



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

December 11, 2025

The Honorable Sarah L. Lightner
The Honorable Stephanie Chang

Dear Representative Lightner and Senator Chang:

The Department of State (Department) acknowledges receipt of your letter dated September 19, 2025, in which you sought a declaratory ruling or interpretive statement under the Michigan Campaign Finance Act (Act or MCFA).

In accordance with publication and public comment period requirements, the Department posted your request on its website and informed email subscribers of the deadline to file written comments. MCL 169.215(2). The Department did not receive public comments during the initial public comment period.

The Department issued its preliminary response on November 24, 2025, and posted it for public comment in accordance with requirements in the MCFA and Administrative Procedures Act (APA), 1969 PA 306, MCL 24.201 *et seq.* The Department also notified email subscribers of the preliminary response and the deadline to file public comments. No public comments were received within 5 business days after the preliminary response was made available to the public. MCL 169.215(2). Given that no public comments were received, the Department's preliminary response is provided as its final interpretive statement regarding your question.

The MCFA and the APA, 1969 PA 306, MCL 24.201 *et seq.*, require the Department to issue a declaratory ruling if an interested person submits a written request that presents a question of law and a reasonably complete statement of facts. MCL 24.263, 169.215(2). If the Department declines to issue a declaratory ruling, it may instead offer an interpretive statement "providing an informational response to the question presented [.]" MCL 169.215(2).

Because your statement of facts is not sufficient to support the issuance of a declaratory ruling, the Department issues this interpretive statement in response to your request.

In your request, you ask whether security expenses incurred in connection with running for office or holding public office in Michigan are considered personal use under the law or are considered a permissible campaign expenditure. You note that the Federal Election Commission has recently adopted rules permitting both federal candidates and federal officeholders to use campaign funds for security measures. See 11 CFR 113.1(10). You also note that other states

have adopted similar rules. See, e.g., Cal Code of Regulations title 9, § 89517.5; La Admin Code title 18, § 1505.2; Minn Statutes 10A.01, Subdivision 26.

The Department begins its analysis with the plain language of the Act. In interpreting a statute, the goal is to “ascertain and give effect to the intent of the Legislature.” *People v Gardner*, 482 Mich 41, 50 (2008), quoting *People v Pasha*, 466 Mich 378, 382 (2002). “To do so, we begin with the language of the statute, ascertaining the intent that may reasonably be inferred from its language. When the language of a statute is unambiguous, the Legislature’s intent is clear and judicial construction is neither necessary nor permitted.” *Odom v Wayne County*, 482 Mich 459, 467 (2008), quoting *Lash v Traverse City*, 479 Mich 180, 187 (2007).

The MCFA defines an expenditure in pertinent part as a “payment, donation, loan or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate[.]” MCL 169.206(1). Candidate committees are allowed disbursements only if they qualify as expenditures, which are in turn subject to limitations. “Expenditures made by a candidate committee must be made for the purpose of influencing an election, not for the personal benefit of an individual.” *Interpretive Statement to Christopher Rose*, issued November 2, 1978, p. 2.

In addition, the Legislature permits incumbent officeholders to make expenditures for incidental expenses related to the office to which the candidate was elected or appointed. MCL 169.221a(1). Such incidental expenses are treated as expenditures under the Act. *Id.*

In other words, the category of allowable expenditures under section 6 of the Act is broader than the category of allowable incidental expenses under section 21a, and the questions presented must be considered under both. If the instant question was considered only under section 21a, using campaign funds for security measures would not be allowed for *candidates*, as section 21a provides only for incidental office expenses related to the office to which the candidate was elected or appointed. By definition, a non-officeholder candidate has not been elected or appointed to an office. All incidental office expenses are expenditures, but not all expenditures are incidental office expenses. *Interpretive Statement to Kevin Hertel*, issued April 15, 2021.

For both candidates and officeholders, the Department applies a “but-for” test when determining whether an expenditure is personal in nature. *Interpretive Statement to Kevin Hertel*, issued April 15, 2021. If the disbursement would have occurred irrespective of the individual’s status as a candidate or an office holder, the expenditure is a prohibited personal expense. *Id.* Put another way, an expense is considered personal, and therefore not a permissible expenditure under the Act, if a candidate or officeholder would have made the disbursement regardless of their status as a candidate or officeholder.

A recent interpretive statement provides additional nuance. In *Interpretive Statement to Stephanie Chang et al.*, issued November 14, 2024, the Department found that while childcare expenses directly related to campaign or officeholder activities qualify as expenditures, such an expense is permissible only “to the extent it is incurred as a direct result of the candidate or office holder’s status,” and instructed committees to enter a specific purpose in the description field of the relevant campaign statement to demonstrate that the disbursement qualifies. *Id.* (internal emphasis removed).

In *Hertel*, the Department applied the but-for test to an inquiry regarding the permissibility of using committee funds to purchase personal protection equipment (PPE) and security measures for an elected official. The Department found that where the purchase of PPE would have occurred regardless of the individual’s status as an office holder, it would constitute an impermissible personal expense, but where the office holder determines a purchase necessary to carry out the duties of elected office, it would be permissible as an incidental office expense. *Id.* Similarly, the Department held that an elected official may treat a home security system as an incidental office expense so long as it is “due to increased threats incurred as a result of their elected office,” provided first, that the purchase is in fact motivated by the office holder’s status as an office holder, and second, that such a purchase does not increase the value of the residence or constitute a structural improvement (e.g. installation of bullet proof glass or privacy fence).” *Id.*, p. 6.

The application of the but-for test to the present request is addressed below as two separate questions, first analyzing the question with regard to elected officials, and then to candidates.

I. First Question Presented: May Elected Officials Use Campaign Funds to Pay for Security Measures?

The present request is raised amidst a series of high-profile attacks against candidates and elected officials at the federal and state levels. In addition, threats against elected officials at all levels of government have increased in recent years.¹ Consequently, concern amongst local elected officials has grown, with some candidates and incumbent officials reporting they are less likely to seek election or re-election due to the current threat environment.²

The situation was similarly serious when *Hertel* was issued, with threats of violence following the 2020 election and in the atmosphere of heightened partisanship that followed. *Interpretive Statement to Kevin Hertel*, issued April 15, 2021, pp. 4-5. Given the prevalence of threats to office holders at that time, *Hertel* concluded that an office holder could purchase a home

¹ Simi, Bader, & Hughes, “Understanding Threats to Public Officials” (2024). *Reports, Projects, and Research*. 73. Available at <https://digitalcommons.unomaha.edu/ncitereportsresearch/73>.

² Policy Solutions to Address Rising Threats Against Officeholders, Bridging Divides Initiative at Princeton University, last accessed on October 27, 2025. Available at <https://bridgingdivides.princeton.edu/protecting-local-democracy-policy-brief>.

security system with committee funds so long as the disbursement was done as a result of their status as an office holder and the increased threats incurred due to that status. *Id.* at 6.

The Department drew in part on advisory opinions issued by the FEC that considered similar questions and reached the same conclusion. While not binding on the Department, administrative actions by the FEC and other states may be persuasive when the Department is interpreting similar provisions of MCFA. See *Hertel*, p. 6 (citing to Interpretive *Statement to David Lambert*, issued October 31, 1984), and see *Chiles v. Machine Shop, Inc.*, 238 Mich App 462, 472 (1999) (stating that analogous federal precedents of similar legal provisions are persuasive so long as they do not conflict with Michigan law). The Federal Election Campaign Act of 1971 (FECA) permits campaign funds to be used “for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office.” 52 USC 30114(a)(2). This closely resembles the definition of an incidental expense under MCFA. See MCL 169.209(1). Like the Department’s but-for analysis employed in *Hertel* and *Chang, et al.*, the FECA defines personal use as “the use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.” 11 CFR 113.1(g). Consequently, FEC advisory opinions may be persuasive in considering what constitutes a (permissible) incidental expense, or (impermissible) personal expense, under MCFA.

Hertel cited to a number of advisory opinions issued by the FEC finding various security measures to be permissible expenses. The opinions addressed security personnel (FEC Advisory Opinion 2021-03³), as well as home security systems both for individual members of Congress who had been previously targeted (Advisory Opinion 2011-07⁴), and for members of Congress not specifically targeted (Advisory Opinion 2017-07⁵). More recently, the FEC found a shatter-resistant security film on an elected official’s home to also be a permissible expense, finding that it was a “removable security measure designed to mitigate potential threats stemming from the [official’s] duties as a federal officeholder, and therefore falls within the category of ‘non-structural security devices’ for which the use of campaign funds was authorized in Advisory Opinion 2017-07”⁶. Advisory Opinion 2023-04, p. 4. That decision emphasized that the permissibility of the expense was based in part on the heightened threat environment members of Congress were then facing, and noted that a significant decrease in the threat environment could change the analysis. *Id.*

The FEC has recently issued administrative rules that expand upon its prior opinions regarding the permissibility of disbursements for security measures. 11 CFR 113.1(g)(10). The rules clarify that the “use of campaign funds to pay for the reasonable costs of security measures for a federal candidate, federal officeholder, member of their family, and employees . . . of the candidate’s campaign or the federal officeholder’s office, is not personal use, so long as the

³ Available at <https://www.fec.gov/files/legal/aos/2021-03/2021-03.pdf>.

⁴ Available at <https://www.fec.gov/files/legal/aos/2011-17/AO-2011-17.pdf>.

⁵ Available at <https://www.fec.gov/files/legal/aos/2017-07/2017-07.pdf>.

⁶ Available at <https://www.fec.gov/files/legal/aos/2023-04/2023-04.pdf>.

security measures address ongoing dangers or threats that would not exist irrespective of the individual's status or duties as a federal candidate or federal officeholder." *Id.*

The new rules provide a non-exhaustive list of examples of permissible expenditures. *Id.* at i-iv. While these include options already approved in previous FEC decisions, like non-structural security devices such as alarms, they also permit structural security devices "so long as such devices are intended solely to provide security and not to improve the property or increase its value," as well as security personnel and cybersecurity software, devices, and services. *Id.*

The Department continues to rely on the analysis of *Hertel* and recent FEC decisions and rules for the general principle that committees may purchase security measures for elected officials in the current threat environment, provided that such purchases are made due to the individual's status as an office holder and to the extent that such purchases are incurred as a direct result of that status. *Interpretive Statement to Stephanie Chang et al.*, p. 4. Without further detail as to which security measures you are considering and why, the Department can make no determination as to the permissibility of any specific type of measure.

II. Second Question Presented: May Candidates Use Campaign Funds to Pay for Security Measures?

You also asked the Department whether the disbursement of campaign funds for security measures to protect candidates for office is a permissible expenditure. This question was not addressed in *Hertel*, as that interpretive statement was limited to officeholders.

Candidate committee disbursements must meet the definition an expenditure under the Act. In relevant part, expenditures are limited by the terms of the statute to those payments made "in assistance of . . . the nomination or election of a candidate." MCL 169.206(1). Thus, any disbursement made by a candidate committee must be made to assist in obtaining the nomination or election of that candidate. Under this section of the statute, the Department applies the same but-for test as explained above.

Given the current environment of threats of violence and actual violence against elected officials, it is reasonable to conclude that security measures mitigate concerns, which serves to assist in a candidate's nomination or election. As evidenced by the Bridging Divides Initiative at Princeton University, which measures political violence in the United States, state and local officials are concerned about violence to the extent that it may affect their willingness to run for office at all. Roughly 40% of respondents to the initiative's most recent survey of elected officials reported a decreased willingness to run for re-election or another office due to concerns about threats and harassment.⁷

⁷ Survey on Threats and Harassment: First Quarter 2025, available at <https://bridgingdivides.princeton.edu/survey-threats-and-harassment-first-quarter-2025>. Incidentally, one of the initiative's recommended policy interventions is to permit the use of campaign funds for personal security measures. See fn 2, *supra*.

Consequently, a candidate committee's disbursement for security measures may constitute a permissible expenditure under the Act, provided that it passes the but-for test. Just as with incidental expenses paid by office holders, the Department will ask whether the expense would have occurred irrespective of the candidate's status as a candidate. This question must be answered on a case-by-case basis.

Thus, a candidate may be assisted in their candidacy by the use of campaign funds to pay for security measures incurred as a result of their campaign. However, just as with office holders, any specific security measure a candidate is contemplating must pass the but-for test described earlier in this statement to be deemed a permissible expenditure. If the expenditure would have occurred regardless of the candidate's status as a candidate, it cannot be deemed a permissible expenditure.

III. Record Keeping and Asset Disposition

The present request does not detail any specific proposed security measures, but *Hertel's* analysis for record keeping and dissolution of assets should be applied to any measures that are ultimately purchased. In that decision, the Department differentiated between consumable and permanent assets and clarified that committees must follow different record keeping and dissolution procedures for each. *Id.*, p. 6-7. Permanent assets are those "that are not intended to be discarded," whereas consumable assets are those which are intended to be used or discarded. *Id.* at 6. A committee purchasing permanent assets must maintain records of the purchase and either sell them at the committee's dissolution, donate them to a qualifying charity, or transfer them to an eligible committee under section 45 of the Act. *Id.* at 6-7. Consumable supplies need only be reported in the appropriate report. *Id.* at 7. Records of a committee are required to be maintained for no less than 5 years. MCL 169.222.

IV. Conclusion

The number of threats against elected officials and candidates has risen significantly in the past three years, accompanied by a number of high profile acts of violence.⁸ It is therefore reasonable that committees may wish to invest in security measures in order to protect officials conducting their official duties, and to aid candidates in their campaigning by ensuring they feel safe enough to do so. The Department would analyze any such purchases under the but-for analysis described earlier, by considering whether and to what extent a purchase is incurred as a direct result of a candidate or office holder's status. The Department reiterates its general conclusion in *Hertel* that office holders' committees may treat security measures necessary to conducting official duties as incidental expenses permissible under the Act, provided the office holder would not have purchased the measure but for their status as an office holder. The Department further finds that security measures may be permissible expenditures under the

⁸ Threat and Harassment Dataset: September 2025 Update (showing average rate of roughly 33% in January 2022, rising to an average rate of nearly 50% in September 2025), available at <https://bridgingdivides.princeton.edu/updates/2025/threats-and-harassment-dataset-september-2025-update>.

Act for candidates seeking office, provided they satisfy the same analysis. In both instances, the committee must indicate in applicable campaign finance statements the reason the expenditure is allowable (e.g. “[Security measure] for constituent meetings”).

Without additional information as to the types of security measures contemplated, or why they might be necessary, the Department is unable to state which measures may or may not meet this standard.

The foregoing represents an interpretive statement with respect to the questions presented in your September 19, 2025 letter.

Sincerely,

s/Christina Hildreth Anderson

Christina Hildreth Anderson
Chief of Staff