

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING  
MICHIGAN 4891

August 1, 1978

Ms. Beverly Hunt, Clerk  
Township of Flint  
1490 South Dye Road  
Flint, Michigan 48504

Dear Ms. Hunt:

This is in response to your inquiry concerning the applicability of the Campaign Finance Act ("the Act"), P.A. 388 of 1976, as amended, to an "Anti-Annexation Campaign."

You state in your letter that the public officials and residents of Flint Township are conducting an "Anti-Annexation Campaign" in an effort to prevent the City of Flint from "Strip Annexing" properties in Flint Township. As part of this campaign, the residents and officials will be soliciting funds for advertising which will be kept in an account and used only for that purpose. You indicate the campaign is not directed toward an election or ballot question, but for the purpose of building support to be reflected at State Boundary Commission hearings and in the State Legislature.

Your question is whether the above activities must be recorded or reported under the Act?

Ms. Cindy Sage, Treasurer of the Republican Women's Federation of Michigan ("the RWFM"), asked whether the RWFM was obligated to report under the Act. In a response contained in a letter issued on March 29, 1978, the Department stated:

"The determination of whether the RWFM is subject to the Act's provisions is contingent on whether the state organization or any of the local organizations is a 'committee' as defined in the Act. Section 3 of the Act (MCLA § 169.203) defines a 'committee' as a person who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the

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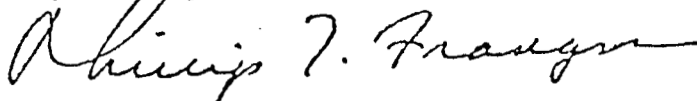
voters for or against the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question, if contributions received total \$200.00 or more in a calendar year or expenditures made total \$200.00 or more in a calendar year. 'Person' is defined in the Act as including an association, committee, or any other organization or group of persons acting jointly." (Emphasis added)

Accordingly, since the residents and officials of the Township of Flint are not receiving contributions or making expenditures for the purpose of influencing the nomination or election of a candidate, or the qualification, passage or defeat of a ballot question, reporting is not required by the Act.

However, in the event any proposal addressed by your group becomes the subject of an election, the requirements of the Act will be applicable. Monies in the fund will have to be reported as is the case for any other ballot question.

In view of the fact your letter was general in nature and lacked the specificity required by Section 63 of the Michigan Administrative Procedures Act (MCLA § 169.20) which establishes the criteria for requesting and issuing a declaratory ruling, this response may be considered as informational only and not as constituting a declaratory ruling.

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:pk