



Michigan Department of State
Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
 430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

2019 NOV 15 PM 2:06

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 Regina Sjoberg		Daytime Telephone Number (616) 842-4495	
Mailing Address 17542-B Parkwood Dr.			
City Spring Lake	State MI	Zip 49456	
Email (optional) lorneaux@hotmail.com			

Section 2. Alleged Violator			
Name Timothy S O'Donnell			
Mailing Address 540 Ferry St.			
City Spring Lake	State MI	Zip 49456	
Email (optional) karen.odonnell@att.net			

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

Section(s) of the MCFA alleged to be violated: 169.247

Explain how those sections were violated:

- ① The "paid for" information on the mailed campaign postcard includes a different "full name of committee" than that registered with the county: "the committee to Re-elect Timothy O'Donnell 2019," as opposed to "Tim O'Donnell for City Council."
- ② The "paid for" info on the card lacks an address: as required by law.

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

- ① Statement of organization for local candidate committees with a County Clerk (for City of Ferrysburg.)
- ② campaign postcard received at my address on election day - 11-5-2019

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

Regina Spolberg
Signature of Complainant

11-8-2019
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

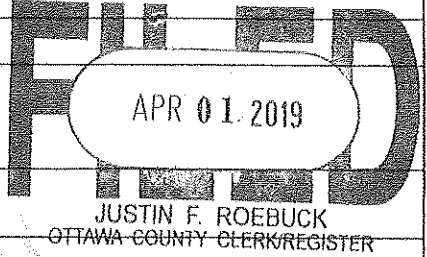
#8521



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE COMMITTEES FILED WITH A COUNTY CLERK

Information on this form is made public.

1. Committee ID #: 96519	*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items	Eff. Date: 21 JAN 2019
*3. Full Name of Committee (must include Candidate's first and last name): TIM O'DONNELL FOR CITY COUNCIL		
*4a. Candidate Full Name: Last Name O'DONNELL	First Name TIMOTHY	M.I. S
*4b. Political Party (if applicable):	*4c. County of Residence: OTTAWA	
*4d. Office Sought: COUNCIL MEMBER	*4e. District or Jurisdiction: 1	
*5. Date Committee was Formed: 21 JAN 2019		
*6a. Committee Phone: 666-801-3499	6b. Committee Fax #:	
*6c. Committee Email Address: karen.odonnell@att.net	6d. Committee Website Address:	
*7a. Complete Committee Mailing Address (May be PO Box): 540 FERRY ST., SPRING LAKE MI 49456		
*7b. Complete Committee Street Address (If different, but may not be PO Box):		
*8. Treasurer Name and Complete Residential Address: TIMOTHY O'DONNELL 540 FERRY ST., SPRING LAKE MI 49456		
Phone #: 666-801-3499	Email Address: karen.odonnell@att.net	
9. Designated Record Keeper Name and Complete Address (optional):		
Phone #:	Email Address:	
*10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000.00 in an election, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000.00 in an election. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.		
*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received. *Official Depository (name and address): Secondary Depository (name and address):		
12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)		
*Candidate: Timothy O'Donnell	Date: 21 JAN 19	*Current Treasurer: Timothy O'Donnell
*Designated Record Keeper (If Applicable)		Date:

VOTE NOVEMBER 5th TO RE-ELECT TIMOTHY O'DONNELL CITY COUNCIL

PROVEN LEADERSHIP – PROVEN REPRESENTATION--PROVEN COMPASSION

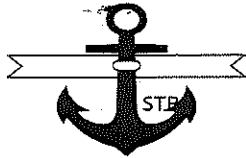
The reason Tim ran for office originally was to make change in the Ferrysburg City Council.

Timothy O'Donnell has shown integrity by his actions to bring the Smiths Bridge and other issues forward by doing hours of
Research, begging officials in Lansing by phone, letters and meetings.

The foundation of the bridge is not the only thing we need to be concerned about but, the foundation of Ferrysburg as a whole.

Because a foundation built on colateral thinking alone will crumble like the foundation of Smiths Bridge if not repaired.

Ferrysburg



Strong

Learn more on the Timothy O'Donnell Facebook page

Paid for by the committee to Re-elect Timothy O'Donnell 2019

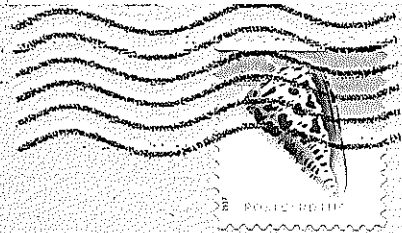
O'DONNELL, TIMOTHY

540 FERRY ST.

SPRING LAKE, MI 49456

GRAND RAPIDS MI 494

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Ferrysburg Friends
17542 Parkwood Unit B
Spring Lake, MI 49456





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

November 21, 2019

Timothy O'Donnell
540 Ferry Street
Spring Lake, MI 49456

Re: *Sjoberg v. O'Donnell*
Campaign Finance Complaint
No. 2019-10-59-47

Dear Mr. O'Donnell:

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. A copy of the complaint is enclosed.

The complaint was submitted to the Department on November 15, 2019 by Regina Sjoberg and alleges that you have distributed a post card that did not include a proper paid for by statement. Enclosed with the complaint is the post card.

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 it is an expenditure covered by the MCFA. The post card specifically states "Re-Elect Timothy O'Donnell" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you using words of express advocacy and was published by your committee, the post cards are covered by the ambit of the Act and must include the paid for by statement outlined under section 47 and the Department's administrative rules. MCL 169.206(2)(j); R. 169.36. While the paid for by statement is there, it incorrectly states the committee name and has entirely omitted the address of the committee paying for the materials. Since this phrase is absent, the evidence supports the conclusion that a potential violation has occurred.

Timothy O'Donnell
November 20, 2019
Page 2

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 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,



Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: Regina Sjoberg