



CANDICE S. MILLER, Secretary of State
MICHIGAN DEPARTMENT OF STATE
TREASURY BUILDING, LANSING, MICHIGAN 48918

November 24, 1999

Mr. David M. Parrott
6828 Park Avenue
Allen Park, MI 48101-2036

Dear Mr. Parrott:

This constitutes the Department of State's response to your request for a declaratory ruling concerning the applicability of the Michigan Campaign Finance Act (the MCFA), 1976 PA 388, as amended, to an election held solely for the purpose of electing members of the Retirement Commission of the Genesee County Employees' Retirement System.

Your inquiry cites section 4 of the Genesee County Employees' Retirement System Ordinance which provides for the election of retirement commissioners. Subsection 4(b) provides for the election of, "Three members of the retirement system, to be elected by members of the retirement system." Subsection 4(c) calls for the election of one retired member of the retirement system, and provides, "The retirant shall be elected by the retirees of the Genesee County Employees' Retirement System."

You have subsequently informed the Department that persons eligible to vote for the election of retirement commissioners of the Genesee County Employees' Retirement System are not required to be qualified voters of Michigan, or even citizens of Michigan.

The MCFA regulates political activity in the nature of contributions and expenditures which relate to an election held for political purposes in which only qualified voters of Michigan may cast a ballot.

Const 1963, art 2, § 1, provides:

" Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes."

The voting age was reduced to 18 by US Const, Am XXVI.

In *Empire v Orhanen*, 455 Mich 410, 427 (1997), the Supreme Court reiterated a rule of statutory construction which requires that "statutes that relate to the same subject matter should be read, construed, and applied together to distill the Legislature's intention."

"Statutes in pari materia are those which relate to the same person or thing, or the same class of persons or things, or which have a common purpose. It is the rule that in construction of a particular statute, or in the interpretation of its provisions, all statutes relating to the same subject, or having the same general purpose, should be read in connection with it, as together constituting one law, although enacted at different times, and containing no reference one to the other." *Detroit v Michigan Bell*, 374 Mich 543, 558 (1965).

The MCFA and the Michigan Election Law, 1954 PA 116, as amended, are statutes *in pari materia*. Section 10 of the Michigan Election Law, MCL 168.10, defines a "qualified elector" as:

". . . any person who possesses the qualifications of an elector as prescribed in section 1 of article 2 of the state constitution and who has resided in the city or township for 30 days."

Section 492 of the Michigan Election Law, MCL 168.492, provides:

"Sec. 492. Every person who has the following qualifications of an elector, or who will have those qualifications at the next election or primary election, shall be entitled to be registered as a elector in the township, city, or village in which he or she resides. The person shall be a citizen of the United States; not less than 18 years of age; a resident of the state for not less than 30 days; and a resident of the township, city, or village on or before the thirtieth day before the next regular or special election or primary election."

Section 491 of the Michigan Election Law, MCL 168.491, provides:

"Sec. 491. The inspector of election at an election or primary election in this state, or in a district, county, township, city, or village in this state, shall not receive the vote of a person whose name is not registered in the registration book or listed on the computer voter registration precinct list of the township, ward, or precinct in which he or she offers to vote unless the person has met the requirements of section 507b."

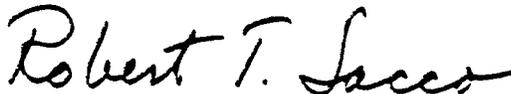
Finally, section 736 of the Michigan Election Law, MCL 168.736, provides in pertinent part::

“Sec. 736. When an elector applying to vote shall not be challenged, or, having been challenged, if the answers to questions asked him while under oath as to his qualifications shall show that he is a qualified elector at that poll, he shall be permitted to vote.”

It is clear from your inquiry and the information provided that the election of members of the Retirement Commission of the Genesee County Employees' Retirement System is an employee relations election and not an election for political purposes. It is also clear from information you subsequently provided that persons other than qualified and registered electors under Michigan law are entitled to cast a ballot in the retirement commission election. For these reasons, the Genesee County Employees' Retirement System commission election is not an election within the purview of the MCFA. Therefore, the provisions of the MCFA do not apply.

Since your request did not include a statement of facts sufficient to form the basis for a declaratory ruling, this response is informational only and constitutes an interpretive statement with respect to your inquiries.

Sincerely,

A handwritten signature in black ink that reads "Robert T. Sacco". The signature is written in a cursive, flowing style.

ROBERT T. SACCO
Deputy Secretary of State
Regulatory Services Administration