

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



10-83-CI

LANSING  
MICHIGAN 48918

December 14, 1983

Mr. Gary W. Rapp  
Attorney at Law  
255 Clay Street  
Lapeer, MI 48446

Dear Mr. Rapp:

This is in response to your inquiry concerning the formation of a candidate committee as defined in the Campaign Finance Act, 1976 PA 388, as amended (the "Act"). You indicate you are currently a resident of, and registered to vote, in Lapeer County. You state you intend to change your residency in May, 1984, and run for Prosecuting Attorney of Iosco County.

You raise two questions concerning this proposed activity. First, when may you form a candidate committee so that you may seek contributions in 1983 for your campaign. Second, must you be a resident of the county in which you seek election before you may form a candidate committee. These questions are discussed below.

Section 21 of the Act (MCL 169.21) requires a candidate to form a candidate committee within 10 days of becoming a candidate, while section 24 requires a statement of organization to be filed within 10 days after formation of a candidate committee. A person may become a candidate, as that term is used in the Act, by any of the ways specified in section 3(1) of the Act (MCL 169.203). Thus, at the time you receive your first contribution or make your first expenditure, or give consent for another to engage in these activities with a view to bringing about your nomination or election, you become a candidate and must form a candidate committee within 10 days. In response to your specific question, you may form your candidate committee and begin to seek contributions at any time. The Act requires only that your committee be formed within 10 days of your receiving a contribution or making an expenditure and that a statement of organization be filed within 10 days thereafter.

Your second question concerns the issue of residency. The Act is essentially silent as to this issue, except that section 21 (MCL 169.221) requires a committee treasurer to be a "qualified elector of this state." As indicated in response to your first question, the Act requires only that a candidate committee be formed and a statement of organization be filed within certain

Mr. Gary W. Rapp  
Page two

time limitations. It is the Department's position that the place of one's residence is irrelevant to when one becomes a candidate or must file with filing officials. Therefore, whenever one meets the definition of "candidate" as defined in the Act, the requirements attach, no matter where one resides at that particular point in time.

While you did not raise the specific issue, the question you did ask generated an inquiry into where you should file, i.e., whether you file where you actually live or where you intend to run for office.

The Act is silent with respect to resolving this particular issue, providing only in section 24 (MCL 169.224(1)) that the statement of organization and other documents are to be filed "with the filing officials designated in section 36 to receive the committee's campaign statements." Section 36(1) (MCL 169.236(1)) provides (in pertinent part):

". . . A copy of the campaign statement of candidate committees of candidates for all other offices (except state elective office or judicial office) shall be filed with the clerk of the county of residence of the candidate."

Therefore, your statement of organization and campaign statements should be filed with the clerk of the county where you reside.

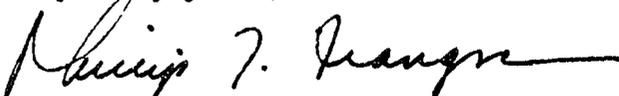
In the event you change your residence, section 24(3) (MCL 169.224(3)) requires that you file an amended statement of organization within 10 days of the change. It provides:

". . . A person who fails to file a change under this subsection, shall pay a late filing fee of \$10.00 for each day the change remains not filed. . . not to exceed \$300.00. A person who is in violation of this subsection by failing to file a required amendment for more than 30 days is guilty of a misdemeanor. . ."

Thus, you would have to file with the filing official in your new county of residence and also transfer your filings from the first county to the second. In this way compliance with the disclosure and tracking mechanisms of the Act would be effected.

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

PTF/jep