



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 22, 2016

Carol Houseman
2441 92nd Street SW
Byron Center, Michigan 49315

Via Certified Mail

SECOND NOTICE

Dear Ms. Houseman:

By correspondence dated August 4, 2016, the Department of State (Department) advised you of its intention to investigate a complaint filed against you by Brian Smits concerning alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. A copy of the Department's notice is enclosed with this letter.

The notice informed you that, pursuant to section 15(5) of the MCFA, MCL 169.215(5), the Department is reviewing whether you failed to comply with the requirements of the Act. You were provided an opportunity to respond to these allegations within 15 business days of the date of the original notice but to date, no response has been filed on your behalf.

By this letter, the Department is providing you a final opportunity to submit a written response to the enclosed notice. Your response may include any documentary evidence you wish to submit, and must be received by the Department on or before **December 15, 2016**. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918.

Failure to submit a written response to this second notice will leave the Department no alternative but to make its determination based solely on the documentation furnished by Mr. Smits.

Sincerely,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Brian Smits



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 4, 2016

Carol Houseman
2441 92nd Street SW
Byron Center, Michigan 49315

Dear Ms. Houseman:

The Department of State (Department) received a formal complaint filed by Brian Smits against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* Copies of the complaint and supporting documentation are enclosed with this letter.

The MCFA prohibits a candidate committee from making a "contribution to or an independent expenditure in behalf of another candidate committee." MCL 169.244(2). A knowing violation of section 44 is a misdemeanor punishable by a fine, imprisonment, or both. MCL 169.244(5).

Additionally, the MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. 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).

Mr. Smits alleges that your candidate committee paid for a mailer which endorsed Audrey Nevins Weiss, Joel Hondorp, Tim Slot, Bill DeBoer, and Jan Koens for township office in contravention of section 44 of the Act. Mr. Smith further alleges that you failed to include a paid-for-by statement on the Byron Township Shines website.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

Carol Houseman

August 4, 2016

Page 2

A copy of your answer will be provided to Mr. Smits, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalties provided in sections 44(5) and 47(6) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Brian Smits

Campaign Finance Complaint Form
Michigan Department of State

2016 APR 22 PM 2:32

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 <u>Brian Smits</u>	Daytime Telephone Number <u>616-406-3037</u>	
Mailing Address <u>6756 Pleasant Hill Dr</u>		
City <u>Byron Center</u>	State <u>MI</u>	Zip <u>49315</u>

Section 2. Alleged Violator		
Name <u>Carol Houseman</u>		
Mailing Address <u>2441 92nd St. SW</u>		
City <u>Byron Center</u>	State <u>MI</u>	Zip <u>49315</u>

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

Section(s) of the MCFA violated:

169.214(2)

Explain how those sections were violated:

The Committee to Elect Carol Houseman Paid for
and distributed a mailing (attached) that
advocated for the election of 6 other candidates
for the Byron Township Board, excluding 2
candidates. Mailing was sent to registered voters.

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

Copies attached

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


Signature of Complainant

07/26/16
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

Campaign Finance Complaint Form
Michigan Department of State

2015 JUL 02 PM 0:22

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Mailing Address <u>6756 Pleasant Hill Dr. SW</u>		
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Name <u>Carol Houseman</u>		
Mailing Address <u>2441 92nd St. SW</u>		
City <u>Byron Center</u>	State <u>MI.</u>	Zip <u>49315</u>

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

Section(s) of the MCFA violated:

169.247(1) and/or 169.247(5)

Explain how those sections were violated:

The Committee to Elect Carol Houseman Paid for and distributed to registered Byron Township voters a mailing listing in writing a website www.ByronTownshipShines.info. Said website repeats the candidate's mailing in total, but does not disclose who Paid for the establishment of the website or whether it was authorized by the Candidate.

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

Copy attached.

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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.

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Signature of Complainant

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BYRON TOWNSHIP

A GREAT PLACE TO LIVE, WORK AND RAISE OUR FAMILIES



Experienced

Conservative

Leadership



Paid for by
Committee to Elect Carol Houseman
2441-92nd St. SW
Byron Center MI 49315



THE SMITS FAMILY
6756 PLEASANT HILL DR SW
BYRON CENTER MI 49315

— We Ask You to Please Elect the Following for:

Your Byron Township Board

☒ **Audrey Nevins Weiss**

Township Supervisor

☒ **Joel Hondorp**

Township Clerk

☒ **Carol Houseman**

Township Treasurer

☒ **Tim Slot**

Township Trustee

☒ **Bill DeBoer**

Township Trustee

☒ **Jan Koens**

Township Trustee



**Absentee or At
The Polls on
Tuesday
August 2, 2016**

www.ByronTownshipShines.info

Please Bring this to the Polls on Tuesday August 2nd

Byron Township Shines. Info



A Great Place to Live, Work and Raise Our Families

Election of Township Officials

The ByronTownshipShines gives a big thank you to our excellent township Officials and Trustees listed below.

We Ask You to Please Elect the Following for:

Your Byron Township Board

☒ **Audrey Nevins Weiss**

Township Supervisor

☒ **Joel Hondorp**

Township Clerk

☒ **Carol Houseman**

Township Treasurer

☒ **Tim Slot**

Township Trustee

☒ **Bill DeBoer**

Township Trustee

☒ **Jan Koens**

Township Trustee



Absentee or At
The Polls on
Tuesday
August 2, 2016

www.ByronTownshipShines.info

Please Bring this to the Polls on Tuesday August 2nd

Local Websites Help Make the Shine Even Brighter

(Click to view websites)

Churches:

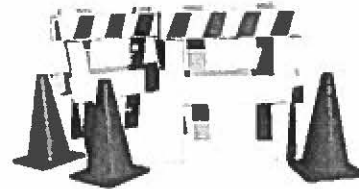
Government and Community

- [Main Byron Township Website](#)
- [Byron Days Festival, July 28-31](#)
- [Byron Center Public Schools](#)
- [Byron Township Fire Department](#)
- [Byron Center Chamber of Commerce](#)
- [Cutlerville-Gaines Chamber of Commerce](#)
- [Facebook: Byron Center Farmers Market](#)
- [Facebook: Byron Township Recreation](#)
- [Facebook: Byron Township Whistlestop Park](#)
- [Facebook: Byron Township Cutler Park](#)
- [Facebook: Byron Township Bicentennial Park](#)
- [Facebook: Byron Center Fire Department](#)
- [Facebook: Cutlerville Fire Department](#)
-

- [Banner of Christ Church](#)
- [Byron Center Protestant Reformed Church](#)
- [Byron Center Baptist Church](#)
- [Byron Center Bible Church](#)
- [Byron Center Methodist Church](#)
- [Carisle United Methodist Church](#)
- [Compass Church](#)
- [Corinth Reformed Church](#)
- [Covenant United Reformed Church](#)
- [First Christian Reformed Church](#)
- [First Cutlerille Christian Reformed Church](#)
- [First Reformed Church](#)
- [Friendship Christian Reformed Church](#)
- [Frontline Bible Church](#)
- [Heritage Christian Reformed Church](#)
- [Highpointe Community Church](#)
- [InSpirit Church](#)
- [Pathway Church](#)
- [River of God Church](#)
- [Rush Creek Bible Church](#)
- [Second Christian Reformed Church](#)
- [South Harbor Church](#)
- [St. Sebastian Catholic Church](#)
- [The Oasis Church](#)
- [Woodhaven Reformed Church](#)
- [Woodward Baptist Church](#)

Site under construction

<http://www.ByronTownshipShines.info>



MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; identification or disclaimer; size and placement; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; prerecorded telephone message.

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subsection (5) and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, in addition to the identification required under this subsection, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the Federal Communications Commission, bear an identification that contains the name of the person paying for the advertisement, and be in compliance with subsection (3) and, except as otherwise provided by subsection (5), with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by.....".
(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject to both of the following:

(a) Must contain the identification required by subsection (1), (2), or (7) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and is targeted to the relevant electorate where the candidate or ballot question appears on the ballot by means of radio, television, mass mailing, or prerecorded telephone message.

(b) Is not required to contain the disclaimer required by subsection (1) or (2).

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.

(7) A prerecorded telephone message that in express terms advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a ballot question, shall bear an identification that contains the name and telephone number, address, or other contact information of the person paying for the prerecorded telephone message, and shall be in compliance with subsection (4). A prerecorded telephone message subject to this subsection is not required to contain a disclaimer.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 348, Imd. Eff. July 12, 1978;—Am. 1996, Act 225, Imd. Eff. May 30, 1996;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.244 Prohibited contributions or expenditures; delivery or return of contribution; joint fund-raiser; violation as misdemeanor; penalty.

Sec. 44. (1) A contribution shall not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee.

(2) A candidate committee shall not make a contribution to or an independent expenditure in behalf of another candidate committee. This subsection does not prohibit the purchase of tickets to another candidate committee's fund-raising event that does not exceed \$100.00 per candidate committee in any calendar year.

(3) An individual, other than a committee treasurer or the individual designated as responsible for the record keeping, report preparation, or report filing for a committee, who obtains possession of a committee's contribution for the purpose of delivering the contribution to another committee shall deliver the contribution to that committee, that committee's treasurer, or that committee's agent, or return the contribution to the payor, not later than 10 business days after obtaining possession of the contribution.

(4) Two or more persons, other than individuals, may hold a joint fund-raiser if the receipts and expenses of the fund-raiser are shared proportionately.

(5) A person who knowingly violates this section 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.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994.



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 3, 2017

Brian Smits
6756 Pleasant Hill Drive
Byron Center, Michigan 49315

Dear Mr. Smits:

The Department of State received a response to the complaint you filed against Carol Houseman, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Carol Houseman

11/29/2016


I, Carol J Houseman am responding to the complaint filed by, Brian Smits. I didn't respond to the first notification, because I didn't receive it until the 1st of October. The 15 day respond time had expired.

Complaint: Violated the Michigan Campaign Finance Act
No violation of the Act has been committed.
No contributions were made to my campaign by anyone.
Because, no contributions were made, no money was spent on any candidates as well.

Complaint: Establishment of web site
As for the web site, I had no part in the forming of, or the contents therein.
I did not pay for any of the costs associated with the web site establishment.
I didn't authorize the placement of any election information of mine to be used on the site.

Unlike, Mr. Brian Smits, violations. He formed a committee to promote a referendum. Byroncenterspeaks.org was formed for that purpose and not to endorse any candidates, which was done.

THERE IS THE VIOLATION.



Carol J Houseman
2441-92nd St SW
Byron Center, MI 49315

2016 DEC -6 PM 2:31
ELECTIONS/UNCLAF 3000



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 22, 2016

Carol Houseman
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Via Certified Mail

SECOND NOTICE

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Failure to submit a written response to this second notice will leave the Department no alternative but to make its determination based solely on the documentation furnished by Mr. Smits.

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Bureau of Elections
Michigan Department of State

c: Brian Smits



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 4, 2016

Carol Houseman
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Campaign Finance Complaint Form
Michigan Department of State

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Section 3. Alleged Violations (Use additional sheet if more space is needed.)
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Section(s) of the MCFA violated:

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Explain how those sections were violated:

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and distributed a mailing (attached) that
advocated for the election of 6 other candidates
for the Byron Township Board, excluding 2
candidates. Mailing was sent to registered voters.

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

Copies attached

Section 4. Certification (Required)

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Signature of Complainant

07/26/16
Date

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Date

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

Copy attached.

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

Brian Duff
Signature of Complainant

7/26/16
Date

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Signature of Complainant

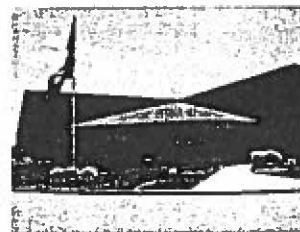
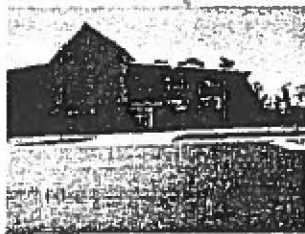
Date

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

Byron Township Shines. Info



A Great Place to Live, Work and Raise Our Families

Election of Township Officials

The ByronTownshipShines gives a big thank you to our excellent township Officials and Trustees listed below.

We Ask You to Please Elect the Following for:

Your Byron Township Board

☒ **Audrey Nevins Weiss**

Township Supervisor

☒ **Joel Hondorp**

Township Clerk

☒ **Carol Houseman**

Township Treasurer

☒ **Tim Slot**

Township Trustee

☒ **Bill DeBoer**

Township Trustee

☒ **Jan Koens**

Township Trustee



Absentee or At
The Polls on
Tuesday
August 2, 2016

www.ByronTownshipShines.info

Please Bring this to the Polls on Tuesday August 2nd

Local Websites Help Make the Shine Even Brighter

(Click to view websites)

Churches:

Government and Community

- [Main Byron Township Website](#)
- [Byron Days Festival, July 28-31](#)
- [Byron Center Public Schools](#)
- [Byron Township Fire Department](#)
- [Byron Center Chamber of Commerce](#)
- [Cutlerville-Gaines Chamber of Commerce](#)
- [Facebook: Byron Center Farmers Market](#)
- [Facebook: Byron Township Recreation](#)
- [Facebook: Byron Township Whistlestop Park](#)
- [Facebook: Byron Township Cutler Park](#)
- [Facebook: Byron Township Bicentennial Park](#)
- [Facebook: Byron Center Fire Department](#)
- [Facebook: Cutlerville Fire Department](#)
-

- [Banner of Christ Church](#)
- [Byron Center Protestant Reformed Church](#)
- [Byron Center Baptist Church](#)
- [Byron Center Bible Church](#)
- [Byron Center Methodist Church](#)
- [Carle United Methodist Church](#)
- [Compass Church](#)
- [Corinth Reformed Church](#)
- [Covenant United Reformed Church](#)
- [First Christian Reformed Church](#)
- [First Cutlerille Christian Reformed Church](#)
- [First Reformed Church](#)
- [Friendship Christian Reformed Church](#)
- [Frontline Bible Church](#)
- [Heritage Christian Reformed Church](#)
- [Highpointe Community Church](#)
- [InSpirit Church](#)
- [Pathway Church](#)
- [River of God Church](#)
- [Rush Creek Bible Church](#)
- [Second Christian Reformed Church](#)
- [South Harbor Church](#)
- [St. Sebastian Catholic Church](#)
- [The Oasis Church](#)
- [Woodhaven Reformed Church](#)
- [Woodward Baptist Church](#)

Site under construction

<http://www.ByronTownshipShines.info>



MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; identification or disclaimer; size and placement; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; prerecorded telephone message.

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subsection (5) and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, in addition to the identification required under this subsection, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the Federal Communications Commission, bear an identification that contains the name of the person paying for the advertisement, and be in compliance with subsection (3) and, except as otherwise provided by subsection (5), with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by.....".
(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject to both of the following:

(a) Must contain the identification required by subsection (1), (2), or (7) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and is targeted to the relevant electorate where the candidate or ballot question appears on the ballot by means of radio, television, mass mailing, or prerecorded telephone message.

(b) Is not required to contain the disclaimer required by subsection (1) or (2).

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.

(7) A prerecorded telephone message that in express terms advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a ballot question, shall bear an identification that contains the name and telephone number, address, or other contact information of the person paying for the prerecorded telephone message, and shall be in compliance with subsection (4). A prerecorded telephone message subject to this subsection is not required to contain a disclaimer.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 348, Imd. Eff. July 12, 1978;—Am. 1996, Act 225, Imd. Eff. May 30, 1996;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.244 Prohibited contributions or expenditures; delivery or return of contribution; joint fund-raiser; violation as misdemeanor; penalty.

Sec. 44. (1) A contribution shall not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee.

(2) A candidate committee shall not make a contribution to or an independent expenditure in behalf of another candidate committee. This subsection does not prohibit the purchase of tickets to another candidate committee's fund-raising event that does not exceed \$100.00 per candidate committee in any calendar year.

(3) An individual, other than a committee treasurer or the individual designated as responsible for the record keeping, report preparation, or report filing for a committee, who obtains possession of a committee's contribution for the purpose of delivering the contribution to another committee shall deliver the contribution to that committee, that committee's treasurer, or that committee's agent, or return the contribution to the payor, not later than 10 business days after obtaining possession of the contribution.

(4) Two or more persons, other than individuals, may hold a joint fund-raiser if the receipts and expenses of the fund-raiser are shared proportionately.

(5) A person who knowingly violates this section 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.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994.

☞ We Ask You to Please Elect the Following for:

Your Byron Township Board

☒ **Audrey Nevins Weiss**

Township Supervisor

☒ **Joel Hondorp**

Township Clerk

☒ **Carol Houseman**

Township Treasurer

☒ **Tim Slot**

Township Trustee

☒ **Bill DeBoer**

Township Trustee

☒ **Jan Koens**

Township Trustee



**Absentee or At
The Polls on
Tuesday
August 2, 2016**

www.ByronTownshipShines.info

Please Bring this to the Polls on Tuesday August 2nd

BYRON TOWNSHIP

A GREAT PLACE TO LIVE, WORK AND RAISE OUR FAMILIES



Experienced

Conservative

Leadership



Paid for by
Committee to Elect Carol Houseman
2441-92nd St. SW
Byron Center MI 49315



THE SMITS FAMILY
6756 PLEASANT HILL DR SW
BYRON CENTER MI 49315



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 26, 2017

Carol J. Houseman
2441 92nd Street SW
Byron Center, Michigan 49315

Dear Ms. Houseman:

This letter concerns the complaint that was recently filed against you by Brian Smits, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Smits' complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Brian Smits

Ms. Lori Bourbonais
Bureau of Elections
Michigan Department of State
Richard H. Austin Bldg.
1st Floor
430 W. Allegan St.
Lansing, MI 48918

RECEIVED/FILED
MICHIGAN DEPT. OF STATE
January 16, 2017
2017 JAN 24 AM 10:28
ELECTIONS/GREAT SEAL

Re: MCFA Violation Complaint against Carol Houseman
Rebuttal to Houseman Response

Dear Ms. Bourbonais:

I am writing in rebuttal to the response submitted by Carol Houseman regarding the referenced complaint filed against Ms. Carol Houseman during her campaign for the seat of Byron Township Treasurer, Kent County, Michigan.

Ms. Houseman's response states that no contributions were made to her campaign, therefore no violation of the Michigan Campaign Finance could have occurred. Ms. Houseman seems confused about either the details of the complaint or the law itself.

Ms. Houseman mailed campaign literature identified as paid for by her campaign committee, so therefore funds were expended. Said literature advocated for the election of other incumbent candidates besides her in the Township primary. Shortly after that, Mr. Tim Slot, one of the incumbent candidates advocated in the Houseman literature, mailed the same literature to voters, identified as paid for by his campaign committee, which advocated for Ms. Houseman's re-election, among others. Therefore, both Ms. Houseman and Mr. Slot's campaign committees expended funds on behalf of each other and other incumbent candidates. This is a clear violation of MCL 169.244(2). The mailing of the campaign literature and the candidates promoted in the literature are indisputable based on evidence provided previously. The origin of the funds expended by the respective campaign committees is immaterial, which seems to be Ms. Houseman's only claim of defense.

Further, the campaign literature mailed by both Ms. Houseman and Mr. Slot directly promotes a website which repeats the mailed literature promoting themselves and other incumbent township candidates, without documenting which candidate or organization paid for the creation and use of the literature or the website. Ms. Houseman claims no knowledge of the formation or content of the website despite the fact that her own campaign literature promotes it in writing. How then did the website post her, and Mr. Slot's, campaign literature, with undocumented funding, without her knowledge? In fact, the website was registered to an official of the Byron Township Downtown Development Authority, a person very familiar to both Ms. Houseman and Mr. Slot in their township positions. It seems inconceivable that

neither of them knew about or authorized the use of their campaign material on the website when they referenced the website in their own campaign materials. Ultimately, both Ms. Houseman and Mr. Slot received an undocumented campaign benefit from the very website they both promoted in their own campaign materials.

Most troubling in this matter is that Ms. Houseman is a 12-year veteran to the Treasurer's position and certainly should be knowledgeable of the requirements of the MCFA, PA 388 of 1976. Ms. Houseman was re-elected to the position of Byron Township Treasurer in the August 2, 2016 elections. Three other candidates also won seats in that election as a benefit of Ms. Houseman's improper actions, as outlined in my initial complaint filing: Joel Hondorp (clerk), Tim Slot (trustee), and Bill DeBoer (trustee). As a result, Ms. Houseman and the three other candidates will continue to hold office pending a decision and enforcement by your department.

I respectfully request that Ms. Houseman (and potentially the other three benefactors of her actions named above) be formally censured, so that violations of the MCFA similar to this activity will not be repeated in future elections.

I also request an update on the status of the complaint of campaign finance violations filed by me against Ms. Audrey Nevins-Weiss.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Smits", with a stylized, cursive script.

Brian Smits



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 16, 2017

Brian Smits
6756 Pleasant Hill Drive
Byron Center, Michigan 49315

Dear Mr. Smits:

The Department of State (Department) has concluded its review of the complaint you filed against Carol Houseman, concerning an alleged violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

You alleged that Ms. Houseman's committee paid for a mailer which endorsed Audrey Nevins Weiss, Joel Hondorp, Tim Slot, Bill DeBoer, and Jan Koens (slate of candidates) for township office in contravention of section 44 of the Act. You further alleged that Ms. Houseman failed to include a paid-for-by statement on the Byron Township Shines website.

You filed your complaint on July 28, 2016. Ms. Houseman filed an answer on December 6, 2017 after receiving a Second Notice of Complaint from the Department. You filed a rebuttal statement on January 24, 2017.

The MCFA prohibits a candidate committee from making a "contribution to or an independent expenditure in behalf of another candidate committee." MCL 169.244(2). A knowing violation of section 44 is a misdemeanor punishable by a fine, imprisonment, or both. MCL 169.244(5).

Additionally, the MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. 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).

In support of your allegation that Ms. Houseman's committee made an improper contribution to or independent expenditure in behalf of another candidate committee, you provided a copy of a postcard which endorsed the slate of candidates. The postcard indicated that it was paid for by the Committee to Elect Carol Houseman.

In her answer to the complaint, Ms. Houseman asserted that "[n]o violation of the Act has been committed."

The Department notes that a similar complaint was filed against Tim Slot, alleging that it was Mr. Slot's committee that paid for the postcards that are the also the subject of your complaint.

The answer to that complaint asserted that, "all six candidates agreed to prepare and circulate the flier and agreed to split the costs of designing, printing, and mailing the flyer evenly [,]" and "no candidate incurred expenditures on behalf of any other candidates' committees." The evidence provided with that complaint included an identical postcard as the one provided by you as evidence to this complaint, except that it indicated that it was paid for by Tim Slot for Trustee.

You indicated in your rebuttal statement that Ms. Houseman expended funds in behalf of other candidates so a clear violation of section 44 occurred. However, that is not a correct statement of law.

Candidates may produce "slate cards" as long as each candidate pays his or her proportionate share of the cost, either directly to the vendor, or by reimbursing another candidate who paid the vendor. This does not give rise to a contribution to the receiving committee or an independent expenditure in behalf of the receiving committee. Any reimbursement for costs would be recorded by the receiving committee as an "other receipt," and not a contribution.

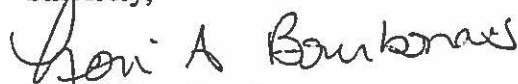
The Department has determined that the evidence provided supports a reason to believe that each candidate evenly split the costs of designing, printing, and mailing the postcard. Because each candidate paid his or her proportionate share, no contribution to or independent expenditure was made by Carol Houseman's committee to another candidate committee with regard to the postcard. Therefore, this portion of your complaint is dismissed.

In support of your allegation that Ms. Houseman failed to include a paid-for-by statement on the Byron Township Shines website, you provided a print out of the website which included a copy of the postcard asking readers to vote for the slate of candidates. It appeared from this printout that there was no paid-for-by statement on the website.

In her answer to your complaint, Ms. Houseman stated that she, "had no part in the form of, or the contents therein [,]" and that she "did not pay for any of the costs associated with the website [,]" No evidence has been provided to the contrary. You admitted that the postcard was mailed to registered voters in Byron Township, meaning any one of those voters could have provided the postcard to the producer or administrator of the website.

The Department has determined that the evidence provided is insufficient support a reason to believe that Ms. Houseman produced the Byron Township Shines website. Therefore, this portion of your complaint is also dismissed.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Secretary of State

c: Carol Houseman