

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

March 24, 1978

Ms. Charlotte Copp, President  
League of Women Voters of Michigan  
202 Mill Street  
Lansing, Michigan 48933

Dear Ms. Copp:

This is in response to your request for a declaratory ruling concerning the applicability of P.A. 388 of 1976 ("the Act") to various voter service activities planned and sponsored by the state and local organizations of the League of Women Voters.

You state the League of Women Voters of Michigan is a nonprofit organization incorporated under P.A. 84 of 1921, as amended. The purpose of the League, as defined in state League bylaws, is "to promote political responsibility through informed and active participation of citizens in government and to act on selected governmental issues." The policy of the League, as stated in the bylaws, is that the League may take action on state governmental measures and policies in the public interest in conformity with the Principles of the League of Women Voters of the United States. In your letter, you emphasize the League does not support or oppose any political party or candidate.

There are 45 local Leagues in Michigan. Their purpose and policy, as stated in their local bylaws, conform with that of the state League.

You indicate one of the ways in which the state and local Leagues carry out their purpose is through nonpartisan voter service activities which seek to inform citizens as to candidates and ballot questions. Voter service activities of the League are recognized by the United States Internal Revenue Service as educational. As such, these qualify for grants from the League of Women Voters Education Fund, a 501(c)(3) organization, contributions to which are tax deductible.

The following statement of facts, set forth in the materials provided by you, describes different voter service activities conducted or planned by the League of Women Voters of Michigan and several of the local Leagues, including League of Women Voters of Detroit, League of Women Voters of Grand Rapids Area, and League of Women Voters of Dearborn-Dearborn Heights.

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The League of Women Voters of Michigan plans to publish a State Voters Guide prior to the November, 1978, general election. All candidates for the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Board of Education, Regent of the University of Michigan, Trustee of Michigan State University, Governor of Wayne State University, Supreme Court Justice, Judge of Court of Appeals (all districts in Michigan), and United States Senator will be given an opportunity to provide biographical information about themselves and answers to questions about important issues, which will be published in the State Voters Guide. In addition, the Guide will include the wording of statewide ballot proposals and an explanation of each proposal. Nothing in the Guide will indicate support or opposition for a candidate or ballot proposal, nor will candidates be rated.

Distribution of the Guide is planned through the League's network of local Leagues, newspapers, and other organizations and businesses which purchase the Guide for distribution to their members, employees, and customers.

In compiling the Guide each certified candidate is contacted by letter. Every effort is made to contact any candidate who does not respond to the letter in order to include in the Guide all candidates, or failing that, as many candidates as possible.

In the past, State Voters Guides have qualified for funding by the League of Women Voters Education Fund. The 45 local Leagues publish similar materials except coverage of candidates and ballot issues is limited to a smaller geographical area.

The League of Women Voters of Detroit sponsored a live televised debate between Coleman A. Young and Ernest C. Browne, candidates for mayor of Detroit in the November 8, 1977, Detroit election. The debate was held in the studios of WJBK-TV, Channel 2, from 8:00 p.m. to 9:00 p.m. on Thursday, October 27, 1977, and was telecast simultaneously by WWJ-TV, Channel 4, and WXYZ-TV, Channel 7.

In addition to the mayoral candidates, participants included a moderator chosen by the League of Women Voters of Detroit who had not endorsed or opposed either candidate, and a panel of five people who questioned the candidates. Three of the panelists were chosen by the television stations and two by the League of Women Voters of Detroit. Each candidate was allowed equal time to respond to questions and to comment on his opponent's answer. The order of answering questions was rotated.

As the result of agreement between the League, candidates, and television stations, one tape was contributed to the Burton Historical Collection, candidates could not purchase tapes of the program until after the election, other television stations had to pay a fee for use of a complete tape, and political spots were not aired immediately before or after the live telecast.

The League of Women Voters of the Grand Rapids Area invited State Senators and State Representatives to attend a series of meetings known as "Meet Your Elected Official Town Meetings." The purpose of this series was to encourage communication between elected officials and citizens by providing a setting in which people could talk with and ask questions of their elected officials. These meetings were approved by the League of Women Voters Education Fund for a grant to cover expenses.

The meetings were held in the evening at accessible, well-known locations. The moderator for each meeting was an experienced League person. All public relations were handled by the League. Publicity for the meetings included press releases, public service announcements, and announcements to neighborhood groups and civic groups.

The format of the meetings gave equal time to each official to respond to oral and written questions from the audience and the League. Time cards were used to give the moderator more control and protection against seeming partiality and "campaigning." The non-partisanship of the meetings was announced during the introduction to the audience.

All of the meetings were held in 1977, a non-election year. There are no plans to schedule any "Town Meetings" in 1978.

The League of Women Voters of Dearborn-Dearborn Heights invited all candidates for the office of Councilman in the November 8, 1977, Dearborn election to attend a public meeting sponsored by the League and co-sponsored by the First Baptist Church.

The meeting was held in Robbins Hall of First Baptist Church of Dearborn. The meeting was opened at 7:30 p.m. by the League President who also closed the meeting at 9:30 p.m. The moderator for the meeting was a League member. The presence of time keepers assured that candidates were given equal time to respond to questions. Following the formal question and answer period there was a "refreshment" period to allow the audience to meet and talk directly with the candidates.

In accepting the invitations, candidates agreed to ground rules which precluded substitute spokesmen and distribution of campaign literature, and provided for the drawing of lots to determine speaking order.

The public was invited to attend at no charge through news releases which appeared in local papers, flyers which were distributed to churches and civic organizations, and notice in the local League newsletter, THE DEARBORN VOTER.

In other activity, the League of Women Voters of Dearborn-Dearborn Heights invited all candidates for City Charter Commission at the November 8, 1977, Dearborn election to attend an event called "Show Case." The purpose of the event was to give voters in Dearborn an opportunity to see, question, and talk with the candidates.

"Show Case" was held at the Dearborn Youth Center on Tuesday, November 1, 1977, from 7:00 p.m. to 10:00 p.m. Each candidate was given table space and a circle of chairs; those attending moved from candidate to candidate. A list of candidates for the office of Charter Commissioner was given to each person attending with enough space provided for notes to be made.

The event was publicized by press releases and a flyer prepared by the League. Flyers were available to candidates at 2¢ each, with a minimum order of 100. Forty-two hundred flyers were purchased by the candidates.

The League of Women Voters of Dearborn-Dearborn Heights sponsored a debate between Frank C. Hubbard and John B. O'Reilly, candidates for Mayor of Dearborn in the November 8, 1977, Dearborn election. The debate was held Thursday, October 27, 1977, from 7:30 p.m. to 10:00 p.m. in the auditorium of Clara Bryant Junior High School, Dearborn, and was open to the public at no charge.

The moderator for the debate was a League member. Questions of the candidates were asked by four panelists, three of whom were editors of the three local newspapers, and the fourth a member of the League of Women Voters of Dearborn-Dearborn Heights.

Each candidate was allowed equal time to respond to questions and to comment on his opponent's answers. Questions from the audience were permitted within time limitations.

The DEARBORN PRESS AND GUIDE asked for and received permission to tape the program for use in preparing their pre-election edition. Other newspapers were given the same option.

News releases as well as flyers were used to publicize the debate. Flyers were distributed to area churches and civic organizations to ask their cooperation in publicizing the event to their members and readers. Notice of the debate was included in the DEARBORN VOTER.

The issue presented is whether any of these activities constitute an "expenditure" as defined by the Act.

Section 6 of the Act (MCLA s 169.206) defines "expenditure" as "a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question." Expenditure includes a contribution "for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question." The activities of the various Leagues, detailed in the preceding statement of facts, are of some ascertainable monetary value. These activities may affect the nomination or election of individuals who are candidates for purposes of the Act.

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The legislative history of the Act indicates an awareness by the Legislature of non-partisan activities of the type traditionally conducted by the League of Women Voters and described in your letter. Consistent with this awareness, the Legislature included Subsections (3)(c) and (e) of Section 6 which excludes from the definition of "expenditure" any expenditures for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference. The statute also excludes non-partisan voter registration and non-partisan get-out-the-vote activities.

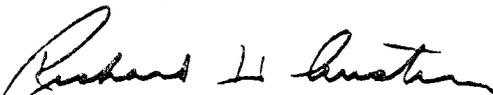
Accordingly, the Department rules that none of the activities of the League as presented in your statement of facts constitute an "expenditure" for purpose of the Act.

In your description of the debate sponsored by the League of Women Voters of Dearborn-Dearborn Heights, you indicate the debate originally was to be held in the Ford Motor Company management conference room (an auditorium seating 550 people). Ford Motor Company, however, needed assurance that making the conference room available without charge to the League would not be an illegal political contribution. In the absence of a precedent, another location was obtained.

The Department does not consider the making available of a facility without charge to the League under the stated facts to be a "contribution" as defined in the Act. An action of this type is considered a donation to the League for the purpose of sponsoring a non-partisan activity which is allowed by Section 6 of the Act. It is to be understood the donor cannot in any way influence the planning or activity sponsored by the League.

This response constitutes a declaratory ruling concerning the applicability of the Act to the actual statement of facts detailed in your request.

Sincerely,



Richard H. Austin  
Secretary of State