



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

November 21, 2012

Ronald J. Benore, Jr.
102 E. Lorain Street
Monroe, Michigan 48162

Dear Mr. Benore:

The Department of State (Department) has concluded its review of the complaint you filed against Jarod Calkins concerning alleged violations 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 Mr. Calkins either received anonymous contributions or received a contribution from a corporation and failed to report those contributions on his campaign finance statements.

Mr. Calkins filed an answer to your complaint on August 15, 2012, and you filed a rebuttal statement on August 27, 2012.

You provided as evidence a copy of a flyer with a certificate to be used at a July 9, 2012 fundraiser at Buffalo Wild Wings and a copy of a page on Mr. Calkins' website advertising the fundraiser.

Section 41 of the MCFA prohibits the acceptance of an anonymous contribution. MCL 169.241(2). In addition, section 41 prohibits contributions made in another's name. MCL 169.241(3). A knowing violation of section 41 is a misdemeanor offense, punishable by a fine or imprisonment for up to 90 days, or both. MCL 169.241(4).

Section 54 of the Act prohibits contributions to a candidate committee by a corporation. MCL 169.254(1). A knowing violation of section 54 is a felony, punishable by a fine or imprisonment for up to 3 years, or both. MCL 169.254(4).

The MCFA requires a committee to file a campaign statement which lists the "total amount of contributions received during the period covered by the campaign statement" under the heading "receipts." The MCFA defines, in pertinent part, a contribution as "a payment" that is made for "the purpose of influencing the nomination or election of a candidate." MCL 169.204(1). That same section also defines what is *not* a contribution. It states that a contribution does not include "[a]n offer or tender of a contribution if expressly and unconditionally rejected, returned, or refunded in whole or in part within 30 business days after receipt." MCL 169.204(2)(c).

The statute states that the mere tender of a check does not rise to a contribution if the check was rejected or returned. Here, while Mr. Calkins admits that an event was held at Buffalo Wild

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Wings on July 9, 2012, he stated in his answer that "the contributions intended were not by a corporation, nor were they intended to be anonymous." Mr. Calkins further stated in his answer that when he realized the bartenders and servers "included patrons in the event who were not intended to be part of the event" and that this would give rise to anonymous contributions, he refused to accept any funds from the fundraiser. Mr. Calkins indicated that he intends to leave the funds with Buffalo Wild Wings unless instructed to do otherwise. Because Mr. Calkins did not accept any funds, there was no contribution and no requirement triggered that Mr. Calkins report any funds as a contribution.

Additionally, there are no requirements that state that a contribution offered but not accepted or returned must be reported as such.

Because the tendered contributions were not accepted by Mr. Calkins, the Department finds that there is not a reason to believe Mr. Calkins accepted anonymous contributions or a contribution from a corporation, and there is no requirement that those rejected contributions be reported. Your complaint has been dismissed.

Sincerely,



Lori A. Bourbonais

Bureau of Elections

Michigan Secretary of State

c: Jarod Calkins