

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

August 5, 1980

Mr. Daniel C. Krueger
County Clerk, Ottawa County
414 Washington
Grand Haven, Michigan 48417

Dear Mr. Krueger:

This is in response to your inquiry concerning the imposition of late filing fees pursuant to the Campaign Finance Act ("the Act"), 1976 PA 388, as amended.

You indicate that late filing fees should not be assessed on campaign statements present in a filing official's mail on the first Monday following a Friday filing deadline. In advancing this position you assume the campaign statement was received by the filing official on Saturday rather than Monday. Two days of late filing fees would be eliminated under the facts and interpretation stated in your letter.

The Department is not empowered by the Act nor any other provision of law to adopt the interpretation you offer. There is no statutory basis on which to rest your proposal.

However, if arrangements are made to have mail delivered to your office on the Saturday following the due date (Friday), reports received on Saturday may be considered filed on Saturday. Thus, you should assess only \$10.00, rather than \$30.00, in late filing fees for those reports.

Amendatory legislation is pending which would impose late filing fees on the basis of business days and not calendar days as the Act requires presently. Moreover, the legislation, if enacted, would enable filing officials to waive late filing fees upon the showing of "good cause."

This response is informational only and does not constitute a declaratory ruling.

Very truly yours,

A handwritten signature in cursive script that reads "Phillip T. Frangos".

Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp