

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE  
STATE TREASURY BUILDING



LANSING  
MICHIGAN 48918

September 24, 1981

Mr. Dennis Stabenow  
Citizens for a Constitutional Convention  
2525 South Deerfield  
Lansing, Michigan 48910

Dear Mr. Stabenow:

This is a belated response to your inquiry concerning applicability of the Campaign Finance Act ("the Act"), 1976 PA 388, as amended, to a ballot question the State Constitution required to appear on the ballot. "Citizens for a Constitutional Convention" was organized to support the holding of a constitutional convention.

Article XII, Section 3 of the Michigan Constitution of 1963 states (in part):

"At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state." (Emphasis supplied)

Section 34(2) of the Act (MCL 169.234(2)) provides:

"A ballot question committee shall file a campaign statement, of which the closing date shall be the twenty-eighth day following the qualification of the measure, not later than 35 days after the ballot question is qualified for the ballot. If the ballot question fails to qualify for the ballot, the ballot question's committee shall file the campaign statement within 35 days after the final deadline for qualifying, the closing date of which shall be the twenty-eighth day following the deadline."

Section 2 of the Act (MCL 169.202) provides (in part):

"(1) 'Ballot question' means a question which is submitted or which is intended to be submitted to a popular vote at an election whether or not it qualifies for the ballot."

"(2) 'Ballot question committee' means a committee acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question but which does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate."

Mr. Dennis Stabenow  
Page two

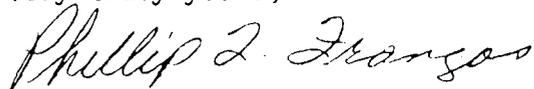
The facts and law in the present matter give rise to two conclusions: (1) the question of a general revision of the Constitution was a ballot question, and (2) Citizens for a Constitutional Convention was a ballot question committee. However, the filing of the campaign statement provided by section 34(2) is based on "qualification of a measure." For purposes of the Act, "qualification of a measure" takes place upon certification by the state or local board of canvassers that a question shall appear on a ballot.

The presence on the ballot of the subject ballot question was automatic since it was provided by the Constitution. Certification to appear on the ballot by the board of state canvassers was not applicable in this instance. Consequently, the condition precedent to filing a campaign statement pursuant to section 34(2) did not occur. Therefore, the report provided by section 34(2) was not required in the case of this ballot question mandated by the Constitution.

It should be noted, however, the campaign statements required by section 34(1)(a) and (b) (MCL 169.234(1)(a) and (b)) should have been filed. Specifically, there are the preelection and postelection campaign statements.

This response is informational only and sent for purposes of closing the file in this matter.

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings & Legislation

PTF/jmp