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

August 15, 2012

Linda Vance
140 Woodruff Lake Road
Highland, Michigan 48357

Dear Ms. Vance:

The Department of State (Department) received a formal complaint filed by Robert McDonell against you, 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 your campaign signs. A copy of Mr. McDonell'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. McDonell provided a copy of a sign which states "Linda Vance For Clerk [.]" 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.

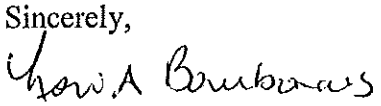
If you wish to file a written response to this complaint, you are required to do so within 15 business days of your receipt of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may 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. McDonell, 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: Robert McDonell

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:

2012 AUG -8 PM 2:31
BUREAU OF ELECTIONS
MI DEPT OF STATE

Section 1. Complainant		
Your Name Robert McDonell		Daytime Telephone Number 248-887-6061
Mailing Address 3540 Burwood Lane		
City Highland	State MI	Zip 48357

Section 2. Alleged Violator		
Name Linda Vance (Committee: Elect Linda Vance)		
Mailing Address 140 Woodruff Lake Rd		
City Highland	State MI	Zip 48357

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

Section(s) of the MCFA violated:

169.247 Sec. 47.(1)

Explain how those sections were violated:

The candidate's address is missing from all campaign signs

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

Photo of sign attached

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 Robert McDonnell — Signature of Complainant

8/3/2012 — 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:

_____

_____

_____

_____

_____

_____

X _____ 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

Linda
118
Vance
For
Clerk
PAID FOR BY THE COMMITTEE TO ELECT LINDA VANCE

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

September 12, 2012

Robert McDonell
3540 Burwood Lane
Highland, Michigan 48357

Dear Mr. McDonell:

The Department of State received a response to the complaint you filed against Linda Vance, 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: Linda Vance

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 AUG 31 PM 4:19

Linda Vance
140 Woodruff Lake Rd
Highland, MI 48357

August 22, 2012

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

Dear Sir or Madam:

This letter is in response to my opponent's husband's complaint with regards to my signs. Being new to the local campaign process I was not aware that my committee address was required to be included on all my signage. I must have looked up the federal regulations for signage which indicated only "paid for by the committee to elect". Had I known of the requirement I would have gladly complied. There would have been no additional cost to have added my address to all my signage. Once the matter was brought to my attention, I immediately corrected all my remaining signage to comply. (See attached photos) Please advise if any further action is required from my signage for future campaigning efforts. Thank you.

Sincerely,

Linda Vance

Linda
Vance
For
Clerk
PAID FOR BY THE COMMITTEE TO ELECT LINDA VANCE

Committee to Elect Linda Vance
140 Woodruff Lake Rd
Highland, MI 48357

Linda

Vance

For Clerk

PAID FOR BY THE COMMITTEE TO ELECT LINDA VANCE

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

October 11, 2012

Linda Vance
140 Woodruff Lake Road
Highland, Michigan 48357

Dear Ms. Vance:

The Department of State (Department) has completed its investigation of a complaint filed against you by Robert McDonell, 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 and correct identification statement on your campaign signs. This letter concerns the disposition of Mr. McDonell'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. McDonell on August 8, 2012, and you filed a written response on August 31, 2012. Mr. McDonell did not file a rebuttal statement.

Mr. McDonell alleged that your "address is missing from all campaign signs." Mr. McDonell provided as evidence a picture of a campaign sign which states "Linda Vance For Clerk [.]" It appears that the paid-for-by statement omits your committee's address.

In response, you filed a letter which stated that "[o]nce the matter was brought to [your] attention, [you] immediately corrected all [your] remaining signage to comply." You also stated that you did not know of the requirement to include the committee's address in the paid-for-by statement. You provided pictures of signs to show that you added the committee's address to the signs.

While the Department believes that the evidence tends to show that your campaign material failed to contain a complete 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 is satisfied that

you took appropriate corrective measures to bring your campaign material into compliance with the MCFA.

Additionally, 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 Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert McDonell