STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: January 8, 2010
TO: School Board Candidates
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: FILING REQUIREMENTS UNDER MICHIGAN'S CAMPAIGN FINANCE ACT

Please read this memo carefully as you may be required to file a Statement of Organization form and Campaign Statements with the county clerk's office.

- A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,401 or more is subject to the filing requirements of Michigan's Campaign Finance Act.

- A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,400 or less is not subject to the filing requirements of the Act as long as he or she does not spend or receive more than $1,000.00 for the election.

- All candidates are required to keep records of their campaign expenses and provide an identifier on campaign material. In addition, all candidates are prohibited from accepting corporate contributions or contributions from a labor organization.

Given the above, you are required to file under Michigan's Campaign Finance Act if you meet one of the following conditions:

1) the school district in which you are seeking election has a pupil enrollment count of 2,401 or more; or

2) the school district in which you are seeking election has a pupil enrollment count of 2,400 or less and you spend or receive more than $1,000.00 for the election.

If you determine that you are required to file, contact your local county clerk's office immediately for filing information and forms. A candidate whose school district crosses county boundaries should contact the clerk of the county in which the greatest number of voters eligible to vote in the school district's election reside.

I. The Statement of Organization

As soon as a person becomes a "candidate," he or she has 10 calendar days to form a Candidate Committee. After the committee's formation date, the candidate has 10 additional calendar days to register the committee. A candidate registers a Candidate Committee by filing a Statement of Organization form with his or her filing official. The candidate definition and other points of information related to the Statement of Organization filing are detailed below:

"CANDIDATE" DEFINITION: An individual who seeks a school board seat in a school district with a pupil enrollment count of 2,401 or more becomes a "candidate" as soon as he or she 1) files a nominating petition or $100.00 filing fee for office or 2) receives a contribution or makes an expenditure (or gives consent to someone else to receive a contribution or make an expenditure) in order to be elected to office. A person elected to a school board seat through write-in votes who did not receive or spend any funds in order to be elected becomes a "candidate" on the date the election is certified.

An individual who seeks a school board seat in a school district with a pupil enrollment count of 2,400 or less becomes a "candidate" as soon as he or she spends or receives in excess of $1,000.00 to further his or her election to office.

STATEMENT OF ORGANIZATION FORMS: Statement of Organization forms can be obtained from the county clerk. A candidate for a school board seat that will be voted on in a single county files the form with the clerk of the county. A candidate for a school board seat that will be voted on in more than one county files the form with the clerk of the county in which the greatest number of voters eligible to vote on the office reside. The Statement of Organization form must be filed in duplicate. The form can also be printed from the Web site maintained by the Michigan Department of State:

Go to: www.Michigan.gov/sos
Select: Elections in Michigan
Select: Campaign Finance Disclosure
Select: Forms and Filing Materials
Select: Candidate/Gubernatorial Committees

REPORTING WAIVER: A committee that does not expect to receive or spend more than $1,000.00 for the election is eligible for a Reporting Waiver. (In-kind contributions, i.e., contributions of goods or services, count toward the $1,000.00 Reporting Waiver threshold.) A committee that obtains a Reporting Waiver is exempt from filing Pre-Election, Post-Election and Annual Campaign Statements. The Reporting Waiver is requested by checking item 10 on the Statement of Organization form.

LATE FILING FEES: A $10.00 late filing fee is assessed each business day a Statement of Organization is late. The maximum fee assessed for a late Statement of Organization is $300.00.

II. Campaign Statements

A committee that does not maintain a Reporting Waiver must disclose its campaign finances on Campaign Statements. Campaign Statement forms, instructions and due dates can be obtained from the county clerk. The Campaign Statement forms can also be printed from the Web site maintained by the Michigan Department of State. See "*Statement of Organization Forms*" section above for instructions on accessing the forms online.

A late filing fee is assessed each business day a Campaign Statement is late. The maximum fee assessed for a late Campaign Statement is $1,000.00 if the committee raised more than $10,000.00 in the past two (2) years. If the committee did not raise more than $10,000.00 in the past two (2) years, the maximum fee assessed is $500.00.

III. Identification Requirement

All printed matter related to a campaign (yard signs, brochures, billboards, poll cards, stationery, etc.) must contain: "Paid for by (name and address of the committee)." All political advertisements broadcast by television or radio must contain: "Paid for by (name of the committee)."

IV. Contribution Limits for School Board Candidates

Contribution limits apply to all local candidates including school board candidates. The contribution limits do not apply to the candidate's contributions to his or her Candidate Committee. A chart that details the contribution limits is available through your county clerk or the Michigan Department of State's Bureau of Elections. The chart can also be printed from the Web site maintained by the Michigan Department of State. See "Statement of Organization Forms" section above for instruction on accessing the information online.

V. Additional Information

For additional information, request the "Manual for Candidate Committees" from your county clerk or the manual can also be printed from the Web site maintained by the Michigan Department of State. See "Statement of Organization Forms" section above for instruction on accessing the manual online.