

HOUSE BILL No. 5724

June 7, 2016, Introduced by Reps. Canfield, Jenkins, Vaupel, Graves and Cole and referred to the Committee on Elections.

A bill to amend 1976 PA 388, entitled
 "Michigan campaign finance act,"
 by amending section 20 (MCL 169.220), as amended by 1982 PA 167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20. (1) An individual shall not be considered ~~to be a~~
 2 candidate if the individual has done any of the following:

3 (a) Filed a fee, affidavit of incumbency, or nominating
 4 petition for an elective office, if the individual withdraws within
 5 the time limit established by law, and if the individual has not
 6 received a contribution, made an expenditure, or given consent for
 7 another person to receive a contribution or make an expenditure to
 8 secure the individual's nomination or election to an elective
 9 office. For purposes of this subdivision, a payment of a filing fee
 10 for elective office ~~shall~~ **IS** not ~~be considered to be an~~
 11 expenditure.

1 (b) Has been nominated as a candidate for elective office by a
2 political party caucus or convention, if the individual nominated
3 withdraws within the time limit established by law or does not
4 submit the notice of acceptance of nomination according to the
5 procedures established by law, and if the individual has not
6 received a contribution, made an expenditure, or given consent for
7 another person to receive a contribution or make an expenditure to
8 secure the individual's nomination or election to an elective
9 office.

10 (c) Has been nominated as a candidate for elective office by a
11 political party caucus or convention, if the party does not qualify
12 to have its name ~~, party vignette,~~ and candidates' names appear on
13 the general election ballot pursuant to section 685 of ~~Act No. 116~~
14 ~~of the Public Acts of 1954, as amended, being section 168.685 of~~
15 ~~the Michigan Compiled Laws;~~ **THE MICHIGAN ELECTION LAW, 1954 PA 116,**
16 **MCL 168.685,** and if the individual has not received a contribution
17 or made an expenditure to secure the individual's nomination or
18 election to an elective office.

19 (d) Has been appointed to fill a vacancy in an elective office
20 if the individual does not meet 1 of the ~~provisions~~ **CRITERIA** of
21 section 3(1).

22 (2) An individual who receives votes at an election solely by
23 the write-in method as provided by law is considered a candidate
24 under this act as follows:

25 (a) An individual who receives a contribution, makes an
26 expenditure, or gives consent for another person to receive a
27 contribution or make an expenditure with a view to bringing about

1 the individual's receiving write-in votes at an election is a
2 candidate under this act at the time of receiving the contribution
3 or making the expenditure or giving consent to another person to
4 receive the contribution or make the expenditure.

5 (b) An individual who is not a candidate by reason of
6 subdivision (a), but who is certified as a nominee as a result of
7 write-in votes received at a primary election and does not withdraw
8 as a nominee as provided by law is a candidate under this act as of
9 5 days following the certification of the nomination by the board
10 of canvassers canvassing the primary.

11 (c) An individual who is not a candidate by reason of
12 subdivision (a) or (b), but who is elected to an office by
13 receiving write-in votes in an election is a candidate under this
14 act at the time the individual qualifies for the office.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. 5723 (request no.
17 06008'16) of the 98th Legislature is enacted into law.