



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 5, 2018

Julie Gatti  
120 Market Street  
Mount Clemens, Michigan 48043

Dear Ms. Gatti:

The Michigan Department of State (Department) acknowledges receipt of your letter dated August 12, 2018, requesting the issuance of a declaratory ruling or interpretative statement regarding the Department's interpretation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201, *et seq.*, in terms of whether a paid for by statement should be located on a novelty item, i.e. a rubber wrist bracelet. A copy of your request was published on the Department's website beginning August 15, 2018 inviting public comments regarding your request, but none were received.

The MCFA and Administrative Procedures Act (APA), 1969 PA 306, MCL 24.201 *et seq.*, required the Department to issue a declaratory ruling if an interested person submits a written request that presents a question of law and a reasonably complete statement of facts. MCL 24.263, 169.215(2). If the Department declines to issue a declaratory ruling, it must instead offer an interpretive statement "providing an informational response to the question presented [.]". MCL 169.215(2). As the factual statement provided in your letter is insufficient to support the issuance of a declaratory ruling, the Department issues this interpretive statement in response to your request.

Section 47 of the Act states, in pertinent part:

a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter.

Rule 36(2) of the administrative rules promulgated under the Act requires that the identification statement must include the words "Paid for by" followed by the name and complete address of the payor. The rule further requires that the identification statement appear "in a place and in a print clearly visible to and readable by an observer." *Id.* However, the Act also authorizes the

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Department to exempt certain items from this disclosure requirement where their size makes it unreasonable to add an identification statement. MCL 169.247(3). See also Rule 36(3) (“A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the Secretary of State, is exempted from this rule.”)

You have requested the Department exempt rubber wrist bracelets from the identification statement ranging in size from ¼ inch wide to 1 inch wide. You have indicated that the size range exempted should be up to 1 inch wide and 9 inches in diameter.

The Department has previously exempted novelty items similar in size, including bumper stickers measuring 4”x15” (*Sawicki Interpretive Statement*, 1977), campaign stickers measuring 2 ¾” by 1” (*Spencer Interpretive Statement*, 1978), candy wrappers measuring 1 ¼” by 2 1/3” (*Alan Interpretive Statement*, 1990), and fortune cookie messages measuring ½” by 2” (*Brackenridge Interpretive Statement*, 1992).

The rubber bracelets you have propose are smaller in size than all these above items, and the printing size is smaller than the bracelet itself. Therefore, the Department has determined that rubber wrist bracelets measuring up to 1” wide and 8.25” in diameter are exempt from the identification statement required under the Act.

The foregoing represents an interpretive statement regarding the applicability of the MCFA.

Sincerely,



Michael J. Senyko  
Chief of Staff