

# HOUSE BILL No. 5485

February 5, 1992, Introduced by Reps. Berman, Gubow, Byrum, Pitoniak, Allen, Barns and Nye and referred to the Committee on House Oversight.

A bill to amend section 26 of Act No. 388 of the Public Acts of 1976, entitled "Michigan campaign finance act," as amended by Act No. 95 of the Public Acts of 1989, being section 169.226 of the Michigan Compiled Laws; and to add section 21a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 26 of Act No. 388 of the Public Acts of  
2 1976, as amended by Act No. 95 of the Public Acts of 1989, being  
3 section 169.226 of the Michigan Compiled Laws, is amended and  
4 section 21a is added to read as follows:

5 SEC. 21A. (1) SUBJECT TO THIS SECTION, A CANDIDATE COMMIT-  
6 TEE FOR A CANDIDATE FOR THE OFFICE OF STATE REPRESENTATIVE OR  
7 STATE SENATOR MAY ACCEPT CONTRIBUTIONS. THE CANDIDATE COMMITTEE  
8 FOR A CANDIDATE FOR THE OFFICE OF STATE REPRESENTATIVE SHALL ONLY

1 ACCEPT CONTRIBUTIONS SO THAT 50% OF ALL OF THAT CANDIDATE  
2 COMMITTEE'S FUNDS CONSIST OF CONTRIBUTIONS OF \$150.00 OR LESS.  
3 THE CANDIDATE COMMITTEE FOR A CANDIDATE FOR THE OFFICE OF STATE  
4 SENATOR SHALL ONLY ACCEPT CONTRIBUTIONS SO THAT 50% OF ALL OF  
5 THAT COMMITTEE'S FUNDS CONSIST OF CONTRIBUTIONS OF \$300.00 OR  
6 LESS.

7 (2) IF THE SECRETARY OF STATE DETERMINES THAT A CANDIDATE  
8 COMMITTEE HAS ACCEPTED A CONTRIBUTION THAT VIOLATES SUBSECTION  
9 (1), THE SECRETARY OF STATE SHALL NOTIFY THE COMMITTEE OF THE  
10 VIOLATION. THE CANDIDATE COMMITTEE, WITHIN 10 DAYS AFTER RECEIPT  
11 OF THE NOTICE BY THE SECRETARY OF STATE, SHALL RETURN THE CONTRI-  
12 BUTION THAT CAUSED THE VIOLATION OF SUBSECTION (1) TO THE CON-  
13 TRIBUTOR OF THE CONTRIBUTION.

14 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS SUBJECT TO A  
15 CIVIL FINE OF \$1,000.00. A PERSON WHO DOES NOT PAY THE FINE  
16 IMPOSED BY THIS SUBSECTION, UPON NOTICE BY THE SECRETARY OF  
17 STATE, IS ONLY ELIGIBLE TO RECEIVE CONTRIBUTIONS FROM AN INDEPEN-  
18 DENT COMMITTEE OR POLITICAL COMMITTEE FOR THE NEXT ELECTION CYCLE  
19 THAT EQUAL 1/2 OF THE CONTRIBUTION LIMITS DESIGNATED IN SECTION  
20 52.

21 Sec. 26. (1) A campaign statement of a committee, other  
22 than a political party committee, required by this act shall con-  
23 tain all of the following information:

24 (a) The filing committee's name, address, and telephone  
25 number, and the full name, residential and business addresses,  
26 and telephone numbers of ~~its~~ THE committee treasurer.

1 (b) Under the heading "receipts", the total amount of  
2 contributions received during the period covered by the campaign  
3 statement; under the heading "expenditures", the total amount of  
4 expenditures made during the period covered by the campaign  
5 statement; and the cumulative amount of those totals.  
6 Forgiveness of a loan shall not be included in the totals.  
7 Payment of a loan by a third party shall be recorded and reported  
8 as an in-kind contribution by the third party. In-kind contribu-  
9 tions or expenditures shall be listed at fair market value and  
10 shall be reported as both contributions and expenditures. A con-  
11 tribution or expenditure ~~which~~ THAT is by other than completed  
12 and accepted payment, gift, or other transfer, ~~which~~ is clearly  
13 not legally enforceable, and ~~which~~ is expressly withdrawn or  
14 rejected and returned before a campaign statement closing date  
15 need not be included in the campaign statement and if included  
16 may, in a later or amended statement, be shown as a deduction,  
17 but adequate records of each instance shall be kept.

18 (c) The balance of cash on hand at the beginning and the end  
19 of the period covered by the campaign statement.

20 (d) The total amount of contributions received during the  
21 period covered by the campaign statement from persons who con-  
22 tributed \$20.01 or more.

23 (e) The total amount of contributions received during the  
24 period covered by the campaign statement from persons who con-  
25 tributed \$20.00 or less.

26 (f) The total amount of contributions of \$20.00 or less  
27 received during the period covered by the campaign statement and

1 the cumulative amount of the contributions received by the filer  
2 pursuant to section 41(3).

3 (g) The following information regarding each fund-raising  
4 event shall be included in the report:

5 (i) The type of event, date held, address and name, if any,  
6 of the place where the activity was held, and approximate number  
7 of individuals participating or in attendance.

8 (ii) The total amount of all contributions of \$20.01 or  
9 more.

10 (iii) The total amount of all contributions of \$20.00 or  
11 less.

12 (iv) The gross receipts of the fund-raising event.

13 (v) The expenditures incident to the event.

14 (h) The full name of each individual from whom contributions  
15 totaling \$20.01 or more are received during the period covered by  
16 the campaign statement, together with the individual's street  
17 address, the amount contributed, the date on which each contribu-  
18 tion was received, and the cumulative amount contributed by that  
19 individual. The occupation, employer, and principal place of  
20 business shall be stated if the individual's cumulative contribu-  
21 tions are \$200.01 or more.

22 (i) The cumulative amount contributed and the name and  
23 address of each individual, except those individuals reported  
24 under subdivision (h), who contributed a total of \$20.01 or  
25 more. The occupation, employer, and principal place of business,  
26 shall be stated for each individual who contributed \$200.01 or  
27 more.

1 (j) The name and street address of each person, other than  
2 an individual, from whom contributions are received during the  
3 period covered by the campaign statement, together with an item-  
4 ization of the amounts contributed, the date on which each con-  
5 tribution was received, and the cumulative amount contributed by  
6 that person.

7 (k) The name, address, and amount given by an individual who  
8 contributed \$20.01 or more of the total amount contributed by a  
9 person who is other than a committee or an individual. The occu-  
10 pation, employer, and principal place of business shall be stated  
11 if the individual contributed \$200.01 or more of the total amount  
12 contributed by a person who is other than a committee or an  
13 individual.

14 (l) The cumulative total of expenditures of \$50.00 or less  
15 made during the period covered by the campaign statement except  
16 for expenditures made to or on behalf of another committee, can-  
17 didate, or ballot question.

18 (m) The full name and street address of each person to whom  
19 expenditures totaling \$50.01 or more were made, together with the  
20 amount of each separate expenditure to each such person during  
21 the period covered by the campaign statement; the purpose of the  
22 expenditure; the full name and street address of the person pro-  
23 viding the consideration for which any expenditure was made if  
24 different from the payee; the itemization regardless of amount of  
25 each expenditure made to or on behalf of another committee, can-  
26 didate, or ballot question; and the cumulative amount of  
27 expenditures for or against that candidate or ballot question for

1 an election cycle. An expenditure made in support of more than 1  
2 candidate or ballot question, or both, shall be apportioned rea-  
3 sonably among the candidates or ballot questions, or both.

4 (N) FOR A CANDIDATE COMMITTEE FOR A CANDIDATE FOR THE OFFICE  
5 OF STATE REPRESENTATIVE, THE TOTAL AMOUNT OF CONTRIBUTIONS OF  
6 \$150.00 OR LESS RECEIVED DURING THE PERIOD COVERED BY THE CAM-  
7 PAIGN STATEMENT.

8 (O) FOR A CANDIDATE COMMITTEE FOR A CANDIDATE FOR THE OFFICE  
9 OF STATE SENATOR, THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$300.00 OR  
10 LESS RECEIVED DURING THE PERIOD COVERED BY THE CAMPAIGN  
11 STATEMENT.

12 (2) A candidate committee or ballot question committee shall  
13 report all cumulative amounts required by this section on a per  
14 election cycle basis. Except for ~~subdivision (m)~~  
15 SUBSECTION (1)(M), an independent committee or political commit-  
16 tee shall report all cumulative amounts required by this section  
17 on a calendar year basis.