

HOUSE BILL No. 5086

October 18, 2011, Introduced by Reps. Opsommer and Shirkey and referred to the
Committee on Redistricting and Elections.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 6, 11, 15, and 57 (MCL 169.206, 169.211,
169.215, and 169.257), section 6 as amended by 2003 PA 69, section
11 as amended by 1996 PA 590, and sections 15 and 57 as amended by
2001 PA 250, and by adding section 57a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Expenditure" means a payment, donation, loan, or
2 promise of payment of money or anything of ascertainable monetary
3 value for goods, materials, services, or facilities in assistance
4 of, or in opposition to, the nomination or election of a candidate,
5 or the qualification, passage, or defeat of a ballot question.
6 Expenditure includes, but is not limited to, any of the following:
7 (a) A contribution or a transfer of anything of ascertainable

1 monetary value for purposes of influencing the nomination or
 2 election of a candidate or the qualification, passage, or defeat of
 3 a ballot question.

4 (b) Except as provided in subsection (2)(f) or (g), an
 5 expenditure for voter registration or get-out-the-vote activities
 6 made by a person who sponsors or finances the activity or who is
 7 identified by name with the activity.

8 (c) Except as provided in subsection (2)(f) or (g), an
 9 expenditure made for poll watchers, challengers, distribution of
 10 election day literature, canvassing of voters to get out the vote,
 11 or transporting voters to the polls.

12 **(D) EXCEPT AS PROVIDED IN SUBSECTION (2)(C), THE COST OF**
 13 **ESTABLISHING AND ADMINISTERING A PAYROLL DEDUCTION PLAN TO COLLECT**
 14 **AND DELIVER A CONTRIBUTION TO A COMMITTEE.**

15 (2) Expenditure does not include any of the following:

16 (a) An expenditure for communication by a person with the
 17 person's paid members or shareholders and those individuals who can
 18 be solicited for contributions to a separate segregated fund under
 19 section 55.

20 (b) An expenditure for communication on a subject or issue if
 21 the communication does not support or oppose a ballot question or
 22 candidate by name or clear inference.

23 (c) An expenditure for the establishment, administration, or
 24 solicitation of contributions to a separate segregated fund ~~or~~
 25 ~~independent committee~~ **IF THAT EXPENDITURE WAS MADE BY THE PERSON**
 26 **WHO ESTABLISHED THE SEPARATE SEGREGATED FUND AS AUTHORIZED UNDER**
 27 **SECTION 55.**

1 (d) An expenditure by a broadcasting station, newspaper,
2 magazine, or other periodical or publication for a news story,
3 commentary, or editorial in support of or opposition to a candidate
4 for elective office or a ballot question in the regular course of
5 publication or broadcasting.

6 (e) An offer or tender of an expenditure if expressly and
7 unconditionally rejected or returned.

8 (f) An expenditure for nonpartisan voter registration or
9 nonpartisan get-out-the-vote activities made by an organization
10 that is exempt from federal income tax ~~pursuant to~~ **UNDER** section
11 501(c)(3) of the internal revenue code of 1986, 26 ~~U.S.C.~~ **USC** 501,
12 or any successor statute.

13 (g) An expenditure for nonpartisan voter registration or
14 nonpartisan get-out-the-vote activities performed ~~pursuant to~~ **UNDER**
15 chapter XXIII of the Michigan election law, 1954 PA 116, MCL
16 168.491 to 168.524, by the secretary of state and other
17 registration officials who are identified by name with the
18 activity.

19 (h) An expenditure by a state central committee of a political
20 party or a person controlled by a state central committee of a
21 political party for the construction, purchase, or renovation of 1
22 or more office facilities in Ingham county if the facility is not
23 constructed, purchased, or renovated for the purpose of influencing
24 the election of a candidate in a particular election. Items
25 excluded from the definition of expenditure under this subdivision
26 include expenditures approved in federal election commission
27 advisory opinions 1993-9, 2001-1, and 2001-12 as allowable

1 expenditures under the federal election campaign act of 1971,
2 Public Law 92-225, 2 U.S.C. ~~USC~~ 431 to 434, ~~437, 437e to 439a,~~
3 ~~439e, 441a to 441h, and 442 to 455, 457,~~ and regulations
4 promulgated under that act, regardless of whether those advisory
5 opinions have been superseded.

6 Sec. 11. (1) **"PAYROLL DEDUCTION PLAN" MEANS ANY SYSTEM IN**
7 **WHICH AN EMPLOYER DEDUCTS ANY AMOUNT OF MONEY FROM THE WAGES,**
8 **EARNINGS, OR COMPENSATION OF AN EMPLOYEE.**

9 (2) ~~(1)~~—"Person" means a business, individual, proprietorship,
10 firm, partnership, joint venture, syndicate, business trust, labor
11 organization, company, corporation, association, committee, or any
12 other organization or group of persons acting jointly.

13 (3) ~~(2)~~—"Political committee" means a committee that is not a
14 candidate committee, political party committee, independent
15 committee, or ballot question committee.

16 (4) ~~(3)~~—"Political merchandise" means goods such as bumper
17 stickers, pins, hats, beverages, literature, or other items sold by
18 a person at a fund raiser or to the general public for publicity or
19 for the purpose of raising funds to be used in supporting or
20 opposing a candidate for nomination for or election to an elective
21 office or in supporting or opposing the qualification, passage, or
22 defeat of a ballot question.

23 (5) ~~(4)~~—"Political party" means a political party ~~which~~ **THAT**
24 has a right under law to have the names of its candidates listed on
25 the ballot in a general election.

26 (6) ~~(5)~~—"Political party committee" means a state central,
27 district, or county committee of a political party ~~which~~ **THAT** is a

1 committee. Each state central committee shall designate the
2 official party county and district committees. There shall not be
3 more than 1 officially designated political party committee per
4 county and per congressional district.

5 (7) ~~(6)~~—"Public body" means 1 or more of the following:

6 (a) A state agency, department, division, bureau, board,
7 commission, council, authority, or other body in the executive
8 branch of state government.

9 (b) The legislature or an agency, board, commission, or
10 council in the legislative branch of state government.

11 (c) A county, city, township, village, intercounty, intercity,
12 or regional governing body; a council, school district, special
13 district, or municipal corporation; or a board, department,
14 commission, or council or an agency of a board, department,
15 commission, or council.

16 (d) Any other body that is created by state or local authority
17 or is primarily funded by or through state or local authority,
18 which body exercises governmental or proprietary authority or
19 performs a governmental or proprietary function.

20 Sec. 15. (1) The secretary of state shall do all of the
21 following:

22 (a) Make available through his or her offices, and furnish to
23 county clerks, appropriate forms, instructions, and manuals
24 required by this act.

25 (b) Develop a filing, coding, and cross-indexing system for
26 the filing of required reports and statements consistent with ~~the~~
27 ~~purposes of~~ this act, and supervise the implementation of the

1 filing systems by the clerks of the counties.

2 (c) Receive all statements and reports required by this act to
3 be filed with the secretary of state.

4 (d) Prepare forms, instructions, and manuals required under
5 this act.

6 (e) Promulgate rules and issue declaratory rulings to
7 implement this act in accordance with the administrative procedures
8 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

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

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

27 (2) A declaratory ruling shall be issued under this section

1 only if the person requesting the ruling has provided a reasonably
2 complete statement of facts necessary for the ruling or if the
3 person requesting the ruling has, with the permission of the
4 secretary of state, supplied supplemental facts necessary for the
5 ruling. A request for a declaratory ruling that is submitted to the
6 secretary of state shall be made available for public inspection
7 within 48 hours after its receipt. An interested person may submit
8 written comments regarding the request to the secretary of state
9 within 10 business days after the date the request is made
10 available to the public. Within 45 business days after receiving a
11 declaratory ruling request, the secretary of state shall make a
12 proposed response available to the public. An interested person may
13 submit written comments regarding the proposed response to the
14 secretary of state within 5 business days after the date the
15 proposal is made available to the public. Except as otherwise
16 provided in this section, the secretary of state shall issue a
17 declaratory ruling within 60 business days after a request for a
18 declaratory ruling is received. If the secretary of state refuses
19 to issue a declaratory ruling, the secretary of state shall notify
20 the person making the request of the reasons for the refusal and
21 shall issue an interpretative statement providing an informational
22 response to the question presented within the same time limitation
23 applicable to a declaratory ruling. A declaratory ruling or
24 interpretative statement issued under this section shall not state
25 a general rule of law, other than that which is stated in this act,
26 until the general rule of law is promulgated by the secretary of
27 state as a rule under the administrative procedures act of 1969,

1 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

2 (3) Under extenuating circumstances, the secretary of state
3 may issue a notice extending for not more than 30 business days the
4 period during which the secretary of state shall respond to a
5 request for a declaratory ruling. The secretary of state shall not
6 issue more than 1 notice of extension for a particular request. A
7 person requesting a declaratory ruling may waive, in writing, the
8 time limitations provided by this section.

9 (4) The secretary of state shall make available to the public
10 an annual summary of the declaratory rulings and interpretative
11 statements issued by the secretary of state.

12 (5) A person may file with the secretary of state a complaint
13 that alleges a violation of this act. Within 5 business days after
14 a complaint that meets the requirements of subsection (6) is filed,
15 the secretary of state shall give notice to the person against whom
16 the complaint is filed. The notice shall include a copy of the
17 complaint. Within 15 business days after this notice is provided,
18 the person against whom the complaint was filed may submit to the
19 secretary of state a response. The secretary of state may extend
20 the period for submitting a response an additional 15 business days
21 for good cause. The secretary of state shall provide a copy of a
22 response received to the complainant. Within 10 business days after
23 receiving a copy of the response, the complainant may submit to the
24 secretary of state a rebuttal statement. The secretary of state may
25 extend the period for submitting a rebuttal statement an additional
26 10 business days for good cause. The secretary of state shall
27 provide a copy of the rebuttal statement to the person against whom

1 the complaint was filed.

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

4 (a) Be signed by the complainant.

5 (b) State the name, address, and telephone number of the
6 complainant.

7 (c) Include the complainant's certification that, to the best
8 of the complainant's knowledge, information, and belief, formed
9 after a reasonable inquiry under the circumstances, each factual
10 contention of the complaint is supported by evidence. However, if,
11 after a reasonable inquiry under the circumstances, the complainant
12 is unable to certify that certain factual contentions are supported
13 by evidence, the complainant may certify that, to the best of his
14 or her knowledge, information, or belief, there are grounds to
15 conclude that those specifically identified factual contentions are
16 likely to be supported by evidence after a reasonable opportunity
17 for further inquiry.

18 (7) The secretary of state shall develop a form that satisfies
19 the requirements of subsection (6) and may be used for the filing
20 of complaints.

21 (8) A person who files a complaint with a false certificate
22 under subsection (6)(c) is responsible for a civil violation of
23 this act. A person may file a complaint under subsection (5)
24 alleging that another person has filed a complaint with a false
25 certificate under subsection (6)(c).

26 (9) The secretary of state shall investigate the allegations
27 under the rules promulgated under this act. Every 60 days after a

1 complaint that meets the requirements of subsection (6) is filed
2 and until the matter is terminated, the secretary of state shall
3 mail to the complainant and to the alleged violator notice of the
4 action taken to date by the secretary of state ~~, together with~~ **AND**
5 the reasons for the action or nonaction.

6 (10) If the secretary of state determines that there may be
7 reason to believe that a violation of this act has occurred, the
8 secretary of state shall endeavor to correct the violation or
9 prevent a further violation by using informal methods such as a
10 conference, conciliation, or persuasion, and may enter into a
11 conciliation agreement with the person involved. Unless violated, a
12 conciliation agreement is a complete bar to any further action with
13 respect to matters covered in the conciliation agreement. If the
14 secretary of state is unable to correct or prevent further
15 violation by these informal methods, the secretary of state may
16 refer the matter to the attorney general for the enforcement of a
17 criminal penalty provided by this act or commence a hearing as
18 provided in subsection (11).

19 (11) The secretary of state may commence a hearing to
20 determine whether a civil violation of this act has occurred. A
21 hearing shall not be commenced during the period beginning 30 days
22 before an election in which the committee has received or expended
23 money and ending the day after that election except with the
24 consent of the person suspected of committing a civil violation.
25 The hearing shall be conducted in accordance with the procedures
26 set forth in chapter 4 of the administrative procedures act of
27 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the

1 secretary of state determines that a violation of this act has
2 occurred, the secretary of state may issue an order requiring the
3 person to pay a civil fine equal to the amount of the improper
4 contribution or expenditure plus not more than \$1,000.00 for each
5 violation.

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

13 (13) When a report or statement is filed under this act, the
14 secretary of state shall review the report or statement and may
15 investigate an apparent violation of this act under the rules
16 promulgated under this act. If the secretary of state determines
17 that there may be reason to believe a violation of this act has
18 occurred and the procedures prescribed in subsection (10) have been
19 complied with, the secretary of state may refer the matter to the
20 attorney general for the enforcement of a criminal penalty provided
21 by this act, or commence a hearing under subsection (11) to
22 determine whether a civil violation of this act has occurred.

23 (14) Unless otherwise specified in this act, a person who
24 violates a provision of this act is subject to a civil fine of not
25 more than \$1,000.00 for each violation. A civil fine is in addition
26 to, but not limited by, a criminal penalty prescribed by this act.

27 (15) In addition to any other sanction provided for by this

1 act, the secretary of state may require a person who files a
2 complaint with a false certificate under subsection (6)(c) to do
3 either or both of the following:

4 (a) Pay to the secretary of state some or all of the expenses
5 incurred by the secretary of state as a direct result of the filing
6 of the complaint.

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

11 (16) ~~There~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 57A, THERE**
12 is no private right of action, either in law or in equity, under
13 this act. The remedies provided in this act are the exclusive means
14 by which this act may be enforced and by which any harm resulting
15 from a violation of this act may be redressed.

16 (17) The secretary of state may waive the filing of a campaign
17 statement required under section 33, 34, or 35 if the closing date
18 of the particular campaign statement falls on the same or a later
19 date as the closing date of the next campaign statement filed by
20 the same person, or if the period that would be otherwise covered
21 by the next campaign statement filed by the same person is 10 days
22 or less.

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

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

26 (b) Under the supervision of the secretary of state, implement
27 the filing, coding, and cross-indexing system prescribed for the

1 filing of reports and statements required to be filed with the
2 county clerk's office.

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

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

8 Sec. 57. (1) A public body or ~~an individual~~ **A PERSON** acting
9 for a public body shall not use or authorize the use of funds,
10 personnel, office space, computer hardware or software, property,
11 stationery, postage, vehicles, equipment, supplies, or other public
12 resources to make a contribution or expenditure or provide
13 volunteer personal services that are excluded from the definition
14 of contribution under section 4(3)(a). **THE PROHIBITION UNDER THIS**
15 **SUBSECTION INCLUDES, BUT IS NOT LIMITED TO, USING OR AUTHORIZING**
16 **THE USE OF PUBLIC RESOURCES TO ESTABLISH OR ADMINISTER A PAYROLL**
17 **DEDUCTION PLAN TO COLLECT OR DELIVER A CONTRIBUTION TO A COMMITTEE.**
18 **ADVANCE PAYMENT OR REIMBURSEMENT TO A PUBLIC BODY DOES NOT CURE A**
19 **USE OF PUBLIC RESOURCES OTHERWISE PROHIBITED BY THIS SUBSECTION.**

20 This subsection does not apply to any of the following:

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

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

25 (c) The production or dissemination of debates, interviews,
26 commentary, or information by a broadcasting station, newspaper,
27 magazine, or other periodical or publication in the regular course

1 of broadcasting or publication.

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

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

8 (f) An elected or appointed public official or an employee of
9 a public body who, when not acting for a public body but is on his
10 or her own personal time, is expressing his or her own personal
11 views, is expending his or her own personal funds, or is providing
12 his or her own personal volunteer services.

13 (2) A person who knowingly violates this section is guilty of
14 a misdemeanor punishable, if the person is an individual, by a fine
15 of not more than \$1,000.00 or imprisonment for not more than 1
16 year, or both, or if the person is not an individual, by 1 of the
17 following, whichever is greater:

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

19 (b) A fine equal to the amount of the improper contribution or
20 expenditure.

21 **SEC. 57A. (1) IF A PUBLIC BODY OR A PERSON ACTING FOR A PUBLIC**
22 **BODY USES OR AUTHORIZES THE USE OF PUBLIC RESOURCES TO ESTABLISH OR**
23 **ADMINISTER A PAYROLL DEDUCTION PLAN TO COLLECT OR DELIVER A**
24 **CONTRIBUTION TO A COMMITTEE IN VIOLATION OF SECTION 57, ANY PERSON**
25 **WHO RESIDES, OR HAS A PLACE OF BUSINESS, IN THE JURISDICTION WHERE**
26 **THE USE OR AUTHORIZATION OF THE USE OF PUBLIC RESOURCES OCCURRED**
27 **MAY BRING A CIVIL ACTION IN THE NAME OF THIS STATE UNDER THIS**

1 SECTION TO SEEK DECLARATORY, INJUNCTIVE, MANDAMUS, OR OTHER
2 EQUITABLE RELIEF AND TO RECOVER LOSSES THAT A PUBLIC BODY SUFFERS
3 FROM THAT USE. A CIVIL ACTION FILED UNDER THIS SECTION SHALL NOT BE
4 DISMISSED UNLESS THE ATTORNEY GENERAL HAS BEEN NOTIFIED AND HAD AN
5 OPPORTUNITY TO APPEAR AND OPPOSE THE DISMISSAL. IF THE ATTORNEY
6 GENERAL DOES NOT APPEAR AND OPPOSE THE DISMISSAL OF THE CIVIL
7 ACTION WITHIN 28 DAYS OF RECEIVING NOTICE UNDER THIS SUBSECTION,
8 THE ATTORNEY GENERAL WAIVES THE OPPORTUNITY TO APPEAR AND OPPOSE
9 THE DISMISSAL.

10 (2) IF A PERSON OTHER THAN THE ATTORNEY GENERAL INITIATES AN
11 ACTION UNDER THIS SECTION, THE COMPLAINT SHALL REMAIN UNDER SEAL
12 AND THE CLERK SHALL NOT ISSUE THE SUMMONS FOR SERVICE ON THE
13 DEFENDANT UNTIL AFTER THE ATTORNEY GENERAL'S TIME TO INTERVENE
14 UNDER SUBSECTION (3) EXPIRES. AT THE TIME OF FILING THE COMPLAINT,
15 THE PERSON SHALL SERVE A COPY OF THE COMPLAINT ON THE ATTORNEY
16 GENERAL AND SHALL DISCLOSE, IN WRITING, SUBSTANTIALLY ALL MATERIAL
17 EVIDENCE AND INFORMATION IN THE PERSON'S POSSESSION SUPPORTING THE
18 COMPLAINT TO THE ATTORNEY GENERAL. NOTHING IN THIS SECTION PREVENTS
19 A PERSON FROM SEEKING IMMEDIATE EQUITABLE RELIEF BEFORE THE
20 ATTORNEY GENERAL'S TIME TO INTERVENE UNDER SUBSECTION (3) EXPIRES.

21 (3) THE ATTORNEY GENERAL MAY INTERVENE IN AN ACTION UNDER THIS
22 SECTION BEFORE THE EXPIRATION OF THE TIME PERIOD SET FORTH IN THIS
23 SUBSECTION. NOT LATER THAN 21 DAYS AFTER SERVICE OF THE COMPLAINT
24 AND RELATED MATERIALS OR ANY EXTENSION OF THE 21 DAYS THAT IS
25 REQUESTED BY THE ATTORNEY GENERAL AND GRANTED BY THE COURT, THE
26 ATTORNEY GENERAL SHALL NOTIFY THE COURT AND THE PERSON INITIATING
27 THE ACTION OF 1 OF THE FOLLOWING:

1 (A) THAT THE ATTORNEY GENERAL WILL PROCEED WITH THE ACTION FOR
2 THIS STATE AND HAVE PRIMARY RESPONSIBILITY FOR PROCEEDING WITH THE
3 ACTION.

4 (B) THAT THE ATTORNEY GENERAL DECLINES TO TAKE OVER THE ACTION
5 AND THAT THE PERSON HAS THE RIGHT TO CONTINUE WITH THE ACTION
6 WITHOUT THE ATTORNEY GENERAL AS A PARTY TO THE ACTION.

7 (4) IF AN ACTION IS FILED UNDER THIS SECTION, A PERSON OTHER
8 THAN THE ATTORNEY GENERAL SHALL NOT INTERVENE IN THE ACTION OR
9 BRING ANOTHER ACTION ON BEHALF OF THIS STATE BASED ON THE FACTS
10 UNDERLYING THE ACTION.

11 (5) IF THE ATTORNEY GENERAL INTERVENES IN AN ACTION UNDER
12 SUBSECTION (3) OR (6), THE ATTORNEY GENERAL HAS THE PRIMARY
13 RESPONSIBILITY FOR PROSECUTING THE ACTION AND MAY DO ALL OF THE
14 FOLLOWING:

15 (A) AGREE TO DISMISS THE ACTION, NOTWITHSTANDING THE OBJECTION
16 OF THE PERSON INITIATING THE ACTION, BUT ONLY IF THAT PERSON HAS
17 BEEN NOTIFIED OF AND OFFERED THE OPPORTUNITY TO PARTICIPATE IN A
18 HEARING ON THE MOTION TO DISMISS.

19 (B) SETTLE THE ACTION, NOTWITHSTANDING THE OBJECTION OF THE
20 PERSON INITIATING THE ACTION, BUT ONLY IF THAT PERSON HAS BEEN
21 NOTIFIED OF AND OFFERED THE OPPORTUNITY TO PARTICIPATE IN A HEARING
22 ON THE SETTLEMENT AND THE COURT DETERMINES THAT THE SETTLEMENT IS
23 FAIR, ADEQUATE, AND REASONABLE UNDER THE CIRCUMSTANCES. UPON A
24 SHOWING OF GOOD CAUSE, A SETTLEMENT HEARING UNDER THIS SUBSECTION
25 MAY BE HELD IN CAMERA.

26 (C) REQUEST THE COURT TO LIMIT THE PARTICIPATION OF THE PERSON
27 INITIATING THE ACTION. IF THE ATTORNEY GENERAL DEMONSTRATES TO THE

1 COURT THAT UNRESTRICTED PARTICIPATION BY THE PERSON INITIATING THE
2 ACTION DURING THE LITIGATION WOULD INTERFERE WITH OR UNDULY DELAY
3 THE ATTORNEY GENERAL'S PROSECUTION OF THE CASE OR WOULD BE
4 REPETITIOUS, IRRELEVANT, OR UNDULY HARASSING, THE COURT MAY DO ANY
5 OF THE FOLLOWING:

6 (i) LIMIT THE NUMBER OF THE PERSON'S WITNESSES.

7 (ii) LIMIT THE LENGTH OF THE TESTIMONY OF THE PERSON'S
8 WITNESSES.

9 (iii) LIMIT THE PERSON'S CROSS-EXAMINATION OF WITNESSES.

10 (iv) OTHERWISE LIMIT THE PERSON'S PARTICIPATION IN THE
11 LITIGATION.

12 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF THE
13 ATTORNEY GENERAL NOTIFIES THE COURT THAT HE OR SHE DECLINES TO TAKE
14 OVER THE ACTION UNDER SUBSECTION (3), THE ATTORNEY GENERAL SHALL
15 NOT BE A PARTY TO THE ACTION. AT THE ATTORNEY GENERAL'S REQUEST AND
16 EXPENSE, THE ATTORNEY GENERAL SHALL BE PROVIDED WITH COPIES OF ALL
17 PLEADINGS FILED IN THE ACTION AND COPIES OF ALL DEPOSITION
18 TRANSCRIPTS. THE COURT MAY PERMIT THE ATTORNEY GENERAL TO INTERVENE
19 IN THE ACTION AT ANY TIME UPON A SHOWING OF GOOD CAUSE AND, SUBJECT
20 TO SUBSECTION (7), WITHOUT AFFECTING THE RIGHTS OR STATUS OF THE
21 PERSON INITIATING THE ACTION.

22 (7) UPON A SHOWING, CONDUCTED IN CAMERA, THAT ACTIONS OF THE
23 PERSON INITIATING THE ACTION DURING DISCOVERY WOULD INTERFERE WITH
24 THE ATTORNEY GENERAL'S INVESTIGATION OR PROSECUTION OF A CRIMINAL
25 OR CIVIL MATTER, THE COURT MAY STAY THE DISCOVERY FOR NOT MORE THAN
26 90 DAYS. THE COURT MAY EXTEND THE STAY UPON A FURTHER SHOWING THAT
27 THE ATTORNEY GENERAL IS PURSUING THE INVESTIGATION OR PROCEEDING

1 WITH REASONABLE DILIGENCE AND THE DISCOVERY WOULD INTERFERE WITH
2 THE ONGOING INVESTIGATION OR PROCEEDING.

3 (8) SUBJECT TO SUBSECTIONS (9) AND (10), IF A PERSON OTHER
4 THAN THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL PREVAILS IN AN
5 ACTION THAT THE PERSON INITIATES UNDER THIS SECTION, THE COURT
6 SHALL AWARD THE PERSON NECESSARY EXPENSES, COSTS, REASONABLE
7 ATTORNEY FEES, AND, BASED ON THE AMOUNT OF EFFORT INVOLVED, THE
8 FOLLOWING PERCENTAGE OF THE MONETARY PROCEEDS RESULTING FROM THE
9 ACTION OR ANY SETTLEMENT OF THE CLAIM:

10 (A) IF THE ATTORNEY GENERAL INTERVENES, 15% TO 25%.

11 (B) IF THE ATTORNEY GENERAL DOES NOT INTERVENE, 25% TO 30%.

12 (9) IF THE COURT FINDS AN ACTION UNDER THIS SECTION TO BE
13 BASED PRIMARILY ON DISCLOSURE OF SPECIFIC INFORMATION THAT WAS NOT
14 PROVIDED BY THE PERSON BRINGING THE ACTION, SUCH AS INFORMATION
15 FROM A CRIMINAL, CIVIL, OR ADMINISTRATIVE HEARING IN A STATE OR
16 FEDERAL DEPARTMENT OR AGENCY, A LEGISLATIVE REPORT, HEARING, AUDIT,
17 OR INVESTIGATION, OR THE NEWS MEDIA, AND THE ATTORNEY GENERAL
18 PROCEEDS WITH THE ACTION, THE COURT MAY AWARD THE PERSON BRINGING
19 THE ACTION NO MORE THAN 10% OF THE MONETARY RECOVERY IN ADDITION TO
20 NECESSARY EXPENSES, COSTS, AND REASONABLE ATTORNEY FEES.

21 (10) IF THE COURT FINDS THAT THE PERSON BRINGING AN ACTION
22 UNDER THIS SECTION PLANNED AND INITIATED THE CONDUCT UPON WHICH THE
23 ACTION IS BROUGHT, THEN THE COURT MAY REDUCE OR ELIMINATE, AS IT
24 CONSIDERS APPROPRIATE, THE SHARE OF THE PROCEEDS OF THE ACTION THAT
25 THE PERSON WOULD OTHERWISE BE ENTITLED TO RECEIVE. A PERSON WHO IS
26 CONVICTED OF CRIMINAL CONDUCT ARISING FROM THE USE OR AUTHORIZATION
27 OF THE USE OF PUBLIC RESOURCES TO ESTABLISH OR ADMINISTER A PAYROLL

1 DEDUCTION PLAN TO COLLECT OR DELIVER A CONTRIBUTION TO A COMMITTEE
2 SHALL NOT INITIATE OR REMAIN A PARTY TO AN ACTION UNDER THIS
3 SECTION AND IS NOT ENTITLED TO SHARE IN THE MONETARY PROCEEDS
4 RESULTING FROM THE ACTION OR ANY SETTLEMENT UNDER THIS SECTION.

5 (11) A PERSON OTHER THAN THE ATTORNEY GENERAL SHALL NOT BRING
6 AN ACTION UNDER THIS SECTION THAT IS BASED ON ALLEGATIONS OR
7 TRANSACTIONS THAT ARE THE SUBJECT OF A CIVIL SUIT OR AN
8 ADMINISTRATIVE HEARING TO WHICH THIS STATE IS ALREADY A PARTY UNDER
9 SECTION 15. A COURT SHALL DISMISS AN ACTION BROUGHT IN VIOLATION OF
10 THIS SUBSECTION. A SUIT MAY BE FILED UNDER THIS SECTION THAT IS
11 BASED ON ALLEGATIONS OR TRANSACTIONS THAT ARE THE SUBJECT OF A
12 COMPLAINT FILED UNDER SECTION 15, WHETHER OR NOT THE COMPLAINT WAS
13 DISMISSED.

14 (12) THIS STATE AND THE ATTORNEY GENERAL ARE NOT LIABLE FOR
15 ANY EXPENSES, COSTS, OR ATTORNEY FEES THAT A PERSON INCURS IN
16 BRINGING AN ACTION UNDER THIS SECTION. ANY AMOUNT AWARDED TO A
17 PERSON INITIATING AN ACTION TO ENFORCE THE PROHIBITION ON THE USE
18 OR AUTHORIZATION OF THE USE OF PUBLIC RESOURCES TO ESTABLISH OR
19 ADMINISTER A PAYROLL DEDUCTION PLAN TO COLLECT OR DELIVER A
20 CONTRIBUTION TO A COMMITTEE IS PAYABLE SOLELY FROM THE PROCEEDS OF
21 THE ACTION OR SETTLEMENT.

22 (13) ANY AMOUNTS AWARDED OR EQUITABLE RELIEF GRANTED BY THE
23 COURT UNDER THIS SECTION MAY BE AWARDED OR GRANTED AGAINST EITHER
24 THE PUBLIC BODY OR AN INDIVIDUAL ACTING FOR A PUBLIC BODY THAT USES
25 OR AUTHORIZES THE USE OF PUBLIC RESOURCES TO ESTABLISH OR
26 ADMINISTER A PAYROLL DEDUCTION PLAN TO COLLECT OR DELIVER A
27 CONTRIBUTION TO A COMMITTEE, AS DETERMINED BY THE COURT.

1 (14) THE ATTORNEY GENERAL MAY RECOVER ALL COSTS THIS STATE
2 INCURS IN THE LITIGATION AND RECOVERY OF PUBLIC RESOURCES UNDER
3 THIS SECTION, INCLUDING THE COST OF INVESTIGATION AND ATTORNEY
4 FEES.

5 (15) AN EMPLOYER SHALL NOT DISCHARGE, DEMOTE, SUSPEND,
6 THREATEN, HARASS, OR, IN ANY OTHER MANNER, DISCRIMINATE AGAINST AN
7 EMPLOYEE IN THE TERMS AND CONDITIONS OF EMPLOYMENT BECAUSE THE
8 EMPLOYEE ENGAGED IN LAWFUL ACTS, INCLUDING INITIATING, ASSISTING
9 IN, OR PARTICIPATING IN AN ACTION UNDER THIS SECTION OR BECAUSE THE
10 EMPLOYEE COOPERATES WITH OR ASSISTS IN AN INVESTIGATION UNDER THIS
11 SECTION. THIS PROHIBITION DOES NOT APPLY TO ANY OF THE FOLLOWING:

12 (A) AN EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO THE COURT
13 FINDS BROUGHT A FRIVOLOUS CLAIM, AS DEFINED IN SECTION 2591 OF THE
14 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2591.

15 (B) AN EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO THE COURT
16 FINDS TO HAVE PLANNED AND INITIATED THE CONDUCT UPON WHICH THE
17 ACTION IS BROUGHT.

18 (C) AN EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO IS CONVICTED
19 OF CRIMINAL CONDUCT ARISING FROM THE USE OR AUTHORIZATION OF THE
20 USE OF PUBLIC RESOURCES TO ESTABLISH OR ADMINISTER A PAYROLL
21 DEDUCTION PLAN TO COLLECT OR DELIVER A CONTRIBUTION TO A COMMITTEE.

22 (16) AN EMPLOYER WHO VIOLATES SUBSECTION (15) IS LIABLE TO THE
23 EMPLOYEE FOR ALL OF THE FOLLOWING:

24 (A) REINSTATEMENT TO THE EMPLOYEE'S POSITION WITHOUT LOSS OF
25 SENIORITY.

26 (B) TWO TIMES THE AMOUNT OF LOST BACK PAY.

27 (C) INTEREST ON THE BACK PAY.

1 (D) COMPENSATION FOR ANY SPECIAL DAMAGES.

2 (E) ANY OTHER RELIEF NECESSARY TO MAKE THE EMPLOYEE WHOLE.

3 (17) AN ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER THIS
4 SECTION MAY BE FILED IN INGHAM COUNTY AND MAY BE PROSECUTED TO
5 FINAL JUDGMENT IN SATISFACTION THERE.

6 (18) A PERSON MAY BRING A CIVIL ACTION UNDER THIS SECTION IN
7 ANY COUNTY IN WHICH VENUE IS PROPER. IF THE ATTORNEY GENERAL
8 INTERVENES UNDER SUBSECTION (3) OR (6) AND THE COURT GRANTS THE
9 REQUEST, UPON MOTION BY THE ATTORNEY GENERAL, THE COURT SHALL
10 TRANSFER THE ACTION TO THE INGHAM COUNTY CIRCUIT COURT.

11 (19) PROCESS ISSUED BY A COURT IN WHICH AN ACTION IS FILED
12 UNDER THIS SECTION MAY BE SERVED ANYWHERE IN THE STATE.

13 Enacting section 1. It is the policy of this state that a
14 public body shall maintain strict neutrality in each election and
15 that a public body or a person acting on behalf of a public body
16 shall not attempt to influence the outcome of an election held in
17 the state. If there is a perceived ambiguity in the interpretation
18 of section 57, that section shall be construed to best effectuate
19 the policy of strict neutrality by a public body in an election.