



September 13, 1977

Mr. Zolton Ferency  
P.O. Box 20  
East Lansing, Michigan 48823

Dear Mr. Ferency:

This is in response to your request for a declaratory ruling concerning the application of P.A. 388 of 1976 ("The Act") to a contribution of less than \$20.01 made to your gubernatorial candidate committee, accompanied by a document signed by the contributor indicating he had made a contribution of money.

You state that on August 5, 1977, your committee received a campaign contribution of \$5.00 in the form of a U.S. Federal Reserve Note from Fr. Clement J. Kern, 1050 Porter Street, Detroit, Michigan 48226. Accompanying the contribution was a card signed by the contributor, who indicated his occupation and the fact he was making a contribution of money.

The issue presented is whether the above circumstances constitute a "qualifying contribution" as defined in Section 12(1) of the Act. This provision defines contributions to gubernatorial candidate committees which are eligible for matching with monies from the state campaign fund.

Section 12(1) indicates a "qualifying contribution" is a "contribution of money made by a written instrument." It is clear from the quoted section a contribution must be made by a "written instrument" in order to constitute a "qualifying contribution" so as to be potentially eligible for matching state funds provided in the Act for gubernatorial candidates.

The Legislature has not defined "written instrument" in the Act. An examination of diverse legal resource materials reveals definitions for "written instrument" similar to the one found in Black's Law Dictionary, i.e., "something reduced to writing as a means of evidence, and as the means of giving formal expression to some act or contract."

Accordingly, since the contributor you mentioned "reduced to writing" his action of making a contribution of money, "as a means of evidence, and as a means of formal expression," it is the determination of the Department that the circumstances mentioned, with the additional requirements listed below, will constitute a "qualifying contribution."

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(Cont.)

The Department shall demand that a document in order to be acceptable for purposes of Section 12(1) of the Act must clearly contain the names of the payor, payee, the amount, the date, the purpose of the contribution, and the signature of the contributor. A cash contribution unaccompanied by a written document will not be allowed as a "qualifying contribution." It should be noted further the above determination is applicable only to contributions of \$20.00 or less. Section 41(1) of the Act prohibits the acceptance in cash of any contribution of \$20.01 or more.

This response constitutes a declaratory ruling concerning the application of the Act to the specific factual situation set forth in your letter.

Very truly yours,

  
Richard H. Austin  
Secretary of State

RHA/s