



# Michigan Department of State Campaign Finance Complaint Form

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MICHIGAN DEPT OF STATE  
2023 AUG -7 PM 5:13  
ELECTIONS/GREAT SEAL

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). Electronic submission of the form to [BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov) is strongly recommended. 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 DAVID SWEET		Daytime telephone number 734-4785183
Mailing address 60 W. LEWIS PO BOX 23		
City MILAN	State MI	Zip 48160
Email (recommended) N/A		

Section 2. Alleged Violator (Respondent)		
Name MATTHEW TOMECZEK		
Mailing address 332 ANDERSON ST.		
City MILAN	State MI	Zip 48160
Email (recommended) N/A		
Committee ID (optional)		

Please include email addresses to expedite processing time and mitigate mail delays.

## Section 3. Allegations (use additional sheets if more space is needed)

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

MATTHEW TOMECZEK PASSED OUT CAMPAIGN LITERATURE ON 8-5-23 THAT HE WAS RUNNING FOR CITY COUNCIL IN THE CITY OF MILAN, MI; IF DID NOT STATE PAID FOR BY THE COMMITTEE TO ELECT MATTHEW TOMECZEK OR HAVE HIS CURRENT ADDRESS AT 332 ANDERSON, MILAN, MI.

Explain how these sections were violated:

IT IS A STATE LAW THAT THE CAMPAIGN LITATURE MUST CONTAIN:

- ① PAID FOR BY THE COMMITTEE TO ELECT THAT PERSON,
- ② THEIR CURRENT ADDRESS OF THE PERSON RUNNING FOR AN ELECTED OFFICE IN THE STATE OF MICHIGAN.

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

I AM SENDING YOU A COPY OF THE CAMPAIGN LITATURE THAT MATTHEW TOMCEK HANDRA OUT ON 8-5-23,

**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.

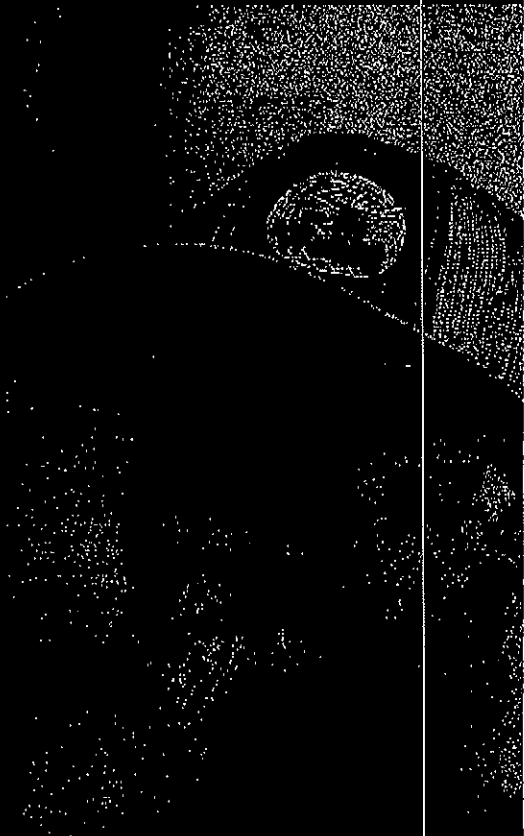
*David Sweet*

Signature of complainant

*8-7-2023*

Date

**FOCUSED  
ON MILAN**



MATTHEW  
**TOMECEK**

MILAN  GAME  
.COM



# VOTE MATTHEW TOMECEK!

Learn what MATT  
wants to do for our city.

*•40 year resident of Milan*

*•Home owner / Taxpayer*

*• 30 Years at Black & Veatch as Senior Electrical Designer*

*• 12 Years as a Volunteer Soccer Coach for Milan Youth Soccer Club*

*• Current/ past Southeast Michigan Storm Soccer Club Manager*

*• Serves on the Milan Zoning Board of Appeals*

*• Serves on the Milan Brownfield Development Board*

*• Past Master of Milan Lodge #323 F. & A. M.*

*• Milan Cares Volunteer*

*• Milan Soccer Boosters volunteer*

**Support the current 10 year infrastructure plan for city roads, sidewalks and parks**

**Strongly support the Milan DPW to ensure City services remain uninterrupted**

**Ensure that city services to our seniors are maintained or elevated to meet or exceed expectations.**

**Actively recruit new businesses to further develop our tax base while keeping Milan "Milan"**

**Work as a conduit between the city and the citizens, keeping the best interest of the citizens at the forefront**



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

August 14, 2023

Matthew Tomecek  
332 Anderson St.  
Milan, MI 48160

Re: *Sweet v. Tomecek*  
Campaign Finance Complaint No. 23-062

Dear Mr. Tomecek:

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 campaign literature. A copy of the literature 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

Matthew Tomecek

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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,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

Enclosure  
c: David Sweet