

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

November 2, 1978

Mr. Ray H. Boman
Ostrowski, Wilson, Belanger & Boman, P.C.
11220 Whittier Avenue
Detroit, Michigan 48224

Dear Mr. Boman:

This is in response to your letter requesting an interpretation as to the applicability of the Campaign Finance Act, P.A. 388 of 1976, as amended ("the Act"), to a committee which amends its statement of organization after the due date of a required filing in order to secure an exemption from the Act's provisions requiring that filing.

You state that "for a number of reasons" you did not think it necessary to file the annual campaign statement which was due on June 30, 1978. You indicate you were informed by letter on July 6, 1978, that you were required to file, and on July 14, 1978, you filed your required statement under protest. It is your opinion that since you amended your committee's statement of organization on July 10, 1978, to indicate the committee did not receive or expend an amount in excess of \$500.00, you were exempted from the requirement of filing the annual campaign statement.

Section 24(4) (MCLA s 169.224) states, "When filing a statement of organization a committee may indicate in a sworn statement that the committee does not expect for each election to receive an amount in excess of \$500.00 or expend an amount in excess of \$500.00."

Section 35(4) (MCLA s 169.235) provides a committee filing a sworn statement pursuant to Section 24(4) need not file a statement in accordance with Section 35(1) which requires the filing of an annual campaign statement. If a committee receives or expends more than \$500.00 during a period covered by a filing, the committee is subject to the Act's filing requirements.

Your committee's statement of organization was not amended to allow for the exemption provided by Section 35(4) until July 10, 1978, ten days after the annual statement was due. This amendment may allow exemption from filing in 1979 if all other criteria are met; however, amendment of the statement of organization does not operate retroactively to exempt a committee from prior filing requirements. Consequently, your committee should have filed an annual campaign statement and late filing fees were appropriately applied.

Mr. Ray H. Boman
Page Two

This response may be considered as informational only and not as constituting a declaratory ruling.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Phillip T. Frangos". The signature is written in dark ink and is positioned above the typed name.

Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:pj