

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

August 21, 1979

Ms. Carol M. Strom, President  
Board of Education  
Livonia Public Schools  
15125 Farmington Road  
Livonia, Michigan 48154

Dear Ms. Strom:

This is in response to your inquiry concerning the applicability of the Campaign Finance Act ("the Act"), P.A. 388 of 1976, as amended, to members of third or fourth class school boards.

You ask the following question:

"May the candidate committee for a member of a school board of a third or fourth class school district who receives compensation under Sections 243(1) or 116(1) of the School Code of 1976 be exempted from the annual campaign statement requirements of Section 35 of the Campaign Finance Act as long as the committee does not receive any contribution or make any expenditure during the time which would be otherwise covered in the statement?"

Section 35(1) of the Act (MCLA § 169.235(1)) requires a candidate committee to file a campaign statement not later than June 30 of each year. Section (2) (MCLA § 169.235(2)) provides this annual campaign statement is not required of an officeholder who holds an elective office for which the salary is less than \$100.00 a month and who does not receive any contribution or make any expenditure during the time which would be otherwise covered in the statement.

Sections 116 and 243 of the School Code of 1976 (MCLA §§ 380.116 and 380.243) provide that a school board of a fourth or third class school district, respectively, may by resolution "authorize compensation for its members, which shall not exceed \$30.00 per meeting for not more than 52 meetings per year . . . ." Moreover, these statutory provisions allow the school electors of a district, at the annual meeting or election, to authorize compensation in excess of \$30.00 per meeting for board members.

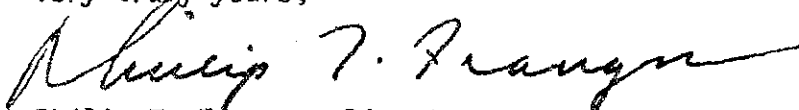
In materials accompanying your letter, you offer the position that the candidate committees of school board members need not file the annual statement because the compensation received by members is not a "salary". You state the compensation is not fixed but based directly on the number of meetings attended.

Black's Law Dictionary defines "salary" as generally "a reward or recompense for services performed." Although in a limited sense "salary" is fixed periodical compensation for services rendered, more broadly "salary" is synonymous with "wages", except that "salary" is sometimes understood to relate to compensation for official or other services, as distinguished from "wages" which is compensation for labor.

The underlying policy of the Act in favor of public disclosure and the general sense in which the term "salary" is used in Section 35(2), leads to the conclusion that "salary" must be interpreted as synonymous with wages or other form of compensation directly attributable to the elective office. Accordingly, the compensation received by a school board member is a salary for purposes of Section 35(2) of the Act. A member of a third or fourth class school board is not exempted automatically from the filing requirements of Section 35 unless the conditions of Section 35(2) are met.

This response is informational only and does not constitute a declaratory ruling.

Very truly yours,



Philip T. Frangos, Director  
Office of Hearings & Legislation

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