



October 12, 1981

Honorable Harry M. Titus  
115 South Michigan  
Saginaw, Michigan 48602

Dear Judge Titus:

Your letter concerning the effective date of a judicial appointment for purposes of the Campaign Finance Act ("the Act"), 1976 PA 388, as amended, has been referred to this office for response.

You questioned the amount of late filing fees that were assessed after you filed your statement of organization subsequent to your appointment to a judgeship. Section 21(1) of the Act (MCL 169.221(1)) states, "(A) candidate, within 10 days after becoming a candidate, shall form a candidate committee." Section 24(1) (MCL 169.224(1)) provides, "A Statement of Organization shall be filed within 10 days after a committee is formed." The crucial question in your situation is the date on which you became a candidate.

In a December 14, 1979 letter to Mr. John P. Hancock, Jr., it was determined that an appointee becomes a "candidate" upon his or her acceptance of the appointment. This date of "acceptance" is not specified in the Act and is open to several interpretations.

In order to avoid premature designations of candidacy and to insure consistency and the orderly administration of the Act, the date the appointed officeholder is actually sworn into office will be employed as the date of acceptance.

Your late filing fees have been adjusted accordingly.

Very truly yours,

*Phillip T. Frangos/act*

Phillip T. Frangos, Director  
Office of Hearings & Legislation

PTF/jmp