

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

December 1, 1981

Mr. James C. VanHeest
A 6137 146th Avenue
Holland, Michigan 49423

Dear Mr. VanHeest:

You raised several questions concerning the Campaign Finance Act (the "Act"), 1976 PA 388, as amended. However, your primary question is whether or not the "principal campaign committee of a candidate for federal office . . . shall be required to file campaign finance reports with the Michigan Secretary of State's office." Since the issues raised by your secondary questions are variations of the issue giving rise to the primary question, only the latter is answered in this statement.

In a letter to Mr. Phillip J. Arthurhultz, dated November 2, 1978, it was noted that "It is possible for an individual to be a candidate for purposes of Federal law and the Act." The Act applies to an individual at the point in time that he or she becomes a "candidate" as defined in section 3(1), (MCL 169.203). Simply being a candidate for a Federal office in this state does not subject a person to the filing and other requirements of the Act. However, if the Federal candidate is also a candidate for elective office as defined in the Act, there must be compliance with the requirements of the Michigan statute.

As the Arthurhultz letter points out, political campaigns for Federal office are within the jurisdiction of the Federal Elections Commission. It is suggested you direct an inquiry to that agency. Accordingly, the answer to your "primary question" is that the candidate committee of a candidate for Federal office is not automatically required to comply with the Campaign Finance Act. However, such compliance may be required if the Federal candidate is also a candidate for state or local office or if the committee of the Federal candidate engages in financing activity within the purview of the Act.

For example, Federal committees may desire to make contributions to political party committees. There is nothing in the Act precluding contributions from Federal committees to political party committees. However, if funds totalling more than \$200.00 are turned over to a political party committee and placed in an account from which they may be used to further the nomination or election of candidates for state or local office, the donor of such funds, if other than an individual, becomes a "committee" as defined by section 3(4) of the Act and compliance with the Campaign Finance Act is required. This is true whether the transferred funds are placed in the official committee depository or a

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secondary depository of the political party committee. Unless the contributor clearly designates the funds as being for other than campaign purposes, the Department presumes that contributions to a political party are made for the purpose of influencing the nomination or election of a candidate for state or local office, or the qualification, passage or defeat of a ballot question.

This response may be considered as informational only and does not constitute a declaratory ruling.

Very truly yours,

A handwritten signature in cursive script, reading "Phillip T. Frangos". The signature is written in dark ink and is positioned above the typed name and title.

Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp