



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

May 2, 2024

Anna Rapa  
[rapaforjudge@gmail.com](mailto:rapaforjudge@gmail.com)

Dear Ms. Rapa:

The Department of State (Department) acknowledges receipt of your letter dated April 2, 2024, in which you sought a declaratory ruling or interpretive statement under the Michigan Campaign Finance Act (Act or MCFA). In your request, you ask whether the identifier (“paid for by” statement) is required for a chip clip, given space limitations and the Department’s previous interpretive statements on similar objects.

In accordance with publication and public comment period requirements, the Department posted your request on its website and informed email subscribers of the deadline to file written comments. MCL 169.215(2). The Department did not receive public comments during the initial public comment period which concluded April 17, 2024.

The Department issued its preliminary response on April 22, 2024, and posted it for public comment in accordance with requirements in the MCFA and Administrative Procedures Act (APA), 1969 PA 306, MCL 24.201 et seq. The Department also notified email subscribers of the preliminary response and the deadline to file public comments. No public comments were received within 5 business days after the preliminary response was made available to the public. MCL 169.215(2). Given that no public comments were received, the Department’s preliminary response is provided as its final interpretive statement regarding your question.

The MCFA and Administrative Procedures Act (APA), 1969 PA 306, MCL 24.201 *et seq.*, require the Department to issue a declaratory ruling if an interested person submits a written request that presents a question of law and a reasonably complete statement of facts. MCL 24.263, 169.215(2). If the Department declines to issue a declaratory ruling, it may instead offer an interpretive statement “providing an informational response to the question presented[.]” MCL 169.215(2). As the factual statement provided in your letter is insufficient to support the issuance of a declaratory ruling, the Department issues this interpretive statement in response to your request.

Section 47 of the Act states, in pertinent part:

[A] billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter.

MCL 169.247(1).

Rule 36 of the Department's administrative rules promulgated under the Act requires that the identification statement include the words "Paid for by" followed by the name and complete address of the payor. R 169.36(2). The rule further requires that the identification statement appear "in a place and in a print clearly visible to and readable by an observer." R 169.36(1). However, the MCFA allows the Department to exempt certain items from this identifier when the size of those items "makes it unreasonable to add an identification or disclaimer." MCL 169.247(3). See also Rule 36(3) ("A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the Secretary of State, is exempted from this rule.")

You indicate that the chip clip you propose to distribute measures 3-4 inches by 1-2 inches, with a vertical imprint area of approximately 0.5 inches by 1.25 inches. You argue that the dimensions are similar to a clothespin, which is exempt in the Department's Appendix J, but that a chip clip has more functionality in people's everyday lives, which presumably makes it a preferable campaign material.

Over the years, the Department has exempted a number of novelty items from the identifier requirement when the size of the item would make it unreasonable to add an identifier. Initially in *Interpretive Statement to Sawicki* in 1977, the Department listed 46 items it deemed to be exempt, including bumper stickers measuring 4 inches by 15 inches, coasters, clothes pins, and golf balls. In subsequent interpretive statements, the Department exempted from the requirement campaign stickers measuring 2.75 inches by 1 inch (*Interpretive Statement to Spencer*, 1978), paper bookmarks measuring 2 inches by 6 inches (*Interpretive Statement to Wilson*, 1990), and fortune cookie messages measuring 0.5 inches by 2 inches (*Interpretive Statement to Brackenridge*, 1992). Most recently, the Department determined that a rubber bracelet measuring 1 inch by 8.25 inches was likewise exempt. (*Interpretive Statement to Gatti*, 2018).

The chip clips you propose to distribute are of comparable size to those items. Therefore, the Department has determined that chip clips measuring up to 4 inches by 2 inches are exempt from the identification statement required under the Act.

The foregoing constitutes an interpretive statement with respect to the question presented in your April 2, 2024, letter.

Sincerely,

s/ Christina Hildreth Anderson

Christina Hildreth Anderson  
Chief of Staff