



**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

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

JUL -2 PM 2:32

CLERK'S/GREAT SEAL

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 <u>Leslie Fox</u>		Daytime Telephone Number <u>517-230-2434</u>
Mailing Address <u>1421 South Dewitt Road</u>		
City <u>St. Johns</u>	State <u>MI</u>	Zip <u>48879</u>
Email (optional) <u>Leslie@skywiley.com</u>		

Section 2. Alleged Violator		
Name <u>Sarah Huyser</u>		
Mailing Address <u>100 East State Street, #3100</u>		
City <u>St. Johns</u>	State <u>MI</u>	Zip <u>48879</u>
Email (optional) <u>electsarahhuyser@gmail.com</u>		

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

Section(s) of the MCFA alleged to be violated: Section 57 (MCL 169.257)

Explain how those sections were violated:

Campaigning and promoting her election for  
prosecutor from her office at the Clinton County  
Courthouse where she is an assistant  
prosecutor, on her Facebook Election page, plus a number  
of postings during office hours.

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

Facebook page video picture of Ms. Huyser in her office,  
Facebook picture of her doing court hearings at home, picture in  
her office at Courthouse of her computer and posting her duties.

#### 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

Leslie Fox  
Signature of Complainant

6-26-20  
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:*

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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

JUNE 26, 2020

TO WHOM IT MAY CONCERN:

This complaint is being filed on Sarah Huyser, an assistant prosecutor running for Clinton County Prosecutor. I feel compelled to file this complaint on Ms. Huyser for violating the Michigan Campaign Finance Act, specifically Section 57 (MCL 169.257).

Enclosed are copies of pages from her "Sarah Huyser for Clinton County Prosecutor" Facebook page with proof of the violations. Ms. Huyser has posted a video that is taken from her office at the Clinton County Courthouse which can be found on her Facebook page to view but attached is the picture of her in that video, a picture of her computer at her office desk at Clinton County which has a caption of specific duties she is working on and specifically says is occurring at the courthouse, and a picture of her "home office" commenting on the work she is doing for her assistant prosecutor job such as court hearings, a meeting, and specialty court with a picture of a computer hearing in that posting. Also to be noted on her Facebook page, a number of her postings are posted during office hours.

As an individual running for Prosecutor in Clinton County, Ms. Huyser should know the rules of the Election Bureau and the MCFA, and I even as a lay person know that this is inappropriate behavior.

A Concerned Citizen



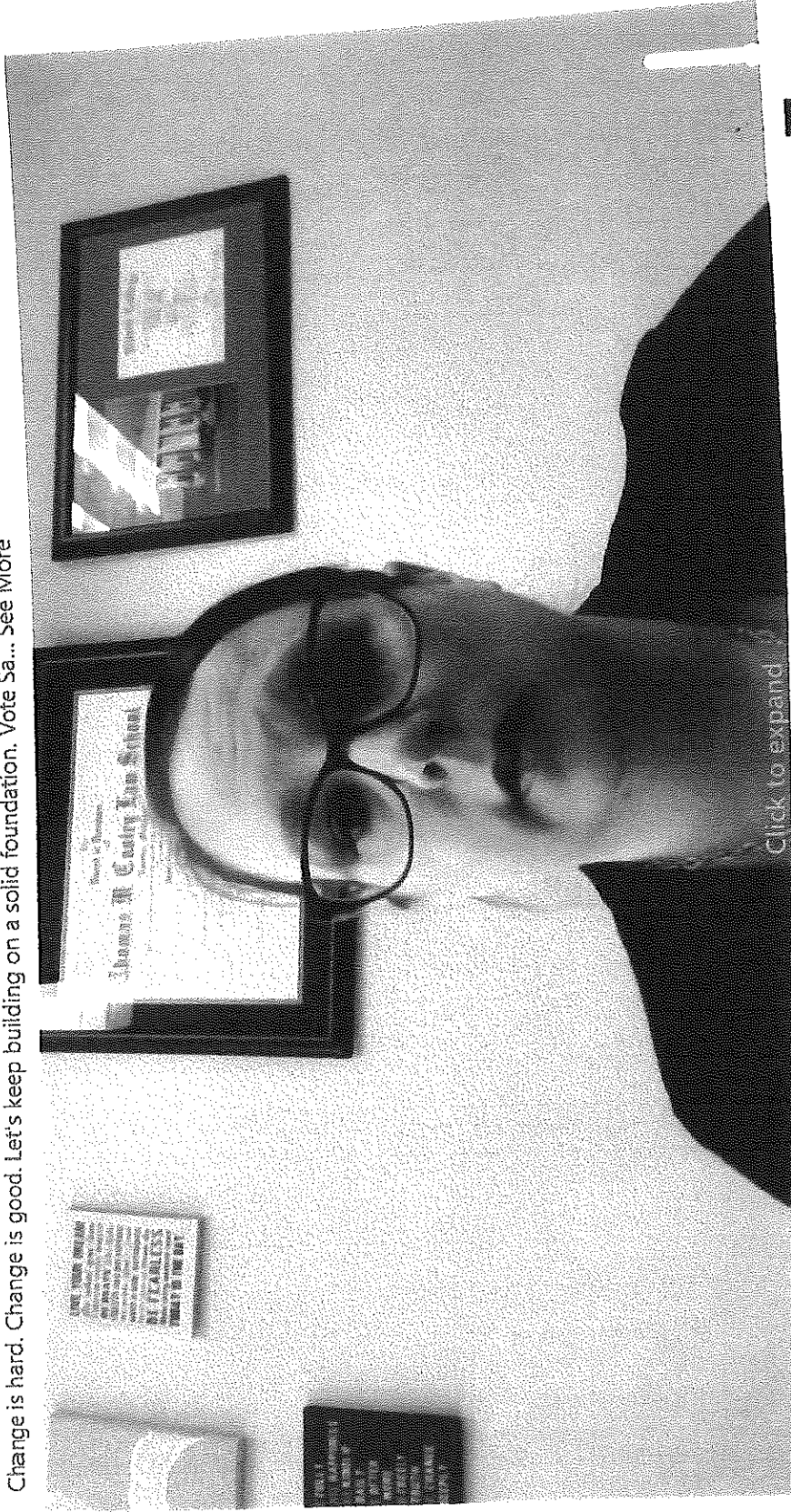
**Sarah Huyser for Clinton County Prosecutor** · Follow

June 5 at 4:35 PM · 🌐

### Last Day of School

Change is hard. Change is good. Let's keep building on a solid foundation. Vote Sa... See More

...



Click to expand



Like



Comment



Share



👍👍👍 37

VIDEO ONLINE

IN PROSECUTOR'S OFFICE



**Sarah Huyser for Clinton County**  
**Prosecutor**

June 9 at 4:34 PM · 🌐

Misdemeanors negotiations, emergency petitions, mental petition hearings, probate court reviews, and some felonies...busy day at the courthouse. Feels like things are getting a bit closer to normal.

👍👍👍 34

2 Comments 2 Shares

👍 Like

💬 Comment

➦ Share

Most Relevant ▾



Monica Hoskins

Some times I miss all that. 🥺

👍 1

Like · Reply · 2w



Karen Phillips

They sure are! 🥺

👍 1

Like · Reply · 2w



Write a comment...



*In Prosecutor's Office*



Sarah Huyser for Clinton County

Prosecutor

May 18 · 🌐



1



Like



Comment



Share

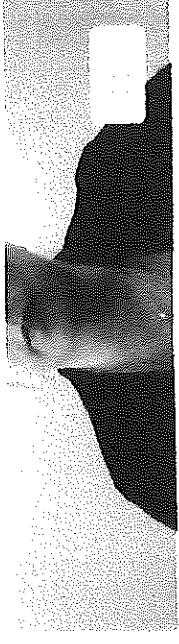


Write a comment...



In Home Office  
and During Hearing

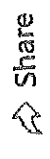




## Sarah Huyser for Clinton County Prosecutor

959 Views · 2 weeks ago

View 1 comment



Most Relevant ▾



### Page Transparency

See All

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created - February 12, 2020

Page manager location: United States

### Related Pages



**PKSA Karate-St. Johns**

Laurie Hunt likes this

Martial Arts School



**DeWitt Charter Town...**

Kristen McGrath likes this

Public & Government Servi...



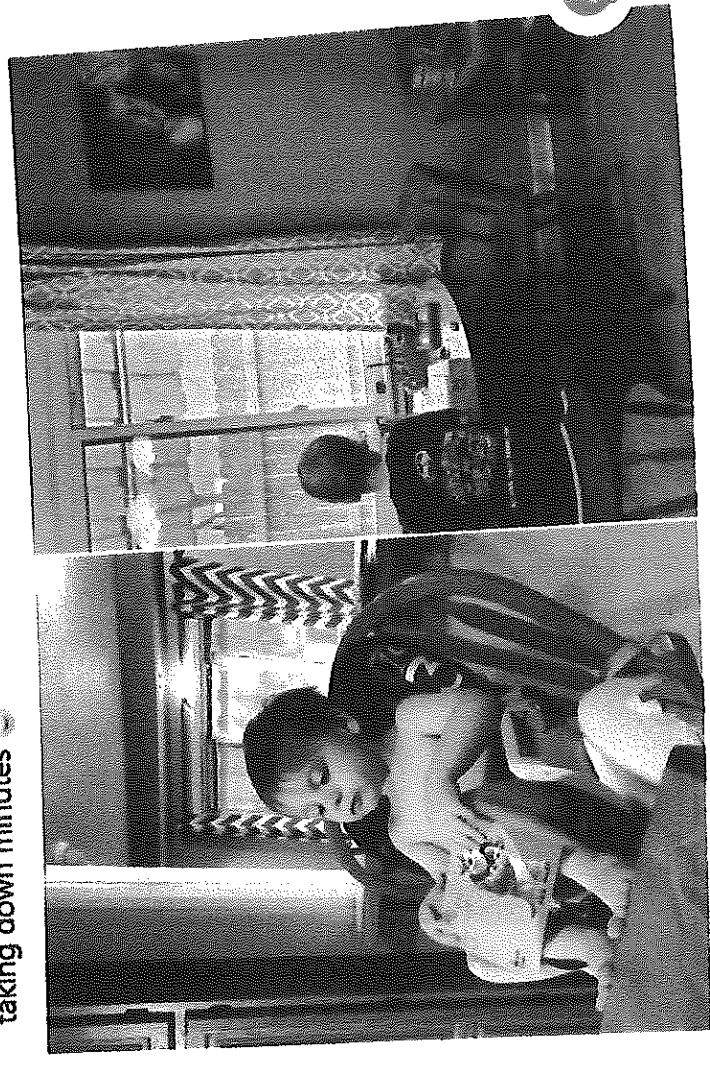
**Prescription Attorneys**



**Sarah Huyser for Clinton County Prosecutor**

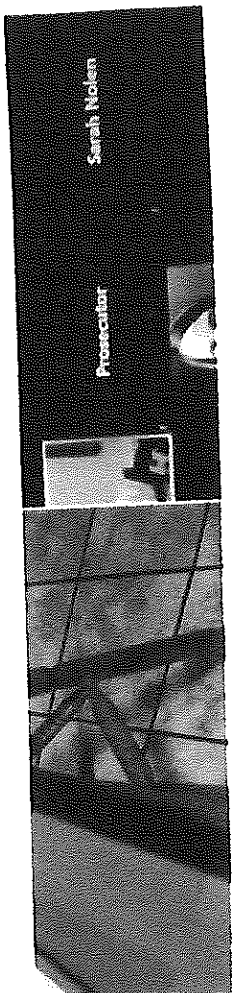
May 18 · 🌐

Just doing a few court hearings, a meeting, and specialty court full team hearing from home. My at home colleagues are getting some solid work in. My oldest is finishing school work and the youngest is taking down minutes 🙄





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Facebook © 2020



Sarah Nolen

Prosecutor

5 Comments 3 Shares

👍👍👍 33

👍 Like    🗨️ Comment    ➦ Share

Most Relevant ▾



Write a comment...



Ashley VanWormer

Great job mama! So dedicated!

👍 1

Like · Reply · 5w



Author

Sarah Huyser for Clinton County Prosecutor

Thank you so much!!!

👍 1

Like · Reply · 5w



Alissa Shirley

Lol Cameron looks so serious



👍 1

Like · Reply · 5w



Author

Sarah Huyser for Clinton County Prosecutor

He loves his job, just vetoes the dress code!

Like · Reply · 5w



Mikel Kellogg

PRECIOUS!!! Love and miss you Ms. Sarah!

👍 1

Like · Reply · 5w







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

July 24, 2020

Sarah Huyser  
100 East State Street # 3100  
St. Johns, MI 48879

*Via email*

Re: *Fox v. Huyser*  
Campaign Finance Complaint  
No. 2020-07-53-57

Dear Ms. Huyser:

The Department of State (Department) received a formal complaint filed by Leslie Fox against you alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Ms. Fox alleges that you are expressly advocating for your election from your Clinton County Prosecutor's office by recording videos and uploading them online.

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. 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.* An explanation of the investigation process is enclosed with this letter and a copy is available on the Department's website.

**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. Due to the ongoing public health emergency, the Department asks that all materials be submitted via email to

Elections@Michigan.gov to my attention. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Ms. Fox, 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 penalty provided in section 57(4) of the Act.

If you have any questions concerning this matter, you may contact me via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, looped initial "A" and a cursive "Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Leslie Fox

Response to Fox v Huyser  
Campaign Finance Complaint  
No. 2020-07-53-57

This is a writing in response to a formal complaint filed by Ms. Leslie Fox. The complaint alleges that a violation of MCL 169.257(1) has occurred alleging that I was advocating for my election while in my Clinton County Office and therefore are using equipment, personnel, funds, or other public resources to make contribution or expenditure to the campaign. She cites to three instances: (1) a video entitled "Last Day of School" posted at 4:39 p.m. on June 5th; (2) a picture of a desk posted on June 9 at 4:34 p.m. indicating that things around the courthouse are getting back to normal; and (3) pictures posted from my home while on administrative leave on May 18th.

MCL 169.257 governs contributions from a public body. It states that a public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or to provide volunteer services. MCL 169.257(1). There are exemptions that are put in place in this statute as well. It states that this subsection does not apply to the use of a public facility if any candidate would have equal opportunity to use the public facility. MCL 169.257(1)(d). It also does not apply to an employee when not acting for a public body that is on his or her own personal time, is expressing personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services. MCL 167.257(1).

The words contribution and expenditure are terms of art that are also defined by statute. A contribution means a payment, gift, subscription, assessment, expenditure, loan, donation, or anything of ascertainable value made for the purpose of nomination or election of a candidate. MCL 169.204(1). An expenditure is defined as a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities. MCL 169.206(1). An expenditure does not include a communication on a subject or issue if the communication does not support or oppose a candidate by name or clear inference. MCL 169.206(2)(b).

**Video: Last Day of School**

The video regarding the last day of school thanks teachers, talks about how communities have grown together, and how change is not always easy. It talks about positive change and makes a promise that I will continue to work for our community and make improvements. It asks for a vote for positive change on August 4th. It does not contain the name of an opponent or say explicitly to "vote Sarah Huyser." The video was recorded after 4:30 p.m. on a day where I flexed my hours and did not take a lunch. This happens often on days where we have a hectic court schedule or when I am performing a task that took me

this individual was posting them for me. I do not believe these to be valid complaints, let alone any sort of intentional or knowing act. I made sure I was not using County time or resources.

I have attached a copy of the page regarding our Union Contract which allows a flexible schedule, the May calendar for on duty, and the June as well. Please do not hesitate to contact me with any further questions.

June 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Brian	2 Jeff	3 Jeff	4 Jeff Robin	5 Sarah Robin	6 Brian
7 Brian	8 Sarah	9 Sarah	10 Brian	11 Brian Robin	12 Brian Robin	13 Sarah
14 Sarah	15 Jeff	16 Jeff	17 Jeff	18 Sarah Robin	19 Sarah Robin	20 Jeff
21 Jeff	22 Sarah	23 Brian	24 Brian	25 Brian Robin	26 Jeff Robin	27 Sarah
28 Sarah	29 Jeff	30 Jeff				



May 2020						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 26	27	28	29	30	May 1	2 Sarah
					Brian Robin Tina	
3 Sarah	4 Brian Brenda Y.	5 Brian Angie	6 Jeff Brenda S. Anita	7 Jeff Robin Becky	8 Jeff Robin Tina	9 Brian
10 Brian Mother's Day (United States)	11 Sarah Brenda Y.	12 Sarah Angie	13 Sarah Brenda S. Anita	14 Brian Robin Becky	15 Brian Robin Tina	16 Jeff
17 Jeff	18 Brian Brenda Y.	19 Jeff Angie	20 Jeff Brenda S. Anita	21 Jeff Robin Becky	22 Sarah Robin Tina	23 Jeff
24 Jeff	25 Jeff Memorial Day (United States)	26 Sarah Angie	27 Sarah Brenda S. Anita	28 Brian Robin Becky	29 Brian Robin Tina	30 Sarah
31 Sarah	Jun 1	2	3	4	5	6

Fike, Rebecca

1

4/2/2020 10:29 AM

Section 9.2 Notification of Layoff. Whenever possible, the Employer agrees to give seven (7) days' advance notification of layoff by personal contact, telephone call, or written communication by certified mail to the employee's last known address. The provision of this Section shall be deemed to have been complied with by delivery of such layoff notice to the Prosecutor's office for distribution to the affected employees. A copy of such notification shall be issued to the Steward. Whenever possible, the notification shall state the anticipated duration of the layoff.

Section 9.3 Recall. In the event the work force is increased, recall to work shall be in reverse order of layoff from the classifications affected by the recall, provided, however, the employee returned to work must be able to perform the required work and must not have lost any recall rights pursuant to Section 8.2 (f).

Section 9.4 Notification of Recall. Notification of recall shall be by personal contact, telephone call, or written communication by certified mail to the employee's last known address. A copy of such notification shall be issued to the Steward. The notice shall set forth the date the recalled employee is expected to return to work.

### HOURS OF WORK

Section 10.1 Normal Workweek and Workday. The normal workweek for all permanent full-time employees shall consist of forty (40) hours of work performed in a period of five (5) consecutive calendar days from Monday through Friday, except that each permanent full-time employee shall, in addition, participate in a rotation, on a schedule established by the Prosecutor, to respond to any emergency during non-business hours, and to comply with MCR 6.104(g). Individual adjustments to the normal forty (40) hour workweek may be made with the approval of the Prosecutor. The normal workday for full-time employees shall consist of eight (8) hours of work, exclusive of a one (1) hour unpaid lunch period.

Section 10.2 Scheduling. The Employer shall have the right to determine, establish, and modify scheduling and manpower requirements to meet the needs of the Prosecutor and the public the Prosecutor serves. It is expressly understood that an employee's work schedule may be changed whenever operating conditions warrant such change.

Section 10.3 Weekends. Effective upon ratification of this Agreement, Assistant Prosecutors required to serve "on call" on a weekend or holiday for required work such as signing warrants shall be paid Eighty Dollars (\$80) per day worked. Effective on January 1, 2019, the rate shall increase to Ninety Dollars (\$90).

### LEAVES OF ABSENCE

Section 11.1 Procedure for Requesting Leaves. Requests for a leave of absence must be submitted in writing by the employee to the Prosecutor at least twenty-eight (28) days in advance of the date the leave is to commence, except in emergency





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

August 18, 2020

Leslie Fox  
1421 South Dewitt Road  
St. Johns, MI 48879

*Via email*

Dear Ms. Fox:

The Department of State received a response to the complaint you filed against Sarah Huyser, 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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Sarah Huyser, via email

**Fracassi, Adam (MDOS)**

---

**From:** Fracassi, Adam (MDOS)  
**Sent:** Tuesday, August 18, 2020 1:11 PM  
**To:** 'Sarah Huyser'  
**Subject:** Fox v. Huyser - Campaign Finance Complaint  
**Attachments:** Answer to Complaint.pdf; Answer to Complaint.pdf

Ms. Huyser,

Please see attached a copy of correspondence sent in the abovementioned complaint. If you have any questions, please let me know.

**Adam Fracassi**, Election Law Specialist  
Michigan Bureau of Elections  
P.O. Box 20126  
Lansing, Michigan 48901

**Fracassi, Adam (MDOS)**

---

**From:** Fracassi, Adam (MDOS)  
**Sent:** Tuesday, August 18, 2020 1:10 PM  
**To:** leslie@skywiley.com  
**Subject:** Fox v. Huyser - Campaign Finance Complaint  
**Attachments:** Answer to Complaint.pdf; Answer to Complaint.pdf

Ms. Fox,

Please see the attached in regards to the abovementioned complaint.

Thanks,

**Adam Fracassi**, Election Law Specialist  
Michigan Bureau of Elections  
P.O. Box 20126  
Lansing, Michigan 48901



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

August 18, 2020

Leslie Fox  
1421 South Dewitt Road  
St. Johns, MI 48879

*Via email*

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Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Sarah Huyser, via email

**Fracassi, Adam (MDOS)**

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**From:** Fracassi, Adam (MDOS)  
**Sent:** Monday, April 26, 2021 3:22 PM  
**To:** Fracassi, Adam (MDOS)  
**Subject:** Fox v. Huyser - Campaign Finance Complaint  
**Attachments:** Determination.pdf

Good afternoon –

Please see the attached. If you have any questions, please let me know.

**Adam Fracassi**, Election Law Attorney  
Michigan Bureau of Elections  
P.O. Box 20126  
Lansing, Michigan 48901



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

April 26, 2021

Sarah Huyser  
100 East State Street #3100  
St. Johns, MI 48879

Dear Ms. Huyser:

The Department of State has concluded its investigation into the formal complaint filed against you by Leslie Fox which alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* This letter concerns the resolution of the complaint.

Ms. Fox filed her complaint on July 2, 2020 and alleged that you improperly used county resources by campaigning and promoting your election for prosecutor from your office at the Clinton County Courthouse. Included with the complaint were links to a specific video on your Facebook page and pictures which she alleged violated the Act.

In your response, you stated that the video, "Last Day of School" was recorded after 4:30 p.m. on a day where you flexed your work hours in accordance with your union contract. You detailed that in recording this video, no county resources were used as it was recorded on your personal cell phone and uploaded after hours. You further stated that anyone has access to the building and that other candidates have taken videos or pictures in the courthouse and posted them online. Regarding the two pictures, you again indicated the pictures were taken with your personal cell phone and posted when you were on personal time because you were either on administrative leave due to the reduced schedule or because you had flexed your hours.

The Department notified Ms. Fox of her ability to file a rebuttal, but to date, none has been received.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

The Department has reviewed the materials submitted with the complaint and your responses and determines that the evidence is insufficient to conclude a potential violation has occurred. No evidence has been submitted that demonstrates county resources had been used especially given that you had recorded and posted the videos or pictures while you were on personal time. Given

that other candidates had equal access to the building and had also used the building to take pictures or record videos, the action is exempted from the requirements of Section 57. MCL 169.257(1)(d) (Section 57 does not apply to "The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.")

Ultimately, the Department concludes the evidence is insufficient to find that a potential violation has occurred. The Department's file on this matter will be closed and posted on its website in accordance with the procedures outlined under § 15.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Leslie Fox