

# SENATE BILL No. 25

January 24, 1991, Introduced by Senators ARTHURHULTZ, POSTHUMUS, MILLER, CHERRY, DE GROW, WARTNER, KOIVISTO, POLLACK, DI NELLO, CARL, EHLERS, GAST, GEAKE, DILLINGHAM, V. SMITH, STABENOW, SCHWARZ, EMMONS and CRUCE and referred to the Committee on Government Operations.

A bill to amend sections 4 and 7 of Act No. 388 of the Public Acts of 1976, entitled "Michigan campaign finance act," section 4 as amended by Act No. 95 of the Public Acts of 1989, being sections 169.204 and 169.207 of the Michigan Compiled Laws; and to add section 50.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 4 and 7 of Act No. 388 of the Public  
2 Acts of 1976, section 4 as amended by Act No. 95 of the Public  
3 Acts of 1989, being sections 169.204 and 169.207 of the Michigan  
4 Compiled Laws, are amended and section 50 is added to read as  
5 follows:

6       Sec. 4. (1) "Contribution" means a payment, gift,  
7 subscription, assessment, expenditure, contract, payment for  
8 services, dues, advance, forbearance, loan, or donation of money

1 or anything of ascertainable monetary value, or a transfer of  
2 anything of ascertainable monetary value to a person, made for  
3 the purpose of influencing the nomination or election of a candi-  
4 date, or for the qualification, passage, or defeat of a ballot  
5 question.

6 (2) Contribution includes the full purchase price of tickets  
7 or payment of an attendance fee for events such as dinners, lun-  
8 cheons, rallies, testimonials, and other fund-raising events; an  
9 individual's own money or property other than the individual's  
10 homestead used on behalf of that individual's candidacy; the  
11 granting of discounts or rebates not available to the general  
12 public; or the granting of discounts or rebates by broadcast  
13 media and newspapers not extended on an equal basis to all candi-  
14 dates for the same office; and the endorsing or guaranteeing of a  
15 loan for the amount the endorser or guarantor is liable.

16 (3) Contribution does not include any of the following:

17 (a) Volunteer personal services provided without compensa-  
18 tion, or payments of costs incurred of less than \$500.00 in a  
19 calendar year by an individual for personal travel expenses if  
20 the costs are voluntarily incurred without any understanding or  
21 agreement that the costs shall be, directly or indirectly,  
22 repaid.

23 (b) Food and beverages, not to exceed \$100.00 in value  
24 during a calendar year, which are donated by an individual and  
25 for which reimbursement is not given.

1 (c) An offer or tender of a contribution if expressly and  
2 unconditionally rejected, returned, or refunded in whole or in  
3 part within 30 business days after receipt.

4 (D) AN HONORARIUM.

5 Sec. 7. (1) "Filed" means the receipt by the appropriate  
6 filing official of a statement or report required to be filed  
7 under this act.

8 (2) "Filer" means a person required to file a statement or  
9 report pursuant to this act.

10 (3) "Filing official" means the official designated pursuant  
11 to this act to receive required statements and reports.

12 (4) "Fund raising event" means an event such as a dinner,  
13 reception, testimonial, rally, auction, bingo, or similar affair  
14 through which contributions are solicited or received by purchase  
15 of a ticket, payment of an attendance fee, ~~donations or~~ MAKING  
16 A DONATION, PURCHASE OF chances for prizes, or ~~through~~ purchase  
17 of goods or services.

18 (5) "Gift" means a payment, subscription, advance, forbear-  
19 ance, rendering, or deposit of money, services, or anything of  
20 value, unless consideration of equal or greater value is given  
21 therefor.

22 (6) "HONORARIUM" MEANS A PAYMENT OF MONEY OR ANYTHING OF  
23 VALUE IN EXCESS OF \$100.00 RECEIVED BY AN ELECTED PUBLIC OFFI-  
24 CIAL, IF IT IS ACCEPTED AS CONSIDERATION FOR AN APPEARANCE, A  
25 SPEECH, OR AN ARTICLE. AN HONORARIUM DOES NOT INCLUDE REIMBURSE-  
26 MENT FOR THE COST OF TRANSPORTATION, ACCOMMODATIONS, OR MEALS FOR  
27 THE ELECTED PUBLIC OFFICIAL AND HIS OR HER IMMEDIATE FAMILY.

1        SEC. 50. (1) AN ELECTED PUBLIC OFFICIAL MAY RECEIVE AN  
2 HONORARIUM. THE RECEIPT OF AN HONORARIUM BY AN ELECTED PUBLIC  
3 OFFICIAL SHALL BE RECORDED AND REPORTED ON A FORM PROVIDED BY THE  
4 SECRETARY OF STATE. THE FORM SHALL INCLUDE A SPACE TO REPORT  
5 WHETHER THE HONORARIUM WAS CONTRIBUTED TO A TAX-EXEMPT CHARITABLE  
6 ORGANIZATION ON BEHALF OF THAT ELECTED PUBLIC OFFICIAL. THE FORM  
7 SHALL BE FILED NOT LATER THAN JANUARY 31 OF EACH YEAR AND SHALL  
8 HAVE A CLOSING DATE OF DECEMBER 31 OF THE PREVIOUS YEAR.

9        (2) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY  
10 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00  
11 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.