

Michigan Campaign Finance Complaint

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MICHIGAN DEPT OF STATE
2022 JUN 28 AM 9:37
ELECTIONS/GREAT SEAL

Section 1. Complainant

Name: Matthew Ross Schonert

Daytime Telephone Number: +1 (231) 250-9931

Mailing Address: 22050 Boulder Ave, Eastpointe, MI 48021

Email: mrschonert@gmail.com

Section 2. Alleged Violator

Name: Theresa Fougne

Mailing Address: 3836 BRISTOL CT, CLARKSTON, MI 48348

Email: theresa@electtheresafougne.com

Section 3. Allegations

Sections of MCFA alleged to be violated:

169.247

Explain how those sections were violated:

1. Theresa Fougne is a candidate for Michigan Senate.
2. The website <https://www.electtheresafougne.com> does not include an identifier whatsoever. (There is no "paid for by" statement.)
3. The candidate's committee name and address are not included on the site.

Committee Name: FRIENDS OF THERESA FOUGNE (ID: 520673)

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

A printout of the website's homepage is enclosed. The website appears to consist of a single page.

Two screenshots are also provided below, with one showing the top part of the web page and the other showing the bottom part.

All materials were retrieved via web on June 18, 2022.

Top part

Theresa Fougne for MI State Senate

Theresa Fougne

FOR MICHIGAN STATE SENATE DISTRICT 24

INCLUDING: ADDISON, ALMONT, ATLAS, BRUCE, BRANDON, DRYDEN, GOODRICH, GROVELAND, HADLEY, HOLLY, LEONARD, MACOMB, METAMORA, OAKLAND, ORION, ORTONVILLE, OXFORD, RAY, SHELBY, WASHINGTON
(District map [here](#))

My name is Theresa Fougne, and I am running for Michigan State Senate in the new Michigan 24th Senate District, which includes the areas of ADDISON, ALMONT, ATLAS, BRUCE, BRANDON, DRYDEN, GOODRICH, GROVELAND, HADLEY, HOLLY, LEONARD, MACOMB, METAMORA, OAKLAND, ORION, ORTONVILLE, OXFORD, RAY, SHELBY, WASHINGTON (see district map).

As a resident of Michigan my whole life, I really care about the direction that our State Legislature is headed. In November 2016, I decided I could no longer be casual about what was going on in our government. As someone who had always been a vocal political participant, I decided there was a need to put a lot more energy into advocating for the changes that I wanted to see. I have spent the last 6



Bottom part

Theresa Fougne for MI State Senate

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Make a Donation
with **ActBlue**

Please contact me with questions or if you would like to volunteer.
Email: theressa@electtheresafougne.com
Phone/Text: (248) 238-8335
www.facebook.com/ElectTheresaFougne



"The temptation is powerful to close our eyes and wail for the worst to pass, but history tells us that for freedom to survive, it must be defended and that if lies are to stop, they must be exposed."

— Madeleine Albright

Section 4. Certification

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 Mr. R. S. J. 06/18/2022
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:

Not applicable.
~~_____~~
~~_____~~
~~_____~~
~~_____~~

X _____
Signature of Complainant Date

Section 6. Submission

This complaint is hereby submitted to:

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

Lansing, Michigan 48918

Theresa Fougne for MI State Senate

Theresa Fougne

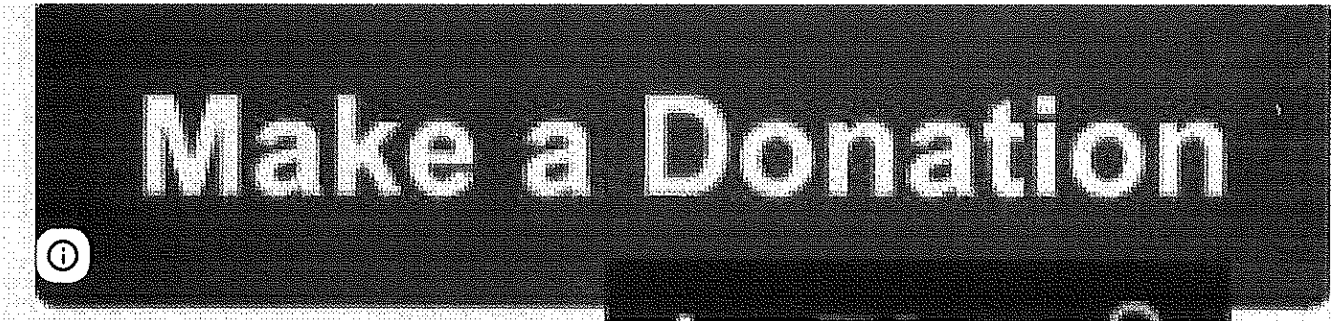
FOR MICHIGAN STATE SENATE DISTRICT 24

INCLUDING: ADDISON, ALMONT, ATLAS, BRUCE, BRANDON, DRYDEN, GOODRICH,
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Please contact me with questions or if you would like to volunteer.

Email: theresa@electtheresafougne.com

Phone/Text: (248) 238-8335

www.facebook.com/ElectTheresaFougne

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— Madeleine Albright



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

July 29, 2022

Via Email at Theresa@electtheresafougnie.com

Ms. Theresa Fougnie
3836 Bristol Ct.
Clarkston, MI 48348

Re: *Schonert v. Fougnie*
Campaign Finance Complaint No. 2022-06-35-247

Dear Ms. Fougnie:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include campaign identifiers on your website; a copy of the complaint is enclosed.

The MCFA and corresponding administrative rules require a person who produces printed or electronic 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).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether the materials fall within the ambit of the MCFA. Because the materials explicitly advocate for the election or defeat of a candidate, or for the passage or defeat of a ballot proposal, the materials contain express advocacy as defined by the Act. MCL 169.206(2)(j). As explained above, such materials must contain a "paid for by" statement listing the name and address of the committee purchasing the materials. However, the evidence shows that the materials at issue here omit part or all of that required statement. That absence supports the conclusion that a potential violation of the MCFA has occurred.

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 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 or electronic 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. If this information has been included in your materials and you wish to rebut the Department's conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

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,

Regulatory Section
Bureau of Elections
Michigan Department of State

Attachment

c: Mr. Matthew Ross Schonert – Via Email at mrschonert@gmail.com