

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

November 2, 1978

Mr. Howard Altman
 Director of Elections
 c/o Oakland County Clerk
 Pontiac, Michigan 48053

Dear Mr. Altman:

This is in response to your request for an interpretation of Sections 35(1) and 82(2) of the Campaign Finance Act, P.A. 388 of 1976, as amended ("the Act").

Section 35(1) (MCLA § 169.235) states:

"(1) In addition to any other requirements of this act to file a campaign statement, a committee shall also file a campaign statement not later than June 30 of each year. The campaign statement shall have a closing date of June 20 of that year. The period covered by the campaign statement filed pursuant to this subsection shall begin from the day after the closing date of the previous campaign statement."

Section 82(2) (MCLA § 169.282) provides:

"(2) Section 35 shall not take effect until June 30, 1978."

You ask whether the first annual campaign statement required by Section 35(1) must be filed on June 30, 1978, or June 30, 1979.

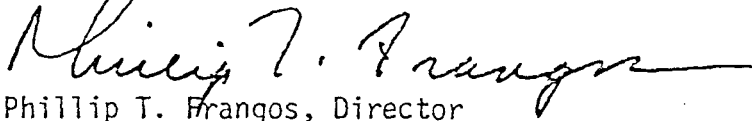
Committees become subject to the reporting requirements of the Act upon their meeting the Act's definitional requirements. Their responsibility to maintain records and materials necessary to satisfy the Act's provisions arises simultaneously. Consequently, the information a committee needs to complete a required campaign statement, annual or otherwise, should be continuously available to it.

Section 82(2) made Section 35 effective on June 30, 1978. In so doing, it made mandatory the filing of an annual statement on that date by any committee in existence on June 20, 1978, the closing date of the annual statement. Although Section 35 also established the closing date for the report, i.e., June 20, the impact of requiring the filing of an annual statement in 1978 was not inappropriately retroactive since affected committees were required by other provisions of the Act to have the necessary information on that date.

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The Department's experience indicates virtually all affected committees filed an annual statement on June 30, 1978. Appropriate measures should be taken by filing officials with respect to those committees which did not.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Phillip T. Frangos". The signature is written in dark ink and is positioned above the typed name and title.

Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF:pj