

FOSTER,
SWIFT,
COLLINS &
SMITH, P.C.
Attorneys at Law

ERIC E. DOSTER
Direct Phone 517.371.8241
Direct Fax 517.367.7341
Email edoster@fosterswift.com

RECEIVED

DEC 28 2009

Terri Lynn Land
Secretary of State



December 23, 2009

Honorable Terri Lynn Land
Secretary of State
Executive Office
Treasury Buildings - 1st Floor
430 West Allegan Street
Lansing, MI 48918

Dear Secretary Land:

Re: Declaratory Ruling or Possible Interpretative Statement Request on Candidate Workshops

This office represents entities that conduct candidate workshops. While some of these entities are registered committees under the Michigan Campaign Finance Act, P.A. 388 of 1976, as amended, MCL 169.201, *et seq.* (sometimes referred to herein as the "Act"), others are not. On behalf of these entities, and pursuant to Section 15 (1) (e) and (2) of the Act and Rule 169.6 of the Michigan Administrative Code, this is a request for a declaratory ruling as to the applicability of the Act to an actual statement of facts. Public Act 250 of 2001 amended the Act to indicate that if the Michigan Department of State (the "Department") does not issue a declaratory ruling, the Department must at least issue an interpretative statement providing an informational response to the questions presented within the same time limitation applicable to a declaratory ruling. The purpose of this ruling request is to obtain the Department's position as to what factors determine when a candidate workshop is subject to the Act.

ACTUAL STATEMENT OF FACTS

1. An entity which is a "committee" under the Act, and an entity that is not registered under the Act, conducts candidate workshops.
2. For the purposes of this request, a "candidate workshop" means an informational seminar pertaining to the day-to-day operation of a campaign. The topics for this informational seminar include: How to campaign for public office, the nuts and bolts of a recall election, political contribution fundraising, legal aspects of campaigning, voter identification, campaign planning, campaign organization, campaign scheduling, campaign communications, get out the vote efforts, and election day activities.

313 S. Washington Square
Lansing, MI 48933-2193
PH: 517.371.8100
FX: 517.371.8200



3. For the purposes of this request, please assume that these candidate workshops will not encourage attendees to take specific positions on political issues or advocate for or against the election of any candidate or passage or defeat of a ballot question. These candidate workshops will not infer or suggest what positions perspective candidates should take on issues of public policy. Furthermore, the candidate workshops will not encourage attendees to “vote for”, “vote against”, “support”, or “oppose” particular candidates or ballot proposals.

RULING REQUEST

It is our understanding that the Department takes the position that a person’s attendance at an informational seminar pertaining to the day-to-day operation of a campaign alone does not further a candidate’s nomination or election and therefore, does not constitute a “contribution” or “expenditure” for the purposes of the Act. Is this the Department’s position? Please explain why or why not. In the explanation, please describe the attributes of a candidate workshop which determine whether or not a candidate workshop is subject to the Act.

After describing the Department’s position with respect to a candidate workshop, please explain why or why not this position changes under the following circumstances:

1. A person who attends the candidate workshop is a candidate.
2. A person who attends the candidate workshop is an agent of a candidate.
3. The persons who attend the candidate workshop are members of the same political party, but no sponsor of the candidate workshop is a political party.
4. A sponsor of the candidate workshop is a political party, but the candidate workshop is not limited to members of the same political party.
5. A sponsor of the candidate workshop is a political party and the attendees of the candidate workshop are limited to members of the same political party.
6. A sponsor of the candidate workshop is an interest group, such as an incorporated trade association, labor organization, or incorporated non-profit organization.
7. A sponsor of the candidate workshop is a candidate committee and the attendees of the candidate workshop are other candidates and/or agents of another candidate.

Honorable Terri Lynn Land
December 23, 2009
Page 3



Therefore, based on the foregoing actual statement of facts, on behalf of certain entities, some of which are subject to the Act and others who are not, the undersigned respectfully requests a declaratory ruling as to whether candidate workshops are subject to the Act, under the circumstances as described above.

To the extent that the Michigan Department of State declines to issue a declaratory ruling as to the above-referenced questions, please issue an interpretative statement, in accordance with Public Act 250 of 2001.

Thank you for your consideration of our request. If you have any questions or require any additional information whatsoever, please contact the undersigned.

Sincerely,

FOSTER, SWIFT, COLLINS & SMITH, P.C.

A handwritten signature in cursive script, appearing to read 'Eric Doster', written in black ink.

Eric Doster

ED:js