


Carin Louis



Retain Carin Louis
For
Ross Township Clerk

Paid for by the committee to elect Carin Louis for Ross Township Clerk



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

December 16, 2022

Alexander Harris
868 Labelle Terrace
Richland, MI 49083

Re: *Hutchings v. Harris*
Campaign Finance Complaint No. 2022 – 08 – 76 – 57

Dear Mr. Harris:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Christina Hutchings 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 used the official Ross Township logo on your campaign materials, which she alleges is an impermissible use of public resources in furtherance of a candidate's candidacy. Additionally, the complaint alleges that you continue to use "illegal signage"—presumably referring to the requirement that the "paid for by" statement include the name and address of the person who paid for the item. A copy of the complaint is included with this notice.

The complaint refers to a 2020 complaint against you alleging MCFA violations. Ms. Hutchins' complaint implies that you were found to be in violation of section 57 of the MCFA at that time and that the violations have continued. Instead, the Department dismissed the allegations of violation of sections 57 and 24 of the Act, determining that the evidence the complainant submitted was insufficient to conclude that a potential violation occurred.

However, the Department determined that there was sufficient evidence to support the conclusion that a potential violation of section 47 of the Act occurred. Because the sign contained words of express advocacy, it required a "paid for" statement. MCL 169.206(2)(j), 169.247(1). In accordance with its common practice, the Department issued you a warning for the potential violation of section 47 and cautioned you that a subsequent violation would be a knowing violation and may merit referral to the Attorney General.

Your previous Section 47 warning would make any subsequent violation a knowing violation.

You responded to the complaint in an email dated October 3, 2022. First, you argued that the earlier notice from the Bureau only instructed you to include the name of the person paying for

the signs, not the address of that person. You went on to say that a person could look up your name and address on Google and it would lead to you.

Second, you replied that you used no public funds when including the Ross Township logo in your campaign materials.

Ms. Hutchings submitted several rebuttal documents via email on October 7 and 11, 2022. These documents included many of her own campaign materials as well as an assertion and picture showing that your latest signs include the required “paid for by” identification.¹ The rebuttal also included many pictures of the Ross Township logo and its allowed and prohibited use.

Section 47 of 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) (emphasis added). 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).

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words “contribution” and “expenditure” are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of [candidate, ballot question, etc.]. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

As to your first response, the assertion that you were not notified of the requirement to include your address on campaign materials is inaccurate. The Department’s March 4, 2021 [letter](#) to you, which was mailed to you again with the instant complaint and is posted on the Department’s website, indicates the following:

[T]he 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. (emphasis added)

Your response that an interested party can determine your address via an internet search is irrelevant; your admitted omission of the identification statement even after an earlier warning from the Department is a violation of the MCFA.

¹ While Ms. Hutchings alleges that the fact that your name and address are hand written in black marker on the signs would be a violation, this identification would meet the requirements of the MCFA.

As to your second response, while you and Ms. Hutchings describe the use and misuse of the Ross Township logo at length, that is not relevant to a determination as to whether you violated the MCFA. Ms. Hutchings does not identify which section of the MCFA this is alleged to violate and, because you were not a public official at the time, it is not a use of public resources by a public body or person acting for a public body in violation of section 57. While unauthorized use of the township logo may be a violation of copyright law that the township could investigate and pursue, it is not under the purview of the Department as a potential violation of the MCFA.

Because your failure to include the required disclosure on your signs following an earlier warning constitutes a knowing violation, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. When the Department finds that there may be reason to believe a violation has occurred, the Act requires the Department to use “informal methods such as a conference [or] conciliation” to correct the potential violation or to prevent further violation. MCL 169.215(10). The Department has 90 business days (April 24, 2023) to reach an informal resolution of the matter. *Id.*

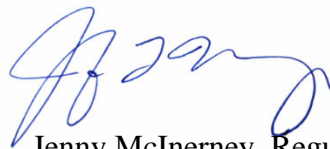
This letter serves to notify you and your clients that the Department has determined there may be reason to believe that you have violated the Act and to notify you that the Department is beginning the informal resolution process. “If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

- (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
- (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation.”

MCL 169.215(11). In other words, if the Department is unable to resolve the matter by April 24, 2023, it will have no choice but to take one of the above actions.

Please contact the undersigned at BOERegulatory@michigan.gov to discuss a resolution to the matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jenny McInerney', is positioned above the typed name.

Jenny McInerney, Regulatory Attorney
Bureau of Elections
Michigan Department of State

MDOS-BOERegulatory

From: MDOS-BOERegulatory
Sent: Tuesday, April 25, 2023 12:20 PM
To: Christina Hutchings
Cc: MDOS-BOERegulatory
Subject: RE: Hutchings v. Alex Harris

Dear Ms. Hutchings,

The Michigan Campaign Finance Act allows a respondent 90 business days from the finding of a potential violation to use informal means to resolve the matter. The date on the determination was December 16, 2022, and 90 business days after that date is May 1, 2023. (The letter inadvertently stated that the 90th business day was April 24, 2023.) To date, the Department has not received any communication from Mr. Harris following its determination. The matter will be referred to the Department of Attorney General for further investigation if it has not been resolved by May 1, 2023. In either case, the full case file will be posted on the Department's [webpage](#) at that time.

Jenny McInerney
Regulatory Attorney
Regulatory Section
[Michigan Bureau of Elections](#)
Main: 517-335-3234
McInerneyJ1@Michigan.gov

From: Christina Hutchings <cmhutchings1@live.com>
Sent: Monday, April 24, 2023 12:49 PM
To: MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov>
Subject: Re: Hutchings v. Alex Harris

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

Hello:

What is the status of my original complaints regarding Mr. Harris? The last communication I had from your office was that in April 2023, a fine and/or charge could be authorized for repeated and knowing violations of election law. As Google search shows, both I and prior Clerk Linda Walters had nearly the same complaints. Your response to Mr. Harris was he knowingly violated Bureau of Election Law when took the same actions his second time running for office. Would you kindly give me an update as to charges &/or fines &/or official reprimand from your office?

Also, I would like a copy of correspondence to Mr. Harris, to officially update my complaint file.

Thank you so much,

Christina
Cmte. to Retain Christina Hutchings for Ross Twp. Supervisor

Sent using Outlook for iPhone

From: Christina Hutchings <cmhutchings1@live.com>
Sent: Tuesday, October 11, 2022 7:57:55 AM
To: BOERegulatory@michigan.gov <BOERegulatory@michigan.gov>
Subject: Hutchings v. Alex Harris

Good morning,

Please see rebuttal to Alex Harris' response on documentation to my complaint. Alex Harris political signs are up all over Augusta 49012 and Ross Twp 49083 and none have "committee to elect" on them. They are the EXACT SAME SIGNS FROM 2020. Additionally, hand written in the lower right corner in black marker, signs say "paid for by Alex Harris" and his home mailing address. These signs continue to be illegal signage as per campaign finance law.

I was told I had to create a committee, and file as per committee in order to run and hold office. Why does Mr. Harris not have to follow the same rules, requirements and obligations?

Respectfully,
Christina M. Hutchings

Sent using Outlook for iPhone



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

May 2, 2023

The Honorable Dana Nessel
Department of Attorney General
G. Mennen Williams Building
525 West Ottawa Street
Lansing, MI 48933

Re: *Hutchings v. Harris*
Michigan Campaign Finance Complaint

Dear Attorney General Nessel:

Please allow this letter to serve as a referral to the Attorney General of the above referenced campaign finance matter for the enforcement of any criminal penalties under the Michigan Campaign Finance Act. MCL 169.215(10)(a).

If you or your staff would like any additional information regarding this case, please contact this office.

Sincerely

s/ Michael J. Brady

Michael J. Brady, Chief Legal Director
Michigan Secretary of State

cc: Heather Meingast, Division Chief, CLEE Division