

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

September 4, 1960

Mr. Leon D. Nobes  
2033 Crozier Avenue  
Muskegon, Michigan 49441

Dear Mr. Nobes:

This is in response to your inquiry concerning requirements of the Campaign Finance Act, 1976 PA 388, as amended ("the Act"), for reporting filing fees in lieu of submitting nominating petitions.

You state you paid a \$100.00 filing fee to the county clerk when you filed as a candidate; this fee was paid in lieu of filing petitions. You indicate the fee will be returned provided you receive the statutorily prescribed number of votes but, of course, you will not know this until the election is over. In addition, you have paid \$130.00 in late filing fees pursuant to the Act.

You ask whether your candidate committee must report these disbursements as "expenditures" on the committee's campaign statements. In addition, you inquire as to how you are to report any reimbursement of your filing fee if it is refunded subsequent to the filing of your "last report."

Section 26 of the Act (MCL 169.226) requires all "expenditures" to be reported by a committee. Section 6(1) (MCL 169.206) defines "expenditure" to include a payment of anything of ascertainable monetary value made for the purpose of influencing an election. Fees paid in lieu of nominating petitions and fees paid as a penalty for not filing reports when required are expenditures in the assistance of the nomination or election of a candidate and must be reported as "expenditures" in the committee campaign statements.

With respect to receiving a refund of a fee after filing your "last report," if by "last report" you mean the postprimary campaign statement or the postgeneral campaign statement, you should report the refund as an "other receipt" on any subsequent campaign statement. If by "last report" you mean your committee dissolution statement, you should amend that report to reflect the refund as an "other receipt." This has the effect of reducing the total amount expended in your campaign.

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

Very truly yours,

Phillip T. Frangos  
Director  
Office of Hearings and Legislation

PTF/cw