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STATE OF MICHIGAN RUTH JOHNSON, SECRETARY OF STATE DEPARTMENT OF STATE LANSING

September 6, 2016

Brett McRae 403 West Fourth Street Charlotte, Michigan 48813

Dear Mr. McRae:

This letter concerns the complaint that was recently filed against the Committee to Re-elect Tom Reich for Sheriff, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Sen. Jones' complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

Lou'A Bornboras

c: The Honorable Rick Jones

RECEIVED/FILED MICHIGAN PEPT OF STATE

2016 SEP -6 AM 9: 10

ELFCTIONS/GREAT SEAL

9/4/2016

Rick Jones 2982 East St. Joseph Hwy. Grand Ledge, MI 48837

Lori A. Bourbonais Bureau of Elections Michigan Department of State Richard A. Austin Bld. 1st Floor 430 W. Allegan Street Lansing, MI 48918

Dear Lori A. Bourbonais:

My Complaint against the Committee to Re-Elect Tom Reich for Sheriff
Sheriff Tom Reich Golf Outing Website (07/14/2016)
Supplemental Information Letter

From their website text (re-enclosed), it shows the members of the Committee to Re-Elect Tom Reich for Sheriff were well aware of the MCFA's prohibition on accepting corporate contributions and corporate in-kind contributions, under Sec. 54. Their website states:

Please register your team through this web site. Because of campaign regulation we can not accept business or company checks Please pay by personal check or cash.

Therefore, a reasonable person will conclude these already admitted improper contributions were done so "knowingly."

Additionally, supporting an MCFA Sec. 41 violation, in their website text, the members of the Committee to Re-Elect Tom Reich for Sheriff openly encouraged contributing cash without a written instrument. Their event had a team entry fee of three hundred dollars (\$300), which likely resulted in a large number of unattributed contributions.

It may be prudent of the Secretary of State (Dept.) to require the full disclosure of the depository records (facsimile checks) from the Committee's bank to verify all refiled campaign statements.

Sincerely,

Rick Jones

Sheriff Tom Reich Golf Outing

Friday, June 24, 2016



Register for Event

Print

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Sheriff Tom Reich Golf Outing

Let's get together at Centennial Acres in Eaton County for a fun day on the links. Sheriff Tom Reich is hosting his annual golf outing on Friday, June 24th. Please join us for golf with lots of great food Centennial Style. Beverages, prizes and awards will complete the day. Sheriff Reich personally invites you to share in the fun. Register today!

Registration at 7:00 a.m.

8:30 a.m. shotgun start (scramble format)

\$75.00 per person or \$300 per team

Location:



Centennial Acres 12485 Dow Rd Sunfield, MI 48890 click here to view map

Date: 6/24/2016

Time: 8:30 AM

Price: \$75 per golfer, \$30 for dinner only

Includes:

Includes 18 holes of golf. NEW for 2016!!! Centennial's Breakfast Burrito off the grill. Super Yummy...

Centennial BBQ - all day, all you can eat 1/4 lb. hot diggity dog, hamburger and seasoned roasted pork loin with chips, salads and cookie. Two beverage tickets per golfer.

Format

4 person scramble with awards going to first and second place.

Contests and Prizes:

Optional Skins Game, Longest Drive Contest, Closest to Pin, Vegas Hole.

Event Day Registration:

Please register your team through this web site. Because of campaign regulation we can not accept business or company checks - Please pay by personal check or cash.











Sponsorship Opportunities:

Sponsorship Levels:

Sponsorship Levels:
Eagle \$700: 3 sponsor signs and 1 team
Birdie \$500: 1 sponsor sign and 1 team
Par \$100: 1 hole sponsor sign
Dinner Ticket Only (approx 2:30 p.m.): \$30.00
Beverage Sponsor: \$400
Breakfast Sponsor: \$400
Lunch Sponsors: \$600 per sponsor
Dinner Sponsors: \$1500 per sponsor

Outing Notes:

All registration for this event will be through this web page. You can register your team today and pay on the event day of June 24th. You will receive emails reminding you of the date as well as sharing event information. Join us and register TODAY!

SPONSORED BY:



Powered by Golf Outing Pro



8/29/2016

Rick Jones 2982 East St. Joseph Hwy. Grand Ledge, MI 48837

Lori A. Bourbonais Bureau of Elections Michigan Department of State Richard A. Austin Bld. 1st Floor 430 W. Allegan Street Lansing, MI 48918

Dear Lori A. Bourbonais:

My Complaint against the Committee to Re-Elect Tom Reich Sheriff
Rebuttal to their letter dated August 17, 2016

Candidate Tom Reich has responded to the initial complaint in reverse order of the Secretary of State (Dept.) form, which is confusing. I will respond in the correct numerical order.

Section 3:

Without challenging any of the remaining contentions from Section 3 of my complaint, Candidate Tom Reich has fully admitted on behalf of his campaign, treasurer, and record keeper to accepting improper corporate contributions and corporate in-kind contributions in violation of MCFA Sec. 54. However, he has implied that he and his staff did so "unknowingly." I will present factual background evidence, which will allow a reasonable person to conclude, he and his campaign staff did "knowingly" violate MCFA Sec. 54, and this complaint warrants being forwarded to the Michigan Attorney General's Office and other licensing bodies, for further inquiries.

Thomas Reich, Candidate

From the Candidate's Eaton County website biography (enclosed), "After his retirement from Ingham County Tom was employed by the State of Michigan, Bureau of State Lottery, Charitable Gaming Division from 1999- 2012. Tom's position was the Gaming Director and he was responsible for the regulatory enforcement of the Gaming Act, oversaw a \$200 million gaming program, managed six staff members, and qualified and licensed over 20,000 organizations."

Because it is a common problem for political campaigns to misuse charity funds, which are often received as tax deductible corporate donations, Tom Reich, while employed by the Bureau of State Lottery, would have received specialized training and had to certify

in his competency of the MCFA. Supporting this assertion of his MCFA knowledge, the Charitable Gaming Division, where he managed, was transferred to the Michigan Gaming Control Board (MGCB), during his term of employment. The MGCB is specifically cited by the Secretary of State (Dept.) online as the definitive resource for campaign treasurers regarding all gaming related campaign contributions and fundraisers (enclosed). Furthermore, the MCFA Section 54, as it is now written, was law during his term of employment at the Bureau of State Lottery. Therefore, it is unreasonable to conclude his admissions to Section 3 of the complaint were done so "unknowingly."

Theresa O'Dell, Treasurer

In the *City Pulse* article titled "Fundraiser Fallout" (enclosed), Treasurer Theresa O'Dell publicly admitted she had served as the campaign treasurer for former Eaton County Sheriff Patrick Hutting during the year 2000. Her previous campaign committee was also cited for campaign contribution violations. However, she could not recall the exact nature of the campaign issues.

As the Candidate who ran against Sheriff Patrick Hutting in the year 2000, I am aware of the nature of the campaign violations in which she was involved. Unfortunately, the online archive for closed Secretary of State (Dept.) campaign complaints does not go back to the year 2000, so I cannot enclose the documentation with my rebuttal. To best of my knowledge, the year 2000 complaint filed by Lewis Gentry, then a resident of Grand Ledge, MI, also involved at least one instance of improperly receiving a corporate contribution or corporate in-kind contribution in violation of MCFA Sec. 54. Therefore, having gone through the Secretary of State (Dept.) campaign finance complaint process for the very same violation(s) in the year 2000, it is unreasonable to conclude her Section 3 violations from 2015 and 2016 were done so "unknowingly."

Furthermore, Treasurer Theresa O'Dell's public statements in the same "Fundraiser Fallout" article that "... she did not sign the campaign reports, although she is listed as the treasurer for the campaign. "The sheriff's campaign report was done by an accountant," she said, adding that she "did not" review the report before it was filed. "I figured they knew what they were doing."" does not constitute a defense. The Security of State (Dept.) Appendix A document "Committee Treasurer, Designated Record Keeper and Depository" (enclosed) clearly states:

- The treasurer assumes legal responsibility for the committee.
- The treasurer is responsible for keeping the committee's accounts, records, bills, receipts and electronic files of the committee for 5 years
- The treasurer must authorize all contributions received and expenditures made by the committee.
- The treasurer is responsible for responding in writing to all Notices of Error or Omission sent to the committee and for timely payment of all late filing fees assessed the committee.

• The treasurer must sign the original and all amendments to the committee's Statement of Organization.

Catherine M. Marcus CPA, Record Keeper

The licensing body, which Catherine M. Marcus has to be a member to use the title CPA, the American Institute of CPA's (AICPA) "Professional Conduct and Bylaws" published in July 2013 (omitted at nearly 400 pages and easily downloadable), superseded by Interpretation 501-3 has been interpreted as "Ignorance of the Law Is Not a Defense." The AICPA's Interpretation 501-3 is regularly cited in court cases involving CPA conduct.

Furthermore, the Committee to Re-elect Tom Reich Sheriff campaign fillings show her firm's (John D Vanator CPA PC) involvement was a paid client relationship, not volunteer, creating a legal duty (Example, expenditure #2, Page 1 from the August 2016 Pre-Election Campaign Statement, submitted previously). A CPA has a legal duty to properly educate themselves about the laws they are handling, such as the MCFA, so they can properly and ethically inform paid clients. The Secretary of State (Dept.) offers free online resources (previously enclosed regarding the MGCB) and online campaign finance training (enclosed). Failure to not seek training, especially when it is offered for free, is not a defense for a paid CPA. Therefore, it is unreasonable to conclude her Section 3 violations in the complaint were done so "unknowingly."

Section 4:

Contention 1:

Although Candidate Tom Reich has provided explanations to subsections A, B, and C, considering the large number of admitted Section 3 violations (over sixty), it may be prudent for the Secretary of State (Dept.) to require documentation from the parties involved.

Contention 2:

lich Jones

Treasurer Theresa O'Dell's public statements in the "Fundraiser Fallout" article (previously enclosed) appear to fully substantiate an MCFA Sec. 22 violation, lack of proper record keeping, on her part.

Sincerely,

Rick Jones



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TOM REICH

Hits: 503

Sheriff Thomas Reich was elected and took office as Sheriff of Eaton County in January of 2013. His law enforcement career encompasses twenty-five years at the Ingham County Sheriff's Office where he was employed in the areas of patrol, Detective Bureau, Corrections, Community Services, school safety programs, traffic division and was assigned to the Tri-County Metro Narcotics Team which was based out of Lansing, Michigan. Sheriff Reich, while employed at Ingham County, served at the ranks of Detective, Sergeant, Lieutenant and retired at the rank of Detective Lieutenant, Commander of the Detective Bureau. During his career at Ingham County Sheriff's Office Sheriff Reich received several commendations and awards for his professional service to the citizens of Ingham County.

Tom is married and has four grown children. He and his wife currently reside in Eaton Rapids, Michigan.

Sheriff Reich graduated in 1973 from Holt High School in Holt Michigan and then continued his education having received an Associate Degree from the Lansing Community College in Lansing Michigan. He is a graduate of the Federal Bureau of Investigation Law Enforcement Executive Seminar and the National Sheriffs Institute.

After his retirement from Ingham County Tom was employed by the State of Michigan, Bureau of State Lottery, Charitable Gaming Division from 1999-2012. Tom's position was the Gaming Director and he was responsible for the regulatory enforcement of the Gaming Act, oversaw a \$200 million gaming program, managed six staff members, and qualified and licensed over 20,000 organizations.

Sheriff Reich is now responsible for the operations and personnel of the Eaton County Sheriff's Office which employs approximately 150 employee's, a corrections facility which houses 374 inmates, a road patrol which includes Delta Charter Township contractual police services which is the southwest part of Lansing, Michigan as well as the additional fifteen townships of Eaton County and the Animal Control Division. The current operating budget for the Sheriff's Office is currently at \$15,750,000.

Since taking the Office of Sheriff, Tom was appointed to the Michigan Intelligence Operations Center for Homeland Security Advisory Council by Governor Snyder, appointed to the State of Michigan Drug Treatment Court Committee, appointed to the Mid Michigan Housing Authority Board. Sheriff Reich serves on the Eaton County Veterans Court Board, Eaton County Community Corrections Board and the Delta Township Government Affairs.

CENTRAL DISPATCH CALENDAR

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SOS / ELECTIONS IN MICHIGAN / CAMPAIGN FINANCE DISCLOSURE / TIPS FOR TREASURERS

Tips for Committee Treasurers Filing Campaign Finance Statements

Date	Description
08/17/2016	Did you know that Candidate Committees that are required to file a Pre-Primary Campaign Statement must also file a Post-Primary Campaign Statement. See Section 33(2)a that states in part: "A candidate committee shall file a preelection campaign statement and a postelection campaign statement for each election in which the candidate seeks nomination or election"
07/15/2016	Do you have the correct identifier on your political sign? Find out by reading Appendix J of the committee manuals.
07/15/2016	State and Judicial Committees, did you know that it is now mandatory to file the Statement of Organization electronically? Find out more here.
06/02/2016	Before stepping down as the Treasurer for a committee, don't forget to provide the current MERTS file to the new Treasurer so they can continue reporting campaign statements. Read this ruling for more information.
02/03/2016	Do you know your committee's filing schedule for 2016? Select your committee type below to see your schedule for 2016. Candidates - PACs - Political Parties - Ballot Questions
02/03/2016	Do you need MERTS and/or Campaign Finance training for committees? Select this link and register for a class.
12/10/2015	Keep up with the latest Campaign Finance news by bookmarking our CFR homepage.
12/10/2015	Have you been asked to become a committee treasurer? Select this link to learn more about your responsibilities.

01/20/2015	MERTS calculates cumulative totals by election cycle and office sought. Remember that election cycles begin on the day following the last general election and end on the day of the next general election in which the office appears on the ballot. If you are required to file a Post-General Campaign Statement, this will include two election cycles and affect the cumulative totals on the statement.
01/20/2015	Do you need help paying and/or forgiving a loan in the MERTS software? If you are a candidate committee, select this link to get instructions. All other committee types should elect this link.
01/20/2015	Did you know that during a Late Contribution Reporting period that In-Kind contributions also count towards a contributors cumulative total. Select this link to Appendix G of the committee manuals for more information.
01/20/2015	A Committee that files a Post-General Campaign Statement due between December 1 and January 30 is not required to file the Annual Campaign Statemen that is due on January 31 immediately following the Post-General Campaign Statement.
06/03/2014	Have a campaign finance question? Send an email to disclosure@michigan.gov and one of our analysts will get back to you. If you have a MERTS software question, send an email to mertstechsupport@egov.com. You can also follow us on Twitter @MichCFR.
10/02/2014	A Candidate committee may make expenditures via credit card. Credit card expenses involve additional considerations and care must be taken to fully report and track the debt records, interest payment and revolving payments in the committee records. Please review Credit Card Expenditures of the committee manual for more information.
10/02/2014	Did you know that a Candidate committee may receive contributions via credit card? The documentation requirement and the identifying information should be the same as other contributions. Please review Credit Card Contributions of the committee manual for more information.
10/02/2014	Does your committee owe an Immediate Disclosure Report (Late Contribution Report)? The Michigan Campaign Finance Act (MCFA) requires certain reports to be filed immediately. Late Contributions include both Direct and In-kind contributions and not filing one on time will lead to costly Late Filing Fees. Please review Appendix G of the committee manual for more information.
08/29/2014	Candidate Committees and Ballot Question Committees: If the committee owed a Pre-Primary statement, the committee must file a Post Primary Campaign Statement. This is true even if the committee did not have any activity to report during the Post Primary period or if the candidate lost the primary election.

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08/29/2014	Candidate Committees: If your candidate lost in the primary, please note the committee reporting obligations just don't go away. You must dissolve the committee to be freed of further filing obligations and possible Late Filing Fees. Please review Appendix W regarding the dissolution of a committee.
07/03/2014	REMINDER: Political Party Committees that do not have a reporting waiver and that do no support or oppose a candidate during 2014 owe a statement in July and October this year. See the 2014 Political Party memo for more information.
07/03/2014	REMINDER: If your candidate is not on a ballot this year and the committee does not have a reporting waiver, the committee owes a statement in July and Octobe this year. This is true for term limited officeholders, officeholders not on the ballo (including judicial candidates) and committees of candidates who were unsuccessful. See the 2014 Candidate Committee memo for more information.
07/03/2014	Contribution limits to candidates are based on an "election cycle" and not per "election". An election cycle begins on the day following a general election in which the office involved appears on the ballot and ends on the day of the next general election in which the office appears on the ballot. For a special election, the election cycle begins on the day the special election is scheduled or the date the office involved became vacant (whichever is earlier) and ends on the day of the special election. Select this link for a chart of the current candidate contribution limits.
06/12/2014	PACs and Political Party Committees, a "Campaign" must be selected in the Transaction information - Expenditure screen of the MERTS software for each expenditure made to a Candidate Committee, a Ballot Question Committee, or a vendor for the purpose of supporting or opposing a candidate or ballot issue.
06/12/2014	You must show the full name and address of each person who contributed to you committee and you must show the occupation, employer and business address each individual who contributed more than \$100.00.
06/12/2014	A committee is not eligible for a reporting waiver if the last campaign statement shows an ending balance of over \$1,000.00, an ending debt balance of over \$1000.00 or both.
06/03/2014	Did you know that certain volunteer activity is not considered a contribution mad to the committee? Go here for more information.
06/03/2014	A committee should never have a negative ending balance on their campaign statement. The committee should never be seen to be spending more money the what it receives.
06/03/2014	A new committee's first beginning balance on a campaign statement should always be zero. A beginning balance greater than zero is caused by having receipts or expenditures dated before the coverage period of the statement. The date of the committee's first receipt or expenditure must be included in the statement.

05/02/2014	Did you know that the state does not have a backup copy of your MERTS file? It is very important to back up your MERTS file every time you make changes to your data. Select this link to learn how.					
04/17/2014	All campaign statements are due by 5:00 pm on the due date. Prepare early and file early to help ensure a timely filing and reduce the risk of late filing fees.					
04/17/2014	Did you know that for a committee to be eligible for dissolution it must have no assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt and must be paid before the committee can be dissolved. Please review Appendix W of the committee manuals for more information.					
04/17/2014	Candidate committees can have joint fundraisers and have joint expenditures; restrictions apply. See Appendix F for more information. Candidate committees cannot create a joint PAC or slate committee as a substitute for a candidate committee.					
04/08/2014	When creating a campaign statement in MERTS, make sure you select the correct report type. For a list of report types and their 2014 due dates listed by committee type, elect this link.					
03/20/2014	Did you know that the Official Depository for a Candidate Committee must be set up in the Committee's name? They cannot be set up as a personal account under the Candidate's name. Further information can be found in Appendix A of the Candidate Committee Manual.					
03/12/2014	A contribution shall be considered received by a committee when it is received by the committee treasurer or a designated agent of the committee treasurer although the contribution may not be deposited in the official depository by the reporting deadline. 21(11)					
03/12/2014	12/2014 Committees must open a bank account if any funds are received by a person of than the candidate. A committee cannot comingle funds with other funds; including the candidate's. 21(12)					
03/12/2014	Secondary depositories must be listed on the Statement of Organization. A secondary depository may be used only for the deposit of contributions (for example, as a temporary holding place for receipts from a joint fund raiser); it may not be used for committee expenditures. They are most often used for joint fund raisers. 21(6)					
03/12/2014	A committee cannot make expenditures without a treasurer see section 21(8). If a treasurer resigns from a candidate committee, the candidate becomes the treasurer automatically.					
03/12/2014	Have you visited the MERTS Video Library? Get video help performing many of the tasks in MERTS. Some of these include setting up a committee, memo itemizations, making debt payments and setting up a campaign. More informat					

02/12/2014	Did you know that committee campaign finance records have to be kept for 5 years? This would include records, bills, and receipts as required to substantiate the information contained in a campaign statement. More information can be found here.
02/11/2014	Debt from previous elections cannot be repaid with contributions from a subsequent election that are not so designated in writing and 3 conditions are met. Find out those conditions in the Expenditures and Disbursements section of the Candidate User Manual.
02/11/2014	A Committee must not accept an anonymous contribution. A committee that receives an anonymous contribution must donate it to a tax exempt charitable organization. A receipt is needed for the committee's records. So never just pass the hat for contributions or set up a "tips jar" for contributions.
02/11/2014	Did you know that it is illegal to hold raffles or other gambling events at any sort of committee fundraiser? More information can be found at the Michigan Gaming Control Board.
01/24/2014	Did you know that contribution limits to candidates have increased? Select this link for more information.
01/24/2014	When saving and naming your MERTS file, only use numeric and alphanumeric characters with no special characters (_#/?*&\$@ etc) and keep it less than 30 characters long. Otherwise you will get an error when uploading your report to the state server.
01/24/2014	Do you need help adding a campaign to your MERTS software? Select this link for an instructional video.
01/24/2014	The number one error with submitted campaign statements is ending balance issues. Check out the MERTS FAQ for some help.
01/24/2014	To add the Treasurer's name to MERTS, create a new Name record under the Names tab and enter the treasurer's information (name, address & phone) as an "Individual". Then when you Close the report so that it can be uploaded to our server, you will select that person's name from the presented list of names.

Help and Contacts

. . . .

Frequently Asked Questions

Quick Links

ProtectMiChild Registry

CITYPULSE

Fundraiser fallout

By Todd Heywood



State probing donations to Eaton sheriff's campaign

Thousands of dollars' worth of corporate campaign donations to the reelection campaign of Eaton County Sheriff Tom Reich are being investigated by the secretary of state for potential violations of the Michigan Campaign Finance Act.

At issue is whether Reich's campaign accepted "prohibited" contributions from corporations. The Democrat's campaign finance filings list thousands of dollars in goods as donations from dozens of businesses in the state.

Reich's campaign committee was notified that a complaint related to two golf outing fundraisers had been filed with state elections officials. The complaints were filed by State Sen. Rick Jones, R-Grand Ledge, a major supporter of Reich's Republican challenger, Fred McPhail, in the Nov. 8 election. Jones served as Eaton County sheriff from 2001 to 2003. McPhail was his deputy.

"We did make an error, and we're trying to rectify it," Reich said in a phone interview Tuesday morning. "It's something that happened, so shame on me."

Michigan law makes it a felony for a corporation or business to "knowingly" make donations to a candidate committee. Violations are punishable by up to three years in prison or up to \$5,000 in fines, or both. Regulations also allow the state to fine a treasurer of a campaign committee that accepts a contribution written on a corporate check. Violating that regulation could result in a \$1,000 fine per violation, plus three times the amount of the improper contribution.

Fred Woodhams, a spokesman for Secretary of State Ruth Johnson, confirmed by email the com- plaint had been filed and was being investigated. Reich's campaign has until Aug. 20 to respond in writing to the complaint. Jones will then be provided with an opportunity to respond to Reich's responses, if any, and then the department "will determine whether 'there may be reason to believe a violation" has occurred, according to a letter sent to the campaign by Lori Bourbonals of the Michigan Bureau of Elections.

Theresa O'Dell, an administrative assistant to Reich at the county, serves as treasurer for his reelection committee. In a phone interview Tuesday morning she confirmed she had served as the campaign treasurer for former Eaton County Sheriff Patrick Hutting. That campaign committee also ran into some troubles with campaign contribution violations, she confirmed, but she could not recall the exact nature of the campaign issues.

Records from the 2000 campaign races in the county are not available online.

O'Dell noted that she did not sign the campaign reports, although she is listed as the treasurer for the campaign. "The sheriff's campaign report was done by an accountant," she said, adding that she "did not" review the report before it was filed. "I figured they knew what they were doing."

The records reveal that for his 2015 and 2016 golf outings, Reich accepted corporate donations as gifts to distribute to golfers. Advertising for the 2016 outing shows it cost participants \$75 an individual and \$300 for four players to participate.

Campaign finance filings show 145 people attended the 2015 golf outing, which raised \$18,521 for Reich's reelection bid, and the committee spent \$7,584 to put the fundraiser on. The 2016 golf outing was attended by 140 people, and raised \$25,321 for the campaign, and cost it \$4,907.

The campaign complaint is only the most recent salvo in what is turning into a bitter fight for the top cop job in Eaton County. McPhail was the undersheriff, or the second in command, for Reich until he retired.

Reich has come under withering criticism for the fatal shooting of an unarmed 17-year-old Grand Ledge teen, Deven Guilford. An investigation by the Michigan State Police cleared the officer involved in the shooting of any wrongdoing and no criminal charges were filed in the case. However, Guilford's family is suing the county and the Sheriff's Department.

A City Pulse investigation revealed that months before Guilford was shot and killed, another Grand Ledge resident had been the subject of an improper arrest by Eaton County Sheriff Deputy Greg Brown. Brown appeared to have filed a false police report and failed to turn on his body camera for the interaction with Todd Michael Brenizer. Video shot by Brenizer showed Brown responded with vulgarities to questions from the motorist and then arrested him. Brown later resigned after facing a disciplinary hearing which would have likely resulted in his firing. Months after his resignation, Brown was hired by the Lenawee County Sheriff's Department.

Donations in question



Eaton County Sheriff Tom Reich, who is running for reelection, admits his campaign should not have accepted gifts from corporations to give away at his annual fundraising golf outings. Among those the secretary of state is examining:

2015 Golf Outing Corporate Donors (Selected) One night at the Radisson Hotel Downtown Lansing \$125 One night at the

Hyatt Hotel Lansing \$125
Golf Package at
Charlotte's Maplebrook \$150
Golf items from Pro-Golf \$114
Golf Package Grand Hotel \$400
Golf and Motel package

Bay Mills Casino Brimtey, MI \$285 One night stay at the Residence Inn Lansing \$100

Two \$50 Gift Certificates

to Ukai \$100

Other corporate donors included gift certificates from Applebee's, Fazoli's Art's Bar, NCG Theater, Edible Arrangements, Texas Roadhouse and others.

2016 Golf Outing Corporate Donations

(Selected)

Weed trimmer from

Bobcat of Lansing \$150

Leaf Blower from

D&G Equipment of Charlotte \$150

Golf for four and cart at

El Dorado Golf Course in Mason \$120

Four gift certificates to

Mongolian Grill in Okemos \$100

Other donations included oil changes and

flashlights.

Source: Campaign Finance Filings Eaton County Clerk online database

Appendix A

Appendix A COMMITTEE TREASURER DESIGNATED RECORD KEEPER AND DEPOSITORY

COMMITTEE TREASURER

- The treasurer must be a qualified elector/registered to vote in Michigan.*
- The treasurer must be an individual and cannot be a company or firm.
- The treasurer assumes legal responsibility for the committee.
- The treasurer is responsible for keeping the committee's accounts, records, bills, receipts and electronic files of the committee for 5 years
- The treasurer must authorize all contributions received and expenditures made by the committee.
- The treasurer is responsible for the timely filing of campaign statements.
- The treasurer is responsible for responding in writing to all Notices of Error or Omission sent to the committee and for timely payment of all late filing fees assessed the committee.
- The treasurer must sign the original and all amendments to the committee's Statement of Organization.
- The candidate of a candidate committee, other than a judicial candidate, may serve as treasurer and shall be treasurer if the position is vacant.

(*)The treasurer of a PAC or Ballot Question must be a qualified elector of Michigan if the committee conducts business through an office or facility located in Michigan. A committee that is not required to have a treasurer who is a qualified elector in Michigan is required to complete the "irrevocable written stipulation" on the Statement of Organization.

COMMITTEE RECORD KEEPER

- A committee may designate someone, in addition to the committee treasurer, as responsible for the committee's records and filings; commonly called the committee's "designated record keeper."
- The committee is NOT required to have a designated record keeper.
- The designated record keeper must be an individual and cannot be a company or firm.
- Any individual can serve as the committee's designated record keeper.
- A designated record keeper shares legal responsibility for the committee with the treasurer.
- A designated record keeper may sign the committee's campaign statements in place of the committee treasurer.
- The designated record keeper must sign the original and all amendments to the committee's Statement of Organization; however does not have the authority to be the only signer to a committee's Statement of Organization or any amended Statement of Organization.

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A - Committee Treasurer,

Designated Record Keeper and

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A1 - Campaign Finance

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- B Registering a Committee Witl Statement of Organization Form
- **B1** Filing Requirements
- C The Reporting Waiver
- D Electronic Filing of Campaign Statements (State Level Committ Only)
- E Late Filing Fees, Waivers and Reviews

STATE COMM RECEIVED MOR THAN \$10,000.00 PREVIOUS 2 YEA STATE COMM RECEIVED LESS THAN \$10,000.00 PREVIOUS 2 YEA LOCAL COMM RECEIVED MOR THAN \$10,000.00 PREVIOUS 2 YEA LOCAL COMM RECEIVED LESS THAN \$10,000.00 PREVIOUS 2 YEA

F - Fund Raisers

G - Immediate Disclosure Report

48 Hour/Late
Contribution
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- H Committee Types
- I Use of Public Facilities, Funds Etc, Prohibited
- J Identification Requirements
- K Out-of-State Groups

 The candidate of a candidate committee, other than a judicial candidate, may serve as the designated record keeper.

COMMITTEE DEPOSITORY

- The committee's official depository must be a bank, savings and loan association or credit union located in Michigan.*
- All contributions received by a Committee must be deposited into the committee's (removed quotation) official depository (removed quotation) as identified on the committee's Statement of Organization.
- Funds in the committee's official depository can be transferred to an account in a Michigan bank, savings and loan, or credit union in order to earn interest. Such an account would be a "secondary depository" and must be identified on the committee's Statement of Organization if it is in a different financial institution than the official depository. The funds may be placed into a savings or share account or a certificate of deposit and must be transferred back to the official account before being spent.
- Committee funds may not be used to purchase commodities, stocks, bonds, mutual funds, or land contracts; or placed in money market accounts or in any type of brokerage account unless the firm is chartered as a bank.
- A depository must be listed on the Statement of Organization; however, an
 account does not have to be opened until a contribution is accepted.
- Depositories may require federal employer identification number (FEIN) in order to open an account.
 Please contact the IRS for more information

(*)The depository of a PAC or Ballot Question must be a bank, savings and loan association or credit union located in Michigan if the committee conducts business through an office or facility located in Michigan. A committee that is not required to have an official depository located in Michigan is required to complete the "irrevocable written stipulation" on the Statement of Organization.

FAQs

Does the Bureau of Elections provide some assistance on best record keeping practices? Yes. Appendix A1 of the committee manuals outlines the best practices for campaign finance record keeping.

Can a company be listed as treasurer or designated record keeper on the Statement of Organization? No, the treasurer and record keeper must be individuals.

Who can serve as a treasurer or designated record keeper of a Candidate Committee? Any person may serve as the designated record keeper; however Section 21(2) requires the treasurer be a qualified elector in the state of Michigan. A judicial candidate my not serve as treasurer or record keeper of their committee.

I am a judicial candidate, why can't I be the treasurer or record keeper for my committee? The Michigan Code of Judicial Conduct has set forth rules for judicial candidates. The staff at the Bureau of Elections is unable to assist with questions concerning judicial ethics or the Canons. Members may contact the SBM Ethics Helpline at 877–558–4760 to receive an informal, advisory opinion from a staff attorney regarding an

L - Independent Contractors (Me Buyers and Other Vendors Purchasing Goods for the Committee)

M - Recount Expenses

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O - Prohibited Contributions

P - Special Primary, General and Recall Elections

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W - Dissolution of a Committee

X - Declaratory Rulings and Interpretive Statements

Y - The Complaint Process

Z - Reference Information

Note: Please print the Appendic to complete the manual. Appendices:

☑ Include TOC Publish

ethics issue pertaining to the inquirer's prospective conduct. This number is reserved for *lawyers and judges* only. Staff counsel will not advise on past conduct of the inquirer, the conduct of another attorney or judge, on questions of law, or hypotheticals. The opinions of staff counsel are non-binding and advisory only.

Who can serve as a treasurer or record keeper of a committee other than a Candidate Committee? Any person may serve as the designated record keeper; however Section 21(3) requires the treasurer be a qualified elector in the state of Michigan if the committee conducts business through an office located in Michigan.

My committee does not conduct business through an office in Michigan; does my treasurer have to be a qualified elector in the state of Michigan? No, Section 21(4) allows a committee who does not conduct business out of an office in Michigan to have a treasurer who is a resident of another state. A treasurer who is a resident of another state must file an irrevocable written stipulation with their signed statement of organization.

What legal responsibilities does a treasurer or designated record keeper have? If a committee has both a treasurer and a designated record keeper, both share in the legal responsibility of the committee. These responsibilities include timely filing of campaign statements and preserving the committee's records to substantiate the information contained in a statement, payment of a late filing fee and keeping the committee's Statement of Organization information up to date.

How long must the committee keep records? Section 22 requires the records of a committee be kept for 5 years.

Our treasurer resigned what should we do? Section 21(8) states that a committee cannot accept a contribution or make expenditures without a treasurer; therefore the committee must appoint a new treasurer in order to function. An amendment to the statement of organization must be filed when the next campaign statement is due; however it is beneficial to the committee to file the amendment as soon as any information has changed so that they continue to receive important information from the Bureau of Elections.

I have resigned as treasurer of a committee. The committee has not updated their records, what can I do? If you have resigned as treasurer and the committee has not updated the Statement of Organization to reflect the appointment of a new treasurer, you may send correspondence to disclosure@michigan.gov stating as such. Upon resignation, you have a responsibility to ensure the committee records are properly transferred to the new treasurer or committee principals.

Can we use a brokerage firm as the official depository? No, a committee must hold assets in a federal or state chartered bank, savings and loan association or credit union. The committee's funds must be kept in an account where they are always subject to the complete control of the committee.

Must a bank account be opened before I can start campaigning? No, Section 21(6) states that a bank account is not required until the committee receives a contribution or makes expenditures.

I am a candidate and will only be using my own funds to campaign; do I have to open a separate bank account for the committee? A candidate may make expenditures for the committee out of their personal

account, therefore a bank account need not be opened if the candidate is fully funding their own campaign. However, a separate account must be opened as soon as the committee receives a contribution from a person other than the candidate.

What is a secondary depository? A secondary depository is used to only to deposit contributions and promptly transferring those deposits to the committee's official depository. No expenditures are to be made out of the secondary depository.

My bank is asking me for a Federal Employer Identification Number (FEIN) in order to open an account. Where do I get that? If a bank is requiring the committee to have a FEIN, you will need to contact the Internal Revenue Service (IRS). Forms may be downloaded from the Internal Revenue Service website at or call 1–800–829–3676 or visit the closest Internal Revenue Service Office. To request assistance with preparation of a form, call 1–800-829–1040.

Rulings

Kumigs				
8/4/1993	Olson	IS	6(3), 21(6)	A committee is required to hold assets only in a bank, savings and loan association or credit union. A committee is precluded from holding its assets in another investment vehicle and using an account in a financial institution for the purpose of depositing contributions and making expenditures Complete text of 08/04/1993(a)
3/31/1989	Freels	IS	22, 24(1)	The only committee officer required by the Act is a treasurer. None of the language in the Act or the promulgated rules imposes a requirement that an organization name any particular person to be the treasurer of a Ballot Question Committee established by an organization Complete text of 03/31/1989
5/26/1987	Brackenrich	IS	49,	The funds of a Candidate Committee or an OEF may be invested in certificates of deposit. The funds of a Candidate Committee or OEF may not be invested in bonds, mutual funds or land contracts. [OEFs abolished, PA 411, 1994] Complete text of 05/26/1987
		- 4		Interest earned on a credit union draft or share account is to be reported as interest, and not as a contribution. Also, automatic transfers from a line of

9/4/1981	DeSana	IS	4(1), 21(3), 28, 49, R1(1)	OEF may be used to purchase advertising in a testimonial book for a member of Congress, provided that the advertising does not advocate the nomination or election of the officeholder. [OEFs abolished, PA 411, 1994] Complete text of 09/04/1981 DeSana
12/3/1980	Hohendorf	IS	33(3)	A late filing fee is a debt owed to the state or county from the time it is due until it is actually paid. A late filing fee is like any other fee, fine, or tax that must be paid to a unit of government. It is the Department's view that a candidate, the committee, and the treasurer are all responsible for the late filing fees of the candidate's committee. The committee and the committee's treasurer are responsible for late filing fees assessed Independent, Political and Political Party Committees. [Candidates, committee treasurers and designated persons may be held responsible for paying late filing fees assessed the committee for late filing campaign statements, P.A. 95, effective June 21, 1989.] Complete text of 12/03/1980
				A committee treasurer has the responsibility for maintaining the committee's records, and the committee is responsible for ascertaining that the treasurer is meeting this requirement. If the committee's treasurer changes, then the new treasurer, the former treasurer, and the committee principals are

12/14/1979	Parish	IS	22	collectively responsible for the transferal of the records. If the committee dissolves, then the last treasurer of the committee is responsible for the maintenance of the records. If that person is not available, then the responsibility revolves upon the committee's principals. [Provision for designation of individual other than treasurer to be responsible for record keeping, report preparation and report filing, P.A. 95, effective June 21, 1989.] Complete text of 12/14/1979 - Parish
5/30/1979	Thomas	IS	6(3), 21(4), 24(1)	Committee funds may be transferred to an interest bearing account without being an expenditure, but any interest earned must be reported. If a treasurer is unable to perform his or her requisite duties, a new treasurer may be appointed. Questions regarding the transfer of authority to make withdrawals from the committee's account should be addressed to the committee's bank or legal counsel Complete text of 05/30/1979 - Thomas
5/30/1979	O'Brien	IS	21(3), 28(2), R1(1)	Purchase of stock or commodities by a committee or by an OEF does not constitute establishment of a secondary depository and is prohibited. [OEFs abolished, PA 411, 1994] Complete text of 05/30/1979 - O'Brien
4/7/1978	Wyszynski	IS	21	An auxiliary account established for purposes of receiving credit card contributions is a legitimate secondary depository Complete text of 04/07/1978
9/2/1977	Damstra	DR	6(3), 24(1)	Committee funds may be transferred to an interest bearing account without being an expenditure, but any interest earned must be reported Complete text of 09/02/1977 - Damstra

Webinars

2016 Campaign Finance Webinars

The Department of State's Bureau of Elections will hold a series of instructional webinars on the disclosure obligations of Candidates, PACS and other committee types seeking guidance in complying with the Michigan's Campaign Finance Act and use of the MERTS software available to State level filers. The scheduled webinars are listed below. Each webinar runs approximately 3 hours. Training information is also available online at www.mertsplus.com.

COMPLIANCE: The first portion of the webinar will cover compliance and include topics such as
the organization and operation of a committee, campaign statement filing requirements, the proper
handling of campaign funds and other related topics. These sessions are available to all state and
local level committees. This segment will last approximately 90 minutes. A short break will be
taken following the segment.

SPECIAL SESSIONS: Two Special Sessions will be held at the end of the year in 2016 to review the requirements for **dissolution**. Unsuccessful candidates and committees that no longer wish to participate are encouraged to dissolve the committee to avoid future filing requirements.

 MERTS: The second portion of the webinar will cover use of the MERTS software for state lever filers only and will cover general use of the software. This segment will last approximately 90 minutes and conclude the webinar.

We encourage you to attend the webinar most convenient to your schedule. Training concerning importing/exporting data in the MERTS software is available upon request. A reservation is required 2 or more days before the specific session and should be directed to disclosure@michigan.gov. Webinar materials will be emailed to participants the day before the session.

Sign up for Webinar training

2016 CFR Webinars

All webinars are scheduled on Wednesday mornings starting at 9:00am and end approximately at Noon.

Candidate Committees

January 13, 2016	May 11, 2016
June 1, 2016	June 22, 2016
July 13, 2016	September 7, 2016

Independent/Political PAC Committees

February 10, 2016	May 25, 2016
August 17, 2016	

Political Party Committees

March 16, 2016	June 15,
CANCELLED	2016
October 5, 2016	

Ballot Question Committees

April 13, 2016	July 6, 2016

How do I dissolve my committee? SPECIAL SESSIONS

November 16, 2016	December 14, 2016
- All Committees	– All Committees

QUESTIONS? If you have any questions, please feel free to contact us. The address below can be used to mail filings and correspondence by first class mail, registered mail or certified mail.

Michigan Department of State Bureau of Elections Post Office Box 20126 Lansing, Michigan 48901–0726

Phone: 517-373-2540

Email: Disclosure@Michigan.gov Follow us on Twitter@MichCFR

If you would like to visit our office or use an overnight delivery service, the address below is provided.

Richard H. Austin Building, 1st Floor 430 West Allegan Street Lansing, Michigan 48933

Rev: 11/15