

HOUSE BILL No. 4628

April 19, 2007, Introduced by Reps. Miller and Farrah and referred to the Committee on Ethics and Elections.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 15, 16, 17, 18, 21, 22, 23, 24, 26, 30, 33, 34, 35, 36, 46, 47, 50, 51, 55, 57, 63, 64, 65, 67, 68, and 69 (MCL 169.204, 169.215, 169.216, 169.217, 169.218, 169.221, 169.222, 169.223, 169.224, 169.226, 169.230, 169.233, 169.234, 169.235, 169.236, 169.246, 169.247, 169.250, 169.251, 169.255, 169.257, 169.263, 169.264, 169.265, 169.267, 169.268, and 169.269), sections 4, 17, 21, 23, and 51 as amended by 1989 PA 95, sections 15, 26, 47, 57, and 69 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, section 18 as amended by

2006 PA 89, sections 22 and 24 as amended by 1999 PA 237, section 30 as added by 1997 PA 71, sections 33 and 34 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, section 36 as amended by 1996 PA 590, section 50 as added by 1994 PA 385, section 55 as amended by 1995 PA 264, sections 64 and 65 as amended by 1993 PA 262, and section 67 as amended by 1994 PA 411, and by adding sections 43a, 48, and 57a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Contribution" means a payment, gift,
2 subscription, assessment, expenditure, contract, payment for
3 services, dues, advance, forbearance, loan, or donation of money
4 or anything of ascertainable monetary value, or a transfer of
5 anything of ascertainable monetary value to a person, made for
6 the purpose of influencing the nomination or election of a
7 candidate, or for the qualification, passage, or defeat of a
8 ballot question.

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

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

1 (a) Volunteer personal services provided without
 2 compensation, or payments of costs incurred of less than \$500.00
 3 in a calendar year by an individual for personal travel expenses
 4 if the costs are voluntarily incurred without any understanding
 5 or agreement that the costs ~~shall~~**WILL** be, directly or
 6 indirectly, repaid.

7 (b) Food and beverages, not to exceed \$100.00 in value
 8 during a calendar year, ~~which~~**THAT** are donated by an individual
 9 and for which reimbursement is not given.

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

13 **(D) A TRANSACTION THAT OTHERWISE MEETS THE DEFINITION OF**
 14 **CONTRIBUTION, THE VALUE OF WHICH IS LESS THAN \$50.00.**

15 Sec. 15. (1) The ~~secretary of state~~**DIRECTOR OF ELECTIONS**
 16 shall do all of the following:

17 **(A) DISCHARGE THE POWERS AND DUTIES VESTED IN THE DIRECTOR**
 18 **OF ELECTIONS UNDER THIS ACT INDEPENDENTLY AND IN A NONPARTISAN**
 19 **MANNER, WITH GOOD FAITH. THE SUBSTANTIVE FUNCTIONS VESTED IN THE**
 20 **DIRECTOR OF ELECTIONS UNDER THIS ACT ARE NOT SUBJECT TO**
 21 **ALLOCATION OR REALLOCATION WITHIN THE DEPARTMENT OF STATE UNDER**
 22 **SECTION 7 OF THE EXECUTIVE ORGANIZATION ACT OF 1965, 1965 PA 380,**
 23 **MCL 16.107.**

24 **(B) ~~(a)~~Make available through his or her****THE SECRETARY OF**
 25 **STATE'S** offices, and furnish to county clerks, appropriate forms,
 26 instructions, and manuals required by this act.

27 **(C) ~~(b)~~Develop a filing, coding, and cross-indexing system**

1 for the filing of required reports and statements consistent with
2 the purposes of this act, and supervise the implementation of the
3 filing systems by the clerks of the counties.

4 (D) ~~(e)~~—Receive all statements and reports required by this
5 act to be filed with the ~~secretary of state~~ **DIRECTOR OF**
6 **ELECTIONS**.

7 (E) ~~(d)~~—Prepare forms, instructions, and manuals required
8 under this act.

9 (F) ~~(e)~~—Promulgate rules and issue declaratory rulings to
10 implement this act in accordance with the administrative
11 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

12 (G) ~~(f)~~—Upon receipt of a written request and the required
13 filing, waive payment of a late filing fee if the request for the
14 waiver is based on good cause and accompanied by adequate
15 documentation. One or more of the following reasons constitute
16 good cause for a late filing fee waiver:

17 (i) The incapacitating physical illness, hospitalization,
18 accident involvement, death, or incapacitation for medical
19 reasons of a person required to file, a person whose
20 participation is essential to the preparation of the statement or
21 report, or a member of the immediate family of these persons.

22 (ii) Other unique, unintentional factors beyond the filer's
23 control not stemming from a negligent act or nonaction so that a
24 reasonably prudent person would excuse the filing on a temporary
25 basis. These factors include the loss or unavailability of
26 records due to a fire, flood, theft, or similar reason and
27 difficulties related to the transmission of the filing to the

1 filing official, such as exceptionally bad weather or strikes
2 involving transportation systems.

3 (2) A declaratory ruling shall be issued under this section
4 only if the person requesting the ruling has provided a
5 reasonably complete statement of facts necessary for the ruling
6 or if the person requesting the ruling has, with the permission
7 of the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**, supplied
8 supplemental facts necessary for the ruling. A request for a
9 declaratory ruling that is submitted to the ~~secretary of state~~
10 **DIRECTOR OF ELECTIONS** shall be made available for public
11 inspection within 48 hours after its receipt. An interested
12 person may submit written comments regarding the request to the
13 ~~secretary of state~~ **DIRECTOR OF ELECTIONS** within 10 business days
14 after the date the request is made available to the public.
15 Within 45 business days after receiving a declaratory ruling
16 request, the ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall make
17 a proposed response available to the public. An interested person
18 may submit written comments regarding the proposed response to
19 the ~~secretary of state~~ **DIRECTOR OF ELECTIONS** within 5 business
20 days after the date the proposal is made available to the public.
21 Except as otherwise provided in this section, the ~~secretary of~~
22 ~~state~~ **DIRECTOR OF ELECTIONS** shall issue a declaratory ruling
23 within 60 business days after a request for a declaratory ruling
24 is received. If the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
25 refuses to issue a declaratory ruling, the ~~secretary of state~~
26 **DIRECTOR OF ELECTIONS** shall notify the person making the request
27 of the reasons for the refusal and shall issue an interpretative

1 statement providing an informational response to the question
2 presented within the same time limitation applicable to a
3 declaratory ruling. A declaratory ruling or interpretative
4 statement issued under this section shall not state a general
5 rule of law, other than that which is stated in this act, until
6 the general rule of law is promulgated by the ~~secretary of state~~
7 **DIRECTOR OF ELECTIONS** as a rule under the administrative
8 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or
9 under judicial order.

10 (3) Under extenuating circumstances, the ~~secretary of state~~
11 **DIRECTOR OF ELECTIONS** may issue a notice extending for not more
12 than 30 business days the period during which the ~~secretary of~~
13 ~~state~~**DIRECTOR OF ELECTIONS** shall respond to a request for a
14 declaratory ruling. The ~~secretary of state~~**DIRECTOR OF ELECTIONS**
15 shall not issue more than 1 notice of extension for a particular
16 request. A person requesting a declaratory ruling may waive, in
17 writing, the time limitations provided by this section.

18 (4) The ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall make
19 available to the public an annual summary of the declaratory
20 rulings and interpretative statements issued by the ~~secretary of~~
21 ~~state~~**DIRECTOR OF ELECTIONS**.

22 (5) A person may file with the ~~secretary of state~~**DIRECTOR**
23 **OF ELECTIONS** a complaint that alleges a violation of this act.
24 Within 5 business days after a complaint that meets the
25 requirements of subsection (6) is filed, the ~~secretary of state~~
26 **DIRECTOR OF ELECTIONS** shall give notice to the person against
27 whom the complaint is filed. The notice shall include a copy of

1 the complaint. Within 15 business days after this notice is
2 provided, the person against whom the complaint was filed may
3 submit to the ~~secretary of state~~ **DIRECTOR OF ELECTIONS** a
4 response. The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** may extend
5 the period for submitting a response an additional 15 business
6 days for good cause. The ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
7 shall provide a copy of a response received to the complainant.
8 Within 10 business days after receiving a copy of the response,
9 the complainant may submit to the ~~secretary of state~~ **DIRECTOR OF**
10 **ELECTIONS** a rebuttal statement. The ~~secretary of state~~ **DIRECTOR**
11 **OF ELECTIONS** may extend the period for submitting a rebuttal
12 statement an additional 10 business days for good cause. The
13 ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall provide a copy of
14 the rebuttal statement to the person against whom the complaint
15 was filed.

16 (6) A complaint under subsection (5) shall satisfy all of
17 the following requirements:

18 (a) Be signed by the complainant.

19 (b) State the name, address, and telephone number of the
20 complainant.

21 (c) Include the complainant's certification that, to the
22 best of the complainant's knowledge, information, and belief,
23 formed after a reasonable inquiry under the circumstances, each
24 factual contention of the complaint is supported by evidence.
25 However, if, after a reasonable inquiry under the circumstances,
26 the complainant is unable to certify that certain factual
27 contentions are supported by evidence, the complainant may

1 certify that, to the best of his or her knowledge, information,
2 or belief, there are grounds to conclude that those specifically
3 identified factual contentions are likely to be supported by
4 evidence after a reasonable opportunity for further inquiry.

5 (7) The ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall
6 develop a form that satisfies the requirements of subsection (6)
7 and may be used for the filing of complaints.

8 (8) A person who files a complaint with a false certificate
9 under subsection (6)(c) is responsible for a civil violation of
10 this act. A person may file a complaint under subsection (5)
11 alleging that another person has filed a complaint with a false
12 certificate under subsection (6)(c).

13 (9) The ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall
14 investigate the allegations under the rules promulgated under
15 this act. Every 60 days after a complaint that meets the
16 requirements of subsection (6) is filed and until the matter is
17 terminated, the ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall
18 mail to the complainant and to the alleged violator notice of the
19 action taken to date by the ~~secretary of state~~**DIRECTOR OF**
20 **ELECTIONS**, together with the reasons for the action or nonaction.

21 (10) If the ~~secretary of state~~**DIRECTOR OF ELECTIONS**
22 determines that there may be reason to believe that a violation
23 of this act has occurred, the ~~secretary of state~~**DIRECTOR OF**
24 **ELECTIONS** shall endeavor to correct the violation or prevent a
25 further violation by using informal methods such as a conference,
26 conciliation, or persuasion, and may enter into a conciliation
27 agreement with the person involved. Unless violated, a

1 conciliation agreement is a complete bar to any further action
2 with respect to matters covered in the conciliation agreement. If
3 the ~~secretary of state~~**DIRECTOR OF ELECTIONS** is unable to correct
4 or prevent further violation by these informal methods, the
5 ~~secretary of state~~**DIRECTOR OF ELECTIONS** may refer the matter to
6 the attorney general for the enforcement of a criminal penalty
7 provided by this act or commence a hearing as provided in
8 subsection (11). **IF THE VIOLATION INVOLVES THE ATTORNEY GENERAL**
9 **OR A CAMPAIGN OR COMMITTEE WITH WHICH THE ATTORNEY GENERAL IS**
10 **CONNECTED, DIRECTLY OR INDIRECTLY, THE DIRECTOR OF ELECTIONS**
11 **SHALL REFER THE MATTER TO THE PROSECUTING ATTORNEY FOR THE COUNTY**
12 **OF INGHAM FOR THE ENFORCEMENT OF A CRIMINAL PENALTY PROVIDED BY**
13 **THIS ACT.**

14 (11) The ~~secretary of state~~**DIRECTOR OF ELECTIONS** may
15 commence a hearing to determine whether a civil violation of this
16 act has occurred. A hearing shall not be commenced during the
17 period beginning 30 days before an election in which the
18 committee has received or expended money and ending the day after
19 that election except with the consent of the person suspected of
20 committing a civil violation. The hearing shall be conducted in
21 accordance with the procedures set forth in chapter 4 of the
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to
23 24.287. If after a hearing the ~~secretary of state~~**DIRECTOR OF**
24 **ELECTIONS** determines that a violation of this act has occurred,
25 the ~~secretary of state~~**DIRECTOR OF ELECTIONS** may issue an order
26 requiring the person to pay a civil fine equal to the amount of
27 the improper contribution or expenditure plus not more than

1 \$1,000.00 for each violation.

2 (12) A final decision and order issued by the ~~secretary of~~
3 ~~state~~**DIRECTOR OF ELECTIONS** is subject to judicial review as
4 provided by chapter 6 of the administrative procedures act of
5 1969, 1969 PA 306, MCL 24.301 to 24.306. The ~~secretary of state~~
6 **DIRECTOR OF ELECTIONS** shall deposit a civil fine imposed under
7 this section in the general fund. The ~~secretary of state~~**DIRECTOR**
8 **OF ELECTIONS** may bring an action in circuit court to recover the
9 amount of a civil fine.

10 (13) When a report or statement is filed under this act, the
11 ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall review the report
12 or statement and may investigate an apparent violation of this
13 act under the rules promulgated under this act. If the ~~secretary~~
14 ~~of state~~**DIRECTOR OF ELECTIONS** determines that there may be
15 reason to believe a violation of this act has occurred and the
16 procedures prescribed in subsection (10) have been complied with,
17 the ~~secretary of state~~**DIRECTOR OF ELECTIONS** may refer the matter
18 to the attorney general for the enforcement of a criminal penalty
19 provided by this act, or commence a hearing under subsection (11)
20 to determine whether a civil violation of this act has occurred.
21 **IF THE VIOLATION INVOLVES THE ATTORNEY GENERAL OR A CAMPAIGN OR**
22 **COMMITTEE WITH WHICH THE ATTORNEY GENERAL IS CONNECTED, DIRECTLY**
23 **OR INDIRECTLY, THE DIRECTOR OF ELECTIONS SHALL REFER THE MATTER**
24 **TO THE PROSECUTING ATTORNEY FOR THE COUNTY OF INGHAM FOR THE**
25 **ENFORCEMENT OF A CRIMINAL PENALTY PROVIDED BY THIS ACT.**

26 (14) Unless otherwise specified in this act, a person who
27 violates a provision of this act is subject to a civil fine of

1 not more than \$1,000.00 for each violation. A civil fine is in
2 addition to, but not limited by, a criminal penalty prescribed by
3 this act.

4 (15) In addition to any other sanction provided for by this
5 act, the ~~secretary of state~~ **DIRECTOR OF ELECTIONS** may require a
6 person who files a complaint with a false certificate under
7 subsection (6)(c) to do either or both of the following:

8 (a) Pay to the ~~secretary of state~~ **DIRECTOR OF ELECTIONS** some
9 or all of the expenses incurred by the ~~secretary of state~~
10 **DIRECTOR OF ELECTIONS** as a direct result of the filing of the
11 complaint.

12 (b) Pay to the person against whom the complaint was filed
13 some or all of the expenses, including, but not limited to,
14 reasonable attorney fees incurred by that person in proceedings
15 under this act as a direct result of the filing of the complaint.

16 (16) There is no private right of action, either in law or
17 in equity, under this act. The remedies provided in this act are
18 the exclusive means by which this act may be enforced and by
19 which any harm resulting from a violation of this act may be
20 redressed.

21 (17) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** may waive
22 the filing of a campaign statement required under section 33, 34,
23 or 35 if the closing date of the particular campaign statement
24 falls on the same or a later date as the closing date of the next
25 campaign statement filed by the same person, or if the period
26 that would be otherwise covered by the next campaign statement
27 filed by the same person is 10 days or less.

1 (18) The clerk of each county shall do all of the following:

2 (a) Make available through the county clerk's office the
3 appropriate forms, instructions, and manuals required by this
4 act.

5 (b) Under the supervision of the ~~secretary of state~~**DIRECTOR**
6 **OF ELECTIONS**, implement the filing, coding, and cross-indexing
7 system prescribed for the filing of reports and statements
8 required to be filed with the county clerk's office.

9 (c) Receive all statements and reports required by this act
10 to be filed with the county clerk's office.

11 (d) Upon written request, waive the payment of a late filing
12 fee if the request for a waiver is based on good cause as
13 prescribed in subsection (1)(f).

14 Sec. 16. (1) A filing official shall make a statement or
15 report required to be filed under this act available for public
16 inspection and reproduction, commencing as soon as practicable,
17 but not later than the third business day following the day on
18 which it is received, during regular business hours of the filing
19 official. If the report is a report of a late contribution under
20 section 32(1) made to the ~~secretary of state~~**DIRECTOR OF**
21 **ELECTIONS**, the ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall
22 also make the report or all of the contents of the report
23 available to the public on the internet, without charge, as soon
24 as practicable but not later than the end of the business day on
25 which it is received, at a single website established and
26 maintained by the ~~secretary of state~~**DIRECTOR OF ELECTIONS**.

27 (2) A copy of a statement or part of a statement shall be

1 provided by a filing official at a reasonable charge.

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

4 (4) Except as otherwise provided in this subsection, a
5 statement of organization filed under this act with a filing
6 official who is not the ~~secretary of state~~**DIRECTOR OF ELECTIONS**
7 shall be preserved by that filing official for 5 years from the
8 official date of the committee's dissolution. A statement of
9 organization filed under this act with a filing official who is
10 not the ~~secretary of state~~**DIRECTOR OF ELECTIONS** that is filed by
11 a committee that received more than \$50,000.00 in an election
12 cycle shall be preserved by that filing official for 15 years
13 from the official date of the committee's dissolution. A
14 statement of organization filed under this act with the ~~secretary~~
15 ~~of state~~**DIRECTOR OF ELECTIONS** shall be preserved by the
16 ~~secretary of state~~**DIRECTOR OF ELECTIONS** for 15 years from the
17 official date of the committee's dissolution. Except as otherwise
18 provided in this subsection, any other statement or report filed
19 under this act with a filing official who is not the ~~secretary of~~
20 ~~state~~**DIRECTOR OF ELECTIONS** shall be preserved by that filing
21 official for 5 years from the date the filing occurred. Any other
22 statement or report filed under this act with a filing official
23 who is not the ~~secretary of state~~**DIRECTOR OF ELECTIONS** that is
24 filed by a committee that received more than \$50,000.00 in an
25 election cycle shall be preserved by that filing official for 15
26 years from the date the filing occurred. Any other statement or
27 report filed under this act with the ~~secretary of state~~**DIRECTOR**

1 **OF ELECTIONS** shall be preserved by the ~~secretary of state~~
2 **DIRECTOR OF ELECTIONS** for 15 years from the date the filing
3 occurred. Upon a determination under section 15 that a violation
4 of this act has occurred, all complaints, orders, decisions, or
5 other documents related to that violation shall be preserved by
6 the filing official who is not the ~~secretary of state~~**DIRECTOR OF**
7 **ELECTIONS** or the ~~secretary of state~~**DIRECTOR OF ELECTIONS** for 15
8 years from the date of the court determination or the date the
9 violations are corrected, whichever is later. Statements and
10 reports filed under this act may be reproduced pursuant to the
11 records ~~media~~**REPRODUCTION** act, 1992 PA 116, MCL 24.401 to ~~24.403~~
12 **24.406**. After the required preservation period, the statements
13 and reports, or the reproductions of the statements and reports,
14 may be disposed of in the manner prescribed in the management and
15 budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and 1913 PA 271,
16 MCL 399.1 to 399.10.

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

21 (6) A filing official shall determine whether a statement or
22 report filed under this act complies, on its face, with the
23 requirements of this act and the rules promulgated under this
24 act. The filing official shall determine whether a statement or
25 report that is required to be filed under this act is in fact
26 filed. Within 4 business days after the deadline for filing a
27 statement or report under this act, the filing official shall

1 give notice to the filer by registered mail of an error or
2 omission in the statement or report and give notice to a person
3 the filing official has reason to believe is a person required to
4 and who failed to file a statement or report. A failure to give
5 notice by the filing official under this subsection is not a
6 defense to a criminal action against the person required to file.

7 (7) Within 9 business days after the report or statement is
8 required to be filed, the filer shall make any corrections in the
9 statement or report filed with the appropriate filing official.

10 If the report or statement was not filed, then the report or
11 statement shall be late filed within 9 business days after the
12 time it was required to be filed and ~~shall be~~ **IS** subject to late
13 filing fees.

14 (8) After 9 business days and before 12 business days have
15 expired after the deadline for filing the statement or report,
16 the filing official shall report errors or omissions that were
17 not corrected and failures to file to the attorney general **OR, IF**
18 **THE ERRORS OR OMISSIONS OR FAILURE TO FILE INVOLVES THE ATTORNEY**
19 **GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE ATTORNEY**
20 **GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE DIRECTOR OF**
21 **ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING ATTORNEY FOR**
22 **THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A CRIMINAL PENALTY**
23 **PROVIDED BY THIS ACT.**

24 (9) A statement or report required to be filed under this
25 act shall be filed not later than 5 p.m. of the day in which it
26 is required to be filed. A ~~pre-election~~ statement or report due on
27 July ~~25-31~~ or October ~~25-31~~ under section 33 that is postmarked

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

10 Sec. 17. (1) A person paying a late filing fee as a result
11 of that person's failure to file a statement or report shall pay
12 that fee to the filing official with whom the statement or report
13 was required to be filed.

14 (2) The late filing fees collected pursuant to sections 24,
15 33, 34, and 35, and copying charges collected pursuant to section
16 16, shall be retained by and for the use of the filing officials
17 collecting the fees or charges to cover their expenses in
18 administering this act. A late filing fee assessed by a county
19 clerk that remains unpaid for more than 60 days shall be
20 considered a debt of the county and shall be collected by the
21 county treasurer in the same manner as other county debts are
22 collected. A late filing fee assessed by the ~~secretary of state~~
23 **DIRECTOR OF ELECTIONS** that remains unpaid for more than 180 days
24 shall be referred to the department of treasury for collection.

25 (3) A committee, other than a candidate committee or a
26 committee making expenditures in assistance of or in opposition
27 to the qualification, passage, or defeat of a ballot question,

1 required to file with the ~~secretary of state~~ **DIRECTOR OF**
2 **ELECTIONS** is not required to pay a late filing fee pursuant to
3 sections 24, 33, 34, and 35, if all of the following conditions
4 are met:

5 (a) A committee required to register as a committee fails to
6 file a statement of organization.

7 (b) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** sends to
8 that committee notice of the committee's failure to file a
9 statement of organization.

10 (c) At the same time or after the notice described in
11 subdivision (b) is sent, the ~~secretary of state~~ **DIRECTOR OF**
12 **ELECTIONS** sends to that committee notice of the committee's
13 failure to file a campaign statement that was due for a period
14 that occurred before the notice of failure to file a statement of
15 organization was sent.

16 (d) Within 10 business days after the notice of failure to
17 file a statement of organization is sent, the committee files a
18 statement of organization.

19 (e) Within 10 business days after the notice of failure to
20 file a campaign statement is sent, the committee files every
21 campaign statement that is due.

22 (4) Late filing fees that would have occurred except for
23 subsection (3) shall be assessed for each statement not filed
24 before the eleventh business day after a notice of failure to
25 file is sent pursuant to subsection (3).

26 (5) A committee other than a candidate committee that has
27 not previously filed a statement of organization is not required

1 to pay a late filing fee pursuant to sections 24, 33, 34, and 35,
2 if the committee files a statement of organization and every
3 campaign statement that is due, before the ~~secretary of state~~
4 **DIRECTOR OF ELECTIONS** sends a notice to that committee pursuant
5 to subsection (3).

6 Sec. 18. (1) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
7 shall develop and implement an electronic filing and internet
8 disclosure system that permits committees that are required to
9 file statements or reports under this act with the ~~secretary of~~
10 ~~state~~ **DIRECTOR OF ELECTIONS** to file those statements or reports
11 electronically and that provides internet disclosure of
12 electronically filed statements or reports on a website.

13 (2) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall offer
14 each committee required to file with the ~~secretary of state~~
15 **DIRECTOR OF ELECTIONS** the option of filing campaign statements or
16 reports electronically, as described in subsection (1).

17 (3) Beginning with the annual campaign statement due January
18 31, 2004, each committee required to file with the ~~secretary of~~
19 ~~state~~ **DIRECTOR OF ELECTIONS** that received or expended \$20,000.00
20 or more in the preceding calendar year or expects to receive or
21 expend \$20,000.00 or more in the current calendar year shall
22 electronically file all statements and reports required under
23 this act, as described in subsection (1).

24 (4) If a committee was not required to file a campaign
25 statement under subsection (3) only because it did not meet the
26 applicable threshold of receiving or expending \$20,000.00 or
27 more, but the committee later reaches that threshold, the

1 committee shall notify the ~~secretary of state~~ **DIRECTOR OF**
2 **ELECTIONS** within 10 business days after reaching that threshold
3 and shall subsequently file electronically all statements and
4 reports required under this act.

5 (5) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall
6 permit a committee to electronically file statements and reports
7 required under this act, as described in subsection (1), except
8 an original statement of organization, after the committee
9 treasurer and, for a candidate committee, the candidate has
10 signed and filed a form designed by the ~~secretary of state~~
11 **DIRECTOR OF ELECTIONS** to serve as the signature verifying the
12 accuracy and completeness of each statement or report filed
13 electronically.

14 Sec. 21. (1) A candidate, within 10 days after becoming a
15 candidate, shall form a candidate committee. A person who is a
16 candidate for more than 1 office shall form a candidate committee
17 for each office for which the person is a candidate, if at least
18 1 of the offices is a state elective office. A candidate shall
19 not form more than 1 candidate committee for each office for
20 which the person is a candidate.

21 (2) A candidate committee shall have a treasurer who is a
22 qualified elector of this state. A candidate may appoint himself
23 or herself as the candidate committee treasurer.

24 (3) A committee other than a candidate committee shall have
25 a treasurer who is a qualified elector of this state if the
26 committee conducts business through an office or other facility
27 located in this state.

1 (4) If a committee is not required to have as its treasurer
2 an individual who is a qualified elector of this state, the
3 committee may have as its treasurer an individual who is a
4 resident of another state. A committee with a nonresident
5 treasurer shall file, with its statement of organization, an
6 irrevocable written stipulation, signed by the treasurer,
7 agreeing that legal process affecting the committee, served on
8 the ~~secretary of state~~**DIRECTOR OF ELECTIONS** or an agent
9 designated by the ~~secretary of state~~**DIRECTOR OF ELECTIONS**, shall
10 have the same effect as if personally served on the committee.
11 This appointment shall remain in force as long as any liability
12 of the committee remains outstanding within this state.

13 (5) If the ~~secretary of state~~**DIRECTOR OF ELECTIONS** or
14 designated agent of the ~~secretary of state~~**DIRECTOR OF ELECTIONS**
15 is served with legal process pursuant to subsection (4), the
16 ~~secretary of state~~**DIRECTOR OF ELECTIONS** shall promptly notify
17 the committee's treasurer by certified mail at the last known
18 address of the committee shown on the committee's statement of
19 organization.

20 (6) Except as provided by law, a candidate committee or a
21 committee described in subsection (3) shall have 1 account in a
22 financial institution in this state as an official depository for
23 the purpose of depositing all contributions received by the
24 committee in the form of or which are converted to money, checks,
25 or other negotiable instruments and for the purpose of making all
26 expenditures. The committee shall designate that financial
27 institution as its official depository. The establishment of an

1 account in a financial institution is not required until the
2 committee receives a contribution or makes an expenditure.
3 Secondary depositories shall be used for the sole purpose of
4 depositing contributions and promptly transferring the deposits
5 to the committee's official depository.

6 (7) Except as provided by law, a committee described in
7 subsection (4) shall have 1 account in a financial institution as
8 its official depository for the purpose of depositing all
9 contributions received by the committee in the form of or which
10 are converted to money, checks, or other negotiable instruments
11 and for the purpose of making all expenditures. The committee
12 shall designate that financial institution as its official
13 depository. The establishment of an account in a financial
14 institution is not required until the committee receives a
15 contribution or makes an expenditure. Secondary depositories
16 shall be used for the sole purpose of depositing contributions
17 and promptly transferring the deposits to the committee's
18 official depository.

19 (8) A contribution shall not be accepted and an expenditure
20 shall not be made by a committee that does not have a treasurer.
21 When the office of treasurer in a candidate committee is vacant,
22 the candidate shall be the treasurer until the candidate appoints
23 a new treasurer.

24 (9) An expenditure shall not be made by a committee without
25 the authorization of the treasurer or the treasurer's designee.
26 The contributions received or expenditures made by a candidate or
27 an agent of a candidate shall be considered received or made by

1 the candidate committee.

2 (10) Contributions received by an individual acting in
3 behalf of a committee shall be reported promptly to the
4 committee's treasurer not later than 5 days before the closing
5 date of any campaign statement required to be filed by the
6 committee, and shall be reported to the committee treasurer
7 immediately if the contribution is received less than 5 days
8 before the closing date.

9 (11) A contribution shall be considered received by a
10 committee when it is received by the committee treasurer or a
11 designated agent of the committee treasurer although the
12 contribution may not be deposited in the official depository by
13 the reporting deadline.

14 (12) Contributions received by a committee shall not be
15 commingled with other funds of an agent of the committee or of
16 any other person.

17 (13) A person who violates this section is subject to a
18 civil fine of not more than \$1,000.00.

19 Sec. 22. A committee treasurer or other individual
20 designated on the statement of organization as responsible for
21 the committee's record keeping, report preparation, or report
22 filing shall keep detailed accounts, records, bills, and receipts
23 as required to substantiate the information contained in a
24 statement or report filed pursuant to this act or rules
25 promulgated under this act. The treasurer shall record the name
26 and address of a person from whom a contribution is received. The
27 records of a committee shall be preserved for 5 years and shall

1 be made available for inspection as authorized by the ~~secretary~~
2 ~~of state~~ **DIRECTOR OF ELECTIONS**. A treasurer or other individual
3 designated as responsible for the committee's record keeping,
4 report preparation, or report filing who knowingly violates this
5 section is subject to a civil fine of not more than \$1,000.00.

6 Sec. 23. Subject to section 15, the ~~secretary of state~~
7 **DIRECTOR OF ELECTIONS** shall promulgate rules for the withdrawal
8 of funds from a committee account for petty cash expenditures and
9 for keeping records of the withdrawals. A single expenditure from
10 a petty cash fund shall not exceed \$50.00. A person who violates
11 this section is subject to a civil fine of 3 times the amount by
12 which the expenditure exceeds \$50.00, but the fine shall not
13 exceed \$1,000.00.

14 Sec. 24. (1) A committee shall file a statement of
15 organization with the filing officials designated in section 36
16 to receive the committee's campaign statements. A statement of
17 organization shall be filed within 10 days after a committee is
18 formed. A filing official shall maintain a statement of
19 organization filed by a committee until 5 years after the
20 official date of the committee's dissolution. A person who fails
21 to file a statement of organization required by this subsection
22 shall pay a late filing fee of \$10.00 for each business day the
23 statement remains not filed in violation of this subsection. The
24 late filing fee shall not exceed \$300.00. A person who violates
25 this subsection by failing to file for more than 30 days after a
26 statement of organization is required to be filed is guilty of a
27 misdemeanor punishable by a fine of not more than \$1,000.00.

1 (2) The statement of organization required by subsection (1)
2 shall include the following information:

3 (a) The name, street address, and if available, the
4 telephone number of the committee. If a committee is a candidate
5 committee, the committee name shall include the first and last
6 name of the candidate. A committee address may be the home
7 address of the candidate or treasurer of the committee.

8 (b) The name, street address, and if available, the
9 telephone number of the treasurer or other individual designated
10 as responsible for the committee's record keeping, report
11 preparation, or report filing.

12 (c) The name and address of the financial institution in
13 which the official committee depository is or is intended to be
14 located, and the name and address of each financial institution
15 in which a secondary depository is or is intended to be located.

16 (d) The full name of the office being sought by, including
17 district number or jurisdiction, and the county residence of each
18 candidate supported or opposed by the committee.

19 (e) A brief statement identifying the substance of each
20 ballot question supported or opposed by the committee. If the
21 ballot question supported or opposed by the committee is not
22 statewide, the committee shall identify the county in which the
23 greatest number of registered voters eligible to vote on the
24 ballot question reside.

25 (f) Identification of the committee as a candidate
26 committee, political party committee, independent committee,
27 political committee, or ballot question committee if it is

1 identifiable as such a committee.

2 (3) An independent committee or political committee shall
3 include in the name of the committee the name of the person or
4 persons that sponsor the committee, if any, or with whom the
5 committee is affiliated. A person, other than an individual or a
6 committee, sponsors or is affiliated with an independent
7 committee or political committee if that person establishes,
8 directs, controls, or financially supports the administration of
9 the committee. For the purposes of this subsection, a person does
10 not financially support the administration of a committee by
11 merely making a contribution to the committee.

12 (4) If any of the information required in a statement of
13 organization is changed, the committee shall file an amendment
14 when the next campaign statement is required to be filed. An
15 independent committee or political committee whose name does not
16 include the name of the person or persons that sponsor the
17 committee or with whom the committee is affiliated as required by
18 subsection (3) shall file an amendment to the committee's
19 statement of organization not later than the date the next
20 campaign statement is required to be filed after the effective
21 date of the amendatory act that added this sentence.

22 (5) When filing a statement of organization, a committee,
23 other than an independent committee, a political committee, or a
24 political party committee, may indicate in a written statement
25 signed by the treasurer of the committee that the committee does
26 not expect for each election to receive an amount in excess of
27 \$1,000.00 or expend an amount in excess of \$1,000.00.

1 (6) When filing a statement of organization, an independent
2 committee, a political committee, or a political party committee
3 may indicate in a written statement signed by the treasurer of
4 the committee that the committee does not expect in a calendar
5 year to receive or expend an amount in excess of \$1,000.00.

6 (7) Upon the dissolution of a committee, the committee shall
7 file a statement indicating dissolution with the filing officials
8 with whom the committee's statement of organization was filed.
9 Dissolution of a committee shall be accomplished pursuant to
10 rules promulgated by the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
11 under the administrative procedures act of 1969, 1969 PA 306, MCL
12 24.201 to 24.328.

13 (8) A candidate committee that files a written statement
14 pursuant to subsection (5) shall not be required to file a
15 dissolution statement pursuant to subsection (7) if the committee
16 failed to receive or expend an amount in excess of \$1,000.00 and
17 1 of the following applies:

18 (a) The candidate was defeated in an election and has no
19 outstanding campaign debts or assets.

20 (b) The candidate vacates an elective office and has no
21 outstanding campaign debts or assets.

22 Sec. 26. (1) A campaign statement of a committee, other than
23 a political party committee, required by this act shall contain
24 all of the following information:

25 (a) The filing committee's name, address, and telephone
26 number, and the full name, residential and business addresses,
27 and telephone numbers of the committee treasurer or other

1 individual designated as responsible for the committee's record
2 keeping, report preparation, or report filing.

3 (b) Under the heading "receipts", the total amount of
4 contributions received during the period covered by the campaign
5 statement; under the heading "expenditures", the total amount of
6 expenditures made during the period covered by the campaign
7 statement; and the cumulative amount of those totals. Forgiveness
8 of a loan shall not be included in the totals. Payment of a loan
9 by a third party shall be recorded and reported as an in-kind
10 contribution by the third party. In-kind contributions or
11 expenditures shall be listed at fair market value and shall be
12 reported as both contributions and expenditures. A contribution
13 or expenditure that is by other than completed and accepted
14 payment, gift, or other transfer, that is clearly not legally
15 enforceable, and that is expressly withdrawn or rejected and
16 returned before a campaign statement closing date need not be
17 included in the campaign statement and if included may, in a
18 later or amended statement, be shown as a deduction, but the
19 committee shall keep adequate records of each instance.

20 (c) The balance of cash on hand at the beginning and the end
21 of the period covered by the campaign statement.

22 (d) The following information regarding each fund-raising
23 event shall be included in the report:

24 (i) The type of event, date held, address and name, if any,
25 of the place where the activity was held, and approximate number
26 of individuals participating or in attendance.

27 (ii) The total amount of all contributions.

1 (iii) The gross receipts of the fund-raising event.

2 (iv) The expenditures incident to the event.

3 (e) The full name of each individual from whom contributions
4 are received during the period covered by the campaign statement,
5 together with the individual's street address, the amount
6 contributed, the date on which each contribution was received,
7 and the cumulative amount contributed by that individual. The
8 occupation, employer, and principal place of business shall be
9 stated if the individual's cumulative contributions are more than
10 \$100.00.

11 (f) The cumulative amount contributed and the name and
12 address of each individual, except those individuals reported
13 under subdivision (e), who contributed to the committee. The
14 occupation, employer, and principal place of business shall be
15 stated for each individual who contributed more than \$100.00.

16 (g) The name and street address of each person, other than
17 an individual, from whom contributions are received during the
18 period covered by the campaign statement, together with an
19 itemization of the amounts contributed, the date on which each
20 contribution was received, and the cumulative amount contributed
21 by that person.

22 (h) The name, address, and amount given by an individual who
23 contributed to the total amount contributed by a person who is
24 other than a committee or an individual. The occupation,
25 employer, and principal place of business shall be stated if the
26 individual contributed more than \$100.00 of the total amount
27 contributed by a person who is other than a committee or an

1 individual.

2 (i) The cumulative total of expenditures of \$50.00 or less
3 made during the period covered by the campaign statement except
4 for expenditures made to or on behalf of another committee,
5 candidate, or ballot question.

6 (j) The full name and street address of each person to whom
7 expenditures totaling more than \$50.00 were made, together with
8 the amount of each separate expenditure to each person during the
9 period covered by the campaign statement; the purpose of the
10 expenditure; the full name and street address of the person
11 providing the consideration for which any expenditure was made if
12 different from the payee; the itemization regardless of amount of
13 each expenditure made to or on behalf of another committee,
14 candidate, or ballot question; and the cumulative amount of
15 expenditures for or against that candidate or ballot question for
16 an election cycle. An expenditure made in support of more than 1
17 candidate or ballot question, or both, shall be apportioned
18 reasonably among the candidates or ballot questions, or both.

19 (2) A candidate committee or ballot question committee shall
20 report all cumulative amounts required by this section on a per
21 election cycle basis. Except for subsection (1)(j), an
22 independent committee or political committee shall report all
23 cumulative amounts required by this section on a calendar year
24 basis.

25 (3) A campaign statement of a committee, in addition to the
26 other information required by this section, shall include an
27 itemized list of all expenditures during the reporting period for

1 election day busing of electors to the polls, get-out-the-vote
2 activities, slate cards, challengers, poll watchers, and poll
3 workers.

4 (4) For a reporting period in which a contribution is
5 received that is to be part of a bundled contribution or a
6 reporting period in which a bundled contribution is delivered to
7 the candidate committee of a candidate for statewide elective
8 office, a bundling committee shall report to the ~~secretary of~~
9 ~~state~~**DIRECTOR OF ELECTIONS**, on a form provided by the ~~secretary~~
10 ~~of state~~**DIRECTOR OF ELECTIONS**, all of the following information,
11 as applicable, about each contribution received or delivered as
12 part of a bundled contribution, and about each bundled
13 contribution delivered, in the reporting period:

14 (a) The amount of each contribution, the date it was
15 received by the bundling committee, and the candidate for
16 statewide elective office whom the contributor designated as the
17 intended recipient.

18 (b) Each contributor's name and address and, for each
19 contribution exceeding \$100.00, the contributor's occupation,
20 employer, and principal place of business.

21 (c) The date each contribution is delivered to the
22 candidate's statewide elective office candidate committee.

23 (d) The total amount of bundled contributions delivered to
24 that candidate committee during the reporting period and during
25 the election cycle.

26 (5) With its delivery of a bundled contribution to the
27 candidate committee of a candidate for statewide elective office,

1 a bundling committee shall deliver a report to that candidate
2 committee, on a form provided by the ~~secretary of state~~ **DIRECTOR**
3 **OF ELECTIONS**, that includes all of the following information, as
4 applicable, about each contribution delivered as part of the
5 bundled contribution, and about all bundled contributions
6 delivered to that candidate committee in the election cycle:

7 (a) The amount of each contribution, the date it was
8 received by the bundling committee, and the statewide elective
9 office candidate the contributor designated as the intended
10 recipient.

11 (b) Each contributor's name and address and, for each
12 contribution exceeding \$100.00, the contributor's occupation,
13 employer, and principal place of business.

14 (c) The total amount of bundled contributions delivered to
15 that candidate committee during the reporting period and during
16 the election cycle.

17 (6) For a reporting period in which a bundled contribution
18 is received, a candidate committee of a candidate for statewide
19 elective office shall report to the ~~secretary of state~~ **DIRECTOR**
20 **OF ELECTIONS**, on a form provided by the ~~secretary of state~~
21 **DIRECTOR OF ELECTIONS**, all of the following information, as
22 applicable, about each contribution delivered as part of a
23 bundled contribution received in the reporting period and about
24 all bundled contributions received by that candidate committee:

25 (a) The amount of each contribution, the date it was
26 received by the candidate committee, and the name of the bundling
27 committee that delivered the contribution.

1 (b) Each contributor's name and address and, for each
2 contribution exceeding \$100.00, the contributor's occupation,
3 employer, and principal place of business.

4 (c) The total amount of bundled contributions received by
5 that candidate committee during the reporting period and during
6 the election cycle.

7 Sec. 30. (1) A committee shall not knowingly maintain
8 receipt of a contribution from a person prohibited from making a
9 contribution during the prohibited period under section 7b of the
10 Michigan gaming control and revenue act, the Initiated Law of
11 1996, MCL 432.207b.

12 (2) For purposes of this section, a committee is only
13 considered to have knowingly maintained receipt of a contribution
14 prohibited under subsection (1) and is subject to a penalty for
15 that violation if both of the following circumstances exist:

16 (a) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** has, by
17 registered mail, notified the committee that the committee has
18 received a contribution in violation of this section and has
19 specifically identified that contribution.

20 (b) The committee fails to return the contribution
21 identified under subdivision (a) on or before the thirtieth
22 business day after the date the committee receives the
23 notification described in subdivision (a).

24 Sec. 33. (1) A committee, other than an independent
25 committee or a political committee required to file with the
26 ~~secretary of state~~ **DIRECTOR OF ELECTIONS**, supporting or opposing
27 a candidate shall file complete campaign statements as required

1 by this act and the rules promulgated under this act. The
 2 campaign statements shall be filed ~~according to the following~~
 3 ~~schedule~~ **NOT LATER THAN THE FOLLOWING DATES EVERY YEAR:**

4 ~~—— (a) A preelection campaign statement shall be filed not~~
 5 ~~later than the eleventh day before an election. The closing date~~
 6 ~~for a campaign statement filed under this subdivision shall be~~
 7 ~~the sixteenth day before the election.~~

8 ~~—— (b) A postelection campaign statement shall be filed not~~
 9 ~~later than the thirtieth day following the election. The closing~~
 10 ~~date for a campaign statement filed under this subdivision shall~~
 11 ~~be the twentieth day following the election. A committee~~
 12 ~~supporting a candidate who loses the primary election shall file~~
 13 ~~closing campaign statements in accordance with this section. If~~
 14 ~~all liabilities of such a candidate or committee are paid before~~
 15 ~~the closing date and additional contributions are not expected,~~
 16 ~~the campaign statement may be filed at any time after the~~
 17 ~~election, but not later than the thirtieth day following the~~
 18 ~~election.~~

19 ~~—— (2) For the purposes of subsection (1):~~

20 ~~—— (a) A candidate committee shall file a preelection campaign~~
 21 ~~statement and a postelection campaign statement for each election~~
 22 ~~in which the candidate seeks nomination or election, except if an~~
 23 ~~individual becomes a candidate after the closing date for the~~
 24 ~~preelection campaign statement only the postelection campaign~~
 25 ~~statement is required for that election.~~

26 **(A) APRIL 30 WITH A CLOSING DATE OF MARCH 31.**

27 **(B) JULY 31 WITH A CLOSING DATE OF JUNE 30.**

1 (C) OCTOBER 31 WITH A CLOSING DATE OF SEPTEMBER 30.

2 (2) ~~(b) A committee other than a candidate committee shall~~
 3 file a campaign statement **AS REQUIRED BY SUBSECTION (1)** for each
 4 period during which expenditures are made for the purpose of
 5 influencing the nomination or election of a candidate or for the
 6 qualification, passage, or defeat of a ballot question.

7 (3) An independent committee or a political committee other
 8 than a house political party caucus committee or senate political
 9 party caucus committee required to file with the ~~secretary of~~
 10 ~~state~~ **DIRECTOR OF ELECTIONS** shall file campaign statements as
 11 required by this act ~~according to the following schedule~~ **NOT**
 12 **LATER THAN THE FOLLOWING DATES EVERY YEAR:**

13 ~~—— (a) In an odd numbered year:~~

14 ~~—— (i) Not later than January 31 of that year with a closing~~
 15 ~~date of December 31 of the previous year.~~

16 ~~—— (ii) Not later than July 25 with a closing date of July 20.~~

17 ~~—— (iii) Not later than October 25 with a closing date of October~~
 18 ~~20.~~

19 ~~—— (b) In an even numbered year:~~

20 (A) ~~(i) Not later than April 25 of that year~~ **30** with a
 21 closing date of ~~April 20 of that year~~ **MARCH 31.**

22 (B) ~~(ii) Not later than July 25~~ **31** with a closing date of
 23 ~~July 20~~ **JUNE 30.**

24 (C) ~~(iii) Not later than October 25~~ **31** with a closing date of
 25 ~~October 20~~ **SEPTEMBER 30.**

26 (4) A house political party caucus committee or a senate
 27 political party caucus committee required to file with the

1 ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall file campaign
2 statements as required by this act ~~according to the following~~
3 ~~schedule~~ **NOT LATER THAN THE FOLLOWING DATES EVERY YEAR:**

4 (a) ~~Not later than January 31 of each year~~ with a closing
5 date of December 31 of the immediately preceding year.

6 (b) ~~Not later than April 25 of each year~~ **30** with a closing
7 date of ~~April 20 of that year~~ **MARCH 31.**

8 (c) ~~Not later than July 25 of each year~~ **31** with a closing
9 date of ~~July 20 of that year~~ **JUNE 30.**

10 (d) ~~Not later than October 25 of each year~~ **31** with a closing
11 date of ~~October 20 of that year~~ **SEPTEMBER 30.**

12 (e) For the period beginning on the fourteenth day
13 immediately preceding a primary or special primary election and
14 ending on the day immediately following the primary or special
15 primary election, not later than 4 p.m. each business day with a
16 closing date of the immediately preceding day, only for a
17 contribution received or expenditure made that exceeds \$1,000.00
18 per day.

19 (f) For the period beginning on the fourteenth day
20 immediately preceding a general or special election and ending on
21 the day immediately following the general or special election,
22 not later than 4 p.m. each business day with a closing date of
23 the immediately preceding day, only for a contribution received
24 or expenditure made that exceeds \$1,000.00 per day.

25 (5) Notwithstanding subsection (3) or (4) or section 51, if
26 an independent expenditure is made within 45 days before a
27 special election by an independent committee or a political

1 committee required to file a campaign statement with the
2 ~~secretary of state~~ **DIRECTOR OF ELECTIONS**, a report of the
3 expenditure shall be filed by the committee with the ~~secretary of~~
4 ~~state~~ **DIRECTOR OF ELECTIONS** within 48 hours after the
5 expenditure. The report shall be made on a form provided by the
6 ~~secretary of state~~ **DIRECTOR OF ELECTIONS** and shall include the
7 date of the independent expenditure, the amount of the
8 expenditure, a brief description of the nature of the
9 expenditure, and the name and address of the person to whom the
10 expenditure was paid. The brief description of the expenditure
11 shall include either the name of the candidate and the office
12 sought by the candidate or the name of the ballot question and
13 shall state whether the expenditure supports or opposes the
14 candidate or ballot question. This subsection does not apply if
15 the committee is required to report the independent expenditure
16 in a campaign statement that is required to be filed before the
17 date of the election for which the expenditure was made.

18 (6) A candidate committee or a committee other than a
19 candidate committee that files a written statement under section
20 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign
21 statement under subsection (1), (3), or (4) unless it received or
22 expended an amount in excess of \$1,000.00. If the committee
23 receives or expends an amount in excess of \$1,000.00 during a
24 period covered by a filing, the committee is then subject to the
25 campaign filing requirements under this act.

26 (7) A committee, candidate, treasurer, or other individual
27 designated as responsible for the committee's record keeping,

1 report preparation, or report filing who fails to file a
2 statement as required by this section shall pay a late filing
3 fee. If the committee has raised \$10,000.00 or less during the
4 previous 2 years, the late filing fee shall be \$25.00 for each
5 business day the statement remains unfiled, but not to exceed
6 \$500.00. If the committee has raised more than \$10,000.00 during
7 the previous 2 years, the late filing fee shall not exceed
8 \$1,000.00, determined as follows:

9 (a) Twenty-five dollars for each business day the report
10 remains unfiled.

11 (b) An additional \$25.00 for each business day after the
12 first 3 business days the report remains unfiled.

13 (c) An additional \$50.00 for each business day after the
14 first 10 business days the report remains unfiled.

15 (8) If a candidate, treasurer, or other individual
16 designated as responsible for the committee's record keeping,
17 report preparation, or report filing fails to file 2 statements
18 required by this section or section 35 and both of the statements
19 remain unfiled for more than 30 days, that candidate, treasurer,
20 or other designated individual is guilty of a misdemeanor,
21 punishable by a fine of not more than \$1,000.00, or imprisonment
22 for not more than 90 days, or both.

23 (9) If a candidate is found guilty of a violation of this
24 section, the circuit court for that county, on application by the
25 attorney general or the prosecuting attorney of that county, may
26 prohibit that candidate from assuming the duties of a public
27 office or from receiving compensation from public funds, or both.

1 (10) If a treasurer or other individual designated as
 2 responsible for a committee's record keeping, report preparation,
 3 or report filing knowingly files an incomplete or inaccurate
 4 statement or report required by this section, that treasurer or
 5 other designated individual is subject to a civil fine of not
 6 more than \$1,000.00.

7 Sec. 34. (1) A ballot question committee shall file a
 8 campaign statement as required by this act ~~according to the~~
 9 ~~following schedule~~ **NOT LATER THAN THE FOLLOWING DATES EVERY YEAR:**

10 ~~—— (a) A preelection campaign statement, the closing date of~~
 11 ~~which shall be the sixteenth day before the election, shall not~~
 12 ~~be filed later than the eleventh day before the election.~~

13 ~~—— (b) A postelection campaign statement, the closing date of~~
 14 ~~which shall be the twentieth day following the election, shall~~
 15 ~~not be filed later than the thirtieth day following an election.~~

16 ~~If all liabilities of the committee are paid before the closing~~
 17 ~~date and additional contributions are not expected, the campaign~~
 18 ~~statement may be filed at any time after the election, but not~~
 19 ~~later than the thirtieth day following the election.~~

20 (A) APRIL 30 WITH A CLOSING DATE OF MARCH 31.

21 (B) JULY 31 WITH A CLOSING DATE OF JUNE 30.

22 (C) OCTOBER 31 WITH A CLOSING DATE OF SEPTEMBER 30.

23 (2) A ballot question committee supporting or opposing a
 24 statewide ballot question shall file a campaign statement, of
 25 which the closing date shall be the twenty-eighth day after the
 26 qualification of the measure, not later than 35 days after the
 27 ballot question is qualified for the ballot. If the ballot

1 question fails to qualify for the ballot, the ballot question
2 committee shall file the campaign statement within 35 days after
3 the final deadline for qualifying, the closing date of which
4 shall be the twenty-eighth day after the deadline.

5 (3) If a ballot question committee supporting or opposing a
6 statewide ballot question fails to file a ~~preelection~~ statement
7 under ~~this section~~ **SUBSECTION (1) (C) IN A YEAR IN WHICH THE**
8 **BALLOT QUESTION APPEARS ON THE BALLOT**, that committee or its
9 treasurer shall pay a late filing fee for each business day the
10 statement remains not filed in violation of this section, not to
11 exceed \$1,000.00, pursuant to the following schedule:

12 (a) First day--\$25.00.

13 (b) Second day--\$50.00.

14 (c) Third day--\$75.00.

15 (d) Fourth day and for each subsequent day that the
16 statement remains unfiled--\$100.00.

17 (4) If a treasurer or other individual designated as
18 responsible for the record keeping, report preparation, or report
19 filing of a ballot question committee supporting or opposing a
20 statewide ballot question fails to file a statement, other than a
21 ~~preelection~~ statement **DESCRIBED IN SUBSECTION (3)**, under this
22 section, that committee, treasurer, or other designated
23 individual shall pay a late filing fee. If the committee has
24 raised \$10,000.00 or less during the previous 2 years, the late
25 filing fee shall be \$25.00 for each business day the campaign
26 statement remains unfiled, but not to exceed \$1,000.00. If the
27 committee has raised more than \$10,000.00 during the previous 2

1 years, the late filing fee shall be \$50.00 for each business day
2 the campaign statement remains unfiled, but not to exceed
3 \$2,000.00.

4 (5) If a treasurer or other individual designated as
5 responsible for the record keeping, report preparation, or report
6 filing of a ballot question committee supporting or opposing
7 other than a statewide ballot question fails to file a statement
8 under this section, that committee, treasurer, or other
9 designated individual shall pay a late filing fee. If the
10 committee has raised \$10,000.00 or less during the previous 2
11 years, the late filing fee shall be \$25.00 for each business day
12 the campaign statement remains unfiled, but not to exceed
13 \$1,000.00. If the committee has raised more than \$10,000.00
14 during the previous 2 years, the late filing fee shall be \$50.00
15 for each business day the campaign statement remains unfiled, but
16 not to exceed \$2,000.00.

17 (6) If a treasurer or other individual designated as
18 responsible for the record keeping, report preparation, or report
19 filing of a ballot question committee fails to file a statement
20 as required by subsection (1) or (2) for more than 7 days, that
21 treasurer or other designated individual is guilty of a
22 misdemeanor, punishable by a fine of not more than \$1,000.00, or
23 imprisonment for not more than 90 days, or both.

24 (7) If a treasurer or other individual designated as
25 responsible for the record keeping, report preparation, or report
26 filing of a ballot question committee knowingly files an
27 incomplete or inaccurate statement or report required by this

1 section, that treasurer or other designated individual is subject
2 to a civil fine of not more than \$1,000.00.

3 Sec. 35. (1) In addition to any other requirements of this
4 act for filing a campaign statement, a committee ~~, other than an~~
5 ~~independent committee or a political committee required to file~~
6 ~~with the secretary of state,~~ shall also file a campaign statement
7 not later than January 31 of each year. The campaign statement
8 shall have a closing date of December 31 of the previous year.
9 The period covered by the campaign statement filed pursuant to
10 this subsection begins the day after the closing date of the
11 previous campaign statement. ~~A campaign statement filed pursuant~~
12 ~~to this subsection shall be waived if a postelection campaign~~
13 ~~statement has been filed that has a filing deadline within 30~~
14 ~~days of the closing date of the campaign statement required by~~
15 ~~this subsection.~~

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 contribution or make
20 any expenditure during the time that would be otherwise covered
21 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~~ **UNDER**
18 section 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a statement
19 ~~in accordance with~~ **UNDER** subsection (1). If a committee receives
20 or expends more than \$1,000.00 during a time period prescribed by
21 section 24(5) or (6), the committee is then subject to the
22 campaign filing requirements under this act and shall file a
23 campaign statement for the period beginning the day after the
24 closing date of the last ~~postelection~~ campaign statement. ~~or an~~
25 ~~annual campaign statement that is waived pursuant to subsection~~
26 ~~(1), whichever occurred earlier.~~

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

1 designated as responsible for the record keeping, report
2 preparation, or report filing fails to file 2 statements required
3 by this section or section 33 and both of the statements remain
4 unfiled for more than 30 days, that candidate, treasurer, or
5 other designated individual is guilty of a misdemeanor,
6 punishable by a fine of not more than \$1,000.00, or imprisonment
7 for not more than 90 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. 36. (1) A candidate committee for a state elective
16 office or a judicial office shall file a copy of the campaign
17 statement required under this act with the ~~secretary of state~~
18 **DIRECTOR OF ELECTIONS**. The ~~secretary of state~~ **DIRECTOR OF**
19 **ELECTIONS** shall reproduce the copy and transmit the reproduction
20 to the clerk of the county of residence of the candidate.

21 (2) A ballot question committee supporting or opposing a
22 statewide ballot question shall file a copy of the campaign
23 statement required under this act with the ~~secretary of state~~
24 **DIRECTOR OF ELECTIONS** and with the clerk of the most populous
25 county in the state. A ballot question committee supporting or
26 opposing a ballot question to be voted upon in more than 1
27 county, but not statewide, shall file a copy of the campaign

1 statement required under this act with the clerk of the county in
2 which the greatest number of registered voters eligible to vote
3 on the ballot question reside. A ballot question committee
4 supporting or opposing a ballot question to be voted upon within
5 a single county shall file a copy of the campaign statement
6 required under this act only with the clerk of that county.

7 (3) A political party committee shall file a copy of the
8 campaign statement required under this act with the ~~secretary of~~
9 ~~state~~ **DIRECTOR OF ELECTIONS**. The ~~secretary of state~~ **DIRECTOR OF**
10 **ELECTIONS** shall reproduce a copy of the campaign statement of a
11 political party committee that is a county committee and file the
12 copy with the clerk of the county where the county committee
13 operates.

14 (4) A committee supporting or opposing a candidate for local
15 elective office, if the office is to be voted on in more than 1
16 county but not statewide, shall file a copy of the campaign
17 statement required under this act with the clerk of the county in
18 which the greatest number of registered voters eligible to vote
19 on the office reside.

20 (5) A committee not covered under ~~subsection~~ **SUBSECTIONS** (1)
21 ~~, (2), (3), or~~ **TO** (4) shall file a copy of the campaign statement
22 required under this act with the ~~secretary of state, except that~~
23 ~~a committee reporting contributions or expenditures for a~~
24 ~~candidate within only 1 county shall file a statement only with~~
25 ~~the clerk of that county~~ **DIRECTOR OF ELECTIONS**.

26 (6) A local unit of government that receives copies of
27 campaign statements under this section shall make the statements

1 available for public inspection and reproduction during regular
2 business hours of the local unit of government. The local unit of
3 government shall make the statements available as soon as
4 practicable after receipt, but not later than the third business
5 day following the day on which they are received.

6 **SEC. 43A. (1) A CANDIDATE COMMITTEE SHALL NOT PAY THE**
7 **CANDIDATE, AND A CANDIDATE SHALL NOT RECEIVE FROM HIS OR HER**
8 **CANDIDATE COMMITTEE, WAGES, A SALARY, OR OTHER EMPLOYMENT**
9 **COMPENSATION.**

10 **(2) AN INDIVIDUAL WHO KNOWINGLY VIOLATES THIS SECTION IS**
11 **GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE**
12 **THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. A**
13 **COMMITTEE THAT VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT**
14 **MORE THAN \$10,000.00.**

15 Sec. 46. At the beginning of every odd numbered year, the
16 ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall recommend
17 adjustments to, ~~and~~ which shall be approved by the legislature,
18 ~~of the~~ dollar value contribution limits provided in this ~~act~~
19 **CHAPTER**, together with the dollar value floor for reporting of
20 the name, address, occupation, and employer, or principal place
21 of business of persons who make contributions pursuant to this
22 ~~chapter~~ **ACT**, on the basis of the United States department of
23 commerce's consumer price index and the number of registered
24 voters in the state.

25 Sec. 47. (1) Except as otherwise provided in this subsection
26 and subject to subsections (3) and (4), a billboard, placard,
27 poster, pamphlet, or other printed matter having reference to an

1 election, a candidate, or a ballot question, shall bear upon it
 2 the name and address of the person paying for the matter. Except
 3 as otherwise provided in this subsection and subject to
 4 subsections (3) and (4), if the printed matter relating to a
 5 candidate is an independent expenditure that is not authorized in
 6 writing by the candidate committee of that candidate, the printed
 7 matter shall contain the following disclaimer: "Not authorized by
 8 any candidate committee". An individual other than a candidate is
 9 not subject to this subsection if the individual is acting
 10 independently and not acting as an agent for a candidate or any
 11 committee.

12 (2) A radio or television paid advertisement having
 13 reference to an election, a candidate, or a ballot question shall
 14 identify the sponsoring person as required by the federal
 15 communications commission, shall bear the name of the person
 16 paying for the advertisement, and shall be in compliance with
 17 subsection (3) and with the following:

18 (a) If the radio or television paid advertisement relates to
 19 a candidate and is an independent expenditure, the advertisement
 20 shall contain the following disclaimer: "Not authorized by any
 21 candidate".

22 (b) If the radio or television paid advertisement relates to
 23 a candidate and is not an independent expenditure but is paid for
 24 by a person other than the candidate to which it is related, the
 25 advertisement shall contain the following disclaimer:

26 ~~"Authorized by"~~
 27 ~~(name of candidate or name of candidate committee)~~

1 "I AM _____ AND I APPROVE THIS MESSAGE."
 2 (NAME OF CANDIDATE)

3 (3) The size and placement of an identification or
 4 disclaimer required by this section shall be determined by rules
 5 promulgated by the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**. The
 6 rules may exempt printed matter and certain other items such as
 7 campaign buttons or balloons, the size of which makes it
 8 unreasonable to add an identification or disclaimer, from the
 9 identification or disclaimer required by this section.

10 (4) Except for a candidate committee's printed matter or
 11 radio or television paid advertisements, each identification or
 12 disclaimer required by this section shall also indicate that the
 13 printed matter or radio or television paid advertisement is paid
 14 for "with regulated funds". Printed matter or a radio or
 15 television paid advertisement that is not subject to this act
 16 shall not bear the statement required by this subsection.

17 (5) A person who knowingly violates this section is guilty
 18 of a misdemeanor punishable by a fine of not more than \$1,000.00,
 19 or imprisonment for not more than 93 days, or both.

20 **SEC. 48. (1) A COMMUNICATION ADVOCATING THE ELECTION OR**
 21 **DEFEAT OF A CANDIDATE THAT IS DESIGNED TO CONTACT ELECTORS**
 22 **THROUGH AUTOMATED TELEPHONIC, ELECTRONIC MAIL, OR OTHER**
 23 **ELECTRONIC MEANS AND TO WHICH SECTION 47 DOES NOT APPLY SHALL**
 24 **CLEARLY STATE THE NAME OF THE PERSON PAYING FOR THE**
 25 **COMMUNICATION.**

26 (2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1)

1 ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE AND IS AN
 2 INDEPENDENT EXPENDITURE NOT AUTHORIZED IN WRITING BY THAT
 3 CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION SHALL ALSO
 4 CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY
 5 CANDIDATE COMMITTEE.". IF THE COMMUNICATION DESCRIBED IN
 6 SUBSECTION (1) ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE
 7 AND IS NOT AN INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A
 8 PERSON OTHER THAN THE CANDIDATE WHOM IT ADVOCATES THE ELECTION OR
 9 DEFEAT OF, THE COMMUNICATION SHALL ALSO CLEARLY STATE THE
 10 FOLLOWING DISCLAIMER:

11 "AUTHORIZED BY _____".
 12 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

13 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)
 14 SHALL STATE THE NAME OF THE PERSON PAYING FOR THE COMMUNICATION
 15 AND ANY DISCLAIMERS REQUIRED UNDER SUBSECTION (2) AT THE
 16 BEGINNING OF THE TELEPHONIC COMMUNICATION. A TELEPHONIC
 17 COMMUNICATION DESCRIBED IN SUBSECTION (1) SHALL NOT TAKE PLACE
 18 BETWEEN THE HOURS OF 9 P.M. AND 9 A.M.

19 (4) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE
 20 DIRECTOR OF ELECTIONS SHALL PROMULGATE RULES REGULATING THE SIZE
 21 AND PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS
 22 SECTION.

23 (5) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
 24 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
 25 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

26 Sec. 50. ~~A legislator~~ AN INDIVIDUAL WHO HOLDS STATE ELECTIVE

1 **OFFICE** shall not accept an honorarium. ~~A person~~ **AN INDIVIDUAL** who
2 knowingly violates this section is guilty of a misdemeanor
3 punishable by a fine of not more than \$1,000.00 or imprisonment
4 for not more than 90 days, or both.

5 Sec. 51. A person, other than a committee, who makes an
6 independent expenditure, advocating the election of a candidate
7 or the defeat of a candidate's opponents or the qualification,
8 passage, or defeat of a ballot question, in an amount of \$100.01
9 or more in a calendar year shall file a report of the independent
10 expenditure, within 10 days, with the clerk of the county of
11 residence of that person. The report shall be made on an
12 independent expenditure report form provided by the ~~secretary of~~
13 ~~state~~ **DIRECTOR OF ELECTIONS** and shall include the date of the
14 expenditure, a brief description of the nature of the
15 expenditure, the amount, the name and address of the person to
16 whom it was paid, the name and address of the person filing the
17 report, together with the name, address, occupation, employer,
18 and principal place of business of each person who contributed
19 \$100.01 or more to the expenditure. The filing official receiving
20 the report shall forward copies, as required, to the appropriate
21 filing officers as described in section 36.

22 Sec. 55. (1) A corporation organized on a for profit or
23 nonprofit basis, a joint stock company, a domestic dependent
24 sovereign, or a labor organization formed under the laws of this
25 or another state or foreign country may make an expenditure for
26 the establishment and administration and solicitation of
27 contributions to a separate segregated fund to be used for

1 political purposes. A separate segregated fund established under
2 this section shall be limited to making contributions to, and
3 expenditures on behalf of, candidate committees, ballot question
4 committees, political party committees, political committees, and
5 independent committees.

6 (2) Contributions for a separate segregated fund established
7 by a corporation, organized on a for profit basis, or a joint
8 stock company under this section may be solicited from any of the
9 following persons or their ~~spouses~~ **IMMEDIATE FAMILY**:

10 (a) Stockholders of the corporation or company.

11 (b) Officers and directors of the corporation or company.

12 (c) Employees of the corporation or company who have policy
13 making, managerial, professional, supervisory, or administrative
14 nonclerical responsibilities.

15 (3) Contributions for a separate segregated fund established
16 under this section by a corporation organized on a nonprofit
17 basis may be solicited from any of the following persons or their
18 ~~spouses~~ **IMMEDIATE FAMILY**:

19 (a) Members of the corporation who are individuals.

20 (b) Stockholders of members of the corporation.

21 (c) Officers or directors of members of the corporation.

22 (d) Employees of the members of the corporation who have
23 policy making, managerial, professional, supervisory, or
24 administrative nonclerical responsibilities.

25 (e) Employees of the corporation who have policy making,
26 managerial, professional, supervisory, or administrative
27 nonclerical responsibilities.

1 (4) Contributions for a separate segregated fund established
2 under this section by a labor organization may be solicited from
3 any of the following persons or their ~~spouses~~**IMMEDIATE FAMILY**:

4 (a) Members of the labor organization who are individuals.

5 (b) Officers or directors of the labor organization.

6 (c) Employees of the labor organization who have policy
7 making, managerial, professional, supervisory, or administrative
8 nonclerical responsibilities.

9 (5) Contributions for a separate segregated fund established
10 under this section by a domestic dependent sovereign may be
11 solicited from an individual who is a member of any domestic
12 dependent sovereign.

13 (6) Contributions shall not be obtained for a separate
14 segregated fund established under this section by use of coercion
15 or physical force, by making a contribution a condition of
16 employment or membership, or by using or threatening to use job
17 discrimination or financial reprisals. A corporation organized on
18 a for profit or nonprofit basis, a joint stock company, a
19 domestic dependent sovereign, or a labor organization shall not
20 solicit or obtain contributions for a separate segregated fund
21 established under this section from an individual described in
22 subsection (2), (3), (4), or (5) on ~~an automatic or~~ **A** passive
23 basis including but not limited to a ~~payroll deduction plan or~~
24 reverse checkoff method. A corporation organized on a for profit
25 or nonprofit basis, a joint stock company, a domestic dependent
26 sovereign, or a labor organization may solicit or obtain
27 contributions for a separate segregated fund established under

1 this section from an individual described in subsection (2), (3),
2 (4), or (5) on an automatic basis, including but not limited to a
3 payroll deduction plan, only if the individual who is
4 contributing to the fund affirmatively consents to the
5 contribution. ~~at least once in every calendar year.~~

6 (7) A person who knowingly violates this section is guilty
7 of a felony punishable, if the person is an individual, by a fine
8 of not more than \$5,000.00 or imprisonment for not more than 3
9 years, or both, or, if the person is not an individual, by a fine
10 of not more than \$10,000.00.

11 (8) If a corporation, joint stock company, domestic
12 dependent sovereign, or labor organization that obtains
13 contributions for a separate segregated fund from individuals
14 described in subsection (2), (3), (4), or (5) pays to 1 or more
15 of those individuals a bonus or other remuneration for the
16 purpose of reimbursing those contributions, then that
17 corporation, joint stock company, domestic dependent sovereign,
18 or labor organization is subject to a civil fine equal to 2 times
19 the total contributions obtained from all individuals for the
20 separate segregated fund during that calendar year.

21 Sec. 57. (1) A public body or an individual acting for a
22 public body shall not use or authorize the use of funds,
23 personnel, office space, computer hardware or software, property,
24 stationery, postage, vehicles, equipment, supplies, or other
25 public resources to make a contribution or expenditure or provide
26 volunteer personal services that are excluded from the definition
27 of contribution under section 4(3)(a). This subsection does not

1 apply to any of the following:

2 (a) The expression of views by an elected or appointed
3 public official who has policy making responsibilities.

4 (b) The production or dissemination of factual information
5 concerning issues relevant to the function of the public body.

6 (c) The production or dissemination of debates, interviews,
7 commentary, or information by a broadcasting station, newspaper,
8 magazine, or other periodical or publication in the regular
9 course of broadcasting or publication.

10 (d) The use of a public facility owned or leased by, or on
11 behalf of, a public body if any candidate or committee has an
12 equal opportunity to use the public facility.

13 (e) The use of a public facility owned or leased by, or on
14 behalf of, a public body if that facility is primarily used as a
15 family dwelling and is not used to conduct a fund-raising event.

16 (f) An elected or appointed public official or an employee
17 of a public body who, when not acting for a public body but is on
18 his or her own personal time, is expressing his or her own
19 personal views, is expending his or her own personal funds, or is
20 providing his or her own personal volunteer services.

21 **(G) THE USE OF PUBLIC RESOURCES TO PERMIT A PUBLIC EMPLOYEE,**
22 **INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF PUBLIC UNIVERSITIES,**
23 **TO CONTRIBUTE TO A POLITICAL ACTION COMMITTEE OF THE EMPLOYEE'S**
24 **COLLECTIVE BARGAINING REPRESENTATIVE BY PAYROLL DEDUCTION.**

25 (2) A person who knowingly violates this section is guilty
26 of a misdemeanor punishable, if the person is an individual, by a
27 fine of not more than \$1,000.00 or imprisonment for not more than

1 1 year, or both, or if the person is not an individual, by 1 of
2 the following, whichever is greater:

3 (a) A fine of not more than \$20,000.00.

4 (b) A fine equal to the amount of the improper contribution
5 or expenditure.

6 SEC. 57A. (1) SUBJECT TO SUBSECTION (2), A CANDIDATE OR
7 PERSON ACTING ON BEHALF OF A CANDIDATE SHALL NOT SOLICIT OR
8 ACCEPT A CONTRIBUTION IN A FACILITY OWNED OR LEASED BY, OR ON
9 BEHALF OF, THIS STATE, A PUBLIC BODY, OR A DIVISION OR AGENCY OF
10 THE COURT OF JUSTICE OF THIS STATE.

11 (2) SUBSECTION (1) DOES NOT APPLY TO A CONTRIBUTION
12 SOLICITED OR ACCEPTED IN ANY OF THE FOLLOWING:

13 (A) A PUBLIC FACILITY OWNED OR LEASED BY, OR ON BEHALF OF, A
14 PUBLIC BODY IF THAT FACILITY IS PRIMARILY USED AS A FAMILY
15 DWELLING AND IS NOT USED TO CONDUCT A FUND-RAISING EVENT.

16 (B) A PUBLIC FACILITY OWNED OR LEASED BY, OR ON BEHALF OF, A
17 PUBLIC BODY IF ANY CANDIDATE OR COMMITTEE HAS AN EQUAL
18 OPPORTUNITY TO USE THE PUBLIC FACILITY.

19 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
21 OR A FINE EQUAL TO THE GREATER OF \$1,000.00 OR THE AMOUNT OF THE
22 IMPROPER SOLICITATION OR CONTRIBUTION, OR BOTH IMPRISONMENT AND A
23 FINE.

24 Sec. 63. (1) The ~~secretary of state~~ DIRECTOR OF ELECTIONS
25 shall receive and keep a record of each candidate's certified
26 statements of qualifying contributions. A statement shall include
27 in alphabetical order the full name and street address of each

1 person from whom a qualifying contribution is received during the
2 reporting period, together with the amount of each contribution
3 and the date received by the treasurer of the committee.

4 (2) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall
5 promptly notify a candidate for nomination for governor when that
6 candidate qualifies under this act to receive ~~moneys~~ **MONEY** from
7 the state campaign fund.

8 (3) If a candidate desires to receive ~~moneys~~ **MONEY** from the
9 state campaign fund and received notice of qualification for
10 funding under subsection (2), the candidate shall apply to the
11 ~~secretary of state~~ **DIRECTOR OF ELECTIONS**. The candidate shall
12 state the amount of ~~moneys~~ **MONEY** desired from the state campaign
13 fund in the application. The candidate shall state in the
14 application for state campaign fund money that the candidate and
15 the candidate's committee agree to adhere to expenditure
16 limitations stated in section 67.

17 (4) The ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall
18 determine the maximum amount for which the candidate qualifies
19 under this act. The ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
20 shall forward information as to this amount and the application
21 for funding to the state treasurer.

22 (5) The state treasurer shall issue a warrant drawn on the
23 state campaign fund for an amount equal to the maximum amount
24 which the candidate is qualified to receive or the amount applied
25 for, whichever is less. The warrant shall not be issued before
26 January 1 of the year in which the election for governor is to be
27 held.

1 Sec. 64. (1) A candidate in a primary election may obtain
2 funds from the state campaign fund in an amount equal to \$2.00
3 for each \$1.00 of qualifying contribution if the candidate
4 certifies to the ~~secretary of state~~ **DIRECTOR OF ELECTIONS** both of
5 the following:

6 (a) That the candidate committee of the candidate received
7 \$75,000.00 or more of qualifying contributions.

8 (b) That the full name and address of each person making a
9 qualifying contribution is recorded by the candidate committee of
10 the candidate certifying. This requirement is in addition to and
11 not in lieu of any other requirements relating to the recording
12 and reporting of contributions.

13 (2) A candidate is not entitled to ~~funds~~ **MONEY** from the
14 state campaign fund for a primary election if it is determined
15 the name of the candidate is ineligible to appear on the primary
16 election ballot pursuant to section 53 of the Michigan election
17 law, ~~Act No. 116 of the Public Acts of 1954, as amended, being~~
18 ~~section 168.53 of the Michigan Compiled Laws~~ **1954 PA 116, MCL**
19 **168.53**. A candidate who does not file nominating petitions for
20 the office of governor or who files an insufficient petition for
21 that office shall return all ~~funds~~ **MONEY** received from the state
22 campaign fund for that primary election.

23 (3) A candidate shall not receive from the state campaign
24 fund for a primary more than \$990,000.00.

25 (4) ~~For purposes of~~ **AS USED IN** this section, "primary
26 election" ~~is~~ **MEANS** the election described in section 52 of ~~Act~~
27 ~~No. 116 of the Public Acts of 1954, as amended, being section~~

1 ~~168.52 of the Michigan Compiled Laws~~ **THE MICHIGAN ELECTION LAW,**
2 **1954 PA 116, MCL 168.52.**

3 Sec. 65. (1) A major political party nominee is entitled to
4 an amount from the state campaign fund of not more than
5 \$1,125,000.00 for a general election. A candidate, subject to
6 law, may raise the remaining amount of the permissible
7 expenditure limit in private contributions. An eligible candidate
8 in a general election may elect to accept partial payment of
9 money from the state campaign fund and instead raise private
10 contributions as provided by law that, when added to the amount
11 received from the state campaign fund, do not exceed the
12 expenditure limit designated in section 67.

13 (2) A minor political party nominee whose party received 5%
14 or more of the vote for the same office in the last election is
15 entitled to an amount from the state campaign fund of not more
16 than \$1,125,000.00, multiplied by the number of popular votes the
17 minor party received in the preceding general election for
18 governor and then divided by the average number of votes the
19 major parties received in that general election for governor.

20 (3) A minor political party nominee not eligible under
21 subsection (2) but who receives more than 5% of the vote in that
22 general election for governor is entitled to reimbursement from
23 the state campaign fund in an amount of not more than
24 \$1,125,000.00, multiplied by the number of popular votes the
25 minor party received in the preceding general election for
26 governor and then divided by the average number of votes the
27 major parties received in that general election for governor.

1 (4) A minor political party nominee qualified under
2 subsection (2) who receives more popular votes in an election
3 than the candidate of that minor political party received at the
4 preceding election is entitled to additional reimbursement from
5 the state campaign fund in an amount determined as follows:

6 (a) Compute the amount that the candidate would have
7 received under subsection (3) had the candidate otherwise
8 qualified.

9 (b) Subtract the amount received under subsection (2) from
10 the amount computed under subdivision (a).

11 (5) A candidate listed on the ballot in the general election
12 is entitled to \$1.00 for each \$1.00 of qualifying contributions
13 certified to the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
14 pursuant to this act up to \$750,000.00, if the candidate has
15 certified to the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**
16 \$75,000.00 or more in qualifying contributions. A candidate who
17 chooses to receive any public funds under this subsection shall
18 not receive any money under subsection (1), (2), (3), or (4).

19 (6) A major political party nominee shall receive from the
20 state treasurer \$56,250.00 of the funds that the candidate may be
21 entitled to under this section not later than 10 days after the
22 primary election, unless there is less than a 2% difference in
23 vote totals of the top 2 primary election candidates of the same
24 political party according to unofficial vote totals available to
25 the ~~secretary of state~~ **DIRECTOR OF ELECTIONS**. The balance of any
26 funds owed to a major political party nominee under this section
27 shall be payable by the state treasurer within 3 days after the

1 board of state canvassers' certification of the primary election
2 results, but not later than 30 days after the primary election.
3 Any funds paid to a major political party nominee under this
4 section either erroneously or based on election results that are
5 reversed due to a recount or fraud shall be repaid by that major
6 political party nominee to the state treasurer within 60 days of
7 receipt of notification by certified mail from the state
8 treasurer.

9 Sec. 67. (1) Expenditures made by a candidate committee to
10 further the nomination or election of a candidate may not exceed
11 \$2,000,000.00 in the aggregate for 1 election. An expenditure by
12 a candidate committee for an incidental expense under section 21a
13 is not considered an expenditure for the purposes of the
14 expenditure limitations set forth in this subsection.

15 (2) An expenditure by a candidate committee to purchase
16 space in a newspaper or other periodical or time on radio or
17 television for the purpose of responding to an editorial in the
18 same newspaper or periodical or on the same station or channel
19 that was unfavorable to the committee's candidate or that
20 endorsed the candidate's opponent is not considered an
21 expenditure for the purposes of the expenditure limitations set
22 forth in subsection (1). This subsection only applies to 1
23 response made to a particular editorial, unfavorable report, or
24 endorsement of an opponent and does not apply unless the
25 candidate is refused free space or time in which to answer.

26 (3) A person who knowingly violates subsection (1) is guilty
27 of a misdemeanor punishable by a fine of not more than \$1,000.00,

1 or imprisonment for not more than 90 days, or both.

2 (4) If a person who is subject to this section is found
3 guilty, the circuit court, on application by the attorney general
4 **OR THE PROSECUTING ATTORNEY OF THAT COUNTY**, may prohibit that
5 person from assuming the duties of a public office or from
6 receiving compensation from public funds, or both.

7 Sec. 68. (1) A debt for goods, services, materials,
8 facilities, or anything of value in furtherance of, or in
9 opposition to, the nomination for, or election to, office of a
10 candidate shall not be incurred by a person which, when paid,
11 will cause the expenditures of that candidate or person to exceed
12 any limit imposed by this act. A person who knowingly violates
13 this subsection is guilty of a misdemeanor and shall be punished
14 by a fine of not more than \$1,000.00, or imprisoned for not more
15 than 90 days, or both.

16 (2) If a person who is subject to this section is found
17 guilty, the circuit court of that county, on application by the
18 attorney general **OR THE PROSECUTING ATTORNEY OF THAT COUNTY**, may
19 prohibit that person from assuming the duties of a public office
20 or from receiving compensation from public funds, or both.

21 Sec. 69. (1) Except as provided in subsection (6) or (10), a
22 person other than an independent committee or a political party
23 committee shall not make contributions to a candidate committee
24 of a candidate that are more than \$3,400.00 in value for an
25 election cycle.

26 (2) Except as provided in subsection (11), an independent
27 committee shall not make contributions to a candidate committee

1 that for an election cycle are more than 10 times the amount
2 permitted a person other than an independent committee or
3 political party committee in subsection (1).

4 (3) A political party committee that is a state central
5 committee shall not make contributions to a candidate committee
6 that for an election cycle are more than \$750,000.00.

7 (4) A political party committee that is a congressional
8 district or county committee shall not make contributions to a
9 candidate committee that for an election cycle are more than
10 \$30,000.00.

11 (5) A candidate committee, a candidate, or a treasurer or
12 agent shall not accept a contribution with respect to an election
13 cycle that exceeds a limitation in subsections (1) to (4), or
14 (10).

15 (6) As used in this subsection, "immediate family" means a
16 spouse, parent, brother, sister, son, or daughter. A candidate
17 and members of that candidate's immediate family may not
18 contribute in total to that person's candidate committee an
19 amount that is more than \$50,000.00 in value for an election
20 cycle.

21 (7) Sections 5(3) and 52(6) apply to determining when an
22 election cycle begins and ends and to which election cycle a
23 particular contribution is attributed.

24 (8) The candidate committee of a candidate for governor that
25 does not apply for ~~funds~~ **MONEY** from the state campaign fund and
26 that accepts from the candidate and the candidate's immediate
27 family contributions that total for an election cycle more than

1 \$340,000.00 shall notify the ~~secretary of state~~ **DIRECTOR OF**
2 **ELECTIONS** in writing within 48 hours after receipt of this
3 amount. Within 2 business days after receipt of this notice, the
4 ~~secretary of state~~ **DIRECTOR OF ELECTIONS** shall send notice to all
5 candidates who are either seeking the same nomination, in the
6 case of a primary election, or election to that same office, in
7 the case of a general election, informing those candidate
8 committees of all of the following:

9 (a) That the expenditure limits provided in section 67 are
10 waived for the remainder of that election for those notified
11 candidate committees that receive ~~funds~~ **MONEY** from the state
12 campaign fund under this act.

13 (b) That the expenditure limits of section 67 are not waived
14 for the purpose of determining the amount of public ~~funds~~ **MONEY**
15 available to a candidate under section 64 or 65.

16 (9) A person who knowingly violates this section is guilty
17 of a misdemeanor punishable, if the person is an individual, by a
18 fine of not more than \$1,000.00 or imprisonment for not more than
19 90 days, or both, or, if the person is not an individual, by a
20 fine of not more than \$10,000.00.

21 (10) The limitation on a political committee's contributions
22 under subsection (1) does not apply to contributions that are
23 part of 1 or more bundled contributions delivered to the
24 candidate committee of a candidate for statewide elective office
25 and that are attributed to the political committee as prescribed
26 in section 31. A political committee shall not make contributions
27 to a candidate committee of a candidate for statewide elective

1 office that are part of 1 or more bundled contributions delivered
2 to that candidate committee, that are attributed to the political
3 committee as prescribed in section 31, and that, in the aggregate
4 for that election cycle, are more than the amount permitted a
5 person other than an independent committee or political party
6 committee in subsection (1).

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