



Michigan Department of State
Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

RECEIVED/FILED
MICHIGAN
2019 OCT -7 PM 3:02

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 Brett Gillespie | | Daytime Telephone Number 517-449-7243 | |
| Mailing Address 902 Timberlake Dr. #B | | | |
| City Grand Ledge | State MI | Zip 48837 | |
| Email (optional) brettgillespie4g1@gmail.com | | | |

| Section 2. Alleged Violator | | | |
|-----------------------------------------------|--------------------|---------------------|--|
| Name Michael Coll | | | |
| Mailing Address 102 Ingersoll St. | | | |
| City Grand Ledge | State MI | Zip 48837 | |
| Email (optional) MikeColl@yahoo.com | | | |

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

Section(s) of the MCFA alleged to be violated: **Section 47, Section 169.203 Sec. 3**

Explain how those sections were violated:

Section 47 Violation - Not a single one of his yard signs throughout the city, has a Campaign disclosure.

Section 169.203 Sec. 3 Violation. Mr. Coll has been a "Candidate" since he filed his Nominating Petition on April 1st, 2019 yet has not updated his Candidate Committee paperwork since 2017.

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

- 1. A photograph of one of several yard signs**
- 2. Most recent Campaign Committee paperwork from the Eaton County Clerk's website.**

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


Signature of Complainant

10/2/19
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:

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.

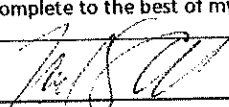
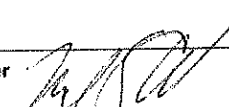
Section 6. Submission

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



ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE A COMMITTEES FILED WITH A COUNTY CLERK
Information on this form is made public.

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------|
| 1. Committee ID #: | *2. Type of Filing: <input checked="" type="checkbox"/> Original: <input checked="" type="checkbox"/> Amendment to items: 40 | | Eff. Date: 8-24-17 |
| *3. Full Name of Committee (must include Candidate's first and last name): Committee to Elect Michael Coll | | | |
| *4a. Candidate Full Name: Last Name Coll | | First Name Michael | M.I. S |
| *4b. Political Party (if applicable): | | *4c. County of Residence: EATON | |
| *4d. Office Sought: Mayor | | *4e. District or Jurisdiction: Grand Ledge | |
| *5. Date Committee was Formed: 08/24/2017 | | | |
| *6a. Committee Phone: (517) 281-4441 | | 6b. Committee Fax #: | |
| *6c. Committee Email Address: mikecoll@yahoo.com | | 6d. Committee Website Address: none | |
| *7a. Complete Committee Mailing Address (May be PO Box): 102 Ingersoll Street, Grand Ledge, MI 48837 | | | |
| *7b. Complete Committee Street Address (May not be PO Box): 102 Ingersoll Street, Grand Ledge, MI 48837 | | | |
| *8. Treasurer Name and Complete Address: Michael Coll, 102 Ingersoll St., Grand Ledge, MI 48837 | | | |
| Phone #: (517) 281-4441 | | Email Address: mikecoll@yahoo.com | |
| 9. Designated Record Keeper Name and Complete Address: Self | | | |
| Phone #: | | Email Address: | |
| *10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post and Quarterly Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly Statements even if the committee does not spend or receive in excess of \$1,000 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual. | | | |
| *11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received. *Official Depository (name and address): Fifth Third Bank, Charlevoix Drive, Grand Ledge, MI 48837 Secondary Depository (name and address): | | | |
| 12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date) | | | |
| *Candidate:  | Date: 08/24/2017 | *Current Treasurer:  | Date: 08/24/2017 |
| *Designated Record Keeper (If Applicable) | | Date: | |



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE A COMMITTEES FILED WITH A COUNTY CLERK
Information on this form is made public.

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|--|
| 1. Committee ID #: 29214 | | *2. Type of Filing: <input type="checkbox"/> Original: <input checked="" type="checkbox"/> Amendment to Items: 4D | | Eff. Date: 08/24/2017 | |
| *3. Full Name of Committee (must include Candidate's first and last name): Committee to Elect Michael Coll | | | | | |
| *4a. Candidate Full Name: Last Name Coll | | First Name Michael | | M.I. S | |
| *4b. Political Party (if applicable): | | *4c. County of Residence: EATON | | | |
| *4d. Office Sought: Mayor | | *4e. District or Jurisdiction: Grand Ledge | | | |
| *5. Date Committee was Formed: | | | | | |
| *6a. Committee Phone: (517) 281-4441 | | 6b. Committee Fax #: | | | |
| *6c. Committee Email Address: mikecoll@yahoo.com | | 6d. Committee Website Address: none | | | |
| *7a. Complete Committee Mailing Address (May be PO Box): 102 Ingersoll Street, Grand Ledge, MI 48837 | | | | | |
| *7b. Complete Committee Street Address (May not be PO Box): 102 Ingersoll Street, Grand Ledge, MI 48837 | | | | | |
| *8. Treasurer Name and Complete Address: Michael Coll, 102 Ingersoll St., Grand Ledge, MI 48837 | | | | | |
| Phone #: (517) 281-4441 | | Email Address: mikecoll@yahoo.com | | | |
| 9. Designated Record Keeper Name and Complete Address: Self | | | | | |
| Phone #: | | Email Address: | | | |
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| 12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date) | | | | | |
| *Candidate: | | Date: 08/24/2017 | | *Current Treasurer Date: 08/24/2017 | |
| *Designated Record Keeper (If Applicable) | | | | Date: | |



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

October 14, 2019

Michael Coll
102 Ingersoll Street
Grand Ledge, Michigan 48837

Re: *Gillespie v. Coll*
Campaign Finance Complaint
No. 2019-10-34-47

Dear Mr. Coll:

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 October 7, 2019 and alleges that you have distributed yard signs that did not include a proper paid for by statement. A picture of the yard signs is included with the complaint.

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 yard sign specifically states "Elect Michael Coll Mayor of Grand Ledge" 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 gambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the signs have completely omitted the required paid for by statement. Since this 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

Michael Coll
October 14, 2019
Page 2

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).

Sincerely,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: Brett Gillespie

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Monday, October 14, 2019 10:28 AM
To: brettgillespie4gl@gmail.com
Subject: Gillespie v. Coll - Campaign Finance Complaint
Attachments: Brett Gillespie Campaign Finance Complaint Form.pdf; Warning Letter.pdf

Mr. Gillespie,

Please see attached correspondence regarding the campaign finance complaint you filed with the Department against Michael Coll. If you have any questions, please let me know.

Adam Fracassi
Bureau of Elections

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Monday, October 14, 2019 10:27 AM
To: mikecoll@yahoo.com
Subject: Gillespie v. Coll - Campaign Finance Complaint
Attachments: Brett Gillespie Campaign Finance Complaint Form.pdf; Warning Letter.pdf

Mr. Coll,

Please see the attached correspondence and complaint from the Department regarding the campaign finance complaint filed against you. A hard copy with also be placed in today's mail. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist
Michigan Department of State, Bureau of Elections

Fracassi, Adam (MDOS)

From: Mike Coll <mikecoll@yahoo.com>
Sent: Monday, October 14, 2019 5:17 PM
To: Fracassi, Adam (MDOS)
Subject: Re: Gillespie v. Coll - Campaign Finance Complaint

Mr. Fricassi:

I apologize if I am in violation of the election rules, but do not believe I am. When I realized my signs did not have the required statement, I printed labels and placed one on every sign I have in place. My understanding was that doing so would bring me into compliance with the requirement and that there was no specific size requirement for the disclosure. I rode around town and verified this afternoon that those notices were still present on every sign, including the one in Mr. Gillespie's photo. Those labels read "Paid for by the Committee to Elect Michael Coll, 102 Ingersoll Street, Grand Ledge, MI 48837". If it is necessary for the notice to be larger, please advise what correction would be acceptable and I will immediately remove all signs and make the appropriate modification.

Regarding my election committee paperwork, I personally visited the Elections Clerk at the Eaton County Courthouse before filing my nominating petitions in Grand Ledge, and I was advised that as I was running for the same office (Mayor) as when I filed that paperwork in 2017, and that none of the information has changed, I was not required to complete another form and my "Committee" remained validly registered. If that was erroneous information, please let me know and I'll go back to the Courthouse and file the necessary update or new form.

I thank you for your assistance and assure you I will take whatever actions necessary to bring both my signs and documentation into compliance. My phone number is 517-281-4441 should you wish to contact me telephonically. I am having a medical procedure tomorrow morning (Tuesday) so if I do not answer, please leave a message and I'll get back to you ASAP.

Sincerely,

Michael Coll

On Monday, October 14, 2019, 10:26:44 AM EDT, Fracassi, Adam (MDOS) <FracassiA@michigan.gov> wrote:

Mr. Coll,

Please see the attached correspondence and complaint from the Department regarding the campaign finance complaint filed against you. A hard copy with also be placed in today's mail. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist

Michigan Department of State, Bureau of Elections

Fracassi, Adam (MDOS)

From: Mike Coll <mikecoll@yahoo.com>
Sent: Wednesday, October 16, 2019 9:19 AM
To: Fracassi, Adam (MDOS)
Subject: Re: Gillespie v. Coll - Campaign Finance Complaint
Attachments: DSCI0499 (2).JPG; DSCI0500.JPG; DSCI0501 (2).JPG; DSCI0502.JPG; DSCI0503.JPG

Mr. Fracassi:

I have attached several photos of signs which show the label with my identifying information. Can you please confirm:

1) Whether or not this label meets the requirement or, if not, advise of how large I must make the notice. I find no reference to size in the paragraphs cited in Mr. Gillespie's complaint other than a statement that secretary of state can specify that, but there is no specific guidance provided that I can see. Based on that, I believe Mr. Gillespie's allegations are unsubstantiated. If these signs are NOT in compliance, I will have them removed prior to COB today and will make the necessary adjustments before replacing them. Please advise. The labels read:

The Committee to Elect Michael Coll
102 Ingesoll Street
Grand Ledge, MI 48837

2) Was the information received from Eaton County Board of Elections that I am NOT required to provide an update candidate filing form since I am still running the same office and that no information has changed from my 2017 submission accurate? If that information was erroneous, I will file an updated form by week's end. As previously stated, I personally visited the Election Office during a break in jury duty before filing my nominating petitions and was advised that my "committee" was still legal valid and registered and that no further action was required.

Thank you for your guidance and clarification on these two issues. My phone number is 281-4441 should you wish to contact me directly.

Michael Coll

On Tuesday, October 15, 2019, 3:15:01 PM EDT, Fracassi, Adam (MDOS) <FracassiA@michigan.gov> wrote:

Mr. Coll,

Thank you for this email. I am going to treat this as an answer to the complaint and continue with the process. Do you happen to have a picture of the label that you put on the sign?

From: Mike Coll <mikecoll@yahoo.com>
Sent: Monday, October 14, 2019 5:17 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Re: Gillespie v. Coll - Campaign Finance Complaint

Mr. Fricassi:

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Regarding my election committee paperwork, I personally visited the Elections Clerk at the Eaton County Courthouse before filing my nominating petitions in Grand Ledge, and I was advised that as I was running for the same office (Mayor) as when I filed that paperwork in 2017, and that none of the information has changed, I was not required to complete another form and my "Committee" remained validly registered. If that was erroneous information, please let me know and I'll go back to the Courthouse and file the necessary update or new form.

I thank you for your assistance and assure you I will take whatever actions necessary to bring both my signs and documentation into compliance. My phone number is 517-281-4441 should you wish to contact me telephonically. I am having a medical procedure tomorrow morning (Tuesday) so if I do not answer, please leave a message and I'll get back to you ASAP.

Sincerely,

Michael Coll

On Monday, October 14, 2019, 10:26:44 AM EDT, Fracassi, Adam (MDOS) <FracassiA@michigan.gov> wrote:

Mr. Coll,

Please see the attached correspondence and complaint from the Department regarding the campaign finance complaint filed against you. A hard copy with also be placed in today's mail. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist

Michigan Department of State, Bureau of Elections

10/16/2019 07:54

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COLL
MAYOR OF GRAND LEDGE

10/16/2019 07:54

COLL

AYOR OF GRAND LEDGE

10/16/2019 07:53

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Tuesday, October 22, 2019 11:15 AM
To: Brett Gillespie
Subject: Gillespie v. Coll - Answer Received
Attachments: Answer Letter.pdf; Coll Answer.pdf; Coll Evidence.pdf

Mr. Gillespie:

The Department has received an answer in the complaint you filed against Michael Coll. You have 10 business days to file a rebuttal statement if you choose to. If you have any questions, please let me know.

Thank you,

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Tuesday, October 22, 2019 11:17 AM
To: Mike Coll
Subject: Gillespie v. Coll - Campaign Finance Complaint
Attachments: Answer Letter.pdf; Coll Answer.pdf; Coll Evidence.pdf

Mr. Coll,

Please see attached correspondence from the Department regarding the Campaign Finance Complaint filed against you. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections



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

October 22, 2019

Brett Gillespie
902 B Timbercreek Drive
Grand Ledge, Michigan 48837

Via Email

Dear Mr. Gillespie:

The Department of State received a response to the complaint you filed against Mike Coll, 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, 1st 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: Mike Coll, via Email

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Monday, January 13, 2020 9:52 AM
To: Mike Coll
Subject: RE: Gillespie v. Coll - Campaign Finance Complaint

Good morning, Mr. Coll:

In your email below you indicate that you printed labels to be placed on the signs that contain the full paid for by. Can you tell me approximately when this occurred? Did you do this prior to the complaint being filed or did you have the labels printed in response to my letter?

Thank you,

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

From: Mike Coll <mikecoll@yahoo.com>
Sent: Wednesday, October 16, 2019 9:19 AM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Re: Gillespie v. Coll - Campaign Finance Complaint

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Grand Ledge, MI 48837

2) Was the information received from Eaton County Board of Elections that I am NOT required to provide an update candidate filing form since I am still running the same office and that no information has changed from my 2017 submission accurate? If that information was erroneous, I will file an updated form by week's end. As previously stated, I personally visited the Election Office during a break in jury duty before filing my nominating petitions and was advised that my "committee" was still legal valid and registered and that no further action was required.

Thank you for your guidance and clarification on these two issues. My phone number is 281-4441 should you wish to contact me directly.

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Adam Fracassi, Election Law Specialist

Michigan Department of State, Bureau of Elections



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

January 14, 2020

Michael Coll
102 Ingersoll Street
Grand Ledge, Michigan 48837

Re: *Gillespie v. Coll*
Campaign Finance Complaint
No. 2019-10-34-47

Dear Mr. Coll:

The Department of State (Department) has finished investigating the 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.

The complaint was submitted to the Department by Brett Gillespie on October 7, 2019 and alleges that you have distributed yard signs that did not include a proper paid for by statement. A picture of the yard signs is included with the complaint. The complaint also alleges that you have failed to maintain your statement of organization with updated information as required by section 24. Mr. Gillespie also included a copy of your statement of organization filed in 2017.

By email dated October 14, 2019, you responded and indicated that prior to the complaint being filed with the Department you realized that the signs did not have the required paid for by statement. You indicated that you printed labels and placed one on every sign that you were able to locate. The labels contained the full mailing address of your committee. In terms of the reports, you indicated that you were on a reporting waiver and asked the Eaton County Clerk's Office whether you needed to refile or amend your statement of organization. You stated that the Clerk's office told you that you did not need to update your records given that nothing had changed. With your response to the complaint, you submitted pictures of the yard signs.

The Department notified Mr. Gillespie of his right to file a rebuttal statement via letter dated October 22, 2019. To date, the Department has not received a rebuttal.

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).

Michael Coll
January 14, 2020
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Additionally, section 24 requires candidates to file a statement of organization with the appropriate filing official listed in section 17 of the Act. MCL 169.224(1). The statement of organization is required to be amended upon the changing of information. MCL 169.224(4). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 for each business day the statement remains not filed not exceed \$300.00. MCL 169.224(1).

Upon review, the evidence submitted does not support the conclusion that a potential violation of section 47 has occurred. From the outset, the Department must consider whether it is an expenditure covered by the MCFA. The yard sign specifically states "Elect Michael Coll Mayor of Grand Ledge" 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). You have indicated that prior to the complaint being filed, you became aware of the missing identification statement and attempted to correct it immediately. You submitted photographs of the identification statement on your signs, and the Department is satisfied that you are in compliance with the law.

Second, the Department also concludes that there is insufficient evidence to support the conclusion that a potential violation of section 24 has occurred. Section 24 requires you to maintain your statement of organization and keep updated your committee information. Additionally, because you are on a reporting waiver, you are not required to file reports with the County Clerk until you have spent or received in excess of \$1,000. In the absence of evidence to the contrary, it appears that your statement of organization is updated with the most accurate information and no violation is present.

Accordingly, the Department concludes that there is insufficient evidence to support the conclusion that a potential violation has occurred. The Department's file on the matter is closed and will be posted to its website in accordance with MCL 169.215.

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: Brett Gillespie

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Tuesday, January 14, 2020 10:00 AM
To: Mike Coll
Subject: Gillespie v. Coll - Determination Made
Attachments: Determination.pdf

Mr. Coll,

Please see the attached determination regarding the campaign finance complaint filed against you. If you have any questions, please let me know.

Thank you,

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, January 14, 2020 10:02 AM
To: Brett Gillespie
Subject: Gillespie v. Coll - Determination Made
Attachments: Determination.pdf

Mr. Gillespie,

Please see the attached regarding the campaign finance complaint you filed against Mike Coll. 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