



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

**THE COMMERCIAL USE PROHIBITION
UNDER THE CAMPAIGN FINANCE ACT
(MCL 169.201 – MCL 169.202)**

The commercial use of information obtained under the Campaign Finance Act is prohibited under section 16(3) of the Act:

“A statement open to the public under this act shall not be used for any commercial purpose.”

The prohibitions of section 16(3) apply to activities that are carried on for a profit. An organization that is not organized for the purpose of making a profit may, therefore, use lists of names gleaned from statements filed pursuant to the Act for solicitations it conducts. The use of such must be restricted to noncommercial purposes and may not be sold or loaned to another organization that intends to use the information in a commercial endeavor.

The commercial use prohibition is clarified in two interpretive statements issued by the Department of State. The first was issued to Mr. Mark J. Bertler on February 6, 1986. An additional interpretive statement was issued to Mr. J. Blair Richardson, Jr. on November 13, 1995. The general conclusions of these interpretive statements are provided below.

General Conclusions

- A for-profit corporation **may not** use contributor information obtained from statements or reports filed with the Secretary of State under the MCFA to solicit individual contributors for any commercial purpose.
- A for-profit corporation **may not** use contributor information obtained from statements or reports filed with the Secretary of State under the MCFA for the purpose of publishing and reselling the contributor information, whether in its original format or in an reprocessed format, to a person who uses, or intends to use, the information to solicit individual contributors for any commercial purpose.
- A corporation **may** publish and sell contributor information obtained from reports filed with the Secretary of State under the MCFA to a person who uses, or intends to use, the information to solicit individual contributors for campaign contributions or for other than commercial purposes.

Any questions may be directed to this office.

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