

MICHIGAN DEPARTMENT OF STATE
RICHARD H. AUSTIN SECRETARY OF STATE



LANSING
MICHIGAN 48918

September 12, 1977

Mr. Lynn D. Allen
Oakland County Clerk - Register of Deeds
Pontiac, Michigan 48053

Attention: Howard Altman
Director of Elections

Dear Mr. Allen:

This is in response to your letter of August 16, 1977, concerning the reporting requirements of a nonpartisan candidate in a primary election pursuant to P.A. 388 of 1976 ("The Act").

You ask whether nonpartisan candidate committees in order to be in compliance with the Act, must file campaign statements for a primary election where there are not more than twice the number of candidates as there are individuals to be elected for a particular public office.

Sec. 33(1) of the Act mandates that a candidate committee file campaign statements for an election. "Election" is defined in Sec. 5(1) of the Act as including a primary election.

The statute dispositive of this question is Section 540 of the Election Law (MCLA 168.540) which states:


"If, upon the expiration of the time for filing petitions for any nonpartisan primary election, it shall appear that as to any office on any nonpartisan ticket there are not to exceed twice the number of candidates as there are persons to be elected, then the officer with whom such petitions are filed shall certify to the proper board of election commissioners the names of such candidates whose petitions have been properly filed and such candidates shall be the nominees for such offices and shall be so certified. As to such offices, there shall be no primary election and such offices shall be omitted from the primary ballot." (Emphasis added)

Accordingly, where there is no primary election for a non-partisan office pursuant to the above statutory provision, a nonpartisan candidate committee is not required to file campaign statements for the primary election even though voting for other officers or issues may take place. Of course, this conclusion does not exempt

nonpartisan candidates from any report or statement required by the Act when an election occurs. It should be emphasized also that the period covered by a campaign statement runs from the day following the closing date of the last report and ends with the closing date of the most recently required report. Therefore, contributions received and expenditures made during the period identified previously, must be reported in the next required report, which in all probability, will be the preelection campaign statement for the general election.

This response may be regarded an informational and not as a declaratory ruling.

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:mc