

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING
 MICHIGAN 48918
 48918-2100

March 27, 1992

Honorable Robert L. Brackenridge
 Committee to Elect Brackenridge
 6200 Eidson Road
 St. Joseph, Michigan 49085

Dear Representative Brackenridge:

This is in response to your request for an exemption from the identification requirements of section 47 of the Michigan Campaign Finance Act, 1976 PA 388, as amended. Your original request was received on February 4, 1992. On February 6, 1992, you submitted additional information concerning the requested exemption.

On February 4, 1992, your request was made available to the public as required by section 15(2) of the Act (MCL 169.215). There have been no written comments submitted by interested persons as provided in that section.

Section 47 of the Act (MCL 169.247) states, in pertinent part:

"Sec. 47. (1) A billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or ballot question, shall bear upon it the name and address of the person paying for the matter."

Rule 36(2) of the administrative rules promulgated to implement the Act provides the identification statement must include the words "Paid for by" followed by the name and complete address of the payor. However, section 47(3) of the Act authorizes the Secretary of State to exempt certain items if their size makes it unreasonable to add an identification statement.

You have requested an exemption for Chinese fortune cookie messages which measure 1/2" by 2". The printer has informed you that a total of 90 characters and 3 lines of print are allowed on each message. You indicate that you are contemplating the following message which contains 89 characters: "You will find yourself with an opportunity to vote for Representative Robert Brackenridge."

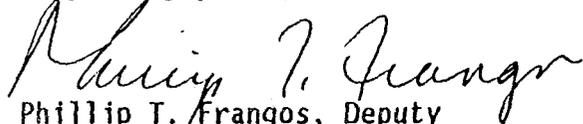
The Department has previously interpreted the Act as exempting a number of items due to their size, including campaign stickers measuring 2 3/4" by 1" and candy wrappers measuring 1 1/4" by 2 1/4". The fortune cookie messages which are the subject of your request are smaller than either the sticker or candy wrapper.

Hon. Robert L. Brakenridge
Page 2

Given the limitation on the number of characters that can be printed, it would be unreasonable to include an identification statement or disclaimer on this item. Therefore, the Department has determined that fortune cookie messages measuring 1/2" by 2" are exempt from the requirements of section 47 of the Act.

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

Very truly yours,



Phillip T. Frangos, Deputy
State Services

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