

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

December 7, 1983

Mark A. Weigand
 Attorney at Law
 690 Allen Avenue
 Muskegon, MI 49442

Dear Mr. Weigand:

This is in response to your letter of October 21, 1983, requesting an exemption from the identification requirements set forth in the Campaign Finance Act (the "Act"), 1976 PA 388, as amended. As stated in your letter, you intend to use an aerial banner to be towed by an airplane in an election.

Section 47(3) of the Act, MCL 169.247, states that "printed matter having reference to an election, . . . shall bear upon it the name and address of the person paying for the matter." This section goes on to state:

"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."

Pursuant to this provision in the Act, the Department has promulgated Rule 36(3), 1979 AC R169.36(3):

"(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule."

An aerial banner poses a unique situation when considering the identification or disclaimer normally required as part of printed matter covered by the Act. The size, shape and distance from an observer all enter into consideration as to whether an identification or disclaimer would be visible to and readable by the observer. To include an identification or disclaimer of sufficient size to be visible and readable would require that it be as large or perhaps even larger than the campaign message itself. Clearly such a requirement would be unreasonable and not contemplated by the Act.

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The fundamental purpose of the identification and disclaimer requirements of the Act is to provide a method whereby interested parties can determine the person paying for the matter. In the unique situation of an aerial banner, disclosure is satisfied by meeting the other reporting requirements of the Act.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Phillip T. Frangos". The signature is written in a cursive style with a large initial "P".

Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF/jep