

Complaint Against:

CLIMATE CABINET PAC – MICHIGAN
Committee Identification No. 521692
PO Box 6546
Grand Rapids, MI 49516
(240) 681- 9429
Marta Johnson, Treasurer

FRIENDS OF MIKE MCFALL
Committee Identification No. 520272
PO Box 911
Hazel Park, MI 48030
(248) 321-5553
Mike McFall, Treasurer

FRIENDS OF STEPHEN WOODEN
Committee Identification No. 521385
PO Box 3684
Grand Rapids, MI 49501
(616) 304-5555
William Knape, Treasurer

FRIENDS OF LAYLA TAHA
Committee Identification No. 521221
PO Box 323
Wayne, MI 48184
(734) 674-0450
Kristina Laster, Treasurer

CTE MATT KOLESZAR
Committee Identification No. 518402
PO Box 6094
Plymouth, MI 48170
(734) 506-8580
Kimberly Bush-Koleszar, Treasurer

DENISE MENTZER FOR STATE REP
Committee Identification No. 520748
1399 Kingsley Street
Mt. Clemens, MI 48043
(586) 465-2672
Jaime Collins, Treasurer

FRIENDS OF REGGIE MILLER

FRIENDS OF MAI XIONG
Committee Identification No. 521292
7415 Chicago Road
Warren, MI 48092
(586) 782-2298
Rochelle Kelley, Treasurer

COMMITTEE TO ELECT SONIA RILEY
Committee Identification No. 2024085
3434 Perry Ave SW
Wyoming, MI 49519
(616) 272-2745
Sonia Riley, Treasurer

COMMITTEE TO ELECT JACOB TOOMEY
Committee Identification No. 513729
PO Box 215
Dimondale, MI 48821
(517) 930-3266
Jacob Toomey, Treasurer

FRIENDS OF MARSHALL KILGORE
Committee Identification No. 2024029
1050 Cooper Ave SE
Grand Rapids, MI 49507
(616) 264-1293
Marshall Kilgore, Treasurer

COMMITTEE TO ELECT DANIEL MAHONEY
Committee Identification No. 521462
1419 Losey Ave
Jackson, MI 49203
(517) 914-2706
Trisha Overall, Treasurer

PEOPLE FOR DYLAN WEGELA
Committee Identification No. 520306
6909 Whitby Street
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(734) 536-5706
Kristina Laster, Treasurer

CTE JANISE O'NEIL ROBINSON

Committee Identification No. 520450
13697 Pond Bluff Drive
Belleville, MI 48111
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James Miller, Treasurer
Treasurer

AUSTIN MARSMAN FOR MICHIGAN
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Plainwell, MI 49080
(269) 568-3931
Madeleine Samuels, Treasurer

CTE KIMBERLY EDWARDS
Committee Identification No. 520710
PO Box 901
Eastpointe, MI 48021
(313) 213-5723
Kimberly Edwards, Treasurer

SHADIA MARTINI FOR STATE REP
Committee Identification No. 519526
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Bloomfield Hills, MI 48302
(248) 860-1949
Kareem Rifai, Treasurer

COMMITTEE TO ELECT ANDY WOOD
Committee Identification No. 521275
609 Flint Road, APT 4
Brighton, MI 48116
(810) 220-9223
Andy Wood, Treasurer

COMMITTEE TO ELECT CHRIS HERWEYER
Committee Identification No. 2024008
2569 Woodlake Road, SW, APT 2
Wyoming, MI 49519
(616) 608-2211
Christopher Herweyer, Treasurer

FRIENDS OF JAIME CHURCHES
Committee Identification No. 520095
8841 Macomb Street PO Box #23
Grosse Ile, MI 48138
(734) 341-8650

Committee Identification No. 521379
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Flat Rock, MI 48134
(313) 971-5027
Therese O'Neil Darling,

CTE BETSY COFFIA
Committee Identification No. 516116
1018 Boyd Avenue
Traverse City, MI 49686
(410) 934-9931
Harold Lassers, Treasurer

FRIENDS OF EMILY DIEVENDORF
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315 W. Allegan #16026
Lansing, MI 48933
(517) 410-9179
Emily Dievendorf, Treasurer

JENNIFER CONLIN FOR STATE REP
Committee Identification No. 520410
PO Box 131106
Ann Arbor, MI 48113
(734) 904-6032
Oroake Caitlin, Treasurer

CTE JENN HILL STATE REP
Committee Identification No. 520241
PO Box 151
Marquette, MI 49855
(906) 330-0055
Jennifer Hill, Treasurer

COMMITTEE TO ELECT JIM HAADSMA
Committee Identification No. 517377
146 S. Lincoln Blvd
Battle Creek, MI 49015
(269) 317-5502
Kristy Foster-Potter, Treasurer

CTE RUDY M HOWARD JR
Committee Identification No. 521375
1610 6th Street
Bay City, MI 48708
(989) 545-1235

Jaime Churches, Treasurer

Tristica Howard, Treasurer

LAGRAND FOR GRAND RAPIDS
Committee Identification No. 2023021
1551 Kalamazoo Avenue SE
Grand Rapids, MI 49507
(616) 540-0994
Richard Williamson, Treasurer

Complainant:

Abigail Mitch
123 W. Allegan, Suite 770
Lansing, MI 48933
(517) 867-2925

Dated: October 11, 2024

***Filed Pursuant to MCL 169.215
and the Administrative Rules of the
Michigan Department of State
Legal and Regulatory Services Administration
Treasury Building, 4th Floor
430 W. Allegan
Lansing, Michigan 48918***

COMPLAINT

Complainant, Abby Mitch, whose address is 123 W. Allegan, Suite 770, Lansing, MI 48933, (517) 867-2925, declares to the Michigan Secretary of State the following:

THE RESPONDENTS

1. Climate Cabinet PAC – Michigan attempted to register as an “Independent Committee” with the Michigan Department of State on April 4, 2024. See Michigan Department of State Records available at [CLIMATE CABINET PAC - MICHIGAN | Michigan Campaign Finance Committee Search \(nictusa.com\)](https://nictusa.com/CLIMATE-CABINET-PAC-MICHIGAN-Michigan-Campaign-Finance-Committee-Search).
2. Friends of Mike McFall is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
3. Friends of Stephen Wooden is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
4. Friends of Layla Taha is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
5. Friends of Mai Xiong is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
6. Committee to Elect Sonia Riley is a “Candidate Committee” registered with the Kent County Clerk pursuant to the Michigan Campaign Finance Act.
7. Committee to Elect Jacob Toomey is a “Candidate Committee” registered with the Eaton County Clerk pursuant to the Michigan Campaign Finance Act.
8. Friends of Marshall Kilgore is a “Candidate Committee” registered with the Kent County Clerk pursuant to the Michigan Campaign Finance Act.
9. Committee to Elect Matt Koleszar is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
10. Committee to Elect Daniel Mahoney is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
11. Denise Mentzer for State Representative is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.

12. People for Dylan Wegela is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
13. Friends of Reggie Miller is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
14. Committee to Elect Janise O’Neil Robinson is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
15. Austin Marsman for Michigan is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
16. Committee to Elect Betsy Coffia is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
17. Committee to Elect Kimberly Edwards is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
18. Friends of Emily Dievendorf is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
19. Shadia Martini for State Representative is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act
20. Jennifer Conlin for State Representative is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act
21. Committee to Elect Andy Wood is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act
22. Committee to Elect Jenn Hill State Representative is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.
23. Committee to Elect Chris Herweyer is a “Candidate Committee” registered with the Kent County Clerk pursuant to the Michigan Campaign Finance Act.
24. LaGrand for Grand Rapids is a “Candidate Committee” registered with the Kent County Clerk pursuant to the Michigan Campaign Finance Act.

25. Committee to Elect Jim Haadsma is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.

26. Committee to Elect Rudy M. Howard Jr. is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.

27. Friends of Jaime Churches is a “Candidate Committee” registered with the Michigan Department of State pursuant to the Michigan Campaign Finance Act.

CLIMATE CABINET PAC – MICHIGAN MADE ILLEGAL CONTRIBUTIONS TO CANDIDATE COMMITTEES FROM ITS “SUPER PAC” ACCOUNT TAINTED WITH CORPORATE FUNDS

28. According to Climate Cabinet PAC, it is registered with the Federal Election Commission as a “PAC with a Non-Contribution Account”:

Climate Cabinet PAC is a political organization registered with the Federal Election Commission as a PAC with a Non-Contribution Account, commonly referred to as a “Hybrid PAC.” Accordingly, Climate Cabinet PAC may accept unlimited contributions from any source, including corporations and labor unions into its Non-Contribution accounts. Individual contributions will be allocated as follows: \$5,000 per calendar year to a bank account that operates as a Federal PAC, and the remainder to a bank account that operates as what is commonly referred to as a “Super PAC.”

See the “Donate Today” webpage of the Climate Cabinet PAC website (climatecabinet.org) available at [Climate Cabinet PAC — Donate via ActBlue](#). Climate Cabinet PAC is registered with the Federal Election Commission. See [CLIMATE CABINET PAC - committee overview | FEC](#) .

29. In fact, Climate Cabinet PAC’s “Non-Contribution Account” or “Super PAC” does contain corporate donations. For example, on March 28, 2024, The Human Fund gave \$25,000 to Climate Cabinet PAC’s “Non-Contribution Account” or “Super PAC”. See Climate Cabinet PAC’s 2024 April Quarterly Report filed with the Federal Election Commission available at [Schedule A for ALL Line #'s \(fec.gov\)](#). On that same day, Lukas Walton gave \$95,000 to Climate Cabinet PAC’s “Non-Contribution Account” or “Super PAC”. See Climate Cabinet PAC’s 2024 April Quarterly Report filed with the Federal Election Commission available at [Schedule A for ALL Line #'s \(fec.gov\)](#). On

this same report, Kara Ballester gave \$20,000 to Climate Cabinet PAC's "Non-Contribution Account" or "Super PAC".

30. Significantly, Climate Cabinet PAC – Michigan's first 2 contributions were the \$95,000 Lukas Walton contribution and the \$20,000 Kara Ballester contribution that Climate Cabinet PAC transferred to Climate Cabinet PAC-Michigan from its "Non-Contribution Account" or "Super PAC". See Climate Cabinet PAC - Michigan's 2024 April Quarterly Report filed with the Michigan Department of State available at [Contributions | Michigan Campaign Finance Committee Search \(nictusa.com\)](#)

31. With the transfer it received from Climate Cabinet PAC's "Non-Contribution Account" or "Super PAC", Climate Cabinet PAC – Michigan made direct contributions to each "Candidate Committee" identified as a Respondent in Paragraphs 2 through 24 of this Complaint. See Climate Cabinet PAC – Michigan's amended 2024 July Quarterly Report available at [Statement Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#).

32. Michigan law expressly prohibits a Super PAC (technically referred to as an "Independent Expenditure Committee") from making a contribution to a candidate. See MCL 169.224b(4) and MCL 169.254. The same is true under Federal law. In this regard, the Federal Election Campaign Act defines a "contribution" to include "any gift . . . or anything of value made by any person for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8)(A). Super PACs are prohibited from contributing to candidates and their authorized committees, see 52 U.S.C. §§ 30116(a), 30118(a); Advisory Opinion 2010-11 (Commonsense Ten) at 2-3, and it is unlawful for candidates, political committees, and their officers and employees to knowingly accept an excessive or prohibited contribution, 52 U.S.C. §§ 30116(f), 30118(a). In addition, Michigan law also prevents corporate "[t]reasury funds [to] be commingled with funds that are distributed to candidate committees." See Appendix K1 of the MERTS Guide available on the Michigan Department of State website at [Michigan Elections - Disclosure Division - - Appendices \(mertsplus.com\)](#).

33. Accordingly, a Super PAC may not make direct contributions to candidates. Therefore, when Climate Cabinet PAC – Michigan made direct contributions to each "Candidate Committee" identified as a Respondent in Paragraphs 2 through 24 of this Complaint with Climate Cabinet PAC's "Non-Contribution Account" or "Super PAC" which contains corporate donations, this represents a blatant violation of Section 54 of the Michigan Campaign Finance Act. Similarly, Rule 35 of the Administrative Rules prohibits each "Candidate Committee" identified as a Respondent in Paragraphs 2 through 24 of this Complaint from accepting a contribution from Climate Cabinet PAC – Michigan.

34. Climate Cabinet PAC – Michigan made direct contributions to each “Candidate Committee” identified as a Respondent in Paragraphs 25 through 27 of this Complaint. These direct contributions have been discovered because the “Candidate Committee” Respondents themselves have reported these direct contributions. Upon information and belief, when Climate Cabinet PAC – Michigan made direct contributions to each “Candidate Committee” identified as a Respondent in Paragraphs 25 through 27 of this Complaint, these direct contributions were also made from Climate Cabinet PAC’s “Non-Contribution Account” or “Super PAC” which contains corporate donations. Consequently, these additional direct contributions represent a blatant violation of Section 54 of the Michigan Campaign Finance Act. Similarly, Rule 35 of the Administrative Rules prohibits each “Candidate Committee” identified as a Respondent in Paragraphs 25 through 27 of this Complaint from accepting a contribution from Climate Cabinet PAC – Michigan when these direct contributions were also made from Climate Cabinet PAC’s “Non-Contribution Account” or “Super PAC” which contains corporate donations.

35. Attachment 1 is a list of the direct contributions made by Climate Cabinet PAC – Michigan to each “Candidate Committee” identified as a Respondent in Paragraphs 2 through 27 of this Complaint. Upon information and belief, Climate Cabinet PAC – Michigan is continuing to make illegal direct contributions to “Candidate Committees”. Therefore, it is imperative that these brazen campaign finance violations be ended immediately.

ALTHOUGH CLIMATE CABINET PAC – MICHIGAN’S ILLEGAL USE OF A SUPER PAC TRANSFER TO MAKE ILLEGAL DIRECT CANDIDATE CONTRIBUTIONS REQUIRES IMMEDIATE ACTION TO END THESE BRAZEN CAMPAIGN FINANCE VIOLATIONS, NONETHELESS, CLIMATE CABINET PAC – MICHIGAN IS NOT AN INDEPENDENT COMMITTEE

36. An “Independent Committee” pursuant to the Michigan Campaign Finance Act may contribute 10 times the amount allowed for individuals and Political Committees. See Section 52(2) of the Michigan Campaign Finance Act. For example, an Independent Committee may contribute \$12,250 in an election cycle to a candidate for State Representative; however, individuals and Political Committees may only contribute \$1,225 in an election cycle to a candidate for State Representative.

37. Before being granted these higher contribution limits, a committee must qualify as an “Independent Committee” by meeting ALL of the following requirements (requirements (b) and (c) must be completed in the same calendar year):

- (a) Must have filed a Statement of Organization as an Independent Committee at least 6 months before the election in which the committee wishes to make the maximum contributions allowed Independent Committees.
- (b) Must have supported or opposed three or more candidates for nomination or election to elective office in Michigan within the Political Committee limits.
- (c) Must have received contributions from at least 25 persons.

See Section 8(3) of the Michigan Campaign Finance Act.

38. In order to obtain Independent Committee status, Climate Cabinet PAC – Michigan must have filed a Statement of Organization as an Independent Committee at least 6 months before the election in which the committee wishes to make the maximum contributions allowed Independent Committees.

39. Climate Cabinet PAC – Michigan attempted to register as an “Independent Committee” with the Michigan Department of State on April 4, 2024. See Michigan Department of State Records available at [CLIMATE CABINET PAC - MICHIGAN | Michigan Campaign Finance Committee Search \(nictusa.com\)](https://nictusa.com/CLIMATE_CABINET_PAC_-_MICHIGAN_Michigan_Campaign_Finance_Committee_Search). The following email exchange excerpts tell the rest of the story here:

On Thu Apr 25 2024, 12:36 PM <noreply@egov.com> wrote:

Dear CLIMATE CABINET PAC - MICHIGAN - ID#: 521692,

Congratulations, the Bureau of Elections has processed your electronic Statement of Organization (e-SofO) request.

If you were prompted to submit a signed copy of your Statement of Organization to complete your submission, this must be received by our office within one week for your filing to be completed without any errors or omissions. Please submit the required signatures if you have not done so already.

Please find committee packets, publications and other resources available on our [website](#).

From: Blair Schuman <blair@rogethatcompliance.com>
Sent: Thursday, May 23, 2024 3:52 PM
To: SOS Disclosure <Disclosure@michigan.gov>

Cc: Blair Schuman <CONTACT@rngerthatcompliance.com>

Subject: Re: MI Bureau of Elections: Your e-SofO Request has been Processed

Hello

I am trying to log in to our account, but the link has expired. Would it be possible to resend the link so we can get everything handled? I want to get our report filed as soon as possible.

Thank you

Blair

On Fri., May 24, 2024, 7:08 AM SOS, Disclosure <Disclosure@michigan.gov> wrote:

Here is the document that needs to be signed and sent into our office.

From: Blair Schuman <blair@rogerthatcompliance.com>

Sent: Friday May 24, 2024 7:10 AM

To: SOS, Disclosure <Disclosure@michigan.gov>

Subject: Re: MI Bureau of Elections: Your e-SofO Request has been Processed

Hello,

We sent this in Wednesday, so it should arrive soon. My apologies for the delay.

Blair

See Attachment 2, Email Exchanges Between Bureau of Elections and Blair Schuman Regarding the Signed Initial Statement of Organization.

Accordingly, the earliest date that the signed Statement of Organization for Climate Cabinet PAC – Michigan could have been received by the Bureau of Elections is May 24, 2024.

40. According to the Bureau of Elections:

“In order for the original Statement of Organization to be considered received by the Bureau of Elections, you must hand deliver, mail, email or fax a copy of the statement with all the required signatures.”

See the 3:48 mark of the Bureau of Elections' Training Video available at [Electronic Statement of Organization \(eSofO\) \(youtube.com\)](#)

Therefore, the earliest date that the original Statement of Organization for Climate Cabinet PAC – Michigan could have been considered received by the Bureau of Elections is May 24, 2024. Consequently, Climate Cabinet PAC – Michigan did not file a Statement of Organization as an Independent Committee at least 6 months before the November 5, 2024 election, and for this reason alone, may not make the maximum contributions allowed Independent Committees for this election cycle.

41. In addition, in order to obtain Independent Committee status, Climate Cabinet PAC – Michigan must have received contributions from at least 25 persons. When Climate Cabinet PAC – Michigan filed its original 2024 April Quarterly Report on July 25, 2024, it reported having received 2 contributions. See Michigan Department of State Records available at [Document Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#) Then, when Climate Cabinet PAC – Michigan filed its original 2024 July Quarterly Report on July 25, 2024, it reported having received 1 additional contribution (totaling 3 contributions for 2024) during a time when it was making excessive contributions as if it were an “Independent Committee”. See Michigan Department of State Records available at [Document Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#).

42. On August 23, 2024, the Bureau of Elections sent an Error/Omission Notice to Climate Cabinet PAC – Michigan, advising that Climate Cabinet PAC – Michigan has not obtained “Independent Committee” status; and therefore, the \$6,000 contributions made to the state representative candidates who are also Respondents in this Complaint are excessive. See Michigan Department of State Records available at [Document Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#)

43. Nonetheless, by sheer coincidence and apparently without having received the August 23, 2024 Error/Omission Notice referenced in the previous Paragraph, Climate Cabinet PAC – Michigan “discovered” 24 additional contributions that it failed to disclose on its original 2024 July Quarterly Report on July 25, 2024. Significantly, on August 22, 2024 (the day BEFORE it received the August 23, 2024 Error/Omission Notice referenced in the previous paragraph) Climate Cabinet PAC – Michigan filed an amended 2024 July Quarterly Report listing “newly discovered” 24 additional contributors. See Michigan Department of State Records available at [Document Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#).

44. Not only do these “newly discovered” 24 additional contributions fail to pass the smell test, but the campaign finance reports filed by Climate Cabinet PAC – Michigan itself suggest that these “newly discovered” contributions are incorrect.

45. Even a cursory comparison between the 2024 July Quarterly Report filed with the Federal Election Commission and the amended 2024 July Quarterly Report filed with the Bureau of Elections casts doubt on the accuracy of these filings. For example, of the 25 listed contributors listed in Climate Cabinet PAC – Michigan’s most recent amended 2024 July Quarterly Report, only 2 contributions (Wes Ernsberger for \$200 on April 27, 2024 and Daniel Tahar for \$100 on May 9, 2024) match what Climate Cabinet PAC reported to the Federal Election Commission. Compare Michigan Department of State Records available at [Statement Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#) with the Federal Election Commission Records available at [Schedule A for ALL Line #'s \(fec.gov\)](#). The only other contributors even listed in the 2024 July Quarterly Report filed with the Federal Election Commission had different dates and amounts (Shauna Junco contributed to Climate Cabinet PAC on June 26 but somehow contributed to Climate Cabinet PAC – Michigan on April 26; William Henning contributed to Climate Cabinet PAC on June 19 but somehow contributed to Climate Cabinet PAC – Michigan on May 14; and Change Bay-Wei contributed \$5,000 to Climate Cabinet PAC but somehow contributed only \$3,000 to Climate Cabinet PAC – Michigan). As to the other 20 contributors to Climate Cabinet PAC – Michigan that are not even listed on what Climate Cabinet PAC reported to the Federal Election Commission, none of the dates of the contributions received through Act Blue on the Federal report. match up with the contribution dates reported to the Michigan Department of State. Compare Michigan Department of State Records available at [Statement Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](#) with the Federal Election Commission Records available at [Schedule A for ALL Line #'s \(fec.gov\)](#).

46. The bottom line here is that the discrepancies between the 2024 July Quarterly Report filed with the Federal Election Commission and the amended 2024 July Quarterly Report filed with the Bureau of Elections casts doubt on whether Climate Cabinet PAC – Michigan truly conducted an honest and accurate LIFO analysis of contributions received from its PAC Account (not from its “Non-Contribution Account” or “Super PAC”) in accordance with the instructions set forth in Appendix K of the MERTS Guide available on the Michigan Department of State website at [Michigan Elections - Disclosure Division - - Appendices \(mertsplus.com\)](#). At a minimum, it is known that the EARLIEST date that Climate Cabinet PAC – Michigan could have achieved “Independent Committee” status (if it truly achieved this status at all) is June 26, 2024 (not May 23, 2024), the date that Shauna Junco contributed to Climate Cabinet PAC. Accordingly, unless Climate Cabinet PAC – Michigan provides the Bureau of Elections

with a detailed LIFO calculation complete with PAC bank account records and contributor information, Climate Cabinet PAC – Michigan has not met its burden to demonstrate that it is an “Independent Committee”. As the guardian of transparency and fair elections, the Michigan Department of State should accept nothing less.

47. Attachment 1 is a list of the direct contributions made by Climate Cabinet PAC – Michigan to each “Candidate Committee” identified as a Respondent in Paragraphs 2 through 27 of this Complaint. Each of these direct contributions exceeds \$1,225.

ALTHOUGH CLIMATE CABINET PAC – MICHIGAN’S ILLEGAL USE OF A SUPER PAC TRANSFER TO MAKE ILLEGAL DIRECT CANDIDATE CONTRIBUTIONS REQUIRES IMMEDIATE ACTION TO END THESE BRAZEN CAMPAIGN FINANCE VIOLATIONS, NONETHELESS, EVEN CLIMATE CABINET PAC – MICHIGAN ADMITS HAVING MADE EXCESSIVE AND ILLEGAL CONTRIBUTIONS

48. Section 52(1)(c) of the Michigan Campaign Finance Act limits contributions from political committees to candidate committees at \$1,225 per election cycle. Similarly, Section 52(7) of the Michigan Campaign Finance Act prevents candidate committees for State House and certain local races from accepting contributions from political committees in excess of \$1,225 per election cycle.

49. On September 6, 2024, Climate Cabinet PAC – Michigan filed yet another amended 2024 July Quarterly Report. See Michigan Department of State Records available at [Statement Details | Michigan Campaign Finance Committee Search \(nictusa.com\)](https://nictusa.com). This September 6, 2024 amended 2024 July Quarterly Report represents an admission by Climate Cabinet PAC – Michigan that it made excessive contributions to the 15 Respondents identified in Paragraphs 9 through 23 of this Complaint. In this regard, Climate Cabinet PAC – Michigan necessarily admitted that it had not yet obtained “Independent Committee” status when it made excessive contributions to these 15 Respondents by requesting refunds over the political committee/individual contribution limits to these 15 Respondents. These 15 Respondents shall be referred to as the “Uncontested Excessive Contribution Recipient Respondents”.

50. Significantly, with respect to each illegal and excessive contribution made to the Uncontested Excessive Contribution Recipient Respondents, the excess contribution was remedied, if at all, no earlier than 30 business days after receipt (see MCL 169.204(3)(c)) -- which means that these excessive and illegal contributions were made in violation of Section 52 of the Michigan Campaign Finance Act.

ALTHOUGH CLIMATE CABINET PAC – MICHIGAN’S ILLEGAL USE OF A SUPER PAC TRANSFER TO MAKE ILLEGAL DIRECT CANDIDATE CONTRIBUTIONS REQUIRES IMMEDIATE ACTION TO END THESE BRAZEN CAMPAIGN FINANCE VIOLATIONS, NONETHELESS, CLIMATE CABINET PAC – MICHIGAN FAILED TO REPORT ANY ADMINISTRATIVE EXPENSES WHICH DIRECTLY IMPACTED OR INFLUENCED ITS MICHIGAN ELECTIONEERING ACTIVITIES

51. The Michigan Department of State’s historical position has been that legal and accounting costs related to compliance with the Michigan Campaign Finance Act are expenditures. See Interpretive Statement issued to David Lambert dated October 31, 1984.

52. Section 26(1)(j) of the Michigan Campaign Finance Act requires that expenditures or other disbursements be reported.

53. When Climate Cabinet PAC – Michigan filed its campaign finance reports, it made the following certification:

“Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.”

54. In Climate Cabinet PAC - Michigan’s 2024 April Quarterly Report filed with the Michigan Department of State, it reported no expenditures. See Climate Cabinet PAC - Michigan’s 2024 April Quarterly Report filed with the Michigan Department of State available at [Expenditures | Michigan Campaign Finance Committee Search \(nictusa.com\)](#) In Climate Cabinet PAC - Michigan’s amended 2024 July Quarterly Report filed with the Michigan Department of State, it reported no administrative expenditures. See Climate Cabinet PAC - Michigan’s amended 2024 July Quarterly Report filed with the Michigan Department of State available at [Expenditures | Michigan Campaign Finance Committee Search \(nictusa.com\)](#).

55. Nonetheless, Climate Cabinet PAC - Michigan did incur administrative expenses. For example, Climate Cabinet PAC uses Act Blue to receive donations (see [Climate Cabinet PAC — Donate via ActBlue](#)) and there are expenses associated with these fundraising activities. See [ActBlue — Pricing](#). Climate Cabinet PAC - Michigan has also hired Roger That Compliance in Washington, DC and the Sandler Reiff law firm in Washington, DC to assist its Michigan electioneering activities. See Attachment 3. In addition, Emma Fisher (Climate Cabinet’s Chief Operating Officer) performed services for Climate Cabinet PAC – Michigan (see Attachment 3) and Marta Johnson is the

Treasurer for Climate Cabinet PAC – Michigan (Michigan Legislative Leader for Climate Cabinet) –neither of which can hardly be considered as a volunteer here. [About Us | Climate Cabinet](#) . See Attachment 3, Emails Relating to Persons Performing Administrative Services to Climate Cabinet PAC – Michigan. Attachment 3 demonstrates that countless hours of administrative services have been rendered on Climate Cabinet PAC – Michigan just in email traffic. Significantly, Attachment 3 likely represents only the tip of the iceberg in terms of the actual number of hours spent on administrative services rendered on behalf of Climate Cabinet PAC – Michigan.

56. Consequently, Climate Cabinet PAC – Michigan does have rather significant administrative expenses associated with its Michigan activities; however, to date, Climate Cabinet PAC - Michigan has failed to report any administrative expenses which directly impacted or affected its Michigan electioneering activities.

CONCLUSION

Based on the foregoing, the Respondents have violated the following Sections of the Michigan Campaign Finance Act:

1. Section 54 of the Michigan Campaign Finance Act and Rule 35 of the Administrative Rules have been violated by all Respondents for making and accepting corporate contributions.
2. Section 33 of the Michigan Campaign Finance Act has been violated by Climate Cabinet PAC – Michigan for filing an incomplete or inaccurate report in an attempt to qualify as an “Independent Committee”.
3. Section 52 of the Michigan Campaign Finance Act has been violated by Climate Cabinet PAC – Michigan and the Uncontested Excessive Contribution Recipient Respondents for making and accepting excessive contributions.
4. Section 33 of the Michigan Campaign Finance Act has been violated by Climate Cabinet PAC – Michigan for filing an incomplete or inaccurate report for failing to report any administrative expenses which directly impacted or affected its Michigan electioneering activities.

The relevant statutory provisions and applicable penalties associated with these violations are as follows:

MCL 169.215(15):

“(15) Unless otherwise specified in this act, a person who violates a provision of this act is subject to a civil fine of not more than \$1,000.00 for each violation. A civil fine is in addition to, but not limited by, a criminal penalty prescribed by this act.”

MCL 169.233(1):

“(1) A committee, other than an independent committee, an independent expenditure committee, or a political committee required to file with the secretary of state, supporting or opposing a candidate shall file complete campaign statements as required by this act and the rules promulgated under this act...”

MCL 169.233(10):

“(10) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than \$1,000.00.”

MCL 169.233(11):

“(11) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly omits or underreports individual contributions or individual expenditures required to be disclosed by this act, that individual is subject to a civil fine of not more than \$1,000.00 or the amount of the contributions and expenditures omitted or underreported, whichever is greater.”

MCL 169.252(1)(c):

“(1) Except as provided in subsection (5) or (11) and subject to section 46 and subsection (8), a person other than an independent committee or a political party committee shall not make contributions to a candidate committee of a candidate for elective office that, with respect to an election cycle, are more than the following:

(c) \$1,000.00 for a candidate for state representative, or for a candidate for local elective office if the district from which he or she is seeking office has a population of 85,000 or less.”

MCL 169.252(7):

“(7) A candidate committee, a candidate, or a treasurer or agent of a candidate committee shall not accept a contribution with respect to an election cycle that exceeds the limitations in subsection (1), (2), (3), (4), (11), or (12).”

MCL 169.252(9):

“(9) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00.”

MCL 169.254(1):

“(1) Except as otherwise provided in this section and section 55, and except with respect to loans made in the ordinary course of business, a corporation, joint stock company, domestic dependent sovereign, or labor organization shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution under section 4(3)(a).”

MCL 169.254(4):

“(4) A person who knowingly violates this section is guilty of a felony punishable, if the person is an individual, by a fine of not more than \$5,000.00 or imprisonment for not more than 3 years, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00.”

Administrative Rule 169.35:

“R 169.35 Contribution; corporate check.

Rule 35. A committee treasurer, other than a ballot question committee treasurer, shall not accept as a contribution a check written on a corporate account, except as provided in sections 54 and 55 of the act.”

REQUEST FOR ACTION BY THE SECRETARY OF STATE

The Secretary of State is called upon to protect the integrity of the campaign finance laws. It is beyond question that a Super PAC may not make direct contributions to candidates. And yet, Climate Cabinet PAC-Michigan has committed this blatantly

illegal act and will likely continue making these radioactive contributions unless stopped by the Secretary of State.

Accordingly, the Complainant respectfully requests that the Secretary of State immediately investigate these violations and determine as a matter of law that the Respondents have violated numerous Sections of the Michigan Campaign Finance Act, and to assess all appropriate penalties for such violations. Without limiting the generality of the foregoing sentence, the Complainant respectfully requests that the Secretary of State require a refund of any contributions found to be in violation of Section 54 and Section 52 of the Michigan Campaign Finance Act. Further, the Complainant respectfully requests the Secretary of State to take immediate action to prevent further violation of the Michigan Campaign Finance Act by the Respondents.

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.

Respectfully Submitted,

Dated: October 11, 2024


Abby Mitch