



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
Mailing address		
City	State	Zip
Email (<i>recommended</i>)		

Section 2. Alleged Violator (Respondent)

Name		
Mailing address		
City	State	Zip
Email (<i>recommended</i>)		
Committee ID (<i>optional</i>) CITIZENS FOR JIM CHAPMAN AND GREEN TOWNSHIP RECALL ELECTION CAMPAIGN AND REFERENDUM BALLOT QUESTION CAMPAIGN		

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:

Explain how these sections were violated:

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

■

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.



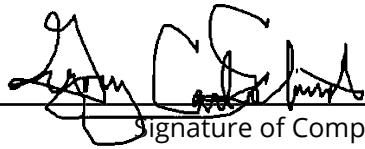
Signature of complainant

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

9-12-23

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

Paid For By

Citizens for Jim Chapman

18134 Meadow Lane

From: [Greg Schmid](#)
To: [MDOS-BOERegulatory](#); [Marcee Purcell](#); [clerk@greentownship.org](#)
Subject: CAMPAIGN FINANCE VIOLATION COMPLAINT
Date: Tuesday, September 12, 2023 2:20:58 PM
Attachments: [Complaint-GREEN TWSP TOWNSHIP HALL.pdf](#)
[video footage 9-12-23 township hall.3GP](#)

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

RE: Public Bodies Act Violation

To: Michigan Department of State - State of Michigan Bureau of Elections, Mecosta County Clerk Marcee M. Purcell, and Green Township Clerk Janet Clark

Please take notice of the attached campaign finance complaint in PDF format plus the attached supporting video footage depicting the official government office for Green Township being used as a campaign headquarters for the township recall target candidates and the yes vote campaign ballot committee opposing the citizen referendum campaign. In the video Janet Clark, township clerk, is seen this morning bringing a citizen into her government office during office hours and handing her a campaign sign from a stack of campaign signs kept there for campaign purposes. *Using public resources to support or oppose a political campaign is a criminal offense in the State of Michigan.*

Greg Schmid
Complainant
989.239.9000

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

September 18, 2023

Green Township
21431 Northland Dr
P.O. Box 233
Paris, MI 49338

Janet Clark, Clerk
21431 Northland Dr
P.O. Box 233
Paris, MI 49338

James Chapman, Supervisor
21431 Northland Dr
P.O. Box 233
Paris, MI 49338

Via Email: clerk@greentownship.org

Re: *Schmid v. Green Township et al*
Campaign Finance Complaint No. 23-071

Dear Ms. Clark & Mr. Chapman:

The Department of State (Department) has received a formal complaint filed against you by Gregory Schmid alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you improperly used public resources to store and distribute campaign materials. A copy of the complaint is included with this notice.

Specifically, the complaint alleges that public resources in Green Township were used to influence the outcome of the municipal election to be held Tuesday, November 7, 2023. The complaint alleges that incumbent political campaign signs were stored and distributed at the Green Township Hall. According to the complaint, the attached video shows Green Township Clerk Janet Clark distributing a campaign sign supporting an incumbent candidate from a township office. The video of the alleged incident is attached to this notice.

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).

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 Gregory Schmid, 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

Attachment
c: Gregory Schmid

BAUCKHAM, THALL, SEEBER, KAUFMAN & KOCHES P.C.

ATTORNEYS AT LAW
470 W. CENTRE AVE., SUITE A
PORTAGE, MI 49024-5362

TELEPHONE (269) 382-4500
FAX (269) 382-2040
www.michigantownshiplaw.com

ROBERT E. THALL
ROXANNE C. SEEBER
CATHERINE P. KAUFMAN
T. SETH KOCHES
LORI COATES HAY
JOSHUA E. THALL
MICHAEL W. BILA
ERIN GESCHWENDT

JOHN H. BAUCKHAM
1923 – 2015

HARRY F. SMITH
1906 – 1972

October 6, 2023

State of Michigan
Department of State
Bureau of Elections
Richard H Austin Building
1st Floor
430 West Allegan Street
Lansing, Michigan 48918
Via email to: BOERegulatory@Michigan.gov

Re: Response to Campaign Finance Complaint No. 23-071

Dear Bureau of Elections:

I serve as legal counsel to the Charter Township of Green (the “Township”) including its officials. The Township acknowledges receipt of the complaint by Gregory Schmid that alleges that the Township, Supervisor Chapman, and Clerk Clark improperly used public resources by storing and distributing campaign materials from the Township Hall in violation of MCL 169.257. We submit the following important facts and attached affidavit in response.

1. The yard signs in question say “YES GREEN TWP BOARD” (picture attached).
2. A few signs were brought into the Township by Supervisor Chapman to provide them to the other incumbent candidates for their use.
3. They were intended to be picked up and used by these candidates.
4. There were a small number of these signs, around 5 that were left temporarily in a non-public area of the Township Hall.
5. These signs did not permanently occupy a space in the Hall.
6. As seen in the video provided by Mr. Schmid, they were just propped up on a file cabinet.
7. This temporary space used for the signs does not have any ascertainable value.
8. Before office hours someone approached Clerk Clark for a yard sign.

9. As seen in the video Clerk Clark took the person into the non-public area of the Township Hall and provided them a yard sign prior to the Township being open.
10. This was on Clerk Clark's own time.
11. To the extent that there is a reason to believe that a violation of MCL 169.257 occurred it was inadvertent.
12. Clerk Clark was unaware of the potential for a violation by the above-described actions.
13. Supervisor Chapman was unaware of the potential for a violation by the above-described actions.
14. The above-described actions were not taken or authorized by Township Board action.
15. As Township Attorney, I never previously advised the Township Board, Supervisor Chapman, or Clerk Clark with regard to the above matter.
16. I only found out about what occurred when the Township was made aware of the complaint.
17. The Township Board, Supervisor Chapman, and Clerk Clark, with regard to the above matter, were never previously advised by anyone that the above-described actions could be a potential violation of MCL 169.257.
18. I have now advised the Township Board, Supervisor Chapman, and Clerk Clark out of due caution to prevent a potential violation that no campaign signs can be brought into the Township Hall in the future.
19. Supervisor Chapman has indicated that he will not ever bring any campaign signs into the Township Hall.
20. Clerk Clark has indicated that she will not ever bring any campaign signs into the Township Hall.
21. There are no longer any campaign signs within the Township Hall.

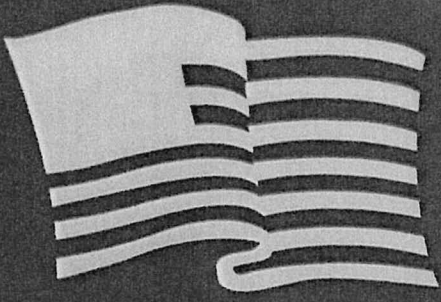
The above-stated facts and attached affidavit should be taken into consideration by the Department in making any final determination as to whether there may be reason to believe that a violation of MCL 169.257 has occurred. Additionally, if the Department does have reason to believe a violation has occurred, we would ask that this matter be resolved through informal methods including a conciliation agreement. Any potential violation would have been inadvertent and the Township respondents are more than willing to do what is necessary to remedy the matter. Please feel free to contact me with any follow-up questions.

Sincerely,

BAUCKHAM, THALL, SEEBER,
KAUFMAN & KOCHES, P.C.

A handwritten signature in blue ink, appearing to read 'R. E. Thall', is written over a horizontal line.

Robert E. Thall (P46421)



YES

GREEN TWP

BOARD

Printing by
Champion Press, Inc.
10000 Highway 100

AFFIDAVIT OF JANET CLARK

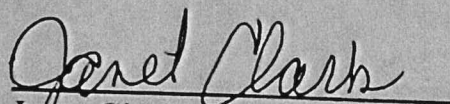
State of Michigan)
)
County of Mecosta)

NOW COMES your affiant, Janet Clark and hereby deposes and states on her own personal knowledge as follows:

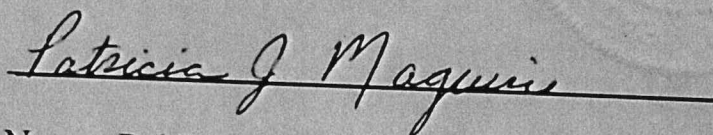
1. I presently serve as the Township Clerk for the Charter Township of Green.
2. I have reviewed the attached letter from the Township legal counsel, Robert E. Thall dated October 6, 2023, to the Department of State.
3. I declare the information contained in the above-referenced letter to be correct to the best of my information, knowledge and belief.

Further affiant saith not.

Dated: October 6, 2023


Janet Clark

Subscribed and sworn to before me this 6th day of October, 2023.



Notary Public
Newaygo Co., MI
Acting in Mecosta Co., MI
My commission expires:



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

October 31, 2023

Gregory Schmid
4882 Gratiot Rd
Saginaw, MI 48638

Re: *Schmid v. Green Township et al*
Campaign Finance Complaint No. 23-071

Dear Mr. Schmid:

The Department of State received a response from Robert Thall on behalf of Green Township to the complaint you filed against them 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: Green Township c/o Robert Thall



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

February 2, 2024

Robert Thall
c/o Green Township
470 W. Centre Ave Suite A
Portage, MI 49024

Re: *Schmid v. Green Township et al*
Campaign Finance Complaint No. 23-071

Dear Mr. Thall:

The Department of State (Department) has finished investigating the campaign finance complaint filed against Green Township by Mr. Schmid alleging a violation of the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that incumbent political campaign signs were stored and distributed at the Green Township Hall. According to the complaint, the attached video shows Green Township Clerk Janet Clark distributing a campaign sign supporting an incumbent candidate from a township office.

You responded to the complaint on behalf of Green Township. In your response, you asserted that the signs were brought in temporarily for other township members and were not being permanently stored at the township offices. Additionally, the Green Township Supervisor indicated that he was unaware of a potential violation that this presented. Mr. Chapman and Ms. Clark additionally indicated that no campaign materials will be brought into the township offices.

Mr. Schmid didn't provide a response to your rebuttal.

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).

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

of public resources, including space, for campaign activities is a violation of MCFA. The complainant provided sufficient evidence to support the complaint that Green Township resources were being used for campaign purposes. The response provided on behalf of Green Township by Mr. Thall and the affidavit support a conclusion that the value of these resources was minimal and that Green Township will not allow public resources to be used for campaign purposes in the future.

Given this, The Department concludes that a formal warning is sufficient resolution to the complaint and will consider this matter concluded.

Please be advised that this notice has served to remind you of your obligation under the Act that public resources are prohibited from being used for campaign purposes. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.215(10).

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Biehl".

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

c: Gregory Schmid