



Campaign Finance Complaint #23-031

From: James Ernest
To: BOERegulatory@michigan.gov

Sun, Jun 25, 2023 at 5:23 PM

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 original 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.

James Ernest