

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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11 June 2022

Complainant	Alleged Violator
Jason A. Watts PO Box 216 Allegan, MI 49010-0216 269.569.0848 <a href="mailto:jaw.watts@gmail.com">jaw.watts@gmail.com</a>	CTE Austin Kreutz PO Box 94 Allegan, MI 49010-0094
Section of MCFA alleged to be violated:	<b>MCL 169.247, 168.944</b>

Now appears Mr. Jason A. Watts, Complainant, PO Box 216, Allegan, MI 49010, making his complaint against Committee to Elect (CTE) Austin Kreutz, PO Box 94, Allegan, MI 49010-0094. In this complaint, Mr. Watts states:

1. That CTE Austin Kreutz is the committee for Austin Kreutz, candidate for State Senate – 20<sup>th</sup> District, filed with the Michigan Bureau of Elections.
2. That CTE Austin Kreutz is displaying a banner **without** any sort of disclaimer in violation of MCL 169.247 (attached). A proper disclaimer must say: "Paid for by [Committee Name] [Committee Address]".
3. That said banner was photographed at the Van Buren County Republican Lincoln Day Dinner which was held at the Decatur VFW, 560 N Phelps St, Decatur, MI 49045 on June 10, 2022.
4. That CTE Austin Kreutz is displaying signs and literature **with** the proper disclaimer (attached).
5. That said banner has no for, elect, or vote, thus giving the appearance of false incumbency in violation of MCL 168.944:

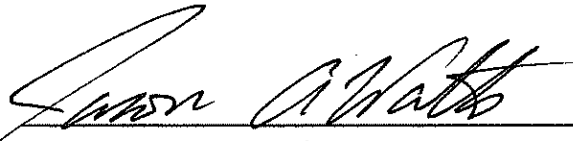
**168.944 False designation of incumbency; misdemeanor.**

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.

6. Complainant will refer the violation of MCL 168.944 to the Allegan & Van Buren County Prosecuting Attorney's Offices for their determination if there should be any further action against CTE Austin Kreutz. Complainant is uncertain which office has jurisdiction since the committee is based in Allegan County, yet the banner was photographed in Van Buren County.

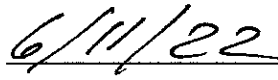
Mr. Watts believes that CTE Austin Kreutz by not having a disclaimer on his banner, yet having a proper disclaimer on their signs and literature is knowingly trying to circumvent the MCFA 169.247 and that a **\$1,000 fine**, imprisonment for up to **93 days**, or **both** be assessed.

*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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Date

## MDOS-BOERegulatory

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**From:** SOS, Disclosure  
**Sent:** Tuesday, June 14, 2022 9:57 AM  
**To:** MDOS-BOERegulatory  
**Subject:** FW: Complaint against COMMITTEE TO ELECT AUSTIN KREUTZ Cmte #: 520411  
**Attachments:** CTE A Kreutz Complaint.pdf; AK\_5316.jpg; kreutz.jpg

**From:** Jason A. Watts <jaw.watts@gmail.com>  
**Sent:** Saturday, June 11, 2022 9:41 PM  
**To:** SOS, Disclosure <Disclosure@michigan.gov>; mkoch@allegancounty.org; zuiderveens@vanburencountymi.gov  
**Subject:** Re: Complaint against COMMITTEE TO ELECT AUSTIN KREUTZ Cmte #: 520411

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

[Noticed I omitted the complaint]

Dear Bureau:

Please see the complaint and evidence attached. If you have any questions, please let me know at the numbers below.

Ms Koch & Ms. Zuiderveen:

Please see in the complaint what I believe is CTE Austin Kreutz's violation of MCL 168.944; false incumbency.

**168.944 False designation of incumbency; misdemeanor.**

Sec. 944.

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.

**168.934 Misdemeanor; penalty.**

Sec. 934.

Any person who shall be found guilty of a misdemeanor under the provisions of this act shall, unless herein otherwise provided, be punished by a fine of not exceeding \$500.00, or by imprisonment in the county jail for a term not exceeding 90 days, or both such fine and imprisonment in the discretion of the court.

If you have any questions or concerns, please let me know at the numbers below. Thank you.

-Jason Watts

On Sat, Jun 11, 2022 at 9:00 PM Jason A. Watts <[jaw.watts@gmail.com](mailto:jaw.watts@gmail.com)> wrote:

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Ms Koch & Ms. Zuiderveen:

Please see in the complaint what I believe is CTE Austin Kreutz's violation of MCL 168.944; false incumbency.

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Jason A. Watts  
PO Box 216  
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269.998.3991  
Tweet: [@jawwatts](https://twitter.com/jawwatts)  
[jaw.watts@gmail.com](mailto:jaw.watts@gmail.com)  
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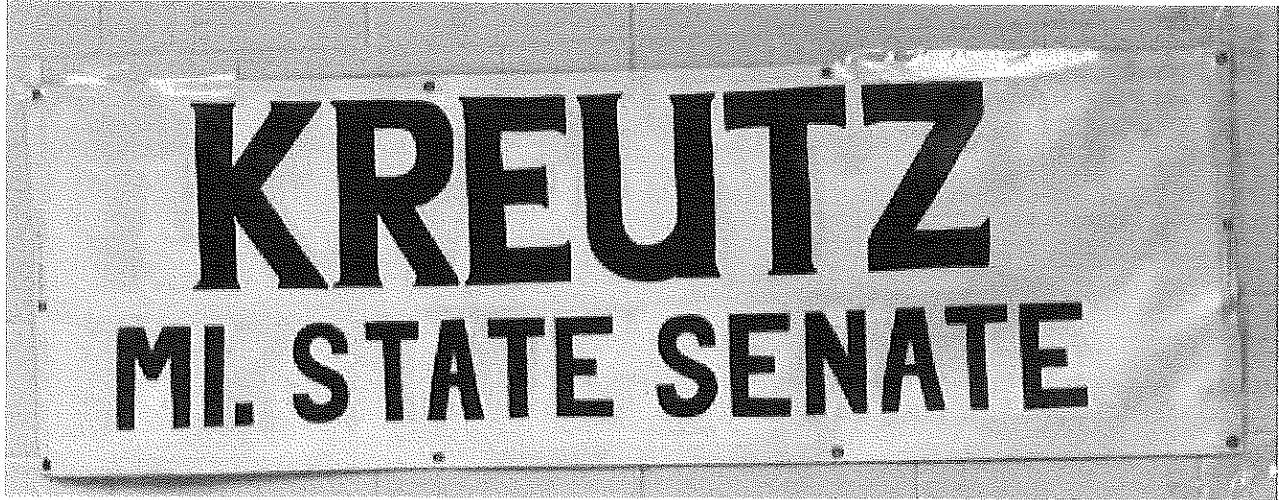
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**KREUTZ**  
**MI. STATE SENATE**

**Austin**  
**Kreutz**

**For**  
**Michigan Senate**

**Atk4mi.org**



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

July 19, 2022

CTE Austin Kreutz  
P.O. Box 94  
Allegan, MI 49010-0094

Re: *Watts v. Kreutz*  
Campaign Finance Complaint No. 2022-06-21-247

Dear Mr. Kreutz:

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 an identification statement on a banner displayed at the Van Buren County Republican Lincoln Day Dinner on June 10, 2022. A picture of the banner was included with the complaint; a copy of the complaint is enclosed.

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 the materials fall within the ambit of the MCFA. Because the materials explicitly advocate for the election or defeat of a candidate, or for the passage or defeat of a ballot proposal, the materials contain express advocacy as defined by the Act. MCL 169.206(2)(j). As explained above, such materials must contain a "paid for by" statement listing the name and address of the committee purchasing the materials. However, the evidence shows that the materials at issue here omit part or all of that required statement. That absence supports the conclusion that a potential violation of the MCFA 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).

Mr. Watts also alleged that you displayed a banner that included a false designation of incumbency, in violation of the Act. MCL 168.944 provides that a person who “advertises or uses in any campaign material...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.” The banner in question merely showed your name and the office for which you are running. It did not use any of the words listed as indicators of incumbency or use any other words that would give that impression. Accordingly, that portion of the complaint is dismissed.

Sincerely,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

c: Jason A. Watts