

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING  
MICHIGAN 48918

November 2, 1978

Ms. Elizabeth J. Davis, Treasurer  
Committee to Re-Elect Councilman Robert D. Wagner  
34202 Beechnut  
Westland, Michigan 48185

Dear Ms. Davis:

This is in response to your request for a declaratory ruling concerning late filing fees assessed pursuant to the Campaign Finance Act, P.A. 388 of 1976, as amended ("the Act").

You state that on or about Thursday, December 8, 1977, you mailed to the Wayne County Clerk a post-election campaign statement for the above named committee. The statement was due December 8, 1977, but was not received until Monday, December 12, 1977.

You ask whether your committee should be assessed a penalty for the Saturday and Sunday when the filing official was not available for accepting the report.

The Act states a person who fails to file a statement of organization or campaign statement as required by the Act "shall pay a late filing fee of \$10.00 for each day the statement remains unfiled not to exceed \$300.00." The statute does not specify either calendar days or business days. An examination of other legal references, however, indicates "day" is to be interpreted as a "calendar" day in the absence of further clarification.

Consequently, the period for filing the campaign statement in a timely manner ended on Thursday, December 8, 1977, the day by which the statement was due. Filing offices were open that day for the purpose of receiving the documents. Your committee was properly assessed for the following Saturday and Sunday as these were calendar days during which the statement remained unfiled.

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

Very truly yours,

A handwritten signature in cursive script, reading "Phillip T. Frangos".

Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:pj