

CAMPAIGN FINANCE for CANDIDATES

MICHIGAN CAMPAIGN FINANCE ACT

Michigan Compiled Law ACT 388 of 1976

“AN ACT to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”

MICHIGAN CAMPAIGN FINANCE ACT (continued)

The Michigan Campaign Finance Act prescribes:

- How much money can be donated to your campaign - each candidate has contribution limits
- How donated money can be used
- Who can donate money and how much – individuals, PACs, special interest groups, etc.
- How money can be donated – directly, through a PAC, etc.
- How to document contribution and expenditure information
- When and where campaign finance information needs to be filed

CONSEQUENCES FOR VIOLATING MICHIGAN CAMPAIGN FINANCE ACT

Should you not file or disclose of campaign financial information in the required manner, you can be fined, prevented from being on the ballot, or face legal ramifications.

Your campaign finance disclosures and filings are public information, so anyone can easily find out if you are following campaign finance rules (or participating in questionable financial tactics).

Media outlets (“news” channels) literally search for information they can use for a story through your campaign finance disclosures. This is why you **MUST** keep everything above board, or else you’ll become a news story.

CONSEQUENCES FOR VIOLATING MICHIGAN CAMPAIGN FINANCE ACT (continued)

Your opponents will look to your campaign finance information in hopes they can use something against you (i.e., you didn't file or disclose info, you have a donor with special interests, you have questionable expenditures, etc.)

Watchdog groups also spend their time scrutinizing candidate's campaigns, especially relating to finances.

This information can be used against you for years to come, so make sure they've got nothing on you from the start (especially if you plan to run again).

WHO IS A “CANDIDATE”?

An individual becomes a “candidate” under the Michigan Campaign Finance Act as soon as he or she:

- files a fee, Affidavit of Incumbency or nominating petition for an elective office; **OR**
- is nominated as a candidate for elective office by a political party convention or caucus and certified to the appropriate filing official; **OR**
- receives a contribution or makes an expenditure in an attempt to be nominated or elected to office; **OR**
- gives consent to someone else to receive a contribution or make an expenditure in an attempt to be nominated or elected to office.

Read the Candidate Manual available at [MertsPlus.com](https://www.mertsplus.com) to learn more about...

- who is considered a “candidate”,
- candidates exempt from filing (precinct delegates and some school board candidates),
- when a candidate committee can be reused to run for a different office, and more.

WHERE MUST A CANDIDATE FILE?

State-Level or Judicial Candidates must file with the Michigan Bureau of Elections:

- Statewide offices: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Board of Education, State University Boards
- State legislative offices: State Senator, State Representative
- Judicial offices: Michigan Supreme Court, Court of Appeal, Circuit Court, District Court, Probate Court and Municipal Court

Local Candidates (county commissioners, school board members, etc.) must file with their county clerk:

- County, City, Township, Village, School Board, Community College Board (Precinct Delegates & some School Board candidates are exempt from filing)

REGISTER A CANDIDATE COMMITTEE

Once an individual is considered to be a candidate, he or she has ten (10) calendar days to form a committee, and ten (10) additional calendar days to file a Statement of Organization with the appropriate filing official.

10 Days to Form

Candidate committee formation is establishing the information needed to complete the Statement of Organization. The most important elements of committee formation are selecting a **treasurer** and a **depository (bank account)**. The committee must have a separate bank account to receive contributions from anyone other than the candidate: committee funds cannot be comingled with any other funds.

10 Additional Days to File

All candidates must complete and file an original **Statement of Organization Form** to register a committee. State level filers submit an electronic form found on midisclose.nictusa.com. Local filers submit a paper form available on michigan.gov/sos/elections.

COMMITTEE TREASURER

The **treasurer** must be an individual who is registered to vote in Michigan and therefore cannot be a company or firm.

The position of treasurer is required per the Michigan Campaign Finance Act (MCFA). If the treasurer resigns and the position becomes vacant for a candidate committee, other than a judicial candidate committee, the candidate automatically becomes the treasurer. The candidate may choose to serve as treasurer or appoint a new individual. If a new appointment is made, an amended Statement of Organization must be filed.

The treasurer's legal responsibility for the committee consists of:

- Signing the committee's Statement of Organization when applicable.
- Authorizing all contributions received and expenditures made by the committee.
- Keeping the committee's accounts, records, bills, receipts and electronic files of the committee for 5 years.
- Timely filing of all required campaign statements and payment of all late filing fees assessed to the committee.
- Written response to all Notices of Error or Omission sent to the committee.

A committee may designate a **record keeper** to share legal responsibility for the committee's records and filings; however, this is not a required position per MCFA.

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 official depository 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, though an account does not have to be opened until a contribution is accepted.

Depositories may require a federal employer identification number (FEIN) from the Internal Revenue Service (IRS) to open an account.

WHAT TO FILE

A candidate committee must file **campaign statements**. The forms and instructions can be obtained from the Michigan Bureau of Elections, the Secretary of State website (michigan.gov/sos/elections) or any county clerk.

Campaign statements include:

- Cover page
- Summary page
- Schedules that itemize the committee's contributions, other receipts, expenditures, debts and fundraisers held by the committee

WHEN TO FILE: ELECTION YEAR

Annual Statement

- Closing Date: December 31
- Due Date: January 31

Pre-Election Statement

- Closing Date: 16 days before election / convention
- Due Date: 11 days before election / convention

Post-Election Statement

- Closing Date: 20 days after election / convention
- Due Date: 30 days after election / convention

Campaign Statement Coverage: A campaign statement's opening date is the date after the closing date of the last campaign statement filed by the committee.

If a candidate is not participating during an election year, file using the non-election year schedule (shown on next page).

WHEN TO FILE: NON-ELECTION YEAR

Annual Statement

- Closing Date: December 31
- Due Date: January 31

July Statement

- Closing Date: July 20
- Due Date: July 25

October Statement

- Closing Date: October 20
- Due Date: October 25

METHOD OF FILING

State-Level

MertsPlus is the software program used by the Michigan Bureau of Elections for state-level candidates to file campaign finance reports electronically.

Learn how to download and use the software by visiting mertsplus.com to sign up for a webinar and review the MertsPlus User Guide.

County & Municipal Level

All local candidates (county commissioners, school board members, etc.) file using the method provided by their county clerk.

CONTRIBUTIONS

Contributions are the monies, goods and services donated or loaned to the committee.

- Contributions of monies donated to the committee are called “**direct**” **contributions**. \$20 or less may be accepted as cash, while \$20.01 or more must be via check, money order or credit card.
- Contributions of goods and services donated to the committee are called “**in-kind**” **contributions**. The value of the contribution is fair market value or standard rental charges.
- A **loan**, whether monies or “in-kind”, is considered a contribution for the same amount as the loan.

The committee must collect and disclose the name of the contributor, address, date of the contribution and amount. If the contribution is over \$100, occupation and employer information is also required.

Other Receipts are the monies received by the committee that are not contributions. Common examples include interest, refunds, rebates received by the committee and un-cashed or returned checks. A loan from a financial institution is also an “other receipt”.

Details on how candidate committees must record and report contributions and other receipts is available at mertsplus.com.

CONTRIBUTION LIMITS

Candidates running for office are limited in what they are allowed to accept from individuals and group in an election cycle.

An 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.

Every four years, the Secretary of State adjusts the limits in comparison to the percentage increase or decrease of the consumer price index.

The current contribution limits are available at michigan.gov/sos/elections.

Certain contributions are prohibited by the MCFA – anonymous contributions, cash contributions over \$20, contributions from another candidate committee, earmarked contributions, contributions from foreign nations, and more. A full list of prohibited contributions is available in Appendix O and Appendix I on mertsplus.com.

EXPENDITURES

Expenditures are anything of monetary value spent by the Candidate Committee to influence the nomination or election of the candidate or the qualification, passage or defeat of a ballot question.

The committee treasurer or designated record keeper must record all expenditures by the amount, date made, purpose, and the name and address of the individual or business that received the funds. A receipt must be obtained for each expenditure made by the committee (a canceled check is acceptable).

A Candidate Committee may not make expenditures of \$50.01 or more in cash. Expenditures over \$50 must be made by a written instrument, such as a check or money order. The written instrument must show the Candidate Committee name and the name of the recipient.

More details on how candidate committees, record and report expenditures, as well as information on acceptable expenditures, are available at mertsplus.com.

“PAID FOR BY” IDENTIFIERS

The MCFA provides that certain political communications or paid political advertisements must identify the person or persons paying for the communication. The communication can be to further the nomination or election of a candidate or the qualification, passage or defeat of the ballot question.

Visit mertsplus.com to find sample wording for the “paid for by” identifier your campaign communications must include.

WHERE TO LEARN MORE

Start by visiting the Michigan Electronic Reporting and Tracking System (MERTS) webpage, mertsplus.com, and review the **Committee Packet for Candidates**.

- Read through the **Getting Started** step-by-step guide, including each web link within the guide.
- Read the yearly **Filing Guide** and the **Candidate Manual** to learn about when you can use a reporting waiver, types of campaign statements required, closing dates, due dates and coverage dates for campaign statements, campaign finance compliance affidavits and so much more.
- Review the Campaign Statement **Due Dates** for the current year and find **Candidate Committee Forms**.

State-level filers should read the **User Guide** for a Candidate Committee available at mertsplus.com to learn about how to download and use the software program.

Local filers should visit the county website or ask the county clerk for the local campaign finance requirements.