



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

July 3, 2024

Via Electronic Mail

treasurer@migop.org
Jennifer Standerfer, Treasurer
Michigan Republican Party
3450 Alpine Ave NW, Box 332
Grand Rapids, MI 49544

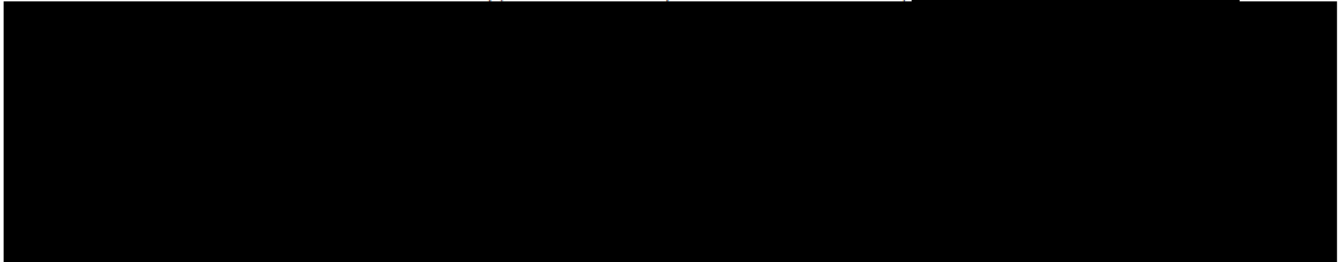
RE: MUR 8282 (formerly RR 23L-40)
Michigan Republican Party and
Jennifer Standerfer in her official
capacity as treasurer

Dear Ms. Standerfer:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission became aware of information suggesting Michigan Republican Party and you in your official capacity as treasurer (the "Committee") may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On June 25, 2024, the Commission found reason to believe that the Committee and you in your official capacity as treasurer violated 52 U.S.C. § 30104(b)(2) and (4) provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

In order to expedite the resolution of this matter, the Commission has authorized the Office of General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering to you as a way to resolve this matter at an early stage and without the need for briefing the issue of whether the Commission should find probable cause to believe that the Committee violated the law.

Enclosed is a conciliation agreement for your consideration.



MUR 8282 (Michigan Republican Party)
Jennifer Standerfer, Treasurer
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If you are interested in engaging in pre-probable cause conciliation, please contact Camilla Jackson Jones, the attorney assigned to this matter, at (202) 694-1507 or cjacksonjones@fec.gov within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if you are not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at http://www.fec.gov/em/respondent_guide.pdf.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed Designation of Counsel form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

We look forward to your response.

On behalf of the Commission,



Sean J. Cooksey
Chairman

Enclosures

1. Factual and Legal Analysis



FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Michigan Republican Party and Jennifer Standerfer **MUR 8282**
in her official capacity as treasurer

I. INTRODUCTION

The Reports Analysis Division (“RAD”) referred Michigan Republican Party and Jennifer Standerfer in her official capacity as treasurer (the “Committee”) for failure to disclose all receipts and disbursements in its 2023 March Monthly Report, in accordance with the 2023-2024 RAD Review and Referral Procedures (Standard 7).¹ According to the Referral, on April 20, 2023, the Committee filed an Amended 2023 March Monthly Report which disclosed receipts totaling \$166,162.80, an increase of \$164,016.80 from what had been reported in the original 2023 March Monthly Report, and additional disbursements totaling \$2,023,423.92, that had not been previously disclosed.² The Referral states that no corrective action is required at this time.³ The Committee has not submitted a response to the Referral.

Because there is no dispute as to whether the Committee failed to timely disclose all of its financial activity on its 2023 March Monthly Report, the Commission finds reason to believe that Michigan Republican Party and Jennifer Standerfer in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(2) and (4).

¹ Referral at 1 (Aug. 10, 2023).

² *Id.*

³ *Id.*

II. FACTUAL AND LEGAL ANALYSIS

A. Background

The Michigan Republican Party is the state party committee for the Republican Party in Michigan.⁴ The Committee reported having three different treasurers from February 1-28, 2023, the time period covered by the 2023 March Monthly Report.⁵ The treasurer named in the Referral, Marcus Cairns, signed the 2023 March Monthly Report and served as treasurer from April 19, 2023, to September 6, 2023.⁶

The Referral alleges the Committee failed to disclose all of its financial activity on its 2023 March Monthly Report.⁷ On March 20, 2023, the Committee timely filed the original 2023 March Monthly Report (“Original Report”) covering the period of February 1-28, 2023, and disclosing a total of \$2,146 in receipts and no disbursements for the reporting period.⁸ Specifically, the Original Report disclosed receipts totaling \$865 on Line 11(a)(i) (Itemized Contributions from Individuals) and \$981 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals).⁹ It also disclosed \$300 in receipts on Line 11(b) (Contributions

⁴ Michigan Republican Party, Amended Statement of Org. (Sept. 7, 2023), <https://docquery.fec.gov/pdf/707/202309079596998707/202309079596998707.pdf>.

⁵ Carl Meyers served as the Committee’s treasurer from November 18, 2005, to February 12, 2023, Stuart Foster served from February 13, 2023, to February 17, 2023, and Matt Johnson served from February 18, 2023, to April 18, 2023. *See* Michigan Republican Party, Amended Statement of Org. (Nov. 18, 2005), <https://docquery.fec.gov/pdf/677/25971487677/25971487677.pdf>; Michigan Republican Party, Amended Statement of Org. (Feb. 13, 2023), <https://docquery.fec.gov/pdf/666/202302139578210666/202302139578210666.pdf>; Michigan Republican Party, Amended Statement of Org. (Feb. 18, 2023), <https://docquery.fec.gov/pdf/246/202302189578674246/202302189578674246.pdf>.

⁶ Referral at 1; Michigan Republican Party, Amended Statement of Org. (Apr. 19, 2023), <https://docquery.fec.gov/pdf/231/202304199581051231/202304199581051231.pdf>. The current treasurer, Jennifer Standerfer, became treasurer on September 7, 2023. *See* Michigan Republican Party, Amended Statement of Org. (Sept. 7, 2023), <https://docquery.fec.gov/pdf/707/202309079596998707/202309079596998707.pdf>.

⁷ Referral at 2.

⁸ Michigan Republican Party, 2023 March Monthly Report (Mar. 20, 2023), <https://docquery.fec.gov/pdf/305/202303209579436305/202303209579436305.pdf>.

⁹ *Id.*

from Political Party Committees).¹⁰ The Original Report disclosed no receipts on Line 11(c) (Contributions From Other Political Committees), no receipts on Line 18(a) (Transfers from Non-Federal Account for Allocated Activity) of the Detailed Summary Page, and no disbursements on the Detailed Summary Page.¹¹

On April 20, 2023, the Committee filed two Amended 2023 March Monthly Reports approximately 1.5 hours apart.¹² The reports were identical but the first was signed by the former treasurer, Carl Meyers, and the second amended report was signed by the new treasurer Marcus Cairns.¹³ The Referral is based on the Second Amended 2023 March Monthly Report (“Second Amended Report”) because it is the most recent amended version of the report. The Second Amended Report disclosed an increase of \$164,016.80 in receipts and \$2,023,423.92 in disbursements from the original report.¹⁴

The receipts disclosed in the Second Amended Report, totaling \$166,162.80, were comprised of: \$6,668.10 on Line 11(a)(i) (Itemized Contributions from Individuals) (an increase of \$5,803.10), \$639.84 on Line 11(a)(ii) (Unitemized Contributions from Individuals) (a

¹⁰ *Id.*

¹¹ *Id.*

¹² See Michigan Republican Party, First Amended 2023 March Monthly Report (Apr. 20, 2023, 15:27 EST), <https://docquery.fec.gov/pdf/695/202304209581201695/202304209581201695.pdf> [hereinafter “First Amended Report”]; Michigan Republican Party, Second Amended 2023 March Monthly Report (Apr. 20, 2023, 17:03 EST), <https://docquery.fec.gov/pdf/926/202304209581216926/202304209581216926.pdf> [hereinafter “Second Amended Report”].

¹³ See First Amended Report; Second Amended Report. Although the Request for Additional Information (“RFI”) does not specify whether it was sent in reference to the First or Second Amended Reports, the two amended reports are identical but for the treasurer’s name and signature. The First Amended Report, filed on April 20, 2023, at 3:27 p.m., is signed by former treasurer Carl Meyers, and the Second Amended Report, filed at 5:03 p.m., is signed by Marcus Cairns, who became treasurer on April 19, 2023. See First Amended Report at 1; Second Amended Report at 1. There is no explanation provided as to why former treasurer Carl Meyers was signing disclosure reports after he had ceased being treasurer on February 13, 2023, according to the Amended Statement of Organization filed February 13, 2023, and Matt Johnson was treasurer, according to the Amended Statement of Organization filed February 18, 2023. See *supra* note 5 and accompanying text.

¹⁴ Referral at 1; Second Amended Report at 3; see also First Amended Report at 3.

decrease of \$341.16), \$0 in receipts on Line 11(b) (Contributions from Political Party Committees) (a decrease of \$300).¹⁵ The report disclosed \$5,000 on Line 11(c) (Contributions From Other Political Committees) and \$153,854.86 on Line 18(a) (Transfers from Non-Federal Account for Allocated Activity), where the Committee had previously disclosed zero receipts.¹⁶

The additional disbursements disclosed in the Second Amended Report totaling \$2,023,423.92 were comprised of \$1,673.60 on Line 21(a)(i) (Allocated Federal / Non-Federal Activity (Federal Share)), \$9,483.71 on Line 21(a)(ii) (Allocated Federal / Non-Federal Activity (Non-Federal Share)), \$17,587.77 on Line 21(b) (Other Federal Operating Expenses), and \$1,994,678.84 on Line 22 (Transfers to Affiliated/Other Party Committees).¹⁷

The Second Amended Report includes a memo text entry stating:

This report is being amended to correct the original March Monthly Report filed on March 20, 2023. The original March Monthly Report was filed using the FEC free filing software with no previous or current committee data as the compliance and staff was undergoing an administrative transition. The committee has retained a professional compliance firm to ensure all activity is properly reported going forward.¹⁸

On June 1, 2023, an RFAI was sent to the Committee, referencing the “Amended 2023 March Monthly Report, received 04/20/2023.”¹⁹ The RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed by the Committee.²⁰ On July 6,

¹⁵ Second Amended Report at 3; *see also* First Amended Report at 3.

¹⁶ Second Amended Report at 3; *see also* First Amended Report at 3.

¹⁷ Second Amended Report at 4; *see also* First Amended Report at 4.

¹⁸ Second Amended Report at 6; *see also* First Amended Report at 6.

¹⁹ Michigan Republican Party, RFAI (June 1, 2023), <https://docquery.fec.gov/pdf/979/202306010300182979/202306010300182979.pdf>. The RFAI was linked to the Second Amended Report.

²⁰ *Id.*

2023, the Committee filed an FEC Form 99 in response to the RFAI, restating what it had submitted in the memo text attached to the First and Second Amended Reports:

As stated in memo language in the Amended March Monthly Report, the original report was filed using the FEC free filing software. The individual filing the report did not have access to Aristotle, the Committee's compliance software. This was due to a change in the administration of the Committee, a state party. The Committee wanted to be able to file a timely report, however, [it] did not have any transaction data available to them at that time to enter into the report. The Committee has since hired a compliance firm and the original report was amended as soon as all access was either restored or granted to the compliance software.²¹

The Referral states that since July 10, 2023, RAD has logged one communication with the Committee's Assistant Treasurer, Liz Curtis, during which she was informed of the possibility of referral to another Commission office for further review.²² Ms. Curtis indicated that the Committee had no additional information to provide at that time.²³ The Committee did not respond to the Referral.

B. Analysis

The Act requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104.²⁴ These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required.²⁵

Though the Committee has not filed a response to the Referral, the Form 99 it filed on July 6, 2023, in response to the RFAI asserts that the reporting errors occurred due to a change in

²¹ *Id.*

²² Referral at 3.

²³ *Id.*

²⁴ 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

²⁵ 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

1 administration because “the individual filing the report did not have access to Aristotle, the
2 Committee’s compliance software” and therefore “did not have any transaction data available to
3 them at that time to enter into the [disclosure] report.”²⁶ The Committee does not explain why
4 the new treasurer did not have access to the compliance software that was presumably in the
5 Committee’s possession, or why it took one month to amend the disclosure report and provide
6 the correct information. The Committee asserts that since the erroneous filing, it has “hired a
7 compliance firm and the original report was amended as soon as all access was either restored or
8 granted to the compliance software.”²⁷

9 In circumstances involving committees that made reporting errors by omitting receipts
10 and disbursements, including where such errors may have been inadvertent, the Commission has
11 consistently found reason to believe and engaged in pre-probable cause conciliation,
12 incorporating the self-reported nature of the reporting violations.²⁸ Because there is no dispute
13 that the Committee failed to accurately disclose the increase in receipts totaling \$164,016.80 and
14 disbursements totaling \$2,023,423.92 in its 2023 March Monthly Report, the Commission finds
15 reason to believe that the Michigan Republican Party and Jennifer Standerfer in her official
16 capacity as treasurer violated 52 U.S.C. § 30104(b)(2) and (4).

²⁶ Michigan Republican Party, FEC Form 99, (July 6, 2023),
<https://docquery.fec.gov/pdf/677/202307069582438677/202307069582438677.pdf>.

²⁷ *Id.*

²⁸ *See, e.g.*, Conciliation Agreement, MUR 8178 (Spencer Toder for Senate) (conciliating failure to timely and accurately report disbursements); Conciliation Agreement, MUR 8061 (Republican Party of Minnesota – Federal) (conciliating failure to timely and accurately report receipts and disbursements); Conciliation Agreement, MUR 8050 (Montana Democratic Party) (same).