STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 19, 2025

Dennis Lennox
P.O. Box 232
Topinabee, MI 49791
Via email: Dennisglennox@gmail.com

Dear Mr. Lennox:

The Department of State (Department) acknowledges receipt of your letter dated October 19, 2025, in which you sought a declaratory ruling or interpretive statement under the Michigan Campaign Finance Act (Act or MCFA).

In accordance with publication and public comment period requirements, the Department posted your request on its website and informed email subscribers of the deadline to file written comments. MCL 169.215(2). The Department received one public comment during the initial public comment period, from Peter Manina on October 29, 2025. The public comment is posted on the Department's website.

The MCFA and Administrative Procedures Act (APA), 1969 PA 306, MCL 24.201 *et seq*., require the Department to issue a declaratory ruling if an interested person submits a written request that presents a question of law and a reasonably complete statement of facts. MCL 24.263, 169.215(2). If the Department declines to issue a declaratory ruling, it may instead offer an interpretive statement "providing an informational response to the question presented[.]" MCL 169.215(2). As your request is insufficient to support the issuance of a declaratory ruling, the Department issues this interpretive statement in response to your request.

In your request, you ask three questions about the Michigan Republican Party's planned "endorsement convention."[1] You explain that the endorsement convention will determine nominees for certain elected offices, and that under party rules, only a person who has been endorsed at the endorsement convention may receive the party's nomination at its post-primary state convention unless two-thirds of the state convention delegates vote to suspend or amend the rule. You cite the Michigan Republican Party Rules, Rule 16, in support of your explanation of how the endorsement convention operates.

[1] Your request inquires only about the Republican convention; however, the Department notes that the Michigan Democratic Party has been holding endorsement conventions since 2018.

In light of the endorsement convention process, you ask the following:

1. ***Does the endorsement convention constitute an "election" under the MCFA, thereby subjecting candidates for endorsement to the act's reporting, disclosure, and contribution requirements?***
2. ***Are delegates to the endorsement convention required to file any disclosures with the Department if they receive contributions or expend funds in furtherance of their candidacy to be a delegate or in the performance of their duties and responsibilities as a delegate?***
3. ***May a political party require endorsement at an earlier convention as a prerequisite to nomination at the post-primary state convention?***

You do not indicate what you believe is the correct answer to the first two questions you pose, and instead state that it is "unclear" how the MCFA applies to endorsement conventions and to the individuals seeking endorsement at those conventions.

Regarding your third question, you argue that nomination of candidates must occur at the post-primary state convention and "[a]ny attempt to make endorsement conventions determinative of the party's nomination substitutes an extralegal process for the constitutionally and statutorily mandated state convention." You cite MCL 168.72 and Const. 1963, Art V, § 21 in support of this argument.

At the outset, the Department notes that your third question is outside the scope of a request for declaratory ruling or interpretive statement under the MCFA as it requires interpretation of the Michigan Election Law (MEL) and Michigan Constitution. The Department lacks the authority to issue declaratory rulings regarding the Michigan Constitution. The Department has authority to issue declaratory rulings related to the MEL under the procedures set forth in the Administrative Procedures Act, MCL 24.263. Because your third question is outside the scope of the Department's authority to issue declaratory rulings or interpretive statements under the MCFA, the Department will address only your first and second questions in this response. If you submit a request under the APA, MCL 24.263, the Department will respond to that request as appropriate.

1. ***Does the endorsement convention constitute an "election" under the MCFA?***

As is customary, the Department starts with the plain language of the Act. In interpreting a statute, the goal is to '"ascertain and give effect to the intent of the Legislature."' *People v Gardner*, 482 Mich 41, 50 (2008), *quoting People v Pasha*, 466 Mich 378, 382 (2002). '"To do so, we begin with the language of the statute, ascertaining the intent that may reasonably be inferred from its language. When the language of a statute is unambiguous, the Legislature's intent is clear and judicial construction is neither necessary nor permitted."' *Odom v Wayne County*, 482 Mich 459, 467 (2008), *quoting Lash v Traverse City*, 479 Mich 180, 187 (2007).

Under the MCFA, an election is "a primary, general, special, or millage election held in this state *or* a *convention or caucus of a political party held in this state to nominate a candidate*." MCL 169.205(2). (emphasis added) A candidate must form a candidate committee within 10 days after becoming a candidate. MCL 169.221(1). Candidate committees must file campaign statements according to the schedule specified in the MCFA. MCL 169.233. An individual becomes a "candidate" and is subject to the reporting requirements pertaining to a candidate, if any of a number of criteria apply. MCL 169.203(1). An individual can become a candidate when they receive a contribution or make an expenditure for the purpose of the individual's nomination or election to an elective office, MCL.169.203(1)(c), or submits a filing fee, affidavit of identity, or nominating petition for an elective office, MCL 169.203(1)(a). However, even if an individual does none of these things, the MCFA provides that an individual also becomes a candidate if they are nominated as a candidate for elective office and their nomination is certified to the appropriate filing official. MCL 169.203(1)(b).

If receiving an endorsement at an endorsement convention means an individual is "nominated" as described above, the individual would be considered a candidate even if they had taken none of the other steps described in the MCFA that would qualify them as a candidate. Additionally, the individual would be required to file a post-convention statement in addition to other statements required by the MCFA. MCL 169.233(2)(a).[2] When considering whether the endorsement convention is a nominating convention and, thus, an election under the MCFA, the MEL is instructive. The MEL sets specific requirements for nominating conventions. State nominating conventions must be held at least 60 days before the general November election. MCL 168.591. The names and mailing addresses of nominees must be certified to the Secretary of State not more than 1 day after the convention's conclusion. MCL 168.686a. The parties must submit an affidavit of identity and a certificate of acceptance of nomination for each nominee. *Id*.

On its face, an endorsement convention is not the same as a nominating convention. The Republican and Democratic parties propose to hold their endorsement conventions in March and April, respectively. At the convention, candidates will endeavor to gain the support of the party, but no candidate will receive the party's nomination. The candidate information and required submissions will not be certified to the Secretary of State until after the nominating convention—approximately five months after the endorsement convention.[3]

The question then becomes whether a party's endorsement is so integral to the party's nomination that it is impossible to separate the two, that is, an endorsement is effectively a nomination and the endorsement convention is effectively the nominating convention. If the answer is yes, the endorsement convention is an "election" under the MCFA, and an endorsed

[2] Because a convention is an election under the MCFA, the postelection campaign statement is due following nomination at a convention.

[3] According to Rule Number 18 of the Republican Endorsement Committee rules, in order to be "Nominated for a Ballot Office at the Endorsement Convention," an individual must file an affidavit of candidacy form.

individual is a "candidate" under the MCFA. A candidate is subject to certain reporting requirements, including the filing of reports under Section 33 of the MCFA.

In his public comment, Peter D. Manina commented that any viable candidate must exceed the established spending or contribution limits necessitating campaign finance reporting. It is true that contributions and expenditures for the purpose of nomination or election render an individual a candidate and necessitate campaign finance reporting; however, the presence of a candidate does not make the endorsement convention an election, as the definition of election is not met merely by the presence of a candidate as discussed previously.

The Michigan Republican Party Rules for the Selection of Delegates and Alternates to the March 28, 2026, Republican County & Endorsement Convention, submitted with the question, provides "The Election of this convention can only be overturned by a supermajority two-thirds (2/3) vote at the August 2026 Convention." Rule 16.[4] Because the party may nominate a different individual from the individual endorsed by the party, the endorsement is not a *de facto* nomination. Accordingly, the Department concludes that under current party rules, the endorsement conventions are not elections because the parties' endorsements are not so integral to nomination as to be equivalent to a nomination transforming the endorsement convention into the nominating convention.

Even though an individual does not become a "candidate" *solely* by being endorsed at the endorsement convention, the individual would still become a candidate if the individual took any of the other steps described in the MCFA in furtherance of, or subsequent to, being endorsed at the endorsement convention. This would include receiving a contribution or making an expenditure for the purpose of advancing their nomination or election. Thus, while the individual would not be required to submit a post-convention statement after the endorsement convention, the individual would still be required to form a committee and file other required reports if the individual engaged in any of these other activities.

2. ***Are delegates to the endorsement convention required to file any disclosures with the Department if they receive contributions or expend funds in furtherance of their candidacy to be a delegate or in the performance of their duties as a delegate?***

[4] The Department also reviewed the most recent rules available online for the Michigan Democratic Party, last updated in 2018. The rules do not provide that an individual endorsed at the endorsement convention is the default candidate to be nominated at the nominating convention. Additionally, the rules set the deadline for the endorsement convention as April 30 preceding the general election, "unless a 60% vote of the Democratic State Central Committee suspends this requirement." Rule 10.8. In other words, there is no need for the party to overturn an endorsement, as an endorsement is not a *de facto* nomination, and the endorsement convention itself may be cancelled upon the vote of the party's central committee.

At the outset, the Department notes that it assumes in this question you are referring to precinct delegates who attend the endorsement convention as voting party members and are not vying for the party's nomination as a candidate. Under the MCFA, individuals who qualify as "candidates" must file required disclosure reports. As indicated in the question, one of the criteria to become a candidate is receiving a contribution or making an expenditure for the purpose of bringing about the individual's nomination or election ***to an elective office.*** MCL 169.203(1)(c). Indeed, under the MCFA all of the criteria for meeting the definition of "candidate" includes an "elective office" component or requires the person to be an officeholder who is the subject of a recall vote. MCL 169.203. However, the position of precinct delegate is specifically excluded from the definition of "elective office." MCL 169.205(4). Similarly, precinct delegates are not officeholders who can be subject to a recall vote. See MCL 168.951. Because precinct delegate is not an elective office, contributions or expenditures to advance a precinct delegate's nomination or election do not qualify that individual as a candidate subject to the reporting requirements under MCFA; however this does not prevent the parties from adopting party rules requiring precinct delegates to disclose contributions and expenditures made in furtherance of their candidacy to be a delegate or in the performance of their duties as a delegate.

Conclusion

Therefore, for the reasons listed in this preliminary response, the Michigan Republican Party endorsement convention referenced in this specific request is not an "election" under the MCFA and does not in and of itself trigger the reporting requirements attendant to an election. However, an individual who meets the definition of a "candidate," including by making contributions or expenditures to further their nomination or election, is subject to the reporting requirements for a candidate from the point the individual qualifies as a candidate.

The foregoing constitutes an interpretive statement with respect to the questions presented in your October 19, 2025, letter.

Sincerely,