



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

October 27, 2021

Brian D. Shekell  
Clark Hill  
500 Woodward Ave., Suite 3500  
Detroit, MI 48226

Dear Mr. Shekell:

The Department of State (Department) has finished its initial investigation of the campaign finance complaint filed against your clients Michigan Citizens for Fiscal Responsibility (MCFR) and Michigan! My Michigan! (MMM), as well as against Unlock Michigan (Unlock), by Robert LaBrant alleging violations of the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the current disposition of the complaint against your clients.

The complaint alleged that MCFR and MMM solicited or received donations for the purpose of making expenditures to Unlock. Unlock is a ballot question committee regulated by the MCFA. In support of these claims, Mr. LaBrant stated that MCFR and MMM together contributed over \$2.3 million in funding to Unlock from June to October 2020, "nearly 86%" of Unlock's total funding during that period. The complaint also showed that MCFR and/or MMM frequently provided large amounts of funding to Unlock within days of Unlock making a large payment to the outside signature-gathering firm National Petition Management (NPM).

MCFR and MMM also jointly responded to the complaint.<sup>1</sup> In their response, MCFR and MMM claimed that neither organization "solicited or received contributions for the purpose of making an expenditure to Unlock Michigan or any other ballot question committee." MCFR and MMM included a September 9, 2020 affidavit from Heather Lombardini stating that "MCFR ha[d] not

---

<sup>1</sup> MCFR and MMM also alleged that the instant complaint should be dismissed as a successive complaint. However, as indicated in the Department's April 9, 2021 dismissal to Mr. LaBrant, the prior complaint asked the Department only to investigate whether 5 contributions were violative of the Act. Because the instant complaint raises allegations not previously addressed in the first complaint, and adds an additional party, the Department does not treat this as a successive complaint.

solicited or received contributions for the purpose of making an expenditure to Unlock Michigan or any other ballot question committee.”<sup>2</sup>

Mr. LaBrant provided a rebuttal statement. In his rebuttal, Mr. LaBrant cited the failure of MCFR or MMM to provide financial statements or other information showing that the organizations did not violate the MCFA as evidence that the organizations had in fact violated the Act.

On October 8, 2021, the Department requested that MCFR and MMM provide the Department with IRS Form 990s for calendar year 2019 and 2020. The Department also requested that each organization provide the date and amount of each donation received in excess of \$500 or expenditure made in excess of \$500 between January 1, 2020 and the present, as well as the total value of assets controlled by each organization after each of those donations and expenditures. MCFR and MMM each provided a Form 990 for calendar year 2019 but declined to provide a Form 990 for calendar year 2020 and declined to provide the requested information about expenditures, contributions, and assets.

In Michigan, a committee is an organization which “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, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party, 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 requires committees to file certain campaign statements detailing contributions and expenditures. See, e.g., MCL 169.234. Failure to file these required statements can result in civil and criminal penalties. *Id.* An organization making an expenditure to a ballot question committee is not a committee under the MCFA and is not subject to the reporting requirements of the MCFA, however, unless that organization “solicits or receives contributions for the purpose of making an expenditure to that ballot question committee.” MCL 169.203(4). Upon meeting the definition of committee, the organization is obligated to file a statement of organization with the appropriate filing official within 10 days of the committee’s formation, MCL 169.224, and is also required to file various campaign statements detailing the organization’s contributions and expenditures.

As discussed below, the Department finds that there may be reason to believe that MCFR and MMM violated the MCFA. Both MCFR and MMM may have taken actions that qualify each organization as ballot question committees under the MCFA. At the end of calendar year 2019, MCFR had \$715,137 in assets, and MMM had \$172,452 in assets. From June to October 2020, MCFR contributed approximately \$1,780,000 to Unlock, while MMM contributed

---

<sup>2</sup> For the reasons more fully set forth below, despite these statements presented in the affidavit, they are not enough to overcome the other evidence submitted.



approximately \$550,000. In each case, the contributions by each organization to Unlock during 2020 far exceeds the assets controlled by each entity at the start of 2020. Moreover, the contributions by MCFR and/or MMM to Unlock were often made within days of similarly sized payments by Unlock to NPM, as set out in the following chart:

<b>Date</b>	<b>Contributing Organization</b>	<b>Amount Contributed to Unlock</b>	<b>Amount Paid by Unlock to NPM</b>
June 9, 2020	MCFR	\$10,000	-
June 18, 2020	MCFR	\$150,000	-
June 24, 2020	MCFR	\$400,000	-
June 25, 2020	-	-	\$300,000
July 20, 2020	MCFR	\$100,000	-
July 21, 2020	-	-	\$100,276.21
July 31, 2020	MCFR	\$35,000	\$100,000
August 3, 2020	-	-	\$44,784.85
August 6, 2020	MCFR	\$150,000	-
August 6, 2020	MMM	\$100,000	\$228,212
August 14, 2020	MCFR	\$25,000	-
August 20, 2020	MMM	\$100,000	-
August 21, 2020	MCFR	\$110,000	-
August 21, 2020	MMM	\$100,000	\$330,000
August 27, 2020	MCFR	\$700,000	-
August 28, 2020	-	-	\$166,248.86
August 31, 2020	-	-	\$160,317.68
September 11, 2020	-	-	\$183,298.30
September 18, 2020	-	-	\$150,000
October 1, 2020	MCFR	\$100,000	-
October 1, 2020	MMM	\$150,000	-
October 5, 2020	-	-	\$218,203.96
October 21, 2020	MMM	\$100,000	-

Given that contributions by MCFR and MMM to Unlock were closely followed by expenditures Unlock made to NPM totaling an almost identical value, it is clear that MCFR and MMM coordinated to some extent with Unlock. Accounting for the assets controlled by each organization at the end of calendar year 2019, between January 1, 2020, and October 1, 2020, MCFR solicited/received at least \$1,064,863 in contributions, while between January 1, 2020, and October 21, 2020, MMM solicited/received at least \$377,548.

As previously stated, it is not a violation of the Act for a group to raise funds in its normal course of conduct and make contributions to a ballot question committee or to coordinate with that ballot question committee. It is, however, a violation of the Act for an organization to raise

money on behalf of the ballot question committee in order to shield the organization's donors from the reporting requirements of the Act. The fundraising necessary to allow MCFR to contribute \$1,780,000 to Unlock and MMM to contribute \$550,000 to Unlock from June to October 2020 is substantial. Although it may be possible that each entity raised those funds in the first half of 2020 independently of each entity's support for Unlock, to assume that the aggressive fundraising activity necessary for each organization to raise the sums that were then transferred to Unlock was completely independent strains credulity. The disparity between each organization's assets going into 2020, the amount that each organization contributed to Unlock, and the timing of those contributions demonstrate a level of coordination showing the entities were not independent of each other.

In particular, the number of payments that MCFR and/or MMM made to Unlock days before Unlock made similarly sized payments to NPM suggests that MCFR and MMM were soliciting or receiving funds for the purpose of collecting contributions with the intent of financially supporting Unlock. Such fundraising for the purpose of supporting a ballot question committee, as is evidenced in the instant case, makes MCFR and MMM themselves ballot question committees responsible for registration and for filing appropriate campaign statements under the MCFA, but neither organization, to date, has registered as a committee nor filed those campaign statements as required by sections 24 and 33 of the Act.

Given the coordination between Unlock, the proximity of contributions made to Unlock and the expenditures made by Unlock, and the fact that neither MCFR nor MMM would have been able to make such contributions to Unlock without soliciting/receiving additional funds during 2020, there is reason to believe that MCFR and MMM may have solicited/received funds for the purpose of making contributions to Unlock.

When presented with a complaint, the Department is tasked to determine "whether or not there may be reason to believe that a violation of [the MCFA] occurred."<sup>3</sup> MCL 169.15(10). Once the

---

<sup>3</sup> The MCFA directs the Department to initiate the resolution process if "there may be reason to believe that a violation of [the MCFA] occurred." MCL 169.15(10). The Department notes that, under federal law, the Federal Election Commission (FEC) will initiate an investigation into a campaign finance complaint if the Commission finds that "reason to believe that a violation of [federal law] has occurred or is about to occur." 11 CFR § 111.10. The FEC will find that "reason to believe" a violation has occurred or is about to occur when "the available evidence in the matter is at least sufficient to warrant conducting an investigation, and where the seriousness of the alleged violation warrants either further investigation or immediate conciliation." Federal Election Commission; Policy Statement; Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 51, 12545 (March 16, 2007). Because the MCFA sets a lower threshold for the Department to initiate an informal resolution process – whether there "*may be* reason to believe that a violation of [the MCFA] occurred" (emphasis added) – than federal law sets for the FEC to initiate an investigation – whether there *is* "reason to believe" – the Department's longstanding practice is to initiate the informal resolution process when the evidence available to the Department at the time that a determination is issued can reasonably support an inference that the MCFA has been violated.



Department has made this determination, the Department must employ “informal methods such as a conference [or] conciliation” to correct the potential violation or to prevent further violation. *Id.* As part of the informal resolution process, parties may furnish the Department with evidence showing that a potential violation of the MCFA has not actually occurred. It is possible that MCFR and/or MMM can provide information tending to show that its fundraising activities in 2020 were in fact independent of subsequent or concurrent donations to Unlock, and thus demonstrate that MCFR and/or MMM are not ballot question committees regulated by the MCFA. However, such information has not been made available to the Department, and the evidence available to the Department at this time suggests that “there may be reason to believe” that MCFR and MMM “solicit[ed] or receiv[ed] contributions for the purpose of making an expenditure” to Unlock, and thus that MCFR and MMM are ballot question committees under the MCFA with corresponding and unfulfilled filing obligations.


This letter serves to notify you and your clients that the Department has determined there may be reason to believe that your clients have violated the Act, and serves to notify you and your clients 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).

Please contact the undersigned at [fracassia@michigan.gov](mailto:fracassia@michigan.gov) by 5:00 p.m. on Friday, November 5 to discuss a resolution to matter, including additional information your clients may be able to provide that may affect the Department’s determination of the scope of any violation that may have occurred.

Sincerely,



Adam Fracassi  
Bureau of Elections

# **EXHIBIT 2**



[Subscribe](#)

News never stops. Neither do we. Support MLive.com

Advertisement

Public Interest

## Republicans still waiting on advertising cavalry for Tudor Dixon

Updated: Oct. 19, 2022, 10:04 a.m. | Published: Oct. 19, 2022, 9:30 a.m.





Republican gubernatorial nominee Tudor Dixon talks to the media after a televised gubernatorial debate held at WOOD TV8 Studios in Grand Rapids on Thursday, Oct. 13, 2022. This is Michigan's first gubernatorial election with two women at the top of the ballot on Nov. 8. (Joel Bissell | MLive.com) MLive.com

315  
shares

NEW!

By **Simon Schuster | [sschuster@mlive.com](mailto:sschuster@mlive.com)**

Wednesday morning the Republican Governors Association will unveil a new ad for gubernatorial candidate Tudor Dixon.

What won't accompany the new ad, however, is any new money to broadcast it on Michigan airwaves.

Instead, RGA spokesperson Chris Gustafson said, they'll be taking airtime currently used to run a different ad to broadcast this new one. The RGA's spending, which began last week, totals about \$3.6 million through Election Day.

Advertisement



Dixon, a conservative commentator from Norton Shores, is facing Democratic Gov. Gretchen Whitmer in the Nov. 8 election. With less than three weeks until Election Day, Dixon continues to be vastly outspent by Gov. Gretchen Whitmer and her allies.

As the RGA spends about \$910,000 to support Dixon on air this week, Whitmer's campaign and the Democratic Governors Association will be spending a combined \$4.9 million, according to totals from the firm AdImpact provided by the Michigan Campaign Finance Network.

The RGA's new 30-second ad highlights an increasing homicide rate, Michigan's poor roads, decreases in employment and pandemic learning loss all accompanied by the refrain, "it's worse with Whitmer."



"Tudor Dixon will turn things around," the ad proclaims, before introducing the candidate. "Mom, businesswoman, fighter; Tudor Dixon will cut your taxes, keep you safe and put your kids first."

Advertisement

RGA co-chair and Arizona Gov. Doug Ducey campaigned with Dixon in Metro Detroit Friday. In an interview he told MLive the RGA would spend more but refused to elaborate.

"We're invested in this race because Tudor Dixon is an excellent candidate ... we see this as a winnable race," Ducey said Friday. "The RGA raises a lot of money and we're willing to spend more money. I'm certainly not going to give the campaign strategy to the press."

On Tuesday evening Gustafson declined to say on the record whether the RGA would be spending more, deferring instead to Ducey's comments. There doesn't appear to be any immediate plans for the RGA to purchase more air time.

A poll released Tuesday by Emerson College could indicate the race is tightening. It showed Dixon and her Democratic opponent, incumbent Gov. Gretchen Whitmer, in a statistical tie with Dixon just five percentage points ahead of her Republican opponent. Other polls have found Whitmer with a significant larger lead.

According to a review of filings with the Federal Communications Commission, only one other group has run ads to support Dixon since the Republican gubernatorial primary Aug. 2, a super PAC called Michigan Families United, which spent about \$2.3 million over the past month.

Advertisement

The silence from Dixon's campaign has been historic. It hasn't paid to run a single ad on TV since she won the primary, an unprecedented absence from the airwaves among modern gubernatorial campaigns in Michigan.

**Related:** [Campaign finance filings show Tudor Dixon's campaign at 'critical juncture'](#)

Whitmer built a juggernaut fundraising operation that would be difficult for a political newcomer to match under any circumstances, aided by Whitmer's emergence as a national political figure during the height of the COVID-19 pandemic. She has raised more than \$30 million since taking office in 2019.

Her campaign and the Democratic Governors Association alone have spent or reserved a combined \$39.4 million in broadcast advertising since the primary, according to AdImpact. By comparison, the RGA and Michigan Families United spending totals about \$6 million.

Dixon has instead relied on media appearances – she's become a frequent guest in Fox New's prime-time lineup — and the recent gubernatorial debate for exposure, conceding in her opening remarks last Thursday, “for many of you, it's the first time you're hearing from me directly.”

Advertisement

**Related:** [Many jabs but little blood drawn: takeaways from the first gubernatorial debate](#)

The Michigan Republican Party, which spent more than \$1 million to run ads support 2018 gubernatorial nominee Bill Schuette in that race, has thus far spent nothing to support Dixon on TV. The RGA has spent or committed more than [\\$10 million](#) to the gubernatorial race in Ducey's Arizona.

Questions about the limited fundraising and negligible advertising have dogged Dixon on the campaign trail. At a press conference in September she was ready to brush them aside.

“I feel confident that we don't need as much money as Gretchen Whitmer needs because our message is better,” Dixon said. “Isn't that sad that Democrats have to spend so much money?”

The candidates will next meet for a [second debate](#) Oct. 25.

**Read more on MLive:**

[Whitmer, Dixon duel over who supports Michigan law enforcement most](#)

Advertisement



# **EXHIBIT 3**

# The Detroit News

## POLITICS

# 'Expect more TV ads' on Tudor Dixon's behalf, key GOP group leader says



**Craig Mauger**

The Detroit News

Published 5:28 p.m. ET Oct. 14, 2022

*St. Clair Shores* — Republican Tudor Dixon, who's challenging Democratic Gov. Gretchen Whitmer this fall, will soon see more financial support from a powerful GOP group, one of its co-chairmen said Friday.

A day after the first debate between Dixon and Whitmer, Arizona Gov. Doug Ducey, co-chairman of the Republican Governors Association, said the organization, which works to elect GOP candidates across the country, is "going to do what it takes to get Tudor Dixon over the finish line."

"You can expect more TV ads," Ducey told The Detroit News. "You can expect more investment."

Dixon, a first time candidate and political commentator from Norton Shores, has been at a significant financial disadvantage in her race against Whitmer, an incumbent with a national profile. Whitmer's reelection campaign and the Democratic Governors Association had already aired about \$14 million in ads as of Sept. 20, according to one ad-tracking analysis. Dixon's allies had funded about \$1 million in ads in the general election race at that time.

Dixon's campaign has not had the money to finance its own commercials to respond to the Democratic attacks or introduce her to voters.

As of Aug. 22, Whitmer reported having \$14 million available in her campaign fundraising account, 26 times the total disclosed by Dixon, \$523,930.

A Sept. 26-29 poll by The Detroit News and WDIV-TV showed Dixon trailing Whitmer by 17 percentage points, 32% to 49%. The survey of 600 likely voters had a margin of error of plus or minus 4 percentage points. However, 12% of participants in the poll were undecided,

meaning if they break toward Dixon in the remaining weeks, the Nov. 8 election could be significantly closer.

The RGA announced its first ad of the general election race on Tuesday, four weeks before Election Day. Entitled "Time For A Change," the ad is part of "a seven-figure broadcast and cable campaign that will air across Michigan," according to the association.

Dixon's supporters on Friday celebrated her performance at the first debate, which took place a night earlier in Grand Rapids. Dixon, her running mate, Shane Hernandez, and Ducey spoke at a campaign rally Friday afternoon at Barrister Gardens in St. Clair Shores. About 250 people were in the crowd.

Dixon's remarks focused heavily on education, vowing to fight for students.

Rep. Pamela Hornberger, R-Chesterfield Township, who's running for the state Senate, also spoke at the event, saying if Dixon is elected, Republicans could have majorities in the House and Senate along with holding the governor's office.

"We can, from day one, start overhauling education from the top to the bottom," Hornberger said.

She mentioned changing policies on curriculum, testing and how teachers are trained at universities.

In a statement on Thursday night, Lavora Barnes, chairwoman of the Michigan Democratic Party, said Dixon would "dismantle public schools" and put education in Michigan under the control of Betsy DeVos, who served as education secretary under former President Donald Trump and whose family has endorsed Dixon.

"Michigan families deserve someone who will fight for them, and Gov. Whitmer showed once again she is the only candidate in the race who they can count on," Barnes said of the debate.

But Ducey said it was Dixon who won Thursday's debate.

"She was incredibly poised," he said. "She's a first time candidate against a sitting incumbent governor who was back on her heels, who was nervous, who was defensive, who doesn't have a plan for the next four years."

*cmauger@detroitnews.com*







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

March 29, 2023

Charlie Spies  
Counsel for Tudor Dixon for Governor, Inc. (Dixon)  
Dickinson Wright PLLC  
1825 Eye Street, NW, Suite 900  
Washington, DC 20006

Jonathan B. Koch  
Counsel for Get Michigan Working Again (GMWA) and  
Republican Governors Association (RGA)  
Smith Haughey Rice & Roegge  
100 Monroe Center, N.W.  
Grand Rapids, MI 49503

Re: *Scott v. Tudor Dixon for Governor, Inc., et al*  
Campaign Finance Complaint No. 2022 – 10 – 174 – 215

Dear Mr. Spies and Mr. Koch:

The Department of State (Department) has finished investigating the campaign finance complaint filed against your clients by Lonnie Scott alleging that they violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that Get Michigan Working Again (GMWA)'s reported expenditures in its Michigan campaign finance filings essentially mirrored the Republican Governors Association (RGA)'s expenditures to the Internal Revenue Service (IRS)—with expenditures on the same days and in the same amounts, or within a few cents of each other. Accordingly, the complaint alleged that GMWA violated the MCFA because it reported expenditures that it did not make, and that RGA violated the MCFA by failing to register as a committee and report to the Department. Additionally, the complaint alleged that RGA coordinated with Tudor Dixon in violation of the provisions of an independent expenditure committee (Super PAC) and that Dixon failed to report those contributions.

Republican Governors Association and Get Michigan Working Again, responded to the complaint by letter received by the Department on December 27, 2022. In that response, their counsel stated that neither GMWA nor RGA violated the MCFA and that neither of them coordinated with the Dixon Campaign in violation of the MCFA. They requested that the complaint be dismissed.

In their response, RGA and GMWA argued that they are distinct and separate legal entities. They explained that GMWA's expenditures were reported on RGA's Form 8872 submitted to the IRS because when GMWA was formed, its treasurer, Erim Canligil (CFO of RGA), used RGA's federal Employer Identification Number ("EIN") to open a bank account. They stated that the bank account was used exclusively for GMWA's contributions and expenditures and was not used for RGA business. GMWA argued that the MCFA does not prohibit use of another entity's federal EIN and that GMWA complied with all relevant MCFA reporting and disclosure requirements. In its submission, GMWA included an affidavit from its treasurer, in which he stated that the itemized expenditures GMWA reports to the Department are made from a bank account that was opened using the RGA's EIN but exclusively used by GMWA.

For its part, RGA argued that it did not fail to register or report expenditures to the Department because it was not required to register and because the communications in question correctly identified GMWA as the payor. Regarding the allegation that the parties coordinated with Dixon, they argued that the RGA conducts itself similarly to the Democratic Governors Association (DGA), in that both support their respective candidates in the applicable states. Just as RGA shares certain attributes with GMWA, so too does the DGA with "Put Michigan First," a Michigan organization that shares staff and office space with DGA, and which funds political ads promoting Democratic candidates, they argued.

Tudor Dixon for Governor, Inc., responded to the complaint by email received by the Department on December 23, 2022. In that response, Dixon's counsel stated that Dixon did not coordinate any paid communications with either RGA or GMWA. Dixon states that the complaint has no evidence and is based entirely on RGA's publicly stated mission of supporting Republican gubernatorial candidates. Dixon requested that the complaint be dismissed due to its speculative and conclusory nature.

After being provided with a copy of the parties' responses, Mr. Lonnie Scott's counsel provided a rebuttal in an email received by the Department January 23, 2023. In that statement, Mr. Scott stated that while RGA and GMWA claim that GMWA acted independently of RGA, no evidence of this was provided. Mr. Scott stated that because GMWA's expenditures were made via a bank account under the ownership and control of RGA and because Erim Canligil held dual positions as treasurer of GMWA and CFO of RGA, it is likely that RGA violated the MCFA by paying for ads and running them in GMWA's name. Mr. Scott requested that the Department conduct an



investigation of Dixon for Governor, Get Michigan Working Again, and the Republican Governors Association to determine whether provisions of the MCFA were violated.

In Michigan, to form and operate an independent expenditure committee (also known as a Super PAC), the MCFA requires that the committee file a statement of organization with the Department, name and maintain a treasurer, and disclose an official depository and utilize such account upon receipt of a contribution. MCL 169.221. The Act requires a group operating out-of-state to form and register a Michigan committee within ten (10) calendar days after it receives or spends \$500.00 or more in a calendar year to influence voters for or against the nomination or election of one or more candidates in Michigan. Michigan Bureau of Elections PAC Manual, [Appendix K](#) (accessed 3/26/2023).

The Department finds that GMWA satisfied the independent expenditure committee formation requirements of Section 21 of the MCFA. MCL 169.221. While it was affiliated with RGA's EIN, the bank account at Chain Bridge Bank that GMWA used for its contributions and expenditures met the MCFA requirement that independent expenditure committees utilize an official depository under MCL 169.221. GWMA then duly reported its expenditures to the Department as part of its required disclosures. The fact that RGA reported the same expenditures to the IRS since those expenditures were affiliated with RGA's EIN is not sufficient to establish that the expenditures were not made by GMWA. Whether the use of RGA's federal EIN for GMWA's expenditures complies with federal tax law is not within the Department's purview.

In Michigan, 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 [a 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). The MCFA requires committees to register and file certain campaign statements detailing contributions and expenditures. *See, e.g.*, MCL 169.233. Failure to file these required statements can result in civil and criminal penalties. *Id.* Additionally, every communication referencing an election, candidate, or ballot question must include the identification of the person paying for it. MCL 169.247.

Based on their response, it does not appear that RGA made the minimum expenditures or contributions that would require registration under the MCFA (\$500 or more in a calendar year) and therefore their failure to form a committee is not a violation of the MCFA. MCL 169.203(4). Since RGA did not make expenditures either independently or directly on behalf of Dixon that would require it to register as a committee, RGA did not need to limit its coordination with Dixon. The Department therefore determines that sufficient evidence has not been submitted to find that there may be reason to believe that RGA and Dixon were coordinating in violation of the MCFA.

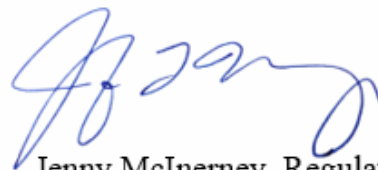
Since the bank account used by GMWA was opened and signed for by the CEO and CFO of RGA, and because RGA and GMWA share staff and an address, there is a clear level of coordination between the entities. However, coordination between a federal SuperPAC and a Michigan SuperPAC is not prohibited.

MCL 169.209 defines independent expenditures as expenditures “not made in cooperation, consultation, or concert with, or at the request or suggestion of ... a candidate, a candidate committee or its agents, or a political party committee or its agents.”

Under this definition, coordination between GMWA and Dixon that directed GMWA’s expenditures would be a violation of MCL 169.224b and 169.209, but beyond the fact that GMWA shared staff, an address, and a jointly owned bank account with RGA, and Dixon was a gubernatorial candidate supported by the RGA, there is insufficient evidence provided to establish that GMWA and Dixon directly coordinated in violation of the MCFA.

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, the Department dismisses the complaint and will take no further enforcement action.

Sincerely,



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

c: Lonnie Scott  
Mark Brewer