



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

March 26, 2025

Wes Nakagiri
3093 N Tipsico Lake Rd
Hartland, MI 48353

Re: *Nikitin v. Nakagiri*
Campaign Finance Complaint No. 24-168

Dear Mr. Nakagiri:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Ella Nikitin alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that you failed to report in-kind contributions for various postcards and banners in violation of MCL 169.226(1).

Additionally, the complaint alleged failure to include a proper identification statement on campaign materials, accepting an improper contribution from an independent expenditure committee, and accepting an excess contribution. There was no evidence provided that supported these allegations, therefore the Department did not include these allegations in the notice dated September 16, 2024.

You responded to the complaint. In your response, you claimed there was no in-kind contribution that needed to be reported because there was no express advocacy on any of the materials encouraging the re-election of Wes Nakagiri.

Ella Nikitin did not provide a rebuttal to your response.

The MCFA excludes any communication from the Act's reach unless it specifically uses words of express advocacy such as "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). Under that standard, the Department reviews election-related materials to determine whether they constitute expenditures and thus become subject to regulation under the Act. The Department may only consider the text of the communication itself and not the broader context in which it was made in determining whether it is subject to MCFA regulation. *Interpretive Statement to Robert LaBrant*, April 20, 2004.

The Department has carefully reviewed the postcards and banners that were included in the complaint. The items included in the complaint encourage the support of President Donald

Trump and not Wes Nakagiri. While these items mention Wes Nakagiri in his role as a Trump Delegate and a Commissioner they are not advocating for Wes Nakagiri.

The Department has reviewed the evidence submitted in this matter and finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA. The campaign material provided does not advocate for the re-election of Wes Nakagiri and is therefore not covered by the MCFA.

Because the violation of the MCFA alleged in the complaint has not been substantiated by sufficient evidence, the Department dismisses the complaint and will take no further enforcement action. If you have any questions concerning this matter, you may contact me at

BOERegulatory@Michigan.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Biehl". The signature is fluid and cursive, with the first name "James" and last name "Biehl" clearly distinguishable.

James Biehl, Regulatory Attorney
Regulatory Division
Bureau of Elections
Michigan Department of State

c: Ella Nikitin