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MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING  
MICHIGAN 48918

August 10, 1977

Mr. George J. Durak, Jr.  
Ionia School Board Trustee  
4307 East Riverside Drive  
Lyons, Michigan 48851

Dear Mr. Durak:

This responds to your letter of July 19, 1977, requesting a declaratory ruling concerning P.A. 388 of 1976 ("The Act").

You state that you are a Trustee of the Ionia School Board and that you are "having problems" in filing your Statement of Organization.

It is the Department's understanding that your letter asks three questions. Succinctly stated, they are:

- (1) Must you list a "bank" or other depository on your Statement of Organization if you have no contributions or expenditures?
- (2) Was the due date of required filings changed to December 1, 1977?
- (3) Is a declaratory ruling binding upon yourself and the county clerk?

As to your first question, the Department has determined that the Act requires that you must list a bank or other depository on your Statement of Organization but that you need not open an account at the listed depository unless you receive or expend money to influence your nomination or election.

As to your second question, the Attorney General, in a letter opinion to the Department dated June 8, 1977, has indicated that the late filing fees in the Act are considered penalties which are not in effect until December 1, 1977. However, the effective date of the penalties does not affect the date on which your Statement or Report is due.

The above questions upon which you request a declaratory ruling are actually questions of interpretation of the Act and not questions concerning the applicability of the Act to a particular factual situation. Declaratory rulings may only be made upon the latter and not upon questions seeking interpretations of the Act. Consequently, this letter should be considered informational as to

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(Cont.)

the interpretation(s) relied upon by the Department in its enforcement of the Act, and not a declaratory ruling. Therefore, it is unnecessary for the Department to answer your third question as to who would be bound by the requested declaratory ruling.

Very truly yours,

Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:mc