

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

December 14, 1979

Mr. Tat Parish
711 Pleasant Street
P. O. Box 409
St. Joseph, Michigan 49085

Dear Mr. Parish:

This is in response to your request for an interpretation of the Campaign Finance Act ("the Act"), 1976 P.A. 388, as amended, concerning maintenance of committee records.

You present your question as follows:

"The question arises in connection with the County Committee of a political party. I was treasurer of the Berrien County Democratic Committee until January 1, 1979. As such, I had the records of the committee for the 1978 election. The committee is reelected every two years. Am I relieved of liability for the keeping of these records if they are turned over to the new treasurer? Or must I keep these records myself?"

The following provisions of the Act are relevant to your inquiry.

Section 22 of the Act (MCLA §169.222) states:

"A committee treasurer shall keep detailed accounts, records, bills, and receipts as required to substantiate the information contained in a statement or report filed pursuant to this act or rules promulgated under this act. The treasurer shall record the name and address of a person from whom a contribution is received except for contributions of \$20.00 or less received pursuant to section 41(3). The records of a committee shall be preserved for 5 years and shall be made available for inspection as authorized by the secretary of state. A person who knowingly violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisoned for not more than 90 days, or both."

Section 21(2) (MCLA §169.221(2)) provides (in part):

"A committee shall have a treasurer who is a qualified elector of this state."

Section 21(4) (MCLA §169.221(4)) states (in part):

"A contribution shall not be accepted and an expenditure shall not be made by a committee which does not have a treasurer."

A committee treasurer has the responsibility to retain the records for the requisite period of time. However, the committee bears the responsibility for ascertaining that the treasurer is performing his or her duties as prescribed in the statute. Consequently, in the instance where a change in treasurers occurs, the former treasurer, the new treasurer, and the committee principals collectively have the responsibility for assuring the proper transferral and maintenance of records from the previous treasurer to the successor treasurer.

In the event a committee dissolves, the last treasurer must retain committee records for the statutorily prescribed time. In dissolving, the committee must take appropriate steps for performance of this duty by the treasurer. In case a particular person cannot fulfill the responsibilities of treasurer, the committee, or principals of a dissolved committee, must provide for maintenance of the records as required by the Act.

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

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp