



HOUSE BILL No. 4372

February 25, 1993, Introduced by Rep. Barns and referred to the Committee on House Oversight and Ethics.

A bill to amend sections 26, 28, 29, and 42 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 sections 169.226, 169.228, 169.229, and 169.242 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 26, 28, 29, and 42 of Act No. 388 of
2 the Public Acts of 1976, as amended by Act No. 95 of the Public
3 Acts of 1989, being sections 169.226, 169.228, 169.229, and
4 169.242 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 26. (1) A campaign statement of a committee, other
7 than a political party committee, required by this act shall
8 contain all of the following information:

1 (a) The filing committee's name, address, and telephone
2 number, and the full name, residential and business addresses,
3 and telephone numbers of ~~its~~ THE committee treasurer OR OTHER
4 INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE COMMITTEE'S RECORD
5 KEEPING, REPORT PREPARATION, OR REPORT FILING.

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19 withdrawn or rejected and returned before a campaign statement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

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

1 (d) The total amount of contributions received during the
2 period covered by the campaign statement from persons who
3 contributed ~~-\$20.01 or~~ more THAN \$20.00.

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

7 (f) The total amount of contributions of \$20.00 or less
8 received during the period covered by the campaign statement and
9 the cumulative amount of the contributions received by the filer
10 pursuant to section 41(3).

11 (g) The following information regarding each fund-raising
12 event: ~~shall be included in the report.~~

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

16 (ii) The total amount of all contributions of ~~-\$20.01 or~~
17 more THAN \$20.00.

18 (iii) The total amount of all contributions of \$20.00 or
19 less.

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

21 (v) The expenditures incident to the event.

22 (h) The full name of each individual from whom contributions
23 totaling ~~-\$20.01 or~~ more THAN \$20.00 are received during the
24 period covered by the campaign statement, together with the
25 individual's street address, the amount contributed, the date on
26 which each contribution was received, and the cumulative amount
27 contributed by that individual. The occupation, employer, and

1 principal place of business shall be stated if the individual's
2 cumulative contributions are ~~-\$200.01 or~~ more THAN \$50.00.

3 (i) The cumulative amount contributed and the name and
4 address of each individual, except those individuals reported
5 under subdivision (h), who contributed a total of ~~-\$20.01 or~~
6 more THAN \$20.00. The occupation, employer, and principal place
7 of business ~~—~~ shall be stated for each individual who contrib-
8 uted ~~-\$200.01 or~~ more THAN \$50.00.

9 (j) The name and street address of each person, other than
10 an individual, from whom contributions are received during the
11 period covered by the campaign statement, together with an item-
12 ization of the amounts contributed, the date on which each con-
13 tribution was received, and the cumulative amount contributed by
14 that person.

15 (k) The name, address, and amount given by an individual who
16 contributed ~~-\$20.01 or~~ more ~~of~~ THAN \$20.00 TO the total amount
17 contributed by a person who is other than a committee or an
18 individual. The occupation, employer, and principal place of
19 business shall be stated if the individual contributed ~~-\$200.01~~
20 ~~or~~ more THAN \$50.00 of the total amount contributed by a person
21 who is other than a committee or an individual.

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

26 (m) The full name and street address of each person to whom
27 expenditures totaling ~~-\$50.01 or~~ more THAN \$50.00 were made,

1 together with the amount of each separate expenditure to each
 2 ~~such~~ person during the period covered by the campaign state-
 3 ment; the purpose of the expenditure; the full name and street
 4 address of the person providing the consideration for which any
 5 expenditure was made if different from the payee; the itemization
 6 regardless of amount of each expenditure made to or on behalf of
 7 another committee, candidate, or ballot question; and the cumula-
 8 tive amount of expenditures for or against that candidate or
 9 ballot question for an election cycle. An expenditure made in
 10 support of more than 1 candidate or ballot question, or both,
 11 shall be apportioned reasonably among the candidates or ballot
 12 questions, or both.

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.

19 Sec. 28. (1) Interest received by a committee on an account
 20 consisting of funds belonging to the committee shall not be con-
 21 sidered a contribution to the committee but THE COMMITTEE shall
 22 ~~be reported~~ REPORT ITS RECEIPT ON A CAMPAIGN STATEMENT as
 23 interest. ~~Interest~~ A COMMITTEE SHALL REPORT INTEREST paid by
 24 ~~a~~ THE committee ~~shall be reported~~ ON A CAMPAIGN STATEMENT as
 25 an expenditure.

26 (2) A COMMITTEE SHALL REPORT A loan with an outstanding
 27 balance made or received ~~shall be set forth~~ in a separate

1 schedule TO THE CAMPAIGN STATEMENT providing the date and amount
2 of the loan, the date and amount of each payment, the amount of
3 cumulative payments, the amount of the outstanding balance, and
4 whether the loan payments were made by money, services, property,
5 or other means. The committee shall provide the name and address
6 of the lender and each person who is liable directly, indirectly,
7 or contingently on each loan. ~~of \$20.01 or more.~~ The COMMITTEE
8 SHALL PROVIDE THE occupation and employer, if any, of the lender
9 and EACH person ~~shall be stated~~ if the loan is ~~\$200.01 or~~ FOR
10 more THAN \$50.00. If a loan is paid off within a reporting
11 period, this activity need not be reported on a separate schedule
12 TO THE CAMPAIGN STATEMENT. However, if a loan is forgiven, ~~it~~
13 THE COMMITTEE shall ~~be detailed~~ DETAIL THAT FACT on a separate
14 schedule TO THE CAMPAIGN STATEMENT.

15 (3) Accompanying a campaign statement reporting the receipt
16 of a contribution of ~~\$20.01 or~~ more THAN \$20.00, from a person
17 whose treasurer does not reside in, whose principal office is not
18 located in, or whose funds are not kept in this state, shall be a
19 statement certified as true and correct by an officer of the con-
20 tributing person setting forth the full name, address, along with
21 the amount contributed, of each person who contributed ~~\$20.01~~
22 ~~or~~ more THAN \$20.00 of the contribution. The occupation,
23 employer, and principal place of business shall be stated for
24 each person who contributed ~~\$200.01 or~~ more THAN \$50.00. This
25 subsection does not apply if the contributing person is regis-
26 tered as a committee under section 24.

1 Sec. 29. (1) A campaign statement filed by a political
2 party committee shall contain all of the following information:

3 (a) The full name of each person from whom contributions
4 totaling ~~-\$20.01 or~~ more THAN \$20.00 in value are received in a
5 calendar year, the amount, and the date or dates contributed;
6 and, if the person is a committee, the name and address of the
7 committee and the full name of the committee treasurer, together
8 with the amount of the contribution and the date received. The
9 occupation, employer, and principal place of business, if any,
10 shall be listed for each person from whom contributions totaling
11 ~~-\$200.01 or~~ more THAN \$50.00 are received in a calendar year.

12 (b) Accompanying a campaign statement reporting the receipt
13 of a contribution of ~~-\$20.01 or~~ more THAN \$20.00 from a commit-
14 tee or person whose treasurer does not reside in, whose principal
15 office is not located in, or whose funds are not kept in this
16 state, and whose committee has not filed a statement of organi-
17 zation as required in section 24, shall be a statement setting
18 forth the full name and address of the treasurer of the
19 committee.

20 (c) An itemized list of all expenditures, including in-kind
21 contributions and expenditures and loans, made during the period
22 covered by the campaign statement that were contributions to a
23 candidate committee of a candidate for elective office or a
24 ballot question committee; or independent expenditures in support
25 of the qualification, passage, or defeat of a ballot question or
26 in support of the nomination or election of a candidate for

1 elective office or the defeat of any of the candidate's
2 opponents.

3 (d) The total expenditure by the committee for each candi-
4 date for elective office or ballot question in whose behalf an
5 independent expenditure was made or a contribution was given for
6 the election cycle.

7 (e) The filer's name, address, and telephone number, if
8 available, if any, and the full name, address, and telephone
9 number, if available, of the committee treasurer.

10 (2) ~~An~~ THE COMMITTEE SHALL IDENTIFY AN expenditure listed
11 under subsection (1)(c) ~~shall be identified~~ as an independent
12 expenditure or as a contribution to a candidate committee or a
13 ballot question committee.

14 (3) ~~A~~ THE COMMITTEE SHALL DESIGNATE FOR A contribution to
15 or on behalf of a candidate committee or ballot question commit-
16 tee listed under subsection (1)(c) ~~shall note~~ the name and
17 address of the committee, the name of the candidate and the
18 office sought, if any, the amount contributed, and the date of
19 contribution.

20 (4) ~~An~~ THE COMMITTEE SHALL DESIGNATE FOR AN independent
21 expenditure listed under subsection (1)(c) ~~shall note~~ either
22 the name of the candidate for whose benefit the expenditure was
23 made and the office sought by the candidate, or a brief descrip-
24 tion of the ballot question for which the expenditure was made;
25 the amount, date, and purpose of the expenditure; and the full
26 name and address of the person to whom the expenditure was made.

1 (5) ~~An~~ THE COMMITTEE SHALL APPORTION AN expenditure listed
 2 ~~which~~ THAT was made in support of more than 1 candidate or
 3 ballot question, or both, ~~shall be apportioned~~ reasonably among
 4 the candidates or ballot questions, or both.

5 Sec. 42. (1) A person who accepts a contribution, other
 6 than by written instrument, on behalf of another and acts as the
 7 intermediary or agent of the person from whom the contribution
 8 was accepted shall disclose to the recipient of the contribution
 9 the intermediary's own name and address and the name and address
 10 of the actual source of the contribution. ~~A person who know-~~
 11 ~~ingly violates this subsection is guilty of a misdemeanor punish-~~
 12 ~~able by a fine of not more than \$1,000.00, or imprisonment for~~
 13 ~~not more than 90 days, or both.~~

14 (2) A contribution of ~~\$20.01 or~~ more THAN \$20.00, from a
 15 person whose treasurer does not reside in, whose principal office
 16 is not located in, or whose funds are not kept in this state,
 17 shall not be accepted by a person for purposes of supporting or
 18 opposing candidates for elective office or the qualification,
 19 passage, or defeat of a ballot question unless accompanied by a
 20 statement certified as true and correct by an officer of the con-
 21 tributing person setting forth the full name and address along
 22 with the amount contributed, of each person who contributed
 23 ~~\$20.01 or~~ more THAN \$20.00 of the contribution. The occupa-
 24 tion, employer, and principal place of business shall be listed
 25 for each person who contributed ~~\$200.01 or~~ more THAN \$50.00 TO
 26 THE TOTAL AMOUNT of the contribution. The certified statement
 27 shall also state that the contribution was not made from an

1 account containing funds prohibited by section 54. ~~A person who~~
2 ~~knowingly violates this subsection is guilty of a misdemeanor~~
3 ~~punishable, if the person is an individual, by a fine of not more~~
4 ~~than \$1,000.00, or imprisonment for not more than 90 days, or~~
5 ~~both, or, if the person is not an individual, by a fine of not~~
6 ~~more than \$10,000.00.~~ This subsection does not apply if the con-
7 tributing person is registered as a committee under section 24.

8 (3) A person shall not receive a contribution from a person
9 other than a committee unless, for purposes of the recipient
10 person's record keeping and reporting requirements, the contribu-
11 tion is accompanied by the name and address of each person who
12 contributed ~~\$20.01 or~~ more THAN \$20.00 to the contribution, and
13 the name, address, occupation, employer, and principal place of
14 business of each person who contributed ~~\$200.01 or~~ more THAN
15 \$50.00 to the TOTAL AMOUNT OF THE contribution.

16 (4) A person who knowingly violates this ~~subsection~~
17 SECTION is guilty of a misdemeanor punishable, if the person is
18 an individual, by a fine of not more than \$1,000.00, or imprison-
19 ment for not more than 90 days, or both, or, if the person is
20 other than an individual, by a fine of not more than \$10,000.00.