

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING


 LANSING
 MICHIGAN 48918

June 22, 1988

Mr. James D. Irvine
 14866 Greenbriar Court
 Plymouth, Michigan 48170

Dear Mr. Irvine:

This is in response to your letter of June 6, 1988, requesting an exemption from the identification requirements set forth in the Campaign Finance Act (the Act), 1976 PA 388, as amended.

Section 47(3) of the Act, MCL 169.247, states that "printed matter having reference to an election, . . . shall bear upon it the name and address of the person paying for the matter." This section goes on to state:

"The size and placement of the disclaimer shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section."

Pursuant to this provision in the Act, the Department has promulgated rule 36(3), 1979 AC R169.36(3):

"(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule."

Refrigerator Magnets

The first item you identify is a refrigerator magnet presumably with a plastic case or cover bearing the message:

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Elect
Candidate Name
Office

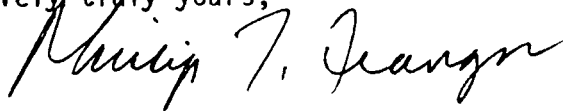
This item would be of comparable size and construction to a button, coaster, cup or yo yo, each of which have been exempted in the past. Because of the size and difficulty in printing the disclosure on the item, refrigerator magnets are not required to bear the language required by section 47 of the Act.

Business Cards

Secondly, you ask if a business card is exempt from the required identification. The card you envision would contain printing on both sides. You suggest that it would be of similar size to a matchbook, which is exempt. However, the materials used in business cards make it possible to include the required identification without unduly limiting the size of the message.

In a July 7, 1978 letter to William A. Everard the Secretary of State concluded that it was reasonable to require the identification on a business card sized piece of campaign literature. There is no new development which would change that conclusion. Thus, the identification required by section 47 must be included on a business card sized piece of campaign literature.

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:cw:rlp