

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING  
MICHIGAN 48913

August 11, 1978

Mr. Arthur Cartwright  
2901 Oakman Boulevard  
Detroit, Michigan 48238

Dear Mr. Cartwright:

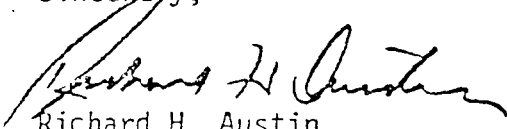
This is in response to your request for a declaratory ruling concerning the applicability of the Campaign Finance Act ("the Act"), P.A. 388 of 1976, as amended, to unspent funds in your candidate committee.

You ask whether you may treat your candidate committee's unspent funds as personal income, subject to payment of appropriate taxes, since you will not be seeking re-election and have no campaign debts..

Section 45 of the Act (MCLA § 169.245) provides that unexpended funds in a candidate committee which are not eligible for transfer to another candidate committee of the person shall be given to a political party committee, or a tax exempt charitable institution, or returned to the contributors of the funds upon termination of the candidate committee. Since you are at the point of terminating your candidate committee, one of the statutorily prescribed means must be used in disposing of the funds in question. The moneys may not be retained and declared as personal income.

This response constitutes a declaratory ruling concerning the availability of the Act to the facts enumerated in your request.

Sincerely,

  
Richard H. Austin  
Secretary of State

RHA:pk