

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



MAY 31 1979

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LANSING

MICHIGAN 48918

May 30, 1979

Honorable James E. Defebaugh
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48901

Dear Representative Defebaugh:

This is in response to your inquiry concerning the Campaign Finance Act ("the Act"), P.A. 388 of 1976, as amended.

Section 32 of the Act (MCLA §169.232) provides:

- "(1) A late contribution shall be reported by filing with the filing officer within 48 hours after its receipt: the full name, street address, occupation, employer, and principal place of business of the contributor. Filing of a report of late contributions may be any written means of communication and need not contain an original signature. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section. If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement and need not, therefore, be reported in a subsequent campaign statement.
- (2) As used in this section 'late contribution' means a contribution of \$200.00 or more received after the closing date of the last campaign statement required to be filed before an election."

You state you received a contribution of \$200.00 on election day before the election was over, i.e., the check was in the mail delivered at approximately 3:00 p.m. on election day. You point out correctly that the law gives 48 hours to report a late contribution. In the present case, the late contribution could not be reported until after the election.

In this context, you ask clarification of the phrase "before an election" as it is used in Section 32.

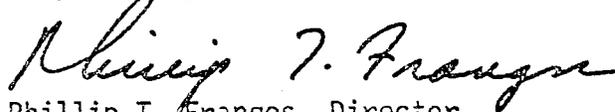
"Before an election" refers to the filing date of the pre-election campaign statement. It does not modify the date of the late contribution. The intent of Section 32 is the disclosure of any large contribution received after the closing date of the pre-election report in order that the voting public is informed prior to voting on election day. The 48 hour limit is intended to expedite the filing of the information for this purpose.

Honorable James E. Defebaugh
May 30, 1979
Page 2

Accordingly, Section 32 is applicable only to contributions of \$200.00 or more received after the closing date of the pre-election report and more than 48 hours before 12:01 a.m. of the date of the election.

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

Very truly yours,


Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp