

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

January 24, 1984

Mrs. Florence F. Saltzman
30630 Woodside Drive
Franklin, Michigan 48025

Dear Mrs. Saltzman:

This is in response to your inquiry concerning the Campaign Finance Act, 1976 PA 388, as amended (the "Act"). You submitted a document entitled "Twenty Questions in the Franklin School Property Purchase" and ask if the document may be defined as "a political piece of a group attempting to influence an election and if so, shouldn't the group file an organization statement plus a detailed report?" You indicate that it is your belief that the document "represents a group attempting to influence an election" and ask that, if the Department agrees, we notify the Oakland County Clerks office and yourself "so that Oakland County can . . . request the group's filing."

In response to your questions, it must first be pointed out that the conclusion of the document states, "The purpose of this questionnaire is to ask questions that need answering and to get maximum voter participation." Nowhere in the document may be found any statement urging voters to support or reject any particular position (i.e., "Vote Yes (or No) on the Franklin School Property Purchase!"). The Act requires that certain expenditures be reported and excludes:

"An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference" (MCL 169.206(3)(c))

Because the document which you submitted does not appear to "support or oppose a ballot issue" either directly "or by clear inference," funds used to pay for it do not fall within the definition of expenditures which must be reported.

A "committee" is defined at section 3(4) of the Act as meaning:

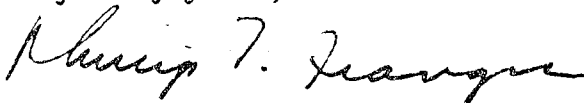
". . . a person who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the . . . qualification, passage, or defeat of a ballot question, if . . . expenditures made total \$200.00 or more in a calendar year."

Mrs. Florence F. Saltzman
Page 2

Because the document you submitted does not appear to "influence or attempt to influence the action of the voters for or against" the "Franklin School Property Purchase" but rather appears to "ask questions . . . and to get maximum voter participation," it follows that the group circulating the document is not a "committee" as defined above, and therefore need not file a statement of organization or campaign statements until it actually becomes a committee as defined in the Act.

The above is not a declaratory ruling concerning the Act because none was requested.

Very truly yours,



Phillip T. Frangos
Director
Office of Hearings and Legislation

WB/cw