

**Campaign Finance Complaint Form**

**Michigan Department of State**

2020 OCT 28 PM 1:42

I allege that the MCFA was violated as follows:

**Section 1. Complainant**

Name: Trevor Tuto-Anderson

Phone: 716-816-6389

Address: 2084 Pinecroft Drive, Canton, MI 48188

Email: trevortheanderson@gmail.com

**Section 2. Alleged Violator**

Carly Sayre

4760 Sherstone Ct

Canton, MI 48188

**Section 3. Allegations**

**Section(s) of the MCFA violated:** 169.247 Sec. 47(1), 169.244 Sec. 44 (2), 168.944

**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.

**169.244 Prohibited contributions or expenditures; delivery or return of contribution; joint fund-raiser; violation as misdemeanor; penalty. Sec. 44.**

(2) Except as otherwise provided in this section and sections 21a, 45, and 71, a candidate committee shall not make an expenditure or other disbursement except to further the nomination or election of the candidate for which it is formed. A candidate committee shall not make a contribution to or an

independent expenditure on 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.

**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.

**Explain how those sections were violated:**

This sponsored ad was released by Carly Sayre (candidate for Canton Township Trustee) but the "Sponsored" line did not identify it as Paid For by her committee "Carly Sayre for Trustee". This is a violation of MCL 169.247 Sec 47.

In addition, the ad promoted other candidates for the Canton Board of Trustees (Pat Williams, John Anthony, Devon Smith, Brian Williams) besides the candidate herself. This completely violates MCFA 169.244 Sec. 44 (2) as she (her committee) is paying to promote not just herself, but all the candidates listed.

Finally, the candidates are not identified as Candidates for the position, but the wording gives the impression they are all incumbents (only Pat Williams and John Anthony are currently incumbents) which is a violation of 168.944.

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

Please see the subject Ad in the images attached on the following pages below.

**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.*

  
Signature of Complainant

10/22/20  
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:

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Signature of Complainant

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Date

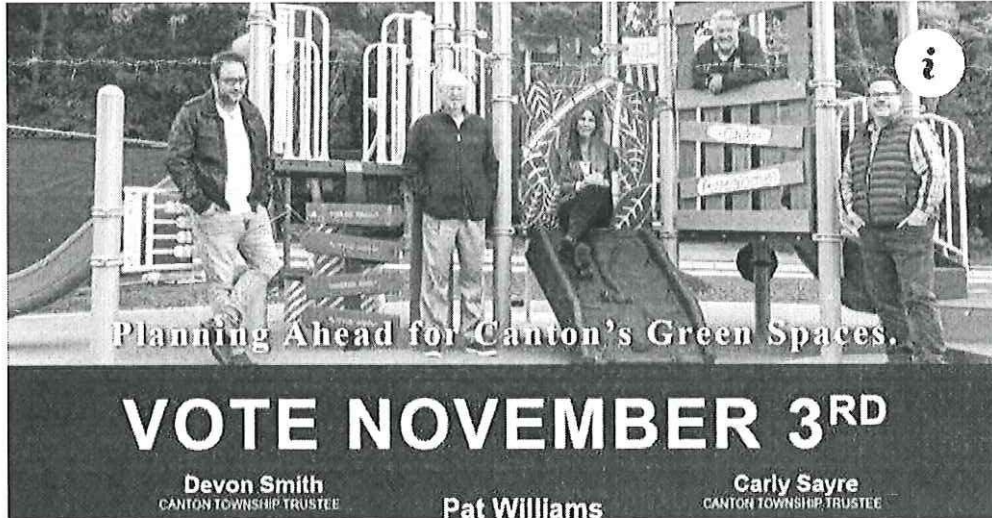


## Elect Carly Sayre for Canton Trustee 2020

...

Sponsored · Paid for by Carlyalisa Sayre ·

Together we will maintain and protect Canton's Green Spaces



Elect Carly Sayre for Canton Trustee 2020

Elect Carly Sayre for Canton Trustee



Like

Comment

Share





Planning Ahead for Canton's Green Spaces.

# VOTE NOVEMBER 3<sup>RD</sup>

**Devon Smith**  
CANTON TOWNSHIP TRUSTEE

**Brian Williams**  
CANTON TOWNSHIP TRUSTEE

**Pat Williams**  
CANTON TOWNSHIP SUPERVISOR

**Carly Sayre**  
CANTON TOWNSHIP TRUSTEE

**John Anthony**  
CANTON TOWNSHIP TRUSTEE



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

April 16, 2021

Carly Sayre  
4760 Sherstone Court  
Canton, Michigan 48188

Re: *Tutro-Anderson v. Sayre*  
Campaign Finance Complaint  
No. 2020-10-191-47

Dear Ms. Sayre:

The Department of State (Department) received a formal complaint filed by Trevor Tutro-Anderson against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *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).<sup>1</sup>

Mr. Tutro-Anderson alleges that your candidate committee paid for an advertisement which encouraged readers to vote for Devon Smith, Brian Williams, Pat Williams, John Anthony and yourself. Mr. Tutro-Anderson further alleges that you failed to include a paid-for-by statement on the ad.

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<sup>1</sup> The Department notes that the complaint also alleges that you have violation MCL 168.944. 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. Because this particular allegation concerns the application and enforcement of the MEL, it 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. Therefore, this portion of Mr. Tutro-Anderson's complaint is dismissed.

In support of his complaint, Mr. Tuto-Anderson provided a screenshot of a Facebook post, which states it was sponsored by Carlyalisa Sayre and includes a picture of you and the other candidates with the caption "VOTE NOVEMBER 3" and lists your name along with the other candidates and the office each of you ran for.

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](mailto:Elections@Michigan.gov) to my attention.

A copy of your answer will be provided to Mr. Tuto-Anderson, 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 517-335-3234 or [Elections@Michigan.gov](mailto:Elections@Michigan.gov)

Sincerely,



Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Trevor Tuto-Anderson





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

June 14, 2022

**SECOND NOTICE**

Carly Sayre  
4760 Sherstone Court  
Canton, Michigan 48188

Re: *Tutro-Anderson v. Sayre*  
Campaign Finance Complaint  
No. 2020-10-191-47

Dear Ms. Sayre:

The Department of State (Department) has received a formal complaint filed against you by Trevor Tutro-Anderson alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that your candidate committee paid for an advertisement which encouraged readers to vote for Devon Smith, Brian Williams, Pat Williams, John Anthony, and yourself. A copy of the complaint is included with this notice.

The Department sent you notice of this complaint on April 16, 2021. That letter informed you that you had 15 business days from April 16, 2021 to provide a response to the complaint. **As a courtesy, the Department is extending you an opportunity to submit a response within 15 business days of the date of this second notice.** If you do not submit a response within 15 business days of the date of this notice, the Department will have no choice but to adjudicate the complaint based on the facts and allegations included in the complaint alone.

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 process 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. Materials may be emailed to [BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov) or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you



Carly Sayre  
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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 Mr. Tutro-Anderson, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing 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 penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me at [BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Adam Fracassi", with a stylized flourish at the end.

Adam Fracassi, Regulatory Manager  
Bureau of Elections  
Michigan Department of State

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

☐ Agent

☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

**Carly Sayre**  
**4760 Sherstone Court**  
**Canton, Michigan 48188**



9590 9402 1449 5329 9721 51

2. Article Number (*Transfer from service label*)

**7021 0350 0001 9995 7523**

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



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

August 29, 2022

Carly Sayre  
4760 Sherstone Court  
Canton, MI 48188

Re: *Tutro-Anderson v. Sayre*  
Campaign Finance Complaint No. 2020-10-191-47

Dear Ms. Sayre:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Trevor Tutro-Anderson alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that your committee paid for and posted on Facebook an advertisement which encouraged readers to vote for Devon Smith, Brian Williams, Pat Williams, John Anthony, and yourself. The advertisement states it was sponsored by Carlyalisa Sayre, includes a picture of you and the other candidates with the caption "VOTE NOVEMBER 3," and lists your name along with the other candidates and the office for which each of you ran. Mr. Tutro-Anderson further alleges that you failed to include a paid-for-by statement on the advertisement.

You did not respond to the complaint.

**Allegation 1: Section 47**

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 of you and other candidates, 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 of that required statement. Although the Facebook

sponsorship information shows that the advertisement was paid for by Carlyalisa Sayre, the advertisement does not include an address. 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 this allegation 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 this aspect of the complaint as resolved.

## **Allegation 2: Section 44**

The MCFA prohibits a candidate committee from making a “contribution to or an independent expenditure on behalf of another candidate committee.” MCL 169.244(2). With narrow exceptions, a candidate committee may only spend money to further the nomination or election of its own candidate. *See id.* A knowing violation of Section 44 is a misdemeanor punishable by a fine, imprisonment, or both. MCL 169.244(5).

The Department has reviewed the evidence submitted in this matter and finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA. The advertisement you posted on your campaign’s Facebook page encourages voters to vote for you and four other candidates for Canton Township offices. The advertisement’s sponsorship information says, “Paid for by Carlyalisa Sayre,” which shows you expended resources on behalf of other candidate committees.

For the joint advertisement to have complied with the MCFA, Mr. Smith, Mr. Brian Williams, Mr. Pat Williams, and Mr. Anthony were obligated to pay for a fraction of the cost of the advertisement equal to the fraction of the advertisement advocating for each candidate’s election.<sup>1</sup> Additionally, a proper “paid for by” statement is required on the advertisement for each committee that expended funds on the material.

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<sup>1</sup> Because you did not respond to the complaint, we have no evidence of cost-sharing, and therefore must conclude on the evidence provided that you paid for the full cost of the advertisement.



With respect to this allegation, this letter serves to notify you that the Department has determined there may be reason to believe that you have violated the Act and to notify you that the Department is beginning the informal resolution process. Please contact [BOERegulatory@michigan.gov](mailto:BOERegulatory@michigan.gov) by January 13, 2022 to discuss a resolution to matter.

“If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

- (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
- (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation.”

MCL 169.215(11).

Sincerely,



Adam Fracassi  
Regulatory Manager  
Regulatory Section  
Bureau of Elections  
Michigan Department of State



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

January 18, 2023

The Honorable Dana Nessel  
Department of Attorney General  
G. Mennen Williams Building  
525 West Ottawa Street  
Lansing, MI 48933

Re: *Tutro-Anderson v. Sayre*  
Michigan Campaign Finance Complaint

Dear Attorney General Nessel:

Please allow this letter to serve as a referral to the Attorney General of the above referenced campaign finance matter for the enforcement of any criminal penalties under the Michigan Campaign Finance Act. MCL 169.215(10)(a).

If you or your staff would like any additional information regarding this case, please contact this office.

Sincerely

s/ Michael J. Brady

Michael J. Brady, Chief Legal Director  
Michigan Secretary of State

cc: Heather Meingast, Division Chief, CLEE Division