



March 24, 1978

Mr. Leon D. Nobes
2033 Crozier Avenue
Muskegon, Michigan 49441

Dear Mr. Nobes:

This is in response to your letter concerning possible application of P.A. 388 of 1976 ("the Act") to disbursements made by you in order to reply to an unfavorable editorial printed prior to June 1, 1977, the effective date of the Act. You inquire whether such disbursements, some of which were made after June 1, 1977, must be recorded and reported pursuant to the Act.

Your letter indicates that on October 29, 1976, several days before the 1976 general election in which you were a candidate for state elective office, a local newspaper printed an unfavorable editorial concerning alleged improper campaign activities committed in your behalf. Subsequent to that date, you made disbursements for the purpose of replying to the unfavorable editorial. You state that if "you decide to run again, you will announce after the first of this next year," i.e., January 1, 1978. However, you indicate you will continue to distribute leaflets responding to the editorial regardless of whether you run or not.

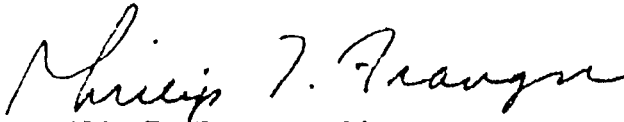
As indicated previously, the recording and reporting provisions of the Act became effective on June 1, 1977. Therefore, this response addresses only those disbursements made subsequent to that date.

Section 3(1)(c) of the Act (MCLA § 169.203) defines a candidate as an individual "who receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made." Accordingly, if your disbursements are made to influence a subsequent nomination or election, you are a candidate for purposes of the Act and must report the disbursements in question in your campaign statement. However, if your disbursements are not made for that purpose, you are not a candidate by virtue of making them and need not report.

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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:pk