

***Complaint Against:***

*Michigan Senate Democratic Fund  
Committee ID #503510  
215 S. Washington Square, Suite E  
Lansing, Michigan 48933  
Telephone number: (517) 882-2420*

*Molly Fearon, Treasurer  
P.O. Box 11111  
Lansing, Michigan 48901  
Telephone number: (517) 882-2420*

***Complainant:***

*Eric Ventimiglia  
123 W. Allegan, Suite 770  
Lansing, MI 48933  
Telephone No. [REDACTED]*

***Dated: February 2, 2023***

***Filed Pursuant to MCL 169.215  
and the Administrative Rules of the  
Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building, 1st Floor  
430 W. Allegan  
Lansing, Michigan 48918***

## COMPLAINT

Complainant, Eric Ventimiglia, whose address is 123 W. Allegan, Suite 770, Lansing, Michigan 48933, Telephone: [REDACTED], declares to the Michigan Secretary of State the following:

### STATEMENT OF FACTS

1. Respondent Michigan Senate Democratic Fund is a “Senate Political Party Caucus Committee” established by a political party caucus of the State Senate under Section 24a of the Michigan Campaign Finance Act (MCFA) as defined in Section 12(2) of the MCFA.

2. Respondent Molly Fearon is the Treasurer of Respondent Michigan Senate Democratic Fund. See Michigan Department of State webpage [MICHIGAN SENATE DEMOCRATIC FUND | Michigan Campaign Finance Committee Search \(nictusa.com\)](http://michigan.gov/michigan-senate-democratic-fund).

3. According to Section 33(4)(f) of the MCFA, Respondent Michigan Senate Democratic Fund (a “Senate Political Party Caucus Committee”) must file a so-called “24 Hour Contribution Report” according to the following schedule:

“(f) For the period beginning on the fourteenth day immediately preceding a general or special election and ending on the day immediately following the general or special election, not later than 4 p.m. each business day with a closing date of the immediately preceding day, only for a contribution received or expenditure made that exceeds \$1,000.00 per day.”

4. As explained in Appendix G—Immediate Disclosure Reports (available on the Michigan Department of State website at [Michigan Elections - Disclosure Division - - Appendices \(mertsplus.com\)](http://michigan.gov/elections-disclosure-division)):

#### **“24 HOUR REPORTS**

A Caucus committee and certain political party committees are required to file daily reports (24-Hour Reports) from the 14th day preceding a primary, general or special election to the day after the primary, general or special election, if the committee receives a contribution or makes an expenditure of **more** than \$1,000.00 per day. The report is similar to a “Late Contribution Report” except that it will include only those receipts or expenditures that exceed \$1,000.00.

A 24-Hour Report is due no later than 4:00 p.m. on the first business day following the date the contribution in excess of \$1,000.00 is received or the expenditure in excess of \$1,000.00 is made. The 24-Hour Report closes on the day the contribution is received or the expenditure is made.

All Caucus Committees must file all 24 Hour Reports electronically using e-IDR; an Internet based application specifically designed for filing these reports. Electronic filers registered on the state level must file all 24 Hour Reports

electronically using e-IDR. Paper filers registered on the state level are encouraged to use the e-IDR program as an option.”

5. According to the Michigan Department of State, with respect to the November 8, 2022 General Election, the 24 Hour Contribution Report filing period commenced on October 25, 2022 and ended on November 9, 2022. See [CFR Quick Dates.pdf \(michigan.gov\)](#)

6. Notwithstanding the unequivocal requirement to file 24 Hour Contribution Reports, the Respondents have failed to file two 24 Hour Contribution Reports with respect to the November 8, 2022 General Election. 24 Hour Contribution Reports were required to be filed with respect to the following contributions:

<b>10/28/2022</b>	<b>Mercantile Bank</b>	<b>\$1,000,000.00</b>
<b>10/31/2022</b>	<b>MOSS PAC</b>	<b>\$30,000.00</b>

The Respondents’ 2023 January Quarterly Statement listing these contributions is available on the Michigan Department of State website at [Contributions | Michigan Campaign Finance Committee Search \(nictusa.com\)](#).

7. According to Section 33(7) of the MCFA, by having failed to file multiple 24 Hour Contribution Reports with respect to the November 8, 2022 General Election, Respondents are subject to the following late filing fees:

“(7) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who fails to file a statement as required by this section shall pay a late filing fee. If the committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee is \$25.00 for each business day the statement remains unfiled, but not to exceed \$500.00. If the committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee must not exceed \$1,000.00, determined as follows:

- (a) Twenty-five dollars for each business day the report remains unfiled.
- (b) An additional \$25.00 for each business day after the first 3 business days the report remains unfiled.
- (c) An additional \$50.00 for each business day after the first 10 business days the report remains unfiled.

8. According to Section 33(8) of the MCFA, because the Respondents failed to file multiple 24 Hour Contribution Reports for more than 30 days, Respondents are subject to the following penalties:

“(8) If a candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 35 and both of the statements remain unfiled for more than 30 days, that candidate, treasurer, or other

designated individual is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both.”

9. According to Section 33(11) of the MCFA, by having failed to file multiple 24 Hour Contribution Reports with respect to the November 8, 2022 General Election, Respondents are subject to the following penalties:

“(11) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly omits or underreports individual contributions or individual expenditures required to be disclosed by this act, that individual is subject to a civil fine of not more than \$1,000.00 or the amount of the contributions and expenditures omitted or underreported, whichever is greater.” (emphasis added)

Consequently, because the Respondents failed to file multiple 24 Hour Contribution Reports with respect to the November 8, 2022 General Election, and the total amount of these 2 contributions which went unreported is \$1,030,000.00, the penalty here is significant.

#### **REQUEST FOR ACTION BY THE SECRETARY OF STATE**

Accordingly, the Complainant respectfully requests that the Secretary of State immediately investigate these violations and determine as a matter of law that the Respondents have violated Section 33 of the Michigan Campaign Finance Act by failing to file 24 Hour Contribution Reports and to assess all appropriate penalties. Further, the Complainant respectfully requests the Secretary of State refer this matter to the Michigan Attorney General for the enforcement of appropriate criminal penalties.

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.

Respectfully submitted,

Dated: February 2, 2023

*Eric Ventimiglia*  
Eric Ventimiglia