

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

November 2, 1978

Mr. E. A. Cisewski  
337 East Ayer  
Ironwood, Michigan 49938

Dear Mr. Cisewski:

This is in response to your inquiry concerning the method by which the name of a candidate committee is changed pursuant to the Campaign Finance Act, P.A. 388 of 1976, as amended ("the Act").

You state the "Marvin Marks for State Representative Committee" desires to change its name to "A lot of People Who Want To See Marks Elected." You request information as to the exact procedure for amending the committee's original statement of organization to reflect this change. In addition, you indicated some of the committee's printed material bears the old name as an identification. You ask whether the new name must be rubberstamped on the material or whether it may be used in its present form. You state all future printing will bear the new name. Finally, you certify you are the duly designated campaign manager for Mr. Marks and possess the authority to make the name change officially. Your letter is offered as the legal basis for the Department's acting to reverse its records.

Section 24(2) of the Act (MCLA § 169.224) provides a statement of organization shall include the name of the committee. Section 24(3) states when any of the information required in a statement of organization is changed, an amendment shall be filed within 10 days to reflect the change. The provision states late filing fees and criminal penalties are applicable for failure to comply with this requirement.

Rule 169.3(4) of the General Rules promulgated by the Secretary of State to implement the Act provides candidate committee statements and reports must be signed by both the treasurer and candidate. Moreover, Rule 169.3(1) states any statement or report required by the Act must be on a form prescribed or approved previously by the Department.

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Mr. E. A. Cisewski  
Page Two

In view of the cited legal provisions, your letter is not sufficient to change the committee's name. The letter is not a prescribed form nor has the usage of a letter for this purpose been approved previously by the Department. In addition, the signatures of the treasurer and candidate on the prescribed form are necessary to effect the desired change.

With respect to the identification of political advertising, the new name must be used from the effective date of the change, i.e., the date the committee begins to use the new name as contrasted to the date the amendment indicating the change is filed with the Department. The effective date must be indicated on the amendment to the committee's statement of organization. It is suggested printed materials with the old name be rubberstamped with the new name.

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

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF/v