

Appendix J: Identification Requirements

Section 47 of the Michigan Campaign Finance Act (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. Communications are made in a number of formats:

- Printed items include signs and mailers, novelty items such as pens, pencils and stickers
- Broadcast media includes radio and TV advertisements
- Robotic Calls are automated messages sent via telephone
- Electronic media includes email, websites and social media such as Twitter and Facebook.

To determine if an identifier/disclaimer statement is needed, a clear understanding of the following definitions is required.

Identification Statement: Tells the person reading or hearing the advertisement who paid for the message or materials and provides their address or other contact information. This is commonly referred to as an "identifier."

Disclaimer Statement: Tells the person reading or hearing the advertisement that the candidate or candidate committee did not authorize the message or materials. This is commonly referred to as a "disclaimer."

Express Advocacy: Refers to words or references in a communication that expressly advocate for the election or defeat of a candidate or the passage or defeat of a ballot proposal. Specific words of express advocacy include words such as "VOTE FOR," "ELECT," "SUPPORT," "CAST YOUR BALLOT FOR," "SMITH FOR GOVERNOR,"

"VOTE AGAINST," "DEFEAT," or "REJECT" or similar words or phrases. These are often referred to as the magic words.

Independent of a Candidate or Candidate Committee: Means the communication is not authorized by the candidate or candidate committee



who is the subject of the communication. In this case, the expenditure is an independent expenditure.

Authorized by the Candidate or Candidate Committee: Means the communication is authorized by the candidate or candidate committee and is not an independent expenditure. In this case, the payment of the communication is an in-kind contribution to the candidate committee who is the subject of the communication.

Steps to determine if an identification/disclaimer statement is needed.

The following step by step instructions and sample wording are provided to assist committees and others in determining if an identifier/disclaimer is needed on a communication and what the identifier should contain. There are two (2) sets of instructions:

- Candidates and Candidate Committees
- All others

Print	Radio/TV	Robo-Calls	Electronic Media
Printed matter such as signs, posters, fliers, billboards, newspapers, novelty items, mass mailings etc.	Radio and TV Advertisement	Robotic calls	Websites (Free social media such as Facebook, Twitter and emails are exempt)
Note: SAMPLE WORDING ONLY; SUBSTITUTE ACTUAL NAME/ADDRESS INFORMATION.			
"Paid for by the CTE Joe Smith, 123 Winners Lane, Lansing, Michigan 48933" Unless the item is exempt; see list below	Must comply with FCC rules and bear the name of the payer	"Paid for the CTE Joe Smith, 123 Winners Lane, Lansing Michigan 48933" (The address can be substituted with a phone number or other contact information.)	"Paid for by the CTE Joe Smith, 123 Winners Lane, Lansing Michigan 48933

All Others

Step 1: Does the communication contain words of express advocacy?



YES – Go to STEP 2

NO – Go to STEP 3

Step 2: Is the item a novelty item such as a pen, pencil or bumper sticker or something else such as a sign, TV, Radio or electronic communication?

Yes: It is a novelty item. The item may already be exempt, see the Printed Items - Exemptions list below. If it is not exempt, you can request exemption by submitting a request to the Bureau of Elections or place the appropriate identifier on the item.

Sample wording is provided in the chart below.

No: It is not a novelty item, it is:

- Other printed item: See column 1 below.
- TV or Radio Advertisement: See column 2 below.
- Robotic calls: See column 3 below.
- Electronic Message: See column 4 below.

With Words of Express Advocacy	Print Column 1	Radio/TV Column 2	Robo-Calls Columns	Electronic Media Column 4
Payer	Printed matters such as signs, posters, fliers, billboards, newspapers, novelty items, mass mailings etc.	Radio and TV Advertisements	Robotic Calls	Websites (Free social media such as Facebook, Twitter and emails are exempt)
Individual Acting Alone	N/A	Must comply with FCC rules and bear the name of the payer. Add "Not Authorized by any candidate" if it relates to a candidate and is an independent expenditure. If it	"Paid for by Gloria Smith 123 Main Street, Lansing Michigan 48933" (The address can be substituted by a phone number or other contact information.)	"Paid for by Gloria Smith, 123 Main Street, Lansing Michigan 48933"



		relates to a candidate as is in-kind, add "Authorized by" (Name of Candidate or Candidate Committee)		
PAC, Super PAC or Political Party Committee	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, MI 48933" Add: "Not authorized by any candidate committee" if it is a candidate related independent expenditure	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds" Add "Not Authorized by any candidate" if it related to a candidate and is an independent expenditure. If it relates to a candidate and is in-kind, add "Authorized by (Name of Candidate or Candidate Committee)	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933 (The address can be substituted by a phone number or other contact information.)	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" Add: "Not authorized by any candidate" if it is a candidate related independent expenditure.
Ballot Question Committee	"Paid for with regulated funds by The Best BQ Committee Ever, 456 Support Ave. Lansing, Michigan 48933	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds"	"Paid for with regulated funds by The Best BQ Committee Ever, 456 Support Ave Lansing, Michigan 48933" (The address can be substituted by a phone number or	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933"



			other contact information.)	
Unregistered Group	"Paid for by Our Club, 678 Main Street, Lansing, Michigan 48933" Add: "Not authorized by any candidate committee" if it is a candidate related independent expenditure.	Must comply with FCC rules and bear the name of the payer if it related to a candidate and is an independent expenditure, Add: "Not Authorized by any candidate" if it related to a candidate and is in-kind, add "Authorized by (Name of Candidate or Candidate Committee)"	"Paid for by Our Club, 678 Main Street, Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)	"Paid for by Our Club 678 Main Street, Lansing, Michigan 48933" Add: "Not authorized by any candidate" related independent expenditure.

STEP 3: Is the item a TV Advertisement, Radio Advertisement, Robotic call or a mass mailing? (Mass mailing means: A mailing by US mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period).

YES: Go to Step 4

NO: Because the item does not contain express advocacy and it is not a qualified category listed above, no identifier/disclaimer is required.

STEP 4: Does the communications meet all of these conditions?

1. The communication references a clearly identified candidate or ballot question, and



2. The communication is disseminated within 60 days of a General Election in which the candidate or ballot question is on the ballot, or
3. The communication is disseminated within 30 days of a Primary Election in which the candidate or ballot question is on the ballot, and
4. The communication is targeted to the relevant electorate (i.e., the electoral district where the candidate or ballot question will appear on the ballot).

YES: An identifier ONLY may be required. See the chart below.

- See column 1 for Printed Items
- See column 2 for TV/Radio Advertisements
- See column 3 for Robotic calls

With Words of Express Advocacy	Print Column 1	Radio/TV Column 2	Robo-Calls Columns
Payer	Printed Mass Mailing: A mailing by US mail or fax of >500 identical or substantially similar nature with any 30 day period.	Radio and TV Advertisements	Robotic Calls
Note: SAMPLE WORDING ONLY; SUBSTITUTE ACTUAL NAME/ADDRESS INFORMATION			
Individual Acting Alone	N/A	Must comply with FCC rules and bear the name of the payer	"Paid for by Gloria Smith, 123 Main Street, Lansing, Michigan 48933" (The address can be substituted by the phone number or other contact information.)
PAC, Super PAC, Political Party Committee	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933"	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds"	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" (The address can be substituted by a phone or



			other contact information.)
Ballot Question Committee	"Paid for with regulated funds by The Best BQ Committee Ever, 456 Support Ave. Lansing, Michigan 48933"	Must comply with FCC rules, bear the name of the payer and include paid for (with regulated funds"	"Paid for with regulated funds by the Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)
Unregistered Group	"Paid for by Our Club, 678 Main Street, Lansing, Michigan 48933	Must comply with FCC rules, bear the name of the payer. Include paid for "with regulated funds" only if the group's registration is pending	"Paid for by Our Club, 678 Main Street, Lansing, Michigan, 48933 (The address can be substituted by a phone number or other contact information.)

NO: Because the communication does not meet all of the requirements, no identifier/disclaimer is required.

Other Points to Consider

- Electronic media such as web sites, Facebook, Twitter, etc. are not specifically exempt from the requirements of Section 47.
- Email communications are not paid political advertisements and are therefore are not covered under Section 47.
- An individual other than a candidate is not subject to the identification requirement provision as it relates to **printed matter only** if the individual is acting independently and not acting as an agent for a candidate or any committee.
- The identification or disclaimer on printed matter must be in a place and in a print clearly visible to and readable by an observer.
- A ballot question petition and a recall petition must bear the identification statement. A candidate petition is exempt from this requirement. However, the detachable portion of a candidate petition must bear the identification statement.



- Committees participating in a joint fund raiser must include the appropriate identifier and the names and addresses of all of the committees participating in the joint fundraiser.
- A committee that has filed an amendment to its Statement of Organization to show a change of committee address is not required to note the change of address on printed matter it previously purchased as long as the printed matter contains an identification statement that was correct at the time the printed matter was produced.
- The requirement for the identifier/disclaimer does not apply to printed communications between a separate segregated fund (SSF) and individuals who can be solicited for contributions to that SSF.

Printed Items – Exemptions

Certain items are exempt from the identification or disclaimer requirement due to their size or difficulty of placement. See list below. Any item NOT included in this list must contain an identification statement, and if applicable, a disclaimer statement. To request an exemption, a Declaratory Ruling request must be submitted. Following is a listing of the exempted items:

Aerial Banners	Fortune Cookie Messages (1/2" x 2" or Smaller)	Pendants
Ashtrays	Frisbees	Pennants
Badges & Badge Holders	Glasses	Pens
Balloons	Golf Tees	Pinwheels
Bingo Chips	Golf Balls	Plastic Tableware
Brushes	Hats	Pocket Protectors
Buttons	Horns	Pot Holders
Bumper Stickers (4" x 15" or smaller)	Ice Scrapers	Refrigerator Magnets
Campaign Stickers (3" x 1 1/2" or smaller)	Jar Lid Grippers (5" or smaller)	Rubber wrist bracelets with dimensions up to 1" wide and 8.25" in diameter
Candy Wrappers (1 1/2" x 2 1/2" or smaller)	Key Rings	Ribbons
Cigarette Lighters	Knives	Sun Glasses



Cloth Pot Holders	Labels	Shoe Horns
Clothes Pins	Label Pins/Stickers	Staple Removers
Clothing	Magnifying Glasses	Yo-yo's
Coasters	Matchbooks	Combs
Nail Clippers	Cups	Nail Files
Drinking Glasses	Noisemakers	Earrings
Paper & Plastic Cups	Emery Boards	Paper & Plastic Plates
Envelopes	Paper Weights	Erasers
Pencils		

FAQs

Q. Why must items contain an identifier and/or disclaimer?

A. Political communications must contain an identifier/disclaimer as it is required by the Michigan Campaign Finance Act. The rules can be confusing and complicated. It is recommended that the identifier be placed on the communication to avoid a possible violation.

Q. What must the identifier say?

A. The most common identifier for printed material is the phrase "Paid for by" and the name and address of the person paying for the communication. While this is the most common, it is not the only required wording. It is recommended that you review the charts above carefully to make sure you are including all of the required information in the identifier.

Q. What are the conditions for placement and size of the identifier on printed communications?

A. An identifier must be clearly visible to those that would be viewing the material. It should be separate from any text and is usually shown at the bottom of signs, fliers, etc. So for sample, a billboard identifier should be visible from the road and separate from the main text of the advertisement.

Q. Do envelopes require an identifier on them?

A. No. Envelopes are exempt from the requirement, but the contents of the envelope must be considered independently to determine if the identifier/disclaimer is required.



Q. Are there special requirements for a joint fundraiser?

A. Yes. For a joint fundraiser, all of the committees involved in paying for the fundraiser must be identified on the fundraiser communications. See Appendix F for more information concerning joint fundraisers.

Q. My committee address changed; can I use my signs with the previous address?

A. Yes. As long as the address change has been recorded in an amendment to the Statement of Organization, the signs can be used without updating the address information on the signs themselves. See Appendix S for more information on signs.

Q. How do I request an exemption of an item?

A. To request an exemption of a specific item not already exempt, a request must be sent to the Bureau of Elections, PO Box 20126, Lansing, Michigan 48901-0726 or via email at MDOS-CampaignFinance@michigan.gov. Unless and until an item is exempt, it must contain the identification statement as required by the MCFA.

Q. Can an identifier be placed on a communication even if it is not required?

A. Yes. There is nothing in the MCFA that prohibits placing an identification statement on a communication that is otherwise exempt or not covered.

Q. Is the identifier required on emails?

A. No. Since an email is not a paid political advertisement, an identification statement is not required. However, if the email contains attachments or links to websites, those communications must be considered separately from the email itself to determine if an identifier/disclaimer is required.

Q. My opponent's signs don't have the identifier on them, can they be taken down?

A. No. The absence of an identifier on a sign or other communication does not give anyone the authority to remove the signs. The owner of the property may remove the signs. Removing signs without the property owner's permission could result in the violation of other laws such as trespassing and theft.

Q. Does a Separate Segregated Fund have to use the identifier to communicate with its paid members?



A. No. A separate segregated fund's communication with its paid members is not required to contain an identifier. See SSF for more information.

Q. What is a mass mailing under Section 47?

A. Mass mailing means: A mailing by US mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

Q. I'm an individual acting alone; do I have to use an identifier on communications?

A. Maybe. An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee. This exemption only applies to print communications. Carefully review the charts to determine if an identifier is required on other types of communications.

Q. Do candidate petitions require the identifier?

A. No. A candidate petition is exempt from this requirement. However, the detachable portion of a candidate petition if applicable must bear the identification statement.

Q. Do ballot proposal petitions require the identifier?

A. Yes. A ballot question petition and a recall petition must bear the identification statement.

Q. Do I have to have an identifier on my free social media account?

A. No. Since the social media is not a paid political advertisement, an identification statement is not required. However, if the email contains attachments or links to websites, those communications must be considered separately from the email itself to determine if an identifier is needed.

Q. My signs don't have the identifier on them; how do I fix this?

A. The signs must have the identifier to be in compliance with the MCFA. A common remedy is to create labels with the disclaimer and place them on the signs or manually add the information. If this is not possible, the committee should take other measures to bring the signs into compliance. The committee should correct the error as soon as possible once discovered. It is important that the committee ensure that all future signs contain the proper identification statement prior to displaying them.



Rulings on Section 47 of the MCFA – Identifiers and Disclaimers

Rulings

Date	To whom	Type of Ruling	Section(s) of law	Complete Text Link
11/05/2018	Gatti	IS	47(1), R36	Gatti 11/05/2018
04/08/1996	N/A	AG #6895		AG #6895
03/27/1992	Brackenridge	IS	47(1)	Brackenridge 03/27/1992
08/13/1990	Older	IS	47(1)	Older 08/13/1990
07/17/1990	Wilson	IS	47(1)	Wilson 07/17/1990
04/20/1990	Alan	IS	47(1)	Alan 04/20/1990
04/25/1989	Pedersen	IS	47(1)	Pedersen 04/25/1989
10/19/1988	Giese	IS	47(2)	Giese 10/19/1988
10/10/1988	Monaghan	IS	47(1)	Monaghan 10/10/1988
06/22/1988	Irvine	IS	47(1)	Irvine 06/22/1988
05/26/1987	Russell	IS	47(1)	Russell 05/26/1987
04/12/1985	Lehto	IS	47(2)	Lehto 04/12/1985



12/07/1983	Weigan	IS	47(1)	Weigan 12/07/1983
10/28/1981	Reuther	IS	47, 47(1)	Reuther 10/28/1981
09/04/1981	Schwartz	IS	47(1)	Schwartz 09/04/1981
08/06/1980	Nobes	IS	47	Nobes 08/06/1980
12/14/1979	Brewer	IS	44(2) 47	Brewer 12/14/1979
01/10/1979	Culbert	DR	47(1)	Culbert 01/10/1979
11/02/1978	Justian	IS	3(4), 47(1), 51, 52	Justian 11/02/1978
10/09/1979	Williams	IS	47(2)	Williams 10/09/1978
08/01/1978	Spencer	IS	47(1)	Spencer 08/01/1978
07/07/1978	Wilson	IS	47(1)	Wilson 07/07/1978
07/07/1978	Everard	IS	47(1)	Everard 07/07/1978
04/06/1978	Binkowski	IS	47(1)	Binkowski 04/06/1978
03/29/1978	McNeely	IS	47(1), 47(1)	McNeely 03/29/1978
03/24/1978	Holmes	IS	47(1)	Holmes 03/24/1978
09/08/1977	Boewe	IS	47(1)	Boewe 09/08/1977



09/02/1977	Sawicki	IS	47(1)	Sawicki 09/02/1977
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