

HOUSE BILL No. 4924

July 2, 2003, Introduced by Reps. Kooiman, Vander Veen, Huizenga, Drolet, Sheen,
Hoogendyk, Shaffer and Ward and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 35 and 52 (MCL 169.235 and 169.252), section
35 as amended by 2000 PA 75 and section 52 as amended by 2001 PA
250.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 35. (1) In addition to any other requirements of this
2 act for filing a campaign statement, a committee, other than an
3 independent committee or a political committee required to file
4 with the secretary of state, shall also file ~~a~~ **all of the**
5 **following campaign statements:**

6 (a) A campaign statement not later than January 31 of each
7 year. The campaign statement shall have a closing date of
8 December 31 of the previous year. ~~The period covered by the~~
9 ~~campaign statement filed pursuant to this subsection begins the~~

1 ~~day after the closing date of the previous campaign statement. A~~
2 ~~campaign statement filed pursuant to this subsection shall be~~
3 **required by this subdivision is** waived if a postelection campaign
4 statement has been filed that has a filing deadline within 30
5 days of the closing date of the campaign statement required by
6 this ~~subsection~~ **subdivision.**

7 **(b) In each year in which a committee is not required to file**
8 **preelection and postelection campaign statements, campaign**
9 **statements not later than April 30, July 31, and October 31 with**
10 **closing dates of March 31, June 30, and September 30,**
11 **respectively.**

12 **(c) In each year in which a committee is required to file**
13 **preelection and postelection campaign statements, a campaign**
14 **statement not later than April 30 with a closing date of March**
15 **31.**

16 (2) Subsection (1) does not apply to a candidate committee
17 for an officeholder who is a judge or a supreme court justice, or
18 who holds an elective office for which the salary is less than
19 \$100.00 a month and who does not receive ~~any~~ **a** contribution or
20 make ~~any~~ **an** expenditure during the time that would be otherwise
21 covered in the statement.

22 (3) A committee, candidate, treasurer, or other individual
23 designated as responsible for the record keeping, report
24 preparation, or report filing for a candidate committee of a
25 candidate for state elective office or a judicial office who
26 fails to file a campaign statement under this section shall be
27 assessed a late filing fee. If the committee has raised

1 \$10,000.00 or less during the previous 2 years, the late filing
2 fee shall be \$25.00 for each business day the campaign statement
3 remains unfiled, but not to exceed \$500.00. If the committee has
4 raised more than \$10,000.00 during the previous 2 years, the late
5 filing fee shall be \$50.00 for each business day the campaign
6 statement remains unfiled, but not to exceed \$1,000.00. The late
7 filing fee assessed under this subsection shall be paid by the
8 candidate, and the candidate shall not use committee funds to pay
9 that fee. A committee, treasurer, or other individual designated
10 as responsible for the record keeping, report preparation, or
11 report filing for a committee other than a candidate committee of
12 a candidate for state elective office or a judicial office who
13 fails to file a campaign statement under this section shall pay a
14 late filing fee of \$25.00 for each business day the campaign
15 statement remains not filed in violation of this section. The
16 late filing fee shall not exceed \$500.00.

17 (4) A committee filing a written statement pursuant to
18 section 24(5) or (6) need not file a statement in accordance with
19 subsection (1). If a committee receives or expends more than
20 \$1,000.00 during a time period prescribed by section 24(5) or
21 (6), the committee is then subject to the campaign filing
22 requirements under this act and shall file a campaign statement
23 for the period beginning the day after the closing date of the
24 last postelection campaign statement or an annual campaign
25 statement that is waived ~~pursuant to~~ **as provided in** subsection
26 (1), whichever occurred earlier.

27 (5) If a candidate, treasurer, or other individual designated

1 as responsible for the record keeping, report preparation, or
2 report filing fails to file 2 statements required by this section
3 or section 33 and both of the statements remain unfiled for more
4 than 30 days, that candidate, treasurer, or other designated
5 individual is guilty of a misdemeanor, punishable by a fine of
6 not more than \$1,000.00, or imprisonment for not more than 90
7 days, or both.

8 (6) If a treasurer or other individual designated as
9 responsible for the record keeping, report preparation, or report
10 filing for a committee required to file a campaign statement
11 under subsection (1) knowingly files an incomplete or inaccurate
12 statement or report required by this section, that treasurer or
13 other designated individual is subject to a civil fine of not
14 more than \$1,000.00.

15 Sec. 52. (1) Except as provided in subsection (5) or (11)
16 and subject to ~~subsection~~ **subsections (8) and (13)**, a person
17 other than an independent committee or a political party
18 committee shall not make contributions to a candidate committee
19 of a candidate for elective office that, with respect to an
20 election cycle, are more than the following:

21 (a) ~~-\$3,400.00-~~ **\$6,800.00** for a candidate for state elective
22 office other than the office of state legislator, or for a
23 candidate for local elective office if the district from which he
24 or she is seeking office has a population of more than 250,000.

25 (b) ~~-\$1,000.00-~~ **\$2,000.00** for a candidate for state senator,
26 or for a candidate for local elective office if the district from
27 which he or she is seeking office has a population of more than

1 85,000 but 250,000 or less.

2 (c) ~~-\$500.00~~ **\$1,000.00** for a candidate for state
3 representative, or for a candidate for local elective office if
4 the district from which he or she is seeking office has a
5 population of 85,000 or less.

6 (2) Except as otherwise provided in this subsection and
7 subsection (12), an independent committee shall not make
8 contributions to a candidate committee of a candidate for
9 elective office that, in the aggregate for that election cycle,
10 are more than ~~10~~ 5 times the amount permitted a person other
11 than an independent committee or political party committee in
12 subsection (1). A house political party caucus committee or a
13 senate political party caucus committee is not limited under this
14 subsection in the amount of contributions made to the candidate
15 committee of a candidate for the office of state legislator,
16 except as follows:

17 (a) A house political party caucus committee or a senate
18 political party caucus committee shall not pay a debt incurred by
19 a candidate if that debt was incurred while the candidate was
20 seeking nomination at a primary election and the candidate was
21 opposed at that primary.

22 (b) A house political party caucus committee or a senate
23 political party caucus committee shall not make a contribution to
24 or make an expenditure on behalf of a candidate if that candidate
25 is seeking nomination at a primary election and the candidate is
26 opposed at that primary.

27 (3) A political party committee other than a state central

1 committee shall not make contributions to the candidate committee
2 of a candidate for elective office that are more than ~~10~~ 5
3 times the amount permitted a person other than an independent
4 committee or political party committee in subsection (1).

5 (4) A state central committee of a political party shall not
6 make contributions to the candidate committee of a candidate for
7 state elective office other than a candidate for the legislature
8 that are more than ~~20~~ 10 times the amount permitted a person
9 other than an independent committee or political party committee
10 in subsection (1). A state central committee of a political
11 party shall not make contributions to the candidate committee of
12 a candidate for state senator, state representative, or local
13 elective office that are more than ~~10~~ 5 times the amount
14 permitted a person other than an independent committee or
15 political party committee in subsection (1).

16 (5) A contribution from a member of a candidate's immediate
17 family to the candidate committee of that candidate is exempt
18 from the limitations of subsection (1).

19 (6) Consistent with the provisions of this section, a
20 contribution designated in writing for a particular election
21 cycle is considered made for that election cycle. A contribution
22 made after the close of a particular election cycle and
23 designated in writing for that election cycle shall be made only
24 to the extent that the contribution does not exceed the candidate
25 committee's net outstanding debts and obligations from the
26 election cycle so designated. If a contribution is not
27 designated in writing for a particular election cycle, the

1 contribution is considered made for the election cycle that
2 corresponds to the date of the written instrument.

3 (7) A candidate committee, a candidate, or a treasurer or
4 agent of a candidate committee shall not accept a contribution
5 with respect to an election cycle that exceeds the limitations in
6 subsection (1), (2), (3), (4), (11), or (12).

7 (8) The contribution limits in subsection (1) for a candidate
8 for local elective office are effective on the effective date of
9 the amendatory act that provides for those contribution limits,
10 however, only contributions received by that candidate on and
11 after that date shall be used to determine if the contribution
12 limit has been reached.

13 (9) A person who knowingly violates this section is guilty of
14 a misdemeanor punishable, if the person is an individual, by a
15 fine of not more than \$1,000.00 or imprisonment for not more than
16 90 days, or both, or, if the person is not an individual, by a
17 fine of not more than \$10,000.00.

18 (10) For purposes of the limitations provided in
19 subsections (1) and (2), all contributions made by political
20 committees or independent committees established by ~~any~~ a
21 corporation, joint stock company, domestic dependent sovereign,
22 or labor organization, including ~~any~~ a parent, subsidiary,
23 branch, division, department, or local unit thereof, shall be
24 considered to have been made by a single independent committee.
25 ~~By way of illustration and not limitation, all~~ **All** of the
26 following ~~apply as a result of the application of this~~
27 ~~requirement~~ **are examples of the effect of this subsection:**

1 (a) All of the political committees and independent
2 committees established by a for profit corporation or joint stock
3 company, by a subsidiary of the for profit corporation or joint
4 stock company, or by any combination thereof, are treated as a
5 single independent committee.

6 (b) All of the political committees and independent
7 committees established by a single national or international
8 labor organization, by a labor organization of that national or
9 international labor organization, by a local labor organization
10 of that national or international labor organization, or by any
11 other subordinate organization of that national or international
12 labor organization, or by any combination thereof, are treated as
13 a single independent committee.

14 (c) All of the political committees and independent
15 committees established by an organization of national or
16 international unions, by a state central body of that
17 organization, by a local central body of that organization, or by
18 any combination thereof, are treated as a single independent
19 committee.

20 (d) All of the political committees and independent
21 committees established by a nonprofit corporation, by a related
22 state entity of that nonprofit corporation, by a related local
23 entity of that nonprofit corporation, or by any combination
24 thereof, are treated as a single independent committee.

25 (11) The limitation on a political committee's contributions
26 under subsection (1) does not apply to contributions that are
27 part of 1 or more bundled contributions delivered to the

1 candidate committee of a candidate for statewide elective office
2 and that are attributed to the political committee as prescribed
3 in section 31. A political committee shall not make
4 contributions to a candidate committee of a candidate for
5 statewide elective office that are part of 1 or more bundled
6 contributions delivered to that candidate committee, that are
7 attributed to the political committee as prescribed in section
8 31, and that, in the aggregate for that election cycle, are more
9 than the amount permitted a person other than an independent
10 committee or political party committee in subsection (1).

11 (12) The limitation on an independent committee's
12 contributions under subsection (2) does not apply to
13 contributions that are part of 1 or more bundled contributions
14 delivered to the candidate committee of a candidate for statewide
15 elective office and that are attributed to the independent
16 committee as prescribed in section 31. An independent committee
17 shall not make contributions to a candidate committee of a
18 candidate for statewide elective office that are part of 1 or
19 more bundled contributions delivered to that candidate committee,
20 that are attributed to the independent committee as prescribed in
21 section 31, and that, in the aggregate for that election cycle,
22 are more than ~~10~~ 5 times the amount permitted a person other
23 than an independent committee or political party committee in
24 subsection (1).

25 (13) On January 1 of each year following a gubernatorial
26 election beginning with January 1, 2007, a contribution limit in
27 subsection (1) or, for adjustments made after 2007, the most

1 recent contribution limit as adjusted under this subsection shall
2 be adjusted by increasing or decreasing the limit by the average
3 percentage increase or decrease in the Detroit consumer price
4 index--all items for the 4-year period ending the preceding
5 August. The resulting product shall be rounded up to the nearest
6 \$25.00. The adjusted limits shall be determined and announced by
7 the secretary of state on or before December 15 following each
8 gubernatorial election. If the index is unavailable, the
9 secretary of state shall make a reasonable approximation. An
10 adjusted limit applies only to contributions made during the 4
11 years following the adjustment.