

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

August 1, 1978

Honorable Edgar Geerlings  
Honorable Alfred A. Sheridan  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48909

Dear Representatives Geerlings and Sheridan:

This is in response to your June 7, 1978, request for an interpretation of Section 82 of the Campaign Finance Act, P.A. 388 of 1976, as amended.

Section 82(1) of the Act (MCLA § 169.282(1)) was amended on June 7, 1978, to read as follows:

"(1) The penalty provisions of this act shall not apply to an act or omission occurring before December 1, 1977, except that a late filing fee shall not be due or payable for an act or omission occurring (sic) before May 16, 1978, provided that act or omission is corrected before May 16, 1978. If a late filing fee has been paid before that date, it shall be returned by the person who collected the late filing fee upon written request of the person who paid the late filing fee."

You ask the following question concerning the amendment:

"If a candidate who was delinquent in filing EITHER a statement of organization OR any subsequent report did not file such statement or report between December 1st, 1977 and May 16th of 1978, is that candidate liable for the maximum \$300 and the misdemeanor charge called for under P.A. 388 after May 16th has passed?"

The Attorney General partially answered your question in a letter opinion issued to Representative Sheridan on June 9, 1978. The ruling stated (in part):

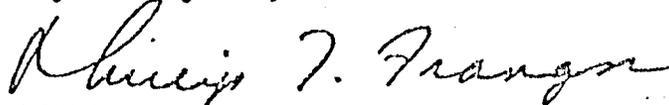
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"It is my opinion that the clear and unambiguous language of section 82, as amended, waives late filing fees for an act or omission occurring before May 16, 1978 only to those individuals who have corrected the act or omission before May 16, 1978."

Penalties other than late filing fees are unaffected by the amendatory legislation. Their applicability commenced on December 1, 1977, as provided in the Act.

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

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:pk