

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING
MICHIGAN 48918

May 30, 1979

Mr. Ted W. Barker
1115 Abana Lane
Houston, Texas 77090

Dear Mr. Barker:

This is in response to your letter regarding your responsibilities under the Campaign Finance Act ("the Act"), P.A. 388 of 1976.

You state you were a Charter Revision Commissioner for the City of Roseville, Michigan. The term of office for this position expired in August, 1977. You were a resident of Roseville, Michigan, but have been residing in Houston, Texas, since May 28, 1977.

You indicate the Macomb County Clerk, in a letter dated December 15, 1977, asked you to file a statement of organization and to submit late filing fees for failure to file timely the statement. You state you had no knowledge of the Campaign Finance Act or any of its requirements until you received the Macomb County Clerk's letter on December 20, 1977.

You ask for a ruling as to your responsibilities under the Act.

The Act became effective on June 1, 1977. Since you were an officeholder on that date, you were subject to the Act's provisions, including the filing of a statement of organization by June 10, 1977, pursuant to Section 24 of the Act (MCLA §169.224).

Section 24 imposes a late filing fee of \$10.00 for each day a person fails to file a statement of organization in violation of the Act. The penalty fees shall not exceed \$300.00.

Section 82 (MCLA §169.282) provides that penalty provisions of the Act, including late filing fees, are not applicable to an act or omission occurring before December 1, 1977. It further states a late filing fee is not due or payable for an act or omission occurring before May 16, 1978, provided the act or omission was corrected before May 16, 1978. Consequently, violations occurring prior to December 1, 1977, continue if not corrected before May 16, 1978. Late filing fees are applicable, commencing after December 1, 1977, to any violation which continued after that date.

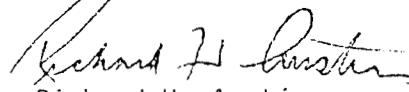
Lack of knowledge as to the provisions of the Act does not relieve a person to whom the Act applies of its responsibilities. Consequently, the late filing fees imposed by the statute are applicable to an individual regardless of whether he or she received a notice for failing to file a required statement.

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It is noteworthy that subsequent to the date of your letter, the definition of "candidate" was amended to exclude any incumbent officeholder who is constitutionally or legally barred from seeking reelection or who fails to file for reelection by the applicable filing deadline. However, the legislation may not be applied retroactively.

Therefore, you are subject to late filing fees as determined and assessed by the Macomb County Clerk. You should file the required statement of organization immediately.

Sincerely,



Richard H. Austin
Secretary of State

RHA/PTF/jmp