



**Michigan Department of State
Campaign Finance Complaint Form**

BUREAU OF ELECTIONS 430 W. ALLEGAN STREET • RICHARD H. AUSTIN BUILDING – 1 • LANSING,
MICHIGAN 48918 11 Floor

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2019 SEP 20 AM 9:42

This complaint form may be used to file a complaint alleging that someone violated the GREAT SEAL Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

Section 1. Complainant		
Your Name Colleen Carrington-Atkins		Daytime Telephone Number (231) 745-0211
Mailing Address PO Box #131		
City Idlewild	State MI	Zip 49642
Email (optional) ccarrington66@gmail.com		

Section 2. Alleged Violator		
Name Marilyn Burns		
Mailing Address 6890 S Auburn St		
City Idlewild	State MI	Zip 49642
Email (optional)		

Section 3. Allegations (Use additional sheets if more space is needed.)

Section(s) of the MCFA alleged to be violated: **169.221 (1)**

Explain how those sections were violated:

Marilyn Burns is in the process of putting out signs stating she is running for Township Supervisor in Yates Township and has not registered either herself or her committee with the County Clerk. The yard signs are in a few locations on private property and have been there over the 10 day limit. I will take another picture in 10 more days.

Evidence included with the submission of the complaint that supports the allegations:

I have verified this with the County Clerk that Marilyn Burns has not filed for herself or her campaign committee for any office in Yates Township or Lake County and I am including ~~1~~ pictures that were taken two weeks ago.

**4 ANEW
SUPERVISOR ELECT**

MARILYN BURNS

YATES TOWNSHIP

Democrat

Part of the Campaign to Elect Marilyn Burns

4 SUPERVISOR ELECT
MARILYN BURNS
YATES TOWNSHIP
Democrat
Paid for by the Committee to Elect Marilyn Burns





STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

September 23, 2019

Marilyn Burns
6890 South Auburn Street
Idlewild, Michigan 49642

Re: *Carrington-Atkins v. Burns*
Campaign Finance Complaint
No. 2019-09-32-21

Dear Ms. Burns:

The Department of State (Department) received a formal complaint filed by Colleen Carrington-Atkins against you alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

Section 21 of the Act requires you to form a candidate committee within 10 days of becoming a candidate. MCL 169.221. Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

Ms. Carrington-Atkins alleges that you have placed yards signs indicating you are running for Yates Township Supervisor but you have failed to form a committee and file a statement of organization with the Lake County Clerk's Office.

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 the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the investigative process is found in the Department's Guidebook, a copy of which is enclosed.

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. 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. Your response may also be sent via email at the email address listed below. 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 answer will be provided to Ms. Carrington-Atkins, 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 penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, sweeping initial "A" and a cursive "F".

Adam Fracassi
Bureau of Elections
Michigan Department of State
430 West Allegan Street
Lansing, Michigan 48918
517-335-3234
FracassiA@michigan.gov

c: Colleen Carrington-Atkins
Enclosures

Fracassi, Adam (MDOS)

From: Marilyn Burns <burnstrout@yahoo.com>
Sent: Monday, September 30, 2019 8:02 PM
To: Fracassi, Adam (MDOS)
Subject: Complaint #2019-09-32-21
Attachments: Elections bureau.pdf

Mr. Fracassi - Attached you will find the completed and received paperwork given to me to indicate I am running for an elected position in Yates township. I had not decided if I was running but wanted to get some feelers out. Instead this just made my mind up for me.
All documents have been notarized and turned into my township clerk.

I did not intentionally try to avoid compliance any laws or regulations.

If there is anything else I need to provide to you please let me know.

Marilyn Burns

Affidavit of Identity and Receipt of Filing

candidate information
 1 → MARILYN KAY BURNS
 first name middle last
6890 S. AUBURN Idlewild MI 49642.
 residential address city / zip
SAME
 mailing address, if applicable city / zip

additional information
 2 231.745.3101 6/1/1940
 phone number date of birth
MKBURNSforSupervisor@gmail.com
 email address campaign website

my name formally changed in the last 10 years for a reason other than marriage or divorce; if checked, print full former name: _____

office sought/ ballot information
 3 SUPERVISOR YATES Township 19
 office name jurisdiction district/circuit/ward
Democrat
 political party, if a partisan office. if running without party affiliation list "No Party Affiliation."

exact name I would like printed on the ballot (use upper and lower case letters)
M a r i l y n K B u r n s

term (check one): regular term partial term expiring / / recall
 election (check one): primary election 814120 general election / /
 judicial candidates only: incumbent position non-incumbent position new judgeship

filer's acknowledgment (check one) 4
 nominating or qualifying petitions (estimated number of signatures 6) to be destroyed returned in January
 a filing fee of \$100 (if applicable)
 certification of party nomination and certificate of acceptance (if applicable)
 judicial candidates only: affidavit of constitutional qualification affidavit of candidacy (incumbents only)

I am a citizen of the United States and I meet the statutory and constitutional requirements for the office sought.
 I swear, or affirm, that the facts I have provided and the facts contained in the statement set forth below are true.
At this date, all statements, reports, late filing fees, and fines due from me or any Candidate Committee organized to support my election to office under the Michigan Campaign Finance Act, PA 388 of 1976, have been filed or paid.
 I acknowledge that making a false statement in this affidavit is perjury - a felony punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both and may result in disqualification from the ballot (MCL 168.558, 933, and 936).

5 sign here Marilyn Burns date here 9/30/2019
 notary signature Vicki Gates notary name VICKI GATES
 subscribed and sworn to me on the 30th day of September, 2019.
 notary public, state of Michigan, county of LAKE my commission expires 3/11/2024
 acting in the county of LAKE

VICKI GATES, Notary Public
 State of Michigan, County of Lake
 Acting in County of LAKE
 My Commission Expires 3/11/2024

for office use only
 received by _____ number of petition sheets _____ receipt number _____
 reviewed by _____ date of filing _____
 jurisdiction/district of office sought _____ campaign finance number _____



Information on this form is made public.

1. Committee ID #: 59017	*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to Items:	Eff. Date: 9/27/2019
*3. Full Name of Committee (must include Candidate's first and last name): COMMITTEE TO ELECT MARILYN BURNS		
*4a. Candidate Full Name: Last Name: BURNS	First Name: MARILYN	M.I.: K
*4b. Political Party (if applicable): DEMOCRATIC	*4c. County of Residence: LAKE	
*4d. Office Sought: SUPERVISOR	*4e. District or Jurisdiction: YATES TOWNSHIP #19	
*5. Date Committee was Formed: 9/2/19		
*6a. Committee Phone: 517.897.4574	6b. Committee Fax #: N/A	
*6c. Committee Email Address: MKBURNSFORSUPERVISOR@GMAIL.COM	6d. Committee Website Address:	
*7a. Complete Committee Mailing Address (May be PO Box): 6890 S. AUBURN, IDLEWILD, MI 49642		
*7b. Complete Committee Street Address (May not be PO Box): 6890 S. AUBURN, IDLEWILD MI 49642		
*8. Treasurer Name and Complete Residential Address: DEBORAH WALKER 6890 S. AUBURN, IDLEWILD, MI 49642		
Phone #: 231.745.3101	Email Address: IDLEWILDZEBRA@HOTMAIL.COM	
9. Designated Record Keeper Name and Complete Address:		
Phone #:	Email Address:	
*10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000.00 in an election, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000.00 in an election. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.		
*11. Name and Address of Depositories of Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received. *Official Depository (name and address): LAKE OSCEOLA STATE BANK, P.O. BOX A, 790 MICHIGAN AVE, BALDWIN, MI 49304 Secondary Depository (name and address):		
12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)		
*Candidate: Marilyn Burns	Date: 9/30/19	*Current Treasurer: Deborah Walker
Date: 9/30/19	Date: 9/30/19	
*Designated Record Keeper (If Applicable): Marilyn Burns		
Date: 9/30/19		

INSTRUCTIONS ON REVERSE SIDE

NOMINATING PETITION
(CITY/TOWNSHIP PARTISAN)

RECEIVED SEP 30 2019 2:42

We, the undersigned, registered and qualified voters of the Township of YATES ^{city} in the County of LAKE, as a candidate of it

for the office of SUPERVISOR (Title of Office) 19 (District, if any) 6890 S ARBURN (Street Address or Rural Route) IDLE WILD (City or Township)

WARNING - A PERSON WHO KNOWINGLY SIGNS MORE PETITIONS FOR THE SAME OFFICE THAN THERE ARE PERSONS TO BE ELECTED T SIGNS A NAME OTHER THAN HIS OR HER OWN IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

NO.	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE
1.	<i>Barbara Johnson</i>	BARBARA JEFFREY TACOLINS JOHNSON	891 BOBBIE DR.
2.	<i>Karen Roe</i>	KAREN ROE	1619 E 72nd St
3.	<i>Karen Roe</i>	KAREN ROE	1535 E. 76th St
4.	<i>Edith H. Hollis</i>	EDITH H. HOLLIS	1619 E 72nd St
5.	<i>Edith H. Hollis</i>	EDITH H. HOLLIS	6890 S ARBURN
6.	<i>Edith H. Hollis</i>	EDITH H. HOLLIS	7160 Lake Dr Burns
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

WARNING - A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.

CIRCULATOR - DO NOT SIGN CERTIFICATE UNTIL AFTER CIRCULATING

Marilyn K Burns
(Signature of Circulator)
MARILYN K. BURNS
(Printed Name of Circulator)
YATES
(City or Township Where Registered)
6890 S. ARBURN
Complete Residence Address (Street and Number or Rural Route)



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 4, 2019

Colleen Carrington-Atkins
PO Box #131
Idlewild, Michigan 49642

Via email

Dear Ms. Carrington-Atkins:

The Department of State received a response to the complaint you filed against Marilyn Burns, 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,

/s/ Adam Fracassi

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Marilyn Burns, *via email*

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Friday, October 4, 2019 3:51 PM
To: ccarrington66@gmail.com
Subject: Carrington-Atkins v. Burns - Answer Received
Attachments: Answer Letter.pdf; Answer to Complaint.pdf

Ms. Carrington-Atkins,

Please find attached correspondence related to your campaign finance complaint filed against Marilyn Burns. If you have any questions, please let me know.

Adam Fracassi
Election Law Specialist
Bureau of Elections
Michigan Department of State
430 West Allegan Street
Lansing, Michigan 48918
(517) 335-3234

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Friday, October 4, 2019 3:53 PM
To: Marilyn Burns
Subject: RE: Complaint #2019-09-32-21
Attachments: Answer Letter.pdf

Ms. Burns,

Please find attached correspondence related to the campaign finance complaint that was filed against you. If you have any questions, please let me know.

Adam Fracassi
Election Law Specialist
Bureau of Elections
Michigan Department of State
430 West Allegan Street
Lansing, Michigan 48918
(517) 335-3234

From: Marilyn Burns <burnstrout@yahoo.com>
Sent: Monday, September 30, 2019 8:02 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Complaint #2019-09-32-21

Mr. Fracassi - Attached you will find the completed and received paperwork given to me to indicate I am running for an elected position in Yates township. I had not decided if I was running but wanted to get some feelers out. Instead this just made my mind up for me.
All documents have been notarized and turned into my township clerk.

I did not intentionally try to avoid compliance any laws or regulations.

If there is anything else I need to provide to you please let me know.

Marilyn Burns



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 2, 2020

Marilyn Burns
6890 S. Auburn Street
Idlewild, MI 19642

Via Email

Re: *Carrington-Atkins v. Burns*
Campaign Finance Complaint
No. 2019-09-32-21

Dear Ms. Burns:

The Department of State (Department) has concluded its investigation into the formal complaint filed against you by Colleen Carrington-Atkins alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of the complaint.

Ms. Carrington-Atkins filed her complaint with the Department on September 20, 2019 and alleged that you placed yard signs which expressly advocated for your election to Yates Township Supervisor but had failed to register a committee with the Lake County Clerk's Office. As evidence to the complaint, Ms. Carrington-Atkins indicated she contacted the County Clerk's office and she submitted pictures of the signs.

By email dated September 30, 2019, you responded to the complaint indicating that you had not decided to run at the time, but you had since filed the statement of organization with the County Clerk's Office.

The Department notified Ms. Carrington-Atkins of her right to file a rebuttal statement on October 4, 2019. To date, no rebuttal has been received.

Section 21 of the Act requires you to form a candidate committee within 10 days of becoming a candidate, as that term is defined by the Act. MCL 169.221. Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300. MCL 169.224(1). The failure to file a statement of organization after 30 days, is a misdemeanor punishable by a fine up to \$1,000. MCL 169.224.

Upon review, the Department concludes that there is sufficient evidence to conclude that a potential violation of the Act has occurred. A person becomes a candidate when she makes an expenditure that expressly advocates for her election. MCL 169.203(1)(c). This action triggers the formation of the candidate committee and filing of a statement of organization. Here, by purchasing yard signs that read "Elect Marilyn Burns Yate Township" you have made an expenditure that expressly advocates for your nomination, meaning that you must have formed the committee within 10 days of this expenditure. Then, your committee must have been registered with the Lake County Clerk's Office with 10 days of formation.

Here, the evidence does not show that either of those happened until after the filing of the complaint. Your statement of organization was filed with the County Clerk on September 30, 2019 and indicated that the committee was formed on September 2, 2019. Therefore, the statement of organization was due to the County Clerk by September 12, 2019.

Therefore, the Department concludes that a potential violation of the Act has occurred. Upon reaching this conclusion, the Department is required 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.*

Based upon the fact that you have filed the statement of organization with the Lake County Clerk's Office, the Department determines that this formal warning is a sufficient resolution to the complaint. The Department now considers this matter closed and will take no further action against you at this time.

The Department notes that your committee may be assessed a late-filing fee by the Lake County Clerk given that the statement of organization was 18 days late. MCL 169.224. Late-filing fees are assessed and collected by the filing official with whom the statements are filed. MCL 169.217(1). Any questions regarding these late-filing fees should be directed to the Lake County Clerk.

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.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Thursday, January 2, 2020 3:02 PM
To: ccarrington66@gmail.com
Subject: Carrington-Atkins v. Burns - Campaign Finance Complaint
Attachments: Determination.pdf

Ms. Carrington-Atkins:

Please see the attached determination made regarding the campaign finance complaint you filed. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Thursday, January 2, 2020 3:01 PM
To: Marilyn Burns
Subject: Carrington-Atkins v. Burns - Campaign Finance Complaint
Attachments: Determination.pdf

Ms. Burns,

Please see the attached determination made in the abovementioned campaign finance complaint. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901