



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

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1<sup>st</sup> Floor  
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

| Section 1. Complainant                                 |                    |   |
|--|--------------------|---|
| Your Name<br><u>Patriots for Montcalm</u>              |                    | Daytime Telephone Number<br><u>231-340-8736</u> |
| Mailing Address<br><u>PO BOX 81, Stanton</u>           |                    |   |
| City<br><u>Stanton</u>                                 | State<br><u>MI</u> | Zip<br><u>48888</u>                             |
| Email (optional)<br><u>montcalmadvocates@gmail.com</u> |                    |   |

| Section 2. Alleged Violator                  |                    |                     |
|--|--------------------|---------------------|
| Name<br><u>Erik Benko</u>                    |                    |                     |
| Mailing Address<br><u>4917 S. Nevins Rd.</u> |                    |                     |
| City<br><u>Sidney</u>                        | State<br><u>MI</u> | Zip<br><u>48885</u> |
| Email (optional)                             |                    |                     |

| Section 3. Allegations (Use additional sheets if more space is needed.) |
|---|
|---|

Section(s) of the MCFA alleged to be violated: 1169.204

Explain how those sections were violated:

It is believed that based on the types of Campaigning  
Mr. Benko did that he exceeded the \$1,000  
threshold and he should have reported his  
expenditures and donations.

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

Pictures of Mr. Benko's Facebook page stating  
and  
he sent a letter to 1,000+ registered voters, he  
Purchased signs, he asked for donations through Paypal &  
Cash App. He also had a radio ad on 106.3 WGLM.

**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**

Ashtyn Newell  
Signature of Complainant

05/02/2022

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:*

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**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.

**Section 6. Submission**

Once completed, 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

To Whom It May Concern,

Patriots for Montcalm would like to challenge Erik Benko's campaign finances. We have requested the pre-election campaign statements for Mr. Benko's campaign, but was informed by Kristen Millard that none was filed. We believe that he exceeded the \$1,000 threshold due to the type of campaigning he has done. He has yard signs that were purchased to promote him being elected, he has sent out a mailer, which clearly states he paid for, to all registered voters in Sidney Township, requested for donations to be sent through Paypal or Cash App and he has put an ad on the radio.

Thank you for your time,

Patriots for Montcalm  
Ashlyn Newell

George Mcdonald

  18

6 shares

 Like


 Comment

 Share



**Erik Benko For Sidney Twp. Trustee**



Apr 26 at 10:19 PM · 

Here is a link to the digital version of the campaign mailer which was sent to over 1,000 households in Sidney Township.

[docs.google.com](https://docs.google.com)

Loading Google Docs



  8

1 share

 Like


 Comment

 Share



**Erik Benko For Sidney Twp. Trustee**





Apr 26 at 6:53 PM · 

pause amid chaotic meeting

[illegible]

During January, January 2001, including that January, 1999, and 1998, respectively, and the three last business years and 1998, there is a need to submit another, including other, from January of 1998, and other years.

**THE UNIVERSITY OF CHICAGO**



1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.



1. The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

[illegible]



## Erik Benko Campaign Mailer

### Sidney board OKs wind permit pause amid chaotic meeting

Sidney Township Board meeting Tuesday night was chaotic, with the board pausing to discuss a wind permit application for the Sidney Wind Farm. The board also discussed a request for a rezoning of the property. The meeting was held at the Sidney Township Board Room, 411 E. Main St. The meeting was attended by board members, staff, and the public. The board voted to pause the wind permit application and to schedule a public hearing for the rezoning request. The meeting ended at 8:30 p.m.

Sidney Township Board meeting Tuesday night was chaotic, with the board pausing to discuss a wind permit application for the Sidney Wind Farm. The board also discussed a request for a rezoning of the property. The meeting was held at the Sidney Township Board Room, 411 E. Main St. The meeting was attended by board members, staff, and the public. The board voted to pause the wind permit application and to schedule a public hearing for the rezoning request. The meeting ended at 8:30 p.m.

Sid

Sidney  
Township  
Board  
Meeting  
Tuesday  
8:30 PM

10/12/20 - Meeting: Sidney Farming to DC Official

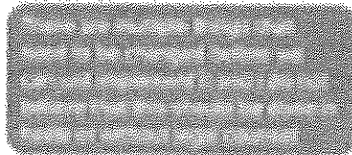
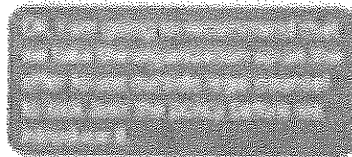
Meeting



Is the planning commission meeting tonight?



Thanks. Have a vested interest in this project I've already gotten my first check



10/12/20

So how long before you think we can get this thing signed?



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

July 19, 2022

Erik Benko  
4917 S. Nevins Road  
Sidney MI, 48885

Re: *Patriots for Montcalm v. Benko*  
Campaign Finance Complaint No. 2022-05-18-204

Dear Mr. Benko:

The Department of State (Department) has received a formal complaint filed against you by Patriots for Montcalm alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you ran for Sidney Township Trustee without filing the required statement of organization or campaign statements. A copy of the complaint is included with this notice.

Section 21 of the MCFA requires a candidate to form a candidate committee within 10 days of becoming a candidate. MCL 169.221(1). Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statements of organization that must be filed. *See* MCL 169.224(2)-(3). A person who fails to file a timely statement is subject to a civil fine of up to \$1,000.00. MCL 169.221(13). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300.00. MCL 169.224(1). A person failing to file a statement of organization after 30 days is guilty of a misdemeanor punishable by a fine of up to \$1,000.00. *Id.*

The MCFA also requires committees to file reports detailing contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1)-(3). The Act requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the act. MCL 16.233(6).<sup>1</sup> A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000.00 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11).

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<sup>1</sup> A committee that receives less than \$1,000 in contributions and makes less than \$1,000 in expenditures during the election cycle may request a reporting waiver on its Statement of Organization relieving the committee of the duty to file campaign statements. Because you did not file a Statement of Organization, however, you could not have requested the reporting waiver.

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. The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the process is included in the enclosed guidebook.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. Materials may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> 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 answer will be provided to Patriots for Montcalm, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing 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 penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact the Regulatory section of the Bureau of Elections at BOERegulatory@michigan.gov.

Sincerely,

Regulatory Section  
Bureau of Elections  
Michigan Department of State



## McInerney, Jenny (MDOS)

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**From:** Erik Benko <eriksbenko@gmail.com>  
**Sent:** Tuesday, July 26, 2022 7:49 AM  
**To:** MDOS-BOERegulatory  
**Subject:** Campaign Finance Complaint  
**Attachments:** Campaign Finance Complaint Form - Patriots for Montcalm.pdf; Committee filing.pdf; Candidate Committee Cover Page.pdf; Candidate Committee Summary Page.pdf  
  
**Categories:** Jenny

**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

Good Morning, This email is in response to a complaint received by your office via USPS on 7/25/2022.

I have scanned and attached that complaint form which claims I (Erik Benko) exceeded the \$1,000 threshold and did not report my campaign expenditures and donations.

To refute this patently false and easily refutable claim I have also attached my committee filing page, my committee cover page, and my committee summary pages, which have been stamped by Montcalm County Clerk Kristen Millard.

Not only is all of this information easily available to the public via FOIA for the alleging Political Action Committee - Patriots for Montcalm to access and verify, but the local newspaper ran a story the day after the election based on such a FOIA request where they named all of my campaign contributors along with the associated donation amounts.

This complaint is just another example of the petty and malicious activity of the Political Action Committee - Patriots For Montcalm, and I'm sorry that they have wasted government resources with this frivolous complaint.

Thank you for your time and consideration in this matter.

Sincerely, Erik S. Benko



MAY 03 2022

**CANDIDATE COMMITTEE  
COVER PAGE**

FOR OFFICIAL USE ONLY  
KRISTEN MILLARD  
MONTCALM COUNTY CLERK

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

|   |  |   |  |
|---|--|---|--|
| <p>1. Committee I.D. Number<br/><b>80174</b></p> <p>2. Committee Name<br/><b>Erik Benko for Sidney Twp Trustee</b></p> <p>5. Committee's Mailing Address<br/><b>4917 S. Nevins Rd<br/>Sidney, MI. 48885</b><br/><br/>Area Code and Phone <b>269-364-3532</b><br/><small>If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.</small></p> <p>7. Treasurer's Business Address<br/><br/><br/><br/>Area Code and Phone _____</p> |  | <p>3. This Statement covers From: <b>2/28/2022</b> to <b>April 17, 2022</b></p> <p>4. Candidate Last Name <b>Benko</b> First Name <b>Erik</b> M.I. <b>S</b></p> <p>4a. Office Sought Including District # or Community Served (If applicable)<br/><b>Sidney TWP Trustee</b></p> <p>4b. County of Residence <b>MONTCALM</b></p> <p>6. Treasurer's Name &amp; Residential Address<br/><b>Erik Benko<br/>4917 S. Nevins Rd<br/>Sidney, MI. 48885</b><br/><br/>Area Code &amp; Phone <b>269-364-3532</b></p> <p>8. Designated Record Keeper's Name and Address (If the committee has a Designated Record Keeper)<br/><b>Erik Benko<br/>4917 S. Nevins Rd<br/>Sidney, MI 48885</b><br/><br/>Area Code and Phone <b>269-364-3532</b></p>  |  |
| <p><b>9. TYPE OF STATEMENT</b></p> <p>9a. <input checked="" type="checkbox"/> Pre-Election OR 9b. <input type="checkbox"/> Post-Election</p> <p>Pre-Election or Post-Election Statement relates to:</p> <p><input type="checkbox"/> Primary<br/><input type="checkbox"/> General<br/><input type="checkbox"/> Convention<br/><input checked="" type="checkbox"/> Special<br/><input type="checkbox"/> School<br/><input type="checkbox"/> Caucus</p> <p>Date of Election, Convention or Caucus<br/><b>5-3-2022</b></p>                        |  | <p>Required ONLY if candidate is not on the ballot for the current year:</p> <p><input type="checkbox"/> July Quarterly<br/><input type="checkbox"/> October Quarterly</p> <p>9c. <input type="checkbox"/> Annual Statement (_____) Coverage Year</p> <p>9d. <input type="checkbox"/> Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)</p>  |  |
| <p><b>10. Verification:</b> I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.</p> <p>Current Treasurer or Designated Record keeper <b>Erik Benko</b><br/>Type or Print Name<br/><br/><b>Erik Benko</b><br/>Type or Print Name</p>   |  | <p><b>9e. Dissolution of Candidate Committee</b></p> <p><input checked="" type="checkbox"/> By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no lates fees or has any outstanding debt.</p> <p>Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver.</p> <p>Effective date of dissolution<br/>_____</p> <p>Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.</p> <p><b>Signature</b> _____ <b>Date</b> <b>5/3/22</b></p> <p><b>Signature</b> _____ <b>Date</b> <b>5/3/22</b></p> |  |





MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

**SUMMARY PAGE  
CANDIDATE COMMITTEE**

1. Committee I.D. Number

80174

2. Committee Name

Erik Benko For Sidne Twp Trustee

| RECEIPTS  | Column I<br>This Period   | Column II<br>Cumulative this election cycle |
|---|---------------------------|---|
| 3. Contributions  |                           |   |
| a. Itemized (Schedule 1A - Column 6)  | (3a.) \$ 2,163.97         | (18.) \$                                    |
| b. Unitemized (less than \$20.01 each - no Schedule)  | (3b.) \$ NOT APPLICABLE   | (19.) \$                                    |
| c. Subtotal of "Contributions"  | (3c.) \$                  | (20.) \$                                    |
| 4. Other Receipts (Schedule 1A -1, Column 6)  | (4.) \$                   |   |
| 5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS<br>(Add Line 3c + Line 4)                             | (5.) \$ 60.00<br>2,223.97 |   |
| <b>IN-KIND CONTRIBUTIONS &amp; EXPENDITURES</b>   |                           |   |
| 6. In-Kind Contributions (Schedule 1-IK, Column 7)  | (6.) \$                   | (21.) \$                                    |
| 7. In-Kind Expenditures (Schedule 1B-IK, Column 6)  | (7.) \$                   | (22.) \$                                    |
| <b>EXPENDITURES</b>   |                           |   |
| 8. Expenditures   |                           |   |
| a. Itemized (Schedule 1B, Column 6)   | (8a.) \$ 2,223.97         |   |
| b. Itemized Get-Out-the-Vote (Schedule 1B-G)  | (8b.) \$                  |   |
| c. Unitemized (less than \$50.01 each - no Schedule)  | (8c.) \$                  |   |
| 9. TOTAL EXPENDITURES (Add Line 8a + Line 8b + Line 8c)   | (9.) \$ 2,223.97          | (23.) \$                                    |
| <b>INCIDENTAL EXPENSE DISBURSEMENTS<br/>(Officeholders Only)</b>                                |                           |   |
| 10. Disbursements   |                           |   |
| a. Itemized (Schedule 1C, Column 6)   | (10a.) \$                 |   |
| b. Unitemized (less than \$50.01 each - no Schedule)  | (10b.) \$                 |   |
| 11. TOTAL INCIDENTAL EXPENSE DISBURSEMENTS<br>(Add Line 10a + Line 10b)                         | (11.) \$                  | (24.) \$                                    |
| <b>DEBTS AND OBLIGATIONS</b>  |                           |   |
| 12. Debts and Obligations   |                           |   |
| a. Owed by the Committee (Schedule 1E)  | (12a.) \$                 |   |
| b. Owed to the Committee (Schedule 1E)  | (12b.) \$                 |   |
| <b>BALANCE STATEMENT</b>  |                           |   |
| 13. Ending Balance of last report filed<br>(Enter zero if no previous reports have been filed.) | (13.) \$                  |   |
| 14. Amount received during reporting period<br>(Line 5, Total Contributions & Other Receipts)   | (14.) + \$ 2,223.97       |   |
| 15. SUBTOTAL Add lines 13 and 14  | (15.) = \$ 2,223.97       |   |
| 16. Amount expended during reporting period<br>(Add lines 9 and 11)                             | (16.) - \$ 2,223.97       |   |
| 17. ENDING BALANCE<br>(Subtract line 16 from line 15)   | (17.) \$ 0                |   |

COUNTY CLERK'S OFFICE  
STANTON, MICHIGAN  
FILED

MAY 03 2022

KRISTEN MILLARD  
MONTCALM COUNTY CLERK





MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED  
STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE COMMITTEES FILED WITH A COUNTY CLERK

Information on this form is made public.

|   |   |   |                              |
|---|---|---|------------------------------|
| 1. Committee ID #: <b>80174</b>   | *2. Type of Filing: <input checked="" type="checkbox"/> Original:<br><input type="checkbox"/> Amendment to items: |   | Eff. Date: <b>02/22/2022</b> |
| *3. Full Name of Committee (must include Candidate's first and last name):<br><b>Erik Benko For Sidney Twp. Trustee</b>   |   |   |                              |
| *4a. Candidate Full Name: Last Name <b>Benko</b>  | First Name <b>Erik</b>  | M.I. <b>S</b>   |                              |
| *4b. Political Party (if applicable):   |   | *4c. County of Residence: <b>Montcalm</b>             |                              |
| *4d. Office Sought: <b>Township Trustee</b>   |   | *4e. District or Jurisdiction: <b>Sidney Township</b> |                              |
| *5. Date Committee was Formed: <b>2-22-22</b>   |   |   |                              |
| *6a. Committee Phone: <b>269-364-3532</b>   |   | 6b. Committee Fax #: <b>NA</b>                        |                              |
| *6c. Committee Email Address: <b>ErikSBenko@gmail.com</b>   |   | 6d. Committee Website Address: <b>NA</b>              |                              |
| *7a. Complete Committee Mailing Address (May be PO Box): <b>4917 S. Nevins Rd, Sidney, MI 48885</b>   |   |   |                              |
| *7b. Complete Committee Street Address (May not be PO Box):   |   |   |                              |
| *8. Treasurer Name and Complete Residential Address: <b>Erik Benko</b><br><b>4917 S. Nevins Rd. 48885</b>   |   |   |                              |
| Phone #: <b>269-364-3532</b>  |   | Email Address: <b>ErikSBenko@gmail.com</b>            |                              |
| 9. Designated Record Keeper Name and Complete Address: <b>Erik Benko</b><br><b>4917 S. Nevins Rd. 48885</b>   |   |   |                              |
| Phone #: <b>269-364-3532</b>  |   | Email Address: <b>ErikSBenko@gmail.com</b>            |                              |
| *10. REPORTING WAIVER REQUEST:<br><input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000.00 in an election, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.<br><br><input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000.00 in an election. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual. |   |   |                              |
| *11. Name and Address of Depositories of Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received.<br>*Official Depository (name and address): <b>PNC BANK</b><br><b>501 E. Division ST. NE, Rockford, MI 49341</b><br>Secondary Depository (name and address):  |   |   |                              |
| 12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)  |   |   |                              |
| *Candidate:   | Date: <b>2-22-22</b>  | *Current Treasurer                                    | Date:                        |
| *Designated Record Keeper (If Applicable)   |   | Date:   |                              |



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

July 29, 2022

Patriots for Montcalm  
PO Box 81  
Stanton, MI 48888  
Via email to montcalmadvocates@gmail.com

Re: *Patriots for Montcalm v. Benko*  
Campaign Finance Complaint No. 2022-05-18-204

Dear Patriots for Montcalm:

The Department of State received a response from Erik Benko to the complaint you filed against them alleging a violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

You may file a rebuttal statement after reviewing the enclosed response. If you elect to file a rebuttal statement, you are required to do so within 10 business days of the date of this letter. The rebuttal statement may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

c. Erik Benko via Email

## **McInerney, Jenny (MDOS)**

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**From:** McInerney, Jenny (MDOS)  
**Sent:** Wednesday, August 3, 2022 11:51 AM  
**To:** vitals@montcalm.us  
**Subject:** Campaign finance question

Dear Clerk Millard,

The Michigan Bureau of Elections is currently investigating a Michigan Campaign Finance Act complaint filed against Erik Benko, a candidate for Sidney Township Trustee. The initial complaint, filed on May 2, 2022, alleged that Mr. Benko had failed to file his required pre-election campaign statement. Mr. Benko responded with campaign statements that were received by your office on May 3. Did you make any determination regarding the timeliness of Mr. Benko's filing or assess any late filing fees? Knowing that will help us determine whether to dismiss the complaint. I appreciate your attention to this issue.

Thank you very much,

**Jenny McInerney**  
*Election Law Specialist*  
Regulatory Section  
[Michigan Bureau of Elections](#)  
**Main:** 517-335-3234  
[McInerneyJ1@michigan.gov](mailto:McInerneyJ1@michigan.gov)



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

September 27, 2022

Patriots for Montcalm  
PO Box 81  
Stanton, MI 48888

Re: *Patriots for Montcalm v. Benko*  
Campaign Finance Complaint No.: 2022 - 05 - 18 - 204

Dear Patriots for Montcalm:

The Department of State (Department) has concluded its investigation into the formal complaint you filed against Erik Benko alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the resolution of the complaint.

Your complaint was received on May 2, 2022 and alleged that Benko exceeded the \$1,000 reporting waiver threshold. Specifically, you alleged that Benko had sent letters to more than 1,000 voters, purchased signs, and was running radio advertising but had failed to disclose these transactions.

The Department notified Benko of the complaint by letter dated July 19, 2022. Benko responded by email on July 26, 2022 and provided the Department with date- and time-stamped copies of the reports which were filed with the Montcalm County Clerk's Office. The reports were received by the County Clerk on May 3, 2022.

By letter dated July 29, 2022, the Department sent you a copy of the response and notified you of your right to file a rebuttal. To date, no rebuttal has been received.

Upon review, the Department determines that the evidence submitted is insufficient to support the conclusion that a potential violation of the MCFA has occurred. Section 24 of the Act provides that candidates not receiving or expending more than \$1,000 are required to file reports with the appropriate filing official. The reports must contain specific information when disclosed and must be filed by specific dates under the Act. MCL 169.233; 169.234. When reports are not timely filed, the filing official is authorized to assess late filing fees.

Here, the Department received the complaint on May 2, 2022. The next day, Benko filed the reports with Montcalm County Clerk. After filing the reports, Benko then received notification by the Department that it intended to investigate the complaint. Because the reports were filed prior to receiving notification of the complaint, the Department dismisses the instant complaint and will take no further action.



The Department notes that the committee may be assessed late filing fees by the county clerk for any report that was not timely filed. Late-filing fees are assessed and collected by the filing official with whom the statements are filed. MCL 169.217(1). Any questions regarding these late-filing fees should be directed to the Montcalm County Clerk.

The Department now considers the instant matter closed and will take no further action at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Fracassi". The signature is stylized with a large, looping "A" and a cursive "F".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Erik Benko