

# Campaign Finance Disclosure Training

FOR FILING OFFICIALS

# TOPICS

- Duties of a Filing Official
- Committee Types
- Let's Talk Candidates
- Let's Talk Political Groups
- Statement of Organization/Reporting Waiver
- Statement Types and Due Dates
- Assessing Late Filing Fees
- Late Contribution Reports
- Good Cause Waiver Requests
- Campaign Statement Review
- Notices to Committees
- Duties of the SOS
- Purging Files

# Filing Official

In Accordance with the Michigan Campaign Finance Act  
(PA 388 of 1976 MCL 169.201-16.282)

- “Filing official” means the official designated under this act to receive required statements and reports, [MCL 169.207 \(3\)](#)
- Review campaign statements and determine compliance with the MCFA
- Notify persons that have failed to file a campaign statement
- Notify filers of error or omissions in the campaign statements  
[Section MCL 169.216 \(16\)](#)
- Statute related questions should be referred to the Bureau of Elections

Candidate Committee  
State and Local

Political/Independent  
Committees  
(PAC)

Ballot Question  
Committee

Political Party  
Committee

# MCFA Committee Types



# Let's Talk Candidates

“Candidate” means an individual who:

- Files a fee, Affidavit of Identity or nominating petitions to appear on the ballot
- Write-In Candidates
- Is nominated at a convention
- A person who spends or receives money to further their nomination or election (even if someone spends on their behalf)
- An officeholder who is the subject of a recall vote



# Exceptions:

A precinct delegate

A person running for federal (U.S.) office

Candidates for Indian tribal government or a private organization (labor union)

A school board candidate where the district has less than 2400 pupils *and*

- *Spends/receives less than \$1000 for election*
- *Contribution limits apply as do identification requirements*

# Campaign Statement Due Dates for Candidate Committees

**Candidate Committees** registered with the Michigan Department of State's Bureau of Elections (State Level) or are registered with a county clerk's office (Local Level) are required to file:

- Annual Campaign Statements (Local Candidates Exempted)
- Pre Election and Post Election Campaign Statements for elections where the candidate appears on the ballot or spends or receives money to influence voters in a write-in campaign
- Pre-Election and Post-Election Campaign Statements for party conventions or caucus' where the candidate seeks nomination (See **Political Party Convention** dates for applicable filing dates)
- Quarterly Campaign Statements due in July and October of years in which the candidate is not seeking election.
- Late Contribution Reports (See [Appendix G](#))

# Let's Talk Political Groups

- The MCFA requires groups participating in Michigan elections to form and register committees



# Political Groups :

Committees are “persons” or groups that:

- Receive contributions or make expenditures to influence voters to vote for or against the nomination or election of a candidate (PAC’s);
- Receive contributions or make expenditures to influence voters for the qualification, passage or defeat of a ballot question;
- Make independent expenditures to influence voters;
- Or receive contributions or make expenditures to assist a political party in qualifying for ballot access in Michigan

# When a Political Group Should Register

## MCL 169.203 (4)

As soon as a “person” or group receives or spends \$500.00 or more in a calendar year the MCFA requires the “person” or group to form and register a committee.

Once the \$500.00 threshold is met, the group has 10 days from that date to file the Statement of Organization with their filing official.

# Political Action Committees

**Political Committee**: formed to support or oppose candidates and may also support or oppose ballot questions

- Has same contribution limit as an individual

**Independent Committee**: same as political committee except; if the following criteria are met can give 10 times the amount of a Political Committee

- Registers as an Independent Committee at least six months before the election for which it expects to make expenditures at the higher limits (ten times amount);
- In the same calendar year:
  - Received contributions from at least 25 persons; and
  - makes expenditures to support or oppose three candidates in Michigan

# Political Action Committees

## Separate Segregated Fund

The following entities must establish a [Separate Segregated Fund](#) if they wish to support or oppose Candidates

- Corporation
- Joint Stock Company
- Labor Organization
- Domestic Dependent Sovereign

An [SSF](#) is required to include the name of their sponsors. A sponsor is a person or entity that establishes, directs, controls, or financially supports the administration of the committee. For more information see the [PAC manual](#) or [Section 55](#) of the MCFA

# Political Action Committees

## Caucus Committees

An Independent Committee established by the Michigan House of Representatives and the Michigan State Senate

- The democrats and republicans each have one committee for the House and the Senate for a total of four State Caucus committees.
  - Caucus committees are restricted from making contributions during a contested Primary
  - Caucus Committees can give unlimitedly to State Representatives and State Senate candidates in a primary as long as they're uncontested.
  - Caucus Committees can give unlimitedly during the General Election.
  - Caucus committees must adhere to [contribution limits](#)
  - For more information on Caucus Committee rules see the [PAC manual](#) or [Section 52](#) of the MCFA

# Political Action Committees

## Super PACs

Political committee formed to support or oppose candidates through independent expenditures

- Corporation
- Labor Organization
- Domestic Dependent Sovereign (Indian Tribe)
  - Allowed to use general funds to indirectly support or oppose candidates
  - A Super PAC is **not** allowed to use funds to directly support candidates or give to committees that directly support candidates (Independent/Political Committees, Political Party Committees)
- For more information visit the [committee page](#) for Super PACs on our web site.

# Campaign Statement Due Dates for PAC's

**PACs** including Super PACs registered with a county clerk's office (Local Level) are required to file:

- Pre Election and/or Post Election Campaign Statements for elections where the committee spends money to influence voters
- Late Contribution Reports (See [Appendix G](#))

# Ballot Question Committee

A committee that receives contributions and makes expenditures in support of, or in opposition to, the qualification, passage or defeat of a ballot question.

- **Prohibited from making contributions or expenditures to influence the nomination or election of a candidate.**
- **Only Committee type** aside from Super PAC's permitted to accept contributions from the treasury funds of:
  - Corporations
  - Labor organizations
  - Domestic Dependent Sovereigns
  - Detroit Casino Interest holders

# Campaign Statement Due Dates for Ballot Question Committees

Type of Statement	Closing Date of Statement	Statement Due Date
Pre-Election Campaign Statement	16 days before the election	11 days before the election
Post-Election Campaign Statement	20 days after the election	30 days after the election
Annual Campaign Statement (Local Committees Exempted)	December 31	January 31
February Quarterly Campaign Statement	February 10	February 15
April Quarterly Campaign Statement	April 20	April 25
July Quarterly Campaign Statement	July 20	July 25
October Quarterly Campaign Statement (Odd Years Only)	October 20	October 25
Petition Proposal Campaign Statement (State Filers Only)	28 days after filing	35 days after filing

# Political Party Committees

- Three types
  - State Central
  - Congressional District
  - County Committee

All Political Parties file with the  
Bureau of Elections

# Statement of Organization (SofO)

[Section 169.224](#)

## Candidate Committee

Candidates must file their SofO within a maximum of 20 calendar days after meeting definition of a candidate (10 days allowed to form and 10 days allowed to file)

## All Other Committee Types

Statement of Organization forms are required to be filed within 10 days of meeting the \$500 threshold for all other MCFA committee types

- SofO's are filed with:
  - The Bureau of Elections- State level and Judicial
  - County Clerk's Office- County, City, Township, Village or School District Candidates

# Statement of Organization: Late Filing

Late filing fees are assessed if received more than 10 days beyond the formation date listed on [item 5](#)

Forms sent by certified, registered or overnight are timely if postmarked on or before the deadline

Forms sent by first class mail, hand delivered or sent by any other means must be received on or before the deadline

[Late Filing Fee](#): \$10/business day; maximum of \$300.00  
(Appendix E)

# The Reporting Waiver

## Section 169.224 (5, 6)

- Exempts Committees who do not anticipate spending/receiving over \$1000.00 per election from filing campaign statements
- The “Yes” box of the SofO must be checked to honor waiver
- Financial activity must still be recorded and tracked
- The waiver does not exempt committees from filing:
  - The original SofO
  - Late Contribution Reports

# Reporting Waiver (cont.)

## When the Reporting Waiver is Lost

- Once a committee spends/receives over \$1000.00, the next campaign statement is required.
  - The \$1000.00 threshold includes debts owed, balances from previous elections and all contributions both direct and in-kind
  - Candidate contributions (direct and in-kind) apply to \$1000.00 threshold

## How to regain the Reporting Waiver

- The reporting waiver may be obtained again if the committee requests on an amended SofO
- The Committee must:
  - Submit an Amended SofO with box 10 checked
  - Amended SofO must have appropriate signatures
  - Committees ending balance must be less than \$1000.00
  - Committees debts and obligations must be under \$1000.00

# Campaign Statements

## Timely Filing of Pre/Post Statements [MCL](#)

### [169.216\(9\)](#)

#### Pre Election/Convention Statements are Timely if:

- Mailed by certified/registered or overnight AND
- Postmarked 2 days before the filing deadline
- Pre Election Statements mailed by any other means **MUST** be received on or before the filing deadline

#### Post Election and Annual Statements are timely if:

- Mailed by certified/registered or overnight AND
- Postmarked on or before the filing deadline
- Post Election/Annual Statements mailed by any other means **MUST** be received on or before the filing deadline

# Assessing Late Filing Fees

## Appendix E, MCL 169.224, .235 &.236

### **Annual Statements: (Local committees are exempt)**

- Late fee of \$25/business day Maximum \$500.00 (20 business days)

### **Pre and Post Election Statements:**

- Committees with financial activity <10k in last 2 years:\$25/business day –Maximum \$500.00
- Committees with financial activity >10k in last 2 years:
  - Day 1-3: \$25/business day
  - Day 4-10: \$50/business day
  - Day 11-16: \$100/business day
  - Maximum \$1000.00

Late Filing Fee Chart available in [Appendix E](#) and outlines fee assessment for all report types

# LATE CONTRIBUTION REPORTS

## MCL 169.232

### Candidate Committees

- Must report within 48 hours a contribution with a cumulative total of \$500.00 or more from the same contributor between the 15<sup>th</sup> and 3<sup>rd</sup> day before an election
- Must also report on subsequent campaign statement

### All Other MCFA Committee Types

- If committee participates in Election (contributes to candidate or issue on ballot)
  - Must report within 48 hours contributions from the same contributor with a cumulative total of \$2500.00 received after closing date of last campaign statement required to be filed before an election. Must also report on subsequent statement

# LATE CONTRIBUTION REPORTS

## ASSESSING LATE FILING FEES

MCL 169.232

Late filing fees shall not exceed the lesser of the following:

- The total amount of omitted late contributions -or-
- \$2,000.00 to be assessed as follows:
  - \$25.00/business days 1-3
  - \$50.00/business days 3-10
  - \$100.00/business days 11-26

# Good Cause Waivers

## MCL 169.215 (f)

- A person may request a waiver of late filing fees for “Good Cause” in the following circumstances:
  - incapacitating physical illness
  - hospitalization
  - accident involvement
  - death
  - the loss or unavailability of records due to a fire, flood, theft, or similar reason, and
  - difficulties related to the transmission of the filing to the filing official, such as exceptionally bad weather or strikes involving transportation systems.

# IDENTIFICATION REQUIREMENTS

## MCL 169.247

- Section 47 of the MCFA requires that all printed matter, radio or television paid advertisement that refers to an election, candidate or ballot question have an identification statement
- Example:
  - Printed matter- “Paid for by (committee name, address);
  - Radio or television- Must identify person sponsoring the ad;
  - Independent Expenditures- “Not authorized by any candidate”
  - Committee types aside from candidate must also read or say “paid for with regulated funds”

# IDENTIFICATION REQUIREMENTS

## EXEMPTIONS

### MCL 169.247

- [Appendix J](#) has a list of items that are exempt from the identification requirement rule:

Aerial Banners	Frisbees	Pens
Ashtrays	Glasses	Pinwheels
Badges & Badge Holders	Golf Balls	Plastic Tableware
Balloons	Golf Tees	Pocket Protectors
Bingo Chips	Hats	Pot Holders
Brushes	Horns	Refrigerator Magnets
Bumper Stickers (4" X 15" Or Smaller)	Ice Scrapers	Ribbons
Buttons	Jar Lid Grippers (5" Or Smaller)	Shoe Horns
Campaign Stickers (3" X 1 ½" Or Smaller)	Key Rings	Staple Removers
Candy Wrappers (1 ½" X 2 ½" Or Smaller)	Knives	Sun Glasses
Cigarette Lighters	Labels	Sun Visors
Cloth Pot Holders	Lapel Pins/Stickers	Sweatshirts
Clothes Pins	Magnifying Glasses	Swizzle Sticks
Clothing	Matchbooks	T-Shirts
Coasters	Nail Clippers	TV Scroll Advertisement
Combs	Nail Files	Whistles
Cups	Noisemakers	Wooden Nickels (Approx. Size of a 5-Cent Coin)
Drinking Glasses	Paper & Plastic Cups	Wooden Rulers (12" Or Smaller)
Earrings	Paper & Plastic Plates	Yo-Yo's
Emery Boards	Paper Weights	
Envelopes	Pencils	
Erasers	Pendants	
Fortune Cookie Messages ½" X 2" Or Smaller)	Pennants	

# DUTIES OF THE SECRETARY OF STATE (SOS)

## CAMPAIGN FINANCE COMPLAINTS

### MCL 169.215

- All complaints alleging violations of the Campaign Finance Act are filed with the SOS
- Complaints must contain:
  - The complainants signature
  - State the name, address and telephone number of complainant
  - Complainant's certification
- Anonymous complaints are not accepted
- All parties will be given written notification with regard to the disposition of the complaint
- For more information on filing complaints with the SOS, see Section [15](#)

# DUTIES OF THE SECRETARY OF STATE (SOS) DECLARATORY RULINGS/INTERPRETIVE STATEMENTS

## MCL 169.215

- Interested parties may request clarification of the MCFA via Declaratory Rulings. Interpretive Statements may be issued in some cases.
- Declaratory rulings are binding on all parties and carry the force of law (formal)
- Interpretive Statements provide interpretation of the law (informal)
- The Bureau of Elections provides responses to requests. Time frames are outlined in any committee manual.
- Rulings to date are available on our [web site](#)

# Campaign Statements

## Cover Page

- The [Cover Page](#) provides information about the Committee filing and the Statement being filed. All Campaign Statements must have a Cover Page.
- Required Information:
  - Coverage Dates
  - Committee ID number
  - Committee name and address
  - Treasurer's name and address (Designated Record Keeper if applies)
  - Statement Type & Election Date if applies
  - Treasurer or Record Keeper signature
  - Candidate signature for Candidate Committees

# Campaign Statements

## Summary Page

- The [Summary Page](#) provides a snap shot of the Statement. Information included is:
  - Total Direct Contributions
  - Total In-Kind Contributions
  - Total Expenditures (In-Kind, Incidental, GOTV)
  - Column II represents the cumulative for the Election Cycle or Calendar year
  - Debts and Obligations owed by and/or to the committee
  - Balance Statement
    - The beginning balance of first Statement should always be \$0.00
    - The beginning balance of all subsequent Statements should match the ending balance of the last.

# Campaign Statements

## Contributions & Other Receipts

### MCL 169.204

- Contributions are things of value given to a committee for the purpose of influencing:
  - The nomination or election of a candidate
  - Qualification, passage or defeat of a ballot question
  - Qualification of a new political party
- There are 2 types of contributions:
  - Direct (Money)
  - In-kind (Goods and Services provided)
- Other Receipts are funds coming in to the committee that are not intended to influence elections, such as bank interest
- All Contributions Must be reported regardless of amount (Zero floor reporting)

**\* ALL REPORTED ON SEPARATE SCHEDULES**

# Campaign Statements

## Itemized (Direct) Contribution Schedule

- All contributions of money must be disclosed regardless of amount. This includes candidate's own contributions.
- Required information for Contributions
  - Date Received
  - Amount
  - Name and address of contributor
  - Employer name, employer address and occupation if cumulative is over \$100.00
  - Cumulative for election cycle or calendar year

# Campaign Statements

## In-Kind Contribution Schedule

- In-kind contributions are donations of a good or a service.
- Required Information for In-kind Contributions
  - Date Received
  - Amount (fair market value)
  - Name and address
  - Employer name, address and occupation if cumulative is over \$100.00
  - Vendor if applies

**IN-KIND CONTRIBUTIONS APPLY TO LIMIT**

# Campaign Statements

## Other Receipts Schedule

- An Other Receipt is money put into the committee account that is not intended to influence elections such as bank interest, rebates or refunds
- Required information:
  - Date Received
  - Amount
  - Name and address
  - Type of Receipt

# Campaign Statements

## Exceptions

- Committees should track, but do not have to report the following:
  - A volunteers personal services that aren't reimbursed
  - A volunteers travel and lodging up to \$500/year
  - A volunteer's donation of food and beverages up to \$100/year
  - A contribution that is returned to the contributor within 30 days.

# Campaign Statements

## Election Cycles & Contribution Limits

- Contribution limits for local candidates are based on the population of the district or jurisdiction the candidate is running in
- Resources to use for reference:
  - [Election Cycle Chart](#)
  - [Contribution Limit Chart](#)



# Campaign Statements

## Prohibited Contributions

### MCL 169.230

- A committee may not keep a contribution from the following:
  - Labor Unions\*
  - Corporations\*
  - Domestic Dependent Sovereigns (Indian Tribes)\*
  - Public Body Funds or use of Public Facilities (Section 57)
  - Detroit Casino and Supplier Licensees\*
  - Foreign Nationals (Federal Prohibition)
  - Candidate to Candidate (up to \$100 fundraiser allowed per year)
  - Anonymous (Must be donated to charity)
  - Cash over \$20
  - Excess
  - Earmarked
  - Given in the name of another

\* Does not apply to Ballot Questions & Super PACs

# Campaign Statements

## Prohibited Contributions: Return Procedure

### MCL 169.230

- Notices of Error or Omission (E&O) should be sent to instruct committees to return prohibited contributions
- If funds are deposited, the receipt and return must be disclosed on the next campaign statement. A copy of the letter and check returning the contribution is required to satisfy the E&O.
- Funds that are returned before being deposited do not need to be reported
- Failure to comply will result in referral to the appropriate agency
- (insert link to sample e&o)

# Campaign Statements

## Expenditures

### MCL 169.206

- An Expenditure is a payment for something of value that will aid in the nomination or election of a candidate, the passage or defeat of a ballot question or qualification of a new political party
  - Expenditure Types:
    - Itemized (Direct)
    - Get Out the Vote
    - Officeholder Incidental Disbursements
    - Independent
    - In-kind

# Campaign Statements

## Itemized (Direct) Expenditure Schedule

### Candidate Committee

- Expenditures made to vendors or non committee are disclosed when cumulative to recipient exceeds \$50
- All expenditures over \$50 must be by written instrument (petty cash expenditures limited to \$50)
- Required Information:
  - Date
  - Name and address
  - Amount
  - Purpose description

### All Other MCFA Types

- All other committee types that make an expenditure to support or oppose a ballot proposal or candidate must include:
  - Candidate name
  - Candidate's office Sought and district
  - Cumulative for election cycle
  - Ballot Proposal name
  - Whether support/oppose

# Campaign Statements

## Memo Itemization of Expenditure

- Required when committee makes an expenditure to a person that pays more than \$50 to another party on behalf of the committee
  - Vendors, consultants, campaign workers
  - Credit card payments
  - Reimbursement

<p>Expenditure #1</p> <p>Name <b>Joe's Advertising Agency</b></p> <p>Address  <b>3579 E Main St.            Lansing MI 99999</b></p> <p><input type="checkbox"/> Fund Raiser</p>	<p>Purpose: <b>Produce ad for committee</b>      Date <b>02/09/16</b>      \$ <b>5,000.00</b></p> <p><b>Memo Itemization Below</b> ▼</p> <p><input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement</p>
<p>Expenditure #2</p> <p>Name <b>WLOS TV</b></p> <p>Address  <b>9753 W Main St.            Lansing MI 99999</b></p> <p><input type="checkbox"/> Fund Raiser</p>	<p>Purpose: <b>Run the ad on their station.</b>      Date <b>02/11/16</b>      \$ <b>(1,050.00)</b></p> <p><b>(Memo Itemization)</b> ▼</p> <p><input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement</p>

# Campaign Statements

## Get Out the Vote Expenditure Schedule

### (GOTV)

- Election Day Expenses such as:
  - Busing Voters to the polls
  - Slate cards
  - Poll workers, watchers & challengers
  - Any get out the vote activity
  - GOTV expenditures are reported regardless of amount
  - Required Information:
    - Name and address
    - In-Kind or Independent
    - Campaign Information (supporting/opposing and candidate/ballot proposal name)
    - Date
    - Amount

# Campaign Statements

## Incidental Office Disbursements:

- Must be incumbent candidate
- Money expended is not for election related purposes
- Must meet criteria of the MCFA, [MCL 169.221a](#)
- May not be made once an official leaves office
- Required information:
  - Date and amount
  - Name and address of payee
  - Purpose description i.e. “constituent luncheon”

# Campaign Statements

## Independent Expenditures:

- Independent expenditures are expenditures made on behalf of a candidate or a ballot question without their direction or control.
- Independent Expenditures are not contributions to the committee.
- Independent expenditures are **never** made under the control of or at the direction of another person or committee.
- Independent expenditures can be made in any amount and do not count toward the total contribution amount given to a candidate.
- Independent expenditures may also be made in opposition to a candidate or ballot issue.

# Campaign Statements

## In-Kind Expenditures (Very Rare)

- Committee donates goods or services as an expenditure
- The fair market value is not subtracted from the balance statement
- Example: A committee gives a used computer to a charitable organization
- Required Information:
  - Type of In-Kind Expenditure
  - Name and address of payee
  - Date
  - Fair market value of good or service
  - Vendor (if applies)

# Campaign Statements

## Debts and Obligations

- Contributions as loans are reported on this schedule as well as Contribution Schedule (In-kind or Itemized)
- Payments to loans are reported on this schedule as well as Expenditure Schedule
- Required Information
  - Date debt was incurred and original amount
  - Name and address of person debt is owed to
  - Any payments to previous debt

# Campaign Statements

## Reporting Fund Raisers

- Contribution and Expenditures associated with Fund Raisers must also be reported on the appropriate schedule
- One event per schedule page
- Required Information:
  - Date event was held
  - Number of individuals attending
  - Type of Activity
  - Name/Address of place where event was held
  - Total Contributions/Other Receipts
  - Total Expenditures/In-kind Contributions
  - Co- Sponsor(s) if any (Please see rules for joint fund raisers in [Appendix F](#) of any committee manual)

**NOTE: NO GAMBLING OR EVENTS THAT REQUIRE LICENSING**

# Campaign Statements

## Notices, Fees and Referrals

- **Failure to File** - Notify committees within 4 business days when required filings are not submitted. Refer to Attorney General between 9<sup>th</sup> and 12<sup>th</sup> Business Day following the deadline
- **Late Fees** – Notify committees when a statement is not filed on time based on the schedules provided under the Campaign Finance Act  
Unpaid fees are referred to the County Treasurer for collection  
Fees may be appealed for “good cause”
- **Error or Omission** – Notify committees when clarifications or corrections are needed to a Campaign Statement. Lack of response to Errors or Omissions should be referred to the Attorney General between the 9<sup>th</sup> and 12<sup>th</sup> day following deadline

# Dissolving Committees

- The filing official may automatically dissolve a Candidate Committee with a Reporting Waiver :
  - when an officeholder vacates office or
  - an individual is defeated in the election
  - Committee must meet all of the requirements to dissolve.
  - Candidate may request to remain active in writing
- Committees can file Dissolution Campaign Statements to dissolve their committee
- Committees with a valid Reporting Waiver may file a [Single Page Dissolution Statement](#)
- In order to be eligible for dissolution a committee must:
  - Have \$0 balance (See [Appendix W](#) for disposition of unexpended funds)
  - All debts must be paid or forgiven
  - Committee must have no outstanding filings or fees

# PURGING YOUR FILES

## HOW LONG TO KEEP FILINGS

Statement of Organization and Campaign Statements should be kept in the files for 15 years from the date of dissolution of the committee

After the required preservation period the documents may be purged from your files

[Candidate  
Committees](#)

[Independent/Political  
Committees](#)

[Ballot Question  
Committee](#)

[Information on  
Super PACs](#)

[Election Cycle Chart](#)

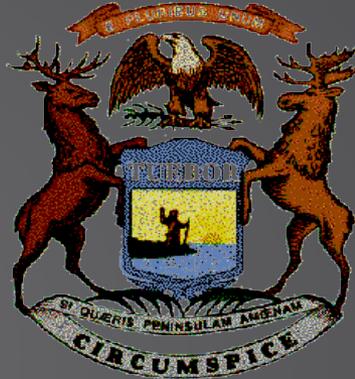
[Contribution Limits](#)

[Campaign Finance  
Complaint Process](#)

# [County Clerk Tool Kit](#)



# THANK YOU



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS  
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Email: [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov)

Web Site: [www.Michigan.gov/Elections](http://www.Michigan.gov/Elections)

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