



HOUSE BILL No. 4307

February 18, 1993, Introduced by Reps. Berman and Pitoniak and referred to the Committee on House Oversight and Ethics.

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 NOT LESS THAN 50% OF ALL OF THAT
2 CANDIDATE COMMITTEE'S FUNDS CONSIST OF CONTRIBUTIONS OF \$150.00
3 OR LESS. THE CANDIDATE COMMITTEE FOR A CANDIDATE FOR THE OFFICE
4 OF STATE SENATOR SHALL ONLY ACCEPT CONTRIBUTIONS SO THAT NOT LESS
5 THAN 50% OF ALL OF THAT COMMITTEE'S FUNDS CONSIST OF CONTRIBU-
6 TIONS OF \$300.00 OR 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 THAN \$20.00.

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 THAN \$20.00.

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 THAN \$20.00 are received during the
16 period covered by the campaign statement, together with the
17 individual's street address, the amount contributed, the date on
18 which each contribution was received, and the cumulative amount
19 contributed by that individual. The occupation, employer, and
20 principal place of business shall be stated if the individual's
21 cumulative contributions are ~~-\$200.01 or~~ more THAN \$200.00.

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 THAN \$20.00. The occupation, employer, and principal place
26 of business, shall be stated for each individual who contributed
27 ~~-\$200.01 or~~ more THAN \$200.00.

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 THAN \$20.00 of the total amount con-
9 tributed by a person who is other than a committee or an
10 individual. The occupation, employer, and principal place of
11 business shall be stated if the individual contributed ~~-\$200.01-~~
12 or more THAN \$200.00 of the total amount contributed by a person
13 who is other than a committee or an 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 THAN \$50.00 were made,
20 together with the amount of each separate expenditure to each
21 such person during the period covered by the campaign statement;
22 the purpose of the expenditure; the full name and street address
23 of the person providing the consideration for which any expendi-
24 ture was made if different from the payee; the itemization
25 regardless of amount of each expenditure made to or on behalf of
26 another committee, candidate, or ballot question; and the
27 cumulative amount of expenditures for or against that candidate

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

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

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

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