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February 14, 1967

Honorable Raymond C. Kehres
State Representative
State Capitol
Lansing, Michigan

Dear Representative Kehres:

You have requested my opinion upon the question of:

"* * * whether corporations are allowed to contribute money to a school district or an intermediate school district campaign for additional millage."

Section 919 of Act 116, PA 1954, the Michigan election law, CLS 1961 §153.919; MSA 1956 Rev Vol §6.1219, provides:

"No officer, director, stockholder, attorney, agent or any other person, acting for any corporation or joint stock company, whether incorporated under the laws of this or any other state or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money belonging to such corporation to any candidate or to any political committee for the payment of any election expenses whatever."

Among the definitions contained in said act is:

"The term 'election', as used in this act, shall mean and be held to include any election and primary election, except school elections, at which the electors of the state or of any subdivision thereof choose or nominate by ballot public officials or decide any public question lawfully submitted to them."
CLS 1961 §153.2; MSA 1956 Rev Vol §6.1002.

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By O.A.G. 1914, p. 65, it was held that a person who upon behalf of a corporation donated funds to a committee in the local option contest would be guilty of violation of Section 14 of Act 109, PA 1913, CL 1915 §3841.

Said Section 14 is identical to Section 919 of Act 116, quoted above.

The controversy occasioning the request for the above-cited opinion resulted in a prosecution in the Circuit Court for the County of Ingham based upon said Section 14 of Act 109, PA 1913, which in turn reached the Supreme Court, which court in People v. Gansley, 191 Mich 357 (1916), held that the prohibition of said Section 14 of Act 109 against contributions by corporations applied to elections other than those at which candidates only are to be chosen and applied to payment of money by a corporation for use in a local option campaign preliminary to submission of that issue at the 1914 election.

Such holding is consistent with the definition of the term "election," above quoted, as that term is used in the present Michigan election law and necessitates answering your question "no."

Very truly yours,

FRANK J. KELLEY
Attorney General