

# HOUSE BILL NO. 6181

September 03, 2020, Introduced by Reps. Sabo, Calley, Hall and Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 16 (MCL 169.216), as amended by 2017 PA 184.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16. (1) A filing official shall make a statement or  
2 report required to be filed under this act available for public  
3 inspection and reproduction, as soon as practicable, but not later  
4 than the third business day following the day on which it is  
5 received, during regular business hours of the filing official. If  
6 the report is a report of a late contribution under section 32(1)



1 made to the secretary of state, the secretary of state shall also  
2 make the report or all of the contents of the report available to  
3 the public on the internet, without charge, as soon as practicable  
4 but not later than the end of the business day on which it is  
5 received, at a single website established and maintained by the  
6 secretary of state.

7 (2) A **filing official shall provide a** copy of a statement or  
8 part of a statement ~~shall be provided by a filing official~~ at a  
9 reasonable charge.

10 (3) A statement open to the public under this act ~~shall~~**must**  
11 not be used for any commercial purpose.

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



1 more than \$50,000.00 in an election cycle ~~shall~~**must** be preserved  
2 by that filing official for 15 years from the date the filing  
3 occurred. Any other statement or report filed under this act with  
4 the secretary of state ~~shall~~**must** be preserved by the secretary of  
5 state for 15 years from the date the filing occurred. Upon a  
6 determination under section 15 that a violation of this act has  
7 occurred, all complaints, orders, decisions, or other documents  
8 related to that violation ~~shall~~**must** be preserved by the filing  
9 official who is not the secretary of state or the secretary of  
10 state for 15 years from the date of the court determination or the  
11 date the violations are corrected, whichever is later. Statements  
12 and reports filed under this act may be reproduced pursuant to the  
13 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After  
14 the required preservation period, the statements and reports, or  
15 the reproductions of the statements and reports, may be disposed of  
16 in the manner prescribed in the management and budget act, 1984 PA  
17 431, MCL 18.1101 to 18.1594, and section 11 of the Michigan history  
18 center act, 2016 PA 470, MCL 399.811.

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

23 (6) A filing official shall determine whether a statement or  
24 report filed under this act complies, on its face, with the  
25 requirements of this act and the rules promulgated under this act.  
26 The filing official shall determine whether a statement or report  
27 that is required to be filed under this act is in fact filed.  
28 Within ~~4~~**30** business days after the deadline for filing a statement  
29 or report under this act, the filing official shall give notice to



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

7 (7) Within ~~9~~**35** 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. If  
10 the report or statement was not filed, then the report or statement  
11 ~~shall~~**must** be late filed within ~~9~~**35** business days after the time  
12 it was required to be filed and ~~shall be~~**is** subject to late filing  
13 fees.

14 (8) After ~~9~~**35** business days and before ~~12~~**38** business days  
15 have expired after the deadline for filing the statement or report,  
16 the filing official shall report errors or omissions that were not  
17 corrected and failures to file to the attorney general.

18 (9) A statement or report required to be filed under this act  
19 ~~shall~~**must** be filed not later than 5 p.m. of the day in which it is  
20 required to be filed. A preelection statement or report due on July  
21 25 or October 25 under section 33 that is postmarked by registered  
22 or certified mail, or sent by express mail or other overnight  
23 delivery service, at least 2 days before the deadline for filing is  
24 filed within the prescribed time regardless of when it is actually  
25 delivered. Any other statement or report required to be filed under  
26 this act that is postmarked by registered or certified mail or sent  
27 by express mail or other overnight delivery service on or before  
28 the deadline for filing is filed within the prescribed time  
29 regardless of when it is actually delivered.

