

Campaign Finance Complaint Form
Michigan Department of State

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MICHIGAN DEPT OF STATE
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This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name	Stefanie Boone	Daytime Telephone Number
		(616) 862-9832
Mailing Address		
2205 Knollpoint Dr. NE		
City	Ada	State MI Zip 49301

Section 2. Alleged Violator		
Name	Malorie Ninemeier	
Mailing Address	7806 Thornapple Club Dr. SE	
City	Ada	State MI Zip 49301

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

MCL 168.944 MCFA 169.247 Sec. 47

Explain how those sections were violated:

- Malorie is not the incumbent. The lack of the word "for" on her campaign signage gives the impression that the candidate is an incumbent.
- Malorie's yard signs do not bear upon them an identification that contains the name and address of the person paying for the matter.

Evidence that supports those allegations (attach copies of pertinent documents and other information):

See attached photo of a yard sign.

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

Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also 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.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

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



VOTE

Malorie Ninemeier

FOREST HILLS SCHOOL BOARD

VOTE

Malorie Ninemeier

FOREST HILLS SCHOOL BOARD

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.944 False designation of incumbency; misdemeanor.

Sec. 944. Any person who advertises or uses in any campaign material, including radio, television, newspapers, circulars, cards, or stationery, the words incumbent, re-elect, re-election, or otherwise indicates, represents, or gives the impression that a candidate for public office is the incumbent, when in fact the candidate is not the incumbent, is guilty of a misdemeanor punishable as provided in section 934.

History: Add. 1959, Act 109, Eff. Mar. 19, 1960;—Am. 1963, Act 155, Eff. Sept. 6, 1963;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

Popular name: Election Code

Sec. 46. (1) At the beginning of every odd numbered year, the secretary of state shall recommend adjustments to and which shall be approved by the legislature of the dollar value floor for reporting of the name, address, occupation, and employer, or principal place of business of persons who make contributions pursuant to this act, on the basis of the consumer price index and the number of registered voters in the state.

(2) Beginning January 1, 2019 and every 4 years thereafter, the secretary of state shall adjust the dollar value contribution limits provided in sections 52, 52a, and 69(1). The secretary of state shall adjust the limits in sections 52, 52a, and 69(1) by comparing the percentage increase or decrease in the consumer price index for the preceding August by the corresponding consumer price index 4 years earlier. The secretary of state shall multiply that percentage change by the amounts in sections 52, 52a, and 69(1). The secretary of state shall round up each dollar value adjustment made under this subsection to the nearest \$25.00. The secretary of state shall announce the adjustments made under this subsection by December 15 of each year.

(3) As used in this section, "consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the bureau of labor statistics of the United States department of labor.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013.

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; identification or disclaimer; size and placement; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; prerecorded telephone message.

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter 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. Except as otherwise provided in this subsection and subsection (5) and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, in addition to the identification required under this subsection, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the Federal Communications Commission, bear an identification that contains the name of the person paying for the advertisement, and be in compliance with subsection (3) and, except as otherwise provided by subsection (5), with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by.....".

(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject to both of the following:

(a) Must contain the identification required by subsection (1), (2), or (7) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and is targeted to the relevant



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

September 29, 2022

Malorie Ninemeier
7806 Thornapple Club Dr. SE
Ada, MI 49301

Re: *Boone v. Ninemeier*
Campaign Finance Complaint No. 2022 – 9 – 109 – 944, 47

Dear Ms. Ninemeier:

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 your campaign yard signs. A picture of the yard signs was included with the complaint; a copy of the complaint is enclosed.

Additionally, the complaint alleges that you improperly indicated in your campaign materials that you are an incumbent. Such an act may be a violation of section 944 of the Michigan Election Law (MEL); however, its investigation is under the purview of law enforcement and local prosecutors. MCL 168.940, 168.941. Accordingly, the complaint alleging a violation of the MEL is dismissed and this letter only concerns the potential violation of the MCFA.

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: Stephanie Boone

From: MDOS-BOERegulatory
Sent: Monday, October 10, 2022 1:29 PM
To: ninemeierforschoolboard@gmail.com
Subject: RE: Addressing Campaign Finance Complaint No. 2022-9-109-944,47 - #E&CF00853573

Dear Ms. Ninemeier,

The Department is receipt of your email regarding the Section 47 warning you received due to the omission of your committee address on your materials. Thank you for the description of your efforts to correct the omission and to ensure that it is not continued in further signage or materials. The Department is satisfied that these acts constitute reasonable efforts and consider the matter closed.

Regulatory Section
Bureau of Elections
Michigan Department of State

On 08 Oct 2022 at 02:01:09 PM, ninemeierforschoolboard@gmail.com wrote:

Dear Bureau of Elections,

I'm writing to sincerely apologize for my lack of discipline in following the MCFA, by failing to include the proper identification statement on my campaign materials. This is my first time running a campaign, and I honestly did not appreciate the magnitude of running a campaign. I just want to serve my community and my kids by serving on the school board, and truly did not mean to deceive anyone regarding my finances. I learned about the rules of the collecting and spending of campaign funds, but did not realize I needed a disclaimer on each piece of material.

I also wanted to let you know that I am actively making every effort to rectify the materials that are already in circulation, and will absolutely correct every action going forward. The signs that have not yet been stolen/removed now have my committee name and address on them, as well as the added "FOR" in between my name and 'Forest Hills School Board'. I've reprinted all business cards to have the appropriate wording. I've added stickers with my address on all postcards - I estimate less than 100 postcards have been mailed that have the "Paid for by Malorie Ninemeier for FHPS Board", but do not have my address. All others now have an appropriate sticker on them. All Facebook ads and my Website have always clearly stated "Paid for by Malorie Ninemeier for FHPS Board, 7806 Thornapple Club Dr SE, Ada, MI 49301". All materials stated above that have now been corrected, have always had a QR code to my website, that does have that wording on it. I hope that these actions prove that I am making every effort possible to rectify my violation.

I am worried, however, about two things:

1) Ada Living Magazine has already been mailed out; it was something I worked on the advertisement with them back in August, before this letter of violation. It DOES have "Paid for by Malorie Ninemeier for FHPS Board committee" on them, but does not list my address. It also does have the QR code on it directing people to my website, which does list my address at the bottom of each page. I have no way to recall these as they've already been mailed, and while I don't believe this will mislead anyone in who paid for the ad, I understand that it is still a violation. Is there anything I can do to rectify this? Part of the ad is also a digital ad that is emailed out and can pop up for those with a local IP address, and I've had the agency change that digital ad to include my address, so those should now be in compliance with the MCFA.

2) My stolen signs may not all have the identification statement on them - I believe about 20 signs have been either stolen or removed, some did already have the 'paid for by' on them, but some did not. My fear is that Stephanie Boone has possession of a sign without the id statement on it and is planning to use it later in the month and file another

complaint. She has been watching my every move and her group is constantly attacking everything I say and do. I'm not a politician, nor am I here to sling mud, I truly want to help our school district remain strong and inclusive for the success and safety of all of our students.

If you need more proof of my actions, my FB page is <https://www.facebook.com/MalorieNinemeierforForestHillsSchoolBoard> and my website is MalorieNinemeierforFHPSBoard.com. If you need any other information from me, you can reach me by email at ninemeierforschoolboard@gmail.com or call/text 517-410-8815.

Thank you for your time, and I appreciate you giving me this warning and knowledge!

Sincerely,

Malorie Ninemeier

Malorie Ninemeier for FHPS Board committee