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ELECTIONS/GREAT SEAL



**Michigan Department of State**  
**Campaign Finance Complaint Form**  
BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1<sup>st</sup> Floor  
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

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	Brad Barrett		Daytime Telephone Number
			810 841 5105
Mailing Address	517 E. Main Street		
City	Flushing	State	MI Zip 48433
Email (optional)			

Section 2. Alleged Violator			
Name	Eric Johnson		
Mailing Address	224 Terrace St.		
City	Flushing	State	MI Zip 48433
Email (optional)			

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

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

Explain how those sections were violated:

Yard sign fails to include the address of the person paying for the matter

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

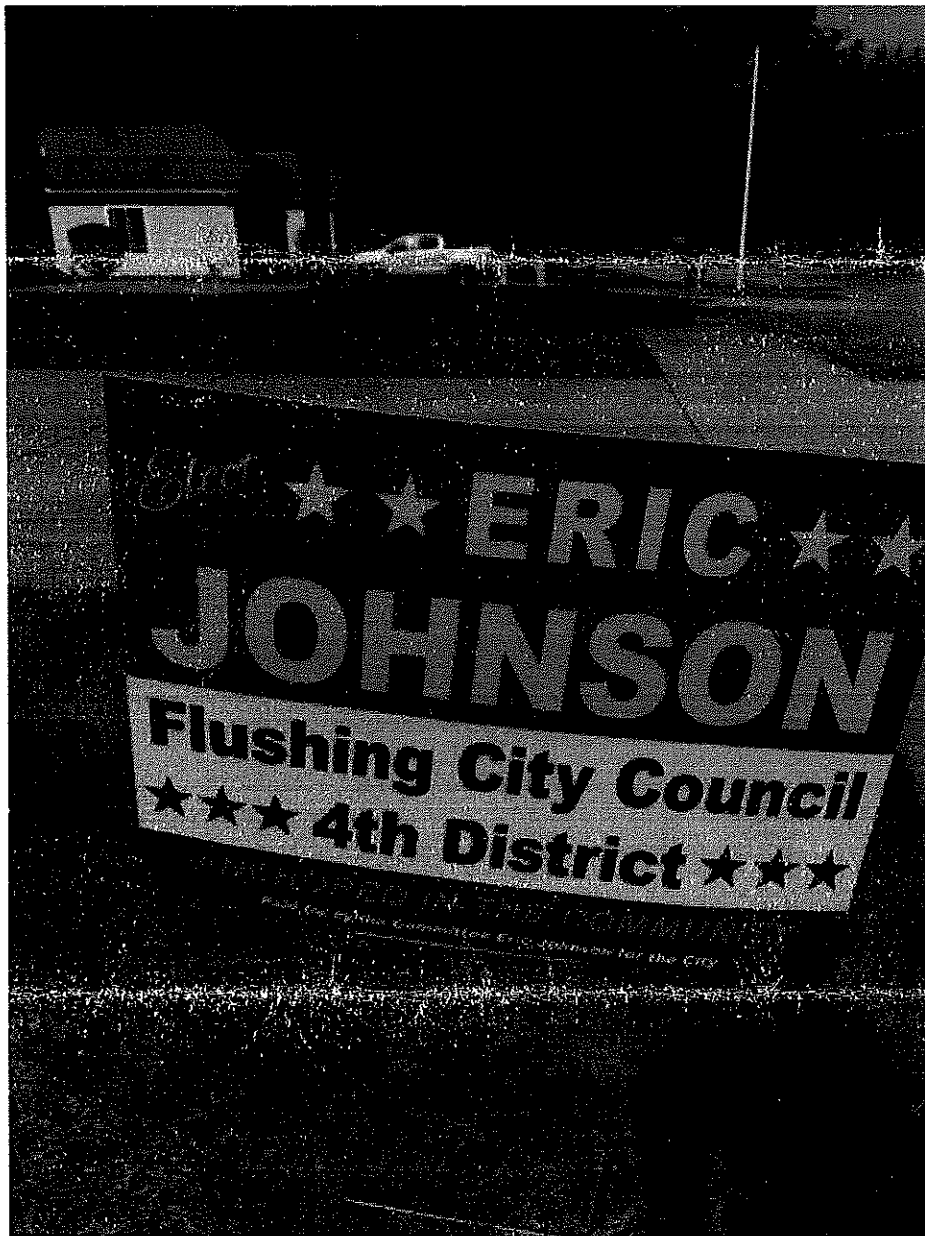
picture of yard sign.

**Pictures**

Brad Barrett <bbarrett2005@hotmail.com>

Thu 7/16/2020 9:26 AM

To: Brad Barrett <bbarrett2005@hotmail.com>





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

July 28, 2020

Eric Johnson  
224 Terrace Street  
Flushing, MI 48433

Re: *Barrett v. Johnson*  
Campaign Finance Complaint  
No. 2020-07-82-47

Dear Mr. Johnson:

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 July 21, 2020 and alleges that you have distributed yard signs that did not include a proper paid for by statement. A picture of the yard signs is included with the complaint.

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 printed material specifically states "Elect Eric Johnson Flushing City Council" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you on the material using words of express advocacy and was published by your committee, the printed material is covered by the gambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the printed material has omitted the address on the required paid for by statement. Since the address is absent, the evidence supports the conclusion that a potential violation has occurred.

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

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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: Brad Barrett