



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.



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



James Ernest <james.ernest@gmail.com>

Re: campaign finance law violations

Greg Chandler <greg@j-adgraphics.com>
To: James Ernest <james.ernest@gmail.com>
Cc: Jayson Bussa <Jayson@j-adgraphics.com>

Mon, Apr 24, 2023 at 3:36 PM

Hi James,

We have looked into this matter. You are correct, neither of the ads mentioned who paid for the ad. (conversely, the pro-bond issue ads that have run clearly state who paid for them.) I was able to confirm that Mark Hardy was the individual who purchased the ads. I have spoken to our publisher about this and he confirmed that the ad needed to include the disclaimer. It was something should have been caught before publication but was not.

Greg

On Apr 24, 2023, at 3:05 PM, James Ernest <james.ernest@gmail.com> wrote:

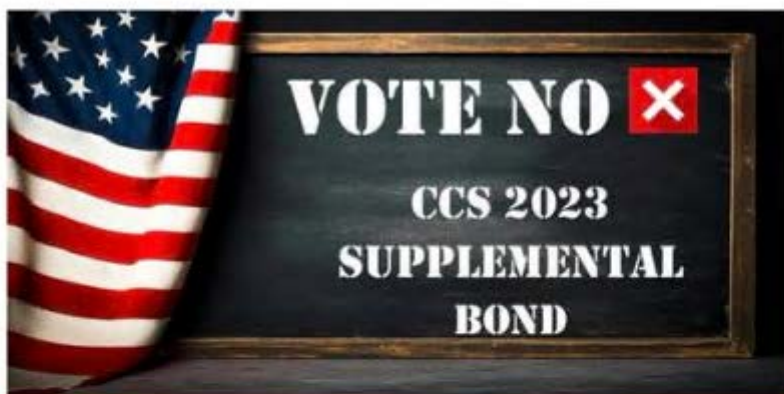
Hi, Jayson,

On April 15 (page 9) and April 22 (page 7) the Sun and News ran ads opposing the CCS 2023 supplemental bond issue. Neither ad carries a disclaimer. I will be filing a complaint later today with the Michigan Department of State. I believe that the violator is Mark Hardy, but I don't have proof. If the Sun and News will pass along to me the information today as to who placed the ad, I will name that person as the violator. If not, my form will name the Sun and News as the violator.

Hoping to hear from you quickly.

James

James Ernest
9084 Costner Dr SE, Caledonia, MI 49316
(616) 558-2659 (mobile)



**A SUPPLEMENTAL BOND IS SUPPOSED TO
“SUPPLEMENT” ...**

A \$9,000,000 SHORTFALL TO BUILD DUTTON

- *2023 Bond now includes \$40,000,000 to build Dutton School
- *Voters already approved \$21,000,000 to build Dutton in 2020
- *Community Center\Pool is being built, why not Dutton??
- *2023 Bond includes a \$21,000,000 **SPENDING SPREE!**

HOW IS THIS SUPPLEMENTAL???

- *Caledonia Schools are currently \$160,000,000 in debt
- *This Bond would put Caledonia \$230,000,000 in debt
- *Future generations would be taxed for the next 32 years

FOCUS ON DUTTON-DEMAND A CLEAN BOND!



VOTE NO CCS 2023 BOND

KNOW WHAT YOU ARE VOTING FOR:

What the 2023 Bond says:

Current Bond rate: 7 Mils

The 2023 Bond will be 0% tax increase, maintaining the current 7 Mils

The 2023 Bond includes \$40 million to build Dutton Elementary

The 2023 Bond is requesting \$61 million from taxpayers

The 2023 Bond includes \$6.6 million+ in items with short 10-15 year lifespans, such as paving, artificial turf, tech. and buses, on 30 year loan repayment plan.

What the 2023 Bond doesn't say:

...because CCS is currently \$148 million in debt from previous Bonds.

And the most recent 2020 Bond won't be paid off until 2050

...because the 2023 Bond won't be paid until 2055!

And this guarantees a continuous 7 Mill tax rate for 32 more years, which hurts our communities' ability to afford future school upgrades

...because the \$21 million previously approved by taxpayers to build Dutton IN FULL has gone toward cost overruns of other projects, such as a non-school use recreational center, and to finish maintenance projects, rather than the promised school

...because even though this was supposed to be a "Supplemental" Bond, due to inflationary increases CCS has decided to add on many "new" and unnecessary projects. The original supplemental estimate was for \$13-20 million. The 2023 Bond asks for 3 X that amount

...because a 0% tax increase will get votes, while forcing future residents and our grandchildren to foot the bill for items they will never use.

WE CAN BUILD DUTTON ELEM. AND CREATE A SOUND FINANCIAL



Mark Hardy

5d · 🌐

...

Text your address or call for a CCS "supplemental bond" sign 616-719-7445





Mark Hardy

4d · 🌐

...

TY for ALL the requests for signs!
Get yours today/tomorrow
The ground offensive is engaged
STAND UP CAL CITIZENS





Mark Hardy ► Caledonia Freedom

2d · 🌐

...

VOTE NO signs going up in the Village

Text your address to 616-719-7445



1

3 comments



Holly Phillips
Can you post a picture of the flyer?

Like Reply 1w



Mark Hardy **Author**
Holly Phillips



Like Reply 1w

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WE CAN BUILD DUTTON ELEM. AND CREATE A SOUND FINANCIAL FUTURE FOR CALEDONIA FAMILIES!!

Gaines Charter Township adopts new master plan, receives kudos from regional housing group

The Sun and News, Saturday, April 15, 2023/ Page 9

James Gemmell
Contributing Writer

The Gaines Township Board voted 7-0 Monday night to adopt a new master plan, the township's first since an amended plan was adopted in 2008.

The master plan guides residential, commercial and industrial development in a community by plotting where the growth and investment should go over the next 10 to 15 years. It includes an updated Future Land Use Plan that establishes the intended locations of those developments, as well as recreational areas, public facilities, open space and environmental conservation.

The township held a pair of open houses last spring to gather input from residents. It also mailed flyers to homes and businesses, and conducted a public survey.

The township master plan was crafted largely by Community Development Director Dan Wells over the last year, after he took into account all of the public feedback during the year-long process.

"I'm really super excited about it," Wells said. "We're trying to improve the amount of housing that we have here, and we're trying to do it correctly so that we can build better for the residents across the township."

Assistant Township Planner Natalie Davenport also played a key role in helping to develop the master plan, along with the rest of the planning staff, township officials and stakeholders in the residential and business communities.

Brooke Osterman, director of policy and communications with Housing Next, complimented the township

planning staff for its work on the master plan. Housing Next is a regional partnership serving Kent and Ottawa counties that strives to provide housing solutions and improve the housing stock.

"We are very excited about the master plan and all of the community engagement work that has been done by this board and the community at large," Osterman said. "It really was an incredible feat to have all those opportunities for folks to engage, to provide their insight on what the next couple decades of development look like here."

Last year, Kent County received \$127 million through the American Rescue Plan Act. It is devoting a fair portion of that money toward housing projects. Osterman said the county invested \$500,000 in a grant program for municipalities that include different kinds of housing typologies in their planning.

She said the Gaines Township master plan aligns with that program's vision nicely.

"We will be facilitating that program and making recommendations for funding opportunities," Osterman said, adding that Gaines might be eligible for one of the grants. It would cover up to 75 percent of a municipality's planning costs, or a maximum of \$50,000.

"This would be a grant opportunity that would help cover the cost of our ordinance update, which we're going to be engaging in in the next year," Wells said. "And I've had some conversations with Housing Next about how Gaines might utilize that grant. It sounds like it's a very good opportunity for us to apply for it. It would cover the majority of the costs of our zoning ordinance update."

If the township were to receive the \$50,000 grant, Wells said it might shift some of its funds to a public art or placemaking project.

"One of the ideas that immediately came to mind was some kind of art for the (roundabout) that's going to be built right out in front of the township (hall) to help kind of beautify that," Wells said.

The Kent County Road Commission is planning to start construction this summer of a single-lane roundabout at the 84th Street/Kalamazoo Avenue intersection, which currently is a four-way stop. The two-month project would cost more than \$1.3 million.

During the meeting's public comment period, resident Kim Malski said township planners have done "fantastic work" on the new master plan. However, she noted that the township's rural lifestyle was cited in the document as



The Gaines Township Board unanimously voted to adopt a new master plan at Monday night's meeting at the township hall. (Photo by James Gemmell)

one of the top five reasons to live in Gaines, along with its proximity to nature.

"But the need and the wants for multi-family homes was very minimal. Yet, when I see the master plan it has got a lot of multi-family homes planned for it," Malski said. "And I would just say, from the few board meetings I've been here talking to neighbors, that's not where we prioritize nature and rural preservation."

The township board voted 7-0 on a motion to proceed with the process for potentially receiving the grant funding.

As for the master plan, Wells said it was a long process from creation to adoption.

"But with all the input we got, and then the consideration of the planning commission and the (township) board, I think it's come out to be a really good final master plan," he said.

The board voted unanimously Monday to contract with Grand Rapids-based consulting firm Horizon Community Planning to help update the township's zoning ordinance. That is the legal document that governs development and goes hand-in-hand with the master plan.

Horizon writes local development regulations and guidelines to achieve the vision of master plans.

"We'll probably get started on it next week," Wells said.

The zoning ordinance update will take about a year to complete. Wells said it is "less glamorous" than the master plan but is "where the rubber hits the road when it comes to development. What do things look like on the ground?"

The planning commission will provide its input in shaping the zoning ordinance changes.

"There's going to be subcommittee meetings formed and opportunities for public input," Wells said.



KDL Caledonia librarian appointed to state panel

Greg Chandler
Staff Writer

A local librarian has been appointed by Gov. Gretchen Whitmer to serve on a state library board.

Audrey Barker, a librarian at the Kent District Library branch in Caledonia, is one of three new appointees to the Library of Michigan Board of Trustees. Barker, who lives in Alto, was appointed to represent public libraries. Her term begins this week and will run through Oct. 1, 2025.

"My hope is to help see the state through the push-back on books libraries are seeing, and to remind people why libraries are so vital to a community," Barker wrote in an email to the Sun and

News.

"As a boots-on-the-ground librarian, I am hearing and seeing directly what people want in their library, the gratitude for what a great library system we have, and the very real concerns they have. Not that others on the board don't have this perspective too, but I am proud to bring mine along too."

"I'm just really happy to have the chance to represent our patrons, library and communities at this level and look forward to approaching this position with an open mind and open heart. Truly, I'm so honored to get to be a part of the next steps for Michigan libraries," she added.

Barker has worked at the

Caledonia KDL branch for the last four-and-a-half years.

The Library of Michigan board makes recommendations to the Michigan Department of Education regarding the library's services, budget and proposed governing rules. The board also makes recommendations regarding the employment of other administrative and general assistants and employees of the library as are necessary for the care and management of the library, including the Law Library Branch of the library, according to a release from the governor's office.

Barker holds a bachelor of science degree in economics from Grand Valley State University.

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Cal schools project nearly \$2.2M deficit in preliminary budget

Greg Chandler
Staff Writer

Caledonia Community Schools are projecting a nearly \$2.2 million deficit in a preliminary budget for the 2023-24 fiscal year.

CCS Finance Director Sara DeVries Monday gave school board members a first glance at the district's financial outlook for the fiscal year that begins July 1. DeVries' projection calls for the district to take in revenues of \$66,683,262 while spending \$68,870,059, resulting in a shortfall of \$2,186,797.

"If we do nothing next year, we'd be pulling \$2.1 million (out of fund balance), the following year we'd be pulling \$4.7 (million) and the following year another \$4.7 (million). You can quickly see we are going in the opposite direction (from where we want to go)," DeVries said.

The district is expected to

end the current fiscal year June 30 with a shortfall of \$630,888, which would reduce its general fund reserves to \$8,441,836, representing about 12.5 percent of the district's expenditures, DeVries said.

DeVries' revenue projection is based on enrollment remaining flat and the district receiving an additional \$458 per pupil in the new state education budget. It projects step increases for teachers and support staff, 4 percent increases in health insurance costs and an 18 percent in transportation fuel and repair costs, DeVries said.

The 2023-24 fiscal year will be the last year that Caledonia and other area school districts will receive federal funding through the Elementary and Secondary School Emergency Relief (ESSER) Fund, which was created in 2020 to help schools meet financial chal-

lenges stemming from the COVID-19 pandemic. The new budget is projected to have more than \$1.82 million in ESSER funding, down from \$4.35 million in the current fiscal year, DeVries said.

The district added 21 teaching positions that were funded by ESSER last summer when the current budget was adopted. That's in addition to the equivalent of another 6.7 positions that were added using general fund revenues. Of the ESSER-funded positions, 11 were interventionists, another 5.5 were for counseling jobs, two were for itinerant teaching jobs and one was for an English-learner teacher, DeVries said.

"We've talked about with these ESSER positions, transitioning some into (permanent positions) through attrition, for those that are resigning or retiring," DeVries said.

Board Trustee Tim Morris

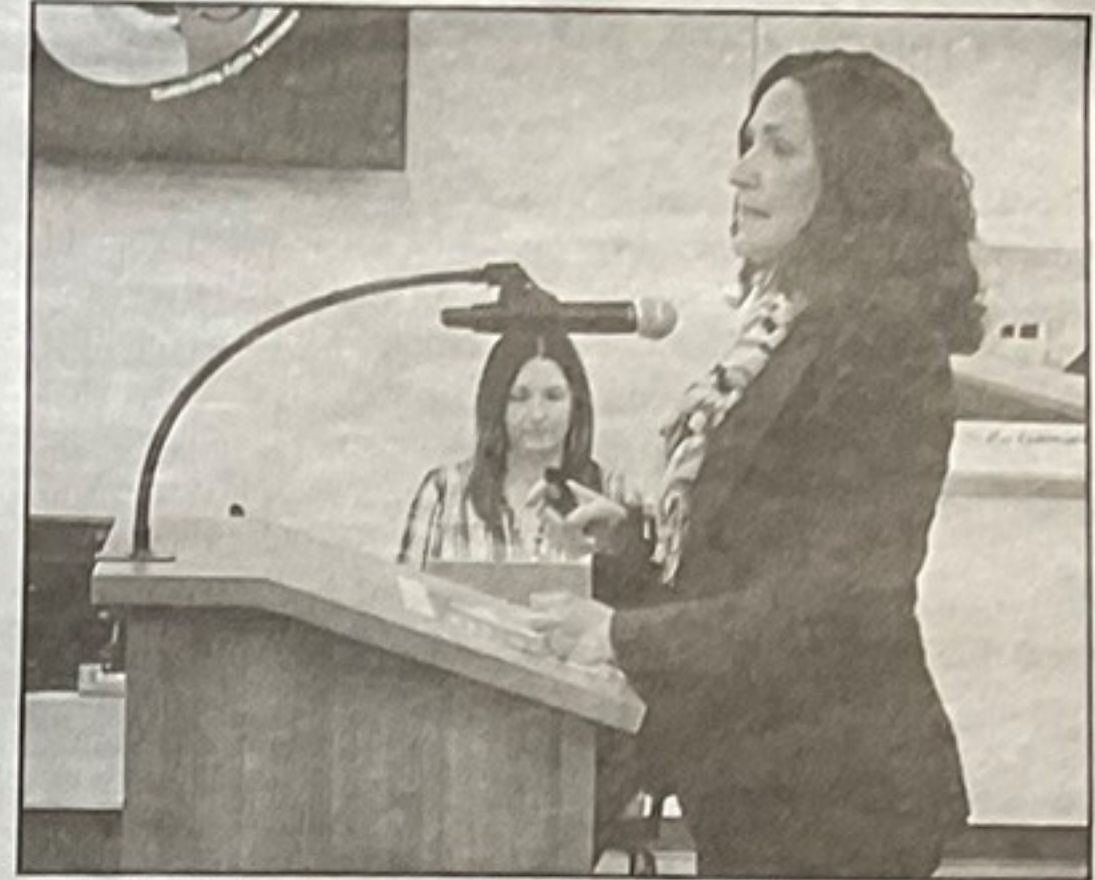
raised concerns over the projections.

"In the 10 years I've been on the board, I've never seen projections where our fund balance disappears, potentially," Morris said. "Should we be looking at how we're going to make cuts?"

"Absolutely," DeVries responded. "We have years ago, back in the 2010 time (period) when we received the (American Recovery and Reinvestment Act) federal stimulus funds during that time of recession ... If it gets to the point of needing to go through budget reductions, we'll go through a process, absolutely."

"I just don't want to wait until the crisis is already on us before we have ideas as to how we would make up that difference," Morris said.

"We don't plan to wait, either," DeVries said. "This is just our preliminary look,



Caledonia Community Schools Finance Director Sara DeVries gives a preliminary look at the district's 2023-24 budget Monday night. (Photo by Greg Chandler)

and that's exactly why we do this process ... We knew that this was coming, we knew these ESSER positions would be temporary. We would like to keep as many (positions) as we can, but it's

all based on what increase we get from the state, what additional grants may come and roll over."

The board is expected to approve the 2023-24 budget in June.

Committee recommends changes to Thornapple Kellogg reproductive health curriculum for Page students

Greg Chandler
Staff Writer

Thornapple Kellogg Schools are considering a change to the district's reproductive health curriculum affecting students at Page Elementary School.

The district's Reproductive Health Committee is recommending the school board adopt a new fifth-grade course that's been developed by Willing To Wait, an abstinence-based sex education program based in Grand Rapids. Willing To Wait is already being used in reproductive health classes at both the middle school and high school.

Committee co-chair Kim Chausow, the curriculum director at TK, presented the proposal at the first of two public hearings at Monday's Board of Education meeting.

"We are requesting that we (institute) it in the fall of fifth grade (next school year), so that it hits students when their bodies are changing biologically and have that foundation

related to self-esteem and their body changes," Chausow said.

The Reproductive Health Committee had been looking for new resources for teaching students at Page about changes to their bodies and other issues with regard to sexuality and relationships. The district had used a Michigan Health Model course for fourth- and fifth-graders at Page, but the information "honestly ... was about 20 years old," Chausow said.

The Willing To Wait curriculum, titled "Healthy Me, Healthy Relationships," includes sections on self-esteem, HIV and AIDS, puberty and internet safety, Chausow said.

"It really focuses on your self-esteem and what influences you during that time of body changes, and getting to know who you are," Chausow said.

On the section on puberty, boys and girls are separated, so that boys learn about changes to their own bodies, and girls likewise learn about how their

bodies change, Chausow said.

Willing To Wait trains its own instructors to teach the courses. Under the previous program, Page staff had to teach the course. The committee voted unanimously to recommend the school board adopt the new course.

The committee includes representation from staff, students, parents, doctors, clergy and the school board. Chausow co-chaired the committee with board member Krissy Hooson.

Parents have the ability to opt out of any reproductive health class, Chausow said.

A study by Calvin University's Center For Social Research, conducted over a five-year period and involving more than 21,000 students who have been through the Willing To Wait curriculum, found the program changed students' knowledge, attitudes and behavior related to sex.

"Students had more accurate knowledge of the effectiveness of birth control and consequences of premarital sex, reported less favorable attitudes toward premarital sex, and were more likely to report that they intended to wait until marriage to have sex

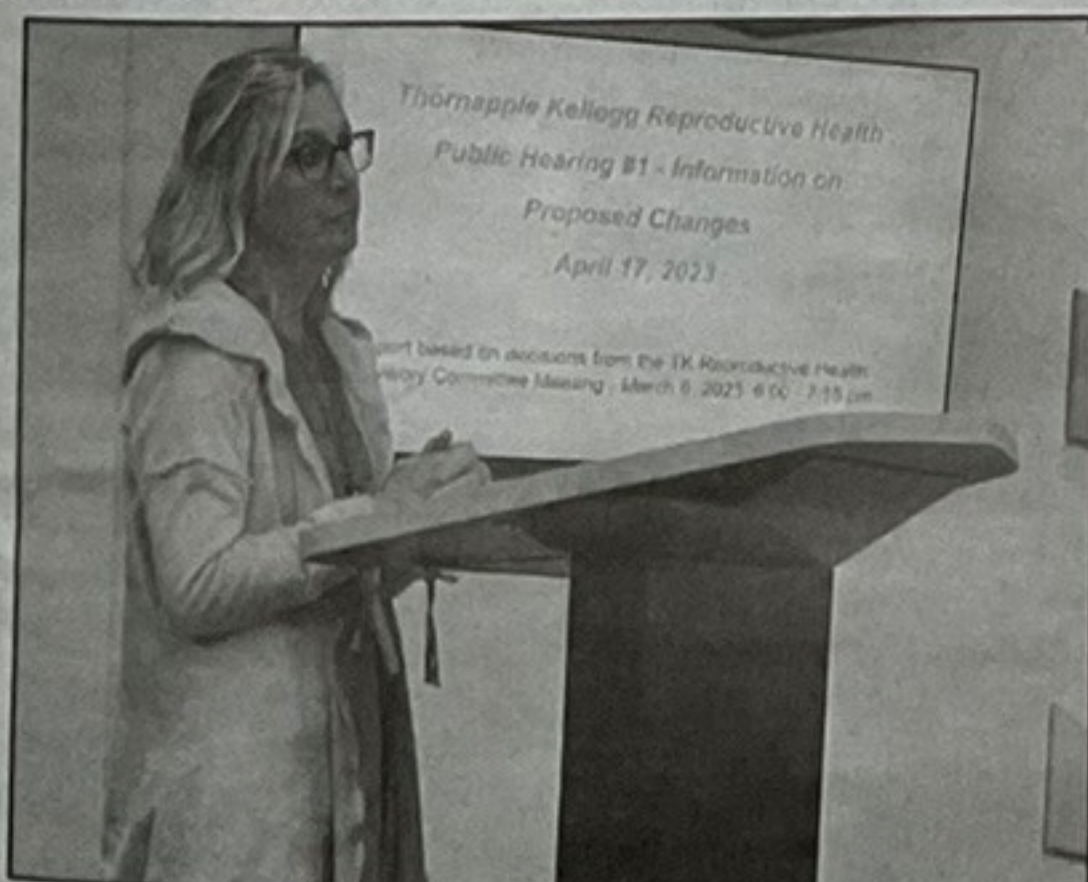
after their participation than they did before their participation," Calvin researcher Laura Luchies wrote in August 2020.

No changes are being proposed to the reproductive health

curriculum at the middle school and high school. Changes are being recommended to how students with disabilities are taught, with classes to be taught at the fifth, seventh, ninth and 11th

grade levels.

A second public hearing and final approval of the reproductive health curriculum is expected at the next TK board meeting May 8.



Thornapple Kellogg Schools Curriculum Director Kim Chausow, who co-chairs the district's reproductive health committee, addresses the school board Monday on proposed changes to reproductive health instruction. A final hearing is scheduled for May 8. (Photo by Greg Chandler)



The cover of proposed Willing to Wait curriculum for Page 5th graders.

VOTE NO X

CCS 2023 SUPPLEMENTAL BOND

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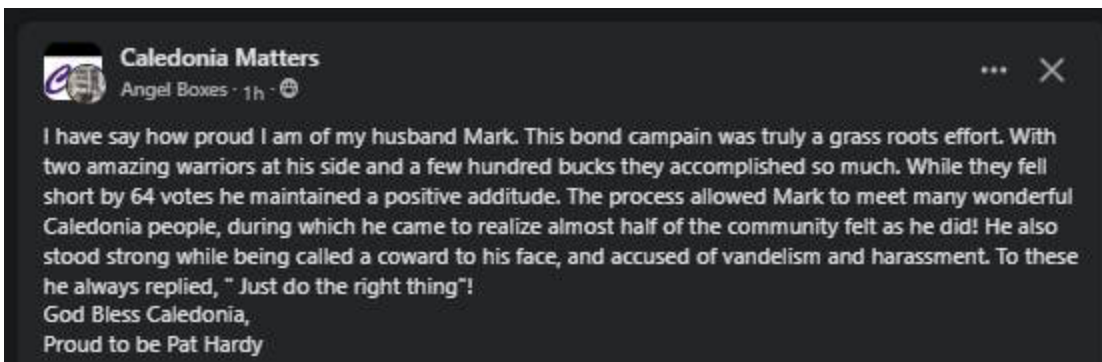
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FOCUS ON DUTTON-DEMAND A CLEAN BOND!

From: [James Ernest](#)
To: [MDOS-BOERegulatory](#)
Subject: Re: Campaign finance violation by Mark Hardy
Date: Sunday, May 7, 2023 7:03:01 PM

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

Please find attached an addition item in support of my campaign finance complaint against Mark Hardy. This was posted on Caledonia Matters, a closed Facebook group, on Friday. Her post describes the VOTE NO campaign as a collaboration of Mark Hardy with others.



The screengrab jpeg is available to you as
https://www.dropbox.com/s/ajwh9yjch9d5w9v/Hardy_WifeDescribesHisCampaign.jpg?dl=0.

On Tue, Apr 25, 2023 at 3:32 PM James Ernest <james.ernest@gmail.com> wrote:

Dear BoE:

Can you confirm receipt?

Thanks

James Ernest

On Mon, Apr 24, 2023 at 5:05 PM James Ernest <james.ernest@gmail.com> wrote:

Please find attached: ComplaintAgainstMarkHardy__sig.pdf

Evidence: various PNB, JPEG, and PDF attachments.

This material is also all in this Dropbox folder:

<https://tinyurl.com/23y9ftb9>

= <https://www.dropbox.com/sh/jgusgw20upzs06v/AAAusOZ08qExEG43UaTgzfSla?dl=0>

James D. Ernest
9084 Costner Dr SE
Caledonia, MI 49316
(616) 558-2659 / james.ernest@gmail.com



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

May 11, 2023

Mark Hardy
5695 Johnson St SE
Caledonia, MI 49316

Re: *Ernest v. Hardy*
Campaign Finance Complaint No. 23-031

Dear Mr. Hardy:

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 printed ads, lawn signs and flyers. Pictures 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

Mark Hardy

Page 2

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 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: James Ernest

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2023 JUN -1 PM 2:30
ELECTIONS/GREAT SEAL

May 30, 2023

Campaign Finance Complaint #23-031
Ernest vs Hardy

I'm responding to a complaint filed against me regarding violation of MCL 169.247, R 169.36 stating printed materials not containing "paid for by" statement listing my name & address of the committee purchased. I don't feel I fall under this situation for the following reasons.

I am not a Committee or Campaign or PAC or BQC but a private citizen, a taxpayer & a school district resident.

I raised no money for any materials objecting to a school bond proposal on the ballot May 2, 2023. ALL costs were paid out of my own pocket, fully self-funded.

All signs I handmade that said "VOTE NO" were placed ONLY by request & permission by local residents.

No signs were randomly placed anywhere. They were purposely placed by like-minded citizens.

All advertisements placed in the SUN & NEWS j-adgraphics.com were self-funded by me as a concerned citizen.

The signs & newspaper ads that opposed this past school bond proposal were in my right as a citizen and the right for others to display on their private property and for me to print in the local newspaper freely.

Freedom of speech is a principle that supports the freedom of an individual or a community to articulate their opinions & ideas without the fear of retaliation, censorship or legal sanction. Therefore, I don't believe I am involved in any violation of Michigan Campaign Finance rules.

Respectfully,



Mark Hardy
5695 Johnson St SE
Caledonia MI 49316



STATE OF MICHIGAN
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DEPARTMENT OF STATE
LANSING

June 15, 2023

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Campaign Finance Complaint No. 23-031

Dear Mr. Ernest:

The Department of State received a response from Mark Hardy to the complaint you filed against them alleging a violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

You may file a rebuttal statement after reviewing the enclosed response. If you elect to file a rebuttal statement, you are required to do so within 10 business days of the date of this letter. The rebuttal statement may be emailed to BOERegulatory@Michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

c: Mark Hardy
Enclosure

From: [James Ernest](#)
To: [MDOS-BOERegulatory](#)
Subject: Re: Campaign Finance Complaint #23-031
Date: Sunday, June 25, 2023 5:23:34 PM

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

I wish to revise the letter that I emailed to you at 3:38 PM today. Please discard that letter and accept the following as my response to Mark Hardy's rebuttal.

Department of State
Bureau of Elections
Richard H. Austin Building, 1st floor
430 West Allegan Street
Lansing MI 48918

emailed to: BOERegulatory@Michigan.gov

RE: Ernest v. Hardy, Campaign Finance Complaint 23-031

I am in receipt of your letter of June 15, and with it Mark Hardy's May 30 response to my complaint.

Mark Hardy does not mention fliers, but he acknowledges that he created and distributed campaign lawn signs and placed newspaper ads, and that that he did not use a "paid for by" disclosure statement. He asserts that he paid for everything out of his own pocket. I have no evidence as to that. His wife's statement on social media (Hardy_WifeDescribesHisCampaign.jpg in the original submission) makes me wonder about that assertion but does not contradict it. (She wrote: "The bond campaign was truly a grass roots effort. With two amazing warriors at his side and a few hundred bucks they accomplished so much.")

So it appears that that Mark Hardy does not deny the *facts* of the matter.

With regard to the *law*: It appears to me that Mark Hardy has offered no legal argument against the finding in your May 11 letter to him that his actions were in violation of various Michigan laws. He simply denies that as a self-funded citizen he was required to use a disclosure statement, contradicting your finding without evidence or argument. He simply states his opinion that the principle of freedom of speech invalidates campaign finance laws or at least makes them inapplicable to himself.

I therefore request that you reject Mark Hardy's rebuttal, uphold your May 11 finding,

and reiterate to him the warning and the advice in that May 11 letter. I believe it would also be suitable and useful for you to require Mark Hardy to publish in the Sun and News a disclosure of his responsibility for the anonymous advertisements published in the April 15 and April 22 editions of the Sun and News, together with an acknowledgment that those ads were in violation of Michigan campaign finance law.

You may see the rest of this letter as an addendum explaining my sense of the importance of a decisive finding in this matter.

Since Mark Hardy invokes the principle of freedom of speech in support of his right to distribute signs and place ads without regard to campaign finance laws, I want to make you aware of two items that were not included in my complaint.

1. On Saturday, April 22, 2023, at a community event in Caledonia, Mark Hardy confronted a leader of the pro-bond campaign, in front of her children, threatening to sue her for handing out pro-bond fliers. I did not witness this event. I heard about it from someone who was told by the mother whom Mark Hardy confronted and threatened. I have full confidence in the report.
2. Around one hundred pro-bond signs were stolen from locations around Caledonia, defaced with "VOTE NO" in lettering closely resembling the stenciled letters in the "VOTE NO" slogan on Mark Hardy's signs, and replaced on May 1. A complaint was filed with the Kent County Sheriff's Office. I do not know whether KCSO attempted to investigate. An obvious first step would have been to interview Mark Hardy, who was the only obvious public leader of the vote-no movement. He could be asked to identify the "amazing warriors" who according to his wife were by his side, and they could all be asked what they know about the defacing of pro-bond signs. I have retained two of the defaced signs and would gladly make them available to investigators. Not having stolen any of Mark Hardy's signs, I have not been able to compare the lettering closely. I do have photographs of a couple of Mark Hardy's signs; they were in the packet that I originally presented.

As should be clear from my wording in these two items, I am unable to make a formal complaint to you regarding either of these incidents.

But these events do affect my understanding of the commitment of Mark Hardy and his fellow vote-no warriors to freedom of speech. And they affect my sense that it is important to have a clear ruling and appropriate remediation in this case.

Thank you for your attention. I look forward to your finding in this matter. The future of political campaigns in the Caledonia Community Schools district depends on the willingness of citizens to adhere to, and of officials to enforce, laws meant to safeguard the integrity of our election processes.

James Ernest

From: [James Ernest](#)
To: [MDOS-BOERegulatory](#)
Subject: Re: Campaign Finance Complaint #23-031
Date: Monday, June 26, 2023 1:50:49 PM
Attachments: [VanGessel_p2.PNG](#)
[VanGessel-p1.PNG](#)

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

Supplementary to my response to Mark Hardy's rebuttal, I attach for your consideration photographs of notice sent to Eric VanGessel, candidate for trustee in the Caledonia Community Schools election of November 2022, that Mark Hardy had complained that Eric had omitted the required paid-for-by notice from his campaign yard signs.

The photographs are attached as:

- VanGessel-p1.PNG
- VanGessel-p2.PNG

This September 2022 document establishes that Mark Hardy's own violation of the same regulation in 2023 was a "knowing violation." The letter to Eric VanGessel (which erroneously includes the name of another candidate, "Dear Ms. Timmer") includes this statement: "A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000, imprisonment for up to 93 days, or both. MCL 169.247(6)." I do not advocate imprisonment for Mark Hardy. I suggest that a fine of a token amount would be appropriate.

(On learning of his inadvertent violation in September 2022, Eric VanGessel promptly order stickers with the required statement and affixed them to all his signs. It is worth noting that at that early stage in his campaign, Eric VanGessel's campaign was entirely self-funded. I remember being told early on that community members had warned Mark Hardy that his materials needed to include a paid-for-by disclosure. I could seek documentation if it would be helpful.)

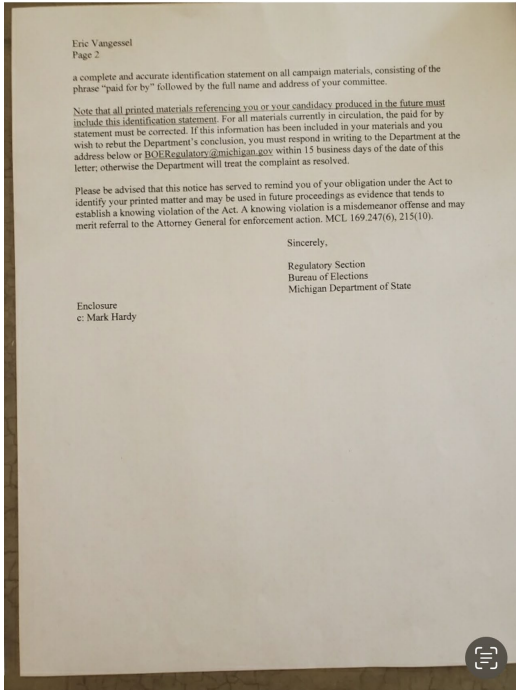
James Ernest

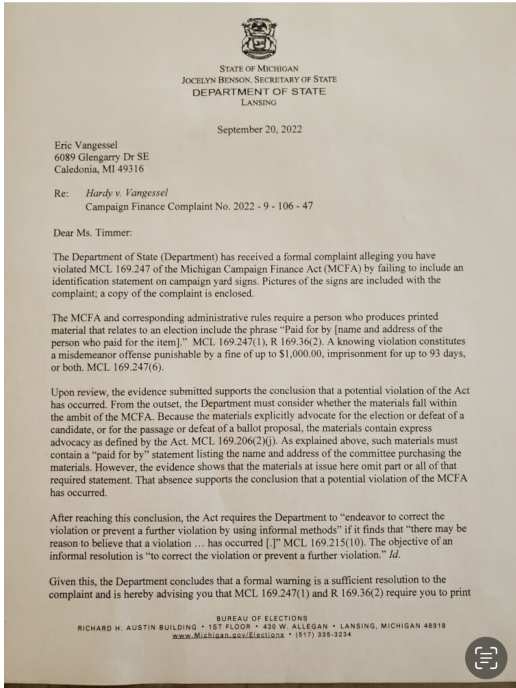
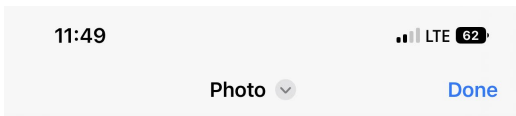
11:49

LTE 62

Photo

Done





On Sun, Jun 25, 2023 at 5:23 PM James Ernest <james.ernest@gmail.com> wrote:

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James Ernest



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

July 27, 2023

Mark Hardy
5695 Johnson St SE
Caledonia, MI 49316

Re: *Ernest v. Hardy*
Campaign Finance Complaint No. 23-031

Dear Mr. Hardy:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by James Ernest alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that you failed to include an identification statement on printed ads, lawn signs and flyers, in apparent violation of section 47 of the Act.

You responded to the complaint by letter received June 1, 2023. In your response, you claimed that you did not fall under the Act's requirements because you are not a committee, but rather a private citizen. You stated that you did not raise any money for any materials objecting to a school bond proposal on the ballot May 2, 2023, and that all costs were paid by you personally. Further, you stated that signs were placed only in locations for which you received permission.

Mr. Ernest provided rebuttal statements in emails received June 25 and 26, 2023. With those statements, he included a prior campaign finance complaint submitted by you against Eric VanGessel, in which Mr. VanGessel was issued a warning for the same violation Mr. Ernest lodged against you. Mr. Ernest stated that your involvement in the earlier complaint established that your alleged violation was a knowing violation.

He also made additional allegations that he had not included in the initial complaint but admitted that his lack of personal knowledge regarding the allegations meant that he was "unable to make a formal complaint to you regarding either of these incidents." As such, the Department makes no determination regarding those allegations.

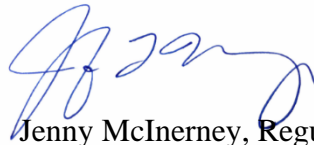
The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

By statutory definition, a committee is formed when “a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against [candidate, ballot question, etc.] if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). For purposes of determining whether a committee exists, the word “person” includes “a group of persons acting jointly.” MCL 169.211(2). The definition of “committee” explicitly states that “[a]n individual, other than a candidate, does not constitute a committee.” MCL 169.203(4)

The Department has reviewed the evidence submitted in this matter and finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA. As you have indicated that you acted alone and Mr. Ernest has offered no evidence to the contrary, and because section 47’s disclosure requirements apply to committees and an individual other than a candidate (which you are not) does not constitute a committee, the Department concludes that there is insufficient evidence to find a potential violation of the Act.

Because the violation of the MCFA alleged in the complaint has not been substantiated by sufficient evidence, the Department dismisses the complaint and will take no further enforcement action. If you have any questions concerning this matter, you may contact me at BOERegulatory@Michigan.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jenny McInerney', is written over the typed name.

Jenny McInerney, Regulatory Attorney
Regulatory Section
Bureau of Elections
Michigan Department of State

c: James Ernest