



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

October 3, 2012

Sandra Luoma
20689 Hongisto Road
Chassell, Michigan 49916

Dear Ms. Luoma:

The Department of State (Department) received a formal complaint filed against you by Jamie Solka, 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 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), 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 her complaint, Ms. Solka provided copies of pictures of several of your campaign signs which state "RE-ELECT SANDRA LUOMA Portage Township Clerk [.]". It appears that your paid-for-by statement on the signs omit your committee's address.

In addition, the Act requires a person filing a complaint under the MCFA to certify that "to the best of the complainant's knowledge, information, and belief . . . each factual contention of the complaint is supported by evidence." MCL 169.215(6)(c). If the Department finds that a complainant filed a complaint with a false certificate under section 15(6)(c), the complainant may be required to pay for "some or all of the expenses incurred by the secretary of state as a direct result of the filing of the complaint" or "some or all of the expenses, including, but not limited to, reasonable attorney fees incurred by [the person complained against] under this act as a direct result of the filing of the complaint." MCL 169.215(16)(a)-(b).

Ms. Solka alleges that you "knowing[ly] certified a complaint that [you] knew or should have reasonably known to be false or misleading." Ms. Solka alleges that the evidence provided in the complaint filed by you against Ms. Solka contained evidence that had been "compromised or fraudulently manipulated [.]". In support of this allegation, Ms. Solka has provided one of her original postcards, the master copy, and several copies of the postcard.

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 your receipt of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. 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 Ms. Solka, 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,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jamie Solka

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

Reset Form

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.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Jamie Solka	Daytime Telephone Number 906-231-6077	
Mailing Address 19290 Copper Ridge Rd		
City Houghton	State MI	Zip 49931

Section 2. Alleged Violator		
Name Sandra Luoma		
Mailing Address 20689 Hongisto Rd		
City Chassell	State MI	Zip 49916

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

Section(s) of the MCFA violated: **MCL 169.247(1) and MCL 169.215(6)(c)**

Explain how those sections were violated:

Luoma knowingly failed to provide address of candidate committee.

Luoma knowing certified a complaint that she knew or should have reasonably known to be false or misleading.

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

Attached are actual photos of Re-Elect Sandra Luoma yard signs on display taken front and back on September 27th 2012.

Attached is a complaint filed by Sandra Luoma alleging violations of the MCL 169.247(1) against a challenging candidate for her clerk position dated 9/10/12

Attached is a hand out that Luoma gave to board and audience members at a regular Portage Township Board meeting on September 10, 2012.


The current photos, the knowledge exhibited by Luoma in both her complaint and the Township meeting of identification requirements clearly exhibits that Luoma violated the act knowingly.

Luomas certification in the complaint states that after reasonable inquiry she certifies the statement to be true. A reasonable inquiry would include providing a true copy of the postcard.

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

September 27, 2012

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:

Attached are actual photos of Re-Elect Sandra Luoma yard signs on display taken front and back on September 27th 2012.

Attached are actual photos of Re-Elect Sandra Luoma yard signs on display taken front and back on September 27th 2012.

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Attached are actual photos of Re-Elect Sandra Luoma yard signs on display taken front and back on September 27th 2012.

X

Attached is a complaint filed by Sandra Luoma alleging violations of the

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 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

RE-ELECT

SANDRA LUOMA

Portage Township Clerk

August 7th

Paid for by the Committee To Re-Elect Sandra Luoma

Complaint
Ex 1
(4/195)

taken 7/10/12 +

9/27/12 5
taken

RE-ELECT

SANDRA LUOMA

Portage Township Clerk

August 7th

Paid for by the Committee To Re-Elect Sandra Luoma

taken 9/27/12 F

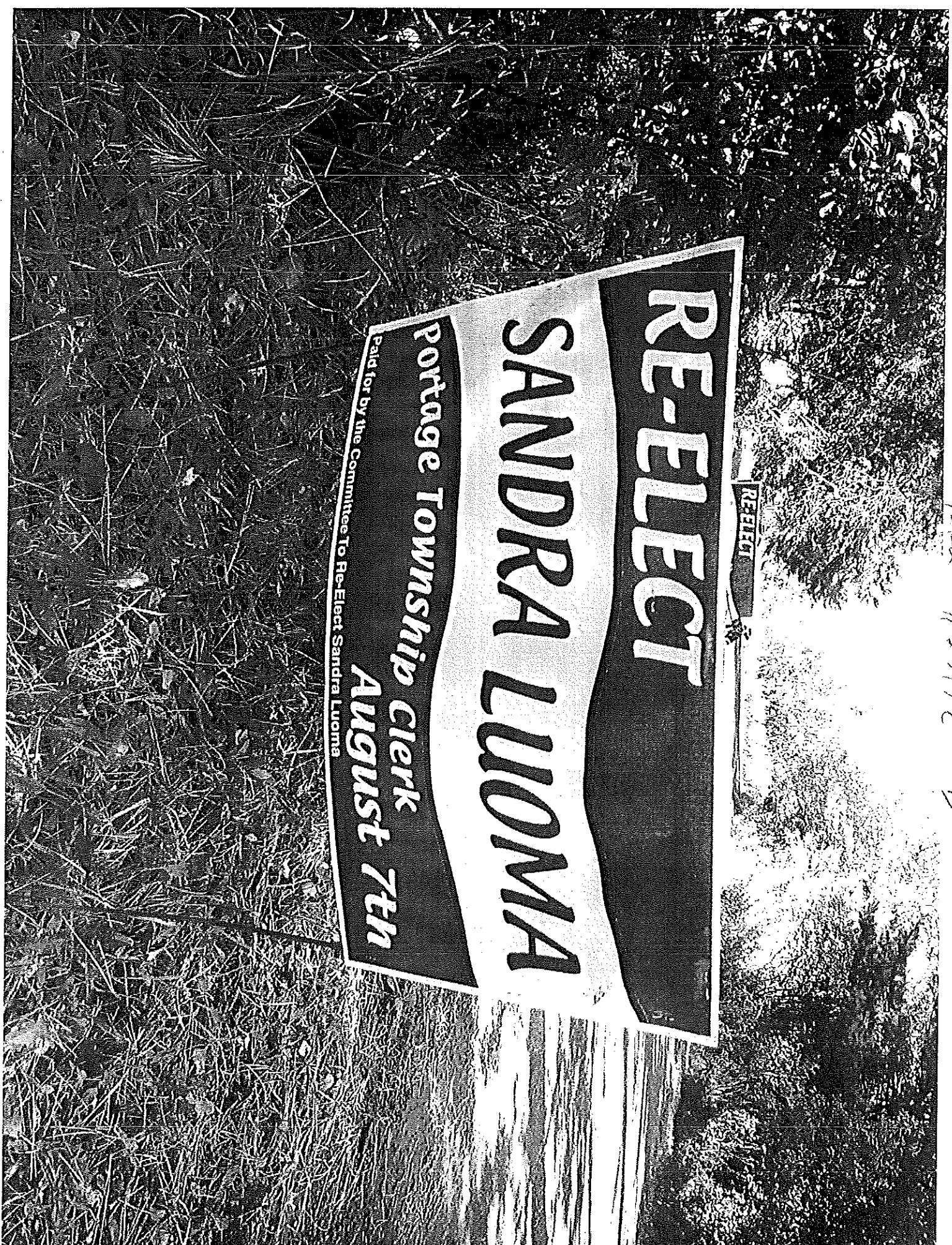
RE-ELECT

SANDRA LUOMA

Portage Township Clerk
August 7th

Paid for by the Committee To Re-Elect Sandra Luoma

1-16a 9/27/12 15



RE-ELECT

SANDRA LUOMA

Portage Township Clerk
August 7th

Paid for by the Committee To Re-Elect Sandra Luoma

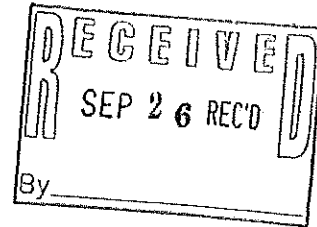
Complaint

Ex 2



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

September 21, 2012



Jamie Solka
19290 Copper Ridge Road
Houghton, Michigan 49931

Dear Ms. Solka:

The Department of State (Department) received a formal complaint against you filed by Sandra Luoma, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on a campaign-related postcard. A copy of Ms. Luoma's complaint is provided as an enclosure 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 her complaint, Ms. Luoma provided a copy of a postcard which states "Vote for JAMIE SOLKA [.]". It appears that there is no paid-for-by statement on the postcard.

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 your receipt 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, 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 reply will be provided to Ms. Luoma, 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

Jamie Solka
September 21, 2012
Page 2

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 black ink, appearing to read "Lori A. Bourbonais". The signature is written in a cursive, flowing style.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Sandra Luoma

Michigan Department of State
Campaign Finance Complaint Form

Reset Form

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.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name	Sandra Luoma	
	Daytime Telephone Number 906-482-5730	
Mailing Address 20689 Hongisto Rd		
City	State	Zip
Chassell	MI	49916

Section 2. Alleged Violator		
Name	Jamie Solka	
Mailing Address 19290 Copper Ridge Road		
City	State	Zip
Houghton	MI	49931

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

Section(s) of the MCFA violated: Appendix J of the Campaign Finance Act-Identification requirement

Explain how those sections were violated:

post cards sent to voters did not contain required "Paid for by" or committee address

post cards sent to voters did not contain required "Paid for by" or committee address

post cards sent to voters did not contain required "Paid for by" or committee address

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

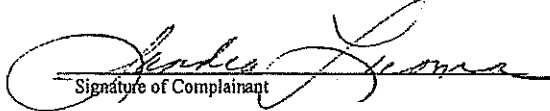
BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 SEP 17 PM 3:22

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

September 10, 2012

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 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

Jamie Solka

Portage Township Clerk

the change we need.

The Current Clerk - Sandy Louma:

- ♦ Voted to spend in excess of \$50,000 of tax payer money in lawsuits with nothing gained!
- ♦ Advocates destruction of recordings from past and future Township meetings!
- ♦ Only Clerk in the township ever to be sued for violations of the Open Meetings act!
- ♦ Was the only vote against repayment in full to a tax payer for overbilling of thousands of dollars!

Vote for Jamie Solka If you want
YOUR Township Clerk to:

- ♦ Stop wasting tax payer dollars and control spending
- ♦ Avoid, not encourage, lawsuits
- ♦ Keep the public informed on meetings and township happenings

Vote for taking back your Township on August 7th!

Vote for JAMIE SOLKA

Primary Election

Tuesday, August 7th



Appendices

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"

Complaint
Ex 3
(2 ms)

Appendices
A - Committee Treasurer, Designated Record Keeper and Depository
B - Registering a Committee With Statement of Organization Form and Other Filing Information
C - The Reporting Waiver
D - Electronic Filing of Campaign Statements (State Level Committee Only)
E - Late Filing Fees, Waivers and Reviews
F - Fundraisers
G - Immediate Disclosure Report
Late Contributor Reports
Special Election Independent Expenditure Report
24-Hour Report
H - Committee Types
I - Use of Public Facilities, Funds Etc, Prohibited
J - Identification Requirements
K - Out-of-State Groups
L - Independent Contractors (Mc Buyers and Other Vendors Purchasing Goods for the Committee)
M - Recall Elections
N - Penalties
O - Prohibited Contributions
P - Special Elections
W - Dissolution of a Committee
X - Declaratory Rulings and Interpretive Statements
Y - The Complaint Process
Z - Reference Information



MDOT PRESS RELEASE

FOR IMMEDIATE RELEASE

FRIDAY, JUNE 25, 2010

CONTACT: Bob Felt, MDOT Office of Communications, 989-731-5090,
feltb@michigan.gov

MDOT urges compliance with sign-placement rules

June 25, 2010 -- As campaign signs again begin appearing along state highways, the Michigan Department of Transportation (MDOT) is reminding political candidates and property owners that political signs must conform to state regulations for placement.

"The closer we get to elections, the more illegally-placed political signs we see along our state highways," said State Transportation Director Kirk T. Steudle. "Our primary concern is the safety of the motoring public, and we want to make sure these signs do not become safety hazards by impeding anyone's vision. The larger the signs, the greater the potential risk."

Signs must be placed more than 30 feet from the edge of the roadway (or from the white line along the edge) on highways without barrier-type curbs. On highways with barrier curbs, the signs must be more than 3 feet from the back of the curb. Signs are not allowed within clear vision areas at intersections or commercial driveways, or within limited access rights of way. Any signs with either steel or wooden posts that do not meet MDOT safety standards are not allowed in the right of way.

Candidates are responsible for obtaining approval from adjacent property owners before placing signs. Signs must be removed within 10 days after the election.

Campaign signs that do not meet these criteria will be removed. Candidates can pick up any removed signs at local MDOT offices and maintenance garages. Signs not claimed within seven days of their removal will be discarded.

Steudle added, "It's not just campaign signs that can pose a potential safety risk. Real estate companies and other sign users need to make sure they have proper sign placement and sign type along MDOT's right of way as well."

For more information on campaign sign placement standards, visit the MDOT Web site at <http://www.michigan.gov/mdot/0,1607,7-151-42456-147773--F,00.html>.

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MDOT says: Construction work zones need your undivided attention..



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

October 29, 2012

Jamie Solka
19290 Copper Ridge Road
Houghton, Michigan 49931

Dear Ms. Solka:

The Department of State received a response to the complaint you filed against Sandra Luoma, 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Sandra Luoma



BUREAU OF ELECTIONS
MI DEPT OF STATE

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

2012 OCT 29 PM 2:09

October 3, 2012

Sandra Luoma
20689 Hongisto Road
Chassell, Michigan 49916

Dear Ms. Luoma:

The Department of State received a response to the complaint you filed against Jamie Solka, 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,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jamie Solka

October 15, 2012

Attn: Ms Bourbonais

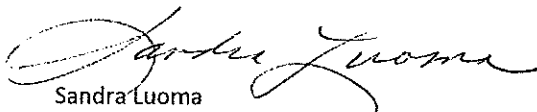
I am responding to the complaint filed against me by Jamie Solka claiming that I knowingly failed to provide address of candidate committee, and that I certified a complaint known to be false or misleading.

The post card I sent to the Bureau for investigation was the only copy I found available as it was after the August election and recipients of the card had thrown them out. The card came into the Township office by someone complaining of the actions of "this group running for a Township position". As clerk, and the person whose character was libeled, I thought the complaint should be taken seriously. I could not find on this copy I received, who this political slam came from and in fact on the photo that you sent me with the complaint, I still couldn't find it. I did not alter the card in any way, but I do submit that the print was chosen so small for a purpose. The Act we all quote for identification requirements states that "the print must be in a place and in a print CLEARLY visible to and readable by an observer" and that "the person paying for the material and the person's street number and city and state and zip must be included. Through investigation it was discovered that the card was sent by the Chamber of Commerce through their mass mailing and that it was paid for by Moyle INC. (who is a members of the chamber) not Jamie Solka. So if Moyle paid for the mailing of the cards and/or the cards, shouldn't that information also be included on the post card? The Chamber of Commerce has since changed their by-laws to prevent this kind of political slamming from happening again through their offices.

Jamie Solka also states in her complaint that I gave out a hand out at the Township Board meeting of September 10th. I did not. The tapes of the meetings clearly state I did not. Complaints/inquiries were coming into the Township office regarding the number of political signs, their position on the roadways, the wording and so, as clerk, I called the bureau of elections and the county clerk and together we came up with the Act that covers this. I made a copy of the rules for the people who inquired about this but I did not pass it out at the board meeting. I did not file a complaint on the candidate signs, ALL of which (including Jamie Solka's) did not have the address on them or paid for by etc. To this day the remaining candidate signs still have issues with the readability factor (small stickers were put on the back with "paid for" and "address") and can't be read clearly or easily.

Solka's complaint against me states it is for the same violation I filed. When the pictures of my signs were taken on September 27th the August 7th election was over and the signs were all in my yard on a dead end road that no one passes. The signs do have "paid for etc" on them and the committee is on file at the County Clerk's office with my address and phone number. The signs had by then become lawn decoration and deer deterrents. I did not know my signs could still violate the law in my yard after the election. As I stated previously, all the rules for the signs were not researched until September 10th.

This is a very contentious election. I don't have a big complaint on the signs but the trashing of my character on a post card with lies and half truths is dirty politics. I have not lost "my moral compass" as Ms Solka states; it has guided me to the belief that if abuse of the election process is not at least investigated then the abuse will continue to be a problem. I believed I was correct in my complaint, the decision is yours.



Sandra Luoma



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

November 21, 2012

Sandra Luoma
20689 Hongisto Road
Chassell, Michigan 49916

Dear Ms. Luoma:

This letter concerns the complaint that was recently filed against you by Jamie Solka, which relates to an alleged 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 60 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. Solka'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: Jamie Solka

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 NOV 16 PM 3: 58

11/9/12

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

Dear Ms. Bourbonais,

In response to Luoma's response to my complaint dated October 3, 2012, my complaint contained a detailed letter and the pictures and copies of the attached handouts which speak for themselves. Luoma's rebuttal and denial cannot change the facts. As to her accusation that Moyle Inc paid for the mailings, this is false and Luoma must realize this given the complete lack of support provided with her accusation. I have responded to her allegations with substantive evidence and all she does respond with lies and not support.

In the spirit of not wanting to waste any more of anyone's time I will offer to withdraw my valid complaint if she does the same with her baseless complaints. She was voted out and is bitter and will continue to be, but really enough is enough. It is time to move on.

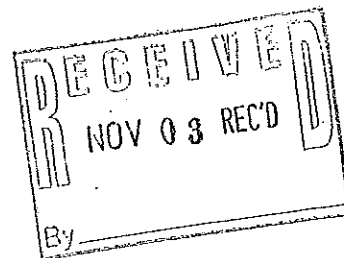
Sincerely,

A handwritten signature in black ink, appearing to read 'Jo Solka', with a stylized, cursive script.

Jamie Solka



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



October 29, 2012

Jamie Solka
19290 Copper Ridge Road
Houghton, Michigan 49931

Dear Ms. Solka:

The Department of State received a response to the complaint you filed against Sandra Luoma, 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,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Sandra Luoma



BUREAU OF ELECTIONS
MI DEPT OF STATE

STATE OF MICHIGAN
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2012 OCT 29 PM 2:09

October 3, 2012

Sandra Luoma
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Sincerely,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jamie Solka

October 15, 2012

Attn: Ms Bourbonais

I am responding to the complaint filed against me by Jamie Solka claiming that I knowingly failed to provide address of candidate committee, and that I certified a complaint known to be false or misleading.

The post card I sent to the Bureau for Investigation was the only copy I found available as it was after the August election and recipients of the card had thrown them out. The card came into the Township office by someone complaining of the actions of "this group running for a Township position". As clerk, and the person whose character was libeled, I thought the complaint should be taken seriously. I could not find on this copy I received, who this political slam came from and in fact on the photo that you sent me with the complaint, I still couldn't find it. I did not alter the card in any way, but I do submit that the print was chosen so small for a purpose. The Act we all quote for identification requirements states that "the print must be in a place and in a print CLEARLY visible to and readable by an observer" and that "the person paying for the material and the person's street number and city and state and zip must be included. Through investigation it was discovered that the card was sent by the Chamber of Commerce through their mass mailing and that it was paid for by Moyle INC. (who is a members of the chamber) not Jamie Solka. So if Moyle paid for the mailing of the cards and/or the cards, shouldn't that information also be included on the post card? The Chamber of Commerce has since changed their by-laws to prevent this kind of political slamming from happening again through their offices.

Jamie Solka also states in her complaint that I gave out a hand out at the Township Board meeting of September 10th. I did not. The tapes of the meetings clearly state I did not. Complaints/Inquiries were coming into the Township office regarding the number of political signs, their position on the roadways, the wording and so, as clerk, I called the bureau of elections and the county clerk and together we came up with the Act that covers this. I made a copy of the rules for the people who inquired about this but I did not pass it out at the board meeting. I did not file a complaint on the candidate signs, ALL of which (including Jamie Solka's) did not have the address on them or paid for by etc. To this day the remaining candidate signs still have issues with the readability factor (small stickers were put on the back with "paid for" and "address") and can't be read clearly or easily.

Solka's complaint against me states it is for the same violation I filed. When the pictures of my signs were taken on September 27th the August 7th election was over and the signs were all in my yard on a dead end road that no one passes. The signs do have "paid for etc" on them and the committee is on file at the County Clerk's office with my address and phone number. The signs had by then become lawn decoration and deer deterrents. I did not know my signs could still violate the law in my yard after the election. As I stated previously, all the rules for the signs were not researched until September 10th.

This is a very contentious election. I don't have a big complaint on the signs but the trashing of my character on a post card with lies and half truths is dirty politics. I have not lost "my moral compass" as Ms Solka states; It has guided me to the belief that If abuse of the election process is not at least investigated then the abuse will continue to be a problem. I believed I was correct in my complaint, the decision is yours.



Sandra Luoma



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

January 3, 2012

Sandra Luoma
20689 Hongisto Road
Chassell, Michigan 49916

Dear Ms. Luoma:

The Department of State (Department) has completed its investigation of a complaint filed against you by Jamie Solka, which alleged that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* Ms. Solka alleged that you knowingly filed a false complaint and that your campaign yard signs did not contain a complete and correct paid-for-by statement. This letter concerns the disposition of Ms. Solka's complaint.

Section 15 of the Act provides that a complaint filed under the Act shall "[i]nclude the complainant's certification that, to the best of the complainant's knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence." MCL 169.215(6)(c). Filing a complaint with a false certificate is a civil violation of the MCFA. MCL 169.215(8). A person filing a complaint with a false certification may be subject to fines. MCL 169.215(15).

Additionally, 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).

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.*

The complaint was filed by Ms. Solka on October 1, 2012. You filed a written response on October 29, 2012, and Ms. Solka filed a rebuttal statement on November 16, 2012.

Ms. Solka alleged that you "knowing[ly] certified a complaint that [you] knew or should have reasonably known to be false or misleading." Ms. Solka alleged that the copy of the postcard that you submitted as evidence with the complaint filed by you against Ms. Solka was "compromised or fraudulently manipulated [.]". In support of this allegation Ms. Solka provided one of her original postcards, the master copy, and several copies of the postcard.

In your response, you stated that you were given the copy of the postcard that you submitted with your complaint against Ms. Solka. You stated that it was the only copy available to you, and the person who paid for the postcard is not apparent from the copy. You also alleged in your response that Ms. Solka did not pay for the postcard, but you provided no evidence to support this allegation.

At the time your complaint was filed, the evidentiary threshold of MCL 169.215(5)-(6) was met. You submitted a signed certification statement, the complaint appeared on its face to be supported by evidence, and the complaint stated an allegation which, if true, would have been a violation of the MCFA. MCL 169.215(5)-(6).

The evidence that has been submitted is insufficient for the Department to establish that you altered any evidence. You stated that you provided to the Department the only copy of the postcard available to you, and that it was given to you. It is not apparent from that copy that there is a paid-for-by statement on the postcard. Nor is there any evidence that tends to establish that you made any alterations to the copy given to you. Therefore, the portion of Ms. Solka's complaint that alleged a violation of section 15 of the Act is dismissed.

Additionally, Ms. Solka alleged that your campaign yard signs did not contain a complete and accurate paid-for-by statement. Ms. Solka provided pictures of yard signs which state "RE-ELECT SANDRA LUOMA Portage Township Clerk August 7th [.]". It appears that the paid-for-by statement on the signs omits your committee's address.

In response, you stated that the pictures were taken after the August 7th election was over, the signs do contain a paid-for-by statement on them which lists your committee's name, and that your committee is "on file at the County Clerk's office with your address and phone number." Finally, you assert that "all the rules for the signs were not researched until September 10th."

While the Department believes that the evidence tends to show that your signs failed to contain a complete paid-for-by statement in violation of section 47 of the Act, 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 cognizant that this campaign material was for the August 2012 primary election, that you did not appear on the November 2012 general election ballot, and a successor Township Clerk has been elected. The Department also finds that the evidence submitted by both parties tends to establish that this was not a knowing violation of the Act.

However, if you choose to run for elective office again, 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(5), 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, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jamie Solka