

SENATE BILL NO. 411

August 20, 2019, Introduced by Senators MCCANN, BAYER, IRWIN, ANANICH and GEISS
and referred to the Committee on Elections.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 52, 52a, and 69 (MCL 169.252, 169.252a, and
169.269), section 52 as amended by 2015 PA 269 and sections 52a and
69 as amended by 2013 PA 252; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 52. (1) Except as provided in subsection (5) or (11) and
2 subject to ~~section 46~~ and subsection (8), a person other than an
3 independent committee or a political party committee shall not make

1 contributions to a candidate committee of a candidate for elective
2 office that, with respect to an election cycle, are more than the
3 following:

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

8 (b) ~~\$2,000.00~~ **\$1,000.00** for a candidate for state senator, or
9 for a candidate for local elective office if the district from
10 which he or she is seeking office has a population of more than
11 85,000 but 250,000 or less.

12 (c) ~~\$1,000.00~~ **\$500.00** for a candidate for state
13 representative, or for a candidate for local elective office if the
14 district from which he or she is seeking office has a population of
15 85,000 or less.

16 (2) Except as otherwise provided in this subsection and
17 subsection (12), an independent committee shall not make
18 contributions to a candidate committee of a candidate for elective
19 office that, in the aggregate for that election cycle, are more
20 than 10 times the amount permitted a person other than an
21 independent committee or political party committee in subsection
22 (1). A house political party caucus committee or a senate political
23 party caucus committee is not limited under this subsection in the
24 amount of contributions made to the candidate committee of a
25 candidate for the office of state legislator, except as follows:

26 (a) A house political party caucus committee or a senate
27 political party caucus committee shall not pay a debt incurred by a
28 candidate if that debt was incurred while the candidate was seeking
29 nomination at a primary election and the candidate was opposed at

1 that primary.

2 (b) A house political party caucus committee or a senate
3 political party caucus committee shall not make a contribution to
4 or make an expenditure on behalf of a candidate if that candidate
5 is seeking nomination at a primary election and the candidate is
6 opposed at that primary.

7 (3) A political party committee other than a state central
8 committee shall not make contributions to the candidate committee
9 of a candidate for elective office that are more than 10 times the
10 amount permitted a person other than an independent committee or
11 political party committee in subsection (1).

12 (4) A state central committee of a political party shall not
13 make contributions to the candidate committee of a candidate for
14 state elective office other than a candidate for the legislature
15 that are more than 20 times the amount permitted a person other
16 than an independent committee or political party committee in
17 subsection (1). A state central committee of a political party
18 shall not make contributions to the candidate committee of a
19 candidate for state senator, state representative, or local
20 elective office that are more than 10 times the amount permitted a
21 person other than an independent committee or political party
22 committee in subsection (1).

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

26 (6) Consistent with the provisions of this section, a
27 contribution designated in writing for a particular election cycle
28 is considered made for that election cycle. A contribution made
29 after the close of a particular election cycle and designated in

1 writing for that election cycle ~~shall~~**must** be made only to the
2 extent that the contribution does not exceed the candidate
3 committee's net outstanding debts and obligations from the election
4 cycle so designated. If a contribution is not designated in writing
5 for a particular election cycle, all of the following apply to that
6 contribution:

7 (a) The contribution is considered made for the election cycle
8 that corresponds to the date of the written instrument.

9 (b) The contribution limits for the current election cycle
10 apply to that contribution.

11 (c) A candidate committee may use that contribution to pay
12 outstanding debts and obligations from a previous election cycle
13 regardless of whether the contribution, when aggregated with any
14 contributions made in that previous election cycle, would exceed
15 the contribution limits for that previous election cycle.

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

20 (8) The contribution limits in subsection (1) for a candidate
21 for local elective office are effective on the effective date of
22 the amendatory act that provides for those contribution limits,
23 however, only contributions received by that candidate on and after
24 that date ~~shall~~**may** be used to determine if the contribution limit
25 has been reached.

26 (9) A person who knowingly violates this section is guilty of
27 a misdemeanor punishable, if the person is an individual, by a fine
28 of not more than \$1,000.00 or imprisonment for not more than 90
29 days, or both, or, if the person is not an individual, by a fine of

1 not more than \$10,000.00.

2 (10) For purposes of the limitations provided in subsections
3 (1) and (2), all contributions made by political committees or
4 independent committees established by any corporation, joint stock
5 company, domestic dependent sovereign, or labor organization,
6 including any parent, subsidiary, branch, division, department, or
7 local unit thereof, ~~shall be~~**are** considered to have been made by a
8 single independent committee. By way of illustration and not
9 limitation, all of the following apply as a result of the
10 application of this requirement:

11 (a) All of the political committees and independent committees
12 established by a for profit corporation or joint stock company, by
13 a subsidiary of the for profit corporation or joint stock company,
14 or by any combination thereof, are treated as a single independent
15 committee.

16 (b) All of the political committees and independent committees
17 established by a single national or international labor
18 organization, by a labor organization of that national or
19 international labor organization, by a local labor organization of
20 that national or international labor organization, or by any other
21 subordinate organization of that national or international labor
22 organization, or by any combination thereof, are treated as a
23 single independent committee.

24 (c) All of the political committees and independent committees
25 established by an organization of national or international unions,
26 by a state central body of that organization, by a local central
27 body of that organization, or by any combination thereof, are
28 treated as a single independent committee.

29 (d) All of the political committees and independent committees

1 established by a nonprofit corporation, by a related state entity
2 of that nonprofit corporation, by a related local entity of that
3 nonprofit corporation, or by any combination thereof, are treated
4 as a single independent committee.

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

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

1 political party committee in subsection (1).

2 Sec. 52a. (1) ~~Subject to section 46,~~ ~~a~~ **A** person shall not make
3 contributions to a house political party caucus committee or a
4 senate political party caucus committee that exceed \$40,000.00 in a
5 calendar year. A house political party caucus committee or a senate
6 political party caucus committee or a treasurer or agent of the
7 committee shall not accept a contribution with respect to a 2-year
8 election cycle that exceeds the limitation in this section.

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

14 Sec. 69. (1) Except as provided in subsection (6) or (10), ~~and~~
15 ~~subject to section 46,~~ a person other than an independent committee
16 or a political party committee shall not make contributions to a
17 candidate committee of a candidate that are more than ~~\$6,800.00~~
18 **\$3,400.00** in value for an election cycle.

19 (2) Except as provided in subsection (11), an independent
20 committee shall not make contributions to a candidate committee
21 that for an election cycle are more than 10 times the amount
22 permitted a person other than an independent committee or political
23 party committee in subsection (1).

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

27 (4) A political party committee that is a congressional
28 district or county committee shall not make contributions to a
29 candidate committee that for an election cycle are more than

1 \$30,000.00.

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

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

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

13 (8) The candidate committee of a candidate for governor that
14 does not apply for funds from the state campaign fund and that
15 accepts from the candidate and the candidate's immediate family
16 contributions that total for an election cycle more than
17 \$340,000.00 shall notify the secretary of state in writing within
18 48 hours after receipt of this amount. Within 2 business days after
19 receipt of this notice, the secretary of state shall send notice to
20 all candidates who are either seeking the same nomination, in the
21 case of a primary election, or election to that same office, in the
22 case of a general election, informing those candidate committees of
23 all of the following:

24 (a) That the expenditure limits provided in section 67 are
25 waived for the remainder of that election for those notified
26 candidate committees that receive funds from the state campaign
27 fund under this act.

28 (b) That the expenditure limits of section 67 are not waived
29 for the purpose of determining the amount of public funds available

1 to a candidate under section 64 or 65.

2 (9) A person who knowingly violates this section is guilty of
3 a misdemeanor punishable, if the person is an individual, by a fine
4 of not more than \$1,000.00 or imprisonment for not more than 90
5 days, or both, or, if the person is not an individual, by a fine of
6 not more than \$10,000.00.

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

20 (11) The limitation on an independent committee's
21 contributions under subsection (2) does not apply to contributions
22 that are part of 1 or more bundled contributions delivered to the
23 candidate committee of a candidate for statewide elective office
24 and that are attributed to the independent committee as prescribed
25 in section 31. An independent committee shall not make
26 contributions to a candidate committee of a candidate for statewide
27 elective office that are part of 1 or more bundled contributions
28 delivered to that candidate committee, that are attributed to the
29 independent committee as prescribed in section 31, and that, in the

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

4 Enacting section 1. Section 46 of the Michigan campaign
5 finance act, 1976 PA 388, MCL 169.246, is repealed.