

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

March 29, 1978

Honorable Matthew McNeely
Michigan House of Representatives
State Capitol
Lansing, Michigan 48909

Dear Representative McNeely:

This is in response to your letter requesting exemption for a throwaway poll card from the identification requirements of P.A. 388 of 1976 ("the Act").

In a conversation supplementing your letter, it was indicated the poll card is distributed to voters on the day of an election in which you are seeking office. The cards, one of which you have provided as a sample for purposes of this response, were printed in a bulk amount prior to June 1, 1977, the effective date of this Act. Each card, which is printed identically on both sides, indicates your name, office, statements endorsing your reelection, and your political party. In addition, there is a picture of the State Capitol which occupies approximately half of the space available on the card. There is no date of election identified on the card. The card is 2 3/4" x 5 3/4" in size.

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. The Department has interpreted this rule on previous occasions to exempt campaign items ranging from ashtrays and brushes to whistles and yo-yo's.

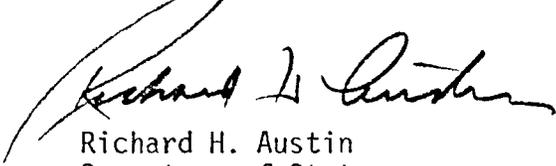
With respect to the fact the cards were printed prior to June 1, 1977, the Department has addressed this issue previously. In a letter to Ms. Georgia M. Boewe, dated September 8, 1977, the Department stated that political advertisements printed prior to June 1, 1977, need not include an identification. However, it stated further that beginning December 1, 1977, all political advertisements must bear the identification required by Section 47 and Rule 169.36, unless otherwise exempted. The Boewe letter emphasized that after December 1, 1977, the individual, group, or committee making use of the printed matter must indicate thereon its current name and address, and not that of the person who paid for the material prior to June 1, 1977, unless of course, the individual, group, or committee remains the same. It was stated that political advertisements purchased after June 1, 1977, are required to bear an identification unless specifically exempted.

Honorable Matthew McNeely
Page Two

The Department has determined in its role as principal administrator of the Act, that it would not be unreasonable to require the printing of an identification on a poll card such as here presented. Therefore, the poll cards in question must have the identification required by the Act. It is suggested that since the cards have already been printed, the necessary information may be placed on either side of the cards with a stamp.

In the Boewe letter referred to above, the Department stated the identification required by Section 47 must include the words "Paid for by" followed by the full name of the person paying for the material. If the purchaser is a committee, the full name of the committee must be stated. The identification must also indicate the person's street address including the street number or post office box, city or town, state, and zip code.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard H. Austin". The signature is written in dark ink and is positioned above the typed name and title.

Richard H. Austin
Secretary of State