



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

February 13, 2013

Daniel J. Adamini
50 White Oak Drive
Marquette, Michigan 49855

Dear Mr. Adamini:

The Department of State (Department) has concluded its review of the complaint you filed against Representative John Kivela, concerning an alleged violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

You alleged that Rep. Kivela failed to include a complete and correct identification statement on numerous campaign signs and other materials. 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).

You filed your complaint on October 30, 2012, and Rep. Kivela filed a written response on November 27, 2012. You did not file a rebuttal statement with the Department.

As evidence, you provided the Department several pictures of campaign signs which state either "John Kivela for State Representative" or "John Kivela State Representative [.]". It appears that there are no paid-for-by statements on these signs.

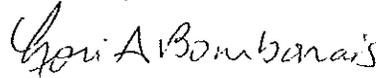
In his response, Rep. Kivela explained that his large signs were manufactured without the required statement, but the sign company provided decals with the correct paid-for-by statement to apply to the signs. Rep. Kivela further stated that these decals "disappeared at a rapid rate." After discovering the decals were missing, Rep. Kivela hand wrote the paid-for-by statement on the signs in permanent ink.

Additionally, Rep. Kivela explained that the smaller signs were signs from a previous campaign for a different office that a friend attempted to update by placing a new bumper sticker over the old office. Rep. Kivela states that when it was discovered that these bumper stickers also covered the paid-for-by statement, an attempt was made to retrieve and replace all the signs that he found.

After reviewing the evidence submitted by the parties, the Department has concluded that the Rep. Kivela attempted to comply with section 47 of the Act at all times, and corrected any material with an inadvertent omission as soon as it was brought to his attention. As a result, your

complaint is dismissed. The Department's file in this matter has been closed and no further enforcement action will be taken.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Secretary of State

c: Hon. John Kivela, Michigan House of Representatives