



Michigan Department of State
Campaign Finance Complaint Form
 BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st 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 <i>Mark Hardy</i>	Daytime Telephone Number <i>616-719-7445</i>	
Mailing Address <i>5695 Johnson St SE</i>		
City <i>Caledonia</i>	State <i>MI</i>	Zip <i>49316</i>
Email (optional) <i>magmark@live.com</i>		

Section 2. Alleged Violator		
Name <i>Eric Vangessel</i>		
Mailing Address <i>6089 Glengarry Dr SE</i>		
City <i>Caledonia</i>	State <i>MI</i>	Zip <i>49316</i>
Email (optional) <i>evangessel.ccs@gmail.com</i>		

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

Section(s) of the MCFA alleged to be violated: Section 47

Explain how those sections were violated:
Campaign yard signs do not have identifier
stating "Paid for by" with committee name
& address

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

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 Mark Handy 9/12/2022
Signature of Complainant 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:

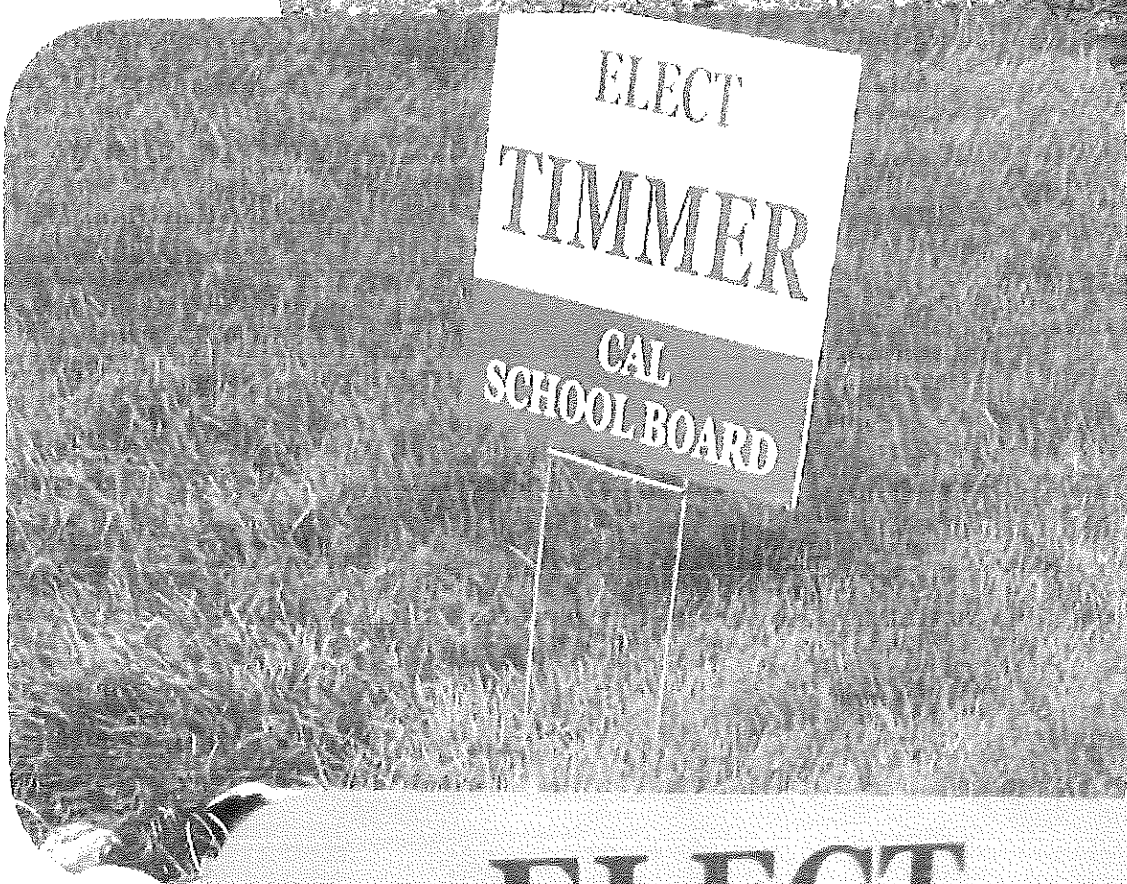
X _____
Signature of Complainant Date

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



Appendices

Appendix S CAMPAIGN SIGNS - FAQs

Campaign signs or Political signs are one of the most commonly used medium for candidates and committees to advertise their candidacy and position on the issues. Using signs presents many question by new and experienced committees members alike. Many common questions on signs are addressed in this document.

1. Must all of my political signs have an identifier on them?

Maybe. Section 47 of the MCFA requires that paid political advertisements have an identification statement and, if applicable, a disclaimer statement. Please see Appendix J of any committee manual for more information.

2. I'm a candidate, what identifier do I need to have on my signs?

For Candidate Committees, the identifier must say "Paid for by" along with the committee's name and address. Example: **Paid for by: Committee to Elect Gloria Smith; 516 Main St., Lansing, MI 48999.**

Please note: The identifier must be clear, legible and separate from the text of the sign.

3. What identifier do PACs, Ballot Questions and Political Parties use on their signs?

The identifier must say "Paid for with regulated funds" along with the committee's name and address. Example: **Paid for with regulated funds by ABC Committee; 123 Main St., Lansing, MI 48999.**

4. Do I have to put the Treasurer's name on the identifier?

No, the MCFA does not require that the treasurer's name be present in the identification statement.

5. My signs don't have the identifier on them; how do I fix this?

The signs must have the identifier to be in compliance with the MCFA. A common remedy is to create labels with the disclaimer and place them on the signs or manually add the information. If this is not possible, the committee should take other measures to bring the signs into compliance. The committee should correct the error as soon as possible once discovered. It is important that

Table of Contents

Appendices

A - Committee Treasurer, Designated Record Keeper and Depository
A1 - Campaign Finance Recordkeeping - Best Practices
A2 - Information for Michigan Financial Institutions
B - Registering a Committee With Statement of Organization Form
B1 - Filing Requirements
C - The Reporting Waiver
D - Electronic Filing of Campaign Statements (State Level Committee Only)
E - Late Filing Fees, Waivers and Reviews
F - Fundraisers
G - Immediate Disclosure Report
48 Hour/Late Contribution Reports
Special Election Independent Expenditure Report
24-Hour Reports
H - Committee Types
I - Use of Public Facilities, Funds Etc, Prohibited
J - Identification Requirements
K - Out-of-State Groups
K1 - Independent Expenditure Committees (IEC/Super PAC) Groups, Organizations, Corporations, Unions and Domestic Dependent Sovereigns (DDS/Ind Tribes)
K2 - Federal Candidate Committee
L - Independent Contractors (Mechanical Buyers and Other Vendors Purchasing Goods for the Committee)



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

September 20, 2022

Eric Vangessel
6089 Glengarry Dr SE
Caledonia, MI 49316

Re: *Hardy v. Vangessel*
Campaign Finance Complaint No. 2022 - 9 - 106 - 47

Dear Mr. Vangessel:

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 campaign yard signs. Pictures of the signs are 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.*

Eric Vangessel

Page 2

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 at the address below or BOERegulatory@michigan.gov 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: Mark Hardy