

**SUBSTITUTE FOR
SENATE BILL NO. 788**

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 3, 11, 12, 21, 21a, 24, and 52 (MCL 169.203,
169.211, 169.212, 169.221, 169.221a, 169.224, and 169.252),
sections 3 and 11 as amended by 2017 PA 119, sections 12, 21, and
24 as amended by 2019 PA 93, section 21a as amended by 2012 PA 275,
and section 52 as amended by 2015 PA 269, and by adding section
21b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) "Candidate" means an individual who meets 1 or
2 more of the following criteria:
3 (a) Files a fee, an affidavit of incumbency, or a nominating
4 petition for an elective office.



1 (b) Is nominated as a candidate for elective office by a
2 political party caucus or convention and whose nomination is
3 certified to the appropriate filing official.

4 (c) Receives a contribution, makes an expenditure, or gives
5 consent for another person to receive a contribution or make an
6 expenditure with a view to bringing about the individual's
7 nomination or election to an elective office, whether or not the
8 specific elective office for which the individual will seek
9 nomination or election is known at the time the contribution is
10 received or the expenditure is made.

11 (d) ~~Is an officeholder who is the subject of a recall~~
12 ~~vote.~~ **candidate.**

13 (e) Holds an elective office, unless the officeholder is
14 constitutionally or legally barred from seeking reelection or fails
15 to file for reelection to that office by the applicable filing
16 deadline. An individual described in this subdivision is considered
17 to be a candidate for reelection to that same office for the
18 purposes of this act only.

19 For purposes of sections 61 to 71, "candidate" only means, in
20 a primary election, a candidate for the office of governor and, in
21 a general election, a candidate for the office of governor or
22 lieutenant governor. However, the candidates for the office of
23 governor and lieutenant governor of the same political party in a
24 general election are considered as 1 candidate.

25 (2) "Candidate committee" means the committee designated in a
26 candidate's filed statement of organization as that individual's
27 candidate committee. A candidate committee must be under the
28 control and direction of the candidate named in the same statement
29 of organization. Notwithstanding subsection (4), an individual,



1 **except for a recall candidate**, shall form a candidate committee
2 under section 21 if the individual becomes a candidate under
3 subsection (1).

4 (3) "Closing date" means the date through which a campaign
5 statement is required to be complete.

6 (4) "Committee" means a person that receives contributions or
7 makes expenditures for the purpose of influencing or attempting to
8 influence the action of the voters for or against the nomination or
9 election of a candidate, the qualification, passage, or defeat of a
10 ballot question, or the qualification of a new political party, if
11 contributions received total \$500.00 or more in a calendar year or
12 expenditures made total \$500.00 or more in a calendar year. Except
13 as restricted or prohibited by this act or other state or federal
14 law, a committee may also make other lawful disbursements. An
15 individual, other than a candidate, does not constitute a
16 committee. A person, other than a committee registered under this
17 act, making an expenditure to a ballot question committee or an
18 independent expenditure committee, ~~shall is~~ not, for that reason,
19 ~~be~~ considered a committee or ~~be~~ required to file a report for the
20 purposes of this act unless the person solicits or receives
21 contributions for the purpose of making an expenditure to that
22 ballot question committee or independent expenditure committee.

23 Sec. 11. (1) "Payroll deduction plan" means any system in
24 which an employer deducts any amount of money from the wages,
25 earnings, or compensation of an employee.

26 (2) "Person" means a business, individual, proprietorship,
27 limited liability company, firm, partnership, joint venture,
28 syndicate, business trust, labor organization, company,
29 corporation, association, committee, or any other organization or



1 group of persons acting jointly.

2 (3) "Political committee" means a committee that is not a
3 candidate committee, **recall committee**, political party committee,
4 house or senate political party caucus committee, independent
5 committee, independent expenditure committee, or ballot question
6 committee.

7 (4) "Political merchandise" means goods such as bumper
8 stickers, pins, hats, beverages, literature, or other items sold by
9 a person at a fund raiser or to the general public for publicity or
10 for the purpose of raising funds to be used in supporting or
11 opposing a candidate for nomination for or election to an elective
12 office, in supporting or opposing the qualification, passage, or
13 defeat of a ballot question, or in supporting or opposing the
14 qualification of a new political party.

15 (5) "Political party" means a political party that has a right
16 under law to have the names of its candidates listed on the ballot
17 in a general election.

18 (6) "Political party committee" means a state central,
19 district, or county committee of a political party or a party
20 attempting to qualify as a new political party under section 685 of
21 the Michigan election law, 1954 PA 116, MCL 168.685, that is a
22 committee. Each state central committee shall designate the
23 official party county and district committees. There must not be
24 more than 1 officially designated political party committee per
25 county and per congressional district.

26 (7) "Public body" means 1 or more of the following:

27 (a) A state agency, department, division, bureau, board,
28 commission, council, authority, or other body in the executive
29 branch of state government.



1 (b) The legislature or an agency, board, commission, or
2 council in the legislative branch of state government.

3 (c) A county, city, township, village, intercounty, intercity,
4 or regional governing body; a council, school district, special
5 district, or municipal corporation; or a board, department,
6 commission, or council or an agency of a board, department,
7 commission, or council.

8 (d) Any other body that is created by state or local authority
9 or is primarily funded by or through state or local authority, if
10 the body exercises governmental or proprietary authority or
11 performs a governmental or proprietary function.

12 Sec. 12. (1) "Qualifying contribution" means a contribution of
13 money made by a written instrument, credit card, or debit card by
14 an individual to the candidate committee of a candidate for the
15 office of governor that is \$100.00 or less and made after April 1
16 of the year preceding a year in which a governor is to be elected.
17 Not more than \$100.00 of an individual's total aggregate
18 contribution may be used as a qualifying contribution in a calendar
19 year. Qualifying contribution does not include a subscription,
20 loan, advance, deposit of money, in-kind contribution or
21 expenditure, or anything else of value except as prescribed in this
22 act. Qualifying contribution does not include a contribution by an
23 individual who resides outside of this state. For purposes of this
24 subsection, an individual is considered to reside in this state if
25 he or she is considered a resident of this state under the Michigan
26 election law, 1954 PA 116, MCL 168.1 to 168.992.

27 (2) "Recall candidate" means an officeholder for whom a recall
28 petition has been submitted to the board of state canvassers or the
29 board of county election commissioners under section 951a or 952 of



1 the Michigan election law, 1954 PA 116, MCL 168.951a and 168.952.

2 (3) "Recall committee" means the committee designated in a
3 recall candidate's filed statement of organization as that
4 individual's recall committee.

5 (4) ~~(2)~~—"Senate political party caucus committee" means an
6 independent committee established by a political party caucus of
7 the state senate under section 24a.

8 (5) ~~(3)~~—"State elective office" means a statewide elective
9 office or the office of state legislator.

10 (6) ~~(4)~~—"Statewide elective office" means the office of
11 governor, lieutenant governor, secretary of state, or attorney
12 general, justice of the supreme court, member of the state board of
13 education, regent of the University of Michigan, member of the
14 board of trustees of Michigan State University, or member of the
15 board of governors of Wayne State University.

16 Sec. 21. (1) A candidate, **except for a recall candidate,**
17 within 10 days after becoming a candidate, shall form a candidate
18 committee. An individual who is a candidate for more than 1 office
19 shall form a candidate committee for each office for which the
20 individual is a candidate, if at least 1 of the offices is a state
21 elective office. A candidate shall not form more than 1 candidate
22 committee for each office for which the individual is a candidate.

23 (2) A candidate committee must have a treasurer who is a
24 qualified elector of this state. A candidate may appoint himself or
25 herself as the candidate committee treasurer.

26 (3) A committee other than a candidate committee **or a recall**
27 **committee** must have a treasurer who is a qualified elector of this
28 state if the committee conducts business through an office or other
29 facility located in this state.



1 (4) If a committee is not required to have as its treasurer an
2 individual who is a qualified elector of this state, the committee
3 may have as its treasurer an individual who is a resident of
4 another state. A committee with a nonresident treasurer shall file,
5 with its statement of organization, an irrevocable written
6 stipulation, signed by the treasurer, agreeing that legal process
7 affecting the committee, served on the secretary of state or an
8 agent designated by the secretary of state, has the same effect as
9 if personally served on the committee. This appointment remains in
10 force as long as any liability of the committee remains outstanding
11 within this state.

12 (5) If the secretary of state or designated agent of the
13 secretary of state is served with legal process under subsection
14 (4), the secretary of state shall promptly notify the committee's
15 treasurer by certified mail at the last known address of the
16 committee shown on the committee's statement of organization.

17 (6) Except as provided by law, a candidate committee or a
18 committee described in subsection (3) shall have 1 account in a
19 financial institution in this state as an official depository to
20 deposit all contributions received by the committee in the form of
21 or which are converted to money, checks, or other negotiable
22 instruments and to make all expenditures. The committee shall
23 designate that financial institution as its official depository.
24 The establishment of an account in a financial institution is not
25 required until the committee receives a contribution or makes an
26 expenditure. Candidate committees shall only use secondary
27 depositories to deposit contributions and promptly transfer the
28 deposits to the committee's official depository, or to deposit the
29 proceeds of a joint fund-raiser under section 44(4) and transfer



1 each committee's share of any receipts from the joint fund-raiser.
2 A committee described in subsection (3) shall only use secondary
3 depositories for any of the following:

4 (a) To deposit contributions and promptly transfer the
5 deposits to the committee's official depository.

6 (b) To deposit the proceeds of a joint fund-raiser under
7 section 44(4) and transfer each committee's share of any receipts
8 from the joint fund-raiser.

9 (c) To deposit, divide, and transfer contributions that are
10 aggregated with dues or other payments.

11 (7) Except as provided by law, a committee described in
12 subsection (4) shall have 1 account in a financial institution as
13 its official depository to deposit all contributions received by
14 the committee in the form of or which are converted to money,
15 checks, or other negotiable instruments and to make all
16 expenditures. The committee shall designate that financial
17 institution as its official depository. The establishment of an
18 account in a financial institution is not required until the
19 committee receives a contribution or makes an expenditure. A
20 committee described in subsection (4) shall only use secondary
21 depositories for any of the following:

22 (a) To deposit contributions and promptly transfer the
23 deposits to the committee's official depository.

24 (b) To deposit the proceeds of a joint fund-raiser under
25 section 44(4) and transfer each committee's share of any receipts
26 from the joint fund-raiser.

27 (c) To deposit, divide, and transfer contributions that are
28 aggregated with dues or other payments.

29 (8) A committee shall not accept a contribution or make an



1 expenditure if that committee does not have a treasurer. When the
2 office of treasurer in a candidate committee is vacant, the
3 candidate is the treasurer until the candidate appoints a new
4 treasurer.

5 (9) A committee shall not make an expenditure without the
6 authorization of the treasurer or the treasurer's designee. The
7 contributions received or expenditures made by a candidate or an
8 agent of a candidate are considered received or made by the
9 candidate committee.

10 (10) Contributions received by an individual acting in behalf
11 of a committee must be reported promptly to the committee's
12 treasurer not later than 5 days before the closing date of any
13 campaign statement required to be filed by the committee, and must
14 be reported to the committee treasurer immediately if the
15 contribution is received less than 5 days before the closing date.

16 (11) A contribution is considered received by a committee when
17 it is received by the committee treasurer or a designated agent of
18 the committee treasurer although the contribution may not be
19 deposited in the official depository by the reporting deadline.

20 (12) Contributions received by a committee must not be
21 commingled with other funds of an agent of the committee or of any
22 other person. Contributions are not considered to be commingled if
23 that contribution is either of the following:

24 (a) A contribution received by a person for transmission to a
25 separate segregated fund as described in section 55(7).

26 (b) A contribution made by 1 or more persons through a person
27 if all of the following are met:

28 (i) The individual contribution or aggregated contribution is
29 accompanied by or logically associated with all information



1 required under section 26 for each individual contributor.

2 (ii) The person making the contribution is the original source
3 of the contribution.

4 (iii) The contribution is not obtained through use of coercion
5 or physical force, as a condition of employment or membership, or
6 by using or threatening to use job discrimination or financial
7 reprisals.

8 (iv) Only the person making the contribution exercises any
9 control over the making of, or the amount or recipient of, the
10 contribution.

11 (v) The contribution is not otherwise prohibited by this act.

12 (13) A person that violates this section is subject to a civil
13 fine of not more than \$1,000.00.

14 Sec. 21a. (1) A candidate committee of a candidate who is
15 elected or appointed to an elective office may make an expenditure
16 for an incidental expense for the elective office to which that
17 candidate was elected or appointed. Except as otherwise
18 specifically provided in this act, an expenditure for an incidental
19 expense by a candidate committee under this section is an
20 expenditure under this act.

21 (2) A candidate committee of a candidate who is elected or
22 appointed to an elective office shall not make an expenditure to
23 defend the elected or appointed official in a civil or criminal
24 action or to pay legal costs unless the action or legal costs do
25 any of the following:

26 (a) Relate to a recall election.

27 (b) Relate to a recount of votes as provided in the Michigan
28 election law, 1954 PA 116, MCL 168.1 to 168.992.

29 (c) Relate to compliance with this act or the Michigan



1 election law, 1954 PA 116, MCL 168.1 to 168.992.

2 (d) Tangibly benefit the nomination or election of a
3 candidate.

4 (3) Any legal costs not authorized under subsection (2) shall
5 be paid from a legal defense fund as provided in the legal defense
6 fund act, 2008 PA 288, MCL 15.521 to 15.539.

7 (4) In addition to any other requirements of this act, a
8 campaign statement of a candidate committee shall contain the
9 purpose of any expenditure for legal costs made by that committee
10 as described in subsection (2).

11 (5) **A candidate committee of a candidate who is elected or**
12 **appointed to an elective office may make a contribution to the**
13 **recall committee of that candidate.**

14 (6) ~~(5)~~—An individual who violates subsection (2) is guilty of
15 a misdemeanor punishable by a fine of not more than \$1,000.00 or
16 imprisonment for not more than 90 days, or both.

17 **Sec. 21b. (1) A recall candidate, within 10 days after**
18 **becoming a recall candidate, shall form a recall committee. A**
19 **recall candidate shall not form more than 1 recall committee, even**
20 **if more than 1 recall petition is submitted to the board of state**
21 **canvassers or the board of county election commissioners under**
22 **section 951a or 952 of the Michigan election law, 1954 PA 116, MCL**
23 **168.951a and 168.952.**

24 (2) A recall committee must have a treasurer who is a
25 qualified elector of this state. A recall candidate may appoint
26 himself or herself as the recall committee treasurer.

27 (3) Except as provided by law, a recall committee shall have 1
28 account in a financial institution in this state as an official
29 depository to deposit all contributions received by the recall



1 committee in the form of or that are converted to money, checks, or
2 other negotiable instruments and to make all expenditures. The
3 recall committee shall designate that financial institution as its
4 official depository. The establishment of an account in a financial
5 institution is not required until the recall committee receives a
6 contribution or makes an expenditure.

7 (4) A recall committee shall not accept a contribution or make
8 an expenditure if that recall committee does not have a treasurer.
9 When the office of treasurer in a recall committee is vacant, the
10 recall candidate is the treasurer until the recall candidate
11 appoints a new treasurer.

12 (5) Subject to subsections (6) and (7), a recall committee
13 shall not make an expenditure or any disbursement or donation to a
14 person, except for an expenditure for administrative services for
15 the recall committee or to challenge a recall petition under
16 sections 951 to 961a of the Michigan election law, 1954 PA 116, MCL
17 168.951 to 168.961a, until the filing official with whom the recall
18 petition is filed makes an official declaration of the sufficiency
19 or insufficiency of the recall petition under section 963 of the
20 Michigan election law, 1954 PA 116, MCL 168.963.

21 (6) If a recall petition is determined to not be valid for
22 circulation under section 951a or 952 of the Michigan election law,
23 1954 PA 116, MCL 168.951a and 168.952, the recall committee shall
24 not, except as otherwise provided in this subsection, accept a
25 contribution or make an expenditure after that date of
26 determination. If another recall petition is not filed, or an
27 existing recall petition is not resubmitted, against the recall
28 candidate before the last day that a recall petition can be filed
29 against that recall candidate as provided under section 951 of the



1 Michigan election law, 1954 PA 116, MCL 168.951, the recall
2 committee shall terminate within 30 days after the last day that a
3 recall petition can be filed against that recall candidate. If
4 another recall petition is filed, or an existing recall petition is
5 resubmitted, against the recall candidate before the last day that
6 a recall petition can be filed against that recall candidate as
7 provided under section 951 of the Michigan election law, 1954 PA
8 116, MCL 168.951, the recall committee may accept contributions and
9 make expenditures as provided in this section.

10 (7) If the filing official with whom a recall petition is
11 filed makes an official declaration of the insufficiency of the
12 recall petition under section 963 of the Michigan election law,
13 1954 PA 116, MCL 168.963, the recall committee shall not, except as
14 otherwise provided in this subsection, accept a contribution or
15 make an expenditure after the date of that official declaration. If
16 another recall petition is not filed, or an existing recall
17 petition is not resubmitted, against the recall candidate before
18 the last day that a recall petition can be filed against that
19 recall candidate as provided under section 951 of the Michigan
20 election law, 1954 PA 116, MCL 168.951, the recall committee shall
21 terminate within 30 days after the last day that a recall petition
22 can be filed against that recall candidate. If another recall
23 petition is filed, or an existing recall petition is resubmitted,
24 against the recall candidate before the last day that a recall
25 petition can be filed against that recall candidate as provided
26 under section 951 of the Michigan election law, 1954 PA 116, MCL
27 168.951, the recall committee may accept contributions and make
28 expenditures as provided in this section.

29 (8) A recall committee shall not make an expenditure without



1 the authorization of the treasurer or the treasurer's designee. The
2 contributions received or expenditures made by a recall candidate
3 or an agent of a recall candidate are considered received or made
4 by the recall committee.

5 (9) Contributions received by an individual acting in behalf
6 of a recall committee must be reported promptly to the recall
7 committee's treasurer not later than 5 days before the closing date
8 of any campaign statement required to be filed by the recall
9 committee, and must be reported to the recall committee treasurer
10 immediately if the contribution is received less than 5 days before
11 the closing date.

12 (10) A contribution is considered received by a recall
13 committee when it is received by the recall committee treasurer or
14 a designated agent of the recall committee treasurer although the
15 contribution may not be deposited in the official depository by the
16 reporting deadline.

17 (11) Contributions received by a recall committee must not be
18 commingled with other funds of an agent of the recall committee or
19 of any other person.

20 (12) If a recall election is held, the recall committee must
21 be terminated within 30 days after the later of the following:

22 (a) The results of the recall election have been certified.

23 (b) Any recount regarding the recall election has been
24 completed or any appeals regarding the recall election have been
25 exhausted.

26 (13) Notwithstanding section 45, before termination of the
27 recall committee, all unexpended funds in the recall committee must
28 be returned in the order the contributions were received to donors
29 or, if an individual donor is deceased, the donor's next of kin.



1 **(14) A person that violates this section is subject to a civil**
 2 **fine of not more than \$1,000.00.**

3 Sec. 24. (1) A committee shall file a statement of
 4 organization with the filing officials designated in section 36 to
 5 receive the committee's campaign statements. A committee shall file
 6 a statement of organization within 10 days after the committee is
 7 formed. A filing official shall maintain a statement of
 8 organization filed by a committee until 5 years after the official
 9 date of the committee's dissolution. A person who fails to file a
 10 statement of organization required by this subsection shall pay a
 11 late filing fee of \$10.00 for each business day the statement
 12 remains not filed in violation of this subsection. The late filing
 13 fee must not exceed \$300.00. A person who violates this subsection
 14 by failing to file for more than 30 days after a statement of
 15 organization is required to be filed is guilty of a misdemeanor
 16 punishable by a fine of not more than \$1,000.00.

17 (2) The statement of organization required to be filed under
 18 subsection (1) must include the following information:

19 (a) The name, street address, and if available, the ~~electronic~~
 20 ~~mail-email~~ address and telephone number of the committee, and the
 21 ~~electronic mail-email~~ address of the candidate. If a committee is a
 22 candidate committee **or recall committee**, the committee name must
 23 include the first and last name of the candidate. A committee
 24 address may be the home address of the candidate or treasurer of
 25 the committee.

26 (b) The name, street address, and if available, the ~~electronic~~
 27 ~~mail-email~~ address and telephone number of the treasurer or other
 28 individual designated as responsible for the committee's record
 29 keeping, report preparation, or report filing.



1 (c) The name and address of the financial institution in which
 2 the official committee depository is or is intended to be located,
 3 and the name and address of each financial institution in which a
 4 secondary depository is or is intended to be located.

5 (d) The full name of the office being sought by, including
 6 district number or jurisdiction, and the county residence of each
 7 candidate supported or opposed by the committee.

8 (e) A brief statement identifying the substance of each ballot
 9 question supported or opposed by the committee. If the ballot
 10 question supported or opposed by the committee is a local ballot
 11 question, the committee shall identify the county in which the
 12 greatest number of registered voters eligible to vote on the ballot
 13 question reside.

14 (f) Identification of the committee as a candidate committee,
 15 **recall committee**, political party committee, independent committee,
 16 independent expenditure committee, political committee, or ballot
 17 question committee if it is identifiable as such a committee.

18 (3) An independent committee or political committee shall
 19 include in the name of the committee the name of the person or
 20 persons that sponsor the committee, if any, or with whom the
 21 committee is affiliated. A person, other than an individual or a
 22 committee, sponsors or is affiliated with an independent committee
 23 or political committee if that person establishes, directs,
 24 controls, or financially supports the administration of the
 25 committee. For the purposes of this subsection, a person does not
 26 financially support the administration of a committee by merely
 27 making a contribution to the committee.

28 (4) If any of the information required in a statement of
 29 organization is changed, the committee shall file an amendment when



1 the next campaign statement is required to be filed.

2 (5) When filing a statement of organization, a committee,
3 other than an independent committee, a political committee, or a
4 political party committee, may indicate in a written statement
5 signed by the treasurer of the committee that the committee does
6 not expect for each election to receive an amount in excess of
7 \$1,000.00 or expend an amount in excess of \$1,000.00. The treasurer
8 of a committee of an incumbent judge or supreme court justice is
9 considered to have made the statement required under this
10 subsection following appointment or election of that judge or
11 justice and is not required to file a written statement under this
12 subsection indicating that the committee does not expect for each
13 election to receive or expend an amount in excess of \$1,000.00.

14 (6) When filing a statement of organization, an independent
15 committee, an independent expenditure committee, a political
16 committee, or a political party committee may indicate in a written
17 statement signed by the treasurer of the committee that the
18 committee does not expect in a calendar year to receive or expend
19 an amount in excess of \$1,000.00.

20 (7) Upon the dissolution of a committee, the committee shall
21 file a statement indicating dissolution with the filing officials
22 with whom the committee's statement of organization was filed.
23 Dissolution of a committee must be accomplished pursuant to rules
24 promulgated by the secretary of state under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 (8) A candidate committee that files a written statement under
27 subsection (5) or that is considered to have made a statement under
28 subsection (5) is not required to file a dissolution statement
29 under subsection (7) if the committee failed to receive or expend



1 an amount in excess of \$1,000.00 and 1 of the following applies:

2 (a) The candidate was defeated in an election and has no
3 outstanding campaign debts or assets.

4 (b) The candidate vacates an elective office and has no
5 outstanding campaign debts or assets.

6 (9) A political committee organized for the purpose of making
7 independent expenditures formed before December 31, 2019 is
8 considered an independent expenditure committee. The secretary of
9 state may amend the statement of organization for any committee
10 affected by this subsection.

11 Sec. 52. (1) Except as provided in subsection (5) or (11) and
12 subject to section 46 and subsection (8), a person other than an
13 independent committee or a political party committee shall not make
14 contributions to a candidate committee **or recall committee** of a
15 candidate for elective office that, with respect to an election
16 cycle, are more than the following:

17 (a) ~~\$6,800.00~~ **\$7,150.00** for a candidate for state elective
18 office other than the office of state legislator, or for a
19 candidate for local elective office if the district from which he
20 or she is seeking office has a population of more than 250,000.

21 (b) ~~\$2,000.00~~ **\$2,100.00** for a candidate for state senator, or
22 for a candidate for local elective office if the district from
23 which he or she is seeking office has a population of more than
24 85,000 but 250,000 or less.

25 (c) ~~\$1,000.00~~ **\$1,050.00** for a candidate for state
26 representative, or for a candidate for local elective office if the
27 district from which he or she is seeking office has a population of
28 85,000 or less.

29 (2) Except as otherwise provided in this subsection and



1 subsection (12), an independent committee shall not make
2 contributions to a candidate committee **or a recall committee** of a
3 candidate for elective office that, in the aggregate for that
4 election cycle, are more than 10 times the amount permitted a
5 person other than an independent committee or political party
6 committee in subsection (1). A house political party caucus
7 committee or a senate political party caucus committee is not
8 limited under this subsection in the amount of contributions made
9 to the candidate committee **or recall committee** of a candidate for
10 the office of state legislator, except as follows:

11 (a) A house political party caucus committee or a senate
12 political party caucus committee shall not pay a debt incurred by a
13 candidate if that debt was incurred while the candidate was seeking
14 nomination at a primary election and the candidate was opposed at
15 that primary.

16 (b) A house political party caucus committee or a senate
17 political party caucus committee shall not make a contribution to
18 or make an expenditure on behalf of a candidate if that candidate
19 is seeking nomination at a primary election and the candidate is
20 opposed at that primary.

21 (3) A political party committee other than a state central
22 committee shall not make contributions to the candidate committee
23 **or recall committee** of a candidate for elective office that are
24 more than 10 times the amount permitted a person other than an
25 independent committee or political party committee in subsection
26 (1).

27 (4) A state central committee of a political party shall not
28 make contributions to the candidate committee **or recall committee**
29 of a candidate for state elective office other than a candidate for



1 the legislature that are more than 20 times the amount permitted a
2 person other than an independent committee or political party
3 committee in subsection (1). A state central committee of a
4 political party shall not make contributions to the candidate
5 committee **or recall committee** of a candidate for state senator,
6 state representative, or local elective office that are more than
7 10 times the amount permitted a person other than an independent
8 committee or political party committee in subsection (1).

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

12 (6) Consistent with the provisions of this section, a
13 contribution designated in writing for a particular election cycle
14 is considered made for that election cycle. A contribution made
15 after the close of a particular election cycle and designated in
16 writing for that election cycle shall be made only to the extent
17 that the contribution does not exceed the candidate committee's net
18 outstanding debts and obligations from the election cycle so
19 designated. If a contribution is not designated in writing for a
20 particular election cycle, all of the following apply to that
21 contribution:

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

24 (b) The contribution limits for the current election cycle
25 apply to that contribution.

26 (c) A candidate committee may use that contribution to pay
27 outstanding debts and obligations from a previous election cycle
28 regardless of whether the contribution, when aggregated with any
29 contributions made in that previous election cycle, would exceed



1 the contribution limits for that previous election cycle.

2 (7) A candidate committee, **a recall committee**, a candidate, or
 3 a treasurer or agent of a candidate committee **or a recall committee**
 4 shall not accept a contribution with respect to an election cycle
 5 that exceeds the limitations in subsection (1), (2), (3), (4),
 6 (11), or (12). **Any excess contribution must be remedied by refund**
 7 **to the contributor of the excess contribution.**

8 (8) The contribution limits in subsection (1) for a candidate
 9 for local elective office are effective on the effective date of
 10 the amendatory act that provides for those contribution limits,
 11 however, only contributions received by that candidate on and after
 12 that date shall be used to determine if the contribution limit has
 13 been reached.

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

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

28 (a) All of the political committees and independent committees
 29 established by a for profit corporation or joint stock company, by



1 a subsidiary of the for profit corporation or joint stock company,
 2 or by any combination thereof, are treated as a single independent
 3 committee.

4 (b) All of the political committees and independent committees
 5 established by a single national or international labor
 6 organization, by a labor organization of that national or
 7 international labor organization, by a local labor organization of
 8 that national or international labor organization, or by any other
 9 subordinate organization of that national or international labor
 10 organization, or by any combination thereof, are treated as a
 11 single independent committee.

12 (c) All of the political committees and independent committees
 13 established by an organization of national or international unions,
 14 by a state central body of that organization, by a local central
 15 body of that organization, or by any combination thereof, are
 16 treated as a single independent committee.

17 (d) All of the political committees and independent committees
 18 established by a nonprofit corporation, by a related state entity
 19 of that nonprofit corporation, by a related local entity of that
 20 nonprofit corporation, or by any combination thereof, are treated
 21 as a single independent committee.

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



1 bundled contributions delivered to that candidate committee, that
2 are attributed to the political committee as prescribed in section
3 31, and that, in the aggregate for that election cycle, are more
4 than the amount permitted a person other than an independent
5 committee or political party committee in subsection (1).

6 (12) The limitation on an independent committee's
7 contributions under subsection (2) does not apply to contributions
8 that are part of 1 or more bundled contributions delivered to the
9 candidate committee **or recall committee** of a candidate for
10 statewide elective office and that are attributed to the
11 independent committee as prescribed in section 31. An independent
12 committee shall not make contributions to a candidate committee **or**
13 **recall committee** of a candidate for statewide elective office that
14 are part of 1 or more bundled contributions delivered to that
15 candidate committee **or recall committee**, that are attributed to the
16 independent committee as prescribed in section 31, and that, in the
17 aggregate for that election cycle, are more than 10 times the
18 amount permitted a person other than an independent committee or
19 political party committee in subsection (1).

