

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING  
MICHIGAN 48918

February 6, 1980

Ms. Elaine Tuttle  
11254 Garden  
Livonia, Michigan 48150

Dear Ms. Tuttle:

This office is in receipt of copies of your communications with both the Wayne County Clerk's Office and the Wayne County Prosecuting Attorney. These materials state you filed an original statement of organization on June 19, 1979 which indicated your committee was formed on June 13, 1979. On July 5, you were sent a notice for failing to file an annual report. You were contacted by the Wayne County Prosecutor's Office on or about July 27, 1979 with respect to this matter.

You should be advised the Department of State does not agree with your position that you are not required to file an annual report until July, 1980. Section 25(1) of the Campaign Finance Act ("the Act"), 1976 PA 388, as amended, provides as follows:

"A committee supporting or opposing a candidate . . . shall file a legibly printed or typed campaign statement. The period covered by a . . . statement is the period beginning with the day after the closing date of the most recent . . . statement which was filed; and ending with the closing date of the . . . statement in question. If the committee filing the . . . statement has not previously filed a . . . statement, the period covered shall begin with the effective date of this section, or the date on which the committee was formed, if the committee is formed after the effective date of this section."  
(Emphasis added)

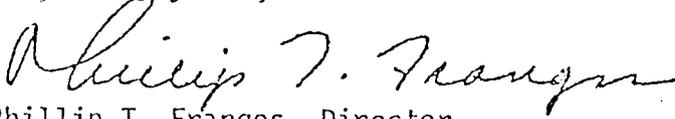
From the information which you provided, as indicated previously, your committee was formed on June 13, 1979. This was after the effective date of Section 25(1). Therefore, a statement had to be filed covering the period which began with the date upon which the committee was formed, i.e., June 13, 1979. Section 35(1) of the Act provides this statement "shall have a closing date of June 20 of that year. The period covered . . . shall begin from the day after the closing date of the previous statement." In your particular case, there was no previous statement, so the period covered would commence with the date the committee was formed and have a closing date of June 20 of that year.

The Department of State, therefore, is in full agreement with the letter sent to you by Mary McLean on August 7, 1979, which enclosed a letter sent to Mr. Howard Altman on November 2, 1978.

Page Two  
February 6, 1980

You should be further advised that the Act does not give the Department of State any authority to reduce, waive or suspend late filing fees, even if meritorious defenses are presented.

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF/s

CC: Mary McLean  
John Turnquist