



**Michigan School Business Officials
2024 Annual Conference
April 25, 2024**

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- ❑ The Michigan Campaign Finance Act (“MCFA”) governs the financing of election campaign activities in Michigan.
- ❑ Election campaigns include campaigns for public office and ballot questions.
- ❑ MCFA prohibits the use of public resources to influence the outcome of elections.

- ❑ Ballot Question: Question that is submitted or is intended to be submitted to a popular vote at an election.

- ❑ School Ballot Questions:
 - ❑ Operating Millage, increase or renewal.
 - ❑ Bond financing for capital improvements.
 - ❑ Building and site sinking fund.
 - ❑ Recreational and Playground Millage.
 - ❑ County-wide enhancement millage, increase or renewal.

Sec. 57. Of The Michigan Campaign Finance Act

(1) A public body or a person acting for a public body shall not use or authorize the use of **funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a).**

"Contribution" means a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value **to a person**, made for the purpose of influencing the nomination or election of a candidate, for the qualification, **passage, or defeat** of a ballot question, or for the qualification of a new political party.

"Expenditure" means 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, the qualification, **passage, or defeat** of a ballot question, or the qualification of a new political party.

Examples of Use of District Resources “Contribution” or “Expenditure”

- ❑ Paper, pencils, computers, copiers, printing supplies, postage
- ❑ Email or phones, or social media accounts; district’s website and social media pages and accounts; internet links to campaign web sites, organizations, commentary or editorials.
- ★ Employee’s time.
- ❑ Use of school facilities.

Section 57 of The Michigan Campaign Finance Act: Excluded Activities

Section 57 does not apply to any of the following:

- (a) The **expression of views by an elected or appointed public official** who has policy making responsibilities.
- (b) The production or **dissemination of factual information** concerning issues relevant to the function of the public body.
- (c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.
- (d) The **use of a public facility owned or leased by, or on behalf of, a public body** if any candidate or committee has an equal opportunity to use the public facility.

- (f) An elected or appointed public official or an employee of a public body who, **when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.**

[MICHIGAN CAMPAIGN FINANCE ACT]

Exception: Expression of Views by Public Official

As public officials, board members and the superintendent, have more leeway with regard to advocacy:

- ❑ A **Board member** or **superintendent** may express his or her views on a ballot proposal at any time without using school district resources.
- ❑ A **Board member** or **superintendent's** occasional, incidental use of public resources (such as telephones, computers, offices, stationary, or postage) to communicate his or her views on a ballot proposal to constituents or the media is permissible.
- ❑ A **Board member** or **superintendent** may discuss a ballot proposal at a school board meeting. In addition to discussion, the school board may adopt a resolution supporting or opposing a ballot proposal.

[MICHIGAN CAMPAIGN FINANCE ACT]
Exception: Factual Information

Advocate No! Inform Yes!

- ❑ School Districts cannot expressly advocate for a ballot proposal but may use its resources to inform (i.e. factual information).
- ❑ Express Advocacy: “vote for,” “elect,” “support,” etc.

Do not use language like:	However, you may say:
This will really help our kids.	The bond issue is intended to benefit every child in the district.
Projects will address critical needs, which are essential to success.	Objective and factual information about the projects in the bond proposal.
Please vote yes.	There is a lot of information available.

- ❑ The school district may allow a campaign committee to use its facilities but only on the same terms as it would allow any other nonprofit or other citizens or community group to use school district facilities.
- ❑ Faculty offices, lounges, school district bulletin boards and other areas within the school district building may not be used to disseminate literature supporting a ballot proposal.
- ❑ Campaign literature may not be displayed in school district buildings.

- Staff may campaign outside of working hours when not on duty.

BUT

- No school district resources expended to disseminate advocacy.
 - Be careful with phones, computers, emails, etc.
 - Can you be off duty on school district property?

When in Doubt, the Campaign Committee Should Distribute *Watch Out for Subtle Advocacy*

- Vote yes signs; slogans
- Avoid use of subjective words like “*Need*”, “*Essential*”, “*Critical*”
- State views “*Vote on May 5*” signs as advocacy
- Same for taglines on school district emails: “*Remember to Vote on May 5*”

- Information disseminated by a school district within 60 days before the general election or within 30 days before the primary election where a ballot question appears must contain certain identifying information if the communication is targeted to the relevant electorate.
- The identifying information included on the communication should generally be in the following form: *“Paid for by ABC School District, 123 Anytown Avenue, Anytown, Michigan.”*
- The identifying information included on printed material must be in a place and in a print clearly visible and readable by an observer.
- Prerecorded telephone messages (robocalls) should also include the school district’s telephone number and must identify if it was generated in whole or substantially by AI.

Enforcement:

- Complaint with Secretary of State's Election Office
- Penalties for Violations:
 - **Individual** (Misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$1,000)
 - **Non-Individual** (Fine only ... greater of amount of the improper contribution or expenditure or \$20,000)

Scotch Elementary School

Dear Scotch School Neighbor,

My name is Sydney. I am a 4th grade student at Scotch Elementary School. I want to thank you for being part of our Scotch school community. I also want to invite you to our important events.

1) Please join us for the 25th anniversary of Scotch School on May 17th, 2014.

2) Please remember to vote on February 25th for the school millage renewal.

We look forward to celebrating with you your Neighbor,
Sydney



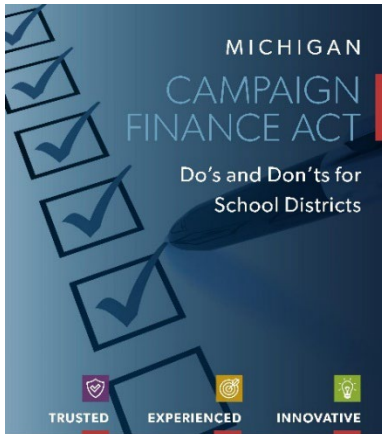
Scotch Elementary School
6950 Commerce
West Bloomfield, MI 48324

Celebrating 25 Years



JAN 14 2014

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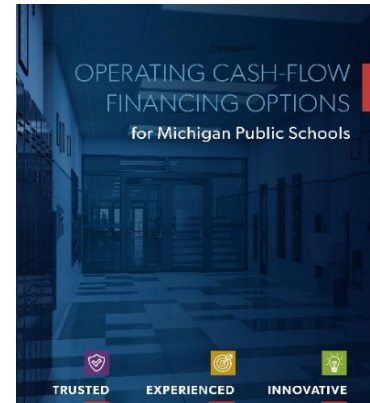


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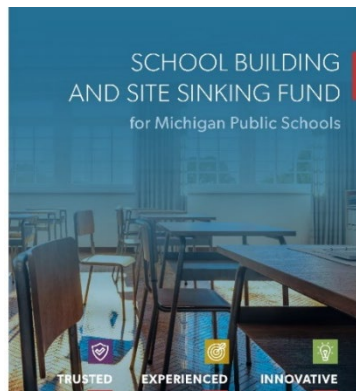


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This practice guide discusses generally the Michigan sales tax obligations of Michigan public schools under the Michigan General Sales Tax Act, Act 167, Public Acts of Michigan, 1933, as amended (MCL 207.51 et seq.). The Act imposes a tax on most retail sales of tangible personal property at a rate of 6% of the seller's gross proceeds from the sale. Under the Act retail sales to public schools for their own use, storage or consumption are generally exempt from sales tax and retail sales made by public schools are generally subject to sales tax. However, exceptions apply for various types of sales made by public schools.



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This practice guide discusses the requirements for the levy of a building and site sinking fund tax by a school district under Section 1212 of the Michigan Revised School Code (MCL 380.1212). Section 1212 provides that, with voter approval, a school district may levy a sinking fund tax to pay for certain allowable capital improvement projects and purchases which include the construction and renovation of school buildings, the purchase of real property, the repair of school buildings and the purchase of certain equipment.



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Technology	Property Disposition/Real Estate
Labor Agreements	Investigations

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Thank you! Any Questions?

- This document is not intended to give legal advice and does not establish any attorney-client relationship. It is comprised of general information. School Districts facing specific issues should seek the assistance of an attorney.

