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
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. Baewe, 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 identi-
fication 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,

[Signature]
Richard H. Austin
Secretary of State

RHA: pk