



March 21, 1978

Honorable Raymond W. Hood
Michigan House of Representatives
State Capitol
Lansing, Michigan 48909

Dear Representative Hood:

This is in response to your inquiry concerning P.A. 388 of 1976 ("the Act"). You asked whether you may use funds in your officeholder's expense fund or in your candidate committee account to pay for sponsorship of a baseball team.

Section 49 of the Act (MCLA § 169.249) permits an elected public official to establish an officeholder's expense fund. The fund may be used for expenses incidental to the person's office. The fund may not be used to make contributions and expenditures to further the nomination or election of the officeholder.

It has not been uncommon for an elected public official to sponsor athletic teams. It may be observed that the expenditure of monies for this purpose by an officeholder is often necessitated by, and therefore incidental to, the person's office.

Consequently, funds in your officeholder expense fund may be used for sponsorship of a baseball team. Caution should be exercised, however, to avoid advertising in conjunction with the sponsorship which may be construed as furthering your nomination or election to public office. For example, if sponsorship includes the purchase of team shirts, the latter should not bear such words as "vote for" or "reelect."

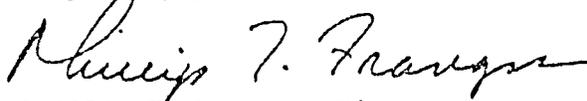
Section 6 of the Act (MCLA § 169.206) defines "expenditure" as "a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of ... the nomination or election of a candidate..." Section 3 of the Act (MCLA § 169.203) provides that an elected officeholder is a candidate for reelection to the same office.

As an incumbent State Representative, you are considered a candidate under the provisions of the Act. As such, your candidate committee is authorized to make expenditures in assistance of your renomination and reelection to office. If you construe the sponsorship of a particular baseball team as assisting your renomination and reelection, monies in your candidate committee account may be used for this purpose. In this instance, any identification borne by uniforms or other materials involved in sponsorship may be related directly to your campaign for reelection.

In conclusion, a baseball team may be sponsored with monies from either your officeholder's expense fund or candidate committee. The choice in each instance of sponsorship is based on the facts and your determination as to whether the particular sponsorship is incidental to your office or whether it furthers your reelection to office.

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

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings and Legislation

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