

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

November 2, 1978

Reverend Reba Hawkins
2685 Richton
Detroit, Michigan 48206

Dear Reverend Hawkins:

This is in response to your letter resubmitting your original May 5, 1978, request for an interpretation of the definitions of "candidate" and "committee" as provided in the Campaign Finance Act, P.A. 388 of 1976, as amended ("the Act"). In your most recent letter, you state the Department's response of May 26, 1978, informing you of a June 4, 1978, amendment to the Act which excused payment of late filing fees under prescribed circumstances did not satisfy your concerns.

You ask whether a candidate must create a candidate committee if he or she does not receive or spend \$200.00 or more in a calendar year to influence an election. Your question concerns the period of time prior to January 4, 1978, the date on which the Act was amended to make clear a candidate must file regardless of an amount received or spent for an election.

It is your contention a candidate did not have a committee, prior to amendment of the Act, until \$200.00 or more had been received or spent for an election. You indicate the \$200.00 amount was not exceeded during your campaign for Detroit City Clerk in the 1977 primary election. Consequently, you did not file a pre-primary or post-primary campaign statement. However, you filed a statement of organization on August 15, 1977.

Prior to the January 1, 1978, amendment, Section 3(2) of the Act (MCLA § 169.203) defined "candidate committee" as follows:

"'Candidate committee' means the committee designated in a candidate's filed statement of organization as that individual's candidate committee. A candidate committee shall be presumed to be under the control and direction of the candidate named in the same statement of organization."

Section 3(4), which was not affected by the amendment, reads as follows:

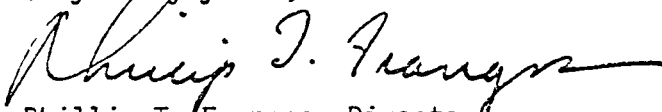
"'Committee' means a person who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question, if contributions received total \$200.00 or more in a calendar year or expenditures made total \$200.00 or more in a calendar year. An individual, other than a candidate, shall not constitute a committee."

Section 21 of the Act (MCLA § 169.221) has always required a candidate to form a candidate committee within 10 days of becoming a candidate. Similarly, Section 24 (MCLA § 169.224) has always required the filing of a statement of organization within 10 days after formation of a committee. These two statutory provisions require a candidate to create and register a committee without reference to the \$200.00 threshold. The amendment to Section 3(2) served to clarify that provision in order to avoid confusion with the requirements of Sections 21 and 24.

In conclusion, it is the Department's interpretation an individual must create a committee within 10 days of becoming a candidate and the committee must be registered by means of a statement of organization within 10 days of its creation. These requirements apply even though the \$200.00 contribution or expenditure amount has not been realized. Moreover, this interpretation has been in effect since June 1, 1977, the effective date of the Act.

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

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:pj