

**BEFORE THE  
MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS**

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MICHIGAN  
2018 OCT 31 AM 10:25  
ELECTIONS/GREAT SEAL

Lee J. Belding  
6685 Rives Junction Road  
Jackson, MI 49201  
(517) 962-9258

Complainant,

v.

Nicholas Rush  
Nick Rush for Northwest  
3631 Sassafras Drive  
Jackson, MI 49201

Respondents.

**COMPLAINT**

Complainant files this complaint with the Michigan Department of State under MCL 169.247 against Nicholas “Nick” Rush and the Nick Rush for Northwest committee for potential violations of Michigan Campaign Finance Act 388 of 1976, as amended (“the Act”) and Michigan Campaign Finance regulations, as described below.

Yard signs produced and distributed by Rush do not include an identification statement, commonly referred to as an “identifier” (exhibits b & c). The Facebook page of “Nick Rush For NW Schools” uploaded a photo of Rush holding a yard sign for his campaign on October 14, 2018 (exhibit a). The photo is captioned “Yard signs are here! Message us your address if you’d like one.” Future posts in the month of October indicate Rush is distributing his signs throughout the district. The Act requires candidates to include information identifying the name and address of the person paying for the signs. Complainant respectfully asks the Department to promptly

investigate these potential violations and take any action necessary to ensure Rush complies with the most basic disclosure obligations imposed upon all individuals seeking this office.

### **FACTS**

Rush is a current resident of the Northwest Community Schools district seeking candidacy for the Board of Education (“the Board”). The school district exceeds a pupil enrollment of 2,401. Rush’s principal campaign committee for his candidacy for the Board is Nick Rush for Northwest.

In October of 2018, Rush began advertising his “Vote Nick Rush / Northwest School Board” yard signs on both his personal Facebook page and on the Facebook page of his campaign. Rush solicited the distribution of the signs on the pages, and they began popping up in the community. Both sides of the sign are identical, yet neither includes an identification statement.

### **LEGAL ARGUMENT**

Printed items, including yard signs, mailers, and fliers, are required to include an identification statement. The statement tells the person reading the material who paid for the message. The statement must also provide their address or other contact information.

According to the campaign finance guide for school board candidates promulgated by the Department’s office, “A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,401 or more is subject to the filing requirements of Michigan’s Campaign Finance Act... All printed matter related to a campaign (yard signs, brochures, billboards, poll cards, stationery, etc.) must contain: “Paid for by (name and address of the committee).”

Rush produced yard signs without an identification statement located anywhere on them. The above facts suggest Rush has violated the Michigan Campaign Finance Act. The Department should promptly investigate this matter to ensure Respondent complies with the most basic disclosure requirements imposed on candidates.

**CERTIFICATION**

*To the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence.*

Lee J. Belding      10/24/2018  
Lee J. Belding      10/24/2018

SUBSCRIBED AND SWORN to before me this 24 day of October 2018.

AMMAR AL-YASARI  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF INGHAM  
MY COMMISSION EXPIRES May 8, 2023  
ACTING IN COUNTY OF Ingham

Ammar Al-Yasari  
Notary Public

My Commission Expires:  
05-08-2023

## Exhibits

Exhibit A:

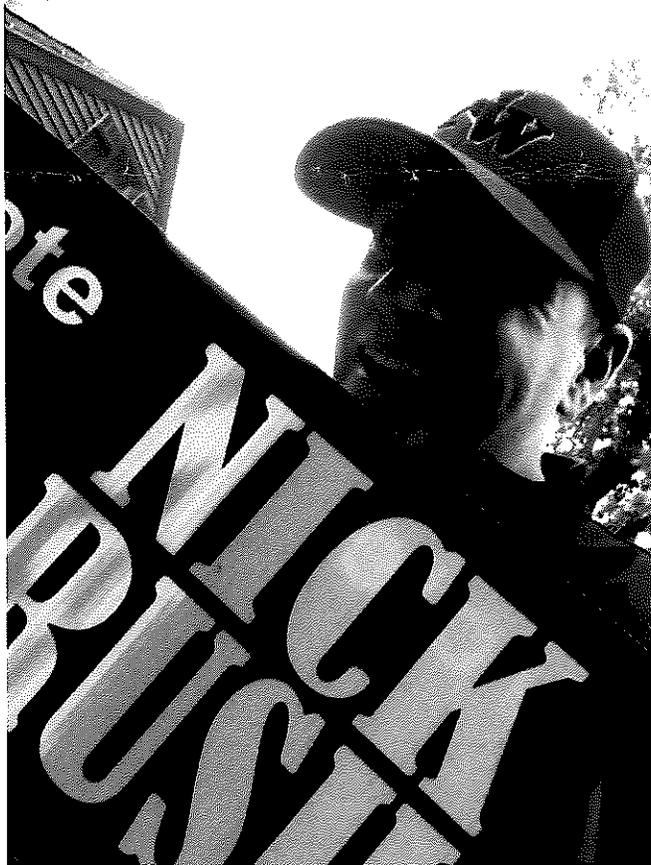


**Nick Rush For NW Schools**



October 14 at 5:32 PM · 🌐

Yard signs are here! Message us your address if you'd like one. #RushTheSchoolBoard



Christopher Markiewicz and 34 others

30 Comments 9 Shares



Exhibit B:

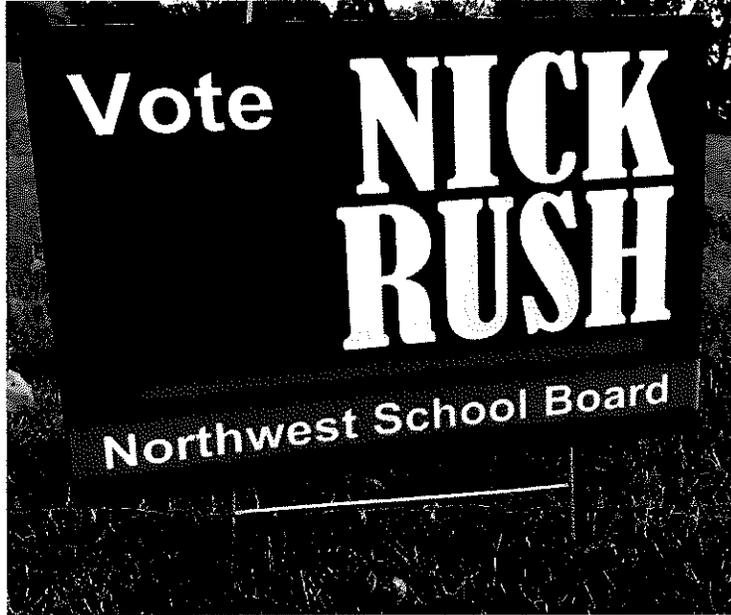
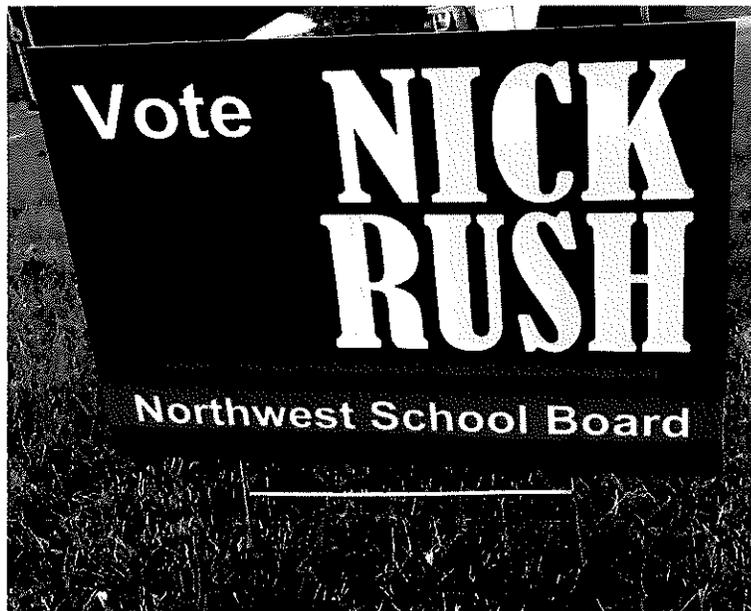


Exhibit C:





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

November 7, 2018

Nicholas Rush  
3631 Sassafras Drive  
Jackson, Michigan 49201

Re: *Belding v. Rush*  
Campaign Finance Complaint  
No. 2018-10-95-47

Dear Mr. Rush:

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.

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).

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.*

At issue in the complaint are yard signs that have been produced which read "Vote NICK RUSH Northwest School Board." A copy of the complaint and supporting evidence is enclosed with this correspondence.

Upon review, it appears that the paid for by statement is omitted entirely from these campaign materials in violation of MCL 169.247. Given this, the Department 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.

Nicholas Rush  
November 7, 2018  
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Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement. For all materials currently in circulation that refer to your candidacy, the paid for by statement must be corrected/included. If this information has been included on your materials, please provide this office evidence demonstrating the proper paid for by statements.

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).

The Department considers the instant action closed and resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized and cursive.

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Lee Belding