

“MOP UP MICHIGAN” (PROP 2026-2): THROWING NONPROFIT ADVOCACY AND DONOR PRIVACY OUT WITH THE MOP WATER

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An outfit calling themselves Michiganders for Money Out of Politics has succeeded in placing their so-called “Mop Up Michigan” initiative on the November 2026 ballot as Proposal 2026-2. Though the measure’s outright bans on particular forms of political expression and association are ostensibly targeted at utilities and large government contractors, the chilling effects of its other technical and surreptitious amendments to the Michigan Campaign Finance Act (MCFA) would be felt by nearly all nonprofit organizations active in The Wolverine State.

In a brash scheme to “close the [so-called] ‘issue ad loophole,’”¹ Proposal 2026-2 expands the scope of speech regulated under the MCFA beyond electoral advocacy to everyday policy discussions. If adopted, issue-focused nonprofits would be forced to navigate vague descriptions of regulated communications and risk triggering donor exposure requirements at the whim of enforcement officials interpreting the measure’s subjective language.

OFFICIAL BALLOT LANGUAGE

“The proposal would:

- Prohibit regulated electric and gas utilities, contractors with over \$250,000 annually in government contracts, and people and organizations with substantial connections to these utilities/contractors from making direct or indirect campaign contributions to those who run for or hold offices that impact them.
- Expand laws regulating spending on political communications, including those requiring disclosing donor information, to apply to communications clearly identifying candidates or ballot questions, even if they do not expressly advocate voting for/against them.
- Expressly apply the law requiring disclosure of who paid for political communications to internet political communications.”²

SUMMARY

Most concerning for nonprofits as well as their members and donors, Proposal 2026-2 expands current law’s “expenditure” definition to add a vague and subjective “promote, attack, support, oppose” (PASO) standard, which is triggered “regardless of whether the communication expressly advocates” voting for or against a candidate or ballot measure. Merely spending \$500 or more in a calendar year on speech deemed to “PASO” a candidate or ballot measure would classify the speaker as a “committee” and require public disclosure of the group’s complete donor list, including individuals’ home addresses. All nonprofits, regardless of tax-exempt status, are vulnerable.

Despite the misnomer, the initiative’s new “electioneering communication” (EC) regulation and reporting requirements are also explicitly aimed at speech that does *not* advocate for the election or defeat of a candidate. If a nonprofit’s work product merely “references” a candidate by “inference,” the EC definition will apply if other conditions are met, “regardless of whether the communication contains express advocacy.” Considering officeholders are often candidates, a local nonprofit running low-cost digital ads about legislation pending before the Michigan Legislature, which meets year-round, could easily trigger campaign finance disclosure requirements under the proposed PASO or EC standard simply because a sponsor of the legislation is running for reelection.

¹ “What Michigan Proposal 2 Does,” Michiganders for Money Out of Politics. Available at: <https://mopupmichigan.org/learn/michiganproposal2/> (2026).

² “2026 November ballot questions,” Michigan Department of State. Available at: <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Elections/Home/Documents/2026-November-ballot-questions.pdf> (Aug. 17, 2026) at 2.

IMPACT ON NONPROFITS AND FREEDOM OF ASSOCIATION

Grassroots organizations will be disproportionately harmed. In practice, Proposal 2026-2 will have little impact on utility companies and major contractors' ability to influence government, while leaving many advocacy organizations unable to navigate burdensome and invasive reporting and disclosure mandates. Only the most sophisticated and well-funded groups with access to expensive legal counsel – and the willingness to take on the risk of potential enforcement action – will have any hope of navigating the measure's regulatory thicket.

Donors' privacy cannot be guaranteed. Nonprofits of all classifications and causes guarantee the privacy of their supporters, and most donors expect the organizations they join and support to protect their private information. By creating a regulatory web in which churches, charities, think tanks, advocacy organizations, labor unions, and trade associations are no longer able to carry out their missions while protecting their supporters' privacy, Proposal 2026-2 becomes an ever-present threat to Michigan nonprofits that opine on policy issues.

Nonprofits will exit policy debates. If Proposal 2026-2 becomes law, Michigan nonprofits will face a stark choice: either (a) stay out of state policy debates that “identify” – by “inference” or otherwise – candidates, officeholders, or ballot questions; or (b) speak and accept the risk of registration, reporting, and donor disclosure. Groups whose missions depend on policy work will have to weigh that risk every time they publish. Organizations that engage only occasionally will likely conclude that silence is the safer course.

Vagueness will be weaponized. Elected officials and ideological opponents will almost certainly seek to exploit the measure's vague regulatory standards to lob campaign finance complaints against their critics, threaten to expose their donors, and drown them in red tape. As Michigan's campaign finance enforcement apparatus vests considerable power in the hands of the Secretary of State and Attorney General, these provisions will be extremely prone to partisan and selective enforcement targeting speakers disfavored by those in power.

Michigan law will contradict First Amendment precedent. Michigan's existing “committee” definition is already at odds with established precedent protecting organizations primarily engaged in issue discussion from campaign finance disclosure requirements.³ On top of the proposal's addition of a vague PASO standard in the “expenditure” definition, the measure *removes* from the same definition language meant “to restrict the application of this act to communications containing express words of advocacy of election or defeat, such as ‘vote for’, ‘elect’, ‘support’, ‘cast your ballot for’, ‘Smith for governor’, ‘vote against’, ‘defeat’, or ‘reject’.” This language is taken directly from longstanding First Amendment caselaw narrowing the application of expansive campaign finance statutes to political advocacy.⁴ If adopted, speakers faced with registration and donor exposure mandates under the new law's unconstitutionally vague and overbroad provisions will surely seek to protect their rights in court.

CONCLUSION

Instead of getting “Money Out of Politics,” the sweeping changes to campaign finance reporting and donor exposure requirements in Proposal 2026-2 will do far more to “Mop Up” grassroots advocacy by all manner of nonprofits, while entrenched interests simply redirect their spending into less visible mechanisms of political influence. Although litigation is all but assured, Michigan's nonprofit community will be muzzled in the meantime, and Michiganders' privacy will be at risk.

³ *Buckley v. Valeo*, 424 U.S. 1, 79-80 (1976) (limiting “political committee” status to organizations whose major purpose is the nomination or election of a candidate).

⁴ *Id.* at 44 n.52.