

Campaign Finance Complaint Form
Michigan Department of State

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This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence.

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant

Your Name <i>Thomas Morgan</i>		Daytime Telephone Number <i>517-927-4487</i>
Mailing Address <i>1432 Wickham Drive</i>		
City <i>Lansing</i>	State <i>MI</i>	Zip <i>48906</i>

Section 2. Alleged Violator

Name <i>Robert Peña</i>		
Mailing Address <i>2100 Vine St.</i>		
City <i>Lansing</i>	State <i>MI</i>	Zip <i>48912</i>

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

MCL 169.247(1)

Explain how those sections were violated:

- ⊕ Yard signs encouraging voters to support Peña did not include the address of the entity that paid for them
- ⊕ Campaign literature supporting Peña did not include the address.
- ⊕ Another piece of Peña literature carried no disclaimer.

Evidence that supports those allegations (attach copies of pertinent documents and other information):

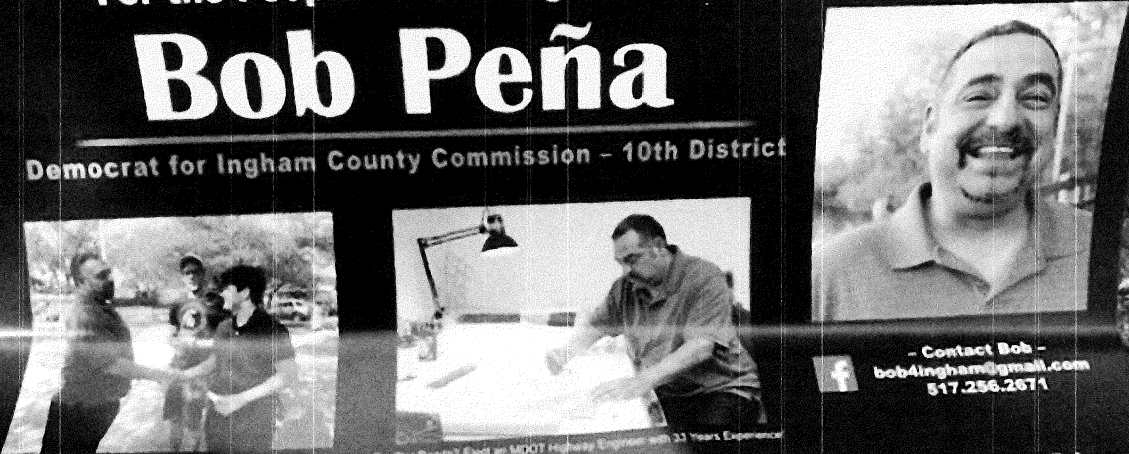
See attached.

Side A of lit piece 1

For the People • Listening to You!

Bob Peña

Democrat for Ingham County Commission - 10th District



Market Work 2018 at Hunter Park Greenhouse

For Our Roads? Elect an MDOT Highway Engineer with 33 Years Experience

- Contact Bob -
bob4ingham@gmail.com
517.256.2671

Vote for Bob Peña, Democrat • Ingham County Commission, District 10 • August 7th, 2018 Primary

Side B of 1st piece 1

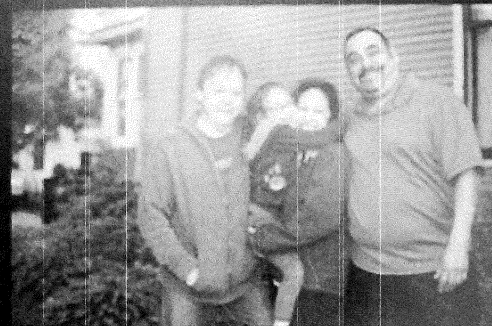
Dear Neighbor,

I am pleased to announce that I am a candidate, in earnest, for the Ingham County Board of Commission, District 10. I have been a resident of the East-side and the 10th District for over 30 years. As you know, I am committed to our community, our neighborhood, seniors and children, often working shoulder to shoulder with many of you for a livable community. Volunteering and working with you, I have heard you loud and clear: roads, county services, sensible projects and responsible spending, are your priorities. As a highway engineer for the Michigan Department of Transportation for 33 years, I know road construction! I am also confident that my experience, both on the job and as a community advocate, make me uniquely qualified for this position.


I am not running as a stepping stone to higher office or to deliver votes for special interests. I am running because, like you, I love this community and I want to make sure that our district gets its fair share of county resources and services. My pledge to you is to **Listen** to your concerns and **Be Your Voice** on the Ingham County Commission. I would appreciate your support and vote in the August 7th primary.

Thank you! Bob

Paid for Committee to Elect Bob Pena - Bethany Enright, Treasurer



Side A of lit piece 2

 For the People • Listening to You
Bob Peña
Democrat for Ingham County Commission - 10th District

Please Vote!
August 7th and November 6th
- Call 10 Friends -
Remind Them to Vote

Bob's Four-Point Mission Statement

- ✓ My commitment to you as your next county commissioner is that I will carefully scrutinize the county budget to make sure our tax dollars are being spent wisely.
- ✓ I will ensure that the residents of the 10th district get their "fair share" of county services and resources.
- ✓ I will inform you and represent *your interests* in every critical decision that affects the residents of the 10th district.
- ✓ I will deliver 100% constituent service. If you need assistance or have a question or concern, I will respond to you and find the help you need.

Thank you for your vote in the August 7th Democratic Primary!

For the People • Listening to You!

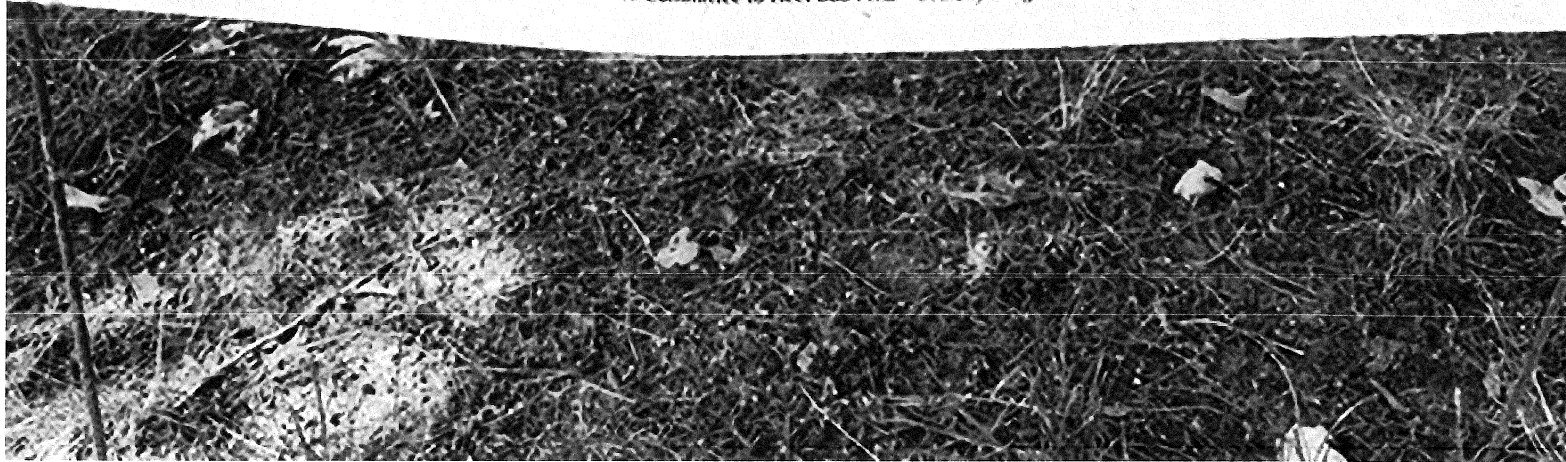
Side B of lit piece 2



Pen

**Democrat For Ingham County Comm
10th District**

Paid for Committee to Elect Bob Peña - Bethany Enright, Treasurer SP225C





STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

September 21, 2018

Robert Peña
2100 Vine Street
Lansing, Michigan 48912

Re: *Morgan v. Peña*
Campaign Finance Complaint
No. 2018-09-074-47

Dear Mr. Peña:

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.

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).

The Act also 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.*

There are three pieces of campaign materials that have been provided which appear to violate MCL 169.247. The first is a flyer that urged voters to vote for you in the primary, which stated at the bottom "Vote for Bob Peña, Democrat Ingham County Commission, District 10 August 7th, 2018 Primary." On the reverse, it had a paid for by statement which did not contain the committee's address. The second piece of literature state at the top "Please Vote!" and discussed "Bob's Four-Point Mission Statement." This failed to contain a paid for by statement altogether. Finally, yard signs supporting your candidacy contained a paid for by statement on the bottom of the sign but failed to contain an address. In support of the complaint, copies of the materials were provided, and have been enclosed with this communication.

Robert Peña
September 21, 2018
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Upon review, it appears that the paid for by statement is either incomplete or omitted entirely from these campaign materials in violation of MCL 169.247. Given this, the Department 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 refer to an election or your candidacy produced in the future must include this identification statement.

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).

The Department considers the instant action closed and resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Thomas Morgan