

Michigan Department of State - Bureau of Elections  
Richard H. Austin Building 1<sup>st</sup> Floor  
430 W. Allegan St, Lansing, MI 48918

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15 June 2020

Complainant	Alleged Violator
Jason A. Watts PO Box 216 Allegan, MI 49010-0216 269.998.3991 <a href="mailto:jaw.watts@gmail.com">jaw.watts@gmail.com</a>	C. Michael Villar CTE Curtis Michael Villar for Allegan County Prosecutor 139 Riverfront Plaza Allegan, MI 49010
Section of MCFA alleged to be violated:	<b>MCL 169.247, 168.944</b>

Now appears Jason A. Watts, Complainant, making his first complaint against Mr. C. Michael Villar and the Committee to Elect Curtis Michael Villar Allegan County Prosecutor. In this complaint, Mr. Watts states:

1. That Mr. Villar was a candidate for Allegan County Prosecuting Attorney in 2018 and is a candidate presently.
2. That the signs in question were displayed on or about June 1<sup>st</sup>, 2020.
3. That candidate's current yard signs and website display and incomplete disclaimer, with no committee address, in violation of MCL 169.247 (photos attached).
4. Candidate's car magnets have no disclaimer, in violation of MCL 169.247.
5. That this is a knowing violation of MCL 169.247 because committee displayed their full disclaimer with address on their 2018 materials (2018 photo attached).
6. That the star in candidate Villar's signs obscures the "for", thus giving the impression of false incumbency (MCL 168.944).

Since Mr. Villar's committee easily complied with the law in 2018, Mr. Watts believes this a knowing violation and that a **\$1,000 fine**, imprisonment for up to **93 days**, or **both** be assessed to Mr. Villar. Ignorance of the law is no excuse, especially for a candidate for the chief law enforcement officer of the county of Allegan.

***I certify that to the best of my knowledge, information, and belief, formed after reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.***



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Jason A. Watts, Complainant

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15 June 2020

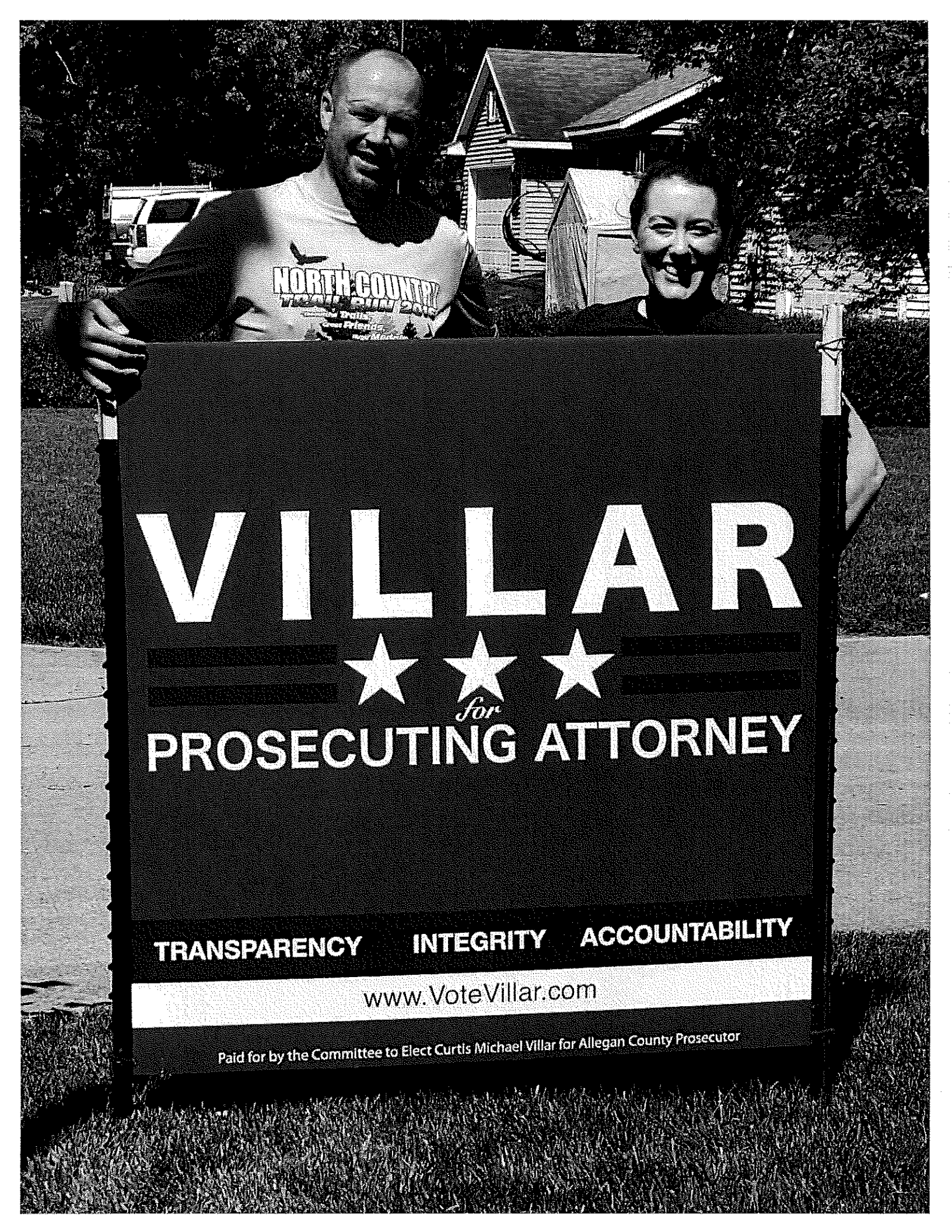
Date

Schrotenboer  
Electric, Inc.

HOPE

VILLAR  
☆☆☆  
*for*  
PROSECUTING ATTORNEY





A black and white photograph of a man and a woman standing behind a large campaign sign. The man on the left is wearing a t-shirt that says "NORTH COUNTRY TRAIL RUN 2014". The woman on the right is smiling. They are standing in front of a house with a gabled roof and a driveway. The sign they are holding is dark with white text and graphics.

# VILLAR

ALLEGAN COUNTY  
PROSECUTOR

★ ★ ★

*for*

## PROSECUTING ATTORNEY

TRANSPARENCY   INTEGRITY   ACCOUNTABILITY

[www.VoteVillar.com](http://www.VoteVillar.com)

Paid for by the Committee to Elect Curtis Michael Villar for Allegan County Prosecutor





Judge Margaret Bakker in March of this year without any application process whatsoever. Judge Bakker is a personal friend of the appointed Prosecutor. There was not even a pretense of impartiality in the process.

## Recent Posts

Hon. George R. Coraggio's Endorsement Letter

Kevin Lewis Editorial

Villar Will Protect All Victims — Letter of Support by Kirby and Sherry Goodwin

Villar Endorsed by Local Attorneys!

Villar endorsed by retired Allegan County Circuit Judge George R. Coraggio!

## Contact the Committee

### Holly Verde, Treasurer.

616-359-1833

Holly@votevillar.com

### Michael Villar, Candidate.

269-673-3291

Mike@votevillar.com

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Curtis Michael Villar for Allegan County Prosecuting Attorney.

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## **Fracassi, Adam (MDOS)**

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**From:** Fracassi, Adam (MDOS)  
**Sent:** Monday, June 22, 2020 10:48 PM  
**To:** Smith, Jessica (MDOS)  
**Subject:** Fwd: Villar addendum

A third

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**From:** SOS, Disclosure <Disclosure@michigan.gov>  
**Sent:** Tuesday, June 16, 2020 4:37:45 PM  
**To:** Fracassi, Adam (MDOS) <FracassiA@michigan.gov>  
**Subject:** FW: Villar addendum

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**From:** Jason A. Watts <jaw.watts@gmail.com>  
**Sent:** Tuesday, June 16, 2020 2:02 PM  
**To:** SOS, Disclosure <Disclosure@michigan.gov>  
**Subject:** Villar addendum

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**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

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Screenshot from his video- incomplete disclaimer

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*Vote*  
**VILLAR**  
★ ★ ★  
*for*  
ALLEGAN COUNTY PROSECUTING ATTORNEY

**AUGUST 4TH | REPUBLICAN PRIMARY**

Paid For by the Committee to Elect Curtis Michael Villar for Allegan County Prosecuting Attorney





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

July 14, 2020

C. Michael Villar  
CTE Curtis Michael Villar for Allegan County Prosecutor  
139 Riverfront Plaza  
Allegan, MI 49010

Re: *Watts v. Villar*  
Campaign Finance Complaint  
No. 2020-06-45-47

Dear Mr. Villar:

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 16, 2020 and raises two allegations. The first is your campaign materials give the impression of a false designation of incumbency. The second is that you have distributed campaign materials that fail to contain a complete and proper paid for by statement. A picture of the campaign materials is included with the complaint.

The first allegation in the complaint is that your campaign materials imply a false designation of incumbency. The MCFA generally regulates the source, amount, and disclosure of campaign contributions and expenditures. The campaign finance complaint process, which is described more fully at MCL 169.215, is designed to address allegations relating to the receipt of prohibited contributions, unauthorized expenditures, improper disclosure, and so on. In contrast, the Michigan Election Law (MEL), 1954 PA 116, MCL 168.1 *et seq.*, governs the administration of elections including the circulation and filing of petitions, voter registration, ballot counting procedures, certification of election results and provides a list of certain election-related offenses such as forgery, perjury, and the false designation of incumbency.

It is important to understand that the Department's investigatory powers are strictly limited to purported violations of the MCFA. MCL 169.215(5), (10). Upon a careful review of the complaint and supporting documentation submitted, it is alleged in part that you have violated the MEL because the word "for" on your campaign materials is sometimes obscured. The MEL provides:

Any person who advertises or uses in any campaign material, including radio, television, newspapers, circulars, cards, or stationery, the words incumbent, re-elect, re-election, or otherwise indicates, represents, or gives the impression that a candidate for public office is the incumbent, when in fact the candidate is not the incumbent, is guilty of a misdemeanor punishable as provided in section 934.

MCL 168.944. Other provisions of the MEL, specifically sections 940 and 941, MCL 168.940 and 168.941, confer upon law enforcement officers and prosecuting attorneys the authority to investigate and prosecute such criminal violations of the MEL.

Since your complaint concerns the application and enforcement of the MEL, this cannot be the subject of a campaign finance complaint filed under the MCFA. See MCL 169.215(5) (“[a] person may file with the secretary of state a complaint that alleges a violation *of this act* [.]”) and MCL 169.215(10) (the secretary of state may “refer the matter to the attorney general for the enforcement of a criminal penalty provided *by this act*.”) (Emphasis added). The campaign finance complaint process simply is not designed to resolve complaints involving purported violations of the MEL.

For this reason, the Department has no alternative but to dismiss this portion of the complaint.

The second allegation is that certain campaign materials fail to contain a complete paid for by statement. 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 materials specifically state “Villar for Prosecuting Attorney” 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 ambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, upon review, it appears that your campaign material sometimes omits the full address of the individual or committee paying for the items. Since this portion of the 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.*

C. Michael Villar

July 14, 2020

Page 3

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", written in a cursive style.

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

Enclosure  
c: Jason Watts