

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48913

January 23, 1980

Mr. Edward Chmielewski  
208 South Harrison  
Saginaw, Michigan 48602

Dear Mr. Chmielewski:

This is in response to your inquiry concerning the Campaign Finance Act ("the Act"), 1976 P.A. 388, as amended, with respect to disbursements from an officeholder expense fund for the purpose of becoming a member of a fraternal organization.

Specifically, you ask whether an officeholder expense fund may be used for the purpose of joining a fraternal organization.

Section 49 of the Act (MCLA §169.249) authorizes an elected public official to establish an officeholder expense fund. The fund may be used for expenses incidental to the person's office. The fund may not be used to make contributions and expenditures to further the nomination or election of that public official.

In a March 21, 1978, letter to Representative Raymond W. Hood as to whether office holder expense fund monies may be used to pay for the sponsorship of a baseball team, the Department stated, "It has not been uncommon for an elected public official to sponsor athletic teams. It may be observed that the expenditure of monies for this purpose by an officeholder is often necessitated by, and therefore incidental to, the person's office. Consequently, funds in your officeholder expense fund may be used for sponsorship of a baseball team."

In a March 21, 1978, response to Senator Kerry Kammer as to whether an officeholder expense fund could be used to finance a district office to be used for Senate business, the Department in allowing the disbursement reasoned that "It is the obligation of an elected public official to serve effectively his or her constituents. The providing of governmental services and information to the electorate is an integral part of an officeholder's duties and responsibilities."

In yet another March 21, 1978, response to Senator Gary G. Corbin, who asked whether tickets to other candidates fundraisers could be purchased with monies from an officeholder's expense fund, the Department stated, "It has been custom and tradition for incumbent public officials to purchase tickets to the fundraisers of other candidates for political office. Indeed, it may be stated the expenditure of monies for this purpose by an elected public official is often necessitated by, and therefore incidental to, the person's office."

In each of these examples, the common theme in permitting the disbursement is that the expense is traditionally associated with or necessitated by, and therefore incidental to, the holding of public office. The joining of a fraternal organization is an activity engaged in by persons whether they are officeholders or not.

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While involvement in an organization may further an officeholder's contact with the community, it should be noted that joining such organizations also develops and enhances social relationships which have little or nothing to do with holding public office. Consequently, in order to use officeholder expense fund monies for membership dues or other organizational fees, it must be determined that joining a particular organization is incidental to the person's office.

This letter is informational only and does not constitute a declaratory ruling.

Very truly yours,

  
Phillip T. Frangos, Director  
Office of Hearings & Legislation

PTF/jmp