



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

March 26, 2010

Eric E. Doster  
Foster, Swift, Collins & Smith, P.C.  
313 South Washington Square  
Lansing, Michigan 48933-2193

Dear Mr. Doster:

The Department of State (Department) acknowledges receipt of your letter dated December 23, 2009, in which you sought a declaratory ruling concerning the Department's interpretation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*, with respect to candidate workshops. A copy of your request was published on the Department's website beginning December 29, 2009, yet no public comments were submitted for consideration.

The MCFA and Administrative Procedures Act (APA), 1969 PA 306, authorize the Department to issue a declaratory ruling if an interested person submits a written request that includes a reasonably complete statement of facts and a succinct statement of the legal question presented. MCL 24.263, 169.215(2). Although the factual statement you supplied is insufficient to form the basis for a binding declaratory ruling on this topic, the Act requires the Department to issue an interpretive statement "providing an informational response to the question presented" as a substitute. MCL 169.215(2). Accordingly, the Department offers the following interpretive statement in response to your request.

Your clients, some of which are MCFA-registered committees and others that are not, conduct candidate workshops which you describe as "informational seminar[s] pertaining to the day-to-day operation of a campaign." Discussion topics at these events include campaigning, recall elections, fundraising, compliance issues, identification of voters, planning, organization, scheduling, communications, voter turnout, and Election Day activities. You note that:

"[T]hese candidate workshops will not encourage attendees to take specific positions on political issues or advocate for or against the election of any candidate or passage or defeat of a ballot question. These candidate workshops will not infer or suggest what positions prospective candidates should take on issues of public policy. Furthermore, the candidate workshops will not encourage attendees to 'vote for', 'vote against', 'support', or 'oppose' particular candidates or ballot proposals."

You ask whether a candidate workshop constitutes a contribution or expenditure for purposes of the Act and what attributes the Department considers indicative of regulated activity.

The Act governs the making and reporting of contributions and expenditures. In the context of candidate workshops, these terms generally include payments for goods and services “made for the purpose of influencing” or made “in assistance of” the nomination or election of a candidate. MCL 169.204(1), 169.206(1). With respect to the sponsor of such an event, a candidate workshop will fall within the Act’s reach only if it constitutes a contribution or expenditure.

The Department will consider the nature of a candidate workshop before determining whether the sponsor of the event has made a contribution or expenditure for purposes of the MCFA. According to your letter, your clients intend to furnish general information concerning organizing and planning a campaign, fundraising, compliance, voter turnout, and the like. The organization that hosts the candidate workshop will refrain from engaging in any express advocacy relating to candidates or ballot questions. The neutral character of the information to be provided at these candidate workshops suggests that the information conveyed is so unexceptional or generic that it does not influence or assist the nomination or election of a candidate. MCL 169.204(1), 169.206(1). While it is the Department’s position that a sponsor who imparts basic knowledge regarding campaign operations does not make a contribution or expenditure under the Act, it is important to understand that neutrality will not be inferred if the candidate workshop strays from the rudimentary guidance described above.

You also described a number of different circumstances in which your clients may sponsor a candidate workshop and asked the Department to explain how, if at all, those factors alter the Department’s position. Assuming that a sponsoring organization confines its presentation to general information regarding the operation of a campaign, none of the following variables would cause the Department to revise its position.<sup>1</sup>

*(1), (2) “A person who attends the candidate workshop is a candidate [, or ] ... an agent of a candidate.”*

*(3) “The persons who attend the candidate workshop are members of the same political party, but no sponsor of the candidate workshop is a political party.”*

*(4) – (6) “A sponsor of the candidate workshop is a political party, but the candidate workshop is not limited to members of the same political party [, or a] sponsor of the candidate workshop is a political party and the attendees of the candidate workshop are limited to members of the same political party [, or a] sponsor of the candidate workshop is an interest group, such as an incorporated trade association, labor organization, or incorporated non-profit organization.”*

*(7) “A sponsor of the candidate workshop is a candidate committee and the attendees of the candidate workshop are other candidates and/or agents of another candidate.”*

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<sup>1</sup> Although your request does not concern the legal consequences of a candidate’s attendance at a candidate workshop, the Department expects that any candidate who pays to attend any candidate workshop – neutral or not – will report the expenditure on the appropriate campaign statement.

In conclusion, a candidate workshop is governed by the Act only if it constitutes a contribution to a candidate or an expenditure by the sponsoring organization. In making this determination, the Department will take into account the extent to which a candidate workshop furnishes generic campaign information, and consider whether the sponsoring organization has engaged in express advocacy or sought to persuade attendees to adopt certain policy positions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian DeBano", with a long horizontal flourish extending to the right.

Brian DeBano  
Chief of Staff / Chief Operating Officer