

Michigan Campaign Finance Complaint

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MICHIGAN DEPT OF STATE
2022 OCT 17 PM 1:40
F. J. ... TIONS/GREAT SEAL

Section 1. Complainant

Name: Matthew R. Schonert

Daytime Telephone Number: +1 (231) 250-9931

Mailing Address: 22050 Boulder Avenue, Eastpointe, Michigan 48021

Email: mrschonert@gmail.com

Section 2. Alleged Violator

Name: Marilyn Kelly

Mailing Address: 1214 WOODCREST CIRCLE, BLOOMFIELD HILLS, MICHIGAN 48304

Email: dm1285@wayne.edu

Section 3. Allegations

Sections of MCFA alleged to be violated:

MCL 169.247(1)

Explain how those sections were violated:

1. Marilyn Kelly is a candidate for Wayne State University Board of Governors in 2022.
2. Kelly's campaign website at <https://www.votemarilynkelly.com> contains express advocacy for a candidate (i.e., "Re-elect Marilyn Kelly").
3. The website does not have a valid identifier.
 - o The website includes a statement saying that it was paid for by "CTR MARILYN KELLY". However, the committee's address is missing.
4. The omission of the address from the identifier constitutes a violation of MCL 169.247(1).

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

URL: <https://www.votemarilynkelly.com> (retrieved on October 9, 2022)

RE-ELECT

MARILYN
KELLY

WAYNE STATE BOARD OF GOVERNORS

Issues Donate

PAID FOR BY CTR MARILYN KELLY

Section 4. Certification

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

10/09/2022
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:

NOT APPLICABLE

X

Signature of Complainant

Date

Section 6. Submission

This complaint is hereby submitted to:

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



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

October 21, 2022

Marilyn Kelly
1214 Woodcrest Circle
Bloomfield Hills, MI 48304

Re: *Schonert v. Kelly*
Campaign Finance Complaint No. 2022 - 10 - 157 - 47

Dear Ms. Kelly:

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 website. A photo is 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

Marilyn Kelly

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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: Matthew Schonert

From: Marilyn Kelly <marilynkelly1214@gmail.com>
Sent: Thursday, October 27, 2022 1:35 PM
To: MDOS-BOERegulatory
Subject: Re Campaign Finance Complaint No. 2022-10-157-47 Complaint by Matthew Schonert against Marilyn Kelly

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

To the Regulatory Section of the Bureau of Elections:

I received your notice of the above complaint today, October 27, 2022. I did not realize that my website did not contain the address of my reelection committee. I immediately directed the person responsible to add the address and was told it will be done immediately.

I trust this cures the defect. Please advise if you wish me to take further steps to comply with MCL 169.247.

Marilyn Kelly

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marilynkelly1214@gmail.com