



Michigan Department of State Campaign Finance Complaint Form

This complaint form may be used to file a complaint alleging that someone violated the [Michigan Campaign Finance Act](#) (MCFA). Electronic submission of the form to BOERegulatory@Michigan.gov is strongly recommended. 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		Daytime telephone number
Mark Brewer		248-483-5000
Mailing address		
17000 W. 10 Mile Road		
City	State	Zip
Southfield	MI	48075
Email (recommended)		
mbrewer@goodmanacker.com		

Section 2. Alleged Violator (Respondent)

Name		
See Attached List		
Mailing address		
City	State	Zip
Email (recommended)		
Committee ID (optional)		

Please include email addresses to expedite processing time and mitigate mail delays.

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

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

MCL 169.203(4); MCL 169.205(2); MCL 169.211(2); MCL 169.224(1); MCL 169.233; MCL 169.247(1)

Explain how these sections were violated:

This complaint alleges both that there was a failure to form a committee for the raising and spending of funds in support of the recall against State Representative Noah Arbit, and that there was a failure to place an identification on the recall petitions. For details, see the attached.

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.



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:

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 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, submit the complaint form with your evidence to BOERegulatory@Michigan.gov. Alternatively, you may 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

Section 2. Alleged Violators (Respondents)

This complaint alleges both that there was a failure to form a committee for the raising and spending of funds in support of the recall against State Representative Noah Arbit, and that there was a failure to place an identification on the recall petitions. These organizations and individuals are jointly and severally liable for those violations.

1. **Lakes Area Tea Party:** The Lakes Area Tea Party sent an email supporting the recall of State Representative Noah Arbit. In addition to explaining why Representative Arbit should be recalled, the email circulated the details for a meeting to discuss the recall effort.

3860 Newton Road
Commerce, MI 48382
lakesareateaparty@gmail.com

2. **Gerald Clixby:** Clixby signed the circulator certificate on two petitions to recall State Representative Noah Arbit. Clixby also spoke on behalf of his first recall petition at the Board of State Canvassers' meeting on August 1, 2023, and testified under oath at that meeting that he was working with others on the recall of State Representative Arbit.

6200 Commerce Road
West Bloomfield, MI 48324

3. **Michigan Conservative Union:** At the Board of State Canvassers' meeting on August 1, 2023, Clixby said that he "is involved with" the Michigan Conservative Union in the recall effort of State Representative Noah Arbit. Egan, *Michigan Elections Panel Rejects 7 Recall Petitions Targeting Lawmakers; Approves Just 1*, Detroit Free Press (August 1, 2023), <https://www.freep.com/story/news/politics/elections/2023/08/01/michigan-recall-petitions-board-canvassers/70504255007/>.

PO Box 205
Manitou Beach, MI 49253
info@michiganconservativeunion.org

4. **Michigan Conservative Coalition:** At the Board of State Canvassers' meeting on August 1, 2023, Clixby said that he "is involved with" the Michigan Conservative Coalition in the recall effort of State Representative Noah Arbit. Egan, *Michigan Elections Panel Rejects 7 Recall Petitions Targeting Lawmakers*.

500 N. Pontiac Trail
Walled Lake, MI 48390
info@michiganconservativecoalition.com

Section 3. Violations

Under the Michigan Campaign Finance Act (“MCFA”), an “[e]lection includes a recall vote.” MCL 169.205(2). Thus, any “funds spent or received by groups supporting or opposing the recall of an elected official are regulated under the MCFA.” Department of State, Interpretive Statement (November 1, 2011), p 3, available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/03holland/Interpretive_Statement_nov_1_2011.pdf?rev=9fb49f117fd54dbd84343fb2217c4d98&hash=41F616AC736269E2FF5C4D0434998636. Such recall expenses include, but are not limited to, “costs incurred in the drafting of the language that appears in the heading of the recall petition, preparation of the petition form, attending or participating in the clarity hearing, engaging counsel for these purposes, and so on.” *Id.*

Under the MCFA, a “committee” includes “a person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). The MCFA defines “person” as “a business, individual, proprietorship, limited liability company, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly.” MCL 169.211(2).

Such a committee must “file a statement of organization within 10 days after” spending and/or receiving \$500.00. MCL 169.224(1). Committees are then required to file various campaign statements throughout the year. MCL 169.233.

In 1992, the Department of State issued an interpretive statement on the MCFA’s definition of “person,” finding joint activity when “there is communication within the group with a view toward making contributions on behalf of the group.” Department of State, Interpretive Statement (September 24, 1992), p 2, available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/20delrio/gromek_1992.pdf?rev=1f27d185c0c247e6af7cf24be73000ec&hash=76E8D5AB3F11A03D53A73A119D1B2570. A later interpretive statement emphasized that “[o]ne of the key facts was the continuous communications.” Department of State, Interpretive Statement (April 14, 1993), p 3, available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/04delrio/Ayers_1993.pdf?rev=ed6871ecdad749798fba8a16bcc7aeeb&hash=BEECF814EE213C937A3811FBCCC58B29.

Coordination existed between the Lakes Area Tea Party, Gerald Clixby, the Michigan Conservative Union, and the Michigan Conservative Coalition in petitioning and advocating for the recall of State Representative Noah Arbit. Clixby signed the circulator certificate on the petition to recall State Representative Arbit and spoke at the Board of State Canvassers’ meeting on August 1, 2023, in support of the petition on behalf of himself and these other groups. The Lakes Area Tea Party sent an email supporting the recall of State Representative Arbit and circulating details for a meeting to discuss the recall efforts. At the Board of State Canvassers’ meeting on August 1, 2023, Clixby stated under oath that the Michigan Conservative Union and the Michigan Conservative Coalition were involved in the recall effort.

These individuals and organizations are coordinating to initiate and support the recall of State Representative Arbit. In other words, they are “acting jointly.” Clixby explicitly admitted that “there is communication” between himself, the Michigan Conservative Union, and the Michigan Conservative Coalition. Based on information and belief, “there is communication” between all four of the organizations and individuals, as well. A coordinated effort to initiate and support a recall effort requires constant and effective communication, *i.e.*, “continuous communications.”

Because these organizations and individuals are “acting jointly,” they fall under the definitions of “person” and “committee,” and therefore the purview of the MCFA. Based on information and belief, the \$500.00 expenditure threshold required to form a committee has been met because funds were spent drafting the petitions, attending the clarity hearing, and organizing the recall. *See* Interpretive Statement (November 1, 2011), p 3. These organizations and individuals failed to form and register a committee, thus violating the MCFA.

The MCFA also requires that a recall petition have an identification of the person paying for it, commonly called a disclaimer. *See* MCL 169.247(1); *see also* MERTS, Appendix J: Identification Requirements, available at <https://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixJ> (“Do ballot proposal petitions require an identifier? Yes. A ballot question petition and a recall petition must bear the identification statement.”).

Specifically, the MCFA reads, “a . . . printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter.” MCL 169.247(1).

These organizations and individuals fall under the definitions of “person” and “committee,” and therefore the purview of the MCFA. They are required to comply with MCL 169.247(1) by placing the name of their committee on the petitions. They failed to include an identification on the recall petitions filed against State Representative Arbit, thus violating the MCFA.

INSTRUCTIONS ON REVERSE SIDE

RECALL PETITION

We, the undersigned, registered and qualified voters of the ☐ City ☐ Township ☐ Village of ☐ CHECK ONE, in the County of Oakland, and State of Michigan, petition for the calling of an election to recall Noah Arbit from the office of State Representative for the following reason(s): On June 20, 2023, State Representative Noah Arbit voted yes on Michigan House Bill 4474. (District, if Any) 20

WARNING-A PERSON WHO KNOWINGLY SIGNS A RECALL PETITION MORE THAN ONCE OR SIGNS A NAME OTHER THAN HIS OR HER OWN IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MONTH	DAY	YEAR
1.							
2.							
3.							
4.							
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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence and was not obtained through fraud, deceit or misrepresentation; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross (X) or check mark (✓) in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING-A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.

Michigan Election Resources - Form No. 2011 - 2018 Revision - Approved by State Director of Elections

CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) GENA CUKRY 07/20/23 (Date)
 (Printed Name of Circulator) GENA CUKRY
 (Complete Residence Address (Street and Number or Rural Route)) - (Do not enter a post office box) 6200 CHURCH W. BLOOMFIELD MI. 48124
 (City or Township, State, Zip Code) W. BLOOMFIELD MI. 48124
 (County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan) OAKLAND OPTIMAX@AOL.COM

RECALL PETITION

INSTRUCTIONS ON REVERSE SIDE

We, the undersigned, registered and qualified voters of the ☐ City ☐ Township ☐ Village of CHECK ONE OAKLAND, in the County of OAKLAND, and State of Michigan, petition for the calling of an election to recall NOAH ARBIT from the office of STATE REPRESENTATIVE (Title of Office) 20 for the following reason(s):
ON JUNE 20, 2023, STATE REPRESENTATIVE NOAH ARBIT VOTED YES ON MICHIGAN HOUSE BILL 4474, WHICH WOULD AMEND PROVISIONS OF THE MICHIGAN PENAL CODE THAT NOW DEFINE AND PROHIBIT THE CRIME OF ETHNIC INTIMIDATION.

WARNING-A PERSON WHO KNOWINGLY SIGNS A RECALL PETITION MORE THAN ONCE OR SIGNS A NAME OTHER THAN HIS OR HER OWN IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MONTH	DAY	YEAR
✓							
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6.							
7.							
8.							
9.							
10.							
11.							
12.							

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence and was not obtained through fraud, deceit or misrepresentation; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [✓] in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING-A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.

CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) SHARON CLIXBY (Date) 08/04/2023
(Printed Name of Circulator)
6200 COMMENCE W. BLOOMFIELD MI 48324
(Complete Residence Address [Street and Number or Rural Route]) - (Do not enter a post office box)
W. BLOOMFIELD MI, 48324
(City or Township, State, Zip Code)
OAKLAND
(County of Registration, if Registered to Vote, of a Circulator who is not a resident of Michigan)

TO BE COMPLETED BY CITY OR TOWNSHIP CLERK

Check the registration of each person whose name appears on the reverse side of this petition sheet **whose name is not coded** in the left-hand column.

If the person was registered to vote in your City or Township on the date he or she signed the sheet, place a check mark before the person's name.

If the person was not registered to vote in your City or Township on the date he or she signed the sheet, enter "NR" (not registered) before the person's name.

If the address listed by the person does not fall within your City or Township, enter "NC" (not in community) before the person's name.

Complete the following certificate after making the registration checks:

I hereby certify that the total number of persons whose names appear on the reverse side of this petition sheet who I identified as being registered in my City or Township on the date of signing the petition sheet is: _____

(Enter Number)

(Signature of City or Township Clerk)

☐ City or
☐ Township of _____

(Name of City or Township)

READ BEFORE CIRCULATING PETITION

The validity of signatures placed on this petition may be affected if the following is not observed.

Complete the heading of the petition before circulating it.

- Enter the city, township or village and county where the petition will be circulated. Indicate whether the jurisdiction listed is a "city", "township", or a "village". Do not list more than one city, township or village.
- Enter the officer's complete name and the office he or she holds. Include the district number of the office if there is one.
- Enter the reason(s) why the recall election is being sought. The language entered must be exactly as approved by the County Election Commission or Board of State Canvassers.

Make sure that all signers properly complete the petition.

- Each signer must be registered to vote in the city, township or village listed in the heading.
- Each signer must sign and print his or her first and last name.¹
- Each signer must enter his or her full address. A rural route number is acceptable. A post office box is not acceptable.
- Each signer must enter his or her Zip Code.²
- Each signer must date his or her signature with the month, day, and year.

Complete the circulator's certificate after circulating the petition.

- Sign and print your full name and enter the month, day, and year.¹ Signatures on the petition which are dated after the date on the circulator's certificate are invalid.
- Enter your complete residence address (street and number or rural route - do not enter a P.O. Box), city or township, state and zip code.²
- If you do not reside in Michigan, enter your county of registration if you are registered to vote in your home state, and make a cross or check mark in the box that precedes the final paragraph of the circulator certificate statement on the left side of the form.

Circulate the petition properly.

- Do not fail to question signers on their city or township of registration.
- Do not complete the heading of the petition after signatures have been affixed on the petition.
- Do not fill in a signer's address or a signer's signature date. Both entries must be in the signer's own handwriting. Ditto marks are not acceptable in these two entries.
- Do not leave the petition unattended.

¹ The failure of the circulator or an elector who signs the petition to print his or her name or to print his or her name in the proper location does **not** affect the validity of the circulator's or signer's signature. However, a printed name located in the space designated for printed names does **not** constitute the signature of the circulator or elector.

² The failure of the circulator or an elector who signs the petition to enter a Zip Code or to enter his or her correct Zip Code does **not** affect the validity of the circulator's or signer's signature.

LAKES AREA TEA PARTY

Restore the Constitution | Renew the American Spirit

We the People

Delegates and Patriots,

Noah Arbit district (20) covers West Bloomfield and a small portion of Commerce. But it doesn't matter if you are in his district or not, this 28 year old, progressive has sponsored radical bills that threaten the Constitutional Rights of all of us.



Hate Crime Bill.

This bill, which passed by the Democrat-led Michigan state House last month, makes it a 5 year felony, or \$10,000 fine for people to intimidate or threaten others by disrespecting their gender identity. For example, so if they feel you are deliberately misgendering, then you can be charged.

This is a blatant violation of the First Amendment.

If you say something at a school board meeting and someone in the audience takes offense, felony! Noah's Hate Crime bill should be called Noah's HATE the First Amendment Rights Bill.

Noah also voted in favor of all the Red Flag laws recently passed in Lansing threatening the second Amendment.

These are only a few of the radical bills he sponsored or supported!

Good news, there is a serious effort to recall Noah Arbit.

**Learn more about how,
THIS SUNDAY, from 4:30pm to 6:30pm
for this VERY important call to Action Meeting.**

We have an opportunity to recall one of the most progressive Representatives in Lansing in a special election that will not attract Democrat voters with a big referendum like Abortion. There are other representatives being recalled. If we can flip just TWO seats, the Republicans can take back the house and stop the radical destruction of our state.

We NEED YOU TO SHOW UP! This is very doable.

Bring other patriots with you, spouses, neighbors, friends.

**The meeting will be at the Metro Detroit Christian Church
6655 Middlebelt, West Bloomfield**

Sunday 4:30pm to 6:30 pm

Our mailing address is:

lakesareateaparty@gmail.com

Detroit Free Press

ELECTIONS

Michigan elections panel rejects 7 recall petitions targeting lawmakers; approves just 1



Paul Egan

Detroit Free Press

Published 2:02 p.m. ET Aug. 1, 2023 | Updated 4:33 p.m. ET Aug. 1, 2023

LANSING — The Board of State Canvassers on Tuesday rejected proposed recall petitions against six Democratic and one Republican state lawmakers after citing numerous concerns about the petitions, including lack of clarity, lack of information about who is coordinating the efforts, and illegible handwriting.

Only one recall petition was approved, against state Rep. Cam Cavitt, R-Cheboygan. While the other recall petitions cited only each lawmaker's vote on a numbered bill, with no explanation of what the bill was about, the Cavitt petition cited his vote on the election of the House speaker. The board, made up of two Democrats and two Republicans, agreed unanimously that wording was sufficiently clear.

The six Democrats targeted for recall were: Reps. Noah Arbit, of West Bloomfield, Jaime Churches, of Wyandotte, Betsy Coffia, of Traverse City, Jennifer Conlin, of Ann Arbor, Sharon MacDonell, of Troy, and Reggie Miller, of Van Buren Township. The bills cited related to gun legislation and a proposed hate crime law.

Besides Cavitt, the Republican targeted for recall was Rep. Donni Steele, of Orion, for a vote on a sentencing bill related to gun legislation.

The seven rejected recall petitions were all on the basis of 2-2 votes on whether the wording of the petitions were sufficiently clear. The board often splits along partisan lines. This time, one Democratic and one Republican member — Jeannette Bradshaw and Tony Daunt respectively — said the wording was sufficiently clear, and one Democrat and one Republican — Chair Mary Ellen Gurewitz and Richard Houskamp respectively — said the wording was

not sufficiently clear. Since three votes are needed to approve a petition, the tie votes resulted in rejection.

Bradshaw said her concerns related not to whether the reasons for the recalls were stated clearly enough, but whether the handwritten reasons were easy enough to read. She said she supported the Cavitt petition because its handwriting was more legible than the other ones.

Daunt said his main concern was the lack of a "disclaimer" showing who was coordinating and financially backing the petitions, which all were submitted at about the same time and had nearly identical wording except for the name of the lawmaker targeted, the bill number, and the date of the referenced vote. Each was signed by a resident of each lawmaker's district, but the handwriting on all the petitions looked similar.

Attorney Mark Brewer, who appeared on behalf of the targeted Democrats, told the board the petitions were "ghost written" and disclosures are required on who is funding the recall efforts.

Houskamp expressed similar concerns, questioning whether "divine intervention" resulted in several residents in different parts of the state all being inspired to write similar recall petitions at the same time.

But the board received legal advice that the "disclaimer" issue is a campaign finance issue for the secretary of state to handle and not a basis for them to reject a petition at this stage of the process.

According to Brewer, the Bureau of Elections was told that the contact for several of the petitions is Frank Tarnowski, a former Wyandotte school board trustee who also ran for the state House and for Wyandotte mayor. Tarnowski could not immediately be reached for comment.

Only one person who signed a recall petition appeared before the board Tuesday and he said he can't identify any specific group that is financially backing the effort.

"This is a real grassroots movement," said Gerald Clixby, of West Bloomfield, who signed the recall petition targeting Arbit over the hate crimes bill. He said he has met with a number of groups, some more organized than others, but he is not aware of any single group providing a bankroll.

When pressed by Houskamp, Clixby said among the groups he is involved with are the Michigan Conservative Union and the Michigan Conservative Coalition and some tea party

groups. "I know a lot of these people," and many of them are upset about Arbit's bill and other legislative actions, he said.

State campaign finance records show Clixby has donated to many conservative or Republican candidates and causes, including \$2,650 he gave to the Grand New Party this year. That's a far-right offshoot of the Republican Party. Among Michigan lawmakers active in the Grand New Party is state Rep. Matt Maddock, R-Milford, who has received more than \$3,000 in donations from Clixby.

Recalling a lawmaker is difficult in Michigan and no lawmaker has been successfully recalled since 2011, when Republican Rep. Paul Scott, of Grand Blanc, was narrowly ousted in an effort backed by the Michigan Education Association.

After that, Michigan revamped its recall laws in 2012, under former Republican Gov. Rick Snyder, to place higher hurdles in the way of a successful recall effort.

The recall petition targeting Cavitt is valid for 180 days, but sponsors must collect nearly 12,000 valid signatures from voters in his district within a 60-day period.

Backers of the rejected petitions have the option of returning to the board with wording that provides some information about the referenced bills.

Contact Paul Egan: 517-372-8660 or pegan@freepress.com. Follow him on Twitter @paulegan4.



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

September 8, 2023

Lakes Area Tea Party
386 Newton Road
Commerce, MI 48382

Michigan Conservative Union
PO Box 205
Manitou Beach, MI 49253

Gerald Clixby
6200 Commerce Road
West Bloomfield, MI 48324

Michigan Conservative Coalition
500 N. Pontiac Trail
Walled Lake, MI 48390

Re: *Brewer v. Clixby et al.*
Campaign Finance Complaint No. 23-068

Dear Mr. Clixby, Lakes Area Tea Party, MCU, & MCC:

The Department of State (Department) has received a formal complaint filed against you by Mark Brewer alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you are engaging in a coordinated effort to recall State Representative Arbit and that this coordinated effort has incurred expenditures of \$500 or more requiring the formation of a committee. Additionally, these actions would require the "Paid for by" disclosure in Section 47 on printed materials. A copy of the complaint is included with this notice.

By statutory definition, a committee is formed when "a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against [candidate, ballot question, etc.] if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4).

For purposes of determining whether a committee exists, the word “person” includes “a group of persons acting jointly.” 169.211(2).

Section 24 of the MCFA requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statements of organization that must be filed. See MCL 169.224(2)-(3). A person who fails to file a timely statement is subject to a civil fine of up to \$1,000. MCL 169.221(13). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days is guilty of a misdemeanor punishable by a fine of up to \$1,000. *Id.*

The MCFA requires committees to file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The Act requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the act. MCL 16.233(6). A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000 or the amount of the expenditures omitted or underreported, whichever is greater.

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].” This includes recall petitions when the expenditure is covered by MCFA. 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 process is included in the Department’s campaign finance complaint [guidebook](#).

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. Materials 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. 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 Mr. Brewer, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing 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.

If you have any questions concerning this matter, you may contact the Regulatory Section of the Bureau of Elections at BOERegulatory@Michigan.gov.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Enclosure
c: Mark Brewer



Michigan Conservative Union

PO Box 205, Manitou Beach, Michigan 49253

Christopher R. Meister, Chair of the Board

Regulatory Section
Bureau of Elections
Michigan Department of State

September 21, 2023

To Whom it May Concern,

This response is in response to the correspondence from your office dated September 8, 2023, posted September 12, 2023 and received by our organization via the United States Postal Service September 16, 2023, regarding Campaign Finance Complaint No. 23-068.

In this complaint, our organization, Michigan Conservative Union, of which I am the board chair, is identified as being involved in a coordinated effort to recall State Representative Arbit.

Our response to this complaint is simply this: Contrary to anything that may have been reported in the *Detroit Free Press* or elsewhere, Michigan Conservative Union is not, as an organization, involved in any effort to recall State Representative Arbit. To my knowledge, I have never even heard of State Representative Arbit nor have I been aware of any effort to recall her or him prior to receiving your correspondence.

I can only assume that Mark Brewer's inclusion of Michigan Conservative Union in this complaint is the result of simple error.

Michigan Conservative Union should not be a part of this complaint should it progress any further. Please inform me of any continuing reference of Michigan Conservative Union in regards to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher R. Meister". The signature is fluid and cursive, with a long, sweeping underline.

Christopher R. Meister
Chair of the Board, Michigan Conservative Union
PO Box 205
Manitou Beach, MI 49253

September 28, 2023

Michigan Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 Allegan
Lansing, Michigan 48918
Sent by Email Transmission Only: BOERegulatory@michigan.gov

Re: Brewer v. Clixby et al.
Campaign Finance Complaint No. 23-068

Dear Bureau of Elections,

Please consider this letter as my response to the above-captioned Complaint. The Complaint falsely alleges both that there was a failure to form a committee for the raising and spending of funds in support of the recall against State Representative Noah Arbit, and that there was a failure to place an identification on the recall petitions I submitted to the Board of State Canvassers. I acknowledge merely speaking with others in support of the recall against State Representative Noah Arbit; however, as I indicated repeatedly at the August 1, 2023 Board of State Canvassers meeting, these are my individual efforts and no funds have been raised or spent from any other person with respect to my efforts. Without limiting the generality of the foregoing statement:

1. I, personally, have spent less than \$100 on this recall effort to date (see MCL 169.251 and MCL 169.203(4))
2. I am not aware of any other person spending funds to assist in this recall effort (see MCL 169.203(4), MCL 169.211(2), and MCL 169.224)
3. At all times with respect to this recall effort to date, I have acted independently and not as an agent for any committee (see MCL 169.247(1))

Thank you for the opportunity to respond.

Respectfully submitted,

Gerald Clixby



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

October 25, 2023

Mark Brewer
17000 W. 10 Mile Rd
Southfield, MI 48075

Re: *Brewer v. Clixby et al.*
Campaign Finance Complaint No. 23-068

Dear Mr. Brewer:

The Department of State has received a rebuttal to your response regarding your alleged violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the rebuttal is provided as an enclosure with this letter.

At this point, the Department will commence the determination phase of the campaign finance complaint process, during which time all submitted materials will be reviewed. Within 45 business days of its receipt of the enclosed rebuttal, the Department will make a determination as to whether there may be reason to believe that a violation of the MCFA occurred. If you have any questions about this process, you may contact BOERegulatory@Michigan.gov.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Attachment
c: Michigan Conservative Union



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

November 2, 2023

Mark Brewer
17000 W. 10 Mile Rd
Southfield, MI 48075

Re: *Brewer v. Clixby et al.*
Campaign Finance Complaint No. 23-068

Dear Mr. Brewer:

The Department of State received a response from Mr. Clixby to the complaint you filed against him 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,

Regulatory Section
Bureau of Elections
Michigan Department of State

Attachment
c: Gerald Clixby



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

January 10, 2024

Lakes Area Tea Party
386 Newton Road
Commerce, MI 48382

Michigan Conservative Union
PO Box 205
Manitou Beach, MI 49253

Gerald Clixby
6200 Commerce Road
West Bloomfield, MI 48324

Michigan Conservative Coalition
500 N. Pontiac Trail
Walled Lake, MI 48390

Re: *Brewer v. Clixby et al.*
Campaign Finance Complaint No. 23-068

Dear Mr. Clixby, Lakes Area Tea Party, MCU, & MCC:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Mr. Brewer alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that you should have formed a committee for your coordinated effort to recall State Representative Arbit.

Mr. Clixby responded to the complaint notice by denying that there was a coordinated effort to recall Representative Arbit. Mr. Clixby that he was acting alone and even testified before the Board of State Canvassers that he was acting alone in his effort to recall Representative Arbit. Additionally, Mr. Clixby indicated that he spent less than \$100 of his own money and was not soliciting donations for the recall efforts.

The Michigan Conservative Union responded to the complaint by denying any involvement in the recall efforts of Representative Arbit.

Mr. Brewer didn't submit a response to the rebuttals.

Section 24 of the MCFA requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statements of organization that must be filed. See MCL 169.224(2)-(3). A person who fails to file a timely statement is subject to a civil fine of up to \$1,000. MCL 169.221(13). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days is guilty of a misdemeanor punishable by a fine of up to \$1,000. *Id.*

The Department has reviewed the evidence submitted in this matter and finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA.

Because the violation of the MCFA alleged in the complaint has not been substantiated by sufficient evidence, the Department dismisses the complaint and will take no further enforcement action. If you have any questions concerning this matter, you may contact me at BOERegulatory@Michigan.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jimmy Biehl". The signature is written in a cursive, flowing style.

Jimmy Biehl, Regulatory Attorney
Regulatory Section
Bureau of Elections
Michigan Department of State

c: Mark Brewer