



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

August 14, 2013

Chong-Anna Canfora  
414 West Barnes  
Lansing Michigan 48910

Dear Ms. Canfora:

The Department of State (Department) received two formal complaints filed against you by Gideon D'Assandro, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of these complaints is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* Copies of the complaints and supporting documentation are enclosed 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. D'Assandro provided copies of the front and back of a campaign piece which states "Vote Tuesday, August 6<sup>th</sup>, 2013" and "Chong-Anna Canfora Lansing City Council, 4<sup>th</sup> Ward [.]". It appears that the paid-for-by statement is omitted from this campaign piece.

Please note that the allegations regarding the improper expenditure of public funds and the offering of rides for voters have been dismissed.

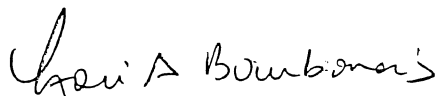
The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date 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, 1<sup>st</sup> 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. D'Assandro, 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,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Gideon D'Assandro



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

August 14, 2013

Gideon D'Assandro  
P.O. Box 14162  
Lansing, Michigan 48901

Dear Mr. D'Assandro:

The Department of State (Department) acknowledges receipt of the complaints you recently filed pursuant to section 15(5) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.215(5). The complaints are against Chong-Anna Canfora, the Friends of Chong-Anna Canfora committee, and Sheriff Gene Wriggelsworth. This letter concerns the disposition of 2 of the allegations contained in your complaints.

The allegations contained in the complaint filed against Ms. Canfora and Sheriff Wriggelsworth concern the alleged expenditure of public funds in contravention of section 57 the Act. In Michigan, it is unlawful for a public body or individual acting on its behalf to use public resources to make a contribution or expenditure. MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3). While Ms. Canfora is a candidate for Lansing City Council, she does not currently hold public office. Ms. Canfora does not have the authority to use or authorize the use of public resources. Section 57 only applies to a public body or a person acting on a public body's behalf. Because section 57 does not apply to Ms. Canfora, this portion of your complaint against Ms. Canfora is dismissed.

Additionally, the MCFA generally regulates the source, amount, and disclosure of campaign contributions and expenditures. The campaign finance complaint process, which is described more fully at MCL 169.215, is designed to address allegations relating to the receipt of prohibited contributions, unauthorized expenditures, improper disclosure, and so on. In contrast, the Michigan Election Law (MEL), 1954 PA 116, MCL 168.1 *et seq.*, governs the administration of elections including the circulation and filing of petitions, voter registration, ballot counting procedures, and certification of election results. The MEL also lists certain actions that are prohibited in connection with elections.

It is important to understand that the Department's investigatory powers are strictly limited to purported violations of the MCFA. MCL 169.215(5), (10). A careful review of your complaints and supporting documentation indicates that the allegation that Ms. Canfora's committee improperly offered voters rides to the polls on election day is an alleged violation of the MEL. The MEL provides,

[a] person shall not hire a motor vehicle or other conveyance or cause the same to be done, for conveying voters, other than voters physically unable to walk, to an election.

MCL 168.931(1)(f). A violation of this section is a misdemeanor offense. MCL 168.931(1). Other provisions of the MEL, specifically sections 940 and 941, MCL 168.940 and 168.941, confer upon law enforcement officers and prosecuting attorneys the authority to investigate and prosecute such criminal violations of the MEL.

Since this portion of your complaint concerns the application and enforcement of the MEL, it cannot be the subject of a campaign finance complaint filed under the MCFA. See MCL 169.215(5) (“[a] person may file with the secretary of state a complaint that alleges a violation of *this act*[.]”) and MCL 169.215(10) (the secretary of state may “refer the matter to the attorney general for the enforcement of a criminal penalty provided *by this act*.”) (Emphasis added). The campaign finance complaint process simply is not designed to resolve complaints involving purported violations of the MEL.

For this reason, the Department has no alternative but to also dismiss this allegation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Chong-Anna Canfora

2013 AUG -7 PM 9: 42

***Complaint Against:***

*Friends of Chong-Anna Canfora  
414 West Barnes  
Lansing, MI 48910  
Telephone number: (517) 290-6148*

***Complainant:***

*Gideon D'Assandro  
Post Office Box 14162  
Lansing, MI 48901  
Telephone number: (616) 334-3308*

Dated: August 7, 2013

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Filed pursuant to MCL 169.215(5)  
and The Administrative Rules of the  
Michigan Department of State Legal  
and Regulatory Services Administration  
Richard H. Austin Building, 4<sup>th</sup> Floor  
430 West Allegan Street  
Lansing, Michigan 48918

## **COMPLAINT**

Complainant, Gideon D'Assandro, whose address is Post Office Box 14162, Lansing, MI 48901, Telephone: (616) 334-3308, declares to the Michigan Secretary of State the following:

### **STATEMENT OF FACTS**

1. Chong-Anna Canfora is a candidate for the office of 4<sup>th</sup> Ward Lansing City Council Member to be voted upon at the August 6, 2013 Primary Election. (See Exhibit 1).

2. Friends of Chong-Anna Canfora (the "Respondent" herein) is the candidate committee for Chong-Anna Canfora, a candidate for the office of 4<sup>th</sup> Ward Lansing City Council Member. (See Exhibit 1).

3. Attached as Exhibit 2 and Exhibit 3 to this Complaint are copies of two campaign advertisements produced by Friends of Chong-Anna Canfora.

4. Attached as Exhibit 4 to this Complaint is a copy of certain printed matter (the "GOTV Material"), which was publicly distributed in connection with the Primary Election to be held on August 6, 2013. Significantly, the GOTV Material fails to contain any identification or disclosure of who paid for the GOTV Material.

5. The GOTV Material contains much of the same information, photographs, logos, etc. as contained in the campaign advertisements produced by Friends of Chong-Anna Canfora. Additionally, as evidenced by the "union bug" bearing shop identification number 14, the GOTV Material and the campaign advertisements were all produced by Keystone Millbrook (See Exhibit 5).

6. The GOTV Material offers rides to the polls for voters on Election Day.

**FAILURE TO COMPLY WITH IDENTIFICATION  
AND/OR DISCLAIMER REQUIREMENTS**

7. Section 47 of the Michigan Campaign Finance Act requires, among other things, that printed matter having reference to an election or a candidate shall bear upon it the name and address of the person paying for the matter. A person who knowingly violates these requirements is guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for not more than 93 days, or both.

8. Although the GOTV Material attached to this Complaint as Exhibit 4 certainly refers to an election and a candidate, it fails to bear upon it the name and address of the person paying for the matter.

**POTENTIAL ENGAGEMENT IN PROHIBITED CONDUCT**

9. Section 931 of the Michigan Campaign Finance Act prohibits, among other things, hiring a motor vehicle or other conveyance for conveying voters, other than voters physically unable to walk, to an election. The GOTV Material, which was widely and publicly distributed, offers voters rides to the polls on Election Day.

**CONCLUSION**

Based on the foregoing, upon information and belief, Respondent Friends of Chong-Anna Canfora has knowingly violated the Michigan Campaign Finance Act by failing to comply with the identification and disclosure requirements of the Michigan Campaign Finance Act.

Based on the foregoing, upon information and belief, Respondent Friends of Chong-Anna Canfora may be in violation of Section 931 of the Michigan Campaign Finance Act if Respondent has hired a motor vehicle or other conveyance to convey voters, other than those physically unable to walk, to an election.

**REQUEST OF ACTION BY THE SECRETARY OF STATE**

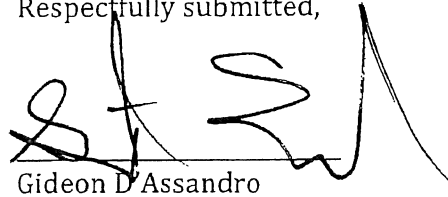
Accordingly, the Complainant respectfully requests the following:

1. That the Secretary of State immediately investigate these violations and determine as a matter of law that the Respondent has violated the Michigan Campaign Finance Act, and assess all appropriate penalties for such violations.
2. In the course of its investigation of this matter, that the Secretary of State contact Keystone Millbrook, who printed the campaign advertisements and the GOTV Material, and certainly knows who paid for the GOTV Material.
3. That the Secretary of State refer this matter to the Michigan Attorney General for the enforcement of all appropriate criminal penalties.
4. That the Secretary of State take immediate action to prevent further violation of the Michigan Campaign Finance Act by the Respondent.



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.

Respectfully submitted,

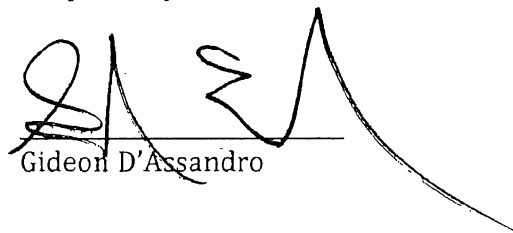


Gideon D'Assandro

Dated: August 7, 2013

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 that the Respondent herein paid for the printed matter in question. Since the printed matter in question has been disseminated anonymously and only very recently, it is difficult to provide specific factual evidence after a reasonable inquiry under the circumstances.

Respectfully submitted,



Gideon D'Assandro

Dated: August 7, 2013

# **EXHIBIT 1**



## Candidates for Lansing City Offices

Official as of 7/15/2013

Candidate Name	Address	Home Phone	Work Phone	Cell Phone	Campaign	Email Address	Website	Status Date	Status
<b>Mayor (elect 1)</b>									
Donald A. Krepps	2405 Alpha St. Lansing MI 48910	517-484-2373						2/23/2010	filed
John Boise	4921 Tenny St. Lansing MI 48910	517-393-1579		517-974-0321		johnboise73@yahoo.com		5/3/2013	filed
Gene Gutierrez-Rodriguez	3206 W. Holmes Rd. Lansing MI 48911			517-574-2369		77equiterrez@gmail.com		4/1/2013	filed
Virg Bernero	PO Box 16156 Lansing MI 48901				517-799-8683		www.vote4sig.com	5/10/2013	filed
Harold J. Leeman Jr.	435 N. Francis Lansing MI 48912	517-482-3479						5/14/2013	filed
<b>City Clerk (elect 1) NOTE: the office of City Clerk will not appear on the Primary Ballot</b>									
Chris Swope	1402 N. Genesee Dr. Lansing MI 48915	517-485-0614		517-528-5307		voteswope@gmail.com	www.voteswope.com www.facebook.com/VoteSwope4Clerk	5/8/2013	filed
<b>Council Member At-Large (elect 2)</b>									
Ted O'Dell	1310 W. Shiawassee St. Lansing, MI 48915	517-485-9559	517-394-2774 x 225	248-302-0073	517-492-7810	odellfortansing@gmail.com	www.facebook.com/odellfortansing	1/30/2013	filed
Judi Brown Clarke	3800 Colchester Rd. Lansing, MI 48906	517-327-8482		517-881-6710				2/5/2013	filed
Brian C. Jeffries	3229 Moores River Dr. Lansing, MI 48911	517-482-4416	517-355-3789			jeffriesforlansing@gmail.com		5/7/2013	filed
Jonathon M. Smith	936 W. Edgewood #167 Lansing MI 48911	517-894-1686		517-703-7249		j.smith89@gmail.com		5/10/2013	filed
Kathie Dunbar	1334 Boston Blvd. Lansing MI 48910					kathiedunbar@gmail.com	www.kathiedunbar.com	5/14/2013	filed
Keith K. Smith	910 N. Larch St. #4 Lansing MI 48906	517-897-1123	517-319-6001	517-897-1123		superpacman1982@gmail.com		5/14/2013	filed
<b>Council Member Ward 2 (elect 3) NOTE: the office of Council Member Ward 2 will not appear on the Primary Ballot</b>									
Charles C. Hoffmeyer	517 Hamilton Ave. Lansing MI 48910			517-292-0100		charles.hoffmeyer@gmail.com	www.cchoffme.com	4/30/2013	filed
Tina Houghton	6231 Coulson Ct. Lansing MI 48911					houghtonforLansing@gmail.com	www.houghtonforlansing.com	5/13/2013	filed
<b>Council Member Ward 4 (elect 3)</b>									
Jessica Yorko	815 Bancroft Court Lansing, MI 48915	517-346-8594		517-203-9055		jessica@yorkoforcouncil.com	www.yorkoforcouncil.com	5/14/2013	filed
Bert W. Carrier Jr.	328 N. Walnut Lansing, MI 48933	517-574-4997	517-529-2600	517-505-1626	517-529-2600	bertcarrier@gmail.com	www.bertcarrier.com	5/14/2013	filed
Larry Hutchinson	526 S. Chestnut #S30 Lansing, MI 48933	810-309-5310			810-293-4110	hutchinson140@yahoo.com		5/14/2013	filed
Chong Anna Canfora	414 W. Barnes Lansing MI 48910			517-290-6148	517-290-6148	ca@chongannacanfora.com	www.chongannacanfora.com	5/14/2013	filed

Prepared by Lansing City Clerk's Office, Chris Swope, City Clerk • 124 W. Michigan Ave., 8th Floor, Lansing MI 48933 • 517-483-4131 • TDD 517-483-4479 • 517-377-0068 FAX • www.lansingmi.gov/cityclerk • cityclerk@lansingmi.gov