



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 Seger Weisberg		Daytime Telephone Number (248) 535-3771
Mailing Address 23210 Majestic St.		
City Oak Park	State MI	Zip 48237
Email (optional) segerjayweisberg@gmail.com		

Section 2. Alleged Violator		
Name Coalition for Common Sense (ID No. 520139)		
Mailing Address P.O. Box 281		
City Novi	State MI	Zip 48376
Email (optional)		

Section 3. Allegations (Use additional sheets if more space is needed.)
Section(s) of the MCFA alleged to be violated: <u>47</u>
Explain how those sections were violated: <u>Coalition for Common Sense ("Coalition") is registered as an independent committee</u> <u>under the Michigan Campaign Finance Act with an identification number of 520139.</u> <u>An electronic billboard paid for by the Coalition does not include the full identification</u> <u>statement required by Section 47. The required phrase "with regulated funds" is not</u> <u>included and the Coalition's address is not included as required by Section 47.</u>
Evidence included with the submission of the complaint that supports the allegations: <u>Exhibit A includes photographs of the Coalition's electronic billboard located near the</u> <u>intersection of James Couzens Freeway & Puritan Avenue in Detroit, Michigan.</u>

RECEIVED/FILED
MICHIGAN DEPT. OF STATE
2022 OCT 20 PM 2:02
ELECTIONS/REGISTRATION

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

October 10, 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:

X

Signature of Complainant

Date

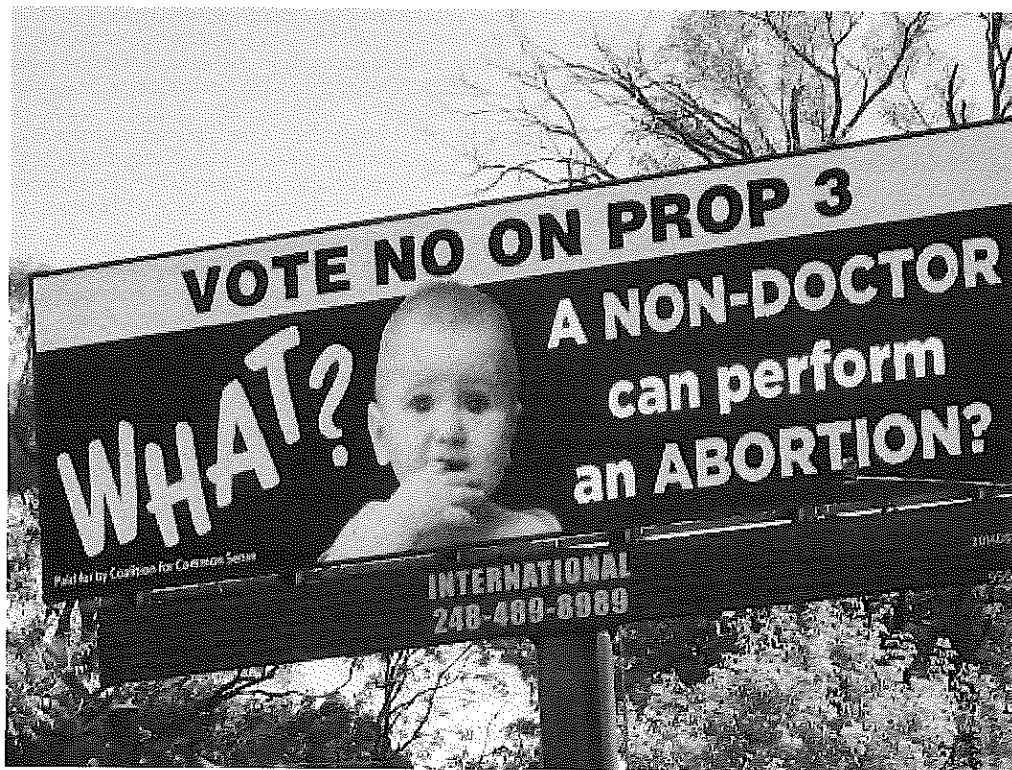
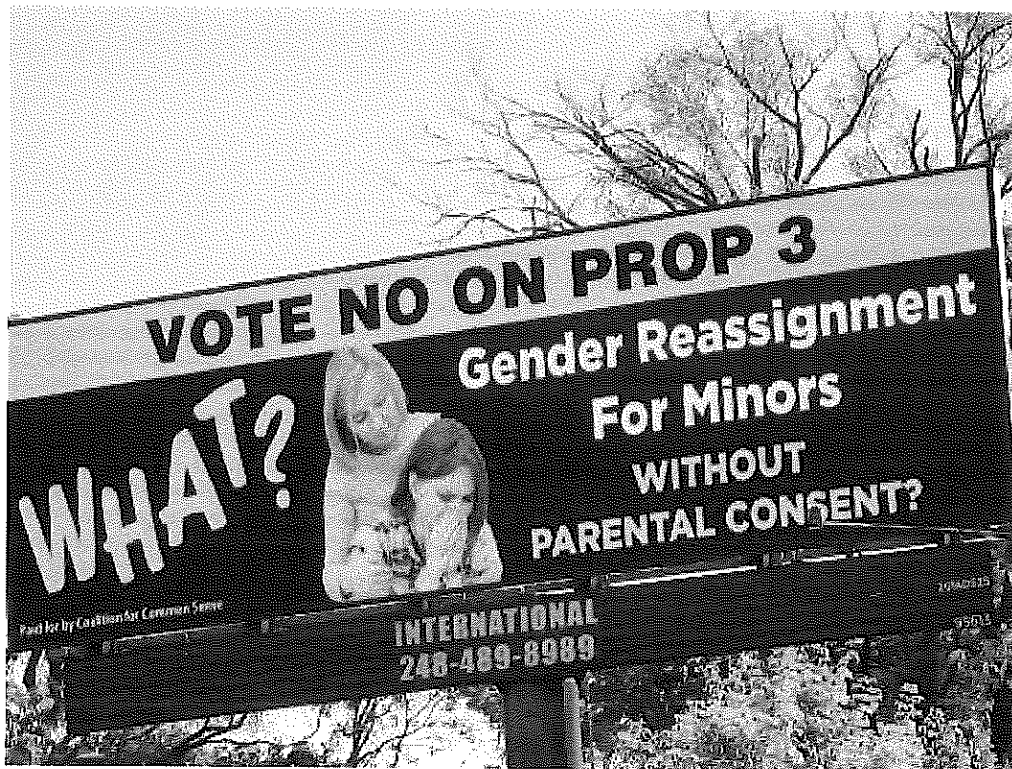
Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some, or all, of the expenses incurred by the Michigan Department of State and the 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

EXHIBIT A





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

October 24, 2022

Coalition for Common Sense
P.O. Box 281
Novi, MI 48376

Re: *Weisberg v. Coalition for Common Sense*
Campaign Finance Complaint No. 2022 - 10 - 165 - 47

Dear Coalition for Common Sense:

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 an electronic billboard. Photos 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.*

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. PACs, Ballot Questions and Political Parties identifier must say “Paid for with regulated funds” along with the committee’s name and address.

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: Seger Weisberg

From: David W Staudt <compliance@impactmediapro.com>
Sent: Saturday, October 29, 2022 9:00 AM
To: MDOS-BOERegulatory
Subject: Campaign Finance Complaint No. 2022 - 10 - 113 - 47
Attachments: Vote No on Prop 3 Creative as of 10.28.22.pdf

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

Hello,

My name is Dave Staudt and I am Treasurer of Coalition for Common Sense, a Michigan Independent PAC (Committee ID No. 520139).

I am in receipt of the above referenced Campaign Finance Complaint dated October 24, 2022.

On October 9, 2022, I was notified of the existence of billboards with messaging on them opposing Prop 3. The statement "***Paid for by Coalition for Common Sense***" was on the bottom of the message. I immediately called the billboard owners, International Outdoors, and asked for any billboards that included the Coalition for Common Sense be taken down immediately. The billboards are electronic displays and all were taken down by the end of day on October 10.

Subsequent investigation showed that an unauthorized individual had ordered the billboards, without the permission or compliance review of the Committee, and had the incomplete "Paid for" statement added. Even though opposing a statewide ballot initiative is a permissible use of PAC funds, I suggested to my clients a Statewide Ballot Question Committee would be more appropriate. On Oct 11, 2022, I filed a SOO for the **Coalition Opposing Prop 3 (Committee Id. No. 521061)**. The billboards have since been reactivated with the correct identification statement and correct committee (See attached sample).

As Treasurer of the Committee, I took immediate action to remedy the violation prior to any formal notification by the MDOS-BOER. I have made all parties aware that all future use of the Committee requires prior written approval by me. It is important to me that the Committee's I serve as Treasurer and Compliance Consultant follow both the spirit and the letter of MCFA.

Please let me know if you require additional information.

Dave Staudt
Accounting and Compliance Consultant
Impact Media Professionals, LLC.
43155 Main Street, Ste. 2210E
Novi, MI 48376
Cell: 248.561.5055

Fax: 248.341.0555

impactmedia®

Vote NO on Prop 3 Creative as of 10.28.22

Ex. 1

VOTE NO ON PROP 3

WHAT?

**Gender Reassignment
For Minors
WITHOUT
PARENTAL CONSENT?**

Paid for with regulated funds by the Coalition Opposing Prop 3,
PO Box 7036, Novi, MI 48376



Ex. 2

VOTE NO ON PROP 3

WHAT?

**Sterilization Surgery
For Minors
WITHOUT
PARENTAL CONSENT?**

Paid for with regulated funds by the Coalition Opposing Prop 3,
PO Box 7036, Novi, MI 48376



Ex. 3

COMMON SENSE, NOT NONSENSE

VOTE NO

**Proposal 1
Proposal 2
Proposal 3**

Paid for with regulated funds by the Coalition Opposing Prop 3, PO Box 7036, Novi, MI 48376



Changes



Approved

Name

Signature

Date