

# Michigan Campaign Finance Complaint

## Section 1. Complainant

**Name:** Matthew R. Schonert

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

**Mailing Address:** 22050 Boulder Avenue, Eastpointe, Michigan 48021

**Email:** mrschonert@gmail.com

## Section 2. Alleged Violator

**Name:** Martha G. Scott

**Mailing Address:** 75 Rhode Island, Highland Park, Michigan 48203

**Email:** scottdistrict3@gmail.com

## Section 3. Allegations

### Sections of MCFA alleged to be violated:

MCL 169.247(1)

### Explain how those sections were violated:

1. Martha G. Scott is a 2022 candidate for Wayne County Commission.
2. A newspaper ad promoting Scott's campaign appeared on page 5 of the July 29, 2022, edition of the *Hamtramck Review*.
3. The ad did not include the address of the committee that paid for it.
4. The omission of the address constitutes a violation of MCL 169.247(1).
5. Furthermore, the following facts suggest that Scott knowingly violated MCL 169.247(1):
  - a. A previous ad by the committee *did* include a committee address. (See evidence section for a screenshot of page 1 of the August 3, 2012, edition of the *Hamtramck Review*.)
  - b. Scott is a former member of the Michigan House. During the legislature's regular session of 1996, House Bill No. 5765 was enacted, which amended Section 47 of the MCFA. Scott was a state representative during that session and co-sponsored that same bill. Scott's sponsorship of this bill suggests that she had knowledge of its provisions.

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

Below is screenshot of the ad which appeared in the PDF version of the *Hamtramck Review* July 29, 2022, issue, which I retrieved from [http://www.thehamtramckreview.com/wp-content/uploads/2022/07/HR-7\\_29\\_USE-2.pdf](http://www.thehamtramckreview.com/wp-content/uploads/2022/07/HR-7_29_USE-2.pdf) on August 1, 2022.

**WE SUPPORT  
Martha G. Scott  
for Wayne County Commissioner**

**"I fully support Commissioner Martha G. Scott. She always put the interests of her constituents first and always fights hard to bring financial resources to the communities of Hamtramck, Highland Park, and Detroit."**  
-Wayne County Executive,  
Warren C. Evans

**"Commissioner Martha G. Scott has always been a strong advocate for Senior Citizens and property/homeowners in Wayne County. No one works harder to get things done in Hamtramck, Highland Park and Detroit than Commissioner Scott."**  
-Wayne County Treasurer,  
Eric Sabree

**"I love working side-by-side with my colleague Commissioner Martha G. Scott. She works tirelessly to help those in need."**  
-Commissioner Al Haldous,  
District #11

**"Commissioner Martha G. Scott is a true Public Servant that puts the interests of people first! It is my honor to provide my full support for her re-election"**  
-Commissioner Sam Baydoun,  
District #13

**"Commissioner Martha G. Scott is always there when we need her!"**  
-Assad Turfe,  
Chief of Staff  
Wayne County Executive Office

**Note Tuesday, August 2<sup>ND</sup>**

Paid for by the Committee to Re-Elect Martha G. Scott

Below is a scan of a printed copy of the *Hamtramck Review* July 29, 2022, issue, which I retrieved in Hamtramck on July 31.



# WE SUPPORT Martha G. Scott

*for* **Wayne County Commissioner**



**"I fully support Commissioner Martha G. Scott. She always put the interests of her constituents first and always fights hard to bring financial resources to the communities of Hamtramck, Highland Park, and Detroit."**

**-Wayne County Executive, Warren C. Evans**



**"Commissioner Martha G. Scott has always been a strong advocate for Senior Citizens and property/homeowners in Wayne County. No one works harder to get things done in Hamtramck, Highland Park and Detroit than Commissioner Scott."**

**-Wayne County Treasurer, Eric Sabreo**



**"I love working side-by-side with my colleague Commissioner Martha G. Scott. She works tirelessly to help those in need."**

**-Commissioner Al Haidous, District #11**



**"Commissioner Martha G. Scott is a true Public Servant that puts the interests of people first! It is my honor to provide my full support for her re-election"**

**-Commissioner Sam Baydoun, District #13**

**Note Tuesday, August 2<sup>ND</sup>**



**"Commissioner Martha G. Scott is always there when we need her!"**

**-Assad Turfe, Chief of Staff, Wayne County Executive Office**

Paid for by the Committee to Re-Elect Martha G. Scott

## Evidence to support a knowing violation

Below is a screenshot of a digital archive copy of the August 3, 2012, edition of the *Hamtramck Review*. The ad appearing on page 1 of this edition did contain an address. The address given was 75 Rhode Island St, Highland Park, MI 48203. Document retrieved from <http://www.thehamtramckreview.com/wp-content/uploads/2009/05/HR-8-3-USE.pdf> on August 10, 2022.



*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

Act No. 225  
Public Acts of 1996  
Approved by the Governor  
May 29, 1996  
Filed with the Secretary of State  
May 30, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Rep. Fitzgerald

Reps. Alley, Bankes, Bodem, Brackenridge, Bush, Byl, Ciaramitaro, Clack, Dalman, DeHart, DeMars, Gagliardi, Gilmer, Gire, Gnodtke, Goschka, Green, Hammerstrom, Harder, Hill, Horton, Jersevic, Johnson, Kaza, Kelly, Kukuk, Law, McBryde, McManus, McNutt, Middleton, Olshove, Palanara, Parks, Profit, Prusi, Rocca, Ryan, Scott, Tesanovich, Varga, Vaughn, Weeks, Wetters and Yokich named co-sponsors

## **ENROLLED HOUSE BILL No. 5765**

AN ACT to amend section 47 of Act No. 388 of the Public Acts of 1976, entitled as amended "An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," being section 169.247 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 47 of Act No. 388 of the Public Acts of 1976, being section 169.247 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 47. (1) Except as otherwise provided in this subsection, a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it the name and address of the person paying for the matter. Except as otherwise provided in this subsection, if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the federal communications commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer: "Authorized by ....."

(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) A person who knowingly violates this section 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.

Section 2. If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable.

This act is ordered to take immediate effect.

-----  
Clerk of the House of Representatives.

-----  
Secretary of the Senate.

Approved -----

-----  
Governor.





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

October 21, 2022

Martha Scott  
75 Rhode Island  
Highland Park, MI 48203

Re: *Schonert v. Scott*  
Campaign Finance Complaint No. 2022 - 10 - 163 – 47

Dear Ms. Scott:

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 an advertisement in the Hamtramck Review. Photos are included with the complaint; a copy of the complaint is enclosed.

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).

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



Martha Scott

Page 2

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 at the address below or [BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov) 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

Enclosure  
c: Matthew Schonert