

HOUSE BILL NO. 5251

October 25, 2023, Introduced by Reps. Andrews, Hill, Miller, MacDonell, Morgan, Stone, Byrnes, Conlin, Coffia, McFall, Skaggs, Price, Hope, Rheingans, Brixie, Wilson, Paiz, Dievendorf, Brabec, McKinney, Martus and Arbit.

A bill to regulate political activity; to require candidates for state elective office to file financial reports; to prescribe the powers and duties of certain state officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "candidate for executive
2 office financial disclosure act".

3 Sec. 2. As used in this act:

1 (a) "Beneficial interest" includes, but is not limited to, the
2 interest in a trust of a qualified trust beneficiary or a trust
3 beneficiary as those terms are defined in section 7103 of the
4 estates and protected individuals code, 1998 PA 386, MCL 700.7103.

5 (b) "Blind trust" means a qualified blind trust or qualified
6 diversified trust as those terms are defined in 5 CFR 2634.403.

7 (c) "Candidate" means that term as defined in section 3 of the
8 Michigan campaign finance act, 1976 PA 388, MCL 169.203.

9 (d) "Candidate for office" means a candidate for any of the
10 following offices:

11 (i) Governor.

12 (ii) Lieutenant governor.

13 (iii) Secretary of state.

14 (iv) Attorney general.

15 (e) "Dependent" means an individual claimed by the candidate
16 for office or the candidate for office's spouse as a dependent for
17 federal income tax purposes.

18 (f) "Earned income" means salaries, wages, tips, bonuses,
19 commissions, or other compensation or net earnings from self-
20 employment for the taxable year.

21 (g) "Gift" means that term as defined in section 4 of 1978 PA
22 472, MCL 4.414.

23 (h) "Immediate family member" means the spouse or a dependent
24 of the candidate for office.

25 (i) "Income" means money or any thing of value received, or to
26 be received as a claim on future services, whether in the form of a
27 fee, salary, expense, allowance, forbearance, forgiveness,
28 interest, dividend, royalty, rent, capital gain, or any other form
29 of recompense that is considered income under the internal revenue

1 code of 1986, 26 USC 1 to 9834.

2 (j) "Liabilities" means what a person owes to another person,
3 including, but not limited to, mortgages or other debts. For
4 purposes of this act, a debt does not include a revolving or
5 unsecured debt that is from a financial institution or the federal
6 government.

7 (k) "Lobbyist" means that term as defined in section 5 of 1978
8 PA 472, MCL 4.415.

9 (l) "Lobbyist agent" means that term as defined in section 5 of
10 1978 PA 472, MCL 4.415.

11 (m) "Person" means an individual, partnership, corporation,
12 association, or other legal entity.

13 (n) "Reporting period" means both of the following:

14 (i) For the first report required to be filed under section 3,
15 from January 1, 2024 to April 15, 2024.

16 (ii) For subsequent reports required to be filed under section
17 3, January 1 to December 31 of the preceding calendar year in which
18 the report is filed.

19 (o) "Spouse" means an individual who is lawfully married to
20 the candidate for office as described under 26 CFR 301.7701-18.

21 (p) "Unearned income" means income that is not earned from
22 employment, including, but not limited to, inheritance money,
23 financial prize, unemployment benefits, annuities, stock dividends,
24 deferred compensation, pension, profit sharing, or retirement
25 income.

26 Sec. 3. (1) An individual who is a candidate for office at any
27 time during a calendar year shall electronically file with the
28 secretary of state a report that meets the requirements of section
29 4. The report required to be filed under this subsection must first

1 be filed by April 15, 2024 and by May 15 of each year thereafter,
2 or if the candidate for office files a statement of organization
3 for that candidate's candidate committee after May 15 in order to
4 be nominated by a political party at the political party's
5 nominating convention, the report required to be filed under this
6 subsection must be filed no later than 30 days after that candidate
7 files the statement of organization for that candidate's candidate
8 committee. This subsection does not apply to an individual who,
9 under any of the following acts, files a report in the current
10 calendar year:

11 (a) State board of education financial disclosure act.

12 (b) Candidate for the state board of education financial
13 disclosure act.

14 (c) Executive office financial disclosure act.

15 (d) State representative financial disclosure act.

16 (e) Candidate for state representative financial disclosure
17 act.

18 (f) State senator financial disclosure act.

19 (g) Candidate for state senator financial disclosure act.

20 (h) University board member financial disclosure act.

21 (i) Candidate for university board member financial disclosure
22 act.

23 (2) If a candidate for office who is required to file a report
24 under this act receives notice from the secretary of state under
25 section 6(1)(g), the candidate for office shall, within 9 business
26 days after receiving the notice, file corrections to the errors or
27 omissions or file the report, as applicable.

28 Sec. 4. (1) Subject to subsection (4) and except as provided
29 in section 5, a report required under section 3 must include a

1 complete statement of all of the following:

2 (a) The following information regarding the candidate for
3 office during the reporting period:

4 (i) The full name, mailing address, and occupation of the
5 candidate for office.

6 (ii) The name, address, and principal activity of each employer
7 of the candidate for office.

8 (iii) The source and type of all income, including earned and
9 unearned income, received by the candidate for office. For purposes
10 of this subparagraph, the candidate for office shall report a
11 source of income only if the income received from that source is
12 \$1,000.00 or more and indicate whether the amount of income
13 received from each source of income is between \$1,000.00 and
14 \$49,999.99 or \$50,000.00 or more.

15 (iv) A description of each real property or property that the
16 candidate for office has an ownership interest in, including, but
17 not limited to, commercial, industrial, or agricultural buildings.
18 For purposes of this subparagraph, the candidate for office is
19 required to include a real property or property described under
20 this subparagraph in the report only if that real property or
21 property has a fair market value of \$1,000.00 or more during the
22 reporting period. A candidate for office may exclude the street
23 number of a parcel of real property or property listed under this
24 subparagraph.

25 (v) A description of any stocks, bonds, commodities, futures,
26 shares in mutual funds, or other forms of securities defined under
27 26 USC 1236 held by the candidate for office or held jointly with
28 the candidate for office's spouse. For purposes of this
29 subparagraph, the candidate for office is required to include a

1 security described under this subparagraph in the report only if
2 that security has a total value of \$1,000.00 or more on a specified
3 day that is within the final month of the calendar year covered in
4 the reporting period.

5 (vi) A description of all liabilities owed by the candidate for
6 office and the identity of each creditor. For purposes of this
7 subparagraph, the candidate for office is required to report a
8 liability under this subparagraph only if the liability owed to a
9 creditor is \$1,000.00 or more during that reporting period.

10 (vii) The identity of all compensated positions held by the
11 candidate for office as an officer, director, member, trustee,
12 partner, proprietor, representative, employee, or consultant of a
13 corporation, limited liability company, limited partnership,
14 partnership, or other business enterprise; of a nonprofit
15 organization; of a labor organization; or of an educational
16 institution or other institution other than this state, if the
17 total compensation received from a position equals \$1,000.00 or
18 more during the reporting period. A position reported under this
19 subparagraph must include the title of the position, the name of
20 the entity within which the position exists, and the principal
21 activity of the entity. A position held in any religious, social,
22 fraternal, or political entity, or a position that is solely of an
23 honorary nature, is excluded under this subparagraph.

24 (viii) The date, parties to, and general terms of any agreements
25 or arrangements with respect to future employment, a leave of
26 absence while serving as a candidate for office, continuation or
27 deferral of payments by a former or current employer other than
28 this state, or continuing participation in an employee welfare or
29 benefit plan maintained by a former employer.

1 (ix) A list of all gifts and expenditures for food and
2 beverages reported by a lobbyist or lobbyist agent under state law.

3 (x) A list of all travel and expenses paid for or reimbursed
4 by a lobbyist or lobbyist agent that are reported by the lobbyist
5 or lobbyist agent under state law.

6 (xi) A description of each payment made by a lobbyist or
7 lobbyist agent to a charity in lieu of honoraria.

8 (xii) If the candidate for office filing the report or an
9 immediate family member of that candidate for office was required
10 during the reporting period to register as a lobbyist or lobbyist
11 agent under section 7 of 1978 PA 472, MCL 4.417, the name, address,
12 and principal activity of all persons who gave compensation to or
13 reimbursed the candidate for office or the immediate family member
14 of the candidate for office for lobbying.

15 (xiii) A description of any interest the candidate for office
16 had during the reporting period in a legal entity that conducts
17 business in this state, if the interest has a book value of
18 \$1,000.00 or more. For purposes of this subparagraph, the candidate
19 for office shall indicate for each legal entity the candidate for
20 office has an interest in the name of the legal entity and if the
21 financial value in the legal entity is between \$1,000.00 and
22 \$49,999.99 or \$50,000.00 and more.

23 (xiv) A description of all contracts entered into, or in which
24 the candidate for office or the immediate family member of the
25 candidate for office has an interest, with this state.

26 (xv) A description of any employment that the candidate for
27 office or the immediate family member of the candidate for office
28 had with this state at any time during the reporting period. For
29 purposes of this subparagraph, if the candidate for office or the

1 immediate family member of the candidate for office was employed by
2 this state, the name of the state agency or department and a
3 description of the position with the state agency or department
4 must be included.

5 (xvi) A description of any transfers made by the candidate for
6 office of real property or securities from the candidate for
7 office's name into the name of an immediate family member of the
8 candidate for office over the previous 2 calendar years that have a
9 value of \$50,000.00 or more.

10 (b) Beginning January 1, 2028, the following information
11 regarding the spouse of the candidate for office during the
12 reporting period:

13 (i) The name of the spouse of the candidate for office.

14 (ii) The principal activity of the spouse of the candidate for
15 office, if the spouse's total earned income from the employer
16 equals \$50,000.00 or more during that reporting period.

17 (iii) The source and type of all income, including earned and
18 unearned income received by the spouse of the candidate for office.
19 For purposes of this subparagraph, the spouse of the candidate for
20 office is required to include the source of income described under
21 this subparagraph only if the total income from that source equals
22 \$50,000.00 or more during that reporting period.

23 (iv) A description of each real property or property that the
24 spouse of the candidate for office has an ownership interest in,
25 including, but not limited to, commercial, industrial, or
26 agricultural buildings. For purposes of this subparagraph, the
27 spouse of the candidate for office is required to include a real
28 property or property described under this subparagraph in the
29 report only if the real property or property had a fair market

1 value of \$50,000.00 or more at any time the real property was held
2 during that reporting period. The street number of a parcel of real
3 property listed under this subparagraph may be excluded from the
4 report.

5 (v) A description of any stocks, bonds, commodities, futures,
6 shares in mutual funds, or other forms of securities held by the
7 spouse of the candidate for office. For purposes of this
8 subparagraph, the spouse of the candidate for office is required to
9 include a security described under this subparagraph in the report
10 only if the security has a total aggregate fair market value of
11 \$50,000.00 or more on a specified day that is within the final
12 month of the calendar year covered in the reporting period.

13 (vi) A description of any interest the spouse of the candidate
14 for office had during the reporting period in a legal entity that
15 conducts business in this state, if the interest has a book value
16 of \$50,000.00 or more.

17 (c) Beginning January 1, 2028, the following information
18 regarding a dependent of the candidate for office during the
19 reporting period; for purposes of this subdivision, the candidate
20 for office may refer to each dependent using the dependent's first
21 and last initial:

22 (i) The number of dependents that the candidate for office and
23 the spouse of the candidate for office claim for federal income tax
24 purposes.

25 (ii) The principal activity of each employer of each dependent
26 of the candidate for office, if the dependent's total earned income
27 from the employer equals \$50,000.00 or more during the reporting
28 period.

29 (iii) The source and type of all income, including earned and

1 unearned income received by each dependent of the candidate for
2 office, if the source of income described under this subparagraph
3 equals \$50,000.00 or more during that reporting period.

4 (iv) A description of each real property or property that each
5 dependent of the candidate for office has an ownership interest in,
6 including, but not limited to, commercial, industrial, or
7 agricultural buildings. For purposes of this subparagraph, the
8 dependent is required to include a real property or property
9 described under this subsection only if the real property or
10 property had a fair market value of \$50,000.00 or more at any time
11 that the real property or property was held during that reporting
12 period. The street number of a parcel of real property or property
13 listed under this subparagraph may be excluded from the report.

14 (v) A description of any stocks, bonds, commodities, futures,
15 shares in mutual funds, or other forms of securities held by each
16 dependent of the candidate for office. For purposes of this
17 subparagraph, each dependent of the candidate for office is
18 required to include a security described under this subparagraph in
19 the report only if the security has a total aggregate fair market
20 value of \$50,000.00 or more on a specified day that is within the
21 final month of the calendar year covered in the reporting period.

22 (vi) A description of any interest each dependent of the
23 candidate for office had during the reporting period in a legal
24 entity that conducts business in this state, if the interest has a
25 book value of \$50,000.00 or more.

26 (2) Subject to subsection (4), information a candidate for
27 office is required to report under this section includes
28 information with respect to the income from a trust or other
29 financial arrangement from which income is received by, or with

1 respect to which a beneficial interest in principal or income is
2 held by, the candidate for office required to file a report under
3 this section or an immediate family member of the candidate for
4 office.

5 (3) A candidate for office is not required to disclose the
6 value of any item reported under subsection (1) (a) (iii), (iv) to
7 (vii), (xiii), or (xvi), (1) (b) (iii), or (iv) to (vi), or (1) (c) (iii), or (iv)
8 to (vi).

9 (4) If a candidate for office required to file a report under
10 section 3 or an immediate family member of the candidate for office
11 holds a beneficial interest in a blind trust, the candidate for
12 office is not required to include the interests or assets of the
13 blind trust in the candidate for office's statement under
14 subsection (1). However, the candidate for office must indicate in
15 the candidate for office's report that the candidate for office or
16 the immediate family member of the candidate for office holds a
17 beneficial interest in a blind trust.

18 (5) A candidate for office shall preserve the records used to
19 prepare a report under this act for 5 years and make the records
20 available for inspection, on request.

21 Sec. 5. A candidate for office filing a report under section 3
22 may omit any of the following:

23 (a) Information an individual is required to report under the
24 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

25 (b) An item otherwise required to be reported under section
26 4(1) (a) (iv) or (v), (b) (iv) or (v), or (c) (iv) or (v) if all of the
27 following apply:

28 (i) The item represents the exclusive financial interest and
29 responsibility of the spouse or dependent of the candidate for

1 office about which the candidate for office does not have actual
2 knowledge.

3 (ii) The item is not in any way, past or present, derived from
4 the income, assets, or activities of the candidate for office.

5 (iii) The candidate for office does not derive, or expect to
6 derive, financial benefit from the item.

7 (c) An item that concerns a spouse who is living separate and
8 apart from the candidate for office with the intention of
9 terminating the marriage or maintaining a legal separation.

10 (d) An item that concerns income of the candidate for office
11 or the spouse of that candidate for office arising from dissolution
12 of the candidate for office's marriage or a permanent legal
13 separation from the candidate for office's spouse.

14 (e) Benefits received under the social security act, chapter
15 531, 49 Stat 620.

16 Sec. 6. (1) The secretary of state shall do all of the
17 following:

18 (a) Make available through the secretary of state's offices
19 appropriate forms, instructions, and manuals required by this act.

20 (b) Create and operate an electronic, internet-accessible
21 system to receive all statements and reports required by this act
22 to be filed with the secretary of state.

23 (c) Create all forms, instructions, and manuals required under
24 this act.

25 (d) Promulgate rules and issue declaratory rulings to
26 implement this act under the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328.

28 (e) On receiving a written request and the required filing,
29 waive payment of a late filing fee if the request for the waiver is

1 based on good cause and accompanied by adequate documentation. One
2 or more of the following reasons constitute good cause for a late
3 filing fee waiver:

4 (i) The incapacitating physical illness, hospitalization,
5 accident involvement, death, or incapacitation for medical reasons
6 of a candidate for office.

7 (ii) Other unique, unintentional factors beyond the candidate
8 for office's control that are not the result of a negligent act or
9 nonaction so that a reasonably prudent person would excuse the
10 filing on a temporary basis. These factors include the loss or
11 unavailability of records because of a fire, flood, theft, or
12 similar reason and difficulties related to the transmission of the
13 filing to the secretary of state, such as exceptionally bad
14 weather.

15 (f) As soon as practicable, but not later than 5 business days
16 after a report required to be filed under this act is received,
17 make the report or all of the contents of the report available
18 without charge to the public on a separate internet webpage or its
19 website homepage.

20 (g) Within 9 business days after the deadline for filing a
21 report under this act, notify an individual of any error or
22 omission in the individual's report or that the individual failed
23 to file the required report.

24 (2) Except as otherwise provided in subsection (13), the
25 secretary of state shall issue a declaratory ruling under this
26 section only if the person requesting the ruling has provided a
27 reasonably complete statement of facts necessary for the ruling or
28 if the person requesting the ruling has, with the permission of the
29 secretary of state, supplied supplemental facts necessary for the

1 ruling. Within 2 business days after receiving a request for a
2 declaratory ruling, the secretary of state shall make the request
3 available in the manner provided for under subsection (1)(f). An
4 interested person may submit written comments regarding the request
5 to the secretary of state within 10 business days after the date
6 the request is made available to the public. Within 45 business
7 days after receiving a declaratory ruling request, the secretary of
8 state shall make a proposed response available in the manner
9 provided for under subsection (1)(f). An interested person may
10 submit written comments regarding the proposed response to the
11 secretary of state within 5 business days after the date the
12 proposal is made available to the public. Except as otherwise
13 provided in this section, the secretary of state shall issue a
14 declaratory ruling within 60 business days after receiving a
15 request for a declaratory ruling. If the secretary of state refuses
16 to issue a declaratory ruling, the secretary of state shall notify
17 the person making the request of the reasons for the refusal and
18 issue an interpretative statement providing an informational
19 response to the question presented within the 60-day period. A
20 declaratory ruling or interpretative statement issued under this
21 section must not state a general rule of law, other than that which
22 is stated in this act, until the general rule of law is promulgated
23 by the secretary of state as a rule under the administrative
24 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under
25 judicial order.

26 (3) Under extenuating circumstances, the secretary of state
27 may issue a notice extending, for not more than 30 business days,
28 the period during which the secretary of state shall respond to a
29 request for a declaratory ruling. The secretary of state shall not

1 issue more than 1 notice of extension for a particular request. A
2 person requesting a declaratory ruling may waive, in writing, the
3 time limitations provided by this section.

4 (4) A person may file with the secretary of state a complaint
5 that alleges a violation of this act. Within 5 business days after
6 a complaint that meets the requirements of subsection (5) is filed,
7 the secretary of state shall notify the person against whom the
8 complaint is filed. The notice must be in writing and include a
9 copy of the complaint. Within 15 business days after the
10 notification, the person against whom the complaint was filed may
11 submit a response to the secretary of state. The secretary of state
12 may extend the period for submitting a response an additional 15
13 business days for good cause. The secretary of state shall send a
14 copy of a response received to the complainant. Within 10 business
15 days after the response is sent, the complainant may submit a
16 rebuttal statement to the secretary of state. The secretary of
17 state may extend the period for submitting a rebuttal statement an
18 additional 10 business days for good cause. The secretary of state
19 shall provide a copy of the rebuttal statement to the person
20 against whom the complaint was filed. If, on review of the
21 complaint, the secretary of state determines that the complaint is
22 frivolous, illegible, indefinite, or unsigned, or does not identify
23 an alleged violator, allege a violation of the act or the rules
24 promulgated under this act, or contain a verification statement,
25 the secretary of state may summarily dismiss the complaint without
26 prejudice. If a complaint is summarily dismissed, the complainant
27 shall be notified in writing as to the reason the complaint was
28 dismissed.

29 (5) A complaint filed under subsection (4) must satisfy all of

1 the following requirements:

2 (a) Be signed by the complainant.

3 (b) State the name, address, and telephone number of the
4 complainant.

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

16 (6) A person shall not file a complaint with a false
17 certificate under subsection (5)(c). A person may file a complaint
18 under subsection (4) alleging that another person has filed a
19 complaint with a false certificate under subsection (5)(c).

20 (7) The secretary of state shall investigate allegations
21 brought under this act under the rules promulgated under this act.
22 If an allegation involves the secretary of state, or a spouse or
23 dependent of the secretary of state, the secretary of state shall
24 refer the matter to the attorney general to determine whether a
25 violation of this act occurred.

26 (8) No later than 45 business days after receiving a rebuttal
27 statement submitted under subsection (4) or, if no response or
28 rebuttal is received under subsection (4), 45 business days after
29 receiving a complaint under subsection (4), the secretary of state

1 shall post on the secretary of state's website whether there may be
2 reason to believe that a violation of this act occurred. If the
3 secretary of state determines whether there may be reason to
4 believe that a violation of this act occurred or determines to
5 terminate its proceedings, the secretary of state shall, within 30
6 days after that determination, post on the secretary of state's
7 website any complaint, response, or rebuttal statement received
8 under subsection (4) regarding that violation or alleged violation
9 and any correspondence that is dispositive of that violation or
10 alleged violation between the secretary of state and the
11 complainant or the person against whom the complaint was filed. If
12 the secretary of state determines that there may be reason to
13 believe that a violation of this act occurred, the secretary of
14 state shall endeavor to correct the violation or prevent a further
15 violation by using informal methods such as a conference,
16 conciliation, or persuasion, and may enter into a conciliation
17 agreement with the person involved. Unless violated, a conciliation
18 agreement is a complete bar to any further civil action with
19 respect to matters covered in the conciliation agreement. The
20 secretary of state shall, within 30 days after a conciliation
21 agreement is signed, post that agreement on the secretary of
22 state's website. If, after 90 business days, the secretary of state
23 is unable to correct or prevent further violation by these informal
24 methods, the secretary of state may commence a hearing as provided
25 in subsection (9) for enforcement of this act.

26 (9) The secretary of state may commence a hearing to determine
27 whether a violation of this act occurred. The hearing must be
28 conducted under chapter 4 of the administrative procedures act of
29 1969, 1969 PA 306, MCL 24.271 to 24.288.

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

8 (11) The secretary of state shall review a report or statement
9 filed under this act and may investigate an apparent violation of
10 this act under the rules promulgated under this act. If the
11 secretary of state determines that there may be reason to believe a
12 violation of this act occurred, the secretary of state may commence
13 a hearing under subsection (9) to determine whether a violation of
14 this act occurred.

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

19 (13) The secretary of state may refuse to issue a declaratory
20 ruling under subsection (2) if the request is anonymous, the
21 secretary of state determines that the subject matter of the
22 request is frivolous on its face, or the request is indefinite or
23 lacks specificity. If the secretary of state refuses to issue a
24 declaratory ruling, the person requesting the ruling, if known,
25 shall be notified of the reason for the refusal.

26 Sec. 7. (1) The secretary of state shall provide a copy of a
27 report, or part of a report, required to be filed under this act at
28 a reasonable charge.

29 (2) A report that is made available to the public under this

1 act must not be used for any commercial purpose.

2 (3) The secretary of state shall preserve a report filed under
3 this act for 15 years after the date the report is filed. If the
4 secretary of state or attorney general determines under section 6
5 that a violation of this act occurred, the secretary of state shall
6 preserve all complaints, orders, decisions, or other documents
7 related to that violation for 15 years after the date of the
8 determination or the date the violation is corrected, whichever is
9 later. Reports filed under this act may be reproduced under the
10 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After
11 the required preservation period, the reports, or the reproductions
12 of the reports, may be disposed of in the manner prescribed in the
13 management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and
14 section 11 of the Michigan history center act, 2016 PA 470, MCL
15 399.811.

16 (4) The secretary of state shall not charge a fee for the
17 filing of a report under this act, except a late filing fee
18 required by this act.

19 (5) The secretary of state shall determine whether a statement
20 or report filed under this act complies, on its face, with the
21 requirements of this act and the rules promulgated under this act.
22 The secretary of state shall determine whether a statement or
23 report that is required to be filed under this act is in fact
24 filed.

25 (6) A report required to be filed under this act must be filed
26 not later than 5 p.m. of the day it is required to be filed.

27 Sec. 8. (1) A candidate for office who fails to file a report
28 as required under this act shall pay a late filing fee determined
29 as follows:

1 (a) Twenty-five dollars for each of the first 10 business days
2 that the report remains unfiled.

3 (b) Fifty dollars for each business day after the first 10
4 business days that the report remains unfiled.

5 (c) In addition to the late filing fees imposed under
6 subdivisions (a) and (b), \$5,000.00 if the report remains unfiled
7 for more than 105 business days.

8 (2) If a candidate for office required to file a report under
9 this act knowingly files an incomplete or inaccurate report, the
10 candidate for office shall be ordered to pay a civil fine of not
11 more than \$10,000.00.

12 (3) A late filing fee collected under this act must be
13 deposited into the general fund.

14 (4) A late filing fee or civil fine assessed under this act
15 that remains unpaid for more than 180 days must be referred to the
16 department of treasury for collection.

17 Enacting section 1. This act takes effect January 1, 2024.