

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4026

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 16 (MCL 169.216), as amended by 1999 PA 236.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) A filing official shall make a statement or
2 report required to be filed under this act available for public
3 inspection and reproduction, commencing as soon as practicable,
4 but not later than the third business day following the day on
5 which it is received, during regular business hours of the filing
6 official. If the report is a report of a late contribution under
7 section 32(1) made to the secretary of state, the secretary of
8 state shall also make the report or all of the contents of the
9 report available to the public on the internet, without charge,
10 as soon as practicable but not later than the end of the business

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1 day on which it is received, at a single website established and
2 maintained by the secretary of state.

3 (2) A copy of a statement or part of a statement shall be
4 provided by a filing official at a reasonable charge.

5 (3) A statement open to the public under this act shall not
6 be used for any commercial purpose.

7 (4) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
8 statement of organization filed under this act WITH A FILING
9 OFFICIAL WHO IS NOT THE SECRETARY OF STATE shall be preserved by
10 ~~the~~ THAT filing official for 5 years from the official date of
11 the committee's dissolution. A STATEMENT OF ORGANIZATION FILED
12 UNDER THIS ACT WITH A FILING OFFICIAL WHO IS NOT THE SECRETARY OF
13 STATE THAT IS FILED BY A COMMITTEE THAT RECEIVED MORE THAN
14 \$50,000.00 IN AN ELECTION CYCLE SHALL BE PRESERVED BY THAT FILING
15 OFFICIAL FOR 15 YEARS FROM THE OFFICIAL DATE OF THE COMMITTEE'S
16 DISSOLUTION. A statement ~~or report filed under this act by a~~
17 ~~candidate for an office with a term exceeding 4 years shall be~~
18 ~~preserved by the filing official for 1 year beyond that~~
19 ~~candidate's term of office~~ OF ORGANIZATION FILED UNDER THIS ACT
20 WITH THE SECRETARY OF STATE SHALL BE PRESERVED BY THE SECRETARY
21 OF STATE FOR 15 YEARS FROM THE OFFICIAL DATE OF THE COMMITTEE'S
22 DISSOLUTION. ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSEC-
23 TION, ANY other statement or report filed under this act WITH A
24 FILING OFFICIAL WHO IS NOT THE SECRETARY OF STATE shall be pre-
25 served by ~~the~~ THAT filing official for 5 years from the date
26 the filing occurred. ~~However, if uncorrected violations have~~
27 ~~occurred in the statements or reports or a court determines that~~

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1 ~~a violation of this act has occurred with regard to the~~
2 ~~statements or reports, the preservation period is extended until~~
3 ~~5 years after the date of the court determination or the date the~~
4 ~~violations are corrected, whichever is later.~~ ANY OTHER STATE-
5 MENT OR REPORT FILED UNDER THIS ACT WITH A FILING OFFICIAL WHO IS
6 NOT THE SECRETARY OF STATE THAT IS FILED BY A COMMITTEE THAT
7 RECEIVED MORE THAN \$50,000.00 IN AN ELECTION CYCLE SHALL BE PRE-
8 SERVED BY THAT FILING OFFICIAL FOR 15 YEARS FROM THE DATE THE
9 FILING OCCURRED. ANY OTHER STATEMENT OR REPORT FILED UNDER THIS
10 ACT WITH THE SECRETARY OF STATE SHALL BE PRESERVED BY THE SECRE-
11 TARY OF STATE FOR 15 YEARS FROM THE DATE THE FILING OCCURRED.
12 UPON A DETERMINATION UNDER SECTION 15 THAT A VIOLATION OF THIS
13 ACT HAS OCCURRED, ALL COMPLAINTS, ORDERS, DECISIONS, OR OTHER
14 DOCUMENTS RELATED TO THAT VIOLATION SHALL BE PRESERVED BY THE FILING
15 SECRETARY OF STATE FOR 15 YEARS FROM THE DATE OF THE COURT
16 DETERMINATION OR THE DATE THE VIOLATIONS ARE CORRECTED, WHICHEVER IS
17 LATER.
18 Statements and reports filed under this act may be reproduced
19 pursuant to the records media act, 1992 PA 116, MCL 24.401 to
20 24.403. After the required preservation period, the statements
21 and reports, or the reproductions of the statements and reports,
22 ~~shall~~ MAY be ~~destroyed~~ DISPOSED OF IN THE MANNER PRESCRIBED
23 IN THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1101 TO
24 18.1594, AND 1913 PA 271, MCL 399.1 TO 399.10.

25 (5) A charge shall not be collected by a filing official for
26 the filing of a required statement or report or for a form upon
which the statement or report is to be prepared, except a late
filing fee required by this act.

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1 (6) A filing official shall determine whether a statement or
2 report filed under this act complies, on its face, with the
3 requirements of this act and the rules promulgated under this
4 act. The filing official shall determine whether a statement or
5 report that is required to be filed under this act is in fact
6 filed. Within 4 business days after the deadline for filing a
7 statement or report under this act, the filing official shall
8 give notice to the filer by registered mail of an error or omis-
9 sion in the statement or report and give notice to a person the
10 filing official has reason to believe is a person required to and
11 who failed to file a statement or report. A failure to give
12 notice by the filing official under this subsection is not a
13 defense to a criminal action against the person required to
14 file.

15 (7) Within 9 business days after the report or statement is
16 required to be filed, the filer shall make any corrections in the
17 statement or report filed with the appropriate filing official.
18 If the report or statement was not filed, then the report or
19 statement shall be late filed within 9 business days after the
20 time it was required to be filed and shall be subject to late
21 filing fees.

22 (8) After 9 business days and before 12 business days have
23 expired after the deadline for filing the statement or report,
24 the filing official shall report errors or omissions that were
25 not corrected and failures to file to the attorney general.

26 (9) A statement or report required to be filed under this
27 act shall be filed not later than 5 p.m. of the day in which it

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1 is required to be filed. A preelection statement or report due
2 on July 25 or October 25 under section 33 that is postmarked by
3 registered or certified mail, or sent by express mail or other
4 overnight delivery service, at least 2 days before the deadline
5 for filing is filed within the prescribed time regardless of when
6 it is actually delivered. Any other statement or report required
7 to be filed under this act that is postmarked by registered or
8 certified mail or sent by express mail or other overnight deliv-
9 ery service on or before the deadline for filing is filed within
10 the prescribed time regardless of when it is actually delivered.