



August 11, 1978

Mr. Robert C. Kelly, Treasurer
Friends of John Kelly
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Detroit, Michigan 48226

This is in response to your recent letter in which several questions were raised concerning provisions of the Campaign Finance Act ("the Act"), P.A. 388 of 1976, as amended, as they impact on a candidate committee. Your questions are answered in the order they were asked.

1. Must a candidate committee, in filing a statement or organization, indicate the office sought by the candidate if it is unknown at the time the statement is filed?

A candidate committee does not have to indicate the office sought by a candidate if the office has not been identified as of the date the statement of organization is filed. The statement has to be amended when the office is selected.

2. What is the effect of maintaining a candidate committee for the purpose of placing a person in political office if a statement of organization cannot be filed until the office sought is known?

Your second question indicates you are operating under the incorrect interpretation that a statement of organization cannot be filed by a candidate committee until the office sought is identified. Section 3 of the Act (MCLA § 169.203) states an individual is considered a candidate when he or she receives a contribution or makes an expenditure even though the specific elective office is unknown at the time the contribution is received or the expenditure is made. Section 21 of the Act (MCLA § 169.221) requires an individual to form a candidate committee within 10 days after becoming a candidate. Section 24 of the Act (MCLA § 169.224) requires the candidate committee to file a statement of organization within 10 days after it is formed.

3. Does the term "political committee" enable formation of a committee to raise funds for a candidate who has not identified the office he or she is seeking?

Section 11 of the Act (MCLA § 169.211) defines "political committee" as a committee which is not a candidate committee, or ballot question committee. A committee which is clearly functioning as a candidate committee cannot register as a political committee even though the office sought is not known.

4. If the office sought is unknown, may the name of a candidate be deleted from a committee statement required by the Act?

As indicated previously, the lack of an identified office does not relieve a candidate committee from filing a required committee statement. However, a committee may not delete the name of any individual it is supporting merely because the office sought is unknown.

5. If a candidate seeks an office other than the one for which his or her candidate committee filed a statement of organization, must a new statement be filed?

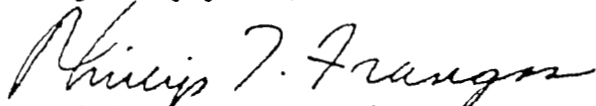
If the office sought by a candidate is changed, the candidate committee only has to amend the original statement of organization. The committee does not have to submit a new statement of organization. It should be noted, however, Section 21 of the Act requires an individual who is a candidate for more than one office to form a candidate committee for each office provided at least one of the offices is a state elective office.

6. Would a candidate who amends his or her statement of organization to reflect a change in the office sought be precluded from receiving public funds provided the office was one for which funds were available?

Your question is raised because of Section 62 of the Act (MCLA § 169.262) which states that "only a candidate who established a single candidate committee which submitted a statement of organization according to procedures established by law may receive moneys under this act." Presently, the only moneys available under the Act are for gubernatorial candidates under prescribed conditions. Under normal circumstances, an amendment to a candidate committee's statement of organization indicating a change of office sought will not be construed as constituting more than a single candidate committee.

This response may be considered informational only and not as constituting a declaratory ruling.

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings and Legislation

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