



# Michigan Department of State Campaign Finance and Financial Disclosure Complaint Form

2024 NOV 20 AM 10:48

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA), the Candidate for Office Financial Disclosure Act, or the Public Officers Financial Disclosure Act (financial disclosure acts). Electronic submission of the form to [BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov) is strongly recommended. For instructions on how to complete this form, see the Campaign Finance and Financial Disclosure Complaint Guidebook document. All spaces are required unless otherwise indicated.

## Section 1. Complainant

Your name		Daytime telephone number
Paul Foust		269-370-2185
Mailing address		
P.O. Box 112		
City	State	Zip
Richland	MI	49083
Email (recommended)		
paul.j.foust@wmich.edu		

## Section 2. Alleged Violator (Respondent)

Name		
Van Buren County Democrats		
Mailing address		
P.O. Box 574		
City	State	Zip
South Haven	MI	49090
Email (recommended)		
N/A		
Committee ID (optional)		
N/A		

*Please include email addresses to expedite processing time and mitigate mail delays.*

## Section 3. Allegations *(use additional sheets if more space is needed)*

I allege a violation of the following:

- ☒ MCFA
- ☐ Public officer disclosure
- ☐ Candidate disclosure

Identify the section(s) of the MCFA or relevant financial disclosure act section(s) alleged to be violated and explain how the section(s) were violated:

I allege that the Van Buren County Democrats have violated Section 47 of the MCFA, based on the following:

The VanBuren Dems were distributing voting placards on behalf of Kathy Purnell, candidate for KVCC Trustee.

These laminated voting placards do not bear the required verbiage specified under Section 47 of the MCFA.

Specifically, the mailing address of the individual(s) paying for the voting placards is omitted, in violation of the law.

I am asking the Bureau of Elections to order the VanBuren Dems to remove and destroy the violating campaign materials ASAP.

Evidence included with the submission of the complaint that supports the allegations:

1.) Black-and-white photocopy of the voting placard that was left on a doorstep by the VanBuren Democrats during their door-to-door campaign activities in October 2024.

#### 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.

*Paul Funt*

11-20-2024

Signature of complainant

Date

## Section 5. Certification without Evidence *(supplemental to Section 4)*

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may 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:*

---

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 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. MCL 169.215(16).

The financial disclosure acts prohibit a person from filing a complaint with a false certification. MCL 169.313(7); MCL 15.713(7).

## Section 6. Submission

Once completed, submit the complaint form with your evidence to [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov). Alternatively, you may mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

# *Endorsement*



**Kathy Purnell**  
for Kalamazoo Valley  
Community College  
Trustee

**VAN BUREN COUNTY**   
**DEMOCRATIC PARTY**

Paid for by the Van Buren  
County Democratic Party.

love

Mr. Paul Foust  
8561 E D Ave  
Richland, MI 49083

GRAND RAPIDS MI 493

18 NOV 2024 PM 3 L



State of Michigan - Elections  
430 West Allegan St.  
Lansing, MI 48918

48918





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

December 19, 2024

Van Buren County Democrats  
P.O. Box 574  
South Haven, MI 49090

Re: *Foust v Van Buren County Democrats*  
Campaign Finance Complaint No. 24-316

Dear Van Buren County Democrats:

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 an identification statement on campaign flyers. A photo of the flyer was included with the complaint; a copy of the complaint is enclosed.

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 the materials fall within the ambit of the MCFA. Because the materials explicitly advocate for the election or defeat of a candidate, or for the passage or defeat of a ballot proposal, the materials contain express advocacy as defined by the Act. MCL 169.206(2)(j). As explained above, such materials must contain a "paid for by" statement listing the name and address of the committee purchasing the materials. However, the evidence shows that the materials at issue here omit part or all of that required statement. That absence supports the conclusion that a potential violation of the MCFA 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 to [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov) 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,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

c: Paul Foust