

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 99

A bill to amend 2023 PA 281, entitled
"Public officers financial disclosure act,"
by amending sections 3, 5, 7, 8, 11, 13, and 15 (MCL 15.703,
15.705, 15.707, 15.708, 15.711, 15.713, and 15.715) and by adding
section 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

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

4 (b) "Consumer Price Index" means the most comprehensive index
5 of consumer prices available for the Detroit-Warren-Dearborn area
6 from the Bureau of Labor Statistics of the United States Department
7 of Labor.

1 (c) ~~(b)~~ "Department" means the department of state.

2 (d) ~~(e)~~ "Earned income" means salaries, wages, tips, bonuses,
3 commissions, or other compensation or earnings from employment
4 earned during the reporting period.

5 (e) ~~(d)~~ "Form" means the financial disclosure form ~~created~~
6 **provided under section 6 and published** by the department in
7 accordance with section 11.

8 (f) ~~(e)~~ "Gift" means ~~that term as defined in section 7 of the~~
9 ~~Michigan campaign finance act, 1976 PA 388, MCL 169.207.~~ **any item a**
10 **public officer receives that is required to be reported by a**
11 **lobbyist or lobbyist agent under 1978 PA 472, MCL 4.411 to 4.431.**

12 (g) ~~(f)~~ "Honorarium" means that term as defined in section 7
13 of the Michigan campaign finance act, 1976 PA 388, MCL 169.207.

14 (h) ~~(g)~~ "Liabilities" means what a person owes to another
15 person, including, but not limited to, mortgages or other debts.
16 For purposes of this act, a debt does not include a revolving debt,
17 an unsecured debt that is from a financial institution or the
18 federal government, or a debt owed by a business entity.

19 (i) ~~(h)~~ "Lobbyist" means that term as defined in section 5 of
20 1978 PA 472, MCL 4.415.

21 (j) ~~(i)~~ "Lobbyist agent" means that term as defined in section
22 5 of 1978 PA 472, MCL 4.415.

23 ~~(j) "Spouse" means an individual who is lawfully married to a~~
24 ~~public officer as described under 26 CFR 30.7701-18.~~

25 (k) "Public officer" means all of the following:

26 (i) A state representative.

27 (ii) A state senator.

28 (iii) The attorney general.

29 (iv) The governor.

1 (v) The lieutenant governor.

2 (vi) The secretary of state.

3 (l) "Report" means the financial disclosure report required
4 under section 10 of article IV of the state constitution of 1963.

5 **The report must be in the form provided under section 6.**

6 (m) "Reporting period" means the preceding calendar year.

7 (n) "Spouse" means an individual who is lawfully married to a
8 **public officer as described under 26 CFR 301.7701-18.**

9 (o) ~~(n)~~—"Unearned income" means income that is not earned from
10 employment, including, but not limited to, financial prize,
11 unemployment benefits, annuities, stock dividends, deferred
12 compensation, pension, profit sharing, or retirement income.
13 Unearned income does not include inheritance money or a familial
14 gift.

15 Sec. 5. (1) ~~A~~ **Except as otherwise provided in subsection (3),**
16 **a** public officer shall file an annual financial disclosure report
17 with the department -

18 ~~(2) The report required under this section must first be filed~~
19 ~~by April 15, 2024, and by~~ **not later than** May 15 of each year.
20 ~~thereafter.~~ This subsection does not apply to an individual who was
21 a public officer only on the first day of the calendar year.

22 (2) ~~(3)~~—If a public officer who is required to file a report
23 under this act receives notice from the secretary of state under
24 section ~~13(1)(g),~~ **13(1)(h)**, the public officer shall, ~~within~~ **not**
25 **later than** 9 business days after receiving the notice, file
26 corrections to the errors or omissions or file the report, as
27 applicable.

28 (3) **A public officer shall file the financial disclosure**
29 **report for the reporting period of January 1, 2024 to December 31,**

1 2024 not later than June 13, 2025.

2 Sec. 6. A financial disclosure report must be in the following
3 form:

4 Basic Identifying Information

5 1. Full name: _____

6 2. Mailing address: _____

7 3. Telephone number: _____

8 4. Email address: _____

9 5. Are you filing as a public officer or a
10 candidate? _____

11 (If you were both a public officer and a candidate during the
12 reporting period, file as a public officer.)

13 Spousal Information

14 6. Were you married during the reporting period?
15 (yes/no) _____

16 7. Spouse's name: _____

17 8. Was your spouse a registered lobbyist in the State of
18 Michigan during the reporting period? _____

19 9. For any employer that paid your spouse more than \$1,000 in
20 annual income during the reporting period, list the name of
21 the employer(s) and the occupation(s) held:

22 _____
23 _____
24 _____

25 Employment & Income

26 10. List the name and address of each employer that paid you
27 more than \$1,000 and the positions held in the reporting period:

28 _____
29 _____

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11. Did you receive unearned income over \$200 in the reporting period (e.g., financial prize, unemployment benefits, annuities, stock dividends, deferred compensation, pension, profit sharing, retirement income)? If yes, list the sources of unearned income, including the origins and addresses of the sources of unearned income:

Organizational Roles

12. List all positions you held in any organization, corporation, firm, partnership, or other business enterprise, nonprofit organization, labor organization, or educational or other institution other than this state during the reporting period (e.g., officer, director, trustee, partner, proprietor, representative, employee, or consultant). If applicable, for each, please provide the name of the organization and the position held:

(You do not need to include positions in any: religious, social, fraternal, or political entity, or any position solely honorary in nature.)

Assets

13. List any real property in which you held an ownership interest during the reporting period:

(Include only real property valued over \$1,000; you may choose

1 to exclude the street number, if applicable.)

2 _____
3 _____
4 _____
5 _____

6 14. List any securities or investments (stocks, bonds, mutual
7 funds, etc.) you held or held jointly with your spouse with a fair
8 market value over \$1,000 during the reporting period, including the
9 origins and addresses of the securities or investments:

10 (You are not required to disclose a stock within a widely held
11 investment fund if neither you nor your spouse exercise control
12 over the financial interests held by the fund and the fund is
13 publicly traded or the assets of the fund are widely diversified.)

14 _____
15 _____
16 _____
17 _____

18 15. List any other assets, other than business assets, held
19 for the production of income, or for investment purposes, exceeding
20 \$1,000 in value that you owned during the reporting period:

21 _____
22 _____
23 _____

24 16. Do you hold a beneficial interest in any blind trusts?
25 (yes/no)

26 _____

27 **Liabilities**

28 17. List any liabilities over \$10,000 you (solely or jointly)
29 owed at any point during the reporting period (e.g., mortgages,

1 loans, credit lines):

2 (You may exclude: any unsecured debt from a financial
3 institution or the federal government, any revolving debt, or a
4 business debt.)

5 _____
6 _____
7 _____

8 **Employment Agreements**

9 18. List any agreements or arrangements made or in effect
10 during the reporting period with respect to the following:

11 (a) Any future employment that would commence after you leave
12 office.

13 (b) A leave of absence from any former or current employer
14 taken while serving as a public officer.

15 (c) A continuation or deferral of payments by a former or
16 current employer other than this state to you, or your continuing
17 participation in an employee welfare or benefit plan maintained by
18 a former employer.

19 (If a public officer is not reelected or is not seeking
20 reelection to public office, MCL 15.708 requires the public officer
21 to disclose any future employment agreement within 10 days of
22 entering into the agreement.)

23 _____
24 _____
25 _____
26 _____

27 **Lobbyist Interactions**

28 19. Did you receive any gift required to be reported by a
29 lobbyist or lobbyist agent during the reporting period? If yes,

1 please list the lobbyist's name and the gift received:

2 _____
3 _____
4 _____

5 20. Did you receive any payments for travel required to be
6 reported by a lobbyist or lobbyist agent during the reporting
7 period? If yes, please list the lobbyist's name and the travel
8 payment received:

9 _____
10 _____
11 _____
12 _____

13 21. Did you receive any payments to a charity in lieu of
14 honoraria required to be reported by a lobbyist or lobbyist agent
15 during the reporting period? If yes, please list the lobbyist's
16 name and the payment to charity received:

17 _____
18 _____
19 _____
20 _____

21 State Contracts

22 22. Do you or your spouse hold a majority financial interest
23 in any current or prospective contracts with the State of Michigan?
24 If yes, provide the name of the company and a description of all
25 contracts:

26 _____
27 _____
28 _____
29 _____

1 **Additional disclosures**

2 _____

3 _____

4 _____

5 _____

6 **Certification**

7 **"I certify that the statements I have made on this financial**

8 **disclosure form are true, complete, and correct to the best of my**

9 **knowledge and belief, and that I have not moved assets during the**

10 **reporting period for purpose of avoiding disclosure under the**

11 **public officers financial disclosure act."**

12 **Signed:** _____

13 Sec. 7. (1) A report required under section 5 must include a

14 complete statement of all of the following:

15 (a) The full name, mailing address, telephone number, and

16 email address of the public officer.

17 (b) The name and address of the public officer's employer **or**

18 **employers** and the positions held during the reporting period, if

19 the public officer receives \$1,000.00 or more in annual income from

20 each position.

21 (c) The name of the spouse of the public officer ~~and, if the~~

22 **public officer's spouse receives \$1,000.00 or more in annual**

23 **income,** the occupation of the public officer's spouse ~~and the~~

24 name of the employer or employers of the public officer's spouse.

25 (d) Whether the public officer's spouse was registered as a

26 lobbyist or lobbyist agent under 1978 PA 472, MCL 4.411 to 4.431,

27 during the reporting period.

28 (e) A list of all positions currently held as an officer,

29 director, trustee, partner, proprietor, representative, employee,

1 or consultant of any organization, corporation, firm, partnership,
2 or other business enterprise, nonprofit organization, labor
3 organization, or educational or other institution other than this
4 state. If this subdivision applies, the public officer shall
5 include the name of the organization. For purposes of this
6 subdivision, positions held in any religious, social, fraternal, or
7 political entity, or positions that are solely of an honorary
8 nature, are excluded.

9 (f) The source of earned income received during the reporting
10 period by the public officer. For purposes of this subdivision, the
11 public officer must ~~report~~ **disclose** each source of income received
12 during the reporting period that is \$1,000.00 or more.

13 (g) Except as otherwise provided in this subdivision, a list
14 of each asset, excluding a business asset, held for investment or
15 production of income with a fair market value of \$1,000.00 or more
16 during the reporting period and any sources of unearned income that
17 exceed \$200.00 during the reporting period, **including the origins**
18 **and addresses of the sources of unearned income**. The fair market
19 value for the purpose of listing each asset, excluding a business
20 asset, held for investment or production of income under this
21 subdivision must be adjusted for inflation every 4 years using the
22 ~~Detroit~~ Consumer Price Index, and rounded up to the nearest
23 \$1,000.00.

24 (h) A list of all liabilities that exceed \$10,000.00 owed by
25 the public officer to a creditor at any time during the reporting
26 period.

27 (i) Except as otherwise provided in this subdivision, a list
28 of any stocks, bonds, or other forms of securities held by the
29 public officer or held jointly with the public officer's spouse

1 during the reporting period, **including the origin and address of**
2 **the security**, if the security has a total aggregate fair market
3 value of \$1,000.00 or more. The fair market value for the purpose
4 of listing stocks, bonds, or other forms of securities under this
5 subdivision must be adjusted for inflation every 4 years using the
6 ~~Detroit~~ Consumer Price Index, and rounded up to the nearest
7 \$1,000.00. For purposes of this act, a public officer is not
8 required to disclose a stock ~~in~~**within** a widely held investment
9 fund, including, but not limited to, a mutual fund, regulated
10 investment company, pension or deferred compensation plan, or other
11 investment fund, if both of the following apply:

12 (i) Either the fund is publicly traded or the assets of the
13 fund are widely diversified.

14 (ii) The public officer or the public officer's spouse does not
15 exercise control over or have the ability to exercise control over
16 the financial interests held by the fund.

17 (j) A list of any real property in which the public officer
18 holds an ownership or other financial interest. For purposes of
19 this subdivision, the public officer is required to include a real
20 property in the report only if that real property has a fair market
21 value of \$1,000.00 or more during the reporting period. A public
22 officer filing a report may exclude the street number of a parcel
23 of real property under this subdivision.

24 (k) The date **of**, identity of parties to, and general terms of
25 any agreements or arrangements **made or in effect during the**
26 **reporting period** with respect to **the following**:

27 (i) **Any** future employment ~~—a—~~**that would commence after the**
28 **public officer leaves office.**

29 (ii) **A** leave of absence **from any former or current employer**

1 **taken** while serving as a public officer. 7

2 **(iii) A** continuation or deferral of payments by a former or
3 current employer other than this state **to the public officer,** or
4 **the public officer's** continuing participation in an employee
5 welfare or benefit plan maintained by a former employer. ~~As~~
6 ~~provided in section 8, there is an ongoing duty to report any~~
7 ~~agreement or arrangement entered into by a public officer after the~~
8 ~~filing deadline described in section 5(2).~~

9 **(l)** A list of all gifts received and **required to be** reported
10 **during the reporting period** by a lobbyist or lobbyist agent under
11 state law, **including the name of the lobbyist or lobbyist agent**
12 **that provided the gift.**

13 **(m)** A list of all travel payments received and **required to be**
14 reported **during the reporting period** by a lobbyist or lobbyist
15 agent under state law, **including the name of the lobbyist or**
16 **lobbyist agent that provided the travel payment.**

17 **(n)** A list of each payment made by a lobbyist or lobbyist
18 agent **during the reporting period** to a charity in lieu of
19 honoraria, **including the name of the lobbyist or lobbyist agent**
20 **that made the payment.**

21 **(o)** If applicable, a statement indicating that the public
22 officer or the public officer's spouse is a registered vendor with
23 this state, has a majority interest in a company that is a
24 registered vendor with this state, or is employed by a company that
25 is a registered vendor with this state. If the public officer or
26 the public officer's spouse is a registered vendor with this state
27 or has a majority interest in a company that is a registered vendor
28 with this state, the public officer shall include the name of the
29 company and a description of all contracts entered into with this

1 state by the public officer, public officer's spouse, or company in
2 which the public officer or public officer's spouse has a majority
3 interest during the reporting period. If the public officer or
4 public officer's spouse is employed by a company that is a
5 registered vendor with this state, the public officer shall include
6 the name of the company and a description of all contracts entered
7 into with this state that the public officer or the public
8 officer's spouse worked on directly during the reporting period.

9 (2) A public officer is not required to disclose the value of
10 any ~~real property or property disclosed~~ **disclosure** under subsection
11 (1).

12 (3) If a public officer required to file a report under this
13 section holds a beneficial interest in a blind trust, the public
14 officer is not required to include the interests or assets of the
15 blind trust in the report. However, the public officer must
16 indicate in the public officer's report that the public officer
17 holds a beneficial interest in a blind trust. For purposes of this
18 subsection, ~~beneficial~~ **"beneficial interest"** includes, but is not
19 limited to, the interest in a trust of a qualified trust
20 beneficiary or trust beneficiary as those terms are defined under
21 section 7103 of the estates and protected individuals code, 1998 PA
22 386, MCL 700.7103.

23 (4) A report required under section 5 must include the
24 following certification: "I certify that the statements I have made
25 on this financial disclosure form are true, complete, and correct
26 to the best of my knowledge and belief, and that I have not moved
27 assets during the reporting period for the purpose of avoiding
28 disclosure under the public officers financial disclosure act".

29 Sec. 8. ~~A~~ **Not later than 10 days after entering into an**

1 **agreement or arrangement for future employment that would begin not**
2 **later than 1 year after the public officer leaves office, a public**
3 officer who is not reelected or seeking reelection to public office
4 ~~must report to the department within 10 days after entering into~~
5 ~~any agreement or arrangement described in section 7(1)(k)~~ **disclose**
6 **in writing to the department** the date of, the identity of the
7 parties to, and the general terms of ~~any~~ **the** agreement or
8 arrangement. ~~with respect to future employment that the public~~
9 ~~officer is to begin within 1 year after the end of the public~~
10 ~~officer's term of office.~~ **The secretary of state shall make any**
11 **disclosure under this section easily accessible on the secretary of**
12 **state's website.**

13 Sec. 11. ~~(1) Within 30 days after the effective date of this~~
14 ~~act, the department shall create a standard financial disclosure~~
15 ~~form that incorporates the requirements of section 7 for use by a~~
16 ~~public officer to file the financial disclosure report required~~
17 ~~under this act.~~

18 **(1) (2) The Except as otherwise provided in subsection (2),**
19 **the** department shall, ~~no later than March 15, 2024,~~ **30**
20 **days before a report is due each year, make the most current**
21 **version of the financial disclosure report** form created under ~~this~~
22 section 6 easily accessible on its website.

23 **(2) For the financial disclosure report due on June 13, 2025,**
24 **the department shall make the financial disclosure report form**
25 **provided under section 6 easily accessible on its website not later**
26 **than May 31, 2025.**

27 Sec. 13. (1) The secretary of state shall do all of the
28 following:

29 (a) Make available through the secretary of state's offices

1 appropriate forms, instructions, and manuals required by this act.

2 (b) Create and operate an electronic, internet-accessible
3 system to receive ~~all~~ statements and reports required ~~by~~ **under** this
4 act to be filed with the secretary of state.

5 **(c) Accept statements and reports required by this act to be**
6 **filed with the secretary of state that are filed via email as an**
7 **acceptable alternative to the electronic filing system created**
8 **under subdivision (b). This subdivision applies retroactively to**
9 **statements and reports filed by email for the reporting period of**
10 **January 1, 2023 to December 31, 2023.**

11 **(d) ~~(c) Create all forms,~~ Publish the financial disclosure**
12 **report form described in section 6, and create the** instructions ~~7~~
13 and manuals required under this act.

14 **(e) ~~(d)~~** Issue declaratory rulings to implement this act under
15 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
16 to 24.328.

17 **(f) ~~(e)~~** On receiving a written request and the required
18 filing, waive payment of a late filing fee if the request for the
19 waiver is based on good cause and accompanied by adequate
20 documentation. One or more of the following reasons constitute good
21 cause for a late filing fee waiver:

22 (i) The incapacitating physical illness, hospitalization,
23 accident involvement, death, or incapacitation for medical reasons
24 of a public officer or an individual whose participation is
25 essential to the preparation of the report.

26 (ii) Other unique, unintentional factors beyond the control of
27 the public officer that are not the result of a negligent act or
28 nonaction so that a reasonably prudent person would excuse the
29 filing on a temporary basis. These factors include the loss or

1 unavailability of records because of a fire, flood, theft, or
2 similar reason and difficulties related to the transmission of the
3 filing to the secretary of state, such as exceptionally bad
4 weather.

5 **(g)** ~~(f)~~—As soon as practicable, but not later than 5 business
6 days after a report required to be filed under this act is
7 received, make the report or all of the contents of the report
8 available without charge to the public on a separate ~~internet~~
9 webpage or its website homepage.

10 **(h)** ~~(g)~~ ~~Within~~ **Not later than** 9 business days after the
11 deadline for filing a report under this act, notify, by registered
12 mail or email, an individual of any error or omission in the
13 individual's report or that the individual failed to file the
14 required report.

15 (2) The secretary of state shall issue a declaratory ruling
16 under this section only if the person requesting the ruling has
17 provided a reasonably complete statement of facts necessary for the
18 ruling or if the person requesting the ruling has, with the
19 permission of the secretary of state, supplied supplemental facts
20 necessary for the ruling. ~~Within~~ **Not later than** 2 business days
21 after receiving a request for a declaratory ruling, the secretary
22 of state shall make the request available in the manner provided
23 for under subsection ~~(1)(f)~~. **(1)(g)**. An interested person may
24 submit written comments regarding the request to the secretary of
25 state ~~within~~ **not later than** 10 business days after the date the
26 request is made available to the public. ~~Within~~ **Not later than** 45
27 business days after receiving a declaratory ruling request, the
28 secretary of state shall make a proposed response available in the
29 manner provided for under subsection ~~(1)(f)~~. **(1)(g)**. An interested

1 person may submit written comments regarding the proposed response
2 to the secretary of state ~~within~~**not later than** 5 business days
3 after the date the proposal is made available to the public. Except
4 as otherwise provided in this section, the secretary of state shall
5 issue a declaratory ruling ~~within~~**not later than** 60 business days
6 after receiving a request for a declaratory ruling. The secretary
7 of state may refuse to issue a declaratory ruling or an
8 interpretive statement under this act if the request is anonymous,
9 the secretary of state determines that the subject matter of the
10 request is frivolous on its face, or the request is indefinite or
11 lacks specificity. If the secretary of state refuses to issue a
12 declaratory ruling, the secretary of state shall notify the person
13 making the request of the reasons for the refusal and issue an
14 interpretive statement providing an informational response to the
15 question presented within the 60-day period. A declaratory ruling
16 or interpretive statement issued under this section must not state
17 a general rule of law, other than that which is stated in this act,
18 or under judicial order.

19 (3) Under extenuating circumstances, the secretary of state
20 may issue a notice extending, for not more than 30 business days,
21 the period during which the secretary of state shall respond to a
22 request for a declaratory ruling. The secretary of state shall not
23 issue more than 1 notice of extension for a particular request. A
24 person requesting a declaratory ruling may waive, in writing, the
25 time limitations provided by this section.

26 (4) The secretary of state shall make available to the public
27 an annual summary of the declaratory rulings and interpretive
28 statements issued by the secretary of state under this section.

29 (5) A person may file with the secretary of state a complaint

1 that alleges a violation of this act. ~~Within~~**Not later than** 5
2 business days after a complaint that meets the requirements of
3 subsection (6) is filed, the secretary of state shall mail notice
4 to the person against whom the complaint is filed. The notice must
5 include a copy of the complaint. ~~Within~~**Not later than** 15 business
6 days after the notice is mailed, the person against whom the
7 complaint was filed may submit a response to the secretary of
8 state. The secretary of state may extend the period for submitting
9 a response an additional 15 business days for good cause. The
10 secretary of state shall mail a copy of a response received to the
11 complainant. ~~Within~~**Not later than** 10 business days after the
12 response is mailed, the complainant may submit a rebuttal statement
13 to the secretary of state. The secretary of state may extend the
14 period for submitting a rebuttal statement an additional 10
15 business days for good cause. The secretary of state shall provide
16 a copy of the rebuttal statement to the person against whom the
17 complaint was filed. If, on review of the complaint, the secretary
18 of state determines that the complaint is frivolous, illegible,
19 indefinite, or unsigned, or does not identify an alleged violator,
20 allege a violation of the act, or contain a verification statement,
21 the secretary of state may summarily dismiss the complaint without
22 prejudice. If a complaint is summarily dismissed, the complainant
23 must be notified in writing as to the reason the complaint was
24 dismissed. The secretary of state may consolidate similar
25 complaints.

26 (6) A complaint filed under subsection (5) must satisfy all of
27 the following requirements:

28 (a) Be signed by the complainant.

29 (b) State the name, address, and telephone number of the

1 complainant.

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

13 (7) A person shall not file a complaint with a false
14 certificate under subsection (6)(c). A person may file a complaint
15 under subsection (5) alleging that another person has filed a
16 complaint with a false certificate under subsection (6)(c).

17 (8) The secretary of state shall investigate allegations
18 brought under this act. If an allegation involves the secretary of
19 state, or the secretary of state's spouse, the secretary of state
20 shall refer the matter to the attorney general to determine whether
21 a violation of this act occurred.

22 (9) ~~No~~**Not** later than 45 business days after receiving a
23 rebuttal statement submitted under subsection (5) or, if no
24 response or rebuttal is received under subsection (5), 45 business
25 days after receiving a complaint under subsection (5), the
26 secretary of state shall post on the secretary of state's website
27 whether there may be reason to believe that a violation of this act
28 occurred. If the secretary of state determines there may be reason
29 to believe that a violation of this act occurred or determines to

1 terminate its proceedings, the secretary of state shall, ~~within~~**not**
2 **later than** 30 days after that determination, post on the secretary
3 of state's website any complaint, response, or rebuttal statement
4 received under subsection (5) regarding that violation or alleged
5 violation and any correspondence that is dispositive of that
6 violation or alleged violation between the secretary of state and
7 the complainant or the person against whom the complaint was filed.
8 If the secretary of state determines that there may be reason to
9 believe that a violation of this act occurred, the secretary of
10 state shall endeavor to correct the violation or prevent a further
11 violation by using informal methods such as a conference,
12 conciliation, or persuasion, and may enter into a conciliation
13 agreement with the person involved. Unless violated, a conciliation
14 agreement is a complete bar to any further civil action with
15 respect to matters covered in the conciliation agreement. The
16 secretary of state shall, ~~within~~**not later than** 30 days after a
17 conciliation agreement is signed, post that agreement on the
18 department's website. If, after 90 business days, the secretary of
19 state is unable to correct or prevent further violation by these
20 informal methods, the secretary of state may commence a hearing as
21 provided in subsection (10) for enforcement of this act.

22 (10) The secretary of state may commence a hearing to
23 determine whether a violation of this act occurred. The hearing
24 must be conducted in accordance with chapter 4 of the
25 administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to
26 24.288.

27 (11) A final decision or order issued by the secretary of
28 state under this act is subject to judicial review as provided
29 under chapter 6 of the administrative procedures act of 1969, 1969

1 PA 306, MCL 24.301 to 24.306. The secretary of state shall deposit
2 a civil fine imposed under this act in the general fund. The
3 secretary of state may bring an action in circuit court to recover
4 the amount of a civil fine.

5 (12) The secretary of state shall review a report or statement
6 filed under this act and may investigate an apparent violation of
7 this act. If the secretary of state determines that there may be
8 reason to believe a violation of this act occurred and the
9 procedures prescribed in subsection (9) have been complied with,
10 the secretary of state may commence a hearing under subsection (10)
11 to determine whether a violation of this act occurred.

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

16 (14) The secretary of state shall preserve a report filed
17 under this act for 15 years after the date the report is filed. If
18 the secretary of state or attorney general determines under this
19 section that a violation of this act occurred, the secretary of
20 state shall preserve all complaints, orders, decisions, or other
21 documents related to that violation for 15 years after the date of
22 the determination or the date the violation is corrected, whichever
23 is later. Reports filed under this act may be reproduced under the
24 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After
25 the required preservation period, the reports, or the reproductions
26 of the reports, may be disposed of in the manner prescribed in the
27 management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and
28 section 11 of the Michigan history center act, 2016 PA 470, MCL
29 399.811.

1 Sec. 15. (1) An individual who fails to file a report as
2 required under this act shall pay a late filing fee of \$25.00 for
3 each business day after the first 10 business days that the report
4 remains unfiled. The fee imposed under this subsection must not
5 exceed \$1,000.00.

6 (2) A late filing fee collected under this act must be
7 deposited into the general fund.

8 (3) An individual who knowingly files an incomplete or
9 inaccurate report in violation of this act may be ordered to pay a
10 civil fine of not more than \$2,000.00.

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

14 (5) The amount of a late filing fee assessed or civil fine
15 imposed under this act must be adjusted for inflation every 4 years
16 using the ~~Detroit~~-Consumer Price Index.