



December 28, 1979

Mrs. Sharon VanderKlok
3605 Stewart Drive
Kalamazoo, Michigan 49001

Dear Mrs. VanderKlok:

This is in response to your letter concerning the Campaign Finance Act ("the Act"), 1976 P.A. 388, as amended.

You indicate you were elected in 1979 to a four year term on the Kalamazoo School Board. You state your candidate committee has a reporting waiver and has filed its post election campaign statement. Your questions are answered in the order in which you raised them.

1) If the \$500.00 limit is not exceeded at any time within the four year term of office, must the candidate committee file a campaign statement prior to filing the next post election campaign statement or dissolution statement?

A candidate committee does not have to file any campaign statement prior to filing the next post election campaign statement or dissolution statement, provided the \$500.00 limit is not exceeded. However, if the committee receives or expends more than \$500.00 in the time period between the closing date of the previously filed post election statement and June 20th of any year prior to completion of the term of office, an annual statement must be filed pursuant to section 35 of the Act (MCLA §169.235).

2) Must any checking account opened during a campaign be retained during the term of office and may it be used as an officeholder expense fund?

Section 3(1) of the Act (MCLA §169.203) provides (in part):

"Unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline, an elected officeholder shall be considered to be a candidate for reelection to that same office for the purposes of this act only."

Since an officeholder remains a "candidate" for purposes of the Act, he or she is required to have a committee. An account must be maintained in an official depository, provided a committee has funds, until the committee is dissolved. In the event a committee has no funds, a depository must be designated,

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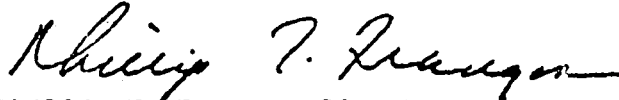
Section 49 (MCLA §169.249) precludes the candidate committee account from being used for officeholder expenses. A separate officeholder expense fund must be established for payment of officeholder expenses and monies may be transferred to it from the candidate committee account. However, monies may not be transferred from the officeholder account to the candidate committee account because the officeholder expense fund may not be used to further the nomination or election of the officeholder.

3) Must an elected official's letters and paper continue to bear the identification as to source of payment required by section 47 of the Act?

As indicated above, an elected official remains a "candidate" under the Act. Section 47(1) of the Act (MCLA §169.247) provides that any printed matter "having reference to . . . a candidate . . . shall bear upon it the name and address of the person paying for the matter." Materials pertaining to the official's election efforts must bear the requisite identification information. Materials relating to the official's conduct of governmental activities in an official capacity, however, do not have to bear the identification.

This response may be considered informational only and not as constituting a declaratory ruling or an interpretive statement.

Very truly yours,



Phillip T. Frangos, Director
Office of Hearings & Legislation

PTF/jmp