STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 13, 2012

Donald Balkema
Susan J. Balkema, Treasurer
Committee to Elect Don Balkema
2851 South 44th Street
Climax, Michigan 49034

Dear Mr. Balkema and Ms. Balkema:

The Department of State (Department) received a formal complaint filed by Scott Arnett against the Committee to Elect Don Balkema, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign signs. A copy of Mr. Arnett's complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to $1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(5).

In support of his complaint, Mr. Arnett provided a picture of a sign which states "BALKEMA CHARLESTON TOWNSHIP TRUSTEE [.]" It appears that the paid for by statement on the sign omits your committee's address.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Mr. Arnett, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials

provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(5) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

Lori A. Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Scott Arnett

Michigan Department of State
Campaign Finance Complaint Form

Reset Form

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).
Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant

Your Name		Daytime Telephone Number
Scott Arnett		269-373-1274
Mailing Address		
6617 Peyton Place		
City	State	Zip
Kalamazoo	MI	49048

Section 2. Alleged Violator

Name		
Balkema For Trustee and Treasurer Susan J Balkema		
Mailing Address		
2851 S 44th St.		
City	State	Zip
Climax	MI	49034

2012 AUG -6 PM 12:27

BUREAU OF ELECTIONS
MI DEPT OF STATE

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated: 169.247 Sec 47

Explain how those sections were violated:

Printed materials do not have required disclosure.

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Photo of printed yard sign enclosed

Section 4. Certification (Required)

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.

X _____ August 6, 2012

Signature of Complainant — Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

Printed materials do not have required disclosure.

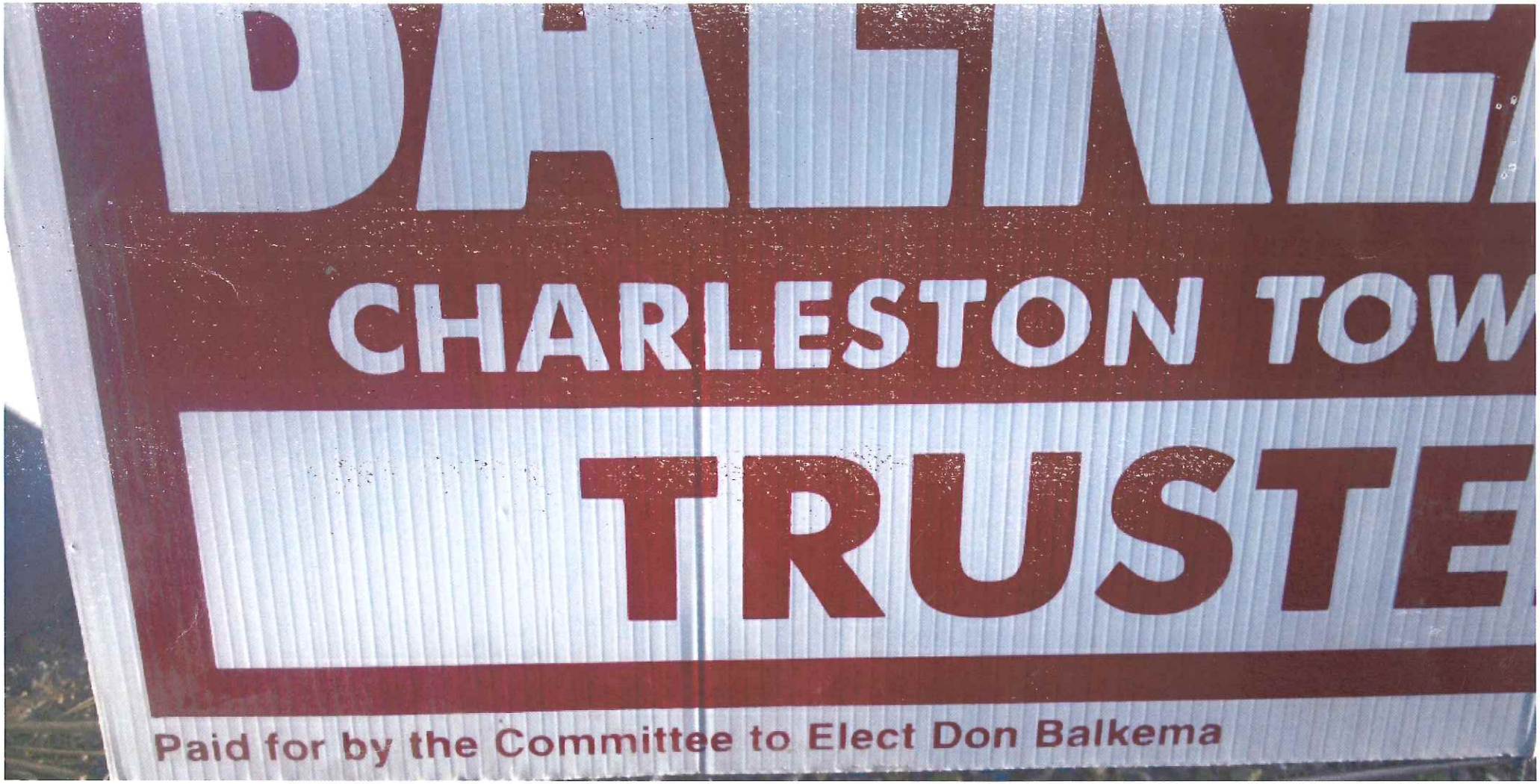
X _____ Aug 6, 2012

Signature of Complainant — Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to $1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form and evidence to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918


BALKE
CHARLESTON TOW
TRUSTE
Paid for by the Committee to Elect Don Balkema

STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

September 13, 2012

Scott Arnett
6617 Peyton Place
Kalamazoo, Michigan 49048

Dear Mr. Arnett:

The Department of State received a response to the complaint you filed against the Committee to Elect Don Balkema, which concerns alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq*. A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Donald Balkema

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 SEP -6 PM 4:11

8/29/2012

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

Ms. Bourbonais,

I am writing this letter in response to your letter dated August 13, 2012.

I re-used the signs in question that were left over from previous campaigns. I was unaware of the requirement to have the address included on the sign, this was an oversight on my part.

Due to the limited amount of signs that were left from previous campaigns (less than 15) they were discarded after the election, August 7, 2012.

If the need arises to campaign again, new signs will be ordered with the complete information on them.

Sincerely,

Donald Balkema

2851 S 44th St

Climax, MI 49034

STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 13, 2012

Donald Balkema
Susan J. Balkema, Treasurer
Committee to Elect Don Balkema
2851 South 44th Street
Climax, Michigan 49034

Dear Mr. Balkema and Ms. Balkema:

The Department of State (Department) received a formal complaint filed by Scott Arnett against the Committee to Elect Don Balkema, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign signs. A copy of Mr. Arnett's complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to $1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(5).

In support of his complaint, Mr. Arnett provided a picture of a sign which states "BALKEMA CHARLESTON TOWNSHIP TRUSTEE [.]" It appears that the paid for by statement on the sign omits your committee's address.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Mr. Arnett, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials

provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(5) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Scott Arnett

Michigan Department of State
Campaign Finance Complaint Form

Reset Form

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

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Your Name	Daytime Telephone Number
Scott Arnett	269-373-1274

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Section 2. Alleged Violator

Name		
Balkema For Trustee and Treasurer Susan J Balkema		
Mailing Address		
2851 S 44th St.		
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Climax	MI	49034

2012 AUG -6 PM 12:27

BUREAU OF ELECTIONS
MI DEPT OF STATE

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated: 169.247 Sec 47

Explain how those sections were violated:

Printed materials do not have required disclosure.

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Photo of printed yard sign enclosed

Section 4. Certification (Required)

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.

X _____ August 6, 2012

Signature of Complainant — Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

Printed materials do not have required disclosure.

X _____ Aug 6, 2012

Signature of Complainant — Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to $1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form and evidence to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 12, 2012

Donald Balkema
Susan J. Balkema, Treasurer
Committee to Elect Don Balkema
2851 South 44th Street
Climax, Michigan 49034

Dear Mr. Balkema and Ms. Balkema:

The Department of State (Department) has completed its investigation of a complaint filed against you by Scott Arnett, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete identification statement on your campaign material. This letter concerns the disposition of Mr. Arnett's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to $1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(5).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [,]" if it finds that "there may be reason to believe that a violation ... has occurred [.]" MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" Id.

The complaint was filed by Mr. Arnett on August 6, 2012, and you filed a written response on September 6, 2012. Mr. Arnett did not file a rebuttal statement.

Mr. Arnett alleged that your "printed materials [did] not have required disclosure. Mr. Arnett provided as evidence a picture of a campaign sign that states "BALKEMA CHARLESTON TOWNSHIP TRUSTEE [.]" It appears that the paid-for-by statement on the sign omits your committee's address.

In response, you filed a letter which stated that you "were unaware of the requirement to have the address included on the sign [.]" You also stated that the signs were discarded after the primary election. You indicated that "[i]f the need arises to campaign again, new signs will be ordered with the complete information on them."

While the Department believes that the evidence tends to show that your campaign material failed to contain a proper paid-for-by statement, section 15(10) of the MCFA requires the

Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]" The Department notes that you will not be using the campaign signs in question for the November election.

The Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(5), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

Lori A Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Scott Arnett