

Joe  
**JACKSON**  
FOR Kentwood District Judge

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MICHAEL DEPT OF STATE  
2020 SEP -8 PM 2:37  
ELECTIONS/GREAT SEAL

September 4, 2020

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

**Re: Campaign Finance Complaint**

Dear Sir or Madam:

I am the treasurer for the Committee to Elect Joseph Jackson to the 62B District Court in Kentwood, Michigan. Ms. Amanda Jane Sterkenburg is the candidate opposing Mr. Jackson in the same general election. In accordance with MCL 169.215(5), please accept this correspondence as my formal complaint against the Committee to Elect Amanda Sterkenburg for violations of the Michigan Campaign Finance Act (MCFA) as detailed below.

**Complainant Information**

Jason R. Baker  
8420 Wolven Ave NW  
Rockford, MI 49341  
Tel: (616) 889-1287  
Email: jrobertbaker@icloud.com

**Respondent Information**

Committee to Elect Amanda Sterkenburg  
2401 Camelot Ct SE Ste M  
Grand Rapids, MI 49546

**ALLEGATIONS**

The MCFA violations alleged in this complaint involve the election to fill the judicial vacancy of the 62B District Court in the city of Kentwood, Michigan.

## **Introduction**

Amanda Sterkenburg formed the Committee to Elect Amanda Sterkenburg (respondent) on November 25, 2019.<sup>1</sup> In the course of her campaign, Ms. Sterkenburg, either personally, through her campaign committee, or both, produced a Facebook page, palm cards, door hangers, yard signs, tee shirts, and other printed materials that advertise fundraising and other events coordinated with local businesses, among other things. Some of the materials that the respondent has and is presently using in the campaign violate campaign finance laws by failing to properly identify the person paying for the materials. Furthermore, at least one of respondent's fundraisers has likely consisted of contributions that are prohibited under the MCFA.

### **MCL 169.247 - Failure to include proper identification in printed materials.**

The respondent violated the MCFA when it failed to include required information in its advertising in accordance with MCL 169.247. Specifically, MCL 169.247(1) requires that billboards, placards, posters, pamphlets, and other printed material referencing a candidate "shall bear upon it an identification that contains the name and address of the person paying for the matter." The applicable Secretary of State regulation states that the "identification required by [MCL 169.247] shall include the words 'paid for by,' followed by the person's or committee's street number or post office box, city or town, state, and zip code."<sup>2</sup> Some of the respondent's printed material patently fails to adhere to the statute and regulations.

In advertising for an event held on August 29, 2020 at PJ's Pizza, printed material was distributed that did not include the requisite identification.<sup>3</sup> The PJ's Pizza advertisement clearly references Ms. Sterkenburg as a candidate: "Amanda Sterkenburg For Kentwood District Judge."<sup>4</sup> Thus, the Advertisement constitutes "printed material referencing a candidate" within the meaning of MCL 169.247(1). Therefore, the printed material was required to include the words "Paid for by [the Committee to Elect Amanda Sterkenburg]" under MCL 169.247(1) and AR 169.36(2). The advertisement does not include the required language, but rather states: "Sponsored by the CTE Amanda Sterkenburg . . ." Since the advertisement does not include the required identification, it is a violation of the Michigan Campaign Finance Act.

### **MCL 169.247 - Insufficient size and placement of identification on printed materials.**

When the respondent provides sufficient identification information, it often fails to do so in a manner that meets the size and placement requirements of the MCFA. The size and placement of the identification must comport with regulations promulgated by the Secretary of State.<sup>5</sup> Secretary of state regulations require that the size and placement of an identification required under MCL 169.247 shall be provided in "a place and in a print clearly visible to and readable by

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<sup>1</sup> Exhibit 1.

<sup>2</sup> AR 169.36(2).

<sup>3</sup> Exhibit 2.

<sup>4</sup> Exhibit 2.

<sup>5</sup> MCL 169.247

an observer.”<sup>6</sup> The respondent’s yard signs<sup>7</sup> include the correct identification language, but the print is so small that an observer would not be able to read it from any reasonable distance. Likewise, and even more noticeable, or unnoticeable as the case may be, the respondent erected a billboard<sup>8</sup> which includes an identification that is so small that no observer could make it out from any reasonable distance from which one might view the other contents of the billboard. In both instances, the print of the identification is extraordinarily small when compared with the size of the main print, and effectively unreadable to an observer. Thus, the identifications on those materials do not satisfy the mandatory identification as required under MCL 169.247 and violates the MCFA.

#### **MCL 169.24, MCL 169.244 MCL 169.254 - Prohibited contributions.**

To advertise a fundraiser that the respondent held on July 9, 2020, the respondent advertised that it would receive 25% of the proceeds if individuals presented a coupon to a restaurant called City Barbeque in Kentwood, Michigan.<sup>9</sup> While I am unaware if respondent actually received any contributions from the event, it would be extremely unlikely for any such contributions to be lawfully obtained. MCL 169.241 and MCL 169.244 explicitly prohibit certain campaign contributions. The statutes list the following prohibited contributions:

1. a single contribution of more than \$20.00 in cash;
2. anonymous contributions;
3. corporate contributions of:
  - a. treasury funds;
  - b. goods or services;
  - c. use of treasury funds to reimburse a contributor; and
4. a contribution made by a person with the understanding or agreement that the contribution will be passed on to another candidate or committee.

In fundraisers like respondent’s City Barbeque fundraiser, patrons typically present a coupon with the understanding that a portion of their purchase is a donation to a particular cause. The business deposits the proceeds into their account and then passes them along to the beneficiary. This is a great model for most fundraisers, but it is practically impossible to comply with election laws when applied to a campaign fundraiser. For instance, if a patron pays cash for a meal costing more than \$80.00, they have made a cash contribution of more than \$20.00 in violation of MCL 169.241(1). Unless the patron gave the required identifying information with their purchase, they have probably made an anonymous contribution in violation of MCL 169.241(2) and (3). If the business collected the contributions from the patrons and paid them to the committee from its treasury funds, that contribution is a prohibited corporate contribution.<sup>10</sup> Finally, the model itself is contrary to MCL 169.244, which states “A person shall not make a contribution to another person with the agreement or arrangement that the person receiving the

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<sup>6</sup> AR 169.36(1).

<sup>7</sup> Exhibit 3.

<sup>8</sup> Exhibit 4.

<sup>9</sup> Exhibit 5.

<sup>10</sup> MCL 169.254.

contribution will then transfer that contribution to a particular candidate committee.”<sup>11</sup> This prohibition is exactly contrary to the City Barbeque fundraiser.

### **Conclusion**

For the reasons stated above and in consideration of the exhibits attached hereto, I respectfully ask the bureau of elections to enforce respondents compliance with the MCFA.

### **Certification**

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.

Dated: September 4, 2020.

  
\_\_\_\_\_  
Jason R. Baker

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<sup>11</sup> MCL 169.244(1).





## Jocelyn Benson, Secretary of State Department of State

michigan.

(<http://www.michigan.gov/sos/0,1607,7-127--,00.html>)

### Michigan Committee Statement of Organization

The documents sent and received listing for this committee is at the bottom of the screen.

Jump to the documents on file

Committee ID#:	519371
Type of Filing:	Original
Full name of committee:	COMMITTEE TO ELECT AMANDA STERKENBURG
Committee Type:	Candidate
Candidate Last Name:	STERKENBURG
First Name:	AMANDA
MI:	
County of Residence:	KENT
Political Party	No Party Affiliation
Office Sought	Judge of District Court -- 62B District
Date Committee Was Formed:	11/25/2019
Committee Phone Number:	(616) 805-4492
Committee Mail Address:	2401 CAMELOT COURT SUITE M GRAND RAPIDS, MI 49546
Committee Street Address:	2401 CAMELOT COURT SUITE M GRAND RAPIDS, MI 49546
Treasurer:	YVONNE TURPIN 1643 BRADFORD ST. NE GRAND RAPIDS, MI 49503 (616) 258-1788
Designated Record Keeper:	
Reporting Waiver	No
Names and addresses of depositories or intended depositories of committee funds	
Official Depository:	PNC BANK 3415 LAKE EASTBROOK BLVD. GRAND RAPIDS, MI 49546
Secondary Depository:	

### Documents on File

Click on a document to access data and images for this committee.

N/A = Not applicable to this document type.

\* Fee has an outstanding balance.

Statement Year	Document Type	Document Covers	Statement Due	Sent/Received	Doc Seq#
	EMAIL CORRESPONDENCE ( <a href="https://cfrsearch.nictusa.com/documents/491331">https://cfrsearch.nictusa.com/documents/491331</a> )	N/A	N/A	02/06/2020	491331
2020	ANNUAL CS(e) ( <a href="https://cfrsearch.nictusa.com/documents/491336">https://cfrsearch.nictusa.com/documents/491336</a> )	11/28/2019 -- 12/31/2019	01/31/2020	01/30/2020	491336
2020	CORRESPONDENCE-IN(e) ( <a href="https://cfrsearch.nictusa.com/documents/490339">https://cfrsearch.nictusa.com/documents/490339</a> )	11/26/2019 --	N/A	01/30/2020	490339

	12/31/2019			
AMENDED S of O - INFO(e)	N/A	N/A	01/13/2020	488913
NO REPORTING WAIVER LETTER ( <a href="https://cfrsearch.nictusa.com/documents/488155">https://cfrsearch.nictusa.com/documents/488155</a> )	N/A	N/A	12/02/2019	488155
S of O - INFORMATION(e)	N/A	N/A	11/25/2019	488151

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[FOIA \(http://www.michigan.gov/sos/0,4670,7-127--357908--,00.html\)](http://www.michigan.gov/sos/0,4670,7-127--357908--,00.html)  
[Transparency \(http://www.michigan.gov/openmichigan/0,4648,7-266-58520---,00.html\)](http://www.michigan.gov/openmichigan/0,4648,7-266-58520---,00.html)  
[Office of Regulatory Reinvention \(http://www.michigan.gov/lara/0,4601,7-154-35738---,00.html\)](http://www.michigan.gov/lara/0,4601,7-154-35738---,00.html)  
[Forms \(http://www.michigan.gov/sos/0,1607,7-127-1640\\_11777---,00.html\)](http://www.michigan.gov/sos/0,1607,7-127-1640_11777---,00.html)  
[FAQ \(http://www.michigan.gov/sos/0,1607,7-127-12539---F,00.html\)](http://www.michigan.gov/sos/0,1607,7-127-12539---F,00.html)      [Online Services \(https://onlineservices.michigan.gov/ExpressSOS\)](https://onlineservices.michigan.gov/ExpressSOS)  
[SOS Home \(http://www.michigan.gov/sos\)](http://www.michigan.gov/sos)  
  
[Contact the Secretary of State \(http://www.michigan.gov/sos/0,4670,7-127--25634--,00.html\)](http://www.michigan.gov/sos/0,4670,7-127--25634--,00.html)  
[State Web Sites \(http://www.michigan.gov/sos/0,1607,7-127-----A,00.html\)](http://www.michigan.gov/sos/0,1607,7-127-----A,00.html)  
  
[Michigan.gov Home \(http://www.michigan.gov/\)](http://www.michigan.gov/)      [Michigan News \(http://www.michigan.gov/minewswire\)](http://www.michigan.gov/minewswire)  
[Policies \(http://www.michigan.gov/sos/0,4670,7-127--281460--,00.html\)](http://www.michigan.gov/sos/0,4670,7-127--281460--,00.html)



# BOGO Ice Cream!

scoops and sundaes

Amanda   
Sterkenburg

For Kentwood  
District Court Judge

August 29

6-8 pm

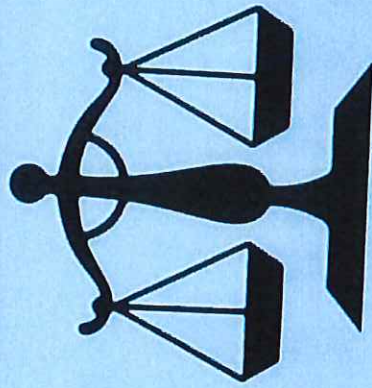


*Coffee & Ice Cream*

Sponsored by the CTE Amanda Sterkenburg  
2401 Camelot Court, Ste M GR 49546



**62-B District Court**



**Amanda**

**Sterkenburg**

**Kentwood Judge**

Paid for by the Committee to Elect Amanda Sterkenburg





**Amanda**  
**Sterkenburg**

**Kentwood District Court Judge**

**The right experience. The right choice.**

5-3557 5015 ROUTE FRONT





## Sterkenburg for District Court Judge

July 8 · 🌐

Order lunch into the office tomorrow! Everyone loves BBQ! Use this barcode to support Amanda's campaign. You must mention it when ordering by phone or picking up your online order. Fee like dining in? Come by between 5:30-8pm and meet Amanda! City BBQ is committed to safe and sanitary service and has spaced out tables appropriately, all staff are wearing masks and taking extra precautions to avoid surface contamination. And the deck is open!



**FUNDRAISER!**

**We get  
25%  
back!**



000007  
Fundraiser A

Scan barcode or show to cashier!

**City  
BARBEQUE**

3050 28TH ST SE, KENTWOOD, MI 49512

## July 9

You must show this  
barcode when you  
purchase in order to  
support Amanda's  
Campaign!

**Amanda**   
**Sterkenburg**

For Kentwood  
District Court Judge



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

October 8, 2020

Jason Baker  
8420 Wolven Ave NW  
Rockford, MI 49341

Re: *Baker v. Sterkenburg*  
Campaign Finance Complaint  
No. 2020-08-153-47

Dear Mr. Baker:

The Department of State (Department) acknowledges receipt of the complaint you filed alleging violations of the Michigan Campaign Finance Act. As indicated in the attached letter, the Department has dismissed the portions of your complaint related to the allegations that Ms. Sterkenburg has accepted anonymous and/or corporate contributions in violation of the Act, as a determination cannot be rendered until the filing of the Pre-General Election campaign statement.

Upon the filing of the Pre-General Election campaign statement, you may resubmit your complaint. Should you elect to resubmit your complaint, please ensure to provide any and all evidence available at the time.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

October 8, 2020

Amanda Sterkenburg  
2401 Camelot Ct SE Ste M  
Grand Rapids, MI 49546

Re: *Baker v. Sterkenburg*  
Campaign Finance Complaint  
No. 2020-08-153-47

Dear Ms. Sterkenburg:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials. A copy of the complaint is enclosed.<sup>1</sup>

The complaint alleges that you have distributed yard signs that did not include a proper paid for by statement. A picture of the yard signs is included with the complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election 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).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether it is an expenditure covered by the MCFA. The yard sign specifically states "Amanda Sterkenburg Kentwood Judge" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you using words of express advocacy and was published by your committee, the signs are covered by the gambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). While the signs have place a paid for

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<sup>1</sup> The complainant also alleges violations related to a fundraiser held on July 9, 2020 at City Barbeque. The Department dismisses these allegations as premature as a determination cannot be made until the filing of the Pre-General Campaign Statement. These allegations may be refiled.

Amanda Sterkenburg

October 8, 2020

Page 2

by statement, they have omitted the address of your committee. Since the address is absent, the evidence supports the conclusion that a potential violation has occurred.

After reaching this conclusion, the Act 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.*

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and is hereby advising you that MCL 169.247(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 referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. If this information has been included in your materials and you wish to rebut the Department’s conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

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).

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", with a stylized flourish at the end.

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

Enclosure

c: Jason Baker