



**Michigan Department of State
Campaign Finance Complaint Form**

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING – 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

Section 1. Complainant			
Your Name	Heather Drouin		Daytime Telephone Number 616-238-6840
Mailing Address	7762 Jonagold Dr SE		
City	Grand Rapids	State MI	Zip 49508
Email (optional)			

Section 2. Alleged Violator			
Name	Committee to Recall Governor Gretchen Whitmer Attn: Chad E. Baase		
Mailing Address	1021 Burr Oak Street		
City	Albion	State MI	Zip 49224
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: Sections 21 and 47.

Explain how those sections were violated:

See attached Complaint.

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

See attached.

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

Heather Drouin

Signature of Complainant

June 21, 2020

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:

X

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 \$1,000.00 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.

Section 6. Submission

Once completed, 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

**MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS**

Heather Drouin
7762 Jonagold Dr SE
Grand Rapids, MI 49508

Complainant,

v.

Committee to Recall Governor Gretchen Whitmer
Attention: Chad E. Baase
1021 Burr Oak Street
Albion, MI 49224

Respondent.

COMPLAINT

Complainant, Heather Drouin, declares to the Michigan Secretary of State the following:

STATEMENT OF FACTS

1. Respondent Committee to Recall Governor Gretchen Whitmer ("Recall Committee") filed its Statement of Organization as an Independent Political Action Committee ("Independent PAC") with the Michigan Secretary of State on April 10, 2020.
2. Chad E. Baase is listed as the Recall Committee's Treasurer and Designated Recordkeeper. Baase's address is also listed as the Recall Committee's street address: 1021 Burr Oak Street, Albion, MI 49224.
3. On its Statement of Organization, Baase failed to identify an Official Depository for the Recall Committee. Instead, Baase incorrectly designated an out-of-state credit card company as the Recall Committee's Official Depository: Synchrony Bank DBA PayPal, PO Box 965012, Orlando, FL 32896. *See* Exhibit 1, Statement of Organization.
4. On June 8, 2020, the Board of State Canvassers approved the Recall Committee's petition to recall Governor Gretchen Whitmer.

5. The recall petition is based on Governor Whitmer's response to the COVID-19 pandemic, which has resulted in approximately 5,792 deaths and 60,393 confirmed cases of COVID-19. Specifically, the recall petition language cites nine of Governor Whitmer's executive orders in response to COVID-19, including the stay-at-home order.

6. A website has been set up by the Recall Committee for the recall petition at www.recallgovernorwhitmer.com.

7. The Recall Committee's website contains a link to a page that sells merchandise called the "Swag Shop." The "Swag Shop" indicates that it is hosted by the "Committee to Recall Governor Gretchen Whitmer" and asks viewers to "Please help us raise funds and recall Governor Whitmer."

8. The "Swag Shop" link on the Recall Committee's website fails to contain a disclosure statement identifying the name and complete address of the person paying for the content. *See* Exhibit 2, Recall Committee Website, Swag Shop page.

9. Further, the remaining pages on the website only identify the person paying for the content without including the required complete address. *See* Exhibit 3, Recall Committee Website, front page.

APPLICABLE STATUTORY AND ADMINISTRATIVE RULE PROVISIONS

10. The Recall Committee is an Independent PAC registered with the State as required by the Michigan Campaign Finance Act ("MCFA").

11. Pursuant to the MCFA, a committee "shall have 1 account in a financial institution in this state as an official depository to deposit all contributions received by the committee in the form of or which are converted to money, checks, or other negotiable instruments and to make all expenditures." MCL 169.221(6).

12. Rule 1(d) of the administrative rules promulgated to implement the MCFA provides that "'Official depository' means a bank, savings and loan association, or credit union, chartered by the state or the United States, and located and doing business in Michigan."

13. Under the MCFA, a person who violates Section 21 is subject to a civil fine of up to \$1,000.00. MCL 169.221(13).

14. Section 47 of the MCFA provides that certain political communications or paid political advertisements must identify the person paying for the communication. Specifically, the Act requires "a billboard, placard, poster, pamphlet, or other printed matter having reference to an

election, a candidate, or a ballot question” to include “an identification that contains the name and address of the person paying for the matter.” MCL 169.247(1).

15. Rule 36(2) of the administrative rules promulgated to implement the MCFA provides that the disclosure statement must include the words “Paid for by” followed by the name and complete address of the payor.

16. A person who knowingly violates Section 47 is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both. MCL 169.247(6).

THE RECALL COMMITTEE AND MR. BAASE VIOLATED SECTION 21 OF THE MCFA

17. As stated above, the MCFA and the administrative rules promulgated to implement the MCFA require the Recall Committee and Mr. Baase to designate an official depository on the Statement of Organization when filing with the Michigan Secretary of State.

18. The official depository must be a financial institution in this State pursuant to MCL 169.221.

19. Further, the official depository must be “a bank, savings and loan association, or credit union, chartered by the state or the United States, and located and doing business in Michigan.” *See* Administrative Rule 1(d).

20. Mr. Baase designated Synchrony Bank DBA PayPal as the official depository for the Recall Committee. Synchrony Bank is a credit card company. Synchrony Bank is located in Orlando, Florida.

21. The “official depository” designated by Mr. Baase and the Recall Committee, Synchrony Bank DBA PayPal, is not a financial institution in this State as defined and required by the MCFA and the administrative rules.

THE RECALL COMMITTEE AND MR. BAASE VIOLATED SECTION 47 OF THE MCFA

22. Pursuant to the MCFA and the administrative rules promulgated to implement the MCFA, the Recall Committee must include a disclosure statement identifying the person paying for the communication and the complete address of the payor.

23. The Recall Committee’s website includes a “Swag Shop” for selling merchandise to support the recall against Governor Whitmer that fails to include a disclosure statement.

24. Further, the Recall Committee's website includes a deficient disclosure statement that only identifies the payor and not the payor's complete address.

25. Therefore, the Recall Committee's failure to provide a disclosure statement on the "Swag Shop" and a complete "Paid for by" identification throughout the website are violations of the Section 47 disclosure requirements.

CONCLUSION

Based on the foregoing, the Recall Committee and Mr. Baase are in violation of Sections 21 and 47 of the MCFA.

REQUEST OF ACTION BY THE SECRETARY OF STATE

The Complainant respectfully requests that the Secretary of State immediately investigate these violations and determine as a matter of law whether the Recall Committee and Mr. Baase have violated the MCFA and assess all appropriate penalties for such violations.

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.

Respectfully submitted,

Heather Drouin
Heather Drouin

Dated: June 21, 2020

SOS Home (<http://www.michigan.gov/sos>) Contact the Secretary of State (<http://www.michigan.gov/sos/0,3269,7-127--25634--,00.html>)



(<http://www.michigan.gov/sos/0,1607,7-127----,00.html>)

Michigan Committee Statement of Organization

The documents sent and received listing for this committee is at the bottom of the screen.

Jump to the documents on file

Committee ID#:	519594
Type of Filing:	Original
Full name of committee:	COMMITTEE TO RECALL GOVERNOR GRETCHEN WHITMER
Committee Type:	Independent PAC
Met Independent Status:	
Acronym:	
Name of Sponsor/Type:	
Segregated Fund:	No
Date Committee Was Formed:	04/10/2020
Committee Phone Number:	(517) 879-8176
Committee Mail Address:	PO BOX 8 ALBION, MI 49224
Committee Street Address:	1021 BURR OAK ST ALBION, MI 49224
Treasurer:	CHAD E BAASE 1021 BURR OAK ST ALBION, MI 49224 (517) 879-8176
Designated Record Keeper:	CHAD E BAASE 1021 BURR OAK ST ALBION, MI 49224 (517) 879-8176
Reporting Waiver	No
Names and addresses of depositories or intended depositories of committee funds	
Official Depository:	SYNCHRONY BANK DBA PAYPAL PO BOX 965012 ORLANDO, FL 32896
Secondary Depository:	
Support/Opposed:	
Ballot Proposal:	
Jurisdiction:	

Documents on File

Click on a document to access data and images for this committee.

N/A = Not applicable to this document type.

* Fee has an outstanding balance.

Statement Year	Document Type	Document Covers	Statement Due	Sent/Received	Doc Seq#
2020	APRIL QUARTERLY CS(e) (https://cfrsearch.nictusa.com/documents/494426)	04/10/2020 -- 04/20/2020	04/27/2020	05/08/2020	494426
	FAILURE TO FILE NOTICE - 2020 APRIL QUARTERLY CS - SATISFIED-494426 (https://cfrsearch.nictusa.com/documents/494284)	N/A	N/A	04/28/2020	494284
	NO REPORTING WAIVER LETTER (https://cfrsearch.nictusa.com/documents/492616)	N/A	N/A	04/15/2020	492616
	NEW INDEPENDENT PAC LETTER (https://cfrsearch.nictusa.com/documents/492615)	N/A	N/A	04/15/2020	492615
	S of O - INFORMATION(e)	N/A	N/A	04/10/2020	492605

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FOIA (<http://www.michigan.gov/sos/0,4670,7-127--357908--,00.html>)
 Transparency (<http://www.michigan.gov/openmichigan/0,4648,7-266-58520---,00.html>)
 Office of Regulatory Reinvention (<http://www.michigan.gov/lara/0,4601,7-154-35738---,00.html>)
 Forms (http://www.michigan.gov/sos/0,1607,7-127-1640_11777---,00.html)
 FAQ (<http://www.michigan.gov/sos/0,1607,7-127-12539---F,00.html>) Online Services (<https://onlineservices.michigan.gov/ExpressSOS>)
 SOS Home (<http://www.michigan.gov/sos>)
 Contact the Secretary of State (<http://www.michigan.gov//sos/0,4670,7-127--25634--,00.html>)
 State Web Sites (<http://www.michigan.gov//sos/0,1607,7-127----A,00.html>)
 Michigan.gov Home (<http://www.michigan.gov/>) Michigan News (<http://www.michigan.gov/minewswire>)
 Policies (<http://www.michigan.gov/sos/0,4670,7-127--281460--,00.html>)



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Committee to Recall Governor Gretchen Whitmer

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Please help us raise funds and recall Governor Whitmer
Albion, MI

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[Followers \(1\) \(https://www.zazzle.com/store/whitmerrecall/followers\)](https://www.zazzle.com/store/whitmerrecall/followers)

[About \(https://www.zazzle.com/store/whitmerrecall/about\)](https://www.zazzle.com/store/whitmerrecall/about)

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who design artwork

(<https://www.zazzle.com/designers>)

A few helpful links

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[Press](https://www.zazzle.com/about/press/releases) (<https://www.zazzle.com/about/press/releases>)

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[Track My Order](https://www.zazzle.com/my/orders/history) (<https://www.zazzle.com/my/orders/history>)

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(<https://play.google.com/store/apps/details?id=com.zazzle>)

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Swag Shop

About

File Downloads ▾

Videos

Signing Locations

Important Dates

Volunteer/Contact

Collecting signatures and helping the

Committee

528

DOWNLOADED FILES

Total Files Downloaded

9,380

VISITORS

People visiting this site

51,794

RECALL GOVERNOR WHITMER



We the people do not need to riot and destroy. Our direct action and speaking truth to power will be this successful campaign.

— CTRGGW

SIGNATURES COLLECTED

Circulating begins July 1st, 2020

Petition Approved

On Monday, June 8, the Board of State Canvassers unanimously approved the recall petition.

CHECK YOUR VOTER REGISTRATION

REGISTER TO VOTE ONLINE!



About The Recalls

REASONS FOR RECALLING

Governor Gretchen Whitmer

- For signing Executive Order 2020-04, Declaration of State of Emergency, on March 10, 2020
- For signing Executive Order 2020-17, Temporary restrictions on non-essential medical and dental procedures, on March 20, 2020
- For signing Executive Order 2020-21, Temporary requirement to suspend activities that are not necessary to sustain or protect life, on March 23, 2020
- For signing Executive Order 2020-32, Temporary restrictions on non-essential veterinary services, on March 30, 2020
- For signing Executive Order 2020-33, Expanded emergency and disaster declaration, on April 1, 2020
- For signing Executive Order 2020-42, Temporary requirement to suspend activities that are not necessary to sustain or protect life - Rescission of Executive Order 2020-21, on April 9, 2020
- For signing Executive Order 2020-67, Declaration of state of emergency under the Emergency Powers of the Governor Act, 1945 PA 302, on April 30, 2020
- For Signing Executive Order 2020-68, Declaration of states of emergency and disaster under the Emergency Management Act, 1976 PA 390, on April 30, 2020
- For signing Executive Order 2020-92, Temporary requirement to suspend certain activities that are not necessary to sustain or protect life - Rescission of Executive Orders 2020-77 and 2020-90, on May 18, 2020

Important Documents

PETITIONS AND EXECUTIVE ORDERS


ALL

PETITIONS

EXECUTIVE ORDERS

TRAINING

RECALL PETITION




Gretchen Whitmer
Governor

RECALL INFO




Board of State Canvassers
Clarity/Factual Hearing Instructions

RECALL NOTICE




Board of State Canvassers
Acknowledges receipt of the recall petitions submitted on May 26, 2020 against Governor Gretchen Whitmer and Attorney General Dana Nessel

EXECUTIVE ORDER




No. 2020-4
Declaration of state of emergency

EXECUTIVE ORDER




No. 2020-17
Temporary restrictions on non-essential medical and dental procedures

EXECUTIVE ORDER




No. 2020-21
Temporary requirement to suspend activities that are not necessary to sustain or protect life

EXECUTIVE ORDER




No. 2020-33
Expanded emergency and disaster declaration

EXECUTIVE ORDER




No. 2020-42
Temporary requirement to suspend activities that are not necessary to sustain or protect life

EXECUTIVE ORDER




No. 2020-67
Declaration of state of emergency under the Emergency Powers of the Governor Act, 1945 PA 302

EXECUTIVE ORDER



No. 2020-68
Declaration of state of emergency and disaster under the Emergency Management Act, 1976 PA 390

EXECUTIVE ORDER



No. 2020-92
Temporary requirement to suspend certain activities that are not necessary to sustain or protect life
Rescission of Executive Orders 2020-77 and 2020-90


VIDEO RESOURCES

ALL

MEDIA

TRAINING

Committee to Recall Governor Gretchen Whitmer...



CTRGW - June 13, 2020 Update / General Info

Important Dates

TIMELINE

MAY 26, 2020



Whitmer Is Running Scared

Actions speak louder than words and Whitmer just said a lot. She is trying to divide Michigan, calling people wanting her recalled partisans.

JUNE 8, 2020

Petition Review Approved

Board of State Canvassers has granted a review of submitted Committee petitions.

JULY 1, 2020

Canvassing Begins

Drive up canvassing locations will be opened. People can fill out their form from this website and either drive them to a canvassing location or send the signatures via mail.

JULY 4, 2020

Petition Distribution and Signing

Capital Lawn, Lansing, MI. Saturday, July 4 9:00 AM - 9:00 PM, [details in f](#)

AUGUST 30, 2020

Canvassing Ends

Canvassing will end and there will no longer be drive up locations.

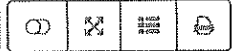
TBD, 2020

Special Recall Election

Get out and VOTE!

Signing Locations

CLICK FOR MAP AND DRIVING DIRECTIONS



Map Link	Location	City	Details
	The Capital Lawn	Lansing	9AM - 9PM July 4th
	The Mid-Michigan Trump Republicans Office and Store	Saginaw	9:30AM - 6PM Monday - Saturday, July 1st - August 30th

Showing 1 to 2 of 2 rows

Contact Form

FILL OUT OUR CONTACT FORM

Reason for Contact

- Volunteer
- Press
- Other

Company or Organization (optional)

Name

Email

Phone

Address

City

State

Zip Code

Comments (if volunteering, include skills/resources)

I'm not a robot reCAPTCHA
Privacy - Terms

Submit

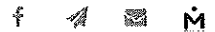


PAID FOR BY THE COMMITTEE TO RECALL GOVERNOR GRETCHEN
WHITMER

The Committee to Recall Governro Gretchen Whitmer is a 501(c)(4) Political Action Committee. The purpose of the Committee To Recall Governor Gretchen Whitmer is to stand together and make our voices heard in Lansing, and make an example of the Governor by standing up for our constitutional rights and the rights of all Americans. We are here to support our veterans who fought for our Freedom.

**Contributions to the Committee To Recall Governor Gretchen Whitmer
are not tax-deductible.**

Contact Us



Donate



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SOS, Disclosure

From: Abby Rubley <arubley@michigandems.com>
Sent: Monday, June 22, 2020 11:44 AM
To: SOS, Disclosure
Subject: Campaign Finance Complaint
Attachments: Complaint 6.22.20.pdf

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Please find attached:

- Complaint against Committee to Recall Gretchen Whitmer, Attn: Chad E. Baase
- All supporting documentation is included in the attached .pdf - entitled "Complaint 6.22.20"

Please let me know if you have any questions.

Best,

--

Abby Rubley
Director of Communications
Michigan Democratic Party
517.420.6777
arubley@michigandems.com



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

July 14, 2020

Committee to Recall Governor Gretchen Whitmer
c/o Chad Baase
1021 Burr Oak Street
Albion, MI 49224

Re: *Drouin v. Cmt. To Recall Governor Gretchen Whitmer*
Campaign Finance Complaint
No. 2020-06-42-21

Dear Mr. Baase:

The Department of State (Department) received a formal complaint filed by Heather Drouin against you alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

There are two allegations in the complaint. The first allegation is that your committee has failed to identify an official depository. The second allegation is that your committee is selling merchandise expressly advocating for the recall of Governor Gretchen Whitmer which fails to contain a proper paid for by statement.

In Michigan, committees must be established within 10 days of their formation by filing a statement of organization with the Department. MCL 169.221. As part of the formation, the committee is required to establish an account with a financial institution. *Id.* Violation of this section is punishable by a civil fine up to \$1,000. *Id.*

The MCFA and corresponding administrative rules 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 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 is 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. Due to the ongoing public health emergency, the Department asks that all materials be submitted by mail at the address listed below or by email to Elections@Michigan.gov to my attention. 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 answer will be provided to Ms. Drouin, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of 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). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(6) of the Act.

If you have any questions concerning this matter, you may contact me via email.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State
PO Box 20126
Lansing, MI 48901

c: Heather Drouin



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

May 26, 2021

SECOND NOTICE

Committee to Recall Governor Gretchen Whitmer
c/o Chad Baase
1021 Burr Oak Street
Albion, MI 49224

Via Certified mail

Re: *Drouin v. Cmt. To Recall Governor Gretchen Whitmer*
Campaign Finance Complaint
No. 2020-06-42-21

Dear Mr. Baase:

By correspondence dated July 14, 2020, the Department of State (Department) advised you of its intention to investigate a complaint filed against you by Heather Drouin concerning alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. A copy of the Department's notice is enclosed with this letter.

The notice informed you that, pursuant to section 15(5) of the MCFA, MCL 169.215(5), the Department is reviewing whether you failed to comply with the requirements of the Act. The Committee was provided an opportunity to respond to these allegations within 15 business days of your receipt of the notice, but to date no response has been filed on your behalf.

By this letter, the Department is providing you a final opportunity to submit a written response to the enclosed notice. Your response may include any documentary evidence you wish to submit and must be received by the Department on or before **June 18, 2021**. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918.

Committee to Recall Governor Gretchen Whitmer

May 26, 2021

Page 2

Failure to submit a written response to this second notice will leave the Department no alternative but to make its determination based solely on the documentation furnished by Ms. Drouin.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with the first name "Adam" and last name "Fracassi" clearly distinguishable.

Adam Fracassi
Bureau of Elections
Michigan Department of State



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

June 30, 2022

Committee to Recall Gretchen Whitmer
c/o Chad Baase
1020 Burr Oak St.
Albion, MI 49224

Re: *Drouin v. Committee to Recall Gretchen Whitmer*
Campaign Finance Complaint No. 2020-06-42-21.

Dear Mr. Basse:

The Department of State (Department) has finished investigating the campaign finance complaint filed against the Committee to Recall Gretchen Whitmer (Recall Committee) by Heather Drouin alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint contains two allegations. First, the complaint alleges that the Recall Committee improperly used an out-of-state official depository. Second, the complaint alleges that the Recall Committee did not include required "paid for by" statements on the "Swag Shop" operated by the Recall Committee, and that the Recall Committee did not include a complete "paid for by" statement on the Recall Committee's website (Website).

The Department sent you two notices of this complaint. The second notice, dated May 26, 2021, was sent by certified mail and delivered on June 1, 2021. Despite these notices, you did not provide a response to the complaint against the Recall Committee. Your lack of response forces the Department to issue a determination based solely on the material included in the complaint.

In Michigan, all committees regulated by the MCFA must designate "a financial institution in [Michigan]" as the committee's official depository. MCL 169.221(6). A person who violates that requirement is subject to a civil fine of not more than \$1,000. MCL 169.221(13).

Additionally, the MCFA and corresponding administrative rules 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).

Committee to Recall Governor Gretchen Whitmer
c/o Chad Baase
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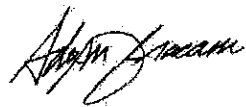
The Department has reviewed the evidence submitted in this matter and finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA. In particular, the official depository listed on the Statement of Organization for the Recall Committee is Synchrony Bank DBA PayPal, which the Statement of Organization states is headquartered in Florida, not Michigan. This is a violation of MCL 169.221. Additionally, the evidence submitted documenting the "Swag Shop" tends to show that the "Swag Shop" did not include any of the required "Paid For By" statements.¹ Likewise, the evidence submitted documenting the Website tends to show that the "Paid For By" statement included on the Website did not include the address of the Recall Committee.

After reaching this conclusion, the Act requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods" if it finds that "there may be reason to believe that a violation . . . has occurred [.]” MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation.” *Id.*

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and is hereby advising you that the Recall Committee must designate a financial institution within Michigan as the Recall Committee’s official depository. A failure to make this designation may subject the Recall Committee to a civil penalty.

Likewise, the Department is likewise advising you that MCL 169.247(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

Sincerely,



Adam Fracassi, Regulatory Manager
Bureau of Elections

c: Heather Drouin

¹ It is possible that the details of the "Swag Shop" site, which appears to be a subsite of a larger company that allows individuals and organizations to set up personalized stores, may remove the requirement of a "paid for by" statement. Because the Recall Committee did not provide a response to the complaint in this case and the Department has no access to the information necessary to address the details of the "Swag Shop" site, the Department does not consider the argument.

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c/o Chad Baase
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