



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

August 5, 2016

Edward Martell
15869 Isabelle
Romulus, Michigan 48174

Dear Mr. Martell:

The Department of State (Department) received a formal complaint filed by Amy Atwood against you, 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 this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is 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), Mich. Admin. 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(6).

Ms. Atwood alleges that your campaign banner failed to include a paid-for-by statement. In support of her complaint, Ms. Atwood provided a picture of a banner which states, "VOTE AUGUST 2 EDWARD MARTELL [.]". There does not appear to be a paid-for-by statement on the banner.

The Department notes that Ms. Atwood also alleged that you failed to file a required amended Statement of Organization because you exceeded the \$1,000.00 threshold to qualify for the reporting waiver. However, as stated on the Statement of Organization form, "the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed." There is no requirement that an amended Statement of Organization be filed. However, a committee that exceeds the waiver threshold must file the next report due after the threshold is exceeded. MCL 169.233(6).

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. 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

Edward Martell
August 5, 2016
Page 2

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 answer will be provided to Ms. Atwood, 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 penalties provided in section 47(6) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is written in a cursive, flowing style.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Amy Atwood

Campaign Finance Complaint Form
Michigan Department of State

2016-2017-2

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Amy K. Atwood	Daytime Telephone Number 313-291-6733	
Mailing Address 9745 Mueller		
City Taylor	State MI	Zip 48180

Section 2. Alleged Violator		
Name Edward Francis Martel I		
Mailing Address 15689 Isabelle		
City Romulus	State MI	Zip 48174

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

Explain how those sections were violated:

- (1) was granted a waiver stating he would not spend over \$1,000
He exceeded that amount
- (2) No campaign disclosure on his banners
See Attached

Evidence that supports those allegations (attach copies of pertinent documents and other information):

See Attached

Section 4. Certification (Required)

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.

X

Amy H. Alvero
Signature of Complainant

7-25-2016

Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

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:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

Section 3. Alleged Violations

Violation No. 1

Mr. Martell was granted a reporting waiver on Sept. 25, 2014 stating he would neither spend nor receive \$1,000 on his campaign, which is automatically lost when that amount is exceeded. However, based upon campaign-related materials that I have received from him and have evidence of, it is clear that he has spent over \$1,000 on his campaign.

The evidence of Violation No. 1 is as follows:

- Two full-color glossy post cards being passed out to local establishments and people since his filing. At minimal quantities, this would cost about \$90.00 per run.
- One campaign banner used at the Taylor North East little league baseball parade in April. A standard price for a banners of the size pictured in the evidence photo is \$168.00
- A large sized full-color glossy post card printed and mailed with a mailing database to me and many others and through a mail house in early June. It's highly likely that this was mailed to at least 1,000 voters, which would cost on average \$170.00 prior to mailing, which would cost \$640 to mail based upon standard mailhouse and USPS bulk mail prices.
- The appearance of campaign lawn signs, which at minimal quantities would cost about \$900.00.

The lowest possible estimated costs associated with this campaign are:

\$ 90.00 (first batch of postcards)

\$ 90.00 (second batch of postcards)

\$ 168.00 (banner)

\$ 170.00 (Absentee Voter postcard printing)

\$ 640.00 (Absentee Voter postcard mailing)

\$ 900.00 (Lawn Signs)

\$2,058.00 Total conservative estimate of campaign expenditures by candidate Mr. Martell and *does not* include the cost of the T-shirts shown in the image with the banner or the cost to maintain and host his website at martell4staterep.com

Violation No. 2

Mr. Martell has violated the section of campaign law that requires the campaign disclosure on his banner. Banners are not among the printed items/novelty items exempt from the disclaimer as per the Michigan Campaign Finance Act PA388 of 1976.

For evidence, see image of banner attached with the evidence from Violation No. 1.

Sep 25 15:05:04p

Food basket mark

7349467030

p.1



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

412062

9/25/15

State Representative

1. Committee ID #: 517344

2. Type of Filing: ☒ Original ☐ Amendment to Items:

3. Full Name of Committee (must include Candidate's first and last name): Committee to Elect Edward F. Martell for Representative

4a. Candidate Full Name: Last Name: Martell First Name: Edward

4b. Political Party (if applicable): Democratic

4c. County of Residence: Wayne

4d. Office Sought: State Representative

4e. District/Circuit # or Jurisdiction: #12

5. Date Committee was Formed: 9/24/15

6a. Committee Phone: 313 748 8290

6b. Committee Fax #:

6c. Committee Email Address: martell4staterrep@gmail.com

6d. Committee Website Address:

7a. Complete Committee Mailing Address (May be PO Box): 15689 Isabelle, Romulus MI 48174

7b. Complete Committee Street Address (May not be PO Box): 15689 Isabelle, Romulus MI 48174

8. Treasurer Name and Complete Address: Edward Francis Martell, 15689 Isabelle, Romulus, MI 48174

Phone #: 313 748 8290

Email Address: martell4staterrep@gmail.com

9. Designated Record Keeper Name and Complete Address:

Phone #:

Email Address:

10. REPORTING WAIVER REQUEST:

☒ YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late only election Reports.

☐ NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of \$1,000 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 D of the Committee Manual.

11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) Write this item must be completed, an account does not have to be opened until the first contribution is received.

Official Depository (name and address): Comerica Bank, 14100 Parlee Rd Taylor MI 48180

Secondary Depository (name and address):

12. This item applies only to Gubernatorial Candidate Committees: Check if this committee intends to seek qualifying contributions or make qualifying expenditures.

13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to Candidate Committees that file with the County Clerk's office.

☐ Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically.

☒ Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee Manual.

14. 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 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)

Current Treasurer: Edward F. Martell Date: 9/25/15

Designated Record Keeper (Required only if filing electronically): Edward F. Martell Date: 9/25/15

CFR101 CAN 50.doc REV 01/14: Authority granted under Act 386 of 1976, as amended * = Required Field on Originals

[View Next Page >>]

Oct 28 15:11:30a

Food basket market

7349467030

p.1



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

414294

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

1. Committee ID #: 517344	*2. Type of Filing: <input checked="" type="checkbox"/> Original: Comm. Filing Name <input type="checkbox"/> Amendment to Item: Candidate Name		Committee Address: 10/28/15
*3. Full Name of Committee (must include Candidate's first and last name): Elect Edward Martell			
*4a. Candidate Full Name: Last Name Martell		First Name Edward	M.I.
*4b. Political Party (if applicable): 		*4c. County of Residence: 	
*4d. Office Sought: State Representative		*4e. District/Circuit # or Jurisdiction: 12th House	
*5. Date Committee was Formed: 			
*6a. Committee Phone: 		6b. Committee Fax #: 	
6c. Committee Email Address: 		6d. Committee Website Address: 	
*7a. Complete Committee Mailing Address (May be PO Box): P.O. BOX 74545			
*7b. Complete Committee Street Address (May not be PO Box): 			
*8. Treasurer Name and Complete Address: 			
Phone #: 		Email Address: 	
9. Designated Record Keeper Name and Complete Address: 			
Phone #: 		Email Address: 	
<p>*10. REPORTING WAIVER REQUEST:</p> <p><input 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 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.</p> <p><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 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of \$1,000 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.</p>			
<p>*11. Name and Address of Depositories or 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.</p> <p>*Official Depository (name and address): </p> <p>Secondary Depository (name and address): </p>			
12. This item applies only to Gubernatorial Candidate Committees: Check if this committee intends to seek qualifying contributions or make qualifying expenditures. 			
13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to Candidate Committees that file with the County Clerk's office.			
<input type="checkbox"/> Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically. <input type="checkbox"/> Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee Manual.			
14. 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 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)			
 Designated Record Keeper (Required only if filing electronically)		Date: 10/28/15 *Current Treasurer	
		Date: 	

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MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

416803

1. Committee ID #:	617344	2. Type of Filing: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment to item:	849	Eff. Date:	1-17-2016
3. Full Name of Committee (must include Candidate's first and last name):					
Elect Edward Martell					
4a. Candidate Full Name: Last Name	Martell	First Name	Edward	M.I.	
4b. Political Party (if applicable):		4c. County of Residence:			
4d. Office Sought:	State Representative				
4e. District/Circuit # or Jurisdiction:	12th				
5. Date Committee was Formed:					
6a. Committee Phone:	(313) 977-3497	6b. Committee Fax #:			
6c. Committee Email Address:					
6d. Committee Website Address:					
7a. Complete Committee Mailing Address (May be PO Box):					
P.O. Box 74545 Romulus, MI 48180					
7b. Complete Committee Street Address (May not be PO Box):					
8. Treasurer Name and Complete Address:					
Tashawna Gill 15114 Pond Village Dr Taylor, MI 48180					
Phone #:	(313) 554-5007	Email Address:	tashawnagill@gmail.com		
9. Designated Record Keeper Name and Complete Address:					
James Mitchell III 18269 Littlefield Detroit, MI 48225					
Phone #:	313 595 4608	Email Address:	jmmitchelliii@yahoo.com		
10. REPORTING REQUEST:					
<input 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 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.					
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11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) When this item must be completed, an account does not have to be opened until the first contribution is received.					
*Official Depository (name and address):					
Secondary Depository (name and address):					
12. This item applies only to gubernatorial candidate committees: Check if this committee intends to seek qualifying contributions or make qualifying expenditures.					
13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to Candidate Committees that file with the County Clerk's office.					
<input type="checkbox"/> Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically.					
<input type="checkbox"/> Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee Manual.					
14. 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 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:		Date:		Current Treasurer:	
Edward Martell		1/17/16		Tashawn Gill	
Designated Record Keeper (Required only if filing electronically)		Date:		Date:	
James Mitchell III		1-17-2016		1-17-2016	

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* = Required Field on Originals



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

419483

1. Committee ID#: 517344	*2. Type of Filing: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment to Item: 8 & 9		Eff. Date: 3-14-16
*3. Full Name of Committee (must include Candidate's first and last name): Elect Edward Martell			
*4a. Candidate Full Name: Martell	First Name: Edward	M.L. F	
*4b. Political Party (if applicable): Democrat	*4c. County of Residence: Wayne	RECEIVED/FILED MICHIGAN DEPT OF STATE ELECTIONS/GREAT SEAL F 2016 MAR 15 AM 8:39	
*4d. Office Sought: State Representative	*4e. District/Circuit # or Jurisdiction: 12		
*5. Date Committee was Formed:			
*6a. Committee Phone:		*6b. Committee Fax #:	
*6c. Committee Email Address:		*6d. Committee Website Address:	
*7a. Complete Committee Mailing Address (May be PO Box):			
*7b. Complete Committee Street Address (May not be PO Box):			
*8. Treasurer Name and Complete Address: Todd Oliver, 1530 McCarthy, Ypsilanti, MI 48198			
Phone #: 313 388 8544		Email Address: toservices.paincare@gmail.com	
9. Designated Record Keeper Name and Complete Address:			
Phone #:		Email Address:	
*10. REPORTING WAIVER REQUEST:			
<input 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 in an election. I/We understand that if the committee does not spend or receive in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.			
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<input type="checkbox"/> Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically.			
<input type="checkbox"/> Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee Manual.			
14. 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 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)			
*Signature: [Signature]		*Current Treasurer: [Signature]	Date: 3-14-16
Designated Record Keeper (Required only if filing electronically)			
Date:			

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Edward Martell for State...

Evidence of Banner without
required Campaign Disclaimer
photo pulled from candidate's
public campaign Facebook page



Like



Comment



Share

Front Side of two 4x6" full color glossy post cards

**EDWARD
MARTELL**
For STATE REPRESENTATIVE
DISTRICT 12

OUR SCHOOLS • OUR JOBS • OUR NEIGHBORHOODS
VOTE AUGUST 2

Contact us @
www.Martell4StateRep.com
313.977.3497
Facebook.com/Martell4StateRep
Twitter.com/Martell2016
Instagram.com/EdwardMartell4StateRep

Paid for by Elect Edward Martell | P.O. Box 74545 Romulus, MI 48174

Proud Sponsor
Of Taylor
Northeast
Little League

VOTE AUGUST 2ND
EDWARD MARTELL
DEMOCRAT FOR
STATE REPRESENTATIVE

District 12

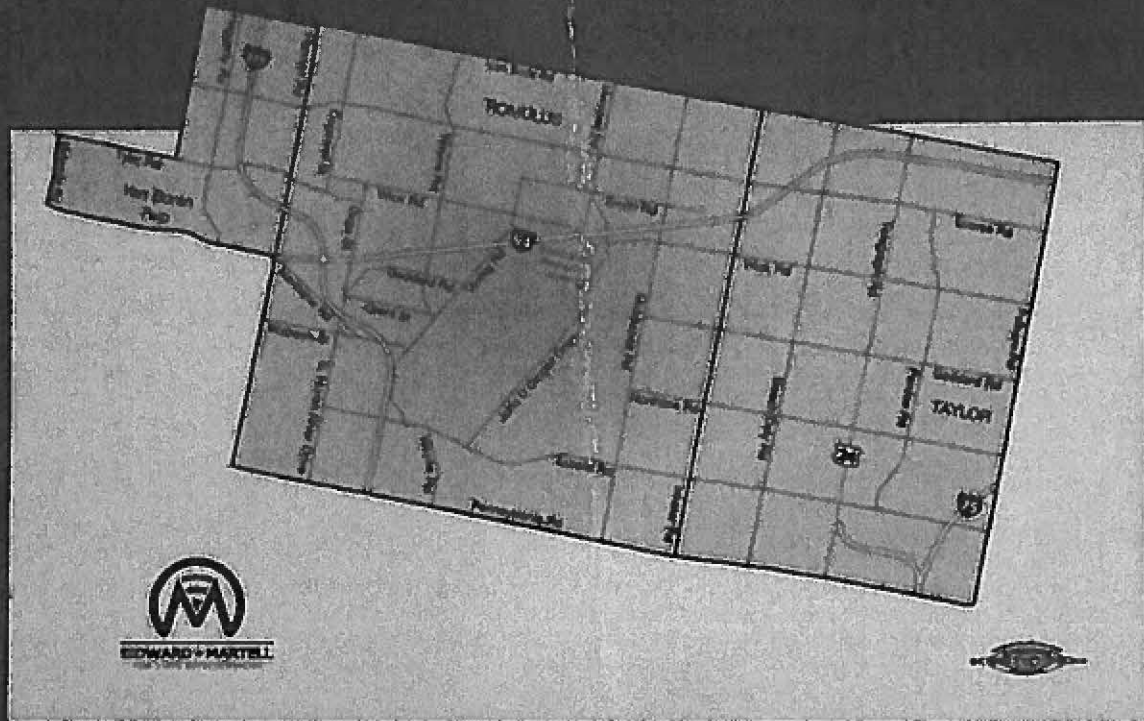
- Rebuilding Education
- Reviving Our Economy
- Protecting Our Environment

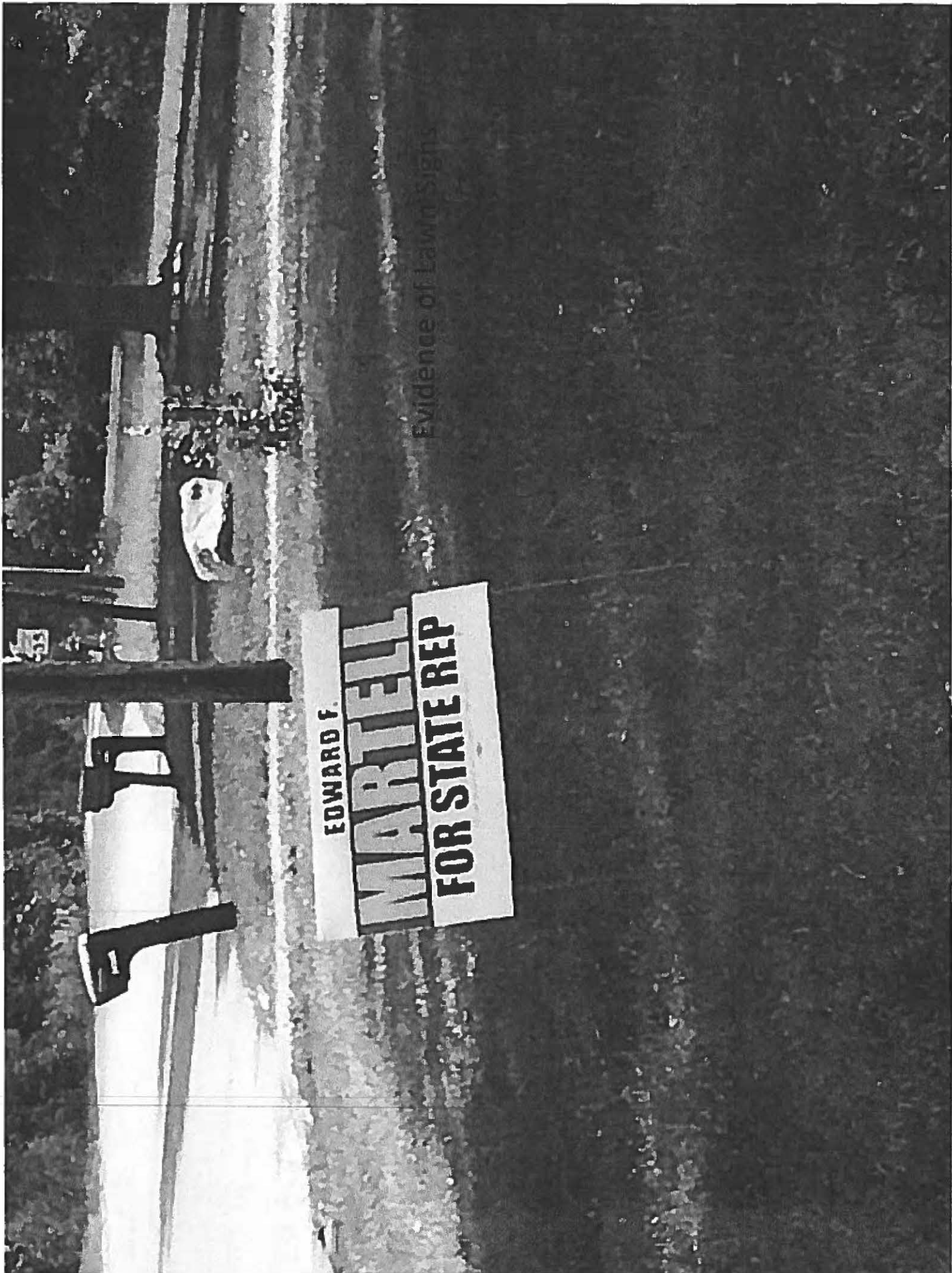
"Fighting for the People"

www.martell4staterep.com

PAID FOR BY ELECT EDWARD MARTELL
313.977.3497 | P.O. BOX 74545 ROMULUS, MICHIGAN 48174

Back side of two 4x6" full color glossy post cards





Evidence of Lawn Signs

Vote August 2nd
Democrat District 12



Edward Martell will use his legal skills, public policy knowledge and organizing experience to defend the rights of District 12 residents.

- Improve Access to Health Care
- Protect Senior Pensions
- Repeal Rick Snyder's Tax on Pensions
- Increase Funds for Police and Fire
- Expand Programs for Veterans
- Lower Car Insurance Rates
- Strengthen Public Education
- Job Creation for Local Residents

STOP THE RICK SNYDER AGENDA!

Edward F. Martell

For State Representative

Romulus, Taylor & Van Buren Township



**Democratic Party
Endorsed**
(13th Congressional District)

Paid for by Elect Edward Martell
P.O. Box 74545
Romulus, MI 48174



Prsrt Std
U.S. Postage
PAID
Permit 6067
Detroit, MI



*****AUTO**5-DIGIT 48180
1899 T3 P1
AMY KATHLEEN ATWOOD
9745 MUELLER ST
TAYLOR MI 48180-3573



EDWARD ★ MARTELL

Edward F. **MARTELL**

For State Representative

A Champion for Seniors & Our Neighborhoods

Edward Martell is an award winning law student, community organizer, and judicial law clerk at the Oakland County Circuit Court. He is running for State Representative to advance a public policy agenda for District 12 seniors and working families.



Martell has deep family roots in District 12. Edward attended the Van Buren Public and Romulus Community Schools. His grandfather, Reynaldo Martell is a UAW retiree from the GM Willow Run Plant. Reynaldo taught Edward the importance of hard work and working together to build a strong community.

- Bachelors of Political Science, University of Detroit – Mercy
- Associates of Arts, Wayne County Community College District
- Voice for Justice Award, U of D Mercy Law – for Public Service
- Recipient of Prestigious Jesuit Founders' Award

August 2nd  **Vote**





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

August 24, 2016

Amy K. Atwood
9745 Mueller
Taylor, Michigan 48180

Dear Ms. Atwood:

The Department of State received a response to the complaint you filed against Edward Martell, 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,

A handwritten signature in black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Edward Martell

August 17, 2016

2016 AUG 18 PM 2:14

Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 West Allegan Street
Lansing, MI 48918

RE: Response to Formal Complaint filed by Amy Atwood

I. Violation No. 1:

Upon commencing the Elect Edward Martell Campaign, I had a campaign committee that included, but was not limited to a Treasurer to maintain and manage the finances for the campaign. Being a grassroots type campaign, I submitted a waiver as I did not anticipate exceeding the \$1000.00 expenditure limit. Nonetheless, during the course of my campaign, our Treasurer had to resign for unforeseen reasons and upon information and belief, the campaign minimally exceeded this \$1000.00 benchmark. This was neither intentional nor malicious, but was an inadvertent mistake. Notwithstanding, the numerical breakdown in the Complainants formal statement does not reflect the expenditures and/or receivables for the Elect Edward Martell Campaign. Nonetheless, I will be filing an amended campaign finance statement expeditiously which will accurately reflect the donations and/or disbursements for the campaign.

II. Violation No 2:

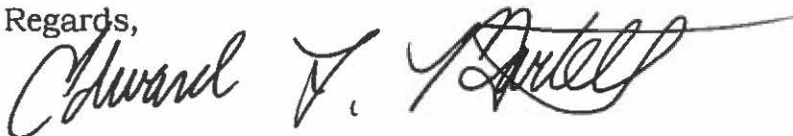
It is alleged that I have violated MCL 169.247(1) for producing printed material that relates to an election, but which fails to include the phrase: "Paid for by [name and address of the person who paid for the item]." The banner referenced is an aerial-like banner which was obtained early on in my campaign. Specifically, I sponsored a little league team, Taylor Northeast Little League, and as follows, the sponsorship included a banner which was to be used in the Opening Day Parade.

As a first-time candidate, after thorough research, upon information and belief, this banner was exempt from the requirements of Section 1. During this process, I have at times looked to the Representative Geiss as the incumbent to see how she ran her campaign. My sincere belief that this

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banner was exempt was further corroborated when I saw that her campaign had a similar banner that also did not include the aforementioned phrase. (See Exhibit A, Geiss Banner). Additionally, after diligent research attempts on banners, I came across a correspondence on the Michigan Department of State that referenced a question regarding banners and whether the "phrase" had to be included on banners. (See Exhibit B, Michigan Department of State Correspondence). The letter indicated that aerial banners pose a unique situation due to the "size shape and distance from the observer . . ." *Id.* Ex. B. The correspondence further indicated that "[t]o include an identification or disclaimer of sufficient size to be visible and readable would require that it be as large or perhaps even larger than the campaign message itself." *Id.* Following this reasoning and also observing that Representative Geiss had a similar banner, led to my honest belief that these types of banners fell under the exemption. If I am incorrect in my belief, I sincerely apologize as it was not intentional, but a rather honest mistake. As evidenced by the postcards that were attached as exhibits by the Complainant, every piece of literature distributed by my campaign included the proper phrase as required pursuant to MCL 169.247(1).

As such, I accept responsibility for the aforementioned violations and will pay any necessary fines and costs.

Regards,

A handwritten signature in cursive script, appearing to read "Edward F. Martell", with a long horizontal flourish extending to the right.

Edward F. Martell

MICHIGAN DEPARTMENT OF STATE

RICHARD M. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



MICIGAN 48918

December 7, 1983

Mark A. Weigand
 Attorney at Law
 690 Allen Avenue
 Muskegon, MI 49442

Dear Mr. Weigand:

This is in response to your letter of October 21, 1983, requesting an exemption from the identification requirements set forth in the Campaign Finance Act (the "Act"), 1976 PA 388, as amended. As stated in your letter, you intend to use an aerial banner to be towed by an airplane in an election.

Section 42(3) of the Act, MCL 169.247, states that "printed matter having reference to an election, . . . shall bear upon it the name and address of the person paying for the matter." This section goes on to state:

"The size and placement of the disclaimer shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section."

Pursuant to this provision in the Act, the Department has promulgated Rule 36(3), 1979 AC R169.36(3):

"(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule."

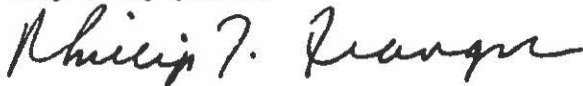
An aerial banner poses a unique situation when considering the identification or disclaimer normally required as part of printed matter covered by the Act. The size, shape and distance from an observer all enter into consideration as to whether an identification or disclaimer would be visible to and readable by the observer. To include an identification or disclaimer of sufficient size to be visible and readable would require that it be as large or perhaps even larger than the campaign message itself. Clearly such a requirement would be unreasonable and not contemplated by the Act.

Mark A. Weigand
Page Two

The fundamental purpose of the identification and disclaimer requirements of the Act is to provide a method whereby interested parties can determine the person paying for the matter. In the unique situation of an aerial banner, disclosure is satisfied by meeting the other reporting requirements of the Act.

This response may be considered informational only and not as constituting a declaratory ruling.

Very truly yours,

A handwritten signature in black ink, appearing to read "Phillip T. Frangos". The signature is fluid and cursive, with the first name "Phillip" being more prominent.

Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF/jep

Erika

GILIS

**STATE REP.
DEMOCRAT**



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

February 3, 2017

Edward Martell
15869 Isabelle
Romulus, Michigan 48174

Dear Mr. Martell:

The Department of State (Department) has completed its investigation of the complaint filed against you by Amy Atwood, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Ms. Atwood's complaint.

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(6).

The Act also requires the Department 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.

Ms. Atwood filed her complaint on August 2, 2016, and you filed a written response on August 18, 2016. Ms. Atwood did not file a rebuttal statement with the Department.

Ms. Atwood alleged that you failed to include a paid-for-by statement on your campaign banner. In support of her complaint, Ms. Atwood provided a picture of a banner which states, "VOTE AUGUST 2 EDWARD MARTELL [.]". There did not appear to be a paid-for-by statement on the banner.

In your response you asserted that at the time the banner was produced, you believed there was an exemption from section 47 for banners. However that exemption applies to *aerial* banners being towed by airplanes. In order for the identification statement on an aerial banner to be visible and readable by an observer, it would require the identification statement to be as large, or perhaps larger, than the campaign message. That exemption simply does not apply to your banner, which was used in a parade. You further asserted that all of your other campaign materials included a correct and complete paid-for-by statement.

Edward Martell
February 3, 2017
Page 2

While the Department believes that the evidence tends to show that your banner failed to contain a paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]". The Department now issues this warning letter.

The Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

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. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

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

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Amy Atwood