

**STATE OF MICHIGAN**  
**CIRCUIT COURT FOR THE COUNTY OF ALLEGAN**

**BLANCHE HUDSON AND PAT FOSTER**

File No. 13-52422-NZ

**Plaintiffs,**

Honorable Kevin Cronin  
Circuit Court Judge

**V**

**JOHN C. KLUESSENDORF AND JOHN T.  
BENSON**

**Defendants**

Pro Per  
6079 Mallard Street  
Fennville, MI 49408  
(269) 561-5268

**Tyren R. Cudney (P46638)**  
Attorney for Defendants  
900 Comerica Building  
Kalamazoo, MI 49007  
(269) 381-8844

**REQUEST FOR JUDGE CRONIN TO PRODUCE CAMPAIGN FINANCE REPORTS**

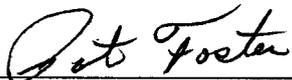
Plaintiffs requests under MCR 2.310(D) to see all the campaign finance reports showing contributions and expenditures for the period covered from September 1, 2013 to the current day. We request to see these reports based upon a conflict of interest in the Michigan statutes. MCL 169.235 (2) exempts *"a judge or a supreme court justice"* from filing their campaign finance reports. This section gives judges and justices a tax free account in which they can possibly take *"contributions"* from parties to actions before the judge influencing the judges decisions. Under the Freedom of Information Act, MCL 15.243(1)(r) specifically exempts *"Records of a campaign finance committee including a committee that receives money from a state campaign fund."* This statute specifically blocks the only reports not public, those of elected judges creating a strong probability that a judge's decision could be influenced by these contributions. The statutes cited

block the public's right to know of any conflicts, so MCR 2.310(D) applies because it is the only avenue available to the citizens that can assure us of a non biased decision.

The items that plaintiffs wish to inspect are:

1. Contributions as defined by MCL 169.204.
  2. Name only for contributions between \$20 to \$100
  3. Name and address of contributors giving over \$100
  4. MCL 169.242 shall apply to any contributions over \$500 *"A person who accepts a contribution, other than by written instrument, on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted shall disclose to the recipient of the contribution the intermediary's own name and address and the name and address of the actual source of the contribution."* We request that the respondent give names and addresses of all contributors who used an intermediary for the contribution.
5. Campaign expenditures over \$1,000
6. Bank statements from all your campaign accounts. (United Bank in Hopkins, Michigan)

You have 14 days from the date you receive this request to Produce or a Motion to Compel will be filed with the Michigan Court of Appeals. Thank you!

  
\_\_\_\_\_  
Pat Foster, Plaintiff

3-11-16  
Date

  
\_\_\_\_\_  
Blanche Hudson, Plaintiff

3.11.16  
Date

**MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)**  
**Act 388 of 1976**

**169.235 Additional campaign statement; filing; deadline; period covered; waiver; exception; late filing fees; receipts or expenditures subjecting committee to campaign filing requirements; failure to file as misdemeanor; penalty; filing incomplete or inaccurate statement or report; civil fine.**

Sec. 35. (1) In addition to any other requirements of this act for filing a campaign statement, a committee required to file with the secretary of state shall also file a campaign statement not later than January 31 of each year. The campaign statement shall have a closing date of December 31 of the previous year. The period covered by the campaign statement filed under this subsection begins the day after the closing date of the previous campaign statement. A campaign statement filed under this subsection is waived if a postelection campaign statement has been filed that has a filing deadline within 30 days of the closing date of the campaign statement required by this subsection.

(2) Subsection (1) does not apply to a candidate committee for an officeholder who is a judge or a supreme court justice, or who holds an elective office for which the salary is less than \$100.00 a month and who does not receive any contribution or make any expenditure during the time that would be otherwise covered in the statement.

(3) A committee, candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a candidate committee of a candidate for state elective office or a judicial office who fails to file a campaign statement under this section shall be assessed a late filing fee. If the committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee shall be \$25.00 for each business day the campaign 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 shall be \$50.00 for each business day the campaign statement remains unfiled, but not to exceed \$1,000.00. The late filing fee assessed under this subsection shall be paid by the candidate, and the candidate shall not use committee funds to pay that fee. A committee, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a committee other than a candidate committee of a candidate for state elective office or a judicial office who fails to file a campaign statement under this section shall pay a late filing fee of \$25.00 for each business day the campaign statement remains not filed in violation of this section. The late filing fee shall not exceed \$500.00.

(4) A committee filing a written statement under section 24(5) or (6) need not file a statement in accordance with subsection (1). If a committee receives or expends more than \$1,000.00 during a time period prescribed by section 24(5) or (6), the committee is then subject to the campaign filing requirements under this act and shall file a campaign statement for the period beginning the day after the closing date of the last postelection campaign statement or an annual campaign statement that is waived under subsection (1), whichever occurred earlier.

(5) If a candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 33 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.

(6) If a candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a committee required to file a campaign statement under subsection (1) knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than \$1,000.00.

**History:** 1976, Act 388, Eff. June 30, 1978;—Am. 1980, Act 215, Imd. Eff. July 18, 1980;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1999, Act 238, Imd. Eff. Dec. 28, 1999;—Am. 2000, Act 75, Eff. Mar. 28, 2001;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

**MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)**  
**Act 388 of 1976**

**169.204 "Contribution" defined.**

Sec. 4. (1) "Contribution" means a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.

(2) Contribution includes the full purchase price of tickets or payment of an attendance fee for events such as dinners, luncheons, rallies, testimonials, and other fund-raising events; an individual's own money or property other than the individual's homestead used on behalf of that individual's candidacy; the granting of discounts or rebates not available to the general public; or the granting of discounts or rebates by broadcast media and newspapers not extended on an equal basis to all candidates for the same office; and the endorsing or guaranteeing of a loan for the amount the endorser or guarantor is liable. Except for the purposes of section 57, contribution does not include a contribution to a federal candidate or a federal committee.

(3) Contribution does not include any of the following:

(a) Volunteer personal services provided without compensation, or payments of costs incurred of less than \$500.00 in a calendar year by an individual for personal travel expenses if the costs are voluntarily incurred without any understanding or agreement that the costs shall be, directly or indirectly, repaid.

(b) Food and beverages, not to exceed \$1,000.00 in value during a calendar year, that are donated by an individual and for which reimbursement is not given.

(c) An offer or tender of a contribution if expressly and unconditionally rejected, returned, or refunded in whole or in part within 30 business days after receipt.

(d) A contribution or expenditure for the establishment or administration of, or solicitation, collection, or transfer of contributions to, a separate segregated fund if that contribution or expenditure was made by the person that established the separate segregated fund as authorized under section 55, or was made by a person that is a member of a nonprofit corporation that established the separate segregated fund as authorized under section 55.

**History:** 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

**Compiler's note:** Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

**MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)**  
**Act 388 of 1976**

**169.242 Acceptance of contribution by intermediary or agent; disclosure; requirements as to certain contributions; requirements as to contribution from person other than committee; out-of-state contributions made on automatic basis; violations; penalties.**

Sec. 42. (1) A person who accepts a contribution, other than by written instrument, on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted shall disclose to the recipient of the contribution the intermediary's own name and address and the name and address of the actual source of the contribution.

(2) A contribution from a person whose treasurer does not reside in, whose principal office is not located in, or whose funds are not kept in this state, shall not be accepted by a person for purposes of supporting or opposing candidates for elective office or the qualification, passage, or defeat of a ballot question unless accompanied by a statement certified as true and correct by an officer of the contributing person setting forth the full name and address along with the amount contributed, of each person who contributed to the total amount of the contribution. The occupation, employer, and principal place of business shall be listed for each person who contributed more than \$100.00 to the total amount of the contribution. The certified statement shall also state that the contribution was not made from an account containing funds prohibited by section 54. This subsection does not apply if the contributing person is registered as a committee under section 24.

(3) A person shall not receive a contribution from a person other than a committee unless, for purposes of the recipient person's record keeping and reporting requirements, the contribution is accompanied by the name and address of each person who contributed to the total amount of the contribution and the name, address, occupation, employer, and principal place of business of each person who contributed more than \$100.00 to the total amount of the contribution.

(4) A contribution from a person whose treasurer does not reside in, whose principal office is not located in, or whose money is not kept in this state shall not be accepted by a person for purposes of supporting or opposing candidates for elective office if the contributing person has received contributions on an automatic basis, including, but not limited to, a payroll deduction plan, unless the contribution is accompanied by a statement, certified as true and correct by an officer of the contributing person, setting forth that all contributions received on an automatic basis are in full compliance with section 55.

(5) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is other than an individual, by a fine of not more than \$10,000.00.

**History:** 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2001, Act 250, Eff. Mar. 22, 2002.