

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING
MICHIGAN 48916

August 6, 1980

Honorable Francis R. Spaniola
Michigan House of Representatives
Roosevelt Building
Lansing, Michigan 48909

Dear Representative Spaniola:

This is in response to your inquiry regarding the Campaign Finance Act ("the Act"), 1976 PA 388, as amended.

You state you have been supplied with state highway maps by the Michigan Department of Transportation as part of the quota given to the Legislature for distribution. You indicate, "several service station owners have asked if I could make available a number of these maps with my insignia for free distribution."

You have enclosed a state highway map with a copy of your insignia attached. The insignia reads as follows:

"Compliments of
Your
State Representative
FRANCIS R. 'BUS' SPANIOLA
87th District"

The state emblem is affixed to the left of the inscription. The entire insignia is in the form of a sticker measuring 1" x 2-3/4".

You inquire as to the provisions of the Act which are applicable to the above facts.

Two questions must be addressed:

- (1) How may distribution costs of the maps be paid consistent with the Act?
- (2) Is distribution of the maps by service station owners permitted by the Act?

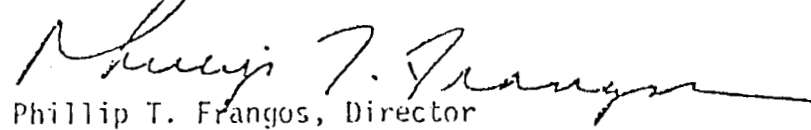
Distribution of highway maps as described in your letter is an activity incidental to the holding of office. Costs incurred for distributing maps are not made for the purpose of influencing an election. Any allowance authorized by the Legislature may be used. Alternatively, such costs may be paid with disbursements from an officeholder's expense fund created pursuant to section 49 of the Act (MCL 169.249), or with an officeholder's personal funds.

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The second question arising from your factual presentation is whether a service station which makes the maps available is rendering an in-kind donation of services thereby requiring establishment of an officeholder expense fund to report the donation. The Act requires the reporting of measurable receipts and disbursements of an officeholder expense fund. However, in the situation you describe this does not appear to be applicable since making maps available in a service station does not have an ascertainable value.

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

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp