

# CAMPAIGN FINANCE DISCLOSURE TRAINING



Independent and Political  
Committees

# Topics

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# What is a Committee?

- 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 (PACs);
  - Make independent expenditures to influence voters;
  - Or receive contributions or make expenditures to assist a political party in qualifying for ballot access in Michigan

# Michigan Campaign Finance Act (MCFA) Committee Types

- Ballot Question Committees
- Political Action Committees (PACs)
  - PACs
  - Independent PACs
  - Caucus
  - Super PACs
- Political Party Committees
- Candidate Committees

# Political Action Committee (PAC) Types

In Michigan there are 4 types of Political Action Committees and they are as follows:

- Political (PAC) Committees
- Independent (PAC) Committees
- Caucus (PAC) Committees
- Super PACs

# Political or Independent

- Political Committee:
  - They are formed to support or oppose candidates and may also support or oppose ballot questions.
  - Has the same contribution limit as an individual.
- Independent Committee:
  - They are the same as a political committee until the following criteria are met, then they can give at 10 times the amount of a Political Committee:
    - Register 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);
    - Within the same calendar year they must:
      - Receive contributions from at least 25 persons; and
      - make expenditures to support or oppose three candidates in Michigan within the lower contribution limits applicable to a Political Committee.

# Separate Segregated Fund

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

# Caucus Committees

- The democrats and republicans each have one Caucus 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 to State Representatives and State Senate candidates during the General Election.
  - Caucus committees must adhere to [contribution limits](#) for other offices.
  - For more information on Caucus Committee rules see the [PAC manual](#) or [Section 52](#) of the MCFA
  - Caucus Committees file a Quarterly Statement in January instead of February



# Independent Expenditure Committees (IEC)/Super PACs

- Political committee formed to support or oppose candidates through independent expenditures
- They can be formed by and take money from Corporations, Labor Organizations and Domestic Dependent Sovereigns (Indian Tribes).
  - They are allowed to use general funds to indirectly support or oppose candidates.
  - An IEC/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 IEC/Super PACs on our web site.

# WHERE TO START

- File the Committee's [Statement of Organization](#)
- Read the [PAC Committee Manual](#)
  - [Appendices](#)
- Know your [Dates & Deadlines](#)
- Become familiar with the [MCFA](#)
- Familiarize yourself with [MERTS](#) well before the filing deadline

# When Does a PAC Register?

- A PAC has to register when:
  - As soon as a group receives or spends \$500.00 or more in a calendar year to support or oppose a candidate or a ballot issue, the MCFA requires the group to form and register a committee

# Where Does a PAC Register?

- **County Level:** Committees whose activity is restricted to local candidates and issues within one county will register with their county clerk
- **State Level:** Committees whose activity is related to state level candidates and issues or local candidates and issues spanning multiple counties will register with the Bureau of Elections

# The Statement of Organization

- A PAC registers by filing a Statement of Organization form with the appropriate filing official. Therefore, the Statement of Organization is the first form filed by a PAC.
- Local PACs must file the [Statement of Organization](#) on paper which can be found on our website
- State PACs must file the [Statement of Organization](#) electronically

# When is the Statement of Organization Due?

- The Statement of Organization (SofO) is due within 10 days after meeting the definition of a committee
- Once the \$500.00 threshold is met, the PAC has ten (10) calendar days to form and register with the appropriate filing official by submitting the SofO form.
  - Example: A group meets the definition of a committee on May 1<sup>st</sup>
    - The SofO must be filed by May 11th

# Are Their Fines for Filing the SofO Late?

- **YES!** - The fee for filing a Statement of Organization late accrues at a rate of \$10/business day to a maximum of \$300.00

# The Reporting Waiver

## Section 169.224 (5, 6)

- The Reporting Waiver exempts Committees who do not anticipate spending/receiving over \$1000.00 per calendar year from filing campaign statements
- The committee must answer Yes in the Reporting Waiver section of the SofO to request the waiver
- Financial activity must still be recorded and tracked
- The waiver does **not** exempt committees from filing:
  - The original (or any amended) Statement of Organization
  - Late Contribution Reports



# The 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 calendar years and all contributions both direct and in-kind
- How to regain the Reporting Waiver
  - By filing an Amended SofO once the committee's ending balance is below \$1000.00

# PAC Contribution Limits

- Contribution Limits to PACs (not including IEC/Super PACs)
  - Contributions from legal sources are unlimited
  - Legal sources include individuals, unincorporated businesses, and other PACs
- Contribution Limits to IEC/Super PACs
  - Contributions from legal sources are unlimited
  - Legal sources include individuals, unincorporated businesses, corporations, and other PACs

**Note: IEC/Super PACs are not allowed to give to other types of PACs, Candidate Committees, and Political Party Committees because they are allowed to accept corporate money.**

# PAC Contribution Limits to Candidate Committees

- A contribution limit to a Candidate Committee is the amount of money a PAC is allowed to contribute based on the office the candidate is running for and the [Election Cycle](#) of the candidate

# What is an Election Cycle?

- **General election:** The election cycle begins the day following the last general election in which the office appeared on the ballot and ends on the day of the next general election in which the office appears on the ballot.
- **Special election:** The election cycle begins the day the special general election is called or the date the office becomes vacant (whichever is earlier) and ends on the day of the special general election.

# Prohibited Contributions

- A PAC may ***not*** keep a contribution from the following:
  - Labor Unions\*
  - Corporations\*
  - Ballot Question Committees\*
  - Domestic Dependent Sovereigns (Indian Tribes)\*
  - Public Body Funds or use of Public Facilities (Section 57)
  - Detroit Casino and Supplier Licensees
  - Foreign Nationals (Federal Prohibition)
  - Anonymous (Must be donated to charity)
  - Cash over \$20
  - Earmarked

**\*Note: Does not apply to IEC/Super PACs**

# Prohibited Contributions (cont.)

- If the committee receives a prohibited contribution:
  - Return the contribution
  - If funds were deposited the receipt and return must be disclosed on the next campaign statement. A copy of the letter and the check returning the contribution is required
  - Funds not deposited and returned within 30 days do not need to be reported

# Campaign Statement Due Dates

- January Quarterly
  - Close of Books December 31<sup>st</sup>
  - Due by January 31<sup>st</sup>
- April Quarterly
  - Close of Books April 20<sup>th</sup>
  - Due by April 25<sup>th</sup>
- July Quarterly
  - Close of Books July 20<sup>th</sup>
  - Due by July 25<sup>th</sup>
- October Quarterly
  - Close of Books October 20<sup>th</sup>
  - Due by October 25<sup>th</sup>

# Campaign Statement Due Dates for Local and County PACs

- Annual Campaign Statement
  - Close of Books December 31<sup>st</sup>
  - Due by January 31<sup>st</sup>
- Pre-Election Campaign Statement
  - Close of Books 16 days before date of election that the committee is participating in
  - Due 11 days before date of election that the committee is participating in
- Post-Election Campaign Statement
  - Close of Books 20 days after date of election that the committee is participating in
  - Due 30 days after date of election that the committee is participating in



# Are There Late Filing Fees if the Statement is not Filed on Time?

- YES!! Save money by filing on time!
- Committees with more than \$10k in financial activity in last two years: Fees accrue \$25 per first 3 days late and then \$50/day up to \$1000
- Committees with less than \$10k in financial activity in last two years: Fees accrue \$25/day up to \$500

# What's Reported in a Campaign Statement?

- Contributions: money, goods or services provided with the intent to influence Michigan elections
- Expenditures: payment for services, goods and facilities that influence Michigan elections
- Debts and Obligations (record of debts owed to or by the committee)
- Fundraiser Information (fundraiser event detail)

# Cover Page

- Cover Page: Provides information about the committee including:
  - Committee ID number/ Committee Name
  - Coverage Period
  - Committee's name and county of residence
  - Committee's mailing address
  - Treasurer's name and address
  - Designated Record Keeper (if applies) name and address
  - Type of Statement
  - Treasurer's signature
  - Designated Record Keeper signature (if applies)

# Summary Page

- Provides a snapshot of the entire statement including:
  - Total contributions and expenditures for the current reporting period (column I)
  - Total cumulative contributions and expenditures for calendar year (column II)
  - Balance statement (first statement always begins with \$0)

# Itemized (Direct) Contributions & In-Kind Contributions

- Itemized (Direct) Contributions
  - Money contributed to the committee by cash or written instrument.
  - Reported on Schedule [2A](#)
  - **Note: All contributions over \$20.00 must be by written instrument (check, money order, debit, credit)**
- In-Kind Contribution
  - A donation of goods or services to the committee
  - Reported on Schedule [2-IK](#)

# Loan as a Contribution & Other Receipts

- Loan as a Contribution
  - A committee may accept loans from legal sources
  - They must be reported on the Debts & Obligation Schedule [2E](#) and [2A](#) or [2-1K](#) as appropriate
  - Required information:
    - Date debt was incurred and original amount
    - Name and address of person debt is owed to
- Other Receipt
  - Money NOT intended to influence elections such as bank interest or refunds
  - Reported on Schedule [2A-2](#)

# What Info do I Gather From Contributors?

- Required information:
  - Name
  - Address
  - Amount
  - Date of receipt
- If the contribution is over \$100 or the cumulative for that contributor is over \$100:
  - Then you must also request the contributor's occupation, employer name and the address of their place of business

# Contribution Exceptions

- Committees should track, but do not have to report the following:
  - A volunteer's personal services that aren't reimbursed
  - A volunteer's travel and lodging up to **\$500.00/year**
  - A volunteer's donation of food and beverages up to \$1000.00/year
  - A contribution that is returned to the contributor within 30 days



# Late Contribution Reports

- If a PAC participates in an election by contributing to a candidate or issue on the ballot AND they receive a contribution(s) from the same contributor with a cumulative total of \$2500 or more between the closing date of the last campaign statement required to be filed by the committee and the third day before the date of the election, they must report that contribution within 48 hours to their filing official.
- [Section 32](#) of the MCFA requires that late contributions be reported within 48 hours of the date the contribution was received. The contribution is also reported on the subsequent campaign statement.
- [Late Contribution Report form](#) (paper)
- [e-IDR](#) (electronic; state level)

# Late Contribution Reports (cont.)

- Example 1. A PAC does not participate in an election between 10/20 - 11/1 by making no expenditures to support or oppose a candidate or ballot question on the ballot .
  - Contributor A gives \$2,000.00 10/20: No report is required
  - Contributor A gives \$500.00 on 10/21, with a cumulative of \$2,500.00: No report is required
  - Contributor A gives \$ 1,000.00 on 10/22, with a cumulative of \$3,500.00: No report is required
- Example 2. A PAC participates in an election between 10/20 – 11/1 by making an expenditure to support or oppose a candidate or ballot question on the ballot.
  - Committee makes expenditure on 10/20 to support or oppose a candidate or ballot question on the ballot.
  - Contributor B gives \$2,000.00 on 10/23: No report is required
  - Contributor B gives \$500.00 on 10/24, with a cumulative of \$2,500.00: A report is required within 48 hours

# Is There a Fee for not Filing Late Contributions on Time?

- **YES!! Avoid late fees by filing on time!**
- Late filing fees shall not exceed the lesser of the following:
  - The Total amount of omitted contributions or
  - \$2,000.00 to be assessed as follows
    - \$25.00/business days 1-3
    - \$50.00/business days 4-10
    - \$100.00/business days 11-26

# Expenditure Types & Schedules

- Itemized (Direct) Expenditure:
  - Money spent from committee account for goods, services and facilities intended to further the nomination or election of the candidate
  - Written instrument is required for expenditures over \$50.00
  - Receipts must be obtained for each expenditure
  - Reported on schedule [2B](#)
- In-Kind Expenditure:
  - Goods, services and facilities donated at no cost
  - Items purchased on behalf of another committee (not candidate)
  - Reported on Schedule [2B-2](#)

# Expenditure Types & Schedules (cont.)

- Itemized Independent Expenditures
  - Expenditures made on behalf of candidates and ballot issues **without** the direction or control of the candidate's committee or the ballot question committee
  - Independent Expenditures can be made in any amount and do not count toward the total contribution amount given to candidates
  - Reported on Schedule [2B-1](#)
- Get Out the Vote (GOTV)
  - Election day expenses
  - Busing Voters to the polls
  - Slate cards
  - Poll workers, watchers & challengers
  - Reported on Schedule [2B-G](#)

# What Information Should be Gathered for Expenses?

- Required Information:
  - Name of payee
  - Amount of payment
  - Address of payee
  - Date of payment
  - Purpose (be specific)
  - Campaign information (candidates/ballot proposals)

# What is a Campaign?

- A campaign gives details about the candidate or issue the committee contributes to
- When supporting a candidate the campaign will include:
  - Name of candidate
  - Office sought
  - District/Jurisdiction # and County
  - Population (for local offices)
- When supporting/opposing a ballot issue the campaign will include:
  - Ballot proposal name
  - County
  - Support or oppose

# Independent Contractor Expenses

## Appendix L

- A Committee that contracts with an agent or an independent contractor to make expenditures on its behalf must disclose the expenditures made to and by the agent or independent contractor. This is done by **Memo Itemizing** the expenditure.
- Agents and independent contractors typically employed by committees are:
  - political consultants
  - public relations consultants
  - political consulting firms
  - public relation firms
  - media buyers
  - advertising agencies
  - marketing firms



# How to Memo Itemize an Expenditure Example

- Required when a committee makes an expenditure to a person that pays more than \$50 to another party on behalf of the committee

ITEMIZED DIRECT EXPENDITURES SCHEDULE 2B INDEPENDENT OR POLITICAL COMMITTEE		1. Committee I.D. Number <b>599888</b>		2. Committee Name <b>Acme PAC</b>	
3. Name and address of person or vendor to whom the expenditure was made	5. Candidate or Ballot Question Information	6. Date	7. Amount	8. Cumulative for Election or Election Cycle	
<b>Expenditure #1</b> Name & Address: <b>Vandalay Media Consultants</b> <b>4449 Allegan St</b> <b>Lansing MI 99999</b>	5. _____ Name of Candidate _____ Office Sought & District # or Jurisdiction _____ County _____ _____ Ballot Proposal <input type="checkbox"/> Check box if expenditure is payment of Debt or Obligation reported on previous statement	<b>12/01/17</b> Date	<b>\$ 6500</b>	<b>\$ 6500</b>	
4. Purpose: <b>Promotional Ad</b> <input type="checkbox"/> Fund Raiser				Memo Itemization Below <span style="float: right;">▼</span>	
<b>Expenditure #2</b> Name & Address: <b>WKRP Communications</b> <b>5555 Main St.</b> <b>Lansing MI 99999</b>	5. _____ Name of Candidate _____ Office Sought & District # or Jurisdiction _____ County _____ _____ Ballot Proposal <input type="checkbox"/> Check box if expenditure is payment of Debt or Obligation reported on previous statement	<b>12/10/17</b> Date	<b>\$ 4500</b>	<b>\$ 4500</b>	
4. Purpose: <b>Ran the ad</b> <input type="checkbox"/> Fund Raiser				(Memo Itemization) <span style="float: right;">▼</span>	

# Payments to Debt

- Payments to loans are reported on Schedule [2E](#) as well as on the expenditure schedule [2B](#)
- Required Information:
  - Date debt was incurred and original amount
  - Name and address of person debt is owed to
  - Any payments to previous debt

# Fund Raisers

- Fundraising event means an event such as a dinner, reception, auction or similar event where contributions are solicited by purchase of a ticket, donation or purchase of goods or services.
- Fund raiser events are reported on schedule [2F](#)
- All contributions and expenditures for a fund raising event must be reported in detail on the appropriate schedules.
- Joint fundraisers have specific rules that are outlined in [Appendix F](#) of the candidate manual.

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

# THE ELECTRONIC FILING REQUIREMENT

- The Michigan Campaign Finance Act ([MCL 169.218](#)) requires that state level committees that spend or receive **\$5,000.00** or more in a calendar year file electronically
- If a committee anticipates spending or receiving **\$5,000** or more in a calendar year they are required to file electronically

# Michigan Electronic Reporting and Tracking System (MERTS)

- The state provides software free of charge to state level and judicial committees for electronic filing call the Michigan Electronic Reporting and Tracking System (MERTS).
- It is HIGHLY recommended to complete the online training or scheduling a Lansing training to become familiar with the software well before the committee's first filing is due
- For more information and to download MERTS, visit [www.mertsplus.com](http://www.mertsplus.com)

# Dissolving a Committee

- Committees with an active reporting waiver may file for dissolution using the [Single Page Dissolution Statement](#)
- Committees without a reporting waiver must file a Dissolution Statement
- To be eligible for dissolution a committee must:
  - Have no assets
  - No outstanding debt
  - No outstanding fees or filings owed to the filing official

**APPENDIX W OF THE COMMITTEE MANUAL COVERS DISSOLUTION AND DISPOSITION OF UNEXPENDED FUNDS**

# Identification Requirements

- 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
- Printed matter: “Paid for by with Regulated Funds” (committee name, address)
- Robo calls: prerecorded messages shall contain name, phone number, address or other contact for person paying for the message
- Mass mailings: Any mailing by U.S. mail or facsimile of 500 or more pieces of identical or similar nature within any 30 day period
- Radio or television: Must identify person sponsoring the ad; as required by the FCC
- Independent Expenditures- “Not authorized by any candidate”
- **EXAMPLE: Paid for with Regulated Funds by The Dairy Farmers PAC, 123 Main St. Lansing, MI 48918**
- Read [Appendix J](#) for more information

# Identification Requirement Exemptions

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

Aerial Banners	Fortune Cookie Messages ½" X 2" Or Smaller)	Pendants
Ashtrays	Frisbees	Pennants
Badges & Badge Holders	Glasses	Pens
Balloons	Golf Tees	Pinwheels
Bingo Chips	Golf Balls	Plastic Tableware
Brushes	Hats	Pocket Protectors
Buttons	Horns	Pot Holders
Bumper Stickers (4" X 15" Or Smaller)	Ice Scrapers	Refrigerator Magnets
Campaign Stickers (3" X 1 ½" Or Smaller)	Jar Lid Grippers (5" Or Smaller)	Rubber wrist bracelets with dimensions up to 1" wide and 8.25" in diameter
Candy Wrappers (1 ½" X 2 ½" Or Smaller)	Key Rings	Ribbons
Cigarette Lighters	Knives	Sun Glasses
Cloth Pot Holders	Labels	Shoe Horns
Clothes Pins	Lapel Pins/Stickers	Staple Removers
Clothing	Magnifying Glasses	Yo-Yo's
Coasters	Matchbooks	
Combs	Nail Clippers	
Cups	Nail Files	
Drinking Glasses	Noisemakers	
Earrings	Paper & Plastic Cups	
Emery Boards	Paper & Plastic Plates	
Envelopes	Paper Weights	
Erasers	Pencils	



# Notices Fees and Referrals

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

# Good Cause Waivers

## [MCL 169.215 \(f\)](#)

- A person may request a waiver of late filing fees for “Good Cause” as defined below:
  - The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of a person required to file, a person whose participation is essential to the preparation of the statement or report, or a member of the immediate family of these persons.
  - There are other unique factors that might be considered; these factors include 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.
  - The statement in question must be filed with the appropriate filing official before a waiver for good cause will be considered.

# Campaign Finance Complaints

## [MCL 169.215 \(5\)](#)

- All complaints alleging violations of the Campaign Finance Act are filed with the SOS.
- All complaints may be submitted on the required form and must include all required information.
- Anonymous complaints are not accepted.
- All parties will be given written notification with regard to the disposition of the complaint.
- Questions regarding complaint process will be directed to the Bureau of Elections

# Declaratory Rulings & Interpretive Statements

- Interested parties may request clarification of the MCFA via Declaratory Rulings. Interpretive Statements are 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 response to requests. Time frames are outlined in any committee manual.
- Rulings to date are available on our [web site](#)

# Treasurer Responsibilities

- As outlined in [MCL 169.222](#):
  - The treasurer assumes legal responsibility for the committee
  - The treasurer is responsible for keeping accounts, records, bills, receipts and electronic files for 5 years
  - Authorizes contributions received and expenditures made by the committee
  - Timely filing
  - Respond to Notices of Error or Omission and Late Filing Fee notices
  - Must sign original copy and all amended copies of the Statement of Organization

**A treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who knowingly violates this section is subject to a civil fine of not more than \$1,000.00.**

# Selecting a Treasurer

- Important things to consider:
- Availability to perform duties in a timely fashion
- Experience (have they ever acted as treasurer for another committee?)
- Knowledge of the MCFA or a willingness to become familiar with the law
- Proficient at recording and tracking financial activity and balancing accounts (checkbook)
- Technical skills: should be able to navigate the internet and have basic knowledge of computer software

# Tips for Successful Reporting

- Read the [Political/Independent Committee Manual](#)
- Record and track ALL financial activity of the committee, even if you have a Reporting Waiver. The law requires you to report the date of receipt. That date is when the treasurer or committee designee receives the contribution.
- Become familiar with [filing materials](#) on our web site.
- If you are using MERTS- get efficient [training](#) well before filing deadlines.
- File on time! Mark your calendars with important dates to remember (filing deadlines). You can avoid fees by using certified mail when filing on paper.
- Understand [Late Contribution](#) Reporting and the penalties for not filing them.
- Keep your Statement of Organization information up to date. We send mail and e-mail to the addresses we have on file. Follow us on Twitter @michCFR
- Treasurer communication with committee must be optimum to avoid mistakes. Consider entering into a written agreement so that there is a clear understanding of each person's responsibility.
- Pick your committee members (treasurer, record keeper) carefully.

# Thank You



- MICHIGAN DEPARTMENT OF STATE
  - BUREAU OF ELECTIONS
    - (517) 335-3234
    - Email: [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov)
  - Web Site: [www.Michigan.gov/CampaignFinance](http://www.Michigan.gov/CampaignFinance)
    - Follow us on Twitter @MichCFR