



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

MEMORANDUM

**TO:** School Board Candidates  
**FROM:** Michigan Department of State, Bureau of Elections  
**SUBJECT:** FILING REQUIREMENTS UNDER MICHIGAN'S CAMPAIGN  
FINANCE ACT

Printed from Bureau of Elections website on February 7, 2018

Please read this memo carefully as you may be required to file a Statement of Organization form and Campaign Statements with the county clerk's office.

- A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,401 or more is subject to the filing requirements of Michigan's Campaign Finance Act.
- A candidate who seeks a school board position in a school district with a pupil enrollment count of 2,400 or less is not subject to the filing requirements of the Act as long as he or she does not spend or receive more than \$1,000.00 for the election.
- All candidates are required to keep records of their campaign expenses and provide an identifier on campaign material. In addition, all candidates are prohibited from accepting corporate contributions or contributions from a labor organization.

Given the above, you are required to file under Michigan's Campaign Finance Act if you meet one of the following conditions:

- 1) the school district in which you are seeking election has a pupil enrollment count of 2,401 or more; or
- 2) the school district in which you are seeking election has a pupil enrollment count of 2,400 or less and you spend or receive more than \$1,000.00 for the election.

If you determine that you are required to file, contact your local county clerk's office immediately for filing information and forms. A candidate whose school district crosses county boundaries should contact the clerk of the county in which the greatest number of voters eligible to vote in the school district's election reside.

**I. The Statement of Organization**

As soon as a person becomes a "candidate," he or she has 10 calendar days to form a Candidate Committee. After the committee's formation date, the candidate has 10 additional calendar days to register the committee. A candidate registers a Candidate Committee by filing a Statement of Organization form with his or her filing official. The candidate definition and other points of information related to the Statement of Organization filing are detailed below:

**"CANDIDATE" DEFINITION:** An individual who seeks a school board seat in a school district with a pupil enrollment count of 2,401 or more becomes a "candidate" as soon as he or she 1) files a nominating petition or \$100.00 filing fee for office or 2) receives a contribution or makes an expenditure (or gives consent to someone else to receive a contribution or make an expenditure) in order to be elected to office. A person elected to a school board seat through write-in votes who did not receive or spend any funds in order to be elected becomes a "candidate" on the date the election is certified.

An individual who seeks a school board seat in a school district with a pupil enrollment count of 2,400 or less becomes a "candidate" as soon as he or she spends or receives in excess of \$1,000.00 to further his or her election to office.

**STATEMENT OF ORGANIZATION FORMS:** Statement of Organization forms can be obtained from the county clerk. A candidate for a school board seat that will be voted on in a single county files the form with the clerk of the county. A candidate for a school board seat that will be voted on in more than one county files the form with the clerk of the county in which the greatest number of voters eligible to vote on the office resides. The Statement of Organization form must be filed in duplicate. The form can also be printed from the website maintained by the Michigan Department of State:

Go to: [www.Michigan.gov/elections](http://www.Michigan.gov/elections)  
Select: Campaign Finance Disclosure  
Select: Forms and Filing Materials  
Select: Candidate/Gubernatorial Committees

**REPORTING WAIVER:** A committee that does not expect to receive or spend more than \$1,000.00 for the election is eligible for a Reporting Waiver. (In-kind contributions, i.e., contributions of goods or services, count toward the \$1,000.00 Reporting Waiver threshold.) A committee that obtains a Reporting Waiver is exempt from filing campaign statements. The Reporting Waiver is requested by checking item 10 on the Statement of Organization form.

**LATE FILING FEES:** A \$10.00 late filing fee is assessed each business day a Statement of Organization is late. The maximum fee assessed for a late Statement of Organization is \$300.00.

## **II. Campaign Statements**

A committee that does not maintain a Reporting Waiver must disclose its campaign finances on Campaign Statements. Campaign Statement forms, instructions and due dates can be obtained from the county clerk. The Campaign Statement forms can also be printed from the Web site maintained by the Michigan Department of State. See "*Statement of Organization Forms*" section above for instructions on accessing the forms online.

A late filing fee is assessed each business day a Campaign Statement is late. The maximum fee assessed for a late Campaign Statement is \$1,000.00 if the committee raised more than \$10,000.00 in the past two (2) years. If the committee did not raise more than \$10,000.00 in the past two (2) years, the maximum fee assessed is \$500.00.

## **III. Identification Requirement**

All printed matter related to a campaign (yard signs, brochures, billboards, poll cards, stationery, etc.) must contain: "Paid for by (name and address of the committee)." All political advertisements broadcast by television or radio must contain: "Paid for by (name of the committee)." See Appendix J of the committee manual for additional information on the identification requirements.

## **IV. Contribution Limits for School Board Candidates**

Contribution limits apply to all local candidates including school board candidates. The contribution limits do not apply to the candidate's contributions to his or her Candidate Committee. A chart that details the contribution limits is available through your county clerk or the Michigan Department of State's Bureau of Elections. The chart can also be printed from the website maintained by the Michigan Department of State.

## **V. Additional Information**

For additional information, find the Candidate Committee Manual maintained online by the Michigan Department of State or visit the Campaign Finance Disclosure website.

# AFFIDAVIT OF IDENTITY AND RECEIPT OF FILING

PLEASE COMPLETE SECTIONS I, II, III AND IV BELOW (Print or Type) – See Reverse Side for Important Notifications

<b>OFFICE USE ONLY</b>	Received by _____	No. of Petition Sheets or Receipt No. _____
	Reviewed by _____	Date of Filing _____
	Jurisdiction/District of Office Sought _____	CFR I.D. No. _____

### I. CANDIDATE IDENTIFICATION

Name \_\_\_\_\_ Birth date 

M	M	-	D	D	-	Y	Y	Y	Y
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Have you changed your name within the last 10 years for reasons other than marriage (or divorce)?  Yes  No

If yes, enter full former name here (See "Section A" on reverse) \_\_\_\_\_

**I WISH TO HAVE MY NAME APPEAR ON THE BALLOT AS PRINTED BELOW** (Please print upper & lower case - nicknames/titles not permitted. See "Sec. B" on reverse.)

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Residence Address (Street Address, City, Zip Code): \_\_\_\_\_ Mailing Address (See "Section C" on reverse): \_\_\_\_\_

(Street Address) \_\_\_\_\_ (Street Address) \_\_\_\_\_

(City) \_\_\_\_\_ (Zip) \_\_\_\_\_ (City) \_\_\_\_\_ (Zip) \_\_\_\_\_

Phone (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_ Website \_\_\_\_\_

City  Township of \_\_\_\_\_ Precinct # (required) \_\_\_\_\_ and Ward # (if any) \_\_\_\_\_

County of \_\_\_\_\_ Resident of County for \_\_\_\_\_ years. Resident of Michigan for \_\_\_\_\_ years.

I am a citizen of the United States:  Yes  No

I am registered and qualified to vote at the address listed above:  Yes  No

### II. OFFICE SOUGHT

Office Title: \_\_\_\_\_ District/Circuit # (if applicable) \_\_\_\_\_

Date of Election: Primary Election 

M	M	-	D	D	-	Y	Y
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 General Election 

M	M	-	D	D	-	Y	Y	Y	Y
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 Recall

If a partisan office, list political party \_\_\_\_\_  
(Note: If filing a Qualifying Petition list "No Party Affiliation")

Term of Office  Regular Term  Partial Term Expiring: 

M	M	-	D	D	-	Y	Y	Y	Y
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Judicial Candidates Only (See "Section D" on reverse)  Incumbent Position  Non-Incumbent Position  New Judgeship

### III. FILER'S ACKNOWLEDGMENT – This filing contains the following (check all that apply):

- Nominating or Qualifying Petitions (Estimated number of signatures: \_\_\_\_\_)
- Filing Fee of \$100.00 (if applicable)
- Certification of Party Nomination and Certificate of Acceptance (if applicable)
- Affidavit of Constitutional Qualification (judicial candidates only)
- Affidavit of Candidacy (incumbent judicial candidates only)

If nominating petitions are filed:

- Destroy petitions in January
- Return petitions in January

### IV. CAMPAIGN FINANCE COMPLIANCE STATEMENT AND ATTESTATION

- By signing this affidavit, I swear (or affirm) that the facts I have provided are true. I further swear (or affirm) that the facts contained in the statement set forth below are true. (See Section "E" on reverse for further information.)
  - At this date, all statements, reports, late filing fees, and fines due from me or any Candidate Committee organized to support my election to office under the Michigan Campaign Finance Act, PA 388 of 1976, have been filed or paid.
- I acknowledge that making a false statement in this affidavit is perjury – a felony punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. (MCL 168.558, 933 and 936)

**SIGNATURE OF CANDIDATE** \_\_\_\_\_

Subscribed and sworn to before me on the \_\_\_\_\_ Name of Notary \_\_\_\_\_  
 (Day)

of \_\_\_\_\_ Notary Public, State of Michigan, County of \_\_\_\_\_  
 (Month) (Year) My commission expires \_\_\_\_\_  
 Acting in the County of \_\_\_\_\_

\_\_\_\_\_  
 Signature of notary public

## AFFIDAVIT OF IDENTITY

All candidates seeking elective office in Michigan must submit an Affidavit of Identity (two copies) when filing. A candidate who fails to file Affidavits of Identity as required is ineligible to appear on the ballot (MCL 168.558 as amended under PA 163 of 2002).

### A. CHANGE OF NAME

Michigan election law, MCL 168.558, stipulates that a candidate who is "not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth" must indicate his or her full former name on the Affidavit of Identity. The requirement to indicate a name change on the Affidavit of Identity does *not* apply if:

- The candidate's name was formally changed 10 or more years ago.
- The candidate's name was changed in a Certificate of Naturalization issued by a federal district court 10 or more years ago.
- The candidate's name was changed because of marriage.
- The candidate's name was changed through divorce to a "legal name by which the individual was previously known."

Michigan election law provides that a candidate required to indicate a name change on the Affidavit of Identity must be listed on the ballot "with his or her current name and former name as prescribed by the Secretary of State." (MCL 168.560b)

### B. APPEARANCE OF NAME ON BALLOT

Michigan election law provides the following stipulations regarding the manner in which a candidate can have his or her name printed on the ballot:

- A candidate "may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot."
- A candidate "may specify that either an initial or a recognized diminutive for the candidate's given name or middle name, or for both, shall appear on the ballot."
- A candidate may *not* use a "nickname that is not a recognized diminutive of the candidate's given name or middle name" on the ballot.
- A married person may *not* use his or her spouse's given name, middle name or a diminutive of his or her spouse's given name or middle name on the ballot.
- A candidate may specify a name that constitutes a common law name in accordance with Michigan Department of State Guidelines.

### C. MAILING ADDRESS

A candidate who wishes to receive communications from the Michigan Department of State's Bureau of Elections at an address other than his or her residential address should enter a "mailing address" where indicated. (Note: A candidate may list a P.O. Box for his or her "mailing address"; a candidate may *not* list a P.O. Box for his or her residential address.)

If a "mailing address" is listed, it will be shown on the candidate listings prepared and distributed by the Bureau. If a "mailing address" is *not* listed, the candidate's residential address will be shown on the candidate listings prepared and distributed by the Bureau. All candidate listings prepared by the Bureau are posted on the Bureau's website for public access.

### D. JUDICIAL CANDIDATES

Place a check in the box before "Incumbent Position" if the candidate is seeking a judicial office for which the incumbent is seeking reelection. Place a check in the box before "Non-Incumbent Position" if the candidate is seeking a judicial office for which the incumbent is *not* seeking reelection. Place a check in the box before "New Judgeship" if the candidate is seeking a newly created judicial seat.

### E. CAMPAIGN FINANCE ACT COMPLIANCE STATEMENT

**Do not sign or submit this affidavit unless you are able to agree with the facts set forth in the "Campaign Finance Compliance Statement" which appears under Section IV on the reverse side of this form. If you need information on your current compliance status under the Michigan Campaign Finance Act, contact the Michigan Department of State's Bureau of Elections and/or the appropriate county clerks as necessary.**

Candidates who are exempt from Michigan's Campaign Finance Act are limited to those individuals who seek 1) the office of U.S. Senator or U.S. Representative in Congress 2) a precinct delegate position and 3) a school board position in a district with a pupil count of 2,400 or less. (School board position exemption does not apply if candidate spends or receives over \$1,000.00 for election.)

For information concerning your campaign finance filing obligations, the following resources are provided:

- Candidates running for a federal position should contact the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. Toll free line: 800.424.9530. Website: [www.fec.gov](http://www.fec.gov)
- Candidates running for a state or judicial position should contact the Michigan Department of State's Bureau of Elections, PO Box 20126, Lansing, Michigan 48901-0726. Phone (517)373-2540. Website: [www.michigan.gov/elections](http://www.michigan.gov/elections)
- Candidates running for a local position should contact their local County Clerk's office.

### F. WITHDRAWAL OF FILING

Candidates who wish to withdraw a filing submitted for an elective office must submit a written withdrawal statement to their filing official no later than the third day after the applicable filing deadline.

For more information regarding filing for office, visit the Michigan Department of State – Bureau of Elections website at [www.michigan.gov/elections](http://www.michigan.gov/elections) and click on Information for Candidates or use the QR code to the right.

