

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

April 6, 1978

Mr. Robert A. Binkowski  
28111 Hoover Road  
Suite 10A  
Warren, Michigan 48093

Dear Mr. Binkowski:

This is in response to your request for a declaratory ruling concerning the applicability of the Campaign Finance Act, P.A. 388 of 1976 ("the Act"), to certain political advertisements appearing in newspapers.

You state you were a candidate for the Warren City Council in the primary election held in August, 1977. You paid The Macomb Daily to print the following advertisement in the period preceding the primary election:

ROBERT BINKOWSKI  
FOR WARREN COUNCIL  
PD. POL. ADV.

The advertisement, which was one column of newsprint wide and consisted of three lines of type, was run on the newspaper's front page at the bottom of a column.

Immediately after the primary election, you contacted The Macomb Daily to reserve the space for the period preceding the general election in November, 1977. However, on October 20, 1977, The Macomb Daily advised you the advertisement would not be printed because addition of the identification requirement provided in Section 47 of the Act (MCLA § 169.247) would increase the advertisement size beyond that allowed on the front page.

You request that advertisements similar to the one in question be exempted by the Department from the identification requirements of Section 47. You cite the small size of the printed matter as the basis for the proposed exemption.

As noted previously, Section 47 of the Act requires printed matter having reference to a candidate to bear the name and address of the person paying for the matter. The provision states, however, that rules may be promulgated to exempt items from the required identification. Rule 169.36 of the General Rules, promulgated by the Secretary of State pursuant to authority conferred

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by Section 15 of the Act (MCLA § 169.215) and having the effect of law, exempts campaign items, the size of which makes it unreasonable to add an identification.

In a letter to Ms. Georgia M. Boewe, dated September 8, 1977, the Department stated the identification required by Section 47 must include the words "Paid for by" followed by the full name of the person paying for the material. If the purchaser is a committee, the full name of the committee must be stated. The identification must also indicate the person's street address including the street number or post office box, city or town, state, and zip code.

In exempting items from the identification requirements of Section 47, the Department has generally identified items which have an unusual shape or material composition, or which are produced as the result of a special process. Exempted items range from ashtrays and brushes to whistles and yo-yo's.

The Act is intended to provide disclosure of the sources of financing of political campaigns. Generally, it is not intended to eliminate the usage of traditional types of political advertising.

In order to reconcile these objectives, the Department determines advertisements similar to the one in question are exempt from the identification requirements of Section 47 provided they are modified as follows:

ROBERT BINKOWSKI  
FOR WARREN COUNCIL  
PD. BY CAND. COMM.

The modified identification is consistent with the purposes of the Act. Moreover, its length is similar to that of the identification statement used in the subject advertisement, which was utilized previously by the printed media.

Sincerely,



Richard H. Austin  
Secretary of State

RHA:pk