



Northwest Michigan Lawyers Committee

E-mail NWML@aclumich.org

www.aclumich.org

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2022 NOV 15 PM 2:29

FILED WITH/GREAT SEAL

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

Re: Michael R. Buell, Superintendent of Grand Traverse Area Catholic Schools

Dear sir or madam:

Enclosed for your consideration please find a Campaign Finance Complaint Form relating to the above referenced matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael C. Naughton", written over a horizontal line.

Michael C. Naughton
ACLU Northwest Michigan
Attorneys Committee

Telephone: (231) 421-8441
mike@thenorthcoastlegal.com

Respectfully,

cc: The Lawyers Committee for the ACLU in Northern Michigan



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

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2022 NOV 15 PM 2: 29

NOTARY GREAT SEAL

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 Michael Naughton, Chairperson ACLU Northwest Michigan Lawyers Committee		Daytime Telephone Number 231.421.8441
Mailing Address 800 Cottageview Drive, Suite 1088		
City Traverse City	State MI	Zip 49684
Email (optional) Mike@thenorthcoastlegal.com		

Section 2. Alleged Violator		
Name Michael R. Buell, Superintendent, Grand Traverse Area Catholic Schools		
Mailing Address 123 E. Eleventh Street		
City Traverse City	State MI	Zip 49684
Email (optional) Mrbuell@gtacs.org		

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

Section(s) of the MCFA alleged to be violated: MCL 169.247

Explain how those sections were violated:

The alleged violator failed to include an identification statement of the person or entity paying for the communication which expressly advocates for the defeat of Proposal 3 by sending the attached letter on September 28, 2022 to the "parents and friends of the Grand Traverse Area Catholic Schools."

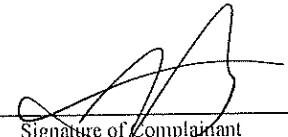
Evidence included with the submission of the complaint that supports the allegations:

Please 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



Signature of Complainant

November 4, 2022

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



September 28, 2022

Dear parents and friends of the Grand Traverse Area Catholic Schools,

Fall is off to a fast start at our wonderful schools. As the weather turns cooler, we are reminded of the natural cadence of the school year. God has blessed me richly in my return to school this fall. The mere presence of our faculty, staff, and students brings me immense joy. There is nothing quite as sweet as having a group of second graders flash their beautiful big smiles, whether missing 1,2,3, or 4 teeth...I love it! The children's ability to communicate joy, holiness, and childlike innocence can give us great hope for their futures.

Mindful of that innocence and our responsibility to protect God's children of all ages, we continually strive to seek and know God's will amidst ever-escalating challenges to His teachings. It can be difficult for all of us to find clarity amongst all the noise surrounding hot-button issues of our times. One area in which it is NOT difficult to have clarity is Proposal 3, the proposed amendment to our State constitution.

The contemptible nature of Proposal 3 has implored me to write this letter of appeal to your good sense as a Christian parent and not as a partisan citizen. Proposal 3 is categorically wrong regardless of any party affiliation.

The Catholic Church, by Her very nature, is a non-political institution whose beliefs and teaching are rooted in biblical Truths and the teachings of Jesus Christ. However, some of the Church's most ardently held beliefs have become political tools in elections past and present. During my past 27 years as a Catholic school leader, I have worked hard to avoid intertwining the two. Unfortunately, **Michigan's Proposal 3 attacks two primary teachings of the Church: 1) the dignity of the human person and their right to life, and 2) a parent's right to consent to the care of their own children.**

The reasons for defeating Proposal 3 are countless. The specific language of this proposal is meant to hide, minimize, and decrease the offensive nature of its true purpose. Many of the negative outcomes of this proposal do not show themselves in the ballot proposal language. The passage of Proposal 3 would negate many laws that are currently in place in the state of Michigan. In the negation of those laws comes the brutality of Proposal 3.

In short, the passage of Proposal 3 would:

- Legalize abortion at any time, for any reason, up to 9 months into pregnancy.
- Allow abortions to be performed by non-physicians.
- Allow minors to obtain abortions without their parent's knowledge or consent.
- Protect abortion providers from penalties for killing or injuring a woman during an abortion.
- Revoke state law that requires abortion facilities to be licensed and inspected.
- Require taxpayers to pay for abortions.

This proposal is not written based on "protecting the mother." Conversely, this proposal is written in a way that allows for less regard for the life of the mother and/or the child. The only protection that this

proposal serves is to protect the right to access on-demand abortions. This proposal is designed to prevent parents and families from having knowledge or giving consent to their child's medical decisions.

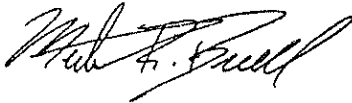
It is unfathomable that the State of Michigan, which requires written parental consent for a minor to take part in youth sports or receive an ear piercing, would allow a young mother to have a medical procedure, such as an abortion, to be done without the consent of parents. It is a glaring and illogical double standard.

A critical component of Catholic teachings is found in the family. Family is the core structure God gave parents to pass His immeasurable love onto all members. Families are at the very core of the communal foundation of the Catholic Church. Parents are made to serve as the primary educators and caretakers of their children until they can do so for themselves. Neither government nor its agencies can love a child, and therefore, can never make decisions about what serves the best interest of an individual child. Those decisions need to be made by a child's parents, as God called them to do.

Many of you who have had children attending GTACS for many years may recognize that this communication is different than anything I have sent in the past. This message has a more forward tone because I believe that Proposal 3 is the most potentially damaging issue brought to Michigan voters in my lifetime. I ask you to vote for the protection of life from conception to natural death, and for the protection of your rights, as parents, to act in your child/children's best interest.

Join with others throughout the State in praying for the defeat of Proposal 3.

Sincerely yours in Christ,



Michael R. Buell
Superintendent
Grand Traverse Area Catholic Schools
123 E. Eleventh Street
Traverse City, MI 49684
(231) 946-8100
mrbuell@gtacs.org



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

December 1, 2022

Michael R. Buell, Superintendent
Grand Traverse Area Catholic Schools
123 E. Eleventh Street
Traverse City, MI 49684

Re: *Naughton v. Buell*
Campaign Finance Complaint No. 2022 – 11 – 198 – 47

Dear Mr. Buell:

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 an identification statement on the letter you sent to parents and friends of Grand Traverse Area Catholic Schools, urging them to oppose Proposal 3. A copy of the letter was included with the complaint; a copy of the complaint is enclosed.

In the letter, you write that “[t]he reasons for defeating Proposal 3 are countless” and then describe the “offensive nature of its true purpose[.]” and the “negative outcomes of this proposal[.]” The letter goes on to advocate for the defeat of Proposal 3 and you close by asking recipients to “[j]oin with others throughout the State in praying for the defeat of Proposal 3.” (emphasis in original)

Under the Act, express advocacy is advocacy that “in express terms advocate[s] the election or defeat of a clearly identified candidate.” MCL 169.206(2)(j). The narrow definition is intended “to restrict the application of this act to communications containing express words of advocacy of election or defeat, such as ‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for governor,’ ‘vote against,’ ‘defeat,’ or ‘reject.’” *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). If the printed matter is an independent expenditure that is not authorized in writing, it must also contain the following disclaimer: “Not authorized by any [ballot question committee.]”¹ A knowing violation

¹ The MCFA requires this for disclaimer for candidate committees, but the Michigan administrative rules specify that printed material “having reference to an election, a candidate, or a ballot question shall bear the identification or disclaimer, or both, provided in section 47 of the act[.]” R 169.36(1) (emphasis added)

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 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

c: Michael Naughton