



September 4, 1981

Ms. Elizabeth R. Schwartz  
Attorney at Law  
209 City Center Building  
Ann Arbor, Michigan 48104

Dear Ms. Schwartz:

This is in response to your request for an interpretation of the Campaign Finance Act, 1976 PA 388, as amended ("the Act"), with respect to an opinion poll which has been circulated regarding the operation of the Washtenaw County Prosecutor's Office.

As a copy of the opinion poll was not included with your request, it is difficult to respond other than in a general manner. As you noted, section 47 of the Act (MCL 169.247) requires:

"(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.

(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

You must determine whether the opinion poll made reference to an election, candidate, or ballot question. Please keep in mind that all incumbent elected officials who are eligible for reelection are candidates as defined in section 3(1) of the Act (MCL 169.203(1)). That section states, in part:

"Unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing date, an elected officeholder shall be considered to be a candidate for reelection to that same office for the purposes of this act only."

Therefore, if the opinion poll makes reference to the incumbent county prosecutor the poll may be making a reference to a "candidate."

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Phillip T. Frangos", followed by a horizontal line.

Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:lr