

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE
STATE TREASURY BUILDING



FEB 1 1980

LANSING
MICHIGAN 48918

February 1, 1980

Honorable Jack Welborn
Michigan State Senate
State Capitol Building
Lansing, Michigan 48909

Dear Senator Welborn:

This is in response to your request for information regarding the Campaign Finance Act ("the Act"), 1976 PA 388, as amended.

Specifically, you inquire as to whether expenses you incur as a result of bringing a libel action which "involves amendments which I introduced to a bill, . . ." may be paid from your officeholder's expense fund established pursuant to Section 49 of the Act (MCLA §169.249). In addition, you indicate you are ". . . interested in knowing if there has been any ruling on corporate contributions to Officeholder's Expense Funds, and if there is any limit to those contributions."

Section 49(1) of the Act states:

"An elected public official may establish an officeholder expense fund. The fund may be used for expenses incidental to the person's office. The fund may not be used to make contributions and expenditures to further the nomination or election of that public official." (Emphasis added)

In this instance, it must be determined whether your legal expenses as a plaintiff in a libel action against a private citizen are "expenses incidental to the person's office."

Previously, declaratory rulings and interpretative statements have been issued which dealt with the permissible uses of monies in an officeholder's expense fund.

Uses previously identified as permissible, include the purchase of tickets to fundraisers for other candidates, operation of a district office by a legislator, sponsorship of a baseball team, and the purchase of advertisements notifying constituents of an officeholder's address and telephone number. These costs have been determined to be "expenses incidental" to holding an office. The Department, in making these determinations, has looked at each activity in terms of whether the activity claimed to be incidental is among the array of functions officeholders usually are expected to or must perform by virtue of holding office.

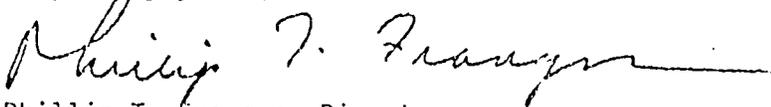
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The facts you present indicate the action in question is for personal damages allegedly inflicted upon you by another individual. Sanctioning the use of funds reserved for "expenses incidental to the person's office" for the purpose of commencing an action for personal money damages exceeds the limitation on the use of such funds established by the Legislature.

You also ask whether an officeholder expense fund may receive funds from a corporation and, if so, what limitations apply to such funds. A letter dealing with these issues was sent recently to Senator Gary Corbin. Enclosed you will find a copy of this letter.

This response is informational only and does not constitute a declaratory ruling.

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:cas

Enclosure

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