



November 2, 1978

Mr. David R. Justian  
4453 Oakwood Drive  
Okemos, Michigan 48864

Dear Mr. Justian:

This is in response to your request concerning several provisions of the Campaign Finance Act, P.A. 388 of 1976, as amended ("the Act"). Your questions are answered in the order in which they were raised.

- 1) Is a violation of Section 47 of the Act (MCLA § 169.247), which requires printed material to identify the person who paid for it, fatal to the validity of ballot question petitions?

A violation of Section 47 of the Act does not affect the validity of ballot question petitions. Petitions are qualified pursuant to the provisions of the Michigan Election Law, not the Campaign Finance Act.

- 2) Does a blank, commercially printed candidate nominating petition, which is purchased by a candidate, have to bear the identification statement set forth in Section 47?
- 3) Does a candidate nominating petition, printed by the candidate, have to bear the identification statement set forth in Section 47?
- 4) May the identification required by Section 47 be printed upon the detachable portion of the ballot question and candidate petitions?

Section 47 provides all printed matter having reference to an election, candidate, or ballot question, shall bear upon it the name and address of the person paying for the matter. The identification must be in a place and in a print clearly visible to and readable by an observer, as required by Rule 169.36 of the General Rules promulgated by the Secretary of State to implement the Act.

The body of a petition, with space for signature, is printed on a single page. The information provided on a candidate petition, e.g., name of candidate, address, office sought, is sufficient to relate the petition to a specific candidate. However, this is not the case with respect to a ballot question petition. Several committees may be active relative to the same ballot question; the information on the ballot question petition is inadequate to identify a particular committee.

Consequently, a candidate petition which is printed by the candidate or purchased from a commercial source does not have to bear an identification. An exception to this determination, however, is a candidate petition with a detachable sheet. In this instance, the detachable portion must bear the identification required by Section 47. A ballot question petition which is printed by a committee or purchased from a commercial source must carry the identification.

A commercially preprinted petition may be rubber-stamped with the required information. In any event, an affected petition must be printed or stamped with the identification prior to circulation.

- 5) Are independent expenditures made by an independent committee limited by Section 52(3) (MCLA § 169.52) or any other provision of the Act?

The Act does not establish limitations concerning the amount of independent expenditures which may be made by any group, including independent committees. The Act only provides limitations on contributions.

- 6) Since the reporting requirements of Section 51 (MCLA § 169.251) are not applicable to a committee, must a committee meet any reporting requirements with respect to independent expenditures other than the filing of regular campaign finance statements?

The Act does not impose reporting requirements other than the filing of regular campaign statements, upon a committee for independent expenditures.

- 7) Does Section 34 of the Act (MCLA § 169.234) establish the closing and filing dates for campaign statements required of ballot question committees?

Closing and filing date deadlines are set forth in Section 34 for campaign statements filed by ballot question committees.

- 8) Does the definition of "committee" provided in Section 3(4) (MCLA § 169.203) require an individual to register as a committee if his or her expenditures exceed \$200.00?

The definition of "committee" in Section 3(4) does not require an individual, other than a candidate, to form a committee upon making an expenditure in any amount. In fact, the statute provides "an individual, other than a candidate, shall not constitute a committee."

- 9) Does an advertisement sold for the back of petitions in order to raise money for the printing of the petitions have to bear the identification required by Section 47?

Each advertisement sold for petitions must bear an identification as required by Section 47 of the Act.

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

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:pj