

Campaign Finance Complaint Form
Michigan Department of State

2020 JUL 21 PM 1:40

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).

All information on the form must be provided along with an original signature and evidence.

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name WENDY (VAN HUIS) ELMS		Daytime Telephone Number 616-335-3051
Mailing Address 4079 65th ST.		
City HOLLAND	State MI	Zip 49423

Section 2. Alleged Violator		
Name LAKE TOWN RESIDENTS COMMITTEE		ID # 157773
Mailing Address 6298 144th AVE.		
City HOLLAND	State MI	Zip 49423

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

169.247 (ACT 388 OF 1976)

Explain how those sections were violated:

TWO (2) MAILINGS BY THE "LAKE TOWN RESIDENTS COMMITTEE" DO NOT HAVE THE REQUIRED "PAID FOR BY THE COMMITTEE TO ELECT" LANGUAGE. THIS COMMITTEE IS SUPPORTING MIKE TEEKAMP, JIM DELANEY, AND SHERRY SINKO - LAKE TOWN TWP. CANDIDATES

Evidence that supports those allegations (attach copies of pertinent documents and other information):

SEE ATTACHED (2) TWO MAILINGS THAT DO NOT HAVE THE REQUIRED "PAID FOR BY..." LANGUAGE

Section 4. Certification (Required)

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.

X

Wendy Elms
Signature of Complainant

7-18-2020

Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

2020 Laketown Board Candidates

The Laketown Residents Committee is excited to announce *three well qualified candidates* running for Township Board positions in the 2020 election.

Mike Teekamp for Treasurer, Jim Delaney for Trustee and Sherry Sirko for Trustee.

Our candidates have each lived in the Township for 20+ years. They love and care about our community. They are men and woman of integrity. They are committed to holding the line on tax increases and reducing wasteful spending, promoting transparency within the Township Boards so that residents can regain respect and trust in our township governance.

- They have actively participated in township board meetings and have experienced along with many other residents the negative impact of board decisions in the past years.
- They have *advocated for the residents* on many issues: the future Master Plan, installing new hearing impaired and visual system for the main board room, opposed the Macatawa water fiasco, Township-owned and run fiber optic cable Co., the gas station truck stop project, and an eminent domain law suit against a small local business.

DELANEY and his wife have lived in Laketown for 20 years and have raised their three children here. He has worked at Hope College for thirteen years as the audiovisual and setup manager. He has coached Varsity Baseball at Holland H.S. and football at Holland Christian H.S. He has been a BSF Leader for 15+ years. He is an Army Veteran. He is currently serving on the Township Zoning Board of Appeals.

TEEKAMP has lived in Laketown for 23 years. He has his Masters of Education Degree from Grand Valley University and is a high school counselor at South Haven High School. He is an effective communicator and liaison. He is proud of living in Laketown and would like to be a voice for the residents.

SIRKO and her husband have lived in Laketown for 27 yrs. and have raised their two children here. She has her Bachelor of Fine Arts Degree from Ball State University. She has been a thoughtful and well-spoken advocate for Laketown residents. She is currently serving as appointed caretaker of Huyser Farm Park.

We thank the many residents that have encouraged us to find new candidates for the 2020 election and have endorsed the candidates.

Please vote on the August 4th Primary for our Candidates and then again in November 4th. For an absentee ballot call 616-335-3050. Email us with questions and comments.

Laketown Residents Committee
laketownresidentscommittee@gmail.com
6298 144th. Ave. Holland, MI 49423

Please come to a Meet and Greet at the above address Friday July 10th from 5-8 p.m.

VIOLATION

* NO "PAID FOR BY THE COMMITTEE TO ELECT..."

Mike **TEEKAMP** ★ **TREASURER**
Jim **DELANEY** ★ **TRUSTEE**
Sherry **SIRKO** ★ **TRUSTEE**

BACK

- ★ Three well qualified candidates that have each lived in Laketown for over 20 years and have advocated for the RESIDENTS on many issues. True voices for our Township RESIDENTS.
- ★ Committed to holding down tax increases, reducing wasteful spending and increasing transparency.
- ★ Laketown Residents Committee endorsed and sponsored. laketownresidentscommittee@gmail.com
- ★ Please come to a MEET & GREET ▪ SUNDAY, JULY 26, 2020 ▪ 6:00 PM - 8:00 PM
6298 144th Ave., Holland, MI 49423

VOTE AUGUST 4th

VOTE

**2020 Board
Candidates**
Resident's Choice



AUGUST 4TH

Laketown Residents Committee
6298 144th Ave., Holland, MI 49423

PRSR STD
US POSTAGE
PAID
GRAND RAPIDS, MI
PERMIT NO. 748

*FRONT
(POSTCARD)*

VIOLATION:

NO "PAID FOR BY THE COMMITTEE ..."

2ND MAILER



T1 P1 993

Johnson Family

Or Current Resident

6402 Hidden Holw

Holland MI 49423-7901



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

July 28, 2020

Laketown Residents Committee
6298 144th Avenue
Holland, Michigan 49423

Re: *Elms v. Laketown Residents Committee*
Campaign Finance Complaint
No. 2020-07-79-47

Dear Laketown Residents Committee:

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 printed material that did not include a proper paid for by statement. A picture of the printed material 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 "Please vote on the August 4th Primary for our Candidates and then again In November 4th" and "Vote August 4th" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for the three candidates printed 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 completely omitted the required paid for by statement. Since this phrase is absent, the evidence supports the conclusion that a potential violation has occurred.

July 28, 2020

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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 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,

A handwritten signature in black ink, appearing to read "Adam Fracassi", with a stylized flourish at the end.

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure

c: Wendy (Van Huis) Elms

COMPLAINT PROCESS

Section 15 of the MCFA governs the filing and processing of complaints. If you believe someone has violated the MCFA, you may file a written complaint. The complaint **must** include all of the following:

- Your name, address and telephone number.
- The alleged violator's name and address.
- A description in reasonable detail of the alleged violation, including the section or sections of the MCFA you believe were violated, an explanation of how you believe the MCFA was violated, and any other pertinent information.
- Evidence which supports your allegations.
- A certification that:

To the best of your knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence.

- If after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the complaint are supported by evidence, you may also certify that:

To the best of your knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

- Your signature immediately after the certification or certifications.

WARNING: Section 15(8) of the MCFA (MCL 169.215) provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. Under section 15(16) of the MCFA (MCL 169.215), the Secretary of State may require a person who files a complaint with a false certification to:

- Pay the Department some or all of the expenses incurred by the Department as a direct result of the filing of the complaint.
- Pay the alleged violator some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint.
- Pay a civil fine of up to \$1,000.00.

A complaint may be dismissed if any required information is not included, or if the complaint is determined to be frivolous, illegible, or indefinite. All parties are notified of dismissed complaints.

When a complaint meets the above requirements, the Department notifies the alleged violator that a complaint has been filed and provides a copy of the complaint. The alleged violator will have an opportunity to file a response. The complainant filer will have an opportunity to file a rebuttal to any response. All parties receive periodic reports concerning the actions taken by the Department on a complaint.

If the Department finds no reason to believe that the allegations are true, the complaint will be dismissed.

If the Department finds that there may be reason to believe your allegations are true, the Department must attempt to correct the violation or prevent further violations by informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the alleged violator.

If the Department is unable to correct the violation or prevent further violations informally, an administrative hearing may be held to determine whether a civil violation of the MCFA has occurred, or the matter may be referred to the Attorney General for the enforcement of criminal penalties. An administrative hearing could result in the assessment of a civil penalty. Such a hearing would be conducted in accordance with the Michigan Administrative Procedures Act. An order issued as a result of such a hearing may be appealed to the appropriate circuit court.

Accepted complaints and all supporting documentation including responses and rebuttal statements are made available on the Department's website as required by the MCFA at the conclusion of the process.

Questions? Contact us at:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918
Phone: 517-335-3234
Email: Disclosure@Michigan.gov