

JUL 25 1980

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING  
MICHIGAN 48918

July 24, 1980

Senator William Faust  
State Capitol Building  
Lansing, Michigan

Dear Senator Faust:

This is in response to your inquiry concerning the Campaign Finance Act ("the Act"), 1976 PA 388, as amended. You ask if a legislator's candidate committee may lease an automobile at the committee's expense. You also inquire whether the leasing of an automobile and automobile expenses may be charged against an officeholder's expense fund.

Section 6 of the Act (MCL 169.206) defines "expenditure" as payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of . . . the nomination or election of a candidate . . ."

Section 3 of the Act (MCL 169.203) provides that an elected officeholder is a candidate for reelection to the same office.

A candidate committee is authorized to make expenditures in assistance of a legislator's renomination and reelection to office. If an automobile is being used to influence an election then the cost of leasing the vehicle may be paid from a candidate's campaign committee.

Section 49 of the Act (MCL 169.249) permits an elected public official to establish an officeholder expense fund. The fund may be used for expenses incidental to the person's office. Unreimbursed travel for legislative or constituent business is an expense incidental to a legislator's office. Consequently, the leasing of an automobile and automobile expenses may be charged against an officeholder expense fund to the extent that the expense is incurred on constituent or legislative business and is not otherwise reimbursed.

An officeholder expense fund is prohibited from making "contributions and expenditures to further the nomination or election" of the public official who established the fund pursuant to section 49. An officeholder who uses an officeholder expense fund to pay automobile expenses incidental to the office must be absolutely certain that monies from the fund are not used for the support of that person's campaign for office.

Senator William Faust  
Page Two

This response may be considered informational only and not as constituting a declaratory ruling.

Very truly yours,

A handwritten signature in cursive script that reads "Phillip T. Frangos". The signature is written in dark ink and is positioned above the printed name.

Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:lr