

MICHIGAN DEPARTMENT OF STATE
RICHARD H. AUSTIN SECRETARY OF STATE



LANSING
MICHIGAN 48918

September 8, 1977

Ms. Georgia M. Boewe, Treasurer
Committee for the Re-election of
Ted Bates, Mayor
P.O. Box 55
Warren, Michigan 48090

Dear Ms. Boewe:

This is in response to your letter of June 28, 1977, concerning political advertising under P.A. 388 of 1976 ("The Act").

You ask two questions:

- (1) Must a printed political advertisement, which is normally not exempted from the requirements of the identification or disclaimer provisions set forth in Section 47 of the Act (MCLA §169.247), have an identification or disclaimer if the advertisement was printed prior to the effective date, June 1, 1977, of those requirements?
- (2) What is the size of the print for the wording of the identification or disclaimer required on printed political advertisements?

In addition, the Department takes the opportunity afforded by your inquiries to answer the following two related questions which are of concern:

- (3) What is the precise form in which an identification or disclaimer must appear?
- (4) Must stationery used by a committee bear the identification as required by Section 47 of the Act?

As to your first question, the Department has determined, in its role as principal administrator and supervisor of the provisions of the Act, that political advertisements printed prior to June 1, 1977, need not include an identification or disclaimer. However, beginning December 1, 1977, all political advertisements must bear the identification or disclaimer required by Section 47 and Rule 169.36, promulgated pursuant to the Act, unless otherwise exempted. It should be emphasized that after December 1, 1977, the individual, group, or committee making use of the printed matter must indicate thereon its current name and address, and not that of the person who paid for the material prior to June 1, 1977, unless of course, the individual, group, or committee remains the same. It is also important to note this determination does not pertain to political advertisements purchased after June 1, 1977; the latter are required to bear an identification or disclaimer unless specifically exempted.

Concerning your second question as to the size of print for an identification or disclaimer, Rule 169.36 states printed political advertisements shall bear the identification or disclaimer "in a place and in a print clearly visible to and readable by an observer." It is recognized this rule governs information on a disparate variety of printed material, including but not limited to, billboards, placards, posters, and yard signs. Moreover, it is readily noted that display of the printed matter varies considerably. For example, a yard sign may be placed on the wall of a building, at some distance from viewers, as well as on a lawn near a walkway, which is the more customary usage.

For this reason, the rule stresses the placement of the identification or disclaimer, and the legibility of the print, rather than offering a complicated formula which attempts to anticipate every type of printed matter and every manner in which the printed material will be displayed. In short, an identification or disclaimer must: (1) appear on printed political material, unless the material is otherwise exempted; (2) be distinguishable from other information appearing in the advertisement; and (3) be set forth in legible type.

Turning to the third question, which was not raised in your letter but which is related, the Department has determined 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 state the person's street address including the street number or post office box, city or town, state, and zip code. A disclaimer shall be in the same form as an identification except that the Act requires it to be preceded by "Not authorized by the candidate committee of (candidate's name)."

With respect to the question concerning stationery, the Department has determined printed letter paper must bear the identification or disclaimer set forth above. This is true notwithstanding the fact the paper bears a letterhead. Printed envelopes, however, are exempted from the identification or disclaimer requirement pursuant to the provisions of Section 47 of the Act and Rule 169.36.

Sincerely,



Richard H. Austin
Secretary of State

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