



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

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2022 OCT 24 PM 3:13

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 Joseph Kelly		Daytime Telephone Number 612-357-1374	
Mailing Address 16700 Walker Road			
City Grass Lake	State MI	Zip 49240	
Email (optional) jospkelly@hotmail.com			

Section 2. Alleged Violator			
Name James R. Stewart			
Mailing Address 18551 Sandborn Road			
City Manchester	State MI	Zip 48158	
Email (optional) IAMJAMESTTC@gmail.com			

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

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

Explain how those sections were violated:

The candidate failed to include the name and address of the person paying for the mailing, or the disclaimer "Not authorized by any candidate committee", as required under Section 47.

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

I have included a physical copy of the mailing that I received.

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

10/15/22
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



James Stewart
for Manchester School Board

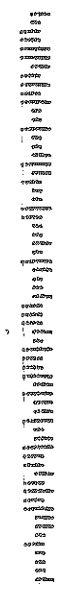
Hello,
I am James Stewart and I am running for School Board for Manchester. I work in construction and have two daughters in Manchester schools. My wife also works as a teacher in Manchester schools. I am asking for your vote if you live in my community.

I want to make changes in our schools where no policy goes against our unalienable rights. Rights we were born with and cannot be given nor taken away. I believe parents should have more of a voice in raising their children in a free society.

Thank you for your consideration
and God Bless America and our schools...

James Stewart

To the Resident(s) at:
16700 WALKER
GRASS LAKE MI, 49240

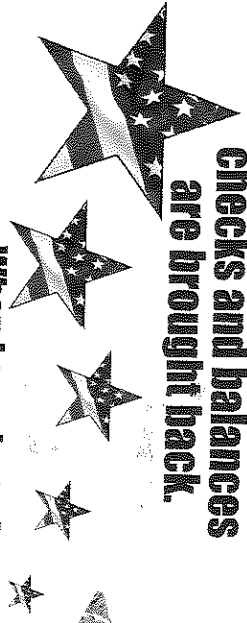


James Stewart

for Manchester School Board

When I am elected to school board,
I will do whatever I can
to make sure that the
checks and balances
are brought back.

When I am elected as your public servant,
I will uphold my oath to The Constitution of the United States of America





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

November 1, 2022

James Stewart
18551 Sandborn Rd.
Manchester, MI 48158

Re: *Kelly v. Stewart*
Campaign Finance Complaint No. 2022 - 10 - 168 - 47

Dear Mr. Stewart:

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 a campaign mailer. Pictures were 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.*

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

James Stewart

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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: Joseph Kelly