

## Getting the Word Out: Campaign Finance Act Compliance

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Township boards are often asked to take a position on issues of importance to their community. And many townships put millage or other questions on the ballot. But Section 57 of the Michigan Campaign Finance Act (MCFA) limits how a public body can use public funds or property when it comes to campaigning for ballot questions or candidates.

### Here's what a township board or township board members may do in their official capacity:

- A township board may advocate (lobby) for or against legislation to state and federal legislators or officials. (*Hays v. City of Kalamazoo*, 316 Mich. 443, 1947)
- A board member may express his or her views in their policy-making capacity.
- A township board may produce and distribute factual information concerning issues relevant to township functions. This includes informing the "electors in a fair and objective manner of the facts surrounding an upcoming ballot proposal." (*Attorney General Opinion 6531 of 1988*)
- A township board may adopt a resolution to support or oppose a ballot question, as long as the ballot question relates to township concerns, property or government. The township cannot use township funds, property or resources to distribute such a resolution.
- A township board may allow any candidate or campaign committee to use a township facility that is already open for public use by policy, as long as any candidate or campaign committee may use the public facility.

### Here's what individual board members may do as private individuals:

- Elected or appointed public officials or employees of a township may express their own personal views when they are not acting for the township, on their own personal time, expending their own personal funds, or providing their own personal volunteer services.

### What a township board or board members must avoid doing:

- It is not lawful to use township funds, township-owned office space or other property to **expressly advocate** a vote for or against a candidate or ballot question. "Expressly advocate" means to state support for the passage or defeat of a ballot question or the election or defeat of a candidate. In other words, to say "Vote yes for" (or no) or "Support" (or defeat) a candidate or ballot question.
- A township cannot put links on its website only to sites that expressly advocate only for or against one candidate, one slate of candidates or one side of a ballot question.

***This information is intended to be general information and you should always check with the township's legal counsel.***