



Michigan Department of State Campaign Finance Complaint Form

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MICHIGAN DEPT OF STATE
2023 AUG -8 PM 2:43
ELECTIONS/GREAT SEAL

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 DAVID SWEET		Daytime telephone number 734-4785183	
Mailing address 60 W LEWIS PO BOX 23			
City MILAN	State MI	Zip 48160	
Email (recommended) N/A			

Section 2. Alleged Violator (Respondent)			
Name MARY KER KES			
Mailing address 108 HURD			
City MILAN	State MI	Zip 48160	
Email (recommended) N/A			
Committee ID (optional)			

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

Section 3. Allegations <small>(use additional sheets if more space is needed)</small>
Section(s) of the MCFA alleged to be violated: SEE PAGE 2 ATTACHMENT

PAGE 2

8-8-23

MARY KERKES PASSED OUT CAMPAIGN LITATURE ON SATURDAY, 8-5-23. SHE IS RUNNING FOR CITY COUNCIL IN MILAN, MI.

HER LITATURE STATED:

PAID FOR BY THE COMMITTEE TO ELECT MARY KERKES.

IT SHOULD HAVE STATED:

PAID FOR BY THE COMMITTEE TO RE-ELECT MARY KERKES.

THIS LITATURE DID NOT INCLUDE HER PHYSICAL ADDRESS AT 108 HURD ST. MILAN, MI.

Explain how these sections were violated:

IT IS A STATE LAW THAT THE CAMPAGAIN LITATURE MUST CONTAIN:

① PAID FOR BY THE COMMITTEE TO RE-ELECT MARY KERKES.

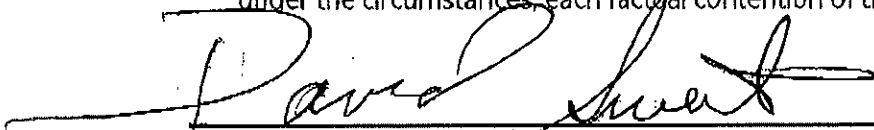
② THEIR CURRENT ADDRESS OF THE PERSON RUNNING FOR AN ELECTED OFFICE IN THE STATE OF MICHIGAN.

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

I AM SENDING YOU A COPY OF THE CAMPAIGN LITATURE THAT MARY KERKES HANDED OUT ON 8-5-23

Section 4. Certification *(required)*

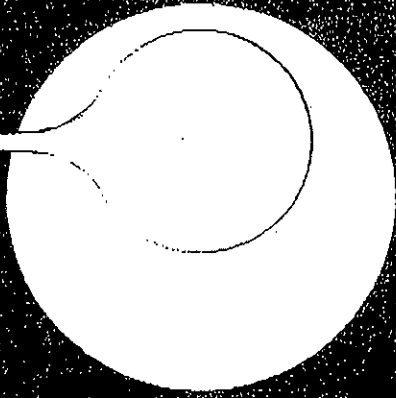
I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.



Signature of complainant

8-8-2023

Date



Re-Elect



MARY
KERKES

★ CITY COUNCIL ★



LEADERSHIP



EXPERIENCE



SERVICE



PROGRESS

PAID FOR BY THE COMMITTEE TO ELECT MARY KERKES



XXXXXXXXXXXXXXXXXXXX

Proven Track Record

ADVOCATES FOR A SAFER MILAN

by voting for strategic investments in our Fire and Police departments.

INITIATED AND FACILITATED THE

the Wabash Boardwalk/ Road project.

HELPED IDENTIFY AND CUT \$335,000

in recurring annual waste in Milan City Government. Used that money toward infrastructure improvements.

INSTRUMENTAL IN SENIOR CENTER

improvements. Accomplished mold remediation, and new windows for a safer Center for seniors. Currently working toward updating the center.

COMMUNICATION COMMITTEE FORMED

to address the vital need for better communication and outreach with our citizens.

A VIABLE 10 YEAR INFRASTRUCTURE PLAN

to address city roads, sidewalks and parks.

ACTIVELY RECRUITS BUSINESS AND INDUSTRY

to broaden our tax base and enhance our city.



- Wife, Mother and Grandma to 5
- Volunteer Photographer for city events
- Former Fair Board Volunteer
- Former City Council liason to the Senior Board
- Current Mayor Pro-Tem
- Serving on the City Planning Commission





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

August 14, 2023

Mary Kerkes
108 Hurd
Milan, MI 48160

Re: *Sweet v. Kerkes*
Campaign Finance Complaint No. 23-063

Dear Ms. Kerkes:

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 campaign literature. A copy of the literature was included with the complaint; a copy of the complaint is enclosed. The complaint also, states the literature should state paid for by the committee to “re-elect Mary Kerkes”, instead of “elect Mary Kerkes. This is not a violation and the identification statement does not need to state “re-elect”.

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.*

Mary Kerkes

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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 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: David Sweet