



Michigan Department of State Campaign Finance Complaint Form

This complaint form may be used to file a complaint alleging that someone violated the [Michigan Campaign Finance Act](#) (MCFA). Electronic submission of the form to BOERegulatory@Michigan.gov is strongly recommended. 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		Daytime telephone number
Mailing address		
City	State	Zip
Email (<i>recommended</i>)		

Section 2. Alleged Violator (Respondent)

Name		
Mailing address		
City	State	Zip
Email (<i>recommended</i>)		
Committee ID (<i>optional</i>)		

Please include email addresses to expedite processing time and mitigate mail delays.

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

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

Explain how these sections were violated:

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

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.

Anthony Borden

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:

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 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, submit the complaint form with your evidence to BOERegulatory@Michigan.gov. Alternatively, you may 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

From: [Tony Borden](#)
To: [MDOS-BOERegulatory](#); [MDOS-BOERegulatory](#)
Subject: Potential Campaign Finance Violation
Date: Wednesday, July 19, 2023 12:41:26 AM
Attachments: [Fenix Ammunition Complaint \(1\).pdf](#)

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

Good Evening,

Please see the attached screenshot and PDF detailing the potential campaign finance violation by a business in Novi.

It is not entirely clear if they are intending to distribute/sell bags with this message on it, or how many they produced. They do sell ammo on their website under the propaganda tag, currently with a photo of the Governor on it, but with more general political speech that wouldn't require any type of disclosure: <https://fenixammo.com/collections/competition-ammo>.

Another concerning point is that they encourage customers to purchase with bitcoin, which if they were indeed selling ammo bags supporting the recall, would be a campaign finance nightmare: <https://fenixammo.com/pages/faqs-frequently-asked-questions>.

Link to tweet: <https://twitter.com/FenixAmmunition/status/1681349565411213319?t=P-6cho3-QvhwkFomSNvwow&s=19&fbclid=IwAR3b5Qw8vNEnjMh-vgbQcboMRBWYrGn6d3Driuvesz0XhEUKkQrIGe93WfQ>



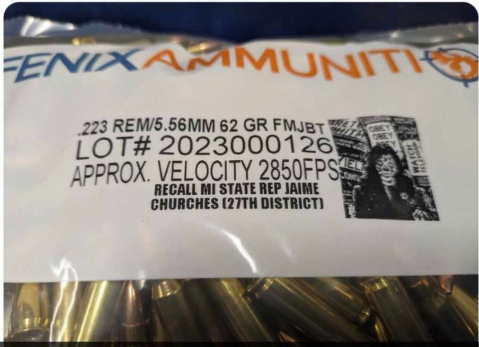
Fenix Ammunition
@FenixAmmunition

Today's propaganda:

Recall MI State Rep @Jaime_Churches.

Jamie's a "Downriver girl", if you know what I mean. She represents the 27th district and she never met a Constitutional infringement she didn't like.

Put her back at the Starbucks drive-thru, where she belongs.



82 75 245 33.8K

Tweet your reply



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

August 2, 2023

Fenix Ammunition
42920 W 10 Mile Rd #18
Novi, MI 48375

Re: *Borden v. Fenix Ammunition*
Campaign Finance Complaint No. 23-051

Dear Fenix Ammunition:

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 a complete and correct identification statement on certain campaign-related materials. Specifically, the complaint alleges that you failed to include an identification statement on at least one manufactured bag of .223 ammunition with "Recall MI State Rep Jaime Churches (District 27)" featured prominently, and that you posted a picture of the bag on your public Twitter account. The complaint alleges that the bag has no clear identification statement, while explicitly expressing advocacy regarding an election. The complaint further alleges that "funds spent or received by groups supporting or opposing the recall of an elected official are regulated under the MCFA." A picture of the bag at issue was included with the complaint; a copy of the complaint is enclosed.

The definition of "election" in the MCFA includes, in relevant part, "a recall vote." MCL 169.205(2). Section 47 of the MCFA and corresponding administrative rules require a person who produces printed material that relates to an election, a candidate, or a ballot question 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. 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 that relates to an election, a candidate, or a ballot question 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 to 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). If you have any questions concerning this matter, you may consult the Department’s campaign finance complaint [guidebook](#) or contact the Regulatory Section of the Bureau of Elections at BOERegulatory@Michigan.gov.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

c: Anthony Borden