

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING
MICHIGAN 48918

January 27, 1986

Honorable Maxine Berman
Michigan House of Representatives
P.O. Box 30014
Lansing, Michigan 48909

Dear Representative Berman:

This is in response to your letter regarding the reporting of newspaper and radio advertisements pursuant to the lobby act, 1978 PA 472 (the "Act").

Specifically, you ask about the reporting of "money expended to influence a legislator's vote via newspaper and radio ads in the legislator's district, but without direct contact with the legislator, . . ."

The persons who are required to file reports pursuant to the Act are "lobbyists" and "lobbyist agents." The definitions in the Act for each are found in section 5(4) and 5(5), (MCL 4.415), as follows:

"(4) 'Lobbyist' means any of the following:

- (a) A person whose expenditures for lobbying are more than \$1,000.00 in value in any 12-month period.
- (b) A person whose expenditures for lobbying are more than \$250.00 in value in any 12-month period, if the amount is expended on lobbying a single public official.
- (c) For the purpose of subdivisions (a) and (b), groups of 25 or more people shall not have their personal expenditures for food, travel, and beverage included, providing those expenditures are not reimbursed by a lobbyist or lobbyist agent.
- (d) The state or a political subdivision which contracts for a lobbyist agent.

(5) 'Lobbyist agent' means a person who receives compensation or reimbursement of actual expenses, or both, in a combined amount in excess of \$250.00 in any 12-month period for lobbying."

Lobbying is also defined in the Act. The relevant portions of section 5(2) provides that "lobbying" is "communicating directly with an official in the execu-

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tive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action."


The administrative rules promulgated to implement the Act add further precision to the subject by defining the term "communicating directly" in Rule 1(1)(b), 1981 AACS 4.411 to mean:

" . . . actual verbal conversations conducted in person or transmitted by electronic means, or written communications addressed to a public official, for the purpose of influencing legislative or administrative action."

An advertisement published in a publication is a communication with all who read the publication. Even though it may name an official there is no assurance that the public official will read the communication. An advertisement in a publication of general circulation is of such an indirect nature that it does not constitute lobbying pursuant to the Act.

This response is an interpretation of the Act's provisions. It does not constitute a declaratory ruling because of the general nature of the facts outlined in the request.

Very truly yours,



Phillip T. Frangos
Director
Office of Hearings and Legislation

PTF/cw