

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

August 6, 1980

Mr. Leon D. Nobes  
2033 Crozier Avenue  
Muskegon, Michigan 49441

Dear Mr. Nobes:

This is in response to your inquiry regarding the applicability of the Campaign Finance Act ("the Act"), 1976 PA 388, as amended, to paid statements you would like to place in the media.

You indicate you do not know if you will run for office in the next election but you would like to make some public statements about a person who has been a candidate for election in the past, who you expect will be a candidate in a future election, and who has recently received an appointment. You would also like to make some public statements regarding the Governor and certain of his actions. You inquire as to the reporting requirements you must comply with if you make these statements by means of paid media messages.

Since the facts and questions you state are quite general in nature, this response must also be general. "Candidate" is defined (in part) by section 3(1) of the Act (MCL 169.203(1)) as follows:

"'Candidate' means an individual: (a) who files a fee, affidavit of incumbency, or nominating petition for an elective office; (b) whose nomination as a candidate for elective office by a political party caucus or convention is certified to the appropriate filing official; (c) who receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made; or (d) who is an officeholder who is the subject of a recall vote. Unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline, an elected officeholder shall be considered to be a candidate for reelection to that same office for the purposes of this act only." (Emphasis supplied)

The identification requirements for printed matter and media advertisements are set out in section 47 of the Act (MCL 169.247):

"Sec. 47. (1) A billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or ballot question, shall bear upon it the name and address of the person paying for the matter.

(2) A radio or television paid advertisement having reference to an election, a candidate, or ballot questions shall identify the sponsoring person as required by the federal communications commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate."

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer: "Authorized by \_\_\_\_\_"  
\_\_\_\_\_ ( Name of candidate or name  
of candidate committee)

(3) If the printed matter relating to a candidate is an independent expenditure which was not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by the candidate committee of \_\_\_\_\_"  
\_\_\_\_\_ (candidate's  
name)

The size and placement of the disclaimer shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

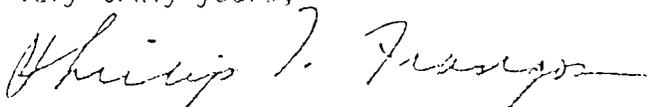
(4) A person who knowingly violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisoned for not more than 90 days, or both."

You must apply these sections to yourself in purchasing media messages. If you are a "candidate," any purchased printed matter or advertising having reference to you must be identified as required in section 47. It must state: "Paid for by \_\_\_\_\_"  
\_\_\_\_\_ (name of your committee)

Similarly, if another person is a "candidate," any printed matter or advertising you pay for having reference to that person must contain one of the three disclaimers set out in subsections 2(a), 2(b), and 3 of section 47.

This response is informational only and does not constitute a declaratory ruling.

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation