

**SUBSTITUTE FOR
HOUSE BILL NO. 4291**

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 33 and 34 (MCL 169.233 and 169.234), section
33 as amended by 2017 PA 119 and section 34 as amended by 2019 PA
93.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) A committee, other than an independent committee,
2 an independent expenditure committee, or a political committee
3 required to file with the secretary of state, supporting or
4 opposing a candidate shall file complete campaign statements as
5 required by this act and the rules promulgated under this act
6 according to the following schedule:

7 (a) ~~A~~**Except as otherwise provided in subdivision (c), a**



1 preelection campaign statement must be filed not later than the
2 ~~eleventh~~**twenty-fifth** day **of the month** before an election. The
3 closing date for a campaign statement filed under this subdivision
4 is the ~~sixteenth~~**twentieth** day **of the month** before the election.

5 (b) ~~A~~**Except as otherwise provided in subdivision (c), a**
6 postelection campaign statement must be filed not later than the
7 ~~thirtieth~~**twenty-fifth** day ~~following~~**of the month of** the election.
8 The closing date for a campaign statement filed under this
9 subdivision is the twentieth day ~~following~~**of the month of** the
10 election. A committee supporting a candidate who loses the primary
11 election shall file closing campaign statements in accordance with
12 this section. If all liabilities of that candidate or committee are
13 paid before the closing date and additional contributions are not
14 expected, the campaign statement may be filed at any time after the
15 election, but not later than the ~~thirtieth~~**twenty-fifth** day
16 ~~following~~**of the month of** the election.

17 (c) **For an election occurring in conjunction with a**
18 **presidential primary election, or for a special election held on a**
19 **date other than a regular election date provided in section 641 of**
20 **the Michigan election law, 1954 PA 116, MCL 168.641, a preelection**
21 **campaign statement must be filed not later than the eleventh day**
22 **before the election, and the closing date for the statement is the**
23 **sixteenth day before the election. A postelection campaign**
24 **statement under this subdivision must be filed not later than the**
25 **twenty-fifth day following the election, and the closing date for**
26 **the statement is the twentieth day following the election. A**
27 **committee supporting a candidate who loses a special primary**
28 **election shall file closing campaign statements in accordance with**
29 **this subdivision. If all liabilities of that candidate or committee**



1 are paid before the closing date and additional contributions are
 2 not expected, the campaign statement may be filed at any time after
 3 the election, but not later than the twenty-fifth day following the
 4 election.

5 (d) ~~(e)~~ For candidate committees only, in a year ~~in which~~ **when**
 6 there is no election for the candidate the candidate committee is
 7 supporting or opposing:

8 (i) Not later than July 25 with a closing date of July 20 of
 9 that year.

10 (ii) Not later than October 25 with a closing date of October
 11 20 of that year.

12 (2) For the purposes of subsection (1):

13 (a) A candidate committee shall file a preelection campaign
 14 statement and a postelection campaign statement for each election
 15 in which the candidate seeks nomination or election, except if an
 16 individual becomes a candidate after the closing date for the
 17 preelection campaign statement only the postelection campaign
 18 statement is required for that election.

19 (b) A committee other than a candidate committee shall file a
 20 campaign statement for each period ~~during which~~ **when** expenditures
 21 are made for the purpose of influencing the nomination or election
 22 of a candidate or for the qualification, passage, or defeat of a
 23 ballot question.

24 (3) An independent committee, an independent expenditure
 25 committee, or a political committee other than a house political
 26 party caucus committee or senate political party caucus committee
 27 required to file with the secretary of state shall file campaign
 28 statements as required by this act according to the following
 29 schedule:



1 (a) Not later than April 25 of each year with a closing date
2 of April 20 of that year.

3 (b) Not later than July 25 of each year with a closing date of
4 July 20 of that year.

5 (c) Not later than October 25 of each year with a closing date
6 of October 20 of that year.

7 (4) A house political party caucus committee or a senate
8 political party caucus committee required to file with the
9 secretary of state or a political party committee for a party
10 attempting to qualify as a new political party under section 685 of
11 the Michigan election law, 1954 PA 116, MCL 168.685, shall file
12 campaign statements as required by this act according to the
13 following schedule:

14 (a) Not later than January 31 of each year with a closing date
15 of December 31 of the immediately preceding year.

16 (b) Not later than April 25 of each year with a closing date
17 of April 20 of that year.

18 (c) Not later than July 25 of each year with a closing date of
19 July 20 of that year.

20 (d) Not later than October 25 of each year with a closing date
21 of October 20 of that year.

22 (e) For the period beginning on the fourteenth day immediately
23 preceding a primary or special primary election and ending on the
24 day immediately following the primary or special primary election,
25 not later than 4 p.m. each business day with a closing date of the
26 immediately preceding day, only for a contribution received or
27 expenditure made that exceeds \$1,000.00 per day.

28 (f) For the period beginning on the fourteenth day immediately
29 preceding a general or special election and ending on the day



1 immediately following the general or special election, not later
2 than 4 p.m. each business day with a closing date of the
3 immediately preceding day, only for a contribution received or
4 expenditure made that exceeds \$1,000.00 per day.

5 (5) Notwithstanding subsection (3) or (4) or section 51, if an
6 independent expenditure is made within 45 days before a special
7 election by an independent committee, an independent expenditure
8 committee, or a political committee required to file a campaign
9 statement with the secretary of state, the committee shall file a
10 report of the expenditure with the secretary of state within 48
11 hours after the expenditure. The report must be made on a form
12 provided by the secretary of state and must include the date of the
13 independent expenditure, the amount of the expenditure, a brief
14 description of the nature of the expenditure, and the name and
15 address of the person to whom the expenditure was paid. The brief
16 description of the expenditure must include either the name of the
17 candidate and the office sought by the candidate or the name of the
18 ballot question and state whether the expenditure supports or
19 opposes the candidate or ballot question. This subsection does not
20 apply if the committee is required to report the independent
21 expenditure in a campaign statement that is required to be filed
22 before the date of the election for which the expenditure was made.

23 (6) A candidate committee or a committee other than a
24 candidate committee that files a written statement under section
25 24(5) or (6) or that is automatically considered to have made a
26 statement under section 24(5) is not required to file a campaign
27 statement under subsection (1), (3), or (4) unless it received or
28 expended an amount in excess of \$1,000.00. If the committee
29 receives or expends an amount in excess of \$1,000.00 during a



1 period covered by a filing, the committee is then subject to the
2 campaign **statement** filing requirements under this act.

3 (7) A committee, candidate, treasurer, or other individual
4 designated as responsible for the committee's record keeping,
5 report preparation, or report filing who fails to file a statement
6 as required by this section shall pay a late filing fee. If the
7 committee has raised \$10,000.00 or less during the previous 2
8 years, the late filing fee is \$25.00 for each business day the
9 statement remains unfiled, but not to exceed \$500.00. If the
10 committee has raised more than \$10,000.00 during the previous 2
11 years, the late filing fee must not exceed \$1,000.00, determined as
12 follows:

13 (a) Twenty-five dollars for each business day the report
14 remains unfiled.

15 (b) An additional \$25.00 for each business day after the first
16 3 business days the report remains unfiled.

17 (c) An additional \$50.00 for each business day after the first
18 10 business days the report remains unfiled.

19 (8) If a candidate, treasurer, or other individual designated
20 as responsible for the committee's record keeping, report
21 preparation, or report filing fails to file 2 statements required
22 by this section or section 35 and both of the statements remain
23 unfiled for more than 30 days, that candidate, treasurer, or other
24 designated individual is guilty of a misdemeanor punishable by a
25 fine of not more than \$1,000.00 or imprisonment for not more than
26 90 days, or both.

27 (9) If a candidate is found guilty of a violation of this
28 section, the circuit court for that county, on application by the
29 attorney general or the prosecuting attorney of that county, may



1 prohibit that candidate from assuming the duties of a public office
2 or from receiving compensation from public funds, or both.

3 (10) If a candidate, treasurer, or other individual designated
4 as responsible for a committee's record keeping, report
5 preparation, or report filing knowingly files an incomplete or
6 inaccurate statement or report required by this section, that
7 individual is subject to a civil fine of not more than \$1,000.00.

8 (11) If a candidate, treasurer, or other individual designated
9 as responsible for a committee's record keeping, report
10 preparation, or report filing knowingly omits or underreports
11 individual contributions or individual expenditures required to be
12 disclosed by this act, that individual is subject to a civil fine
13 of not more than \$1,000.00 or the amount of the contributions and
14 expenditures omitted or underreported, whichever is greater.

15 (12) If a candidate committee's account has a balance of
16 \$20,000.00 or more and a candidate, treasurer, or other individual
17 designated as responsible for that committee's record keeping,
18 report preparation, or report filing fails to file campaign
19 statements required under this act for 2 consecutive years, that
20 candidate, treasurer, or other individual is guilty of a felony
21 punishable by imprisonment for not more than 3 years or a fine of
22 not more than \$5,000.00, or both. Any money in a candidate
23 committee account described in this subsection is subject to
24 seizure by, and forfeiture to, this state as provided in this
25 section.

26 (13) Not more than 5 business days after seizure of money
27 under subsection (12), the secretary of state shall deliver
28 personally or by registered mail to the last known address of the
29 candidate from whom the seizure was made an inventory statement of



1 the money seized. The inventory statement must also contain notice
2 to the effect that unless demand for hearing as provided in this
3 section is made within 10 business days, the money is forfeited to
4 this state. Within 10 business days after the date of service of
5 the notice, the candidate may by registered mail, facsimile
6 transmission, or personal service file with the secretary of state
7 a demand for a hearing before the secretary of state or a person
8 designated by the secretary of state for a determination as to
9 whether the money was lawfully subject to seizure and forfeiture.
10 The candidate is entitled to appear before the secretary of state
11 or a person designated by the secretary of state, to be represented
12 by counsel, and to present testimony and argument. Upon receipt of
13 a request for hearing, the secretary of state or a person
14 designated by the secretary of state shall hold the hearing within
15 15 business days. The hearing is not a contested case proceeding
16 and is not subject to the administrative procedures act of 1969,
17 1969 PA 306, MCL 24.201 to 24.328. After the hearing, the secretary
18 of state or a person designated by the secretary of state shall
19 render a decision in writing within 10 business days of the hearing
20 and, by order, shall either declare the money subject to seizure
21 and forfeiture or declare the money returnable to the candidate.
22 If, within 10 business days after the date of service of the
23 inventory statement, the candidate does not file with the secretary
24 of state a demand for a hearing before the secretary of state or a
25 person designated by the secretary of state, the money seized is
26 forfeited to this state by operation of law. If, after a hearing
27 before the secretary of state or a person designated by the
28 secretary of state, the secretary of state or a person designated
29 by the secretary of state determines that the money is lawfully



1 subject to seizure and forfeiture and the candidate does not appeal
2 to the circuit court of the county in which the seizure was made
3 within the time prescribed in this section, the money seized is
4 forfeited to this state by operation of law. If a candidate is
5 aggrieved by the decision of the secretary of state or a person
6 designated by the secretary of state, that candidate may appeal to
7 the circuit court of the county where the seizure was made to
8 obtain a judicial determination of the lawfulness of the seizure
9 and forfeiture. The action must be commenced within 20 days after
10 notice of a determination by the secretary of state or a person
11 designated by the secretary of state is sent to the candidate. The
12 court shall hear the action and determine the issues of fact and
13 law involved in accordance with rules of practice and procedure as
14 in other in rem proceedings.

15 Sec. 34. (1) A ballot question committee shall file a campaign
16 statement as required by this act according to the following
17 schedule:

18 (a) ~~A-Except as otherwise provided in subdivision (c), a~~
19 preelection campaign statement, the closing date of which is the
20 ~~sixteenth-twentieth~~ **day of the month** before the election, must not
21 be filed later than the ~~eleventh-twenty-fifth~~ **day of the month**
22 before the election.

23 (b) ~~A-Except as otherwise provided in subdivision (c), a~~
24 postelection campaign statement, the closing date of which is the
25 twentieth day ~~following~~ **of the month of** the election, must not be
26 filed later than the ~~thirtieth-twenty-fifth~~ **day following of the**
27 **month of** an election. If all liabilities of the committee are paid
28 before the closing date and additional contributions are not
29 expected, the campaign statement may be filed at any time after the



1 election, but not later than the ~~thirtieth~~**twenty-fifth** day
 2 ~~following of the month of~~ the election.

3 (c) For an election occurring in conjunction with a
 4 presidential primary election, or for a special election held on a
 5 date other than a regular election date provided in section 641 of
 6 the Michigan election law, 1954 PA 116, MCL 168.641, a preelection
 7 campaign statement must be filed not later than the eleventh day
 8 before the election, and the closing date for the statement is the
 9 sixteenth day before the election. A postelection campaign
 10 statement under this subdivision must be filed not later than the
 11 twenty-fifth day following the election, and the closing date for
 12 the statement is the twentieth day following the election. If all
 13 liabilities of the committee are paid before the closing date and
 14 additional contributions are not expected, the campaign statement
 15 may be filed at any time after the election, but not later than the
 16 twenty-fifth day following the election.

17 (d) ~~(e)~~—Campaign statements not later than the following dates
 18 every year:

19 (i) April 25 with a closing date of April 20 of that year.

20 (ii) July 25 with a closing date of July 20 of that year.

21 (e) ~~(d)~~—In every odd numbered year, a campaign statement not
 22 later than October 25 with a closing date of October 20 of that
 23 year.

24 (2) A ballot question committee supporting or opposing a
 25 statewide ballot question shall file a campaign statement, of which
 26 the closing date is the twenty-eighth day after the filing of the
 27 petition form, not later than 35 days after the petition form is
 28 filed under section 483a of the Michigan election law, 1954 PA 116,
 29 MCL 168.483a.



1 (3) If a ballot question committee supporting or opposing a
2 statewide ballot question fails to file a preelection statement
3 under this section, that committee or its treasurer shall pay a
4 late filing fee for each business day the statement remains not
5 filed in violation of this section, not to exceed \$1,000.00,
6 pursuant to the following schedule:

7 (a) First day—\$25.00.

8 (b) Second day—\$50.00.

9 (c) Third day—\$75.00.

10 (d) Fourth day and for each subsequent day that the statement
11 remains unfiled—\$100.00.

12 (4) If a treasurer or other individual designated as
13 responsible for the record keeping, report preparation, or report
14 filing of a ballot question committee supporting or opposing a
15 statewide ballot question fails to file a statement, other than a
16 preelection statement, under this section, that committee,
17 treasurer, or other designated individual shall pay a late filing
18 fee. If the committee has raised \$10,000.00 or less during the
19 previous 2 years, the late filing fee is \$25.00 for each business
20 day the campaign statement remains unfiled, but not to exceed
21 \$1,000.00. If the committee has raised more than \$10,000.00 during
22 the previous 2 years, the late filing fee is \$50.00 for each
23 business day the campaign statement remains unfiled, but not to
24 exceed \$2,000.00.

25 (5) If a treasurer or other individual designated as
26 responsible for the record keeping, report preparation, or report
27 filing of a ballot question committee supporting or opposing other
28 than a statewide ballot question fails to file a statement under
29 this section, that committee, treasurer, or other designated



1 individual shall pay a late filing fee. If the committee has raised
2 \$10,000.00 or less during the previous 2 years, the late filing fee
3 is \$25.00 for each business day the campaign statement remains
4 unfiled, but not to exceed \$1,000.00. If the committee has raised
5 more than \$10,000.00 during the previous 2 years, the late filing
6 fee is \$50.00 for each business day the campaign statement remains
7 unfiled, but not to exceed \$2,000.00.

8 (6) If a treasurer or other individual designated as
9 responsible for the record keeping, report preparation, or report
10 filing of a ballot question committee fails to file a statement as
11 required by subsection (1) or (2) for more than 7 days, that
12 treasurer or other designated individual is guilty of a misdemeanor
13 ~~—~~punishable by a fine of not more than \$1,000.00 ~~—~~or imprisonment
14 for not more than 90 days, or both.

15 (7) If a treasurer or other individual designated as
16 responsible for the record keeping, report preparation, or report
17 filing of a ballot question committee knowingly files an incomplete
18 or inaccurate statement or report required by this section, that
19 treasurer or other designated individual is subject to a civil fine
20 of not more than \$1,000.00 or the amount of the undisclosed
21 contribution, whichever is greater.

22 Enacting section 1. This amendatory act takes effect January
23 1, 2021.

