

M I C H I G A N D E P A R T M E N T O F S T A T E

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

July 7, 1978

Mr. William S. Everard
Route #1
Wolverine, Michigan 49799

Dear Mr. Everard:

This is in response to your three separate requests of May 2, 1978, concerning the applicability of the identification requirements of the Campaign Finance Act ("the Act"), P.A. 388 of 1976, as amended, to various advertising specialties.

The first inquiry concerns the necessity of an identification on plastic discs commonly sold under the trade name of Frisbee. You state that copy is silk-screened on these discs and, therefore, small type sizes do not reproduce well. Further, imprint area is restricted to the center portion and ranges from 4" to 4 1/2" in diameter, depending on the size of the disc selected. According to the catalog sheet included in your request, three diameter sizes are offered - 7 1/4", 8 3/4", and 9 1/4". In addition, you mention an identification would force copy into curved lettering which increases the cost of the article.

Your second request involves cloth pot holders, 6" x 6" and 7" x 7", for which you state an identification would appear illegible because of the problem of printing on the rough surface of the cloth. You indicate in order for the identification to be readable, large size type would be necessary. Space limitations serve to make the use of large type impractical.

Your third request involves two samples of political advertising cards. One sample, which measures 3 3/4" x 2 1/4", has the picture of a candidate on the front side and the name and various campaign positions of the candidate printed on the reverse side. The second sample, similar in size, opens in the middle to display a monthly calendar of 1978.

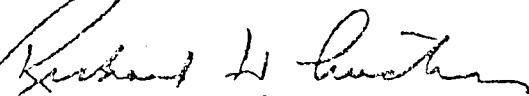
Section 47 of the Act (MCLA § 169.247) requires printed matter having reference to a candidate to bear the name and address of the person paying for the matter. The provision states, however, that rules may be promulgated to exempt items from the required identification. Rule 169.36 of the General Rules, 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.

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In its role as principal administrator of the Act, the Department determines it would be unreasonable to require printing of an identification on plastic discs of the type indicated in your request in instances where the printing is done by a silk-screened process. Similarly, cloth pot holders of the type presented in your second inquiry are also exempted from the identification requirements for the same reason.

However, the political advertising cards described in your third query must bear the identification required by the Act. It is not unreasonable in this instance to require the printing of the identification.

Sincerely,



Richard H. Austin
Secretary of State

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