

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING

LANSING
MICHIGAN 48911

October 26, 1983

Mr. Robert P. Duff, Treasurer
NBD Good Citizenship Committee
National Bank of Detroit
611 Woodward Avenue
Detroit, MI 48226

Dear Mr. Duff:

This letter is in response to the request submitted on behalf of NBD Good Citizenship Committee (the "Committee") and National Bank of Detroit (the "Bank"), dated September 29, 1983. A declaratory ruling was requested concerning applicability of the Campaign Finance Act (the "Act"), 1976 PA 388, as amended, to a separate segregated fund established pursuant to Section 55 of the Act (MCL 169.255) which is registered under the Act and also under the Federal Election Campaign Act of 1971 (the "Federal Act"), 2 USC 431 et seq.; 90 Stat 11, as amended.

Your request presents the following factual situation:

The Committee is an independent committee which has registered with the Campaign Finance Reporting Office of the Michigan Department of State pursuant to the Act. The Committee is also a political committee which has registered with the Federal Election Commission pursuant to the Federal Act. The Bank makes expenditures for the establishment, administration and solicitation of contributions to the Committee in accordance with Federal and Michigan law.

You state that since 1977, as an independent committee registered under the Act and a political committee registered under the Federal Act, the Committee has complied with the Act and contributions and expenditures in connection with both Michigan and Federal elections. You indicate the Committee has fully disclosed and reported its contribution and expenditure activities to the respective state and Federal regulatory agencies as required by applicable law.

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As evidenced by the foregoing, the course of conduct of the Committee and the Bank will be affected by the issuance of the requested declaratory ruling.

Your question is:

"Is it permissible for a separate segregated fund established and operating pursuant to the Michigan Act to be registered and operated at the same time as a federal separate segregated fund pursuant to the Federal Election Campaign Act of 1971, as amended, and to make contributions to and expenditures in connection with both Michigan and federal elections as authorized under both Acts?"

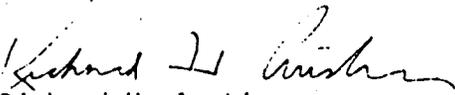
The Department has determined that a Michigan separate segregated fund may also be registered with the Federal Election Commission or in other states, and may participate in elections in these jurisdictions. Such a committee may solicit and accept contributions from persons named in Section 55 of the Act. When reporting expenditures made in other than Michigan state elections, a joint Michigan/Federal PAC may report such expenditures in detail or as a lump sum.

A joint Michigan/Federal PAC must operate with a single Michigan depository and treasurer who is a qualified Michigan elector.

Based upon the foregoing analysis and subject to the foregoing requirements, the Committee may operate as a joint Michigan/Federal Political Action Committee in connection with Federal elections as well as Michigan elections. Therefore, your question is answered in the affirmative.

This response constitutes a declaratory ruling concerning the applicability of the Michigan Act to the statement of facts set forth in your request.

Very truly yours,


Richard H. Austin
Secretary of State

RHA/jep