



Michigan Department of State
Bureau of Elections
www.michigan.gov/sos

BALLOT QUESTION COMMITTEE

MANUAL

INTRODUCTION

[Michigan's Campaign Finance Act, P.A. 388 of 1976](#), as amended, promotes the public disclosure of political contributions and expenditures. The Secretary of State and the county clerks seek disclosure through voluntary compliance of candidates, groups and committees with the requirements of the Act.

The Act requires groups participating in Michigan elections to form and register committees. Committees are groups that receive contributions or make expenditures to influence voters for or against the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question. Exceptions are:

- An individual, other than a candidate, does not constitute a committee.
- A person, other than a committee registered under this Act, making an expenditure to a ballot question committee as long as the person does not solicit or receive contributions for the purpose of making an expenditure to that ballot question committee.

The types of committees covered by the Act are:

Candidate Committees
Political and Independent Committees (PACs)
Ballot Question Committees
Political Party Committees

To register, a committee files a Statement of Organization. Statement of Organization forms can be obtained from the Department of State's Bureau of Elections in Lansing, from any county clerk or the Secretary of State's website at www.Michigan.gov/sos. Once a committee is registered, it may be required to file Campaign Statements and other reports to disclose the committee's campaign finance activity in Michigan elections.

The Campaign Finance Act specifies when and under what conditions a committee may be dissolved. A dissolved committee has no further filing obligations under the Act. All committees are encouraged to request dissolution when activity in the committee ends. A committee that has not been dissolved and does not have a Reporting Waiver must continue to file Campaign Statements as required by the Act.

If you have questions, do not hesitate to seek assistance from the Department of State's Bureau of Elections in Lansing. Possible violations can be avoided with early advice and use of instructional materials provided by the Department. When seeking specific legal advice, always rely on the Act and the Rules promulgated to administer the Act.

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<p style="text-align:center">STATEMENT OF ORGANIZATION FORMING AND REGISTERING A BALLOT QUESTION COMMITTEE</p>

BALLOT QUESTION COMMITTEES COVERED BY THE CAMPAIGN FINANCE ACT

As soon as an organization or group of persons receives \$500.00 in contributions or makes independent expenditures totaling \$500.00 in a calendar year to influence voters for or against the qualification, passage or defeat of one or more ballot questions in Michigan, the organization or group of persons has 10 calendar days to form and register a Ballot Question Committee.

REGISTERING THE COMMITTEE

An organization or group of persons that is covered by the Campaign Finance Act registers a committee by filing a Statement of Organization form with the appropriate filing official. The Statement of Organization is the first campaign finance form required to be filed by a Ballot Question Committee. Statement of Organization forms can be obtained from the Department of State's Bureau of Elections in Lansing, any County Clerk's office or the Secretary of State's website www.michigan.gov/sos.

Where to File

- If the ballot question supported or opposed by the committee will be voted on in one county, the committee files the Statement of Organization with the clerk of that county.
- If the ballot question supported or opposed by the committee will be voted on in more than one county, the committee files the Statement of Organization with the clerk of the county having the greatest number of registered voters eligible to vote on the ballot question.
- If the ballot question will be voted on statewide, the committee files the Statement of Organization with the Michigan Department of State, Bureau of Elections.

KEEPING THE COMMITTEE'S STATEMENT OF ORGANIZATION UP-TO-DATE

The information contained on the Statement of Organization must be kept up-to-date. If a change in the information takes place, the committee treasurer must file an amendment to the form no later than the due date of the first Campaign Statement required of the committee after the change. The treasurer serving at the time of the change must sign the amended Statement of Organizations. A committee may voluntarily file the required Statement of Organization amendments earlier if desired.

STATEMENT OF ORGANIZATION Q&A'S

Rather than giving money to a Ballot Question Committee (direct contribution), or paying a printing bill for the committee (in-kind contribution), a community organization buys a full-page ad in the newspaper at a cost of \$650 to advocate a "yes" or "no" vote on the issue. Does this organization have to register as a Ballot Question Committee for an upcoming school millage election?

The community organization would be required to register a Ballot Question Committee with the county clerk's office within 10 days after making the expenditure. The registration of a Ballot Question Committee is required because the expenditure was an independent expenditure and the amount was \$500 or more.

I am the CEO of a corporation that will be affected adversely if an upcoming ballot proposal passes. My company wants to run some ads in the local newspaper, put up several billboards and circulate some brochures in opposition to this proposal. We would be using approximately \$95,000 of the company's money. Does my company have to form and register a Ballot Question Committee if we pay for these ads?

Yes, because the expenditures would be independent expenditures and exceed the \$500 registration threshold.

What if my corporation contributed the money to an existing Ballot Question Committee?

The corporation would not have to establish and register its own Ballot Question Committee as the expenditure would be a direct contribution to the existing committee and funds involved were not solicited or received for the purpose of making the expenditure to that committee.

The PTA held some bake sales to raise money to support an upcoming millage election. The money from the sales, totaling \$350, was given to the Save Our Schools Ballot Question Committee. Must the PTA form and register a Ballot Question Committee?

No, the PTA would not have to form and register as a committee because the amount of the contribution was less than \$500; however, it would have to provide to the recipient committee the names, addresses, dates and amounts for the contributors who purchased the baked goods.

What if the contribution from the PTA was \$525?

The PTA would be required to form and register a Ballot Question Committee because the money given was \$500 or more and was solicited for the purpose of making a contribution to the Save Our Schools Committee.

We are an out-of-state organization and want to send some people to Michigan to work on a statewide ballot proposal. We will be paying their salaries while they work with a Michigan Ballot Question Committee. Do we have to register a Ballot Question Committee?

No, because your expenditures would be in-kind contributions to the Ballot Question Committee and not made from money solicited or received for that purpose. However, you would be required to provide to the Michigan Ballot Question Committee a certified listing of all persons who had contributed the money your organization is using to pay the salaries of the workers sent to Michigan. If the funds came from the organization's treasury funds, no certified listing would be required. If the out-of-state organization sent out letters to its members and received contributions from them to cover the cost of sending people and/or money to Michigan for this ballot proposal, the out-of-state organization would be required to register as a Ballot Question Committee.

CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS

CAMPAIGN STATEMENTS

A committee discloses its campaign finance activity on Campaign Statements. A Campaign Statement consists of a cover page, summary page, and a series of schedules that itemize the committee’s contributions, other receipts, expenditures and debts. A fundraiser schedule summarizes each fundraiser held by the committee. Campaign Statement forms and instructions can be obtained from the Department of State’s Bureau of Elections in Lansing, any county clerk or the Secretary of State’s website. Certain committees are required to file their campaign statements electronically with the Bureau of Elections. For more information on this requirement see [Appendix D](#)

The Reporting Waiver

A Ballot Question Committee that does not expect to receive or spend more than **\$1,000.00 for an election** may obtain a Reporting Waiver that exempts the committee from filing detailed Campaign Statements unless it exceeds the \$1,000.00 threshold. To obtain a Reporting Waiver the committee must check Item 10 on its Statement of Organization or on an amended Statement of Organization. The Reporting Waiver is further explained in [Appendix C](#).

When Campaign Statements are Required

Ballot Question Committees that do not maintain a Reporting Waiver are required to file Campaign Statements according to the schedule detailed below. Any due dates that fall on a weekend or state observed holiday are moved to the next business day.

Type of Statement	Closing Date of Statement	Statement Due Date
Pre-Election Campaign Statement	16 days before election	11 days before election
Post Election Campaign Statement	20 days after election	30 days after election
Annual Campaign Statement	December 31	January 31
Qualification Statement* Non-Qualification Statement*	28 days after qualification or non-qualification	35 days after qualification or non-qualification

*Statewide Ballot Question Committees only. (In addition to other Campaign Statements shown above.)

- An **Annual** Campaign Statement is required each year on January 31 (closes on December 31). The Annual Campaign Statement is required even if the committee does not have any receipts or expenditures to disclose for the period covered by the Statement. The Annual Campaign Statement is waived if the committee files a Post-General Campaign Statement during the month of December.

- A **Pre-Election** Campaign Statement is required 11 days before any election in which the committee participates (closes 16 days before the election).
- A **Post-Election** Campaign Statement is required 30 days after any election in which the committee participates (closes 20 days after the election). A committee that files a Pre-Election Campaign Statement for an election is automatically required to file a Post-Election Campaign Statement for that election.
- A Ballot Question Committee that supports or opposes the qualification of a **statewide ballot proposal** is required to file a **Qualification** or **Non-Qualification** Campaign Statement 35 days after the proposal qualifies or fails to qualify for the ballot (closes 28 days after the qualification or non-qualification date). The due dates of Qualification and Non-Qualification Campaign Statements are provided to committees through the Michigan Department of State's Bureau of Elections. A Reporting Waiver does not waive Qualification or Non-Qualification Campaign Statements.

Definition of Election

The term "election" is used to mean a primary, general, special, recall, or millage election held in Michigan. A committee is considered to be a participant in an election if it makes a contribution or an expenditure to support or oppose a ballot question on the election ballot. This includes a contribution made or an independent expenditure made on behalf of another Ballot Question Committee participating in the election.

Campaign Statement Closing Dates, Due Dates and Coverage Dates

Campaign Statements have specific coverage dates. The first Campaign Statement filed by a committee "opens" on the day the committee formed and extends through the "closing date" of the Statement that is due. Subsequent Campaign Statements "open" on the day after the last day covered by the previous Campaign Statement filed by the committee and extend through the "closing date" of the Statement that is due.

Annual Campaign Statement Filing Exemption

A Ballot Question Committee that files a Post-General Campaign Statement due between December 1 and January 30 is not required to file the Annual Campaign Statement that is due on January 31 immediately following the Post-General. However, the committee would be required to file the Annual Campaign Statement that will be due on January 31 of subsequent years that cannot be waived.

Immediate Disclosure Reports: See [Appendix G](#)

Late Filing Fees: See [Appendix E](#)

CONTRIBUTIONS AND OTHER RECEIPTS

“**Contributions**” are the monies, goods and services donated to the committee.

“**Other Receipts**” include interest, refunds and rebates received by the committee, un-cashed or returned checks and loans from a lending institution.

RECORDING AND REPORTING CONTRIBUTIONS AND OTHER RECEIPTS

The committee treasurer or designated record keeper must:

- Record and report all contributions from individuals, regardless of amount, by the amount, date received, and the donor’s name and address. If single or cumulative contributions received from the same individual during a calendar year total \$100.01 or more, the donor’s occupation, employer and principal place of business must also be recorded.
- Record and report all contributions received from other committees, regardless of amount, by the amount, date received, and the committee’s name and address.
- Record and report all contributions received from groups, businesses, firms or any other types of organizations that are not registered as a committee under the Act by amount, date received and the contributing organization’s name and address. If an individual gave toward the organization’s contribution, the amount the individual gave, the date the organization received the individual’s contribution, and the individual’s name and address must be recorded. If an individual gave \$100.01 or more toward the organization’s contribution, the individual’s occupation, employer and principal place of business must also be recorded.
- Record and report all “other receipts” by the amount, date received, the name and address of the source and a short description.

The date of receipt is not the date the check or other written instrument was written or the date the contribution was deposited into the committee’s account. The committee **receives** a contribution on the date that the monetary funds, written instrument, or in-kind contribution of goods from the contributor come into the physical possession of the committee treasurer, designated record keeper or other person acting as an agent of the committee.

An in-kind contribution of services is considered to be received by the committee on the date the committee treasurer, designated record keeper or other person acting as an agent of the committee receives verbal or written notice from the contributor that the contribution has been made.

Contributions include donations or loans (except loans from financial institutions in their regular course of business) of money; membership dues; money received from sales of merchandise such as campaign buttons, bumper stickers, tee-shirts, caps, etc.; sale of tickets for various functions and events.

Prompt Deposit Required

The Committee Treasurer or agent must promptly deposit all funds received by the committee in the committee's depository. The committee receives a contribution as soon as the committee treasurer or an agent designated by the treasurer receives it.

When a Written Instrument Is Required

Contributions of \$20.01 or more must be made by a written instrument such as a check or money order that must show the name of the person making the contribution and the name of the committee accepting the contribution. A committee may not accept contributions of \$20.01 or more in cash. The committee must record the same type of detailed information for a credit card contribution as for any other type of contribution.

Contribution Limits

A person may not contribute more than \$20,000.00 in a calendar year to a House or Senate Caucus Committee. The caucus committee also may not accept contributions that exceed this limit. All other Political Committees, Independent Committees, Political party Committees and Ballot Question Committees may receive unlimited contribution amounts. (Refer to Expenditures Section for Expenditure Limits).

ACCEPTABLE CONTRIBUTIONS AND EXEMPTIONS

Contribution of Money

A Committee may accept direct contributions of money from legal sources in the form of cash (\$20.00 or less), check, money order or credit cards.

Loan as a Contribution: A Committee may accept loans from individuals, Independent Committees, Political Committees, Political Party Committees and financial institutions. Loans are recorded as contributions with the exception of loans made to the committee by financial institutions.

Loan as an Other Receipt – Financial Institution Loan: A loan made by a financial institution is recorded as an "other receipt."

In-Kind Contributions

In-kind contributions are goods, services and facilities provided to the committee at no cost or at a discount. An in-kind contribution could be a donation of office supplies to the committee, a person paying off a debt incurred by the committee, someone paying the salaries of persons who are working on the ballot question campaign or a person donating professional services to the committee.

The value of an in-kind contribution is the fair market value of the goods or services or the usual rental charge of a facility for office space or a fund raiser. If the committee receives a discount unavailable to the general public, the value of the in-kind contribution is the amount discounted.

Contribution from Out-of-State Groups: See [Appendix K](#)

Advising Contributor of Filing Obligations Urged: Michigan’s Campaign Finance Act covers a “person” operating within Michigan or out-of-state as soon as it receives or spends \$500.00 or more in a calendar year to influence voter for or against the nomination or election or the passage or defeat of a ballot issue. The term “person” is used to mean a business, company, corporation, association or two or more individuals who act jointly. As soon as a person reaches the \$500.00 threshold detailed above, it has ten (10) calendar days to form and register a committee under the Act. A person that is covered by the Act must register a committee by filing a Statement of Organization with the appropriate filing official.

- The treasurer of a Committee who accepts a contribution of \$500.00 or more from a business or other type of group is urged to advise the organization of the Campaign Finance Act’s filing requirements.
- A group that meets the registration threshold through a single contribution may register a committee under the Act and dissolve the committee on the same day if no further political activity is anticipated for the year.

Contributions Received From Partnerships or a Limited Liability Companies

The following requirements for partnerships also apply to limited liability companies and their members. A contribution to a Ballot Question Committee that is made on a partnership check is viewed as a contribution from the partnership entity unless the amount contributed is attributed to members of the partnership. Consequently, if a partnership solicits contributions from its partners or members of \$500.00 or more in a calendar year in order to make a contribution to a Ballot Question Committee and the amount contributed has **not** been attributed to members of the partnership, the partnership is required to register as a committee under the Campaign Finance Act. On the other hand, if the amount contributed has been attributed to members of the partnership, the amount involved does not count toward the \$500.00 registration threshold applicable to the partnership under the Act.

If partnership as an entity makes independent expenditures for or against a ballot question of \$500.00 or more in a calendar year, the partnership is required to register as a committee under the Campaign Finance Act.

- When the members of a partnership or a limited liability company use a business check to make a contribution to a Ballot Question Committee and want to attribute the check to members or partners, the check must be accompanied by a written statement containing the name, address, date and amount being contributed by each partner or member. Those individuals whose contributions total more than \$100.00 must also provide their occupation, employer and business address. The recipient committee then reports the amount contributed by each partner or member as a separate contribution received from an individual; the name of the partnership or limited liability company is not listed as a contributor.

Contribution Exemptions

An individual can assist a Ballot Question Committee in a number of ways without the assistance counting as a contribution to the committee. The following exemptions are designed to encourage volunteer participation in the political process:

- A volunteer's personal services do not count as a contribution as long as the volunteer assists the committee without any understanding or agreement that compensation will be received for the time donated. If the committee compensates the volunteer, the compensation must be reported as an expenditure. If a third party compensates the volunteer, the compensation must be reported as an in-kind contribution from the third party. If a volunteer is on earned vacation time when assisting the committee, the vacation pay does not count as a contribution.
- The first \$500.00 spent during the year by a volunteer for personal travel expenses (gas, food, lodging) do not count as a contribution as long as the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid. Additional travel expenses incurred by the volunteer during the year must be reported by the committee as in-kind contributions from the volunteer.
- The first \$100.00 worth of food and beverages donated during the year by an individual does not count as a contribution as long as the costs are voluntarily incurred without any understanding or agreement that the costs will be repaid. Additional donations of food and beverages by the individual during the year must be reported as in-kind contributions.

Prohibited Contributions: See [Appendix O](#)

RETURNING CONTRIBUTIONS

Funds received by a committee which are returned to the contributor **within 30 business days** after their receipt are not viewed as a "contribution" under the Act.

- Funds, which have **not** been deposited in the committee's account and are returned to the contributor, are **not** reported on the next Campaign Statement required of the committee.
- Funds deposited in a committee's account that are subsequently returned to the contributor must be reported as a contribution on the Itemized Contribution Schedule, of the Campaign Statement covering the period during which the contribution was received and returned. The expenditure to return the contribution is reported on the Itemized Expenditures Schedule.

Fund Raisers: See [Appendix F](#)

EXPENDITURES

”**Expenditures**” are anything of monetary value spent by the committee to influence the qualification, passage or defeat of a ballot question. When a committee makes an expenditure to, or on behalf of another committee, it is an “expenditure” by the spending committee and a “contribution” to the recipient committee.

RECORDING AND REPORTING EXPENDITURES

The committee treasurer or designated record-keeper must:

- Record and report all expenditures over \$50.00 from the committee account by the amount, purpose, date made, and the recipient’s name and address.
- Record and report all expenditures (regardless of amount) made to or on behalf of another Ballot Question Committee by the amount, date made, and the recipient committee’s name and address, including the name and address of the vendor or person paid. Record the proposal letter or a brief description of the ballot question supported by the recipient committee and the county, city, township or village where it appears on the ballot.
- Record and report all expenditures made to support or oppose a ballot question by the amount, date made and a description of the question. Indicate whether the question is a statewide, multi-county or single-county issue and whether the committee is supporting or opposing the issue. For multi-county issues, indicate the name of the county with the greatest number of voters eligible to vote on the issue.

Refer to the Ballot Question Committee Campaign Statement Instructions booklet for specific information on how expenditures are reported.

Treasurer’s Responsibility: See [Appendix A](#).

When a Written Instrument Is Required

An expenditure of \$50.01 or more must be made by a written instrument such as a check or money order. The written instrument must show the committee’s name, date, amount, and the name of the recipient. A committee may not make expenditures of \$50.01 or more in cash.

ACCEPTABLE EXPENDITURES AND EXEMPTIONS

Petty Cash Fund

- The committee treasurer may establish a petty cash fund with funds withdrawn from the committee’s official depository.
- The committee must record the name, date and amount of each expenditure made from the petty cash fund.
- Single cash expenditures of \$50.00 or less may be made from the petty cash fund.

In-Kind Expenditures

In-kind expenditures are goods, services and facilities provided to another committee at no cost or at a discount.

The value of an in-kind expenditure is the fair market value or usual rental charge of the good, service or facility. If the committee provides a good, service or facility to another committee at a discount, the value of the in-kind expenditure is the amount discounted.

A Ballot Question Committee may not make an in-kind expenditure to a Candidate Committee or to any type of committee that supports or opposes candidates.

Independent Expenditures

Independent expenditures are expenditures made to support or oppose a ballot question without the direction or control of another person or committee, including supporting or opposing the primary Ballot Question Committee that is supporting or opposing the ballot question. Independent expenditures are never made under the control of or at the direction of another person or committee and are not contributions to any committee. Independent expenditures can be made in any amount.

Loans By Ballot Question Committees

A Ballot Question may make a loan, or guarantee or endorse a loan, only to another Ballot Question Committee.

Expenditure Exemptions

The Act exempts the following activities from the expenditure definition:

- A group or committee may communicate with its paid members or shareholders without having to report the expenses involved as expenditures. The communication can support or oppose ballot questions.
- A group or committee may communicate with anyone on a subject or an issue without having to report the expenses involved as expenditures if the communication does not support or oppose a ballot question by name or clear inference.

DELIVERY OF A CONTRIBUTION TO ANOTHER COMMITTEE BY A THIRD PARTY

An individual who obtains possession of a contribution that a committee registered under the Act wishes to give to another committee registered under the Act has 10 business days to take one of the following actions:

- 1) Deliver the contribution to the appropriate committee treasurer;
- 2) Deliver the contribution to any agent of the appropriate committee; or
- 3) Return the contribution to the payor.

The 10-day time limit for these actions does not apply if the individual in possession of the contribution is the treasurer of the contributing committee or the contributing committee's designated record keeper.

Use of Independent Contractors: See [Appendix L](#)

PROHIBITED EXPENDITURES

- A committee may not make a single expenditure from petty cash that exceeds \$50.00.
- A committee may not make a cash expenditure that exceeds \$50.00.
- A Ballot Question Committee may not make expenditures to, in support of, or in opposition to, a Candidate Committee, Political Party Committee, Political Committee (PAC), Independent Committee (PAC) or any committee that supports or opposes candidates.

Dissolution of Committee: See [Appendix W](#)