



## Governmental Relations

Foster Swift is full-service law firm based in Lansing with offices across the State of Michigan dedicated to providing our clients with exceptional representation and advocacy in government relations and lobbying. Our team of experienced attorneys have a deep understanding of the complexities of Michigan's political and legislative landscapes and have a proven track record of success in achieving our clients' goals. Since the firm's beginning, our attorneys have actively represented clients' interests to the legislative and executive branches of state government, including virtually all state agencies.

### Our services include:

- **Lobbying:** Our team of experienced attorneys will represent your interests before the Michigan Legislature and state and local governing bodies and agencies. We work tirelessly to secure favorable legislation, regulations, and administrative actions that benefit our clients. Our advocacy services will help you mobilize your supporters and engage with stakeholders to advance your goals. We will help you build and manage coalitions, create compelling messages, and implement effective advocacy campaigns. Our lobbying services include:
  - Direct Lobbying
  - Grassroots Advocacy
  - Issue Research
  - Legislative Analysis
  - Legislation Drafting
  - Regulation Drafting
  - Legislative and Regulatory Monitoring
  - Preparation for Testimony Before Legislative Bodies and Committees
  - Political Action Committee Strategy, Development, Administration, and Management
  - Ballot Initiatives, Recounts, and Recalls
- **Counseling:** Foster Swift routinely counsels corporations, trade associations, political groups, and individuals on compliance with federal and state laws regulating institutional and personal lobbying and political activity, fund raising and contributions.

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### ATTORNEYS

#### Shareholder

Laura J. Genovich

Alexander S. Rusek

#### Senior Attorney

Charles E. Barbieri

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#### Associate

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### RELATED PRACTICES

Administrative Law

Election & Campaign Finance Law

General & Commercial Litigation

Municipal & Public Entity Law

School Law Services

- **Administrative Law and Hearings:** Between state and federal executive branches, administrative law matters transcend just about every business. Foster Swift's litigators have achieved numerous positive outcomes representing clients in administrative investigations and hearings, such as before the Michigan Office of Administrative Hearings and Rules ("MOAHR"). We are prepared to represent individuals (such as licensed healthcare professionals, adult and child care professionals, attorneys, those in the licensed skilled trades) and businesses during the administrative hearing process.
- **Regulatory Compliance and Licensure:** Our regulatory compliance services will help you become licensed by local, state, or federal authorities and navigate the complex regulatory environment in Michigan. We will provide you with expert advice on navigating the rules and regulations that apply to your business, and we will work with you to ensure that your interests are protected. Our attorneys have experience in numerous regulated industries such as in the healthcare, food processing, waste disposal and management, environmental, and adult-use and medical cannabis industries.
- **Government Investigations:** We are proud to represent clients that may be investigated in the future or are currently being investigated by a federal, state, or local government agency. Our multidisciplinary government relations team (including members of our General & Commercial Litigation Practice Group, Municipal & Public Entity Practice Group, and Criminal Defense Practice Group amongst others) will work with you and the investigating agency to prepare for any fallout or repercussions of the investigation and to achieve the best outcome possible for you and your organization.
- **Litigation:** While Foster Swift's Government Relations team seeks to achieve our clients' goals out of court and avoid public litigation whenever possible, sometimes it is necessary to pursue our clients' objectives in court. Our experienced attorneys have successfully represent clients before federal and state courts, as well as agencies, such as the Federal Election Commission, the Michigan Department of State and the Internal Revenue Service. This representation involves First Amendment, equal protection and due process challenges to election laws, recounts, voting rights, redistricting, ballot access cases, and defense of clients in Federal Election Commission and state litigation.
- **Campaign Finance Law:** We assist corporations and individuals (including candidates and elected officials) in following the complex restrictions governing political activity and political donations and advise political committees regarding Political Action Committee ("PAC") administration and solicitation issues. We also provide guidance to corporate personnel on compliance with campaign finance laws and prepare guidelines for corporate handbooks.
- **Policy Research and Development:** Foster Swift's government relations attorneys are prepared to assist you and your organization in developing policies and strategies to accomplish your goals. Whether it be creating position papers, legislative analysis, fact sheets, or other documents, our attorneys are ready to support you and your organization.
- **Political Consulting:** Foster Swift's political consulting services will help you navigate the complexities of Michigan's political landscape. We will provide you with strategic guidance and advice to help you achieve your goals, whether it be a political campaign, grassroots advocacy, or public affairs initiatives.
- **General Counsel Services:** Foster Swift attorneys serve as general counsel for counties, cities, and townships across the State of Michigan by providing wide-ranging legal advice and services.

- **Land Use Law:** Our attorneys work with public entities and private clients (including developers) on land use matters, including development agreements, annexations, Act 425 agreements, and zoning approvals.
- **Public Finance Law:** Our attorneys are experienced in representing our clients in complex infrastructure projects throughout Michigan and the nation.
- **Prosecution Services:** Foster Swift's attorneys provide efficient, economical, and effective prosecution of municipal ordinance violations including violations of the Uniform Traffic Code and the Michigan Motor Vehicle Code to municipalities.
- **Appeals:** Our attorneys routinely assist clients by drafting and arguing appeals in all state and federal courts and administrative agencies, including occupational licensing, state construction matters and EGLE (formerly MDEQ) matters.
- **Education Law:** As Michigan's public, private, and charter schools face new challenges, working with a full-service, one-stop legal team is more important than ever. Foster Swift's attorneys have broad experience in the matters that schools face, and we offer collaborative, creative solutions for our clients. We pride ourselves on being accessible and responsive, and we offer free seminars, webinars, newsletters, and other legal updates to our clients.
- **Tax Exempt Organization Law:** We assist in the formation and operation of many types of tax-exempt organizations, including public charities, issue advocacy groups, trade associations, and political organizations. We advise our clients on corporate and tax matters, including complying with state registration requirements and obtaining and maintaining tax-exempt status. Many of our tax-exempt clients are subject to regulation by state and local campaign, corporate, and tax agencies. We are uniquely positioned to guide clients through these multiple, complex and ever-changing rules.

At Foster Swift we are committed to delivering results for our clients. We understand the importance of staying up-to-date with the latest developments in Michigan's political and legislative landscapes, and we work tirelessly to provide our clients with the most effective representation and advocacy possible.

If you are in need of government relations services in Michigan, we invite you to contact us today to learn more about how we can help you achieve your goals. Our team of experienced attorneys is ready to assist you and we look forward to working with you.

## LITIGATION CASE RESULTS

***Practical Political Consulting, Inc v Michigan Department of State, 287 Mich. App. 434, 789 N.W.2d 178 (2010).*** Represented the Michigan Republican Party as an Amicus Curiae to obtain 2008 presidential primary voter records pursuant of the Freedom of Information act. The Secretary of State claimed that such records were of a "personal Nature" and their disclosure violated an individual voter's privacy; however, the court agreed with the Michigan Republican Party and held that the disclosure of 2008 presidential primary information was not personal information in nature and did not constitute an invasion of privacy.

**McClary v Michigan Secretary of State and Kyle Olson and Education action Group, Inc., (Kent County Circuit Court No. 09-10090-AA).** Secured the dismissal of a lawsuit challenging the ability of a private citizen to finance independent expenditures with respect to the 2009 election for the Grand Rapids School Board.

**Maletski, et al v Republican National Committee, et al, (E.D. Mich. Case No. 2:08-CV-13982).**

Successfully obtained a dismissal of this case brought by the Democrats in the wake of a fictitious claim that Republican were going to use for closure lists to challenge voter at the polls during the 2008 elections.

**Fleming v Macomb County Clerk, (Court of Appeal Docket No. 279966).** This case enjoined the Macomb County Clerk from sending unsolicited absent voter ballot applications. This case began in October 2006, when Macomb County Clerk Carmella Sabough announced her plans to send unsolicited absent voter ballot applications in Macomb County to bolster her efforts to increase Macomb County's turnout in her race for Secretary of State. A unanimous Court of Appeals opinion in 2008 agreed with our position that the Macomb County Clerk lacked the authority to mail unsolicited absent voter ballot applications.

**Grebner v State of Michigan, 480 Mich 939 (2007).** This case allowed the January 15, 2008 presidential primary to go forward in Michigan. The Ingham County Circuit Court and the Court of Appeals both held that Public Act 52 of 2007 (which established the 2008 presidential primary) violated Article IV, Section 30 of the Michigan Constitution because it served a private purpose without obtaining a 2/3 vote of both houses of the Michigan Legislature. The Michigan Supreme Court reversed, reasoning that Public Act 52 of 2007 served a public purpose, as previously determined by the Michigan Legislature, when it enacted Public Act 52 of 2007.

**Walberg v Lenawee County Board of Election Commissioners, (Lenawee County Circuit Court No. 07-2684-AW).** Represented United States Congressman Timothy Walberg to obtain a declaratory judgment, injunction, and a Writ of Mandamus against the Lenawee County Board of Election Commissioners to dismiss recall proceedings against a Member of Congress. This was a case of first impression in Michigan. In Michigan, Members of Congress are subject to recall pursuant to state law. However, pursuant to the text of Article I of the United States Constitution and by operation of the Supremacy Clause of the United States Constitution, the recall provisions under Michigan law were held to be ineffective to recall a Member of Congress.

**In Re Request for Advisory Opinion Regarding Constitutionality of 2005 P. A. 71, (Supreme Court Docket No. 130589).** This case holds that the photo identification requirement contained in the Michigan Election Code is facially constitutional and is a reasonable, nondiscriminatory restriction designed to preserve the purity of elections and to prevent abuses of the electoral franchise, thereby preventing lawful voters from having their votes diluted by those cast by fraudulent voters. In this litigation, amicus curiae Michigan Republican Party presented the only evidence of fraudulent voting in Michigan as recognized by the Michigan Supreme Court:

"Interestingly, amicus curiae supporting the constitutionality of this statute presented certified death certificates for 46 persons who 'voted' in the November 2004 election, despite the ordinarily indisposing condition of being dead at the time. All of these persons died well in advance of the election, with dates of

death ranging from 16 months to more than 12 years prior to the November 2004 election. A surprising number of these deceased 'voters' apparently voted at their precinct."

#### OTHER REPRESENTATIVE MATTERS

***Committee to Elect Diane M. Rappleye, Probate Judge v Jackson County Clerk, (Jackson County Circuit Court No. 06-1236-AW)***. On behalf of the Jackson County Clerk, defeated a request for a Writ of Mandamus to compel the Jackson County Clerk to reject nominating petitions in a judicial election. This case illustrates the complexity of the nominating petition process in Michigan, and in particular the judicial office designation requirement.

***DeLeeuw v Board of State Canvassers, 263 Mich App 497 (2004)***. Obtained writ of mandamus against the Board of State Canvassers to place Ralph Nader's name on the Michigan ballot as an independent candidate for President of the United States in the November 2004 general election. This decision defined the role of the Board of State Canvassers as one limited to questioning the registration or the genuineness of the signature of the circulator or of a person signing a petition. The Michigan Court of Appeals established that other considerations, such as the motives of petition circulators and signors, is simply irrelevant.

***Citizens for the Protection of Marriage v Board of State Canvassers, 263 Mich App 487 (2004)***. Obtained a writ of mandamus requiring the Board of State Canvassers and the Secretary of State to take all necessary measures to place the so-called "Protection of Marriage Petition" on the November 2004 general election ballot. In these proceedings, the Board of State Canvassers deadlocked 2 to 2 on the certification of the petitions for the ballot and the form of the proposed language which would appear on the ballot in the event that the proposal were ever placed on the ballot. The longstanding significance of this decision is that, in the event that the Board of State Canvassers cannot agree on the appropriate ballot language, the form of the proposed language prepared by the Director of Elections shall automatically become the ballot language submitted to voters.

***Faxon v Michigan Republican State Central Committee, 244 Mich App 468 (2001)***. This landmark decision helps establish the necessary showing of actual malice that applies when a plaintiff in a defamation action is a public official or public figure. In this case, a former state senator unsuccessfully sued a political party for defamation based on a brochure, distributed during the senator's re-election campaign, which asserted that the senator had sold a fake antique vase to an art collector and had claimed that the art collector could not sue him because of legislative immunity. This case established that the failure to investigate the allegations in newspaper reports before including them in a political brochure does not constitute the reckless disregard that underlies actual malice.

***Baldwin v. Calhoun County Clerk and Moore, (Calhoun County Circuit Court No. 08-2085-NW)***. Secured the dismissal of a law suit challenging the residency status of a candidate for the Michigan House of Representatives who had previously established residency in the electoral district in question, but later moved out of the electoral district to effectuate major renovations to the candidate's domicile.



## **PUBLICATIONS & ALERTS**

Q&A: New DOJ Rule Requires State & Local Government Websites, Apps to be ADA Accessible, *Foster Swift Municipal Law News E-blast*, April 22, 2024

Lindke v. Freed: When Public Officials Can Be Held Liable for Blocking Individuals on Social Media, *Foster Swift Municipal Law News*, March 25, 2024

Short-Term Rental Regulation Act: What Local Governments Need to Know, *Foster Swift Municipal Law News*, March 20, 2024

Proposed Changes to PACE: What You Need to Know, *Foster Swift Municipal Law News*, June 14, 2023

Distribution of Michigan's \$81M Share of Opioid Settlement to Begin, *Foster Swift Municipal Law News*, February 2, 2023

Eligible Municipalities Encouraged to Register in Historic Opioid Settlement, *Foster Swift Municipal Law News E-blast*, December 6, 2021

American Rescue Plan Act Provides Federal Funding for Michigan Local Governments, *Foster Swift Municipal Law News E-blast*, March 23, 2021

Marijuana Emergency Rules: What Municipalities Should Know, *Foster Swift Municipal Law News*, August 8, 2019

Michigan Supreme Court Rules that Building Inspection Fees Must Reasonably Relate to the Costs of Services Provided by a Municipality's Building Department, *Inside 208 Blog, Michigan Municipal League*, August 6, 2019

Michigan Voters Approve Recreational Marijuana Ballot Proposal, *Foster Swift Municipal Law E-blast*, November 7, 2018

As Public Pension Plan Funding Continues to Decline, Employers Explore Other Options, *Foster Swift Employment Labor & Benefits News E-blast*, May 30, 2018

## **NEWS**

Seuryneck Listed in Crain's as Notable Woman in Law, *Crain's Grand Rapids Business Journal*, February 21, 2024

Foster Swift Welcomes Associate to Municipal Practice, *Grand Rapids Legal News*, March 28, 2023

Foster Swift Elects Six Shareholders in 2021, January 13, 2021

Foster Swift Participates at the 2020 MTA Conference, *Foster Swift Municipal Law News*, February 16, 2020

Foster Swift Presents at 2019 MTA Conference, February 8, 2019

## **EVENTS**

Can They FOIA That?, *Michigan Township Association (MTA) Conference 2024*, April 24, 2024

Municipal Case Law Review, *Michigan Township Association (MTA)*, April 22, 2024

Boosting Board Engagement and Ground Rules for Great Meetings, *Michigan Townships Association*, October 5, 2023

Marijuana Petitions Ballot Proposals, *Michigan Municipal League (MML)*, September 24, 2021



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Now That the Stay at Home Order is Lifted, What do Municipalities Need to Know?, *Michigan Municipal League*, June 8, 2020

Ethics Boot Camp, *MTA Annual Conference & Expo, April 2019*, April 3, 2019

Parliamentary Procedures at its Worst, *MTA Annual Conference & Expo, April 2019*, April 2, 2019

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