will be levied for the proposed bonds in 2022, under current law, is 3.00 mills (\$3.00 on each \$1,000 of taxable valuation), for a -0- mill net increase over the prior year's levy, except with respect to the territory of the former Albion Public Schools school district, which will have a 3.00 mills net increase over the prior year's levy. The maximum

number of years the bonds may be outstanding, exclusive of any refunding, is thirty (30) years. The estimated simple average annual millage anticipated to be required to retire this bond debt is 2.31 mills (\$2.31 on each \$1,000 of taxable valuation).

The school district expects to borrow from the State School Bond Qualification and Loan Program to pay debt service on these bonds. The estimated total principal amount of that borrowing is \$11,832,295 and the estimated total interest to be paid thereon is \$6,747,021. The estimated duration of the millage levy associated with that borrowing is 16 years and the estimated computed millage rate for such levy is 7.05 mills. The estimated computed millage rate may change based on changes in certain circumstances.

The total amount of qualified bonds currently outstanding is \$37,810,000. The total amount of qualified loans currently outstanding is \$-0-.

(Pursuant to State law, expenditure of bond proceeds must be audited and the proceeds cannot be used for repair or maintenance costs, teacher, administrator or employee salaries, or other operating expenses.)



VOTE on NOV. 2nd

Marshall Taxpayers:

Extends existing millage for an additional 16 years, after which the millage rate begins to reduce, matching Albion's millage rate in 2039.

Major Projects Include:

- New K-5 Building in Albion
- Air Conditioning at Gordon & MMS
- Classroom furniture districtwide
- Instructional audio/visual equipment
- Musical instruments
- Water filtration at Gordon
- Roof at OHS
- Auxiliary gym
- Gateway building for soccer/softball
- Gateway building for football/track
- Synthetic all-weather track
- Turf football and soccer fields.

MILLAGE IMPACT FOR ALBION TAXPAYERS

Market Value	Taxable Value	Annual Increase	Monthly Increase
\$50,000	\$25,000	\$75	\$6.25
\$75,000	\$37,500	\$112.50	\$9.38
\$100,000	\$50,000	\$150	\$12.50
\$150,000	\$75,000	\$225	\$18.75
\$200,000	\$100,000	\$300	\$25
\$250,000	\$125,000	\$375	\$31.25

Formula: Taxable Value \div 1000 \times 3 = Annual Increase

For informational purposes only. Paid for by Marshall Public Schools

The Recorder

28 OCT 2021



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

February 09, 2022

Marshall Public School District
100 E. Green St.
Marshall, MI 49068

Kelly Fitzpatrick
c/o Marshall Public School District

Rebecca Jones
c/o Marshall Public School District

Shawana Gamble
c/o Marshall Public School District

Ian Gilyard-Schnaitman
c/o Marshall Public School District

Re: *Atchison v. Marshall Public School District*
Campaign Finance Complaint No. 2021-11-68-57

Atchison v. Fitzpatrick
Campaign Finance Complaint No. 2021-11-63-57

Atchison v. Jones
Campaign Finance Complaint No. 2021-11-62-57

Atchison v. Gamble
Campaign Finance Complaint No. 2021-11-61-57

Atchison v. Gilyard-Schnaitman
Campaign Finance Complaint No. 2021-11-59-57

Dear Marshall Public School District, Ms. Fitzpatrick, Ms. Jones, Ms. Gamble, and Mr. Gilyard-Schnaitman:

The Department of State (Department) has received a formal complaint filed against you by David Atchison. The complaint alleges that you violated the Michigan Campaign Finance Act (MCFA or ACT) by expressing support for and passing out literature in support of a local bond measure during two Marshall Public School District bond information meetings. The complaint also alleges that Marshall School district violated the MCFA by using public funds to create

materials supporting the bond proposal, as well as by failing to include a required “paid for by” disclosure on mailers related to the bond proposal.

In Michigan, a public body and individuals acting on behalf of that public body are forbidden from “the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services.” MCL 169.257(1). An expenditure is “a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to . . . the qualification, passage, or defeat of a ballot question.” MCL 169.206(1). A violation of the prohibition against using public funds to make an expenditure is “a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual . . . [a] fine equal to the amount of the improper contribution or expenditure.” MCL 169.257(4). Public bodies, or individuals acting on their behalf, are, however, permitted to “produc[e] or disseminat[e] factual information concerning issues relevant to the function of the public body.” MCL 169.257(1)(a).

In addition to reporting requirements, the MCFA and corresponding administrative rules also require a person who produces printed material that relates to an election 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).

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.

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, 1st Floor, 420 West Allegan Street, Lansing, Michigan 48918. Materials should also be sent via email to Elections@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 Mr. Atchison 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,

Adam Fracassi
Regulatory Manager
Bureau of Elections



Marshall Public Schools

100 E. Green Street
Marshall, Michigan 49068

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 MAR -8 PM 2:30
ELECTIONS/GREAT SEAL

March 3, 2022

Dear Mr. Fracassi:

This letter is sent on behalf of Marshall Public Schools in response to Campaign Finance Act Complaint Atchison v Marshall Public Schools, et al (No. 2021-11-68-57).

1. Regarding the distribution of "vote yes" literature by the "vote yes" ballot committee at the school board's September 9, 2021 meeting, please be aware that that meeting was held at the Bohm Theater in Albion. The Bohm Theater is not owned or controlled by Marshall Public Schools. It is privately-owned property that the school district occasionally uses to conduct school board meetings. Consequently, absolutely no public facilities or resources were involved in the "vote yes" committee's activities at the September 9 school board meeting.
2. Regarding the "vote yes" ballot committee's distribution of "vote yes" literature by at the school board's September 23, 2021 meeting: upon request from the "vote yes" committee, the school district authorized the committee to set up a table in the foyer. Committee representatives displayed and passed out "vote yes" materials from that table.

Section 57 of the MCFA allows a ballot committee to use a public facility "if any candidate or committee has an equal opportunity to use the public facility." MCL 169.57(1)(d). The committee's use of the table and space at the middle school was consistent with the school district's facilities use policy. School officials were aware that, had the "vote no" committee or a similar organization also requested to set up a table and circulate materials at the same event at the middle school, or at another event, the school district would have been obligated to allow such activities. The school district allows an equal opportunity to use its facilities to such groups and individuals. However, as of September 23, 2021, the school district had not received any such requests from a "vote no" committee or representative to use school facilities.

The "vote yes" materials that the "vote yes committee" distributed at the September 23, 2021 school board meeting, as well as the September 9 meeting, were created and produced by the "vote yes" committee, not the school district. Absolutely no school district resources were involved in creating those "vote yes" materials.

3. Regarding the allegations that the undersigned and/or any other school officials were involved in passing out "vote yes" literature at the September 9 and/or September 23 school board meetings: I did not pass out any "vote yes" literature that I am aware of at either

meeting, and I did not witness any of the other school officials named in the complaint (Kelly Fitzpatrick, Shawna Gamble, and Ian Gilyard-Schnaitman) passing out such materials.

Further, as mentioned above, the "vote yes" materials that the "vote yes committee" distributed at the school board meetings were created and produced by the "vote yes" committee, not the school district. Absolutely no school district resources were involved in creating those "vote yes" materials. The district created and handed out informational materials which the complainant may have mistaken for "vote yes" materials, however, they were non-bias, informational documents.

4. The complainant's allegation that Marshall used school district resources to create, produce and/or circulate materials to advocate in favor of its bonding proposal is supported by a single phrase in the "General Timeline" section of one document, which mentioned a "Yes' Campaign and Information Sharing to Voters." Marshall asserts that merely recognizing the fact that a "yes" campaign would be conducted (by a "vote yes" ballot committee, not by the school district) does not amount to advocacy related to the school district's bonding proposal.

Further, including an entry in a timeline that simply states "'Yes' Campaign and Information Sharing to Voters" cannot reasonably be construed as advocating for the passage of the bonding proposal. Including the words/phrase "Yes Campaign" in the timeline, by itself, cannot transform informational materials into an advocacy document.

5. Regarding the allegation that Marshall violated the MCFA by failing to include a "paid for by" disclosure on its informational materials, please be aware that the MCFA exempts such informational materials from the disclosure requirement unless the materials are published/circulated "within 60 days before a general election or 30 days before a primary election ... in which the ... ballot question appears on the ballot." MCL 169.247(5)(a). Marshall's informational materials related to a bonding proposal that was on the ballot for the November 2, 2021 election. That election was neither a "general election" nor a "primary election" under Michigan law. Consequently, pursuant to Section 47(5)(a) of the MCFA, Marshall was not required to include a "paid for by" disclosure on its informational materials related to that election.

Please do not hesitate to contact me if you have any questions or concerns regarding this matter, or if any additional information is needed.

Respectfully submitted,



Becky Jones

Interim-Superintendent
Marshall Public Schools

meeting, and I did not witness any of the other school officials named in the complaint (Kelly Fitzpatrick, Shawna Gamble, and Ian Gilyard-Schnaitman) passing out such materials.

Further, as mentioned above, the "vote yes" materials that the "vote yes committee" distributed at the school board meetings were created and produced by the "vote yes" committee, not the school district. Absolutely no school district resources were involved in creating those "vote yes" materials. The district created and handed out informational materials which the complainant may have mistaken for "vote yes" materials, however, they were non-bias, informational documents.

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Please do not hesitate to contact me if you have any questions or concerns regarding this matter, or if any additional information is needed.

Respectfully submitted,



Becky Jones
Interim-Superintendent
Marshall Public Schools



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

April 8, 2022

David Atchison
108 West Erie St.
Albion, MI 49224

Re: *Atchison v. Marshall Public School District*
Campaign Finance Complaint No. 2021-11-68-57

Atchison v. Fitzpatrick
Campaign Finance Complaint No. 2021-11-63-57

Atchison v. Jones
Campaign Finance Complaint No. 2021-11-62-57

Atchison v. Gamble
Campaign Finance Complaint No. 2021-11-61-57

Atchison v. Gilyard-Schnaitman
Campaign Finance Complaint No. 2021-11-59-57

Dear Mr. Atchison:

The Department of State received a response from Marshall Public School District et al. 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 as an enclosure with this letter.

You may file a rebuttal statement after reviewing the enclosed 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 or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jenny McInerney".

Jenny McInerney
Election Law Specialist
Bureau of Elections



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

September 12, 2022

Marshall Public School District
100 E. Green St.
Marshall, MI 49068

Kelly Fitzpatrick
c/o Marshall Public School District

Rebecca Jones
c/o Marshall Public School District

Shawana Gamble
c/o Marshall Public School District

Ian Gilyard-Schnaitman
c/o Marshall Public School District

Re: *Atchison v. Marshall Public School District*
Campaign Finance Complaint No. 2021-11-68-57

Atchison v. Fitzpatrick
Campaign Finance Complaint No. 2021-11-63-57

Atchison v. Jones
Campaign Finance Complaint No. 2021-11-62-57

Atchison v. Gamble
Campaign Finance Complaint No. 2021-11-61-57

Atchison v. Gilyard-Schnaitman
Campaign Finance Complaint No. 2021-11-59-57

Dear Marshall Public School District, Ms. Fitzpatrick, Ms. Jones, Ms. Gamble, and Mr. Gilyard-Schnaitman:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by David Atchison on November 23, 2021. The complaint alleges you violated the Michigan Campaign Finance Act (MCFA or Act) by expressing support for and passing out literature in support of a local bond measure during two Marshall Public School District bond information meetings. The complaint also alleges that Marshall School district violated the MCFA by using public funds to create materials supporting the bond proposal, as

well as by failing to include a required "paid for by" disclosure on mailers related to the bond proposal.

You responded to the complaint on March 8, 2022. In your response you indicated that the September 9, 2021 school board meeting was conducted at the Bohm Theater, which is privately-owned property, and therefore no public facilities or resources were involved in the "vote yes" committee's activities on September 9th. Additionally you indicate that the "vote yes" ballot committee distributed "vote yes" literature at the September 23, 2021 meeting at a table in the foyer; you also indicate that had a "vote no" committee requested to use school facilities in the same way, the school district would have allowed an equal opportunity to use its facilities. You also acknowledge that the "vote yes" materials were created and distributed by the "vote yes" ballot committee, and that the school district only created and circulated informational materials related to the bond proposal.

Mr. Atchison was notified of your response on April June 8, 2022, but did not provide a rebuttal.

In Michigan, a public body and individuals acting on behalf of that public body are forbidden from "the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services." MCL 169.257(1). An expenditure is "a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to ... the qualification, passage, or defeat of a ballot question." MCL 169.206(1). A violation of the prohibition against using public funds to make an expenditure is "a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual ... [a] fine equal to the amount of the improper contribution or expenditure." MCL 169.257(4). Public bodies, or individuals acting on their behalf, are, however, permitted to "produc[e] or disseminat[e] factual information concerning issues relevant to the function of the public body." MCL 169.257(1)(a).

The Department concludes that there is insufficient evidence to determine that a potential violation of the Act has occurred. Specifically, the Department finds that the MPS 2021 Bond information Sheet posted to the Marshall Public Schools website was informative and the contents did not contain express advocacy supporting the passage of a ballot question; while the information sheet noted the existence of the "Yes" campaign on a general timeline of events, a reader would not reasonably conclude that this statement is expressly advocating for the passage of the ballot question. As such, the Department dismisses the Section 57 allegations contained in the complaint.

In addition to reporting requirements, the MCFA and corresponding administrative rules also require a person who produces printed material that relates to an election 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).

The Department concludes that that there is insufficient evidence to determine that a potential violation of the Act has occurred. Specifically, the Department finds your explanation that the "vote yes" materials were created and produced by the "vote yes" committee and not the school

district credible. Additionally, no evidence was submitted showing that the informational mailing produced by the school district was targeted to the relevant electorate where the ballot question was set to appear on the ballot, as is necessary to require the “Paid for by” statement on such mailings. MCL 169.247(5)(a). As such, the Department dismisses the Section 47 allegations contained in the complaint.

Accordingly, the Department dismisses the complaint and will take no further action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with a large loop at the end.

Adam Fracassi, Regulatory Manager
Regulatory Section
Bureau of Elections
Michigan Department of State

c: David Atchison