

## MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48912

48918-2110

June 4, 1992

Alfred H. Hall  
 Senate Majority Counsel  
 Olds Plaza, 11th Floor  
 P.O. Box 30036  
 Lansing, Michigan 48909-7536

Dear Mr. Hall:

This is in response to your request for an interpretative statement concerning the applicability of the Michigan Campaign Finance Act (the Act), 1976 PA 388, as amended, to a political leaflet circulated by the Committee to Recall Engler.

Your request was made available to the public as required by section 15(2) of the Act (MCL 169.215). There have been no written comments submitted by interested persons pursuant to that section.

The facts giving rise to your request are as follows:

"On or about March 5, 1992, the 'Committee to Recall Engler' distributed copies of a leaflet . . . The leaflet asked for supporters to collect signatures, urging Governor Engler's recall, outside polling places during the presidential primary held on March 17, 1992. The leaflet includes a disclaimer as required by MCL 169.247(1), but also includes the statement beneath the disclaimer, 'xerox this leaflet and pass it along to friends.'"

You ask whether a political committee may distribute leaflets asking recipients to duplicate and pass them on without violating the Act's provisions. Specifically, you suggest the statement "xerox this leaflet and pass it along to friends" violates section 41(2) and section 26(2) of the Act.

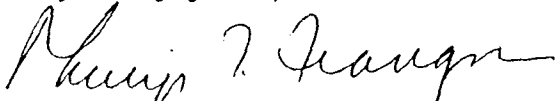
Section 41(2) (MCL 169.241) provides that "a person shall not accept or expend an anonymous contribution." While this prohibition includes a contribution other than money (MCL 169.209), it only extends to the actual receipt or use of an anonymous contribution. Merely asking another person to copy and pass along the leaflet does not result in the acceptance or expenditure of an anonymous contribution and is not proscribed by the Act.

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Violations of the Act could potentially occur if a person actually copies and distributes the leaflet. For example, the committee is required to report the value of any leaflets copied and distributed as an in-kind contribution. Its failure to do so could result in a violation of section 26 (MCL 169.226) or, if the contributor's name and address is unknown, a violation of section 41(2). As another example, a violation of section 47 of the Act (MCL 169.247) could occur if the person paying for the copies failed to add an identification statement indicating the copies were "paid for by" that person and not the committee. These issues could be addressed by filing a complaint with the Secretary of State as provided in section 15(5) of the Act (MCL 169.215).

This response is informational only and does not constitute a declaratory ruling because none was requested.

Very truly yours,



Phillip T. Frangos  
Deputy, State Services

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