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

July 16, 2012

William Donnelly
6720 South Morey Road
McBain, Michigan 49697

Dear Mr. Donnelly:

The Department of State (Department) received a formal complaint filed by W. Edward Wendover 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 certain campaign-related fliers. A copy of Mr. Wendover'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. Wendover provided two campaign flyers which include the phrase "RE-ELECT August 7th Bill Donnelly Missaukee Prosecuting Attorney." The flyers' "paid for by" statements appear to omit 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. Wendover, 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: W. Edward Wendover

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:

BUREAU OF ELECTIONS
2012 JUL -9 P 3:26
DEPT OF STATE

Section 1. Complainant		
Your Name: W. EDWARD WENDOVER		Daytime Telephone Number: (517) 898-8940
Mailing Address: TREETOPS @ 420 May St.		
City: Cadillac	State: MI	Zip: 49601-1941

Section 2. Alleged Violator		
Name: WILLIAM DONNELLY and/or C.T.E. Bill Donnelly for Pros. Atty Comm.		
Mailing Address: 6720 S. Morey Rd.		
City: McBain	State: MI	Zip: 49697

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

Section(s) of the MCFA violated: 169.247 Sec. 47 (1) (ALSO SEE Appendix J)

Explain how those sections were violated:

INSUFFICIENT ADDRESS ON PRINTED FLIERS AS REQUIRED BY MICHIGAN LAW for CAMPAIGN DISCLOSURE

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

(ATTACHED)

#1 2 VERSIONS CAMPAIGN FLIER (NOTE DIFFERENT LOCATIONS OF ADDED STICKER)

#2 A "PROSECUTORS OFFICE" PIECE PASSED OUT WITH HIS FLIER... FOR EX. AT REPUBLICAN PARTY BOOTH AT FESTIVAL

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 _____ JULY 4, 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:

_____

_____

_____

_____

_____

_____

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:

CERTIFIED

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

✓

Revised 06/03/2011

C.C.
- OTHER PARTIES
- MISSAUKEE-WEXFORD MEDIA
- VIOLATOR

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; names and addresses; rules; exemptions; statement that payment made "with regulated funds"; violation as misdemeanor; penalty.

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the federal communications commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with subsection (3) and with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by .....".
(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a candidate committee's printed matter or radio or television paid advertisements, each identification or disclaimer required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than $1,000.00, or imprisonment for not more than 93 days, or both.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 348, Imd. Eff. July 12, 1978;—Am. 1996, Act 225, Imd. Eff. May 30, 1996;—Am. 2001, Act 250, Eff. Mar. 22, 2002.

Compiler's note: Section 2 of Act 225 of 1996, which amended this section, provides:

"Section 2. If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

© Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov

Appendix J
IDENTIFICATION REQUIREMENTS

The Act requires all paid advertisements having reference to an election, a candidate or a ballot question to contain an identification statement and, if applicable, a disclaimer statement. The identification must be clear to the reader or listener and worded as follows:

- All printed matter having reference to a candidate, election or a ballot question, including yard signs, brochures, billboards, poll cards, fund raiser tickets, stationery, etc., must contain: "Paid for by" followed by the full name of the person or committee paying for the material and the person's or committee's street number or post office box, city or town, state and zip code.

- If the printed matter is an independent expenditure relating to a candidate that is not authorized in writing by the candidate, the printed matter must contain: "Paid for by (name and address of person, group or committee paying for the matter). Not authorized by any Candidate Committee."

- The identification or disclaimer on printed material having reference to a candidate, or a ballot question must be in a place and in a print clearly visible to and readable by an observer. Any other medium used for campaign purposes shall clearly and unequivocally include the identification or disclaimer, or both.

- An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee.

- All paid political advertisements broadcast by television or radio having reference to a candidate election or ballot question shall identify the sponsoring person as required by the Federal Communications Commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer:

"Not authorized by any candidate"

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by ......"
(Name of candidate or name of Candidate Committee)

- Except for a Candidate Committee's printed matter or radio or television paid advertisement, each identification or disclaimer must also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds".

The identification requirements of the Act do not apply to videotapes produced by political candidates and cable cast on a public access channel if use of the public access video taping equipment and the public assess time is free. The identification requirements only apply to paid political advertisements.

COMPLAINT PROCESS

If you believe someone has violated the Michigan Campaign Finance Act (the MCFA), you may file a written complaint with the Department of State (the Department). The complaint must include all of the following:

- Your name, address and telephone number.
- The alleged violator's name and address.
- A description in reasonable detail of the alleged violation, including the section or sections of the MCFA you believe were violated, an explanation of how you believe the MCFA was violated, and any other pertinent information.
- Evidence which supports your allegations.
- A certification that:

  To the best of your knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence.

- However, in addition, if after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the complaint are supported by evidence, you may also certify that:

  To the best of your knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

- Your signature immediately after the certification or certifications.

If you wish to have your complaint considered, it must include all of the above information. The Department may dismiss your complaint if any item is not included, or if the complaint is determined to be frivolous, illegible, or indefinite. If the complaint is dismissed, both you and the alleged violator will be notified.

A form for filing a complaint may be obtained from the Bureau of Elections, P.O. Box 20126, Lansing, MI 48901-0726, or on the Department's web site at http://www.michigan.gov/sos/.

The completed form should be sent to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, MI 48918
Telephone: (517) 373-2540

If your complaint meets the above requirements, the Department will notify the alleged violator that a complaint has been filed. The notification will include a copy of your complaint. The alleged violator will have an opportunity to file a response. You will have an opportunity to file a rebuttal to any response. You and the alleged violator will receive periodic reports about the actions taken by the Department concerning your complaint.

If the Department finds no reason to believe that your allegations are true, your complaint will be dismissed.

If the Department finds that there may be reason to believe your allegations are true, the Department must attempt to correct the violation or prevent further violations by informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the alleged violator.

If the Department is unable to correct the violation or prevent further violations informally, an administrative hearing may be held to determine whether a civil violation of the MCFA has occurred, or the matter may be referred to the Attorney General for the enforcement of criminal penalties. An administrative hearing could result in the assessment of a civil penalty. Such a hearing would be conducted in accordance with the Michigan Administrative Procedures Act. An order issued as a result of such a hearing may be appealed to the appropriate circuit court.

WARNING: Section 15(8) of the MCFA (MCL 169.215) provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. Under section 15(14) of the MCFA (MCL 169.215), the Secretary of State may require a person who files a complaint with a false certification to:

- Pay the Department some or all of the expenses incurred by the Department as a direct result of the filing of the complaint.
- Pay the alleged violator some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint.
- Pay a civil fine of up to $1,000.00.

If you have any questions about the complaint process, please write or call the Legal and Regulatory Services Administration.

THINGS TO DO

- Wash the car
- Take dog to vet
- Mow the lawn

Vote for Bill Donnelly For Prosecutor August 7, 2012

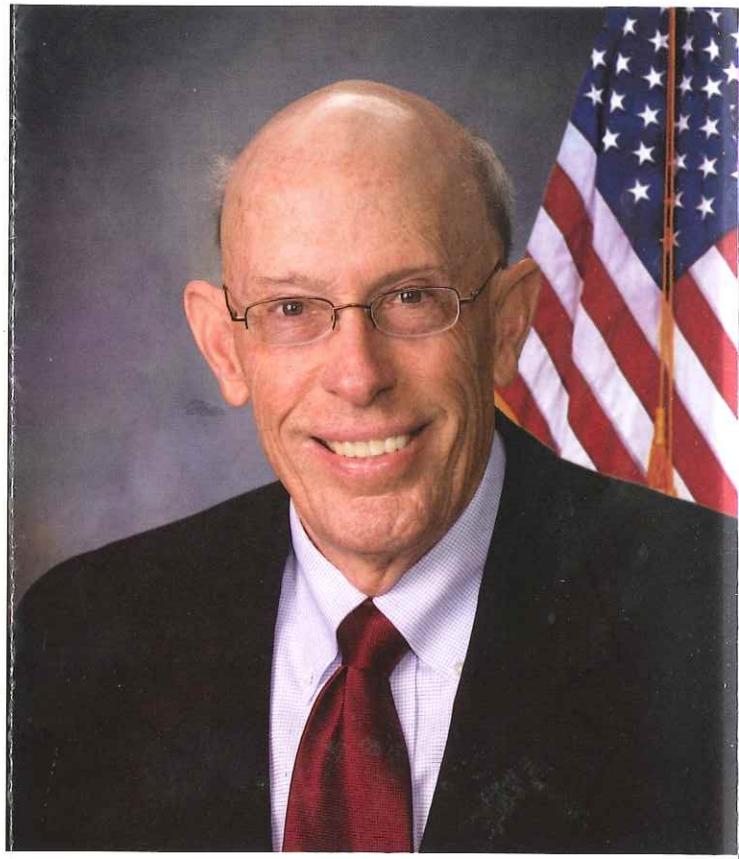
AUGUST 7th

BILL DONNELLY

★★★★★★★

MISSAUKEE PROSECUTING ATTORNEY

★★★★★★★



REPUBLICAN

MISSAUKEE COUNTY PROSECUTING ATTORNEY

Based on the 2012 Annual Prosecution Survey conducted by PACC (Prosecuting Attorneys Coordinating Council) the Missaukee County total prosecutor's budget is $182,600. An analysis of the next 7 lower counties in population (Crawford, Presque Isle, Iron, Lake, Mackinaw, Montmorency) all who have smaller populations than Missaukee shows an average prosecutor's office total budget of $265,200. The average budget then is $82,600 more than the total Missaukee County budget or 45% larger.

All of those 7 counties, with the exception of Iron County in the U.P. have at least one assistant prosecuting attorney or a half time assistant prosecuting attorney. Missaukee County has neither.

The next 3 counties larger than Missaukee (Gogebic, Arenac and Kalkaska) have 1 assistant prosecuting attorney with Kalkaska having 2 assistant prosecuting attorneys. Their average office budget is $284,000, which would be $101,400 or 55% larger.

Missaukee County is getting exceptional value from the prosecuting attorneys office.

THINGS TO DO

- [x] Wash the car
- [x] Take dog to vet
- [x] Mow the lawn
- [x] **Vote for Bill Donnelly For Prosecutor August 7, 2012**

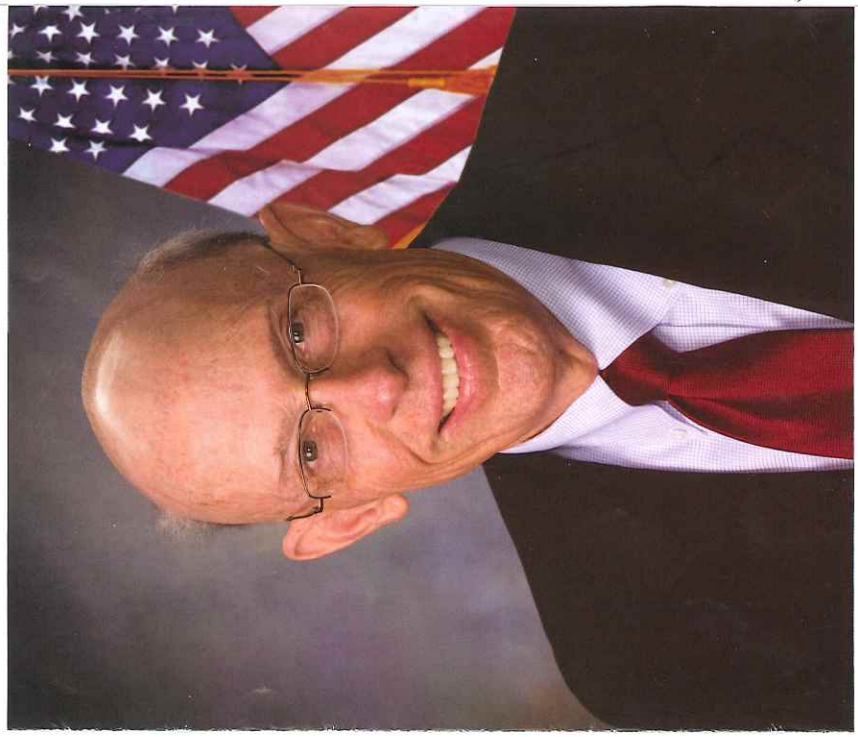
Efficient & Effective

Missaukee is the 15th smallest of 83 counties in Michigan. Its budget is 4th smallest & is 55% smaller than the average of 7 next smaller counties. Despite that, Missaukee is 7th highest (36%) in the State of felons sentenced to prison under Prosecutor Bill Donnelly.

AUGUST 7th

BILL DONNELLY

MISSAUKEE PROSECUTING ATTORNEY



REPUBLICAN

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

July 30, 2012

W. Edward Wendover
420 May Street
Cadillac, Michigan 49601-1941

Dear Mr. Wendover:

The Department of State received a response to the complaint you filed against William Donnelly, which concerns an alleged violation 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

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: William Donnelly

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 JUL 27 PM 3:14

WILLIAM J. DONNELLY, JR.
ATTORNEY AT LAW
209 S. CANAL STREET
P.O. BOX 363
LAKE CITY, MI 49651

PHONE 231-839-3111
FAX 231-839-3869

July 24, 2012

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

Attention: Ms. Lori A. Bourbonais, Bureau of Elections

Dear Ms. Bourbonais:

I have received your correspondence based on the complaint of W. Edward Wendover and do wish to respond. It is accurate that a written flyer did not contain the address of the person who paid for the printed item: "Bill Donnelly for Prosecuting Attorney." That address is 6720 S. Morey Road, McBain, MI 49657.

As soon as our attention was called to that deficiency, we immediately reprinted any remaining documents to include that omission. I enclose a copy of the corrected flyer.

This was an unintentional omission. Our prepared yard signs all contain the appropriate address.

Please advise me if you have any further questions.

Thank you for your attention to this matter.

Very truly yours,

William J. Donnelly, Jr.

WJD:cs

Enc.

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

October 11, 2012

William Donnelly
6720 South Morey Road
McBain, Michigan 49697

Dear Mr. Donnelly:

The Department of State (Department) has completed its investigation of a complaint filed against you by W. Edward Wendover, 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 certain campaign-related flyers. This letter concerns the disposition of Mr. Wendover'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. Wendover on July 9, 2012, and you filed a written response on July 27, 2012. Mr. Wendover did not file a rebuttal statement.

Mr. Wendover alleged that there was an "insufficient address on printed fliers as required by Michigan law for campaign disclosure." Mr. Wendover provided as evidence two flyers which state "Vote for Bill Donnelly For Prosecutor August 7, 2012." It appears that the paid-for-by statements on the flyers omit your committee's address.

In response, you filed a letter which stated that "[i]t is accurate that a written flyer did not contain the address of the person who paid for the printed item [,]" and that "[t]his was an unintentional omission." You also stated that "[a]s soon as [your] attention was called to that deficiency, [you] immediately reprinted any remaining documents to include" a proper paid-for-by statement. You further asserted that your "prepared yard signs all contain the appropriate address." You also provided a flyer that had the address printed in the paid-for-by statement.

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 Bourbonais

Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: W. Edward Wendover