



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

March 2, 2016

Roxanne Seeber
Bauckham Sparks Lohrstorfer
Thall & Seeber PC
458 West South Street
Kalamazoo, Michigan 49007

G. Wayne Timm
56767 Franklin Drive
Three Rivers, Michigan 49093

Lynn McLeod
Via email: lynnmmcleod@aol.com

Dear Ms. Seeber, Mr. Timm, and Ms. McLeod:

The Department of State (Department) received a formal complaint filed by Linda Baker against Lockport Township, Mr. Timm, and Ms. McLeod (Respondents), alleging that Respondents 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.* Copies of the complaint 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), 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).

Additionally, in Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other 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(4).

Ms. Baker alleges that Respondents unlawfully spent township funds to advocate for a ballot proposal and Respondents failed to include a paid-for-by statement on certain campaign signs.

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

Roxanne Seeber
G. Wayne Timm
Lynn McLeod
March 2, 2016
Page 2

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. You may submit one answer signed by each of you, or you may each submit your own answer. 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. 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(s) will be provided to Ms. Baker, 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 sections 47(6) and 57(4) of the Act.

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

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Linda Baker

RECEIVED/FILED
MICHIGAN DEPT OF STATE

Campaign Finance Complaint Form
Michigan Department of State

2016 MAR -1 PM 1:45

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 LINDA BAKER	Daytime Telephone Number 269-506-5862	
Mailing Address 56850 HAINES		
City THREE RIVERS	State MI	Zip 49093

Section 2. Alleged Violator		
Name G. WAYNE TIMM / LYNN MCLEOD / LOCKPORT		
Mailing Address 58767 FRANKLIN DRIVE TOWNSHIP		
City THREE RIVERS	State MI	Zip 49093

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

Section(s) of the MCFA violated:

MCL 169.247 , 169.257

Explain how those sections were violated:

POLITICAL SIGNS FOR A BALLOT QUESTION
DO NOT HAVE A DISCLAIMER AS

REQUIRED. PHOTO ATTACHED. MCL 169.247

SIGN INDICATES "PAID FOR BY LOCKPORT
TOWNSHIP" PHOTO ATTACHED MCL 169.257

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

THE TOWNSHIP
SUPERVISOR CONFIRMS THE SOURCE OF THE
SIGNS (WAYNE TIMM) AND PHOTO OF SIGNS
SHOWS LACK OF DISCLAIMER.

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

Signature of Complainant

3-1-16

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:

A VOICEMAIL MESSAGE TO ME CONFIRMS
SOURCE OF SIGNS, HOWEVER THERE IS
NO WAY TO ATTACH AUDIO FILE TO THIS
COMPLAINT.

X

Signature of Complainant

3-1-16

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.

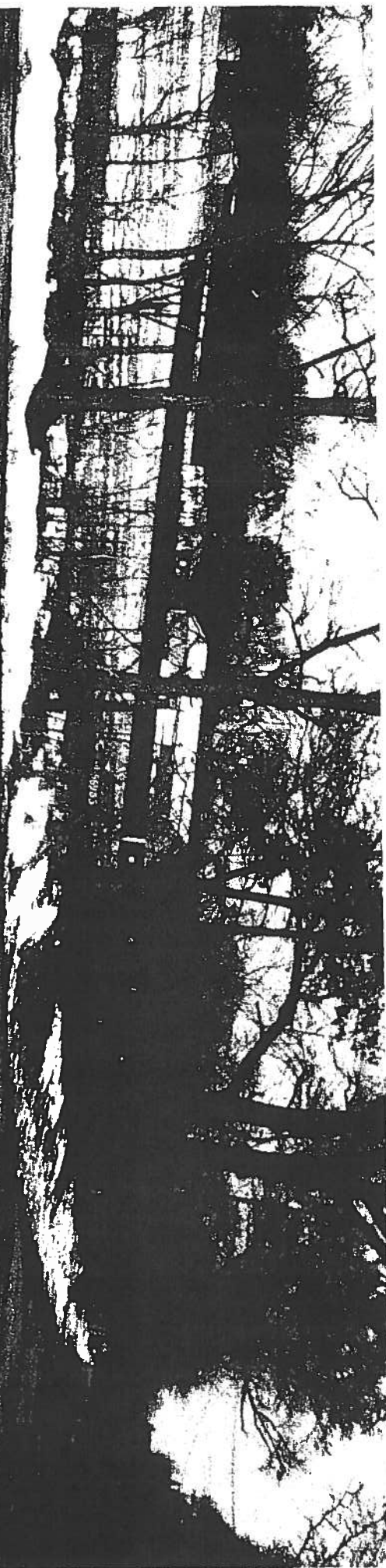
Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

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

**NOISE
MARCH 8TH, TO BECOME A
CHARTER TOWNSHIP**

**LOCKPORT RESIDENTS:
VOTE YES!
MARCH 8TH, TO BECOME A
CHARTER TOWNSHIP
PAID FOR BY LOCKPORT TOWNSHIP**

LOCKPORT RESIDENTS:
VOTE YES!
MARCH 8TH, TO RECOGNIZE
CHANDLER TOWNSHIP





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

March 22, 2016

Linda Baker
56850 Haines
Three Rivers, Michigan 49093

Dear Ms. Baker:

The Department of State received responses to the complaint you filed against G. Wayne Timm, Lynn McLeod, and Lockport Township; which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* Copies of the responses are 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: Lynn McLeod
Roxanne C. Seeber

BAUCKHAM, SPARKS, THALL, SEEGER & KAUFMAN P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

ROBERT E. THALL
ROXANNE C. SEEGER
CATHERINE P. KAUFMAN
LORI L. COATES HAY
T. SETH KOCHES

KENNETH SPARKS
MICHAEL D. SCHLACK
OF COUNSEL

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 MAR 14 PM 3:32
JOHN H. BAUCKHAM
ELECTIONS/GREAT SEAL
HARRY F. SMITH
1906-1972

March 7, 2016

State of Michigan
Department of State
Bureau of Elections
1st Floor
430 W. Allegan
Lansing, MI 48918

RE: *Response to Campaign Finance Complaint Form*

Dear Ms. Bourbonais:

Lockport Township acknowledges receipt of a Campaign Finance Complaint by Linda Baker alleging violation of MCL 169.257(1) by using public funds or resources to pay for the production of printed signs related to the March 8, 2016 charter township ballot question. Attached to the complaint are photocopies of signs indicating "Lockport Residents: Vote YES! March 8th, to become a Charter Township". Upon investigation, we have found that up to six of those signs, one of which was depicted in the photographed attachments, include the words "Paid for by Lockport Township" on the bottom.

We write to advise you that NO LOCKPORT TOWNSHIP FUNDS and NO PUBLIC MONEY whatsoever was utilized to produce or place these signs. Further, we understand that Ms. Baker may have requested copies of the checks/invoices for payment thereof from the Township and that none were forthcoming because there were none.

We furthermore advise that the signs were paid for by an individual, Wayne Timm, who is also the Lockport Township Clerk. Upon receipt of notification of the placement of signs indicating that they were PAID FOR BY LOCKPORT TOWNSHIP on March 2, 2016 we advised Mr. Timm and the Township Supervisor (in response to his inquiry) that such signs were to be removed immediately. It is my understanding that the few signs which had the sentence "Paid for by Lockport Township" were removed by 6:00 p.m. on March 2, 2016.

Page 2
March 7, 2016

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 MAR 14 PM 3:32

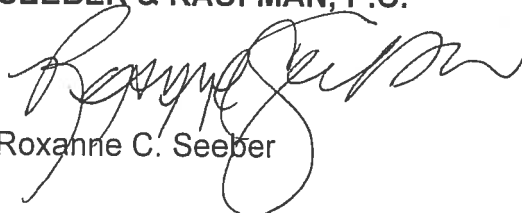
Because Mr. Timm is the Township Clerk, we further advise that he was acting in an individual capacity and not as member of the Township Board when he ordered and paid for the signs out of his own personal funds. Additional similar signs that did not contain the phrase "paid for by Lockport Township" were posted in the Township. The similarity of these signs to those that were removed indicates that they were probably also purchased and placed by Mr. Timm with his own money and on his own time. As such, it would appear that Mr. Timm's failure to put a "paid for by (name and address of person)" notification on them was either an unintentional oversight or falls within the exception contained in Appendix J, which states:

"An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee."

We understand that the allegation was also made against Lynn McLeod, a resident of Kalamazoo County regarding these same signs. It is this office's understanding that she has submitted a separate letter in response to the inquiry. Please do not hesitate to contact me if you have any questions.

Very truly yours,

**BAUCKHAM, SPARKS, THALL,
SEEBER & KAUFMAN, P.C.**



Roxanne C. Seeber

RCS/ser
cc: R. Signorello
W. Timm

Bourbonais, Lori (MDOS)

From: Lynn Mcleod <lynnmmcleod@aol.com>
Sent: Wednesday, March 02, 2016 4:53 PM
To: Bourbonais, Lori (MDOS)
Subject: Fwd: Question concerning signage
Attachments: APPENDIX_J__157779_7.pdf; Ballot Question Committee.pdf; Ballot Letter 2.docx; Question concerning signage.pdf; Re_ Ballot Question Committee.pdf; Re[2]_ Ballot Question Committee.pdf

Hello,

I am writing in response to the complaint filed against me by Linda Baker, who is a clerk in the St. Joseph County Prosecutors office.

I do not live in Lockport Township. I have no association with any signs that were posted and I have told this to Linda Baker as per the attached pdf of an email that I sent to her.

I also have been receiving advice all along from both the County Clerk and the State office on my Ballot Question Committee. We sent out flyers with a label attached to them stating our name and mailing address affixed to the outside of the mailer. I will get a copy and send that to you as well.

I am extremely intimidated by Linda's complaint as she does work in the County prosecuting office and this has become a fight about annexation of land...can be found by googling Sports Complex and Lockport Township.

I have tried to follow all the directions and even had a phone conversation with Tim Snow back in early February as he is my County Clerk.

If I need to do anything else, will you please let me know.

I also know that Wayne Timm did NOT use township money to buy these signs.

Thank you,

Lynn McLeod

Appendix J

IDENTIFICATION REQUIREMENTS

The Act requires all paid advertisements having reference to an election, a candidate or a ballot question to contain an identification statement and, if applicable, a disclaimer statement. The identification must be clear to the reader or listener and worded as follows:

- All printed matter having reference to a candidate, election or a ballot question, including yard signs, brochures, billboards, poll cards, fund raiser tickets, stationery, etc., must contain: "Paid for by" followed by the full name of the person or committee paying for the material and the person's or committee's street number or post office box, city or town, state and zip code.
- If the printed matter is an independent expenditure relating to a candidate that is not authorized in writing by the candidate, the printed matter must contain: "Paid for by (name and address of person, group or committee paying for the matter). Not authorized by any Candidate Committee."
- The identification or disclaimer on printed material having reference to a candidate, or a ballot question must be in a place and in a print clearly visible to and readable by an observer. Any other medium used for campaign purposes shall clearly and unequivocally include the identification or disclaimer, or both.
- An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee.
- All paid political advertisements broadcast by television or radio having reference to a candidate election or ballot question shall identify the sponsoring person as required by the Federal Communications Commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with the following:
 - (a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer:

"Not authorized by any candidate"
 - (b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by"
(Name of candidate or name of Candidate Committee)
- Except for a Candidate Committee's printed matter or radio or television paid advertisement, each identification or disclaimer must also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds".

The identification requirements of the Act do not apply to videotapes produced by political candidates and cable cast on a public access channel if use of the public access video taping equipment and the public access time is free. The identification requirements only apply to paid political advertisements.

EXEMPTIONS

Certain items are exempt from the identification or disclaimer requirement due their size or difficulty of placement. Following is a listing of the exempted items:

Aerial Banners	Frisbees	Pens
Ashtrays	Glasses	Pinwheels
Badges & Badge Holders	Golf Balls	Plastic Tableware
Balloons	Golf Tees	Pocket Protectors
Bingo Chips	Hats	Pot Holders
Brushes	Horns	Refrigerator Magnets
Bumper Stickers (4" X 15" Or Smaller)	Ice Scrapers	Ribbons
Buttons	Jar Lid Grippers (5" Or Smaller)	Shoe Horns
Campaign Stickers (3" X 1 ½" Or Smaller)	Key Rings	Staple Removers
Candy Wrappers (1 ½" X 2 ½" Or Smaller)	Knives	Sun Glasses
Cigarette Lighters	Labels	Sun Visors
Cloth Pot Holders	Lapel Pins/Stickers	Sweatshirts
Clothes Pins	Magnifying Glasses	Swizzle Sticks
Clothing	Matchbooks	T-Shirts
Coasters	Nail Clippers	TV Scroll Advertisement
Combs	Nail Files	Whistles
Cups	Noisemakers	Wooden Nickels (Approx. Size of a 5-Cent Coin)
Drinking Glasses	Paper & Plastic Cups	Wooden Rulers (12" Or Smaller)
Earrings	Paper & Plastic Plates	Yo-Yo's
Emery Boards	Paper Weights	
Envelopes	Pencils	
Erasers	Pendants	
Fortune Cookie Messages (1/2" X 2" Or Smaller)	Pennants	

Any item not included in this list is not exempt from the Act's identification and disclaimer requirements, and must contain an identification statement, and if applicable, a disclaimer statement.

Committee Address Change

A committee that has filed an amendment to its Statement of Organization to show a change of committee address is not required to note the change of address on printed matter it previously purchased as long as the printed matter contains an identification statement that was correct at the time the printed matter was produced.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

1. Committee ID #:	*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items:		Eff. Date: 1-22-16
*3. Date Committee was Formed: 01/22/2016			
*4. Full Name of Committee: Volunteers for Lockport Township/Charter Township			
5. Acronym or Abbreviation (if any):			
*6. Complete Committee Mailing Address (May be PO Box): PO Box 162 Three Rivers, MI 49093			
*7. Complete Committee Street Address (May not be PO Box): 1631 Nixon Lane Three Rivers, MI 49093			
*Committee Phone: (269) 569-4641		Committee Email Address: Lockportcomplex@gmail.com	
Committee Fax #:		Committee Website Address:	
*8. Treasurer Name and Complete Address: Lynn Hall McLeod 1631 Nixon Lane Three Rivers, MI 49093			
Phone #: (269) 569-4641		Email Address: lockportcomplex@gmail.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 spend or receive 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 or Petition Proposal Campaign Statements. <input type="checkbox"/> NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive 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/We 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 Ballot Question Manual.			
*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) *Official Depository (name and address): No depositories are needed at this time. Consumers Credit Union if needed. 5940 Guil Rd Kalamazoo, MI 49048 Secondary Depository (name and address):			
12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose Description: Move Lockport Township from a General Law Township to a Charter Township Indicate the ballot proposal district below by selecting Statewide, County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside. <input type="checkbox"/> Statewide <input type="checkbox"/> County <input type="checkbox"/> Multi-County <input checked="" type="checkbox"/> Local Lockport Township			
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 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 \$5000 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 Ballot Question 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, I/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.			
*Current Treasurer Lynn Hall McLeod		Designated Record Keeper (Required only if filing electronically) Date: 01/22/2016	



MARCH 8, 2016

On March 8, 2016 Lockport Township Voters are being asked to VOTE YES, to move Lockport Township from a General Law Township to a Charter Township.

Your question is why?

We want to make it very clear it IS NOT for the purpose of increasing taxes.

- Charter Township grants enhanced protection from Annexation.
- Charter Township becomes a 7 member Township Board.
 - Supervisor, Clerk, Treasurer and 4 Trustees.
 - Currently a 5 member Board with 2 Trustees.
- Requires more Fiscal responsibility and openness on Budgeting matters.
- Additional Public notification on Ordinance additions and changes.
- If the need arises, Charter Townships could have a greater ability to borrow at a reduced interest rate.

The most important reason is to protect your land. Plans are in motion to locate a Sports Complex in Three Rivers. The land that is desired is approximately 80 acres located in Lockport Township near North Main Street, Enterprise Drive, and Buckhorn Road.

Since approximately 1980, through previous boards, the City of Three Rivers has already transferred approximately 715 acres of land from Lockport Township into the City of Three Rivers, much of which is vacant land to date

Another major concern is how much more land will be taken into the City of Three Rivers under such type of FORCED annexation. Once into the City of Three Rivers you could then anticipate significantly increased property taxes, from those of Lockport Township. In addition you could then anticipate receiving water and sewer bills with at some point a FORCED connection to the municipal water and sewer system.

**PLEASE VOTE YES ON MARCH 8, 2016 FOR LOCKPORT CHARTER TOWNSHIP.
LET'S PROTECT WHAT WE HAVE.**

3/2/2016

Question concerning signage

From: Lynn Mcleod <lynnmmcleod@aol.com>

To: oswaldl <oswaldl@stjosephcountymi.org>

Bcc: sherrienowicki505 <[REDACTED]>; municipalzoning <[REDACTED]>;
kela1962 <[REDACTED]>

Subject: Question concerning signage

Date: Mon, Feb 1, 2016 3:56 pm

Attachments: APPENDIX_J__157779_7.pdf (95K)

Hello,

It has come to my attention that Wayne Timm received a phone call from you regarding the yard signs for the upcoming March 8, 2016 Charter Township vote for Lockport.

I have attached "appendix J" listing the requirements for election identification.

The yard signs have no association with the Ballot Question Committee that I filed.

The person responsible for the yard signs paid for them out of their own pocket and therefore not required by state law to have identification posted on the signage.

I have attached appendix J for you to see. I have also called and spoken with a state election finance specialist who stated that an individual self-funding does not fall under the law.

If you have any questions regarding my Ballot Question Committee, please contact me at the number on the form I filed.

Wayne Timm has NOTHING to do with my Committee.

Thank you,

Lynn McLeod

3/2/2016

Re: Ballot Question Committee

From: Lynn Mcleod <lynnmmcleod@aol.com>
To: DiljakM <DiljakM@michigan.gov>
Cc: QuirogaE1 <QuirogaE1@michigan.gov>; Disclosure <Disclosure@michigan.gov>
Bcc: seeber <seeber@michigantownshiplaw.com>
Subject: Re: Ballot Question Committee
Date: Tue, Mar 1, 2016 4:17 pm

Mark,

I cannot thank you enough for this!

Sincerely,

Lynn McLeod

—Original Message—

From: Diljak, Mark (MDOS) (MDOS) <DiljakM@michigan.gov>
To: Lynn Mcleod <lynnmmcleod@aol.com>
Cc: Quiroga, Evelyn (MDOS) (MDOS) <QuirogaE1@michigan.gov>; SOS, Disclosure <Disclosure@michigan.gov>
Sent: Tue, Mar 1, 2016 3:26 pm
Subject: RE: Ballot Question Committee

The Pre-Election campaign statement would get turned in to your County Clerk. It would only contain those transactions going thru 2/21/2016. The transactions taking place from 2/22/2016 thru 03/28/2016 would go on the Post-Election Campaign Statement.

The person putting up the signs independently is correct that they do not have to put a disclaimer on their signs. They only need to file an Independent Expenditure Report with the county clerk.

Campaign Statement forms for Ballot Question committees.

Mark Diljak, Analyst
Data Disclosure Division
Michigan Bureau of Elections



Follow us on Twitter @MichCFR

From: Lynn Mcleod [mailto:lynnmmcleod@aol.com]
Sent: Tuesday, March 01, 2016 3:10 PM
To: Diljak, Mark (MDOS)
Subject: Re: Ballot Question Committee

Hello,

Thank you.

We still were receiving stamp donations until 2/27/16 so can I send it in now or how do I send in the Statement if we didn't know the total donations until after the due date?

Also,

If you can clarify Appendix J "Identification Requirements" paragraph that states:

- An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee.

I'm asking because a senior has taken it upon themselves to print out 50 "yard signs" and put them around the township that says "VOTE YES" on Charter Township Ballot Proposal March 8, 2016.

I called her and told her that she needed to put a disclaimer on the signs and she sent me the Appendix J arguing that paragraph.

I really appreciate this! I'm not savvy at all with these types of things and I do not want to get into trouble!!!

Thank you,

Lynn

—Original Message—

From: Diljak, Mark (MDOS) (MDOS) <DiljakM@michigan.gov>

To: [lynnmmcleod <lynnmmcleod@aol.com>](mailto:lynnmmcleod@aol.com)

Cc: Quiroga, Evelyn (MDOS) (MDOS) <QuirogaE1@michigan.gov>; SOS, Disclosure <Disclosure@michigan.gov>

Sent: Tue, Mar 1, 2016 3:03 pm

Subject: RE: Ballot Question Committee

Lynn,

The Pre-Election Campaign Statement for the 2016 March Primary had a close of books on 02/21/2016 and was due on 02/26/2016.

The Post-Election Campaign Statement for the 2016 March Primary has a close of books on 03/28/2016 and is due 04/07/2016.

The only reason the committee would not owe these 2 statements is if it has a reporting waiver. To qualify for a reporting waiver, the following 2 conditions have to be met:

1. The committee has spent or received less than \$1,000.00.
2. The committee would also have to have requested the reporting waiver by checking "Yes" to Item 10 on the Statement of Organization when it was turned in to the clerk.

It looks like the county was just acknowledging the receipt of the committee's statement of organization.

2016 Filing Schedule for Ballot Question committees

Let me know if you have further questions.

Mark Diljak, Analyst
Data Disclosure Division
Michigan Bureau of Elections

3/2/2016

Re: Ballot Question Committee

Follow us on Twitter @MichCFR

From: Lynn Mcleod [<mailto:lynnmmcleod@aol.com>]

Sent: Tuesday, March 01, 2016 1:44 PM

To: SOS, Disclosure

Subject: Fwd: Ballot Question Committee

Hello,

Below is an email that I received from the St. Joseph County Clerk.

Can you please help me?

I formed a ballot question committee for the March 8, 2016 Lockport Township election to become a Charter Township.

We sent out a flyer via us mail on February 27, 2016. The only donations that were received were for the stamps and they totaled \$980.00 (2,000 stamps.) All of the paper and the envelopes I personally had from a very long time ago. I also had a box of ink and my own printer to print out the flyers. This printer was from about 10 years ago from when I took it home from a place I used to work at that has since gone out of business.

I have only filed the statement of organization. Are there other forms that need to be filed? Can you please help me?

There are rumors that the County is going to file a legal action against me about this. The County Clerk's reply does not help me at all.

Thank you,

Lynn McLeod

—Original Message—

From: Lindsay Oswald <oswaldl@stjosephcountymi.org>

To: Lynn Mcleod <lynnmmcleod@aol.com>

Sent: Tue, Mar 1, 2016 12:56 pm

Subject: Re: Ballot Question Committee

Lynn,

We received and have on file the statement of organization for Volunteers for Lockport Township/Charter Township. The form is complete, and you signed that the information is accurate. The committee does have to comply with campaign finance law, and if you have specific questions regarding that, information is available at www.michigan.gov/sos or you may want to seek legal advice.

Lindsay Oswald

oswaldl@stjosephcountymi.org

3/2/2016

Re: Ballot Question Committee

County Clerk & Register of Deeds
St. Joseph County

Clerk: 269.467.5603
Court Division: 269.467.5531
Register of Deeds: 269.467.5552

----- Original Message -----

From: "Lynn Mcleod" <lynnmmcleod@aol.com>

To: oswaldl@stjosephcountymi.org

Sent: 3/1/2016 10:06:41 AM

Subject: Ballot Question Committee

Hello,

It has come to my attention that the Ballot Question Committee that I filed with you may be in error.

There have been numerous public statements made by employees of the County on Facebook about the letters, etc... that have been circulation in public.

Can you please let me know if anything is remiss in my forms? Can you please let me know if I need to do anything more?

Thank you,

Lynn McLeod

3/2/2016

Re[2]: Ballot Question Committee

From: Lindsay Oswald <oswaldl@stjosephcountymi.org>
To: Lynn Mcleod <lynnmmcleod@aol.com>
Subject: Re[2]: Ballot Question Committee
Date: Tue, Mar 1, 2016 1:52 pm

No, St. Joseph County has not filed anything against the Volunteers for Lockport Township/Charter Township.

Lindsay Oswald

oswaldl@stjosephcountymi.org

County Clerk & Register of Deeds
St. Joseph County

Clerk: 269.467.5603

Court Division: 269.467.5531

Register of Deeds: 269.467.5552

----- Original Message -----

From: "Lynn Mcleod" <lynnmmcleod@aol.com>
To: oswaldl@stjosephcountymi.org
Sent: 3/1/2016 1:29:30 PM
Subject: Re: Ballot Question Committee

Hello,

I am just asking to see if there were errors on my forms.

Now that you opened the door with telling me that "you may want to seek legal advice..." Has St. Joseph County filed any proceedings against the Volunteers for Lockport Township/Charter Township?

Thanks you,

Lynn McLeod

-----Original Message-----

From: Lindsay Oswald <oswaldl@stjosephcountymi.org>
To: Lynn Mcleod <lynnmmcleod@aol.com>
Sent: Tue, Mar 1, 2016 12:56 pm
Subject: Re: Ballot Question Committee

Lynn,

We received and have on file the statement of organization for Volunteers for Lockport Township/Charter Township. The form is complete, and you signed that the information is accurate. The committee does have to comply with campaign finance law, and if you have specific questions regarding that, information is available at www.michigan.gov/sos or you

may want to seek legal advice.

Lindsay Oswald

oswaldl@stjosephcountymi.org

County Clerk & Register of Deeds

St. Joseph County

Clerk: 269.467.5603

Court Division: 269.467.5531

Register of Deeds: 269.467.5552

----- Original Message -----

From: "Lynn McLeod" <lynnmmcleod@aol.com>

To: oswaldl@stjosephcountymi.org

Sent: 3/1/2016 10:06:41 AM

Subject: Ballot Question Committee

Hello,

It has come to my attention that the Ballot Question Committee that I filed with you may be in error.

There have been numerous public statements made by employees of the County on Facebook about the letters, etc... that have been circulation in public.

Can you please let me know if anything is remiss in my forms? Can you please let me know if I need to do anything more?

Thank you,

Lynn McLeod

Bourbonais, Lori (MDOS)

From: Lynn Mcleod <lynnmmcleod@aol.com>
Sent: Thursday, March 03, 2016 7:55 AM
To: Bourbonais, Lori (MDOS)
Subject: Fwd: Question concerning signage

Hello,

Here is another email that I sent to the St Joseph County Clerk stating that the ballot question committee has nothing to do with yard signs.

Thank you,

Lynn McLeod

Sent from AOL Mobile Mail

-----Original Message-----

From: Lindsay Oswald <oswaldl@stjosephcountymi.org>
To: Lynn Mcleod <lynnmmcleod@aol.com>
Sent: Tue, Feb 2, 2016 02:44 PM
Subject: Re: Fwd: Question concerning signage

I did receive your email.

Thanks,
Lindsay

Lindsay Oswald
oswaldl@stjosephcountymi.org
County Clerk & Register of Deeds
St. Joseph County

Clerk: 269.467.5603
Court Division: 269.467.5531
Register of Deeds: 269.467.5552

----- Original Message -----

From: "Lynn Mcleod" <lynnmmcleod@aol.com>
To: oswaldl@stjosephcountymi.org
Sent: 2/2/2016 2:40:17 PM
Subject: Fwd: Question concerning signage

Hello,

Can you please acknowledge that you have received this email. I want to make sure that everything is being done properly.

Thank you,

Lynn

-----Original Message-----

From: Lynn Mcleod <lynnmmcleod@aol.com>

To: oswaldi <oswaldi@stjosephcountymi.org>

Sent: Mon, Feb 1, 2016 3:56 pm

Subject: Question concerning signage

Hello,

It has come to my attention that Wayne Timm received a phone call from you regarding the yard signs for the upcoming March 8, 2016 Charter Township vote for Lockport.

I have attached "appendix J" listing the requirements for election identification.

The yard signs have no association with the Ballot Question Committee that I filed.

The person responsible for the yard signs paid for them out of their own pocket and therefore not required by state law to have identification posted on the signage.

I have attached appendix J for you to see. I have also called and spoken with a state election finance specialist who stated that an individual self-funding does not fall under the law.

If you have any questions regarding my Ballot Question Committee, please contact me at the number on the form I filed.

Wayne Timm has NOTHING to do with my Committee.

Thank you,

Lynn McLeod



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

April 7, 2016

Roxanne Seeber
Bauckham, Sparks, Thall,
Seeber & Kaufman P.C.
458 West South Street
Kalamazoo, Michigan 49007

Lynn McLeod
Via email: lynnmmcleod@aol.com

Dear Ms. Seeber and Ms. McLeod:

This letter concerns the complaint that was recently filed against Lockport Township, G. Wayne Timm, and Ms. McLeod, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Ms. Baker's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

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

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Linda Baker

Linda Baker
56850 Haines Road
Three Rivers MI 49093

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 APR -5 AM 9:40
ELECTIONS/GREAT SEAL

March 29, 2016

Bureau of Elections
Attn: Lori A. Bourbonais
Michigan Department of State
Richard H. Austin Building, 1st Floor
430 West Allegan Street
Lansing MI 48918

Re: Complaint against Wayne Timm, Lockport Township, Lynn McLeod

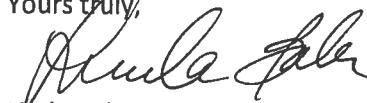
Dear Ms. Bourbonais:

Thank you for your prompt response to my concerns. Concerning Wayne Timm and Lockport Township, I have no reason to call into question the letter from their attorney, explaining the circumstances. I was not aware of the "individual exception" for identification of political signs.

The responses from Ms. McLeod speak for themselves, although I should add that in an email sent to me from Ms. McLeod dated February 29, 2016, she states "the ballot question committee has flyers, yard signs and mailings". I have attached a copy of that email. Also, I noticed that the P.O. Box listed as her committee's address is not the same as listed on her mailing to 2000 voters-see attached copy of the envelope.

I do feel that there are rules that should be followed and should apply to us all. Thank you again for your attention to my concerns.

Yours truly,



Linda Baker

enc.

Paid for by Volunteers for Lockport
Township Charter Township
PO Box 262
Three Rivers, MI 49093

GRAND RAPIDS MI 494

26 FEB 2016 PM 4 L



TERRY LAVERN BAKER
56850 HAINES RD
THREE RIVERS MI 49093

49093800650





Re: Lockport Township

From: "Lynn Mcleod" <lynnmmcleod@aol.com>
To: bakertow1@mail.com
Date: Feb 29, 2016 1:03:38 AM

Hi,

Sorry about the email mix up.

The ballot question committee has flyers, yard signs, and mailings. It was my understanding that you are requesting the yard signs and receipts of purchase of the yard signs. That IS my business.

I will FOIA Annie and Ray to get your email if need number to clear up the confusion.

I ask again: are you requesting this as a County employee?

Thank you,

Lynn

Sent from AOL Mobile Mail

-----Original Message-----

From: Linda Baker <bakertow1@mail.com>
To: lynnmmcleod <lynnmmcleod@aol.com>
Sent: Sun, Feb 28, 2016 06:41 PM
Subject: Lockport Township

Good evening-

My husband just showed me an e-mail received from you earlier today. His address is @"Gmail" and mine is "mail", so that is why it did not come to me. Anyhow, I am sorry you were bothered with this. I had e-mailed a FOIA request last night, concerning matters not related to the Ballot Question Committee. I assume you are part of the committee, but that entity would not have the answer to my request. The county clerk will not have the information either. I wish stuff like this was on the township website, as it would be alot less trouble for everyone.

Thanks for your information; I will await a response from the township to my request.

Linda Baker



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

May 2, 2016

Roxanne Seeber
Bauckham, Sparks, Thall,
Seeber & Kaufman P.C.
458 West South Street
Kalamazoo, Michigan 49007

Lynn McLeod
Via email: lynnmmcleod@aol.com

Dear Ms. Seeber and Ms. McLeod:

The Department of State (Department) has completed its investigation of the complaint filed against Lockport Township, G. Wayne Timm, and Ms. McLeod (Respondents) by Linda Baker, which alleged that Respondents violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of Ms. Baker'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).

Additionally, in Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other 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(4).

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. Baker filed her complaint on March 1, 2016. Ms. McLeod filed written responses on March 2 and March 3, 2016, and Ms. Seeber filed a written response on March 14, 2016. Ms. Baker filed a rebuttal statement on April 5, 2016.

In her complaint, Ms. Baker alleged that Respondents unlawfully spent township funds to advocate for a ballot proposal and failed to include a paid-for-by statement on certain signs. In

support of her complaint, Ms. Baker provided copies of 2 pictures of signs which stated, "VOTE YES! MARCH 8TH [.]". There did not appear to be a paid-for-by statement on this sign. Ms. Baker also provided a copy of a picture of a sign which stated, "VOTE YES! MARCH 8TH [.]", and "PAID FOR BY LOCKPORT TOWNSHIP [.]".

First, it must be noted that section 57 of the MCFA prohibits **a public body or an individual acting on its behalf** to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). It does not appear that Ms. McLeod is currently a public official or township employee; therefore, the portion of Ms. Baker's complaint against Ms. McLeod alleging a section 57 violation is dismissed.

In her response to the complaint, Ms. Seeber asserted that no Lockport Township funds and no public money of any kind were utilized to produce or place the signs that were the subject of Ms. Baker's complaint. Ms. Seeber further asserted that Mr. Timm was acting in his individual capacity when he "ordered and paid for the signs out of his own personal funds." Additionally, Ms. Seeber explained that Mr. Timm also ordered and paid for similar signs that did not include the phrase "paid for by Lockport Township [.]", and asserted that this was an indication that Mr. Timm also purchased the signs with the Lockport Township identification statement. Finally, Ms. Seeber noted that no copies of checks or invoices regarding the payment of the signs by Lockport Township were provided to Ms. Baker when she requested them because there were none. No evidence has provided to contradict Ms. Seeber's assertions, and Ms. Baker indicated in her rebuttal statement that she had no reason to question Ms. Seeber's explanations.

While section 57 prohibits a person acting on behalf of a public body from using of public funds or resources to make a contribution or expenditure, the Act specifically exempts from this section "[a]n elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time . . . is expending his or her own personal funds [.]". MCL 169.257(1)(f). The evidence provided to the Department supports a reason to believe that Mr. Timm was not acting on behalf of Lockport Township when he purchased the signs and that he used his own personal funds to purchase the signs. These actions fall squarely within the exception contained in section 57(1)(f).

While the Department notes that it is regrettable that some of the signs indicated that the signs were paid for with Lockport Township funds, in order for a section 57 violation to have occurred, township funds would have had to actually been used to purchase the signs. Because the evidence supports a conclusion that no township funds were used to purchase the signs and that Mr. Timm purchased the signs on his own time with his own money, the portion of Ms. Baker's complaint alleging a section 57 violation against Mr. Timm and Lockport Township is dismissed.

Section 47 of the Act requires a person who produces printed material pertaining to an election to include a complete and correct paid-for-by statement on the material. There is an exception contained in section 47(1) which states, "[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." Because it appears that Mr. Timm acted as an individual and independently, he was not required to include a paid-for-by statement on any of the signs.

Roxanne Seeber
Lynn McLeod
May 2, 2016
Page 3

However, Mr. Timm did include an inaccurate and misleading paid-for-by statement on some of his signs in violation of section 47. While the Department believes that the evidence tends to show that the signs purchased by Mr. Timm contained an incomplete and misleading 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 is advising Mr. Timm that section 47(1) and R 169.36(2) require him to print a complete and accurate identification statement on campaign materials, consisting of the phrase "paid for by" followed by the correct full name and address of the person who paid for the material. Note that all printed materials that refer to an election must include a complete and correct identification statement.

Additionally, please be advised that this notice has served to remind Mr. Timm of his obligation under the Act to correctly identify his 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).

Because neither Lockport Township nor Ms. McLeod purchased the campaign signs, the portion of Ms. Baker's complaint alleging a section 47 violation against Lockport Township and Ms. McLeod is dismissed.

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

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Linda Baker