



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

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MICHIGAN DEPARTMENT OF STATE  
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TOLSON

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
Matthew Brenner		231-342-8424
Mailing address		
4322 Valley Rd NW		
City	State	Zip
Rapid City	MI	49676
Email (recommended)		
brenner5977@outlook.com		

## Section 2. Alleged Violator (Respondent)

Name		
David McKinnon		
Mailing address		
8097 N Wheeler Lake Rd		
City	State	Zip
Mancelona	MI	49659
Email (recommended)		
mckinnond216@gmail.com		
Committee ID (optional)		
McKinnon did not set up a committee in his application to run for office.		

*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:

169.247 Sec.47. (1)

McKinnon sent out a flyer to a number of township residents through the mail. I'll enclose a photo of the flyer. The flyer does not state that McKinnon himself paid for the flyer, doesn't have his address on it or have the statement "Not authorized by any candidate committee."

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

I'll enclose a photo of his flyer.

#### 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.

  
Signature of complainant

4-26-24  
Date

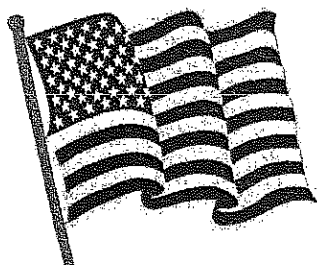


# Exciting News



Allow me to introduce myself, I am David McKinnon. My family has resided in this area for five generations. I am putting forth my candidacy for the Rapid River Township Supervisor Position and seek your assistance in revitalizing our exhausted board.

It's time again to sign up for  
position on the board by April 23<sup>rd</sup>



## Be Part of the Change

Let's Reduce our Taxes by giving back to our Local Residents by paying for our mileages from our highly inflated budget, until we get back to a more reasonable surplus.

**I invite you to join me in bringing about the necessary changes by running for a Township Position.**

For just a few hours a month, you too can have a feeling of great community involvement by putting our budget back in order.

And receive a great paycheck and pension.

You may contact me anytime of the day at (231) 384-0751 or email me at [ckinnond216@gmail.com](mailto:ckinnond216@gmail.com) for more information.



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

May 13, 2024

David McKinnon  
8097 N Wheeler Lake Rd.  
Mancelona, MI 49659

Re: *Brenner v. McKinnon*  
Campaign Finance Complaint No. 24-037

Dear Mr. McKinnon:

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 a campaign flyer. A picture 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 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

Enclosure  
c: Matthew Brenner