



Michigan Department of State Campaign Finance Complaint Form

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

2020 AUG -7 AM 9:

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 <u>Nancy Strole</u>		Daytime Telephone Number <u>248-634-5144</u>	
Mailing Address <u>11990 Davisburg Rd.</u>			
City <u>Davisburg</u>	State <u>MI</u>	Zip <u>48350</u>	
Email (optional) <u>nancy-strole@yahoo.com</u>			

Section 2. Alleged Violator			
Name <u>Kevin Sclesky (CTE Kevin Sclesky TWP. Supervisor)</u>			
Mailing Address <u>9919 Dixie Hwy.</u>			
City <u>Clarkston</u>	State <u>MI</u>	Zip <u>48348</u>	
Email (optional)			

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

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

Explain how those sections were violated:

Detail attached


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

Attached: Exhibits A, B, C, D, E

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



Signature of Complainant

July 30, 2020

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:

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

CAMPAIGN FINANCE COMPLAINT

Alleged Violator: Kevin Sclesky (CTE Kevin Sclesky TWP Supervisor)

Section 3. Allegations

Section(s) of the MCFA alleged to be violated: 169.226; 169.233; 169.243; 160.247; 169.251; 169.252

Explain how those sections were violated:

169.226: The MCFA requires detailed reporting of contributions, expenditures and cash on hand to a candidate's committee. Mr. Sclesky's Pre-Primary Committee Report (Ex. A) lists a total of \$6,067.69 in expenditures, but \$0.00 in Contributions (either direct or in-kind), or loans. Nor does it list cash on hand. Thus, the purpose of the MCFA, to provide the public with transparency to the financial sources of a candidate's campaign, has been largely nullified.

For example, there exists a large campaign billboard (Ex. B) for Mr. Sclesky on I-75 northbound between exits 89 and 91. The billboard states that its cost is "Paid for by Al Deeby Chrysler Dodge Jeep Ram." However, neither the source or cost is reported on Mr. Sclesky's committee report as required by law. Nor could I find any reports related to this billboard filed by an entity acting as an independent committee.

169.233. The Report (as filed by Mr. Sclesky's Committee on July 22, 2020) Is incomplete, inaccurate and, in my opinion, knowingly omits or underreports individual contributions, and, therefore is subject to fines and penalties for same.

169.243. The expenditure for the billboard must be "reported by the committee as if the expenditure were made directly by the committee, or unless the agent or independent contractor [Outfront Advertising or Al Deeby?] files a report of an independent expenditure as provided in Section 51." None of that occurred.

169.247. "a billboard, placard, poster, pamphlet, or other printed material having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter." That did not occur on the billboard (Ex. B) no address, nor was any identifying "Paid for" information printed on Mr. Sclesky's large banner signs (Ex. C), small yard signs (Ex. D) or paid advertising in the July 29, 2020 Clarkston News Ad-Vertiser (Ex. E).

169.251. If the Al Deeby billboard expenditure was intended to be an "independent expenditure" rather than an In-Kind contribution, there is no indication that Al Deeby

submitted the Independent Expenditure Report required by law, and therefore, such an expenditure is subject of the fees, fines and penalties set forth in the MCFA.

169.252. Limitations on contributions to committee. The I-75 billboard, which likely should have been reported as an In-Kind contribution to Mr. Sclesky's campaign committee by Al Deeby Chrysler Dodge Ram, has been continually on display from at least the first week of July through today (July30). It is therefor highly likely that the market value of the month-long advertising display significantly exceeds the maximum allowable campaign contribution by an individual for this election cycle in Springfield Township.

Summary

Mr. Sclesky's campaign committee ^{appears to have} ~~has~~ violated multiple sections of the Michigan Campaign Finance Act, and, in the process of doing so, undermined the integrity and transparency of our electoral process.



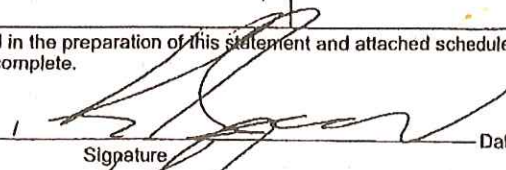

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

Exhibit A

**CANDIDATE COMMITTEE
COVER PAGE**

FOR OFFICIAL USE ONLY

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

1. Committee I.D. Number 97505		3. This Statement covers From: 04/20/20 to 07/19/20	
2. Committee Name CTE Kevin Sclesky TWP supervisor		4. Candidate Last Name Sclesky First Name Kevin M.I. N 4a. Office Sought Including District # or Community Served (If applicable) Supervisor <input checked="" type="checkbox"/> 4b. County of Residence OAKLAND <input checked="" type="checkbox"/>	
5. Committee's Mailing Address 9919 Dixie Hwy Clarkston Mi 48348 Area Code and Phone (248) 240-5107 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.		6. Treasurer's Name & Residential Address Kevin Sclesky 9919 Dixie Hwy Clarkston Mi 48348 Area Code & Phone (248) 240-5107	
7. Treasurer's Business Address 9919 Dixie Hwy Clarkston Mi 48348 Area Code and Phone _____		8. Designated Record Keeper's Name and Address (If the committee has a Designated Record Keeper) Kevin Sclesky 9919 Dixie Hwy Clarkston Mi 48348 Area Code and Phone _____	
9. TYPE OF STATEMENT 9a. <input checked="" type="checkbox"/> Pre-Election OR 9b. <input type="checkbox"/> Post-Election Pre-Election or Post-Election Statement relates to: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Convention <input type="checkbox"/> Special <input type="checkbox"/> School <input type="checkbox"/> Caucus Date of Election, Convention or Caucus 08/04/20		9e. Dissolution of Candidate Committee <input 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 late fees or has any outstanding debt. Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver. Effective date of dissolution _____ Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.	
10. Verification: 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.			
Current Treasurer or Designated Record keeper Kevin Sclesky Type or Print Name		Signature  Date 7/20/2020	
Candidate Kevin Sclesky Type or Print Name		Signature  Date 7/20/2020	



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

1. Committee I.D. Number 97505

**SUMMARY PAGE
CANDIDATE COMMITTEE**

2. Committee Name CTE Kevin Sclesky for TWP supervisor

RECEIPTS		Column I This Period	Column II Cumulative this election cycle
3. Contributions			
a. Itemized (Schedule 1A - Column 6)	(3a.) \$	<u>0.00</u>	
b. Unitemized (less than \$20.01 each - no Schedule)	(3b.) \$	<u>NOT APPLICABLE</u>	
c. Subtotal of "Contributions"	(3c.) \$	<u>\$0.00</u>	(18.) \$ <u>\$0.00</u>
4. Other Receipts (Schedule 1A -1, Column 6)	(4.) \$	<u>\$0.00</u>	(19.) \$ <u>\$0.00</u>
5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS (Add Line 3c + Line 4)	(5.) \$	<u>\$0.00</u>	(20.) \$ <u>\$0.00</u>
IN-KIND CONTRIBUTIONS & EXPENDITURES			
6. In-Kind Contributions (Schedule 1-IK, Column 7)	(6.) \$	<u>\$0.00</u>	(21.) \$ <u>\$0.00</u>
7. In-Kind Expenditures (Schedule 1B-IK, Column 6)	(7.) \$	<u>\$0.00</u>	(22.) \$ <u>\$0.00</u>
EXPENDITURES			
8. Expenditures			
a. Itemized (Schedule 1B, Column 6)	(8a.) \$	<u>\$6,067.69</u>	
b. Itemized Get-Out-the-Vote (Schedule 1B-G)	(8b.) \$	<u>\$0.00</u>	
c. Unitemized (less than \$50.01 each - no Schedule)	(8c.) \$	<u>\$0.00</u>	
9. TOTAL EXPENDITURES (Add Line 8a + Line 8b + Line 8c)	(9.) \$	<u>\$6,067.69</u>	(23.) \$ <u>\$6,067.69</u>
INCIDENTAL EXPENSE DISBURSEMENTS (Officeholders Only)			
10. Disbursements			
a. Itemized (Schedule 1C, Column 6)	(10a.) \$	<u>\$0.00</u>	
b. Unitemized (less than \$50.01 each - no Schedule)	(10b.) \$	<u>\$0.00</u>	
11. TOTAL INCIDENTAL EXPENSE DISBURSEMENTS (Add Line 10a + Line 10b)	(11.) \$	<u>\$0.00</u>	(24.) \$ <u>\$0.00</u>
DEBTS AND OBLIGATIONS			
12. Debts and Obligations			
a. Owed by the Committee (Schedule 1E)	(12a.) \$	<u>\$0.00</u>	
b. Owed to the Committee (Schedule 1E)	(12b.) \$	<u>\$0.00</u>	
BALANCE STATEMENT			
13. Ending Balance of last report filed (Enter zero if no previous reports have been filed.)	(13.) \$	<u>\$0.00</u>	
14. Amount received during reporting period (Line 5, Total Contributions & Other Receipts)	(14.) + \$	<u>\$0.00</u>	
15. SUBTOTAL Add lines 13 and 14	(15.) = \$	<u>\$0.00</u>	
16. Amount expended during reporting period (Add lines 9 and 11)	(16.) - \$	<u>\$0.00</u>	
17. ENDING BALANCE (Subtract line 16 from line 15)	(17.) \$	<u>\$0.00</u>	



ITEMIZED EXPENDITURES
SCHEDULE 1B
CANDIDATE COMMITTEE

1. Committee I. D. Number **97505**
2. Committee Name **CTE Kevin Sclesky TWP supervisor**

3. Name and address of person or vendor to whom paid	4. Purpose (Required Information)	5. Date	6. Amount
Expenditure #1 Name Post office Address 5799 S Main Clarkston Mi 48347 <input type="checkbox"/> Fund Raiser	Purpose: stamps <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/02/20 Date	\$ \$2,200
Expenditure #2 Name Post office Address 5799 S Main Clarkston Mi 48347 <input type="checkbox"/> Fund Raiser	Purpose: stamps <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/10/20 Date	\$ \$825
Expenditure #3 Name Vista print Address order number trq8q-v5a63-0j3 275 Wyman st Waltham MA 02451 <input type="checkbox"/> Fund Raiser	Purpose: yard signs,business cards <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	06/03/20 Date	\$ 1341.42
Expenditure #4 Name Vista print Address order number xlggk-w5a03-8v3 275 Wyman st Waltham MA 02451 <input type="checkbox"/> Fund Raiser	Purpose: banners <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	06/26/20 Date	\$ 338.41
Expenditure #5 Name Vista Print Address order number jbl7t-w5a57-2g8 275 Wyman st Waltham Ma 02451 <input type="checkbox"/> Fund Raiser	Purpose: 6x9 postcards <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/02/20 Date	\$ 616.38

Subtotal this page **\$ 5,321.21**
Grand Total of all Schedules 1B
(Complete on last page of Schedule)
Enter this total
on line 8a of
Summary Page



ITEMIZED EXPENDITURES
SCHEDULE 1B

1. Committee I, D. Number **97505**

CANDIDATE COMMITTEE

2. Committee Name **CTE Kevin Sclesky TWP supervisor**

3. Name and address of person or vendor to whom paid	4. Purpose (Required Information)	5. Date	6. Amount
Expenditure #1 Name home depot Address 4150 Joslyn rd Albun Hills Mi 48326 <input type="checkbox"/> Fund Raiser	Purpose: post and cable ties <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/08/20 Date	\$ 25.65 Click Here for Memo Itemization Type <input type="button" value="v"/>
Expenditure #2 Name home depot Address 4150 Joslyn rd Albun Hills Mi 48326 <input type="checkbox"/> Fund Raiser	Purpose: post <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	06/30/20 Date	\$ 26.58 Click Here for Memo Itemization Type <input type="button" value="v"/>
Expenditure #3 Name Springfield township Address 12000 Davisburg rd Davisburg Mi 48348 <input type="checkbox"/> Fund Raiser	Purpose: mailing lables <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/07/20 Date	\$ 64.25 Click Here for Memo Itemization Type <input type="button" value="v"/>
Expenditure #4 Name Clarkston News Address 5 South Main St Clarkston Mi 48346 <input type="checkbox"/> Fund Raiser	Purpose: adds in paper <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/15/20 Date	\$ 315.00 Click Here for Memo Itemization Type <input type="button" value="v"/>
Expenditure #5 Name Clarkston News Address 5 South Main St Clarkston Mi 48346 <input type="checkbox"/> Fund Raiser	Purpose: adds in paper <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	07/21/20 Date	\$ 315.00 Click Here for Memo Itemization Type <input type="button" value="v"/>

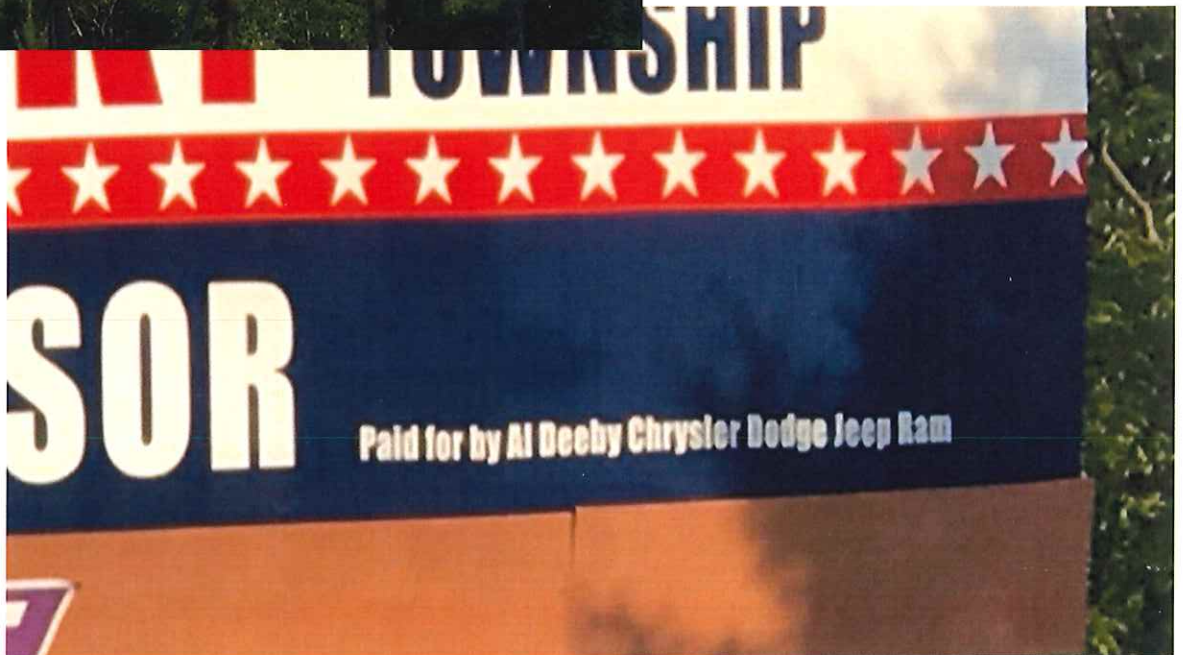
Subtotal this page **\$746.48**

Grand Total of all Schedules 1B
(Complete on last page of Schedule)

\$6,067.69

Enter this total
on line 8a of
Summary Page

Exhibit B





QUALIFICATIONS

- Proven leadership abilities
- Interpersonal skills and a strong active listener.
- Experience effectively handling multi-million dollar budgets.
- Offering value from his historical tenure in our community.

EXPERIENCE

- Extensive career in hospital management
- Long tenure as President of Springfield Township
- Over 5 years experience as a member of the Strategic Planning Committee

COMMITMENTS

- Development of Dixie Hwy Corridor
- 100% support for our local Police and Fire Department
- Focused on preserving and enriching our community
- Proponent of term limits and accountability

Kevin has passed his respect and admiration for our community onto his daughters who are now raising their own families in Springfield Township.

PAID FOR BY THE
COMMITTEE TO ELECT KEVIN
SCLESKY FOR TWP SUPERVISOR
49919 DIXIE HWY
CLARKSTON, MI 48348

Coordinating campaign literature with verbiage "Paid for by the Committee to Elect Kevin Sclesky for Twp Supervisor" and address

AUG 4TH ELECT

KEVIN SCLESKY

SPRINGFIELD TOWNSHIP

SUPERVISOR

CONNECT WITH KEVIN!

sclesky.kevin@gmail.com

Available anytime and open to talking to all citizens.

Resident of Springfield Township for 50 Years

Exhibit C

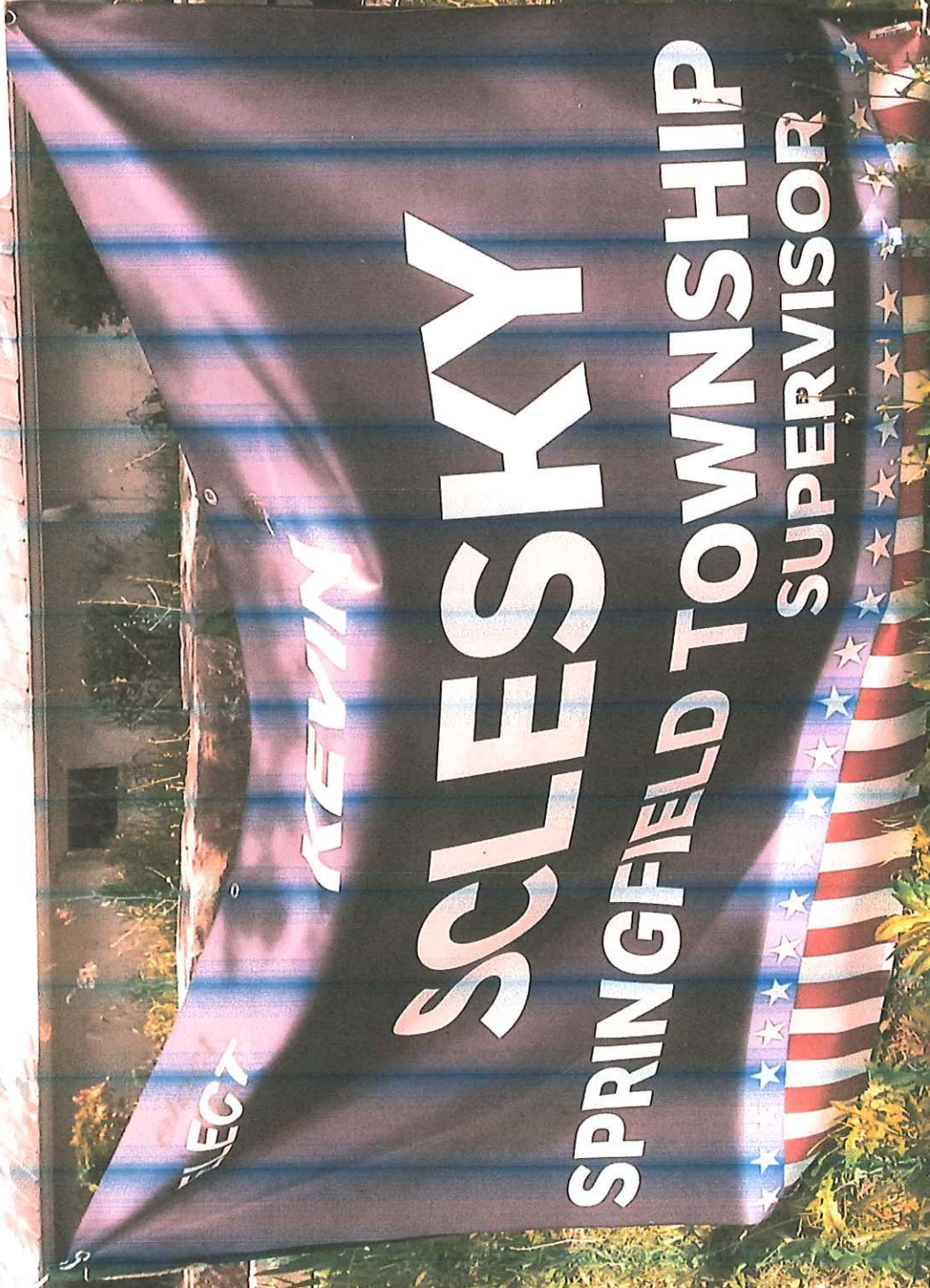
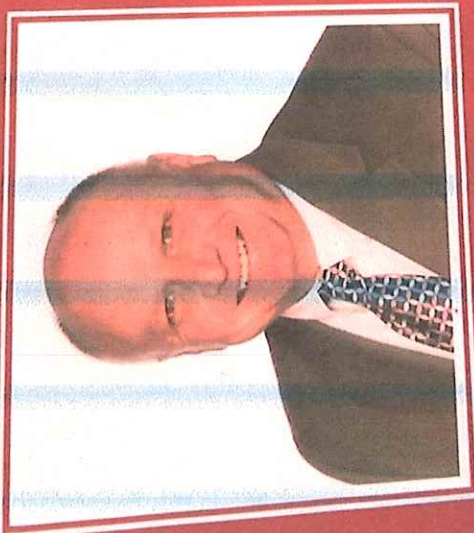


Exhibit D



ELECT

KEVIN
SCLESKY

SPRINGFIELD TOWNSHIP
SUPERVISOR



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

October 6, 2020

Kevin Sclesky
9919 Dixie Hwy
Clarkston, MI 48348

Re: *Strole v. Sclesky*
Campaign Finance Complaint
No. 2020-8-143-26

Dear Mr. Sclesky:

The Department of State (Department) received a formal complaint filed by Nancy Strole against you alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

The MCFA requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA 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 169.233(6). 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 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11).

Ms. Strole alleges that you have failed to accurate file reports by not disclosing contributions and submitting inaccurate expenditure reports, that you have accepted corporate contributions and that you have failed to place a proper paid for by statement on certain campaign related materials.

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 investigation process is enclosed with this letter and a copy is available on the Department's website.

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. Due to the ongoing public health emergency, the Department asks that all materials be submitted via email to

Elections@Michigan.gov to my attention. 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 Ms. Strole, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of 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 criminal penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, looped initial "A" and a cursive "Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Nancy Strole

October 18, 2020

Michigan Department of State
Bureau of Elections
Adam Fracassi

Re: Strole v. Sclesky
Campaign Finance Complaint Response
No. 2020-8-143-26

Dear Adam Fracassi:

I am responding to the complaint letter I received in the mail from your office. On July 31, 2020 I was informally made aware of Ms. Strole's complaint via social media amid my campaign for Springfield Township Supervisor. I immediately contacted the State Bureau of Elections who directed me to contact the Oakland County Clerks Office. I spoke with Amy and we reviewed the paperwork I submitted. Amy advised that I complete Form 1A to declare I do not plan to pursue fundraising to recapture the expenses of my campaign since I was 100% self-funding my campaign. I completed and submitted Form 1A.

I have read through the formal allegations provided in the documents you sent me. My responses are as follows:

169.226: I was unaware that I needed to report a source on the billboard however I spoke in great length with Amy at the Oakland County Clerk's Office and she reiterated that I did not need to declare contributions since I did not receive anything to my committee.

169.233: I did not knowingly omit or underreport individual contributions. The detailed report I submitted is accurate to the best of my knowledge.

169.243: As I mentioned above, I spoke with Amy at the Oakland County Clerk's Office and she reiterated that I did not need to declare contributions since I did not receive anything to my committee.

169.247: I was unaware that I needed to report a source on the billboard, banner, yard signs and paid advertising.

169.251: I was unaware that Al Deeby was required to submit the independent expenditure report however that would be up to Al submit that report.

169.252 Limitations on contributions to the committee would not be applicable. I did not receive contributions.

Kind regards,

Kevin Sclesky



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

April 1, 2021

Nancy Strole
11990 Davisburg Road
Davisburg, MI 48350

Re: *Strole v. Sclesky*
Campaign Finance Complaint
No. 2020-8-143-26

Dear Ms. Strole:

The Department of State received a response to the complaint you filed against Kevin Sclesky, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Kevin Sclesky



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

July 22, 2022

Kevin Sclesky
9919 Dixie Hwy
Clarkston, MI 48348

Re: *Strole v. Sclesky*
Campaign Finance Complaint No. 2020-8-143-26

Dear Mr. Sclesky:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Jennifer Eden on June 25, 2020. The complaint alleges you violated the Michigan Campaign Finance Act (MCFA or Act) by failing to accurately file reports by not disclosing contributions or by submitting inaccurate expenditure reports, that you have accepted corporate contributions and that you have failed to place a proper paid for by statement on certain campaign related materials.

You responded to the complaint on October 18, 2020. In your response you indicated that you spoke with the Oakland County Clerk's Office and were advised that you needed to complete Form 1A in order to indicate that you do not plan to pursue fundraising to recapture the expenses of your campaign since you were 100% self-funding the campaign. You indicated that you followed the guidance provided to you by the local clerk's office. You also indicated that you were unaware that you needed to report a source for the yard signs and paid advertising.

Failing to Accurately File Reports

The MCF A requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1)-(3). The MCFA requires a committee that receives or expends more than \$1,000.00 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). 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).

The Department concludes that you have submitted sufficient evidence to rebut the possibility that you violated the MCFA by failing to accurately file reports by not disclosing contributions. Specifically, the Department finds your detailed explanation, that you followed the guidance provided to you by your local election official in the Oakland County Clerk's Office credible.

Additionally, no evidence was submitted showing that you did not self-fund your campaign. As such, the Department dismisses the Section 33 allegations contained in the complaint.

“Paid For By” Statement on Campaign 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).

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 there may be reason to believe a violation of the MCFA has occurred.

When the Department finds that there may be reason to believe a violation has occurred, the Act requires the Department to use “informal methods such as a conference [or] conciliation” to correct the potential violation or to prevent further violation. MCL 169.215(10). 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. The identification statement must contain 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.

Please be advised that this notice has served as a warning to you of your obligation under the Act to include an identification statement on all campaign materials. This warning may be used in future proceedings as evidence 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: Kevin Sclesky