Michigan Department of State
Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING – 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

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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: ERIC GRAVELLE		Daytime Telephone Number: 906-420-6570
Mailing Address: P.O. BOX 344		
City: NEWBERRY	State: MI	Zip: 49868
Email (optional): SLAPSHOT646@YAHOO.COM		

Section 2. Alleged Violator		
Name: MICHAEL J. FOSSUM		
Mailing Address: 405 W. AVE B		
City: NEWBERRY	State: MI	Zip: 49868
Email (optional):		

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

Section(s) of the MCFA alleged to be violated: SEC. 47

Explain how those sections were violated:

DOES NOT HAVE AN IDENTIFICATION STATEMENT ON CAMPAIGN SIGNS OR FACEBOOK SITE.

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

3 PHOTOS - 2 SHOWING CAMPAIGN SIGNS, 1 SHOWING FACEBOOK SITE. 1 PHOTO ALSO SHOWS REPRESENTATION AS "SHERIFF ELECT MICHAEL J. FOSSUM" "LUCE COUNTY SHERIFF"

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 Eric P Gravelle 6-13-20

Signature of Complainant Date

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

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may 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.

Section 6. Submission

Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

SHERIFF

ELECT

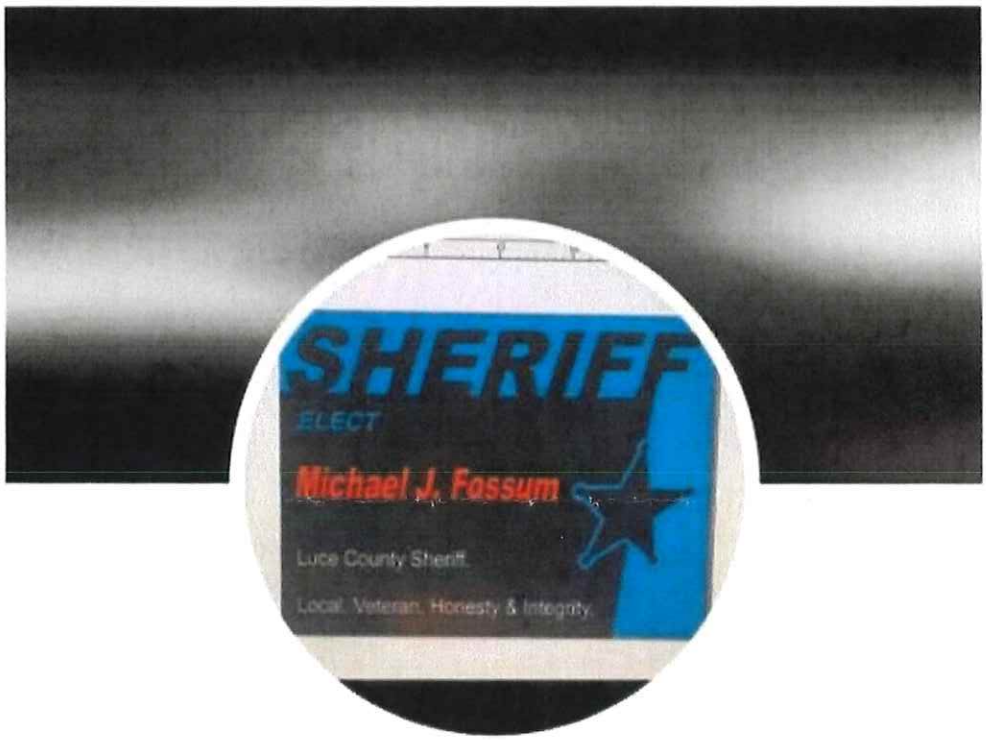
Michael J. Fossum

Luce County Sheriff.

Local, Veteran, Honesty & Integrity.

AT&T LTE 11:54 AM 97%

Michael Fossum



Michael Fossum (Fossum for Sheriff)

Add Friend

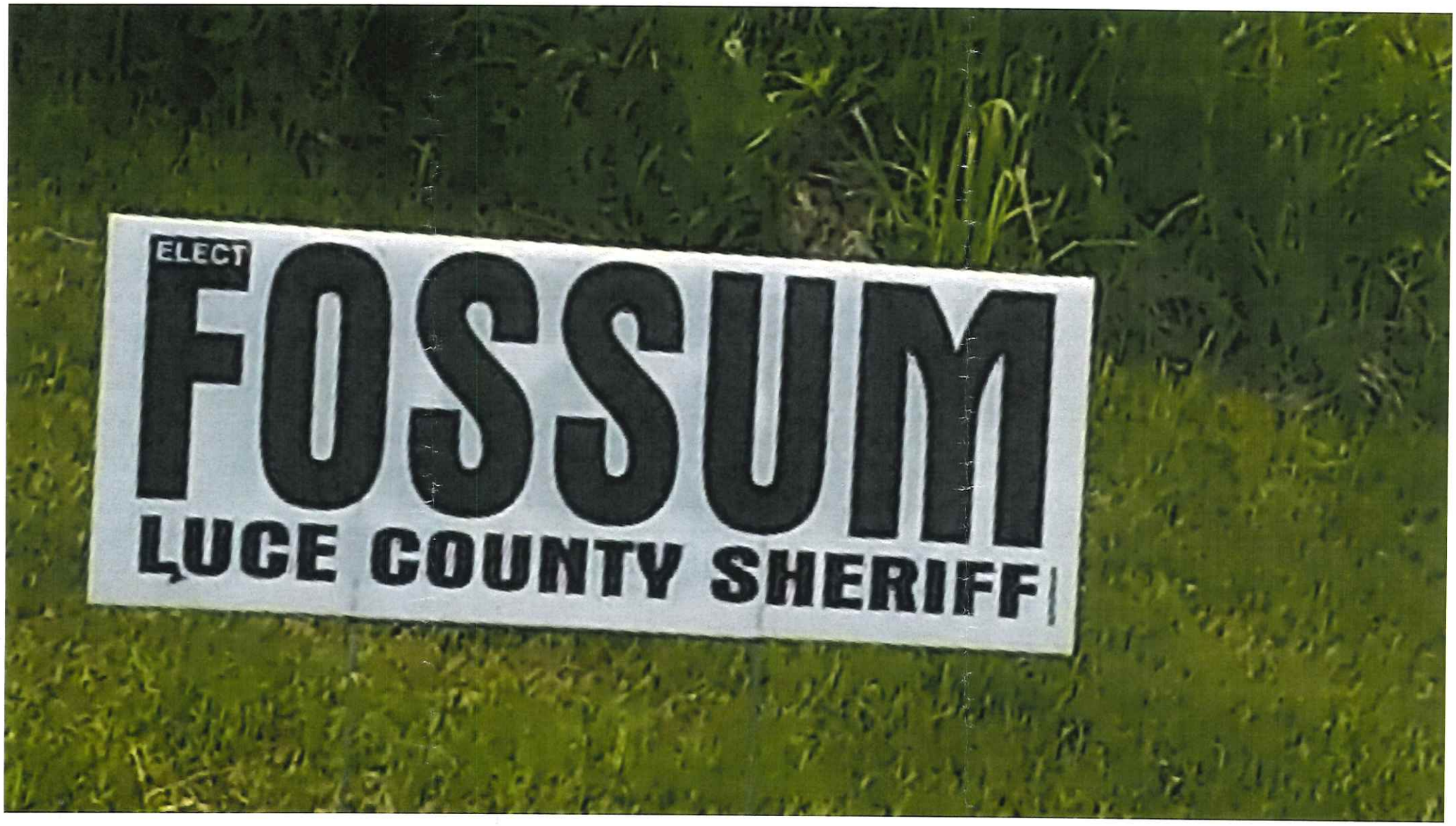
Deputy at **Luce County Sheriff's House and Jail**

Studied at **Lake Superior State University**

Went to **Newberry High School**

Lives in **McMillan, Michigan**

More 8 8 Edit


ELECT
FOSSUM
LUCE COUNTY SHERIFF

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

June 30, 2020

Michael Fossum
405 W. Ave B
Newberry, MI 49868

Re: *Gravelle v. Fossum*
Campaign Finance Complaint
No. 2020-06-38-47

Dear Mr. Fossum:

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 June 22, 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 yard sign specifically states "Elect Fossum Luce County Sheriff" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you using words of express advocacy and was published by your committee, the signs are 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 signs have completely omitted the required paid for by statement. Since this phrase 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

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: Eric Gravelle