



September 24, 1981

JoEllen Peterson, Deputy Clerk
County of Ingham
Box 179 Courthouse
Mason, Michigan 48854

Dear Ms. Peterson:

This is in response to your request for an interpretation of the Campaign Finance Act ("the Act"), 1976 PA 388, as amended, concerning when an individual becomes a "candidate" for purposes of the Act.

You write with respect to an individual who circulated a petition for the office of Ingham County Commissioner. You indicate he circulated the petition between January 20 and 29, obtained 20 of the requisite seven to 26 signatures in that period of time, and filed the petition with your office on March 20. You do not indicate whether the individual in question received contributions or made expenditures prior to March 20 toward promoting his election to the office of commissioner.

You ask when the individual became a candidate for purposes of the Act.

Section 3(1) of the Act (MCL 169.203(1)) states (in part):

"'Candidate' means an individual: (a) who files a fee, affidavit of incumbency, or nominating petition for an elective office; (b) whose nomination as a candidate for elective office by a political party caucus or convention is certified to the appropriate filing official; (c) who receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made; or (d) who is an officeholder who is the subject of a recall vote. Unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline, an elected officeholder shall be considered to be a candidate for reelection to that same office for the purposes of this act only."

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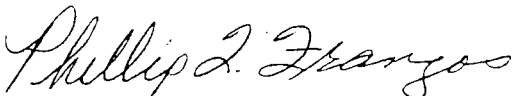
An individual who meets any of the foregoing definitions is a "candidate" for purposes of the Act and must form a candidate committee within 10 days pursuant to section 21(1) (MCL 169.221(1)). The committee must then file a statement of organization within 10 days of its formation pursuant to section 24(1) (MCL 169.224(1)). The latter section provides that any person who fails to file the requisite statement of organization shall pay a late filing fee of \$10.00 for each day the statement remains not filed, up to a maximum penalty of \$300.00.

An individual does not become a candidate for purposes of the Act by merely circulating a petition. From the facts you present, the individual in question became a candidate on March 20 when he filed his petition. Of course, he could have become a candidate sooner by receiving a contribution or making an expenditure prior to March 20. However, as noted above, your letter did not provide any information concerning the latter issue.

Therefore, on the basis of the facts presented in your letter, the individual became a candidate not later than March 20, the date on which he filed his petition. He did not become a candidate solely by circulating the petition. Upon becoming a candidate, he was required to form a committee and to file a statement as required by the Act.

This response is informational only and does not constitute a declaratory ruling.

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp