

CAMPAIGN FINANCE COMPLAINT

Complainant: John Tuckerman
11900 East U.S. 223
Blissfield, MI 49228

Alleged Violator: Our Home, Our Voice, Inc.
P.O. Box 247
Deerfield, MI 49238

Sections of the Michigan Campaign Finance Act (“MCFA”) alleged to be violated include, but are not limited to: MCL 169.215(15); MCL 169.224(1); MCL 169.225; MCL 169.226; and/or MCL 169.234.

INTRODUCTION

Our Home, Our Voice, Inc. (“OHOV”) is an incorporated 501(c)(4) social welfare organization in name only. In reality, dating back to at least November 2023, OHOV has been planning, soliciting and accepting funds for, and executing a statewide ballot initiative effort. However, it has failed to register as a ballot question committee and file required reports in violation of the Michigan Campaign Finance Act (“MCFA”). Instead, it illegally funneled donations to Citizens for Local Choice (“CLC”) to hide donor identities. As the evidence below demonstrates, these violations are widespread and ongoing. OHOV should be investigated and punished for its failure to comply with the MCFA.

THE LEGAL AND EVIDENTIARY STANDARDS

The Legal Standard

The MCFA requires an investigation of a complaint’s allegations, MCL 169.215(9), in order to determine “whether or not there *may be reason to believe* that a violation” of the MCFA has occurred, MCL 169.215(10) (emphasis added); *see also* Mich Admin Code, R 169.54–169.56 (reciting the statutory reason to believe standard). The MCFA does not define “reason to believe” (“RTB”) nor has the Department of State (“Department”) promulgated an administrative rule

defining the term. However, in interpreting the MCFA, the Department has looked to the Federal Election Campaign Act (“FECA”) and the Federal Election Commission (“FEC”) rules. *See, e g*, Informational Letter to David A. Lambert (October 31, 1984), p 3.

The FEC defines RTB as follows:

The Act requires that the Commission find “reason to believe that a person has committed, or is about to commit, a violation” of the Act as a precondition to opening an investigation into the alleged violation. 2 U.S.C. § 437g(a)(2). A “reason to believe” finding *is not a finding that the respondent violated the Act, but instead simply means that the Commission believes a violation may have occurred.*

FEC, *Guidebook for Complainants and Respondents on the FEC Enforcement Process* (2012), p 12 (emphasis added).

Thus, a complainant does not have to prove that a violation—or even a “potential” violation—of the MCFA occurred. A complainant need only prove that there “may be reason to believe” that a violation occurred. That standard is met here.

The Evidentiary Standard

The Department does not apply rigid courtroom rules of evidence at this preliminary stage. Under the Administrative Procedures Act (“APA”), the rules of evidence in an administrative proceeding are that “an agency may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent [persons] in the conduct of their affairs.” MCL 24.275. This standard means that the Department “may stray from rigid courtroom rules on evidence,” *Rentz v General Motors Corp*, 70 Mich App 249, 253; 245 NW2d 705 (1976), but has “wide latitude” in considering evidence, *Young v Liquor Control Comm’n*, 39 Mich App 101, 103; 197 NW2d 295 (1972) (*per curiam*). That wide latitude includes reliance on circumstantial evidence and the drawing of reasonable inferences from direct or circumstantial evidence. *See, e g*, *Mich Ed Ass’n v Secretary of State*, 241 Mich App 432, 445; 616 NW2d 234 (2000).

MICHIGAN CAMPAIGN FINANCE ACT

The Michigan Campaign Finance Act (“MCFA”) defines a “committee” as follows:

[A] person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, 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. . . . An individual, other than a candidate, does not constitute a committee. A person, other than a committee registered under this act, making an expenditure to a ballot question committee or an independent expenditure committee, shall not, for that reason, be considered a committee or be required to file a report for the purposes of this act unless the person solicits or receives contributions for the purpose of making an expenditure to that ballot question committee or independent expenditure committee.

MCL 169.203(4).

The MCFA defines a “ballot question committee” as follows:

[A] committee acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the actions of the voters for or against the nomination or election of a candidate.

MCL 169.202(4).

The MCFA requires a committee to file a statement of organization within ten days of its formation, *i.e.*, within ten days after it has raised over \$500. MCL 169.224(1). Ballot question committees are then required to file regular campaign finance reports. *See* MCL 169.225; MCL 169.226; MCL 169.233; and MCL 169.234.

FACTS

On February 21, 2023, Our Home, Our Voice, Inc. (“OHOV”) was incorporated as a 501(c)(4) social welfare organization under the Internal Revenue Code (“IRC”). OHOV is a coalition of anti-wind and solar activists “dedicated to protecting Michigan’s long-standing right of local regulation of land use.” Anderson, *Political Consultant for Pipeline Company Teams Up*

With Anti-Wind and Solar Activists in Michigan, Energy & Policy Institute (November 8, 2023), <https://energyandpolicy.org/anti-wind-and-solar-michigan/>.

Notwithstanding its designation as a 501(c)(4) social welfare organization, the evidence proves that OHOV has actually been acting as an unregistered ballot question committee to further its goals. This evidence includes, but is not limited to, the following:

On November 21, 2023, a local activist and OHOV's Facebook group administrator, Norman Stephens, shared a message from Kevon Martis, the spokesperson for and public face of OHOV. The Facebook post reads, in relevant part:

Our options are boiling down to being a very expensive statewide approach. Overall, it will be seven figures expensive. It will require us to donate in a way we have never done before and to work harder than ever before in every part of the state. . . .

We are not ready to make an official announcement as the legal details continue to be worked out, but funds are needed to even continue this process and ensure we are organized for success.

What I can tell you:

- We have retained a top law firm with an incredible record of working on these efforts
- We will be maintaining our PR team and lobby team for the next step in this process and they will organize, execute and provide logistics to ensure a streamlined effort along with coalition building to grow our support through a variety of voices
- We are receiving information, proposals, and identified timelines from any and all potential vendors to ensure we have every base covered and we can achieve our goals efficiently and as cost-effectively as possible
- Our goal is to make an official announcement next month

Our most immediate need is funding to get off the ground. Like I said, this is an expensive effort, and we need the funds to finalize the plans, make the announcement, and launch the effort in a way that will spearhead our momentum for this project. We need a minimum of \$100,000 to secure our partners and finalize the details of the plan. Once we are able to launch the effort, we will be soliciting donations from a variety of individuals, businesses and coalition members to help us reach our seven figure goals. But this initial seed money of \$100,000 is the first step in the process.

It is best if you mail in a check. The online processor takes a cut. But if you need to use a credit card, online is acceptable as well. \$100,000 works out to about \$100 per member of this page which I think is attainable for most of us. But if you can, please send more . . . soon!

Norman Stephens, Facebook (November 21, 2023) (Exhibit 1). A “seven-figure” statewide effort requiring legal and PR assistance can only be a ballot question.

On November 22, 2023, Kevon Martis posted on Facebook to report that OHOV had raised \$1,500 for the effort and that they have a “long way to go,” along with a fundraising thermometer graphic. Kevon Martis, Facebook (November 22, 2023) (Exhibit 2). It is clear that the money was raised directly to OHOV because a user asked, “Where can we donate?,” to which Martis directed the user to the Facebook page’s “pinned” post. The pinned post directs donations to OHOV, Norman Stephens, Facebook (November 28, 2023) (Exhibit 3), and includes a link to OHOV’s website contribution page. Our Home, Our Voice, Inc., Contributions (Exhibit 4).

On November 23, 2023, Norman Stephens repeated the solicitation request for the planned statewide ballot initiative. The Facebook post reads, in relevant part:

Our Home, Our Voice is continuing to advocate for the authority to make important zoning decisions at the local level, asserting that effective zoning should be crafted by communities, not developers. To pursue this, we’re exploring a very costly statewide approach **with an estimated seven-figure expense**. . . .

While we work to finalize details, **we’ve secured a top law firm, maintained our PR and lobby teams, and are actively seeking vendor proposals**. Funds are imperative to continue this process, and your contribution will help us organize for success. We plan to make an official announcement next month. . . . In the spirit of giving, we are asking you to consider donating to our effort.

We need the funds to finalize the plans, make the announcement, and launch the effort in a way that gives us momentum for this project. We believe we need a minimum of \$100,000.00 to secure our partners and finalize the details of the plan.

Please consider donating. It is best if you mail in a check as our online processor takes a cut. If you need to use a credit card, online is acceptable and appreciated as well.

Norman Stephens, Facebook (November 23, 2023) (Exhibit 5).

OHOV never registered as a ballot question, despite the fact that it was—and still is—raising money for a ballot proposal. Instead, on December 5, 2023, Citizens for Local Choice (“CLC”) registered as a ballot question committee. CLC is also “a broad coalition of bi-partisan voters across Michigan, working together as one group to restore local control of zoning regulations.” *Mission Statement*, Citizens for Local Choice, <https://www.micitizenschoice.org/>. All evidence demonstrates that CLC is the statewide ballot initiative effort that OHOV has been raising money for.

On December 6, 2023, Kevon Martis posted on Facebook to report that OHOV had raised \$42,560 for the ballot proposal, using the same thermometer graphic that he had used in the November 22 post. Kevon Martis, Facebook (December 6, 2023) (Exhibit 6). When another user asked, “How do we donate?,” Martis again directed the user to the pinned post. Norman Stephens, Facebook (November 28, 2023) (Exhibit 3).

On December 8, 2023, *Gongwer* published an article to report on the formation of CLC, the new ballot question committee. Gorchow, *Ballot Proposal Prepped To Repeal New Energy Siting Law*, *Gongwer* (December 8, 2023) (Exhibit 7). Roger Johnson, the treasurer of CLC and also the registered agent for OHOV, was interviewed for the article. Johnson told *Gongwer* the following:

Johnson said he could not say much yet about what the Citizens for Local Choice group plans.

“We can’t talk about it yet,” he said. “Everything’s in the hands of the attorneys. The whole issue of direction, and what’s [sic] it’s for . . . we hope to make a public release in a week or two on what we are and who we are and what we formed the group for. But until everything’s locked down with the legal requirements, we have to say just check back with us.”

Id. Johnson’s contention that he cannot speak to the details of the ballot initiative until “everything’s locked down with the legal requirements” mirrors the November 21 Facebook post that said, “We are not ready to make an official announcement as the legal details continue to be worked out.” Norman Stephens, Facebook (November 21, 2023) (Exhibit 1).

That same day, Kevon Martis shared the *Gongwer* article on Facebook and wrote, “I told you something is brewing! Hang on folks, it’s about to get real!” Kevon Martis, Facebook (December 8, 2023) (Exhibit 8).

On December 10, 2023, Kevon Martis posted on Facebook to report that OHOV had raised \$54,200 for the ballot proposal, using the same thermometer graphic that he had used in the November 22 and December 6 posts. Kevon Martis, Facebook (December 10, 2023) (Exhibit 9). *When a user asked, “What is the money to be used for?,” Martis admitted that OHOV had raised the money for a ballot proposal: “We will be introducing a petition drive and ballot initiative to repeal the law outright.” Id (emphasis added).*

On December 18, 2023, Norman Stephens again posted on Facebook on behalf of OHOV to solicit donations and signatures for the then-launched statewide ballot initiative. In relevant part, his post reads as follows:

The FB group, Our Home, Our Voice is dedicated to retaining local control of zoning for wind/solar/battery ordinances. **Without signatures for the ballot initiative (election which gives us control again) and donations to pay for collecting those signatures, rural Michigan residents can expect [sic] oceans of solar panels and thousands of wind turbines inundating the state and everything we have fought for goes down the tubes.**

Norman Stephens, Facebook (December 18, 2023) (Exhibit 10).

On January 4, 2024, CLC’s website source code was reviewed. The CLC website shares source code and articles from the OHOV website. For example, on line 756, there is a link to

OHOV's TransTax fundraising page. Citizens for Local Choice, Source Code (Exhibit 11). This indicates that the same source code from OHOV's website was used to build CLC's website. In addition, multiple blog posts from the OHOV website appear on CLC's website. Citizens for Local Choice, <https://www.micitizenschoice.org/>.

On January 7, 2024, Kevon Martis posted on Facebook to tell OHOV's followers that OHOV is \$16,000 short of its initial \$100,000 fundraising goal for the ballot proposal. Kevon Martis, Facebook (January 7, 2023) (Exhibit 12). In the post, Martis admitted that the money is being used for the petition drive.

On January 16, 2024, CLC received a \$53,000 contribution from OHOV, Citizens for Local Choice, Petition Proposal Campaign Statement (March 4, 2024) (Exhibit 13)—the money that OHOV had been raising since November 2023. On January 25, 2024, CLC received another contribution of \$130.96 from OHOV. *Id.* There is reason to believe that there have been further contributions since February 26, 2024—the closing date of CLC's most recent campaign statement—because OHOV had raised \$84,000 as of January 8, 2024, and has likely only raised more since then.

All of this evidence proves that it was OHOV that planned, coordinated, raised money for, and executed the statewide ballot initiative effort, but never registered as a ballot question committee and never reported. Instead, OHOV raised money for the proposal from secret donors and gave the money to CLC. OHOV stated in its initial fundraising appeal on November 21, 2023, that the “very expensive statewide approach,” *i.e.*, a ballot proposal, would cost “seven figures,” and the “goal is to make an official announcement next month.” Since the initial fundraising appeal, Kevon Martis continued to update OVOH's Facebook group, asking for money to pay for the ballot question efforts announced on November 21, 2023. When *Gongwer*

reported that OHOV's registered agent, Roger Johnson, formed a ballot question committee, Martis shared the *Gongwer* article and said, "I told you something was brewing," referring to his fundraising appeals. Throughout all of this, Martis tracked the OHOV donations using the same fundraising thermometer graphic, and, when asked on December 10, 2023, what the money would be used for, he admitted that it was for a ballot initiative.

As additional evidence that OHOV was raising money for a ballot proposal without reporting, OHOV contributed a total of \$53,130.96 to CLC. These contributions further suggest that OHOV was soliciting contributions for this exact ballot initiative.

The two entities' aligning timelines also indicate that OHOV is the actual organization behind the statewide ballot initiative. In November 2023, Norman Stephens, on behalf of OHOV, publicly announced that they were looking into a statewide ballot initiative and hoped to launch such an effort "next month," *i.e.*, December 2023. On December 5, 2023, CLC was formed.

Beyond the Facebook posts, the contribution, and the timeline, there is evidence to suggest that OHOV and CLC are coordinating entities. For example, CLC's treasurer is the same person as OHOV's resident agent: Roger Johnson. Citizens for Local Choice, Statement of Organization (Exhibit 14); Our Home, Our Voice, Inc., Articles of Incorporation (Exhibit 15). Norman Stephens, OHOV's Facebook administrator, is a member of CLC's ballot committee. Allnutt, *'Hiding Donors': Attorney Says Michigan Anti-Renewable Ballot Effort May Have Broken Campaign Finance Law*, Planet Detroit (March 28, 2024), <https://planetdetroit.org/2024/03/donations-from-dark-money-nonprofit-michigan-farm-bureau-raise-concern-in-michigans-solar-siting-ballot-campaign/>. OHOV's spokesperson, Kevon Martis, is also a member of CLC's ballot committee. *Id*; Citizens for Local Choice (@localchoicemi), Twitter (February 15, 2024) (Exhibit 16).

Further, the same addresses appear in OHOV’s Articles of Incorporation and CLC’s Statement of Organization. Citizens for Local Choice, Statement of Organization (Exhibit 14); Our Home, Our Voice, Inc., Articles of Incorporation (Exhibit 15):

	Citizens for Local Choice	Our Home, Our Voice
Addresses	<p>13725 Rouget Road Deerfield, MI 49238</p> <p>P.O. Box 247 Deerfield, MI 49238</p>	<p>13725 Rouget Road Deerfield, MI 49238</p> <p>P.O. Box 247 Deerfield, MI 49238</p>


CONCLUSION AND RELIEF SOUGHT: THERE IS REASON TO BELIEVE THAT OHOV MAY HAVE VIOLATED THE MCFA

All of the evidence presented in this complaint demonstrates that OHOV has violated the MCFA. Because OHOV has been raising thousands of dollars for months for the purpose of paying expenses related to its statewide ballot initiative, it should have formed a ballot question committee ten days after it raised over \$500 and filed reports on its contributions and expenditures. Based on the Facebook posts, these legal violations date back to at least November 2023. Failure to form such a ballot question committee violated MCL 169.224(1). OHOV has also failed to file the necessary campaign finance statements in violation of MCL 169.225, MCL 169.226, and MCL 169.234.

For all of these reasons, I request that you:

1. Find that there may be reason to believe that Our Home, Our Vote, Inc. violated the MCFA, including, but not limited to: MCL 169.215(15); MCL 169.224(1); MCL 169.225; MCL 169.226; MCL 169.234; and
2. Take all necessary steps to punish Our Home, Our Vote, Inc. for their violations of the MCFA.

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.


John Tuckerman

April 9 2024
Date

/s/ Mark Brewer
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Dated: April 10, 2024