



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

November 24, 2014

Thomas C. Harkleroad
1655 US Highway 23 North
Millersburg, Michigan 49759

Dear Mr. Harkleroad:

The Department of State (Department) has concluded its review of the complaint you filed against James McKindles, 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 Mr. McKindles violated section 47 of the MCFA by failing to include a paid-for-by statement on certain yard signs.

Section 47(1) of the MCFA states that "... 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." That same section further states that "[a]n 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."

You filed your complaint on July 30, 2014. Mr. McKindles filed an answer to the complaint on August 20, 2014, and you filed a rebuttal statement with the Department on September 11, 2014.

You alleged by failing to include a paid-for-by statement on certain signs which stated, "VOTE NO ON BEARINGER FIRE DEPT. MILLAGE [,]" Mr. McKindles violated section 47 of the MCFA. In support of your complaint you provided several pictures of signs all bearing that same language. It does not appear that any of the signs have a paid-for-by statement on them.

In his answer to your complaint, Mr. McKindles asserted that he acted on his own and paid for all of the signs himself. As there is no evidence to the contrary, the Department takes Mr. McKindles at his word.

It appears from the evidence provided that Mr. McKindles was acting independently and not as an agent for any candidate or committee. Because Mr. McKindles acted independently as an individual, he is not subject to the identification statement requirement of section 47(1).

Additionally, the Department notes that the United States Supreme Court has stated that "anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent."¹

Because Mr. McKindles acted independently, he is exempt from the identification requirement in section 47 of the Act, and the Department finds that the evidence is insufficient to support a reason to believe a violation of section 47 the MCFA has occurred. Therefore, your complaint is dismissed.

Sincerely,


Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: James McKindles

¹ McIntyre v Ohio Elections Comm'n, 514 US 334 (1995).