

# HOUSE BILL No. 4832

June 3, 1993, Introduced by Reps. Fitzgerald, McBryde, Dalman, Kaza, Scott, Stille, Hill, Bobier, Cropsey, Horton, Jamian, Dolan, DeLange, Goschka, Kukuk, Brackenridge, Whyman, McNutt, Martin and Sikkema and referred to the Committee on House Oversight and Ethics.

A bill to amend the title and sections 5, 6, 8, 9, 12, 15, 16, 22, 24, 26, 28, 29, 32, 33, 36, 41, 42, 44, 46, 47, 49, 52, 62, 66, 67, 68, and 69 of Act No. 388 of the Public Acts of 1976, entitled

"Michigan campaign finance act,"

section 5 as amended by Act No. 7 of the Public Acts of 1992, sections 6, 8, 15, 22, 24, 26, 28, 29, 33, 36, 42, 44, 52, 66, 67, and 69 as amended by Act No. 95 of the Public Acts of 1989, and section 16 as amended by Act No. 188 of the Public Acts of 1992, being sections 169.205, 169.206, 169.208, 169.209, 169.212, 169.215, 169.216, 169.222, 169.224, 169.226, 169.228, 169.229, 169.232, 169.233, 169.236, 169.241, 169.242, 169.244, 169.246, 169.247, 169.249, 169.252, 169.262, 169.266, 169.267, 169.268, and 169.269 of the Michigan Compiled Laws; and to add sections 18, 19, 21a, 21b, and 39.

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

1       Section 1. The title and sections 5, 6, 8, 9, 12, 15, 16,  
2 22, 24, 26, 28, 29, 32, 33, 36, 41, 42, 44, 46, 47, 49, 52, 62,  
3 66, 67, 68, and 69 of Act No. 388 of the Public Acts of 1976,  
4 section 5 as amended by Act No. 7 of the Public Acts of 1992,  
5 sections 6, 8, 15, 22, 24, 26, 28, 29, 33, 36, 42, 44, 52, 66,  
6 67, and 69 as amended by Act No. 95 of the Public Acts of 1989,  
7 and section 16 as amended by Act No. 188 of the Public Acts of  
8 1992, being sections 169.205, 169.206, 169.208, 169.209, 169.212,  
9 169.215, 169.216, 169.222, 169.224, 169.226, 169.228, 169.229,  
10 169.232, 169.233, 169.236, 169.241, 169.242, 169.244, 169.246,  
11 169.247, 169.249, 169.252, 169.262, 169.266, 169.267, 169.268,  
12 and 169.269 of the Michigan Compiled Laws, are amended and sec-  
13 tions 18, 19, 21a, 21b, and 39 are added to read as follows:

**TITLE**

14  
15       An act to regulate political activity; to regulate campaign  
16 financing; to restrict campaign contributions and expenditures;  
17 to require campaign statements and reports; to regulate anonymous  
18 contributions; to regulate campaign advertising and literature;  
19 to provide for segregated funds for political purposes; to pro-  
20 vide for the use of public funds for political purposes; to  
21 create ~~a state campaign fund~~ CERTAIN FUNDS; to provide for  
22 reversion, ~~of~~ RETENTION, or refunding of ~~—~~ unexpended bal-  
23 ances IN CERTAIN FUNDS; to require OTHER STATEMENTS AND reports;  
24 TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE DEPARTMENTS  
25 AND STATE AND LOCAL OFFICIALS AND EMPLOYEES; to provide

1 appropriations; to prescribe penalties AND PROVIDE REMEDIES; and  
2 to repeal certain acts and parts of acts.

3       Sec. 5. (1) "Election" means a primary, general, special,  
4 or millage election held in this state or a convention or caucus  
5 of a political party held in this state to nominate a candidate.  
6 Election includes a recall vote.

7       (2) "ELECTION CYCLE" MEANS 1 OF THE FOLLOWING:

8       (A) FOR A GENERAL ELECTION, THE PERIOD BEGINNING THE DAY  
9 FOLLOWING THE LAST GENERAL ELECTION IN WHICH THE OFFICE APPEARED  
10 ON THE BALLOT AND ENDING ON THE DAY OF THE GENERAL ELECTION IN  
11 WHICH THE OFFICE NEXT APPEARS ON THE BALLOT.

12       (B) FOR A SPECIAL ELECTION, THE PERIOD BEGINNING THE DAY A  
13 SPECIAL GENERAL ELECTION IS SCHEDULED OR THE DATE THE OFFICE  
14 BECOMES VACANT, WHICHEVER IS EARLIER, AND ENDING ON THE DAY OF  
15 THE SPECIAL GENERAL ELECTION.

16       (3) ~~-(2)-~~ "Elective office" means a public office filled by  
17 an election, except for federal offices. A person who is  
18 appointed to fill a vacancy in a public office that is ordinarily  
19 elective holds an elective office. Elective office does not  
20 include the office of precinct delegate. Except for the purposes  
21 of sections 47, 54, and 55, elective office does not include a  
22 school board member in a school district that has a pupil member-  
23 ship of 2,400 or less enrolled on the most recent pupil member-  
24 ship count day. However, elective office includes a school board  
25 member in a school district that has a pupil membership of 2,400  
26 or less, if a candidate committee of a candidate for the office  
27 of school board member in that school district receives an amount

1 in excess of \$1,000.00 or expends an amount in excess of  
2 \$1,000.00.

3       Sec. 6. (1) "Expenditure" means a payment, donation, loan,  
4 or promise of payment of money or anything of ascertainable mone-  
5 tary value for goods, materials, services, or facilities in  
6 assistance of, or in opposition to, the nomination or election of  
7 a candidate, or the qualification, passage, or defeat of a ballot  
8 question.

9       (2) Expenditure includes a contribution or a transfer of  
10 anything of ascertainable monetary value for purposes of influ-  
11 encing the nomination or election of ~~any~~ A candidate or the  
12 qualification, passage, or defeat of a ballot question.

13       (3) EXPENDITURE INCLUDES AN EXPENDITURE BY A CANDIDATE COM-  
14 MITTEE FOR AN INCIDENTAL EXPENSE UNDER SECTION 21A.

15       (4) ~~(3)~~ Expenditure does not include any of the  
16 following:

17       (a) An expenditure for communication by a person with the  
18 person's paid members or shareholders.

19       (B) AN EXPENDITURE FOR COMMUNICATION BY A PERSON UNDER  
20 SECTION 39 TO NOTIFY CONTRIBUTORS OF THE RECEIPT AND DISBURSEMENT  
21 OF FUNDS.

22       (C) ~~(b)~~ An expenditure for communication on a subject or  
23 issue if the communication does not support or oppose a ballot  
24 issue or candidate by name or clear inference.

25       (D) ~~(c)~~ An expenditure for the establishment, administra-  
26 tion, or solicitation of contributions to a fund or independent  
27 committee.

1 (E) ~~(d)~~ An expenditure by a broadcasting station,  
2 newspaper, magazine, or other periodical or publication for ~~any~~  
3 A news story, commentary, or editorial in support of or opposi-  
4 tion to a candidate for elective office or a ballot question in  
5 the regular course of publication or broadcasting.

6 (F) ~~(e)~~ An offer or tender of an expenditure if expressly  
7 and unconditionally rejected or returned.

8 (G) ~~(f)~~ An expenditure for nonpartisan voter registration  
9 or nonpartisan get-out-the-vote activities. This exclusion does  
10 not apply if a candidate or group of candidates sponsors or  
11 finances the activity or is identified by name with the  
12 activity. This exclusion does apply to an activity performed  
13 pursuant to sections 491 to 524 of the Michigan election law, Act  
14 No. 116 of the Public Acts of 1954, as amended, being sections  
15 168.491 to 168.524 of the Michigan Compiled Laws, by the secre-  
16 tary of state and other registration officials who are identified  
17 by name with the activity. This exclusion does apply to a candi-  
18 date who is an elected officeholder and whose office is not on  
19 the ballot for the general election in the calendar year in which  
20 the expenditure is made or who is not a candidate within the  
21 meaning of sections 3(1)(a) and 3(1)(b) and who is identified by  
22 name with the activity.

23 Sec. 8. (1) "Immediate family" means ~~any~~ A child residing  
24 in a candidate's household, the candidate's spouse, or any indi-  
25 vidual claimed by that candidate or that candidate's spouse as a  
26 dependent for federal income tax purposes.

1 (2) "Independent committee" means a committee, other than a  
 2 political party committee, ~~which~~ THAT before contributing to a  
 3 candidate committee of a candidate for ~~state~~ elective office  
 4 under section ~~52(3)~~ 52(2) or 69(2) MEETS 1 OR MORE OF THE FOL-  
 5 LOWING REQUIREMENTS:

6 (a) Filed a statement of organization as an independent com-  
 7 mittee at least 6 months before an election for which it expected  
 8 to accept contributions or make expenditures in support of or in  
 9 opposition to a candidate for nomination to or election to ~~a~~  
 10 ~~state~~ AN elective office; and received contributions from at  
 11 least 25 persons and made expenditures not to exceed the limita-  
 12 tions of section 52(1) in support of or in opposition to 3 or  
 13 more candidates for nomination for or election to ~~a state~~ AN  
 14 elective office in the same calendar year.

15 (b) Is a separate level, subsidiary, subunit, or affiliate  
 16 of an organization ~~which~~ THAT is an independent committee if  
 17 the decisions or judgments to make contributions or expenditures  
 18 on behalf of candidates are independently exercised within the  
 19 separate level, subsidiary, subunit, or affiliate of the parent  
 20 organization and otherwise meets the requirements of subdivision  
 21 (a).

22 Sec. 9. (1) "INCIDENTAL EXPENSE" MEANS AN EXPENDITURE THAT  
 23 IS AN ORDINARY AND NECESSARY EXPENSE, AS DESCRIBED IN SECTION 162  
 24 OF THE INTERNAL REVENUE CODE, PAID OR INCURRED IN CARRYING OUT  
 25 THE BUSINESS OF AN ELECTIVE OFFICE. INCIDENTAL EXPENSE INCLUDES,  
 26 BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING:

1 (A) A DISBURSEMENT FOR THE COST OF FUND-RAISING.

2 (B) A DISBURSEMENT NECESSARY TO ASSIST, SERVE, OR  
3 COMMUNICATE WITH A CONSTITUENT.

4 (C) A DISBURSEMENT FOR EQUIPMENT, FURNISHINGS, OR SUPPLIES  
5 FOR THE OFFICE OF THE PUBLIC OFFICIAL.

6 (D) A DISBURSEMENT FOR A DISTRICT OFFICE IF THE DISTRICT  
7 OFFICE IS NOT USED FOR CAMPAIGN-RELATED ACTIVITY.

8 (E) A DISBURSEMENT FOR THE PUBLIC OFFICIAL OR HIS OR HER  
9 STAFF, OR BOTH, TO ATTEND A CONFERENCE, MEETING, RECEPTION, OR  
10 OTHER SIMILAR EVENT.

11 (F) A DISBURSEMENT TO OBTAIN OR MAINTAIN A PUBLICLY OWNED  
12 RESIDENCE OR A TEMPORARY RESIDENCE AT THE SEAT OF GOVERNMENT.

13 (G) AN UNREIMBURSED DISBURSEMENT FOR TRAVEL, LODGING, MEALS,  
14 OR OTHER EXPENSES INCURRED BY THE PUBLIC OFFICIAL OR A MEMBER OF  
15 THE PUBLIC OFFICIAL'S STAFF IN CARRYING OUT THE BUSINESS OF THE  
16 ELECTIVE OFFICE.

17 (H) A DONATION TO A TAX-EXEMPT CHARITABLE ORGANIZATION,  
18 INCLUDING THE PURCHASE OF TICKETS TO CHARITABLE OR CIVIC EVENTS.

19 (I) A DISBURSEMENT FOR AN EDUCATIONAL COURSE OR SEMINAR THAT  
20 MAINTAINS OR IMPROVES SKILLS EMPLOYED BY THE PUBLIC OFFICIAL IN  
21 CARRYING OUT THE BUSINESS OF THE ELECTIVE OFFICE.

22 (J) A PURCHASE OF ADVERTISEMENTS IN TESTIMONIALS, PROGRAM  
23 BOOKS, SOUVENIR BOOKS, OR OTHER PUBLICATIONS IF THE ADVERTISEMENT  
24 DOES NOT SUPPORT OR OPPOSE THE NOMINATION OR ELECTION OF A  
25 CANDIDATE.

26 (K) A FEE PAID TO A FRATERNAL, VETERAN, OR OTHER SERVICE  
27 ORGANIZATION.

1 (L) A PAYMENT OF A TAX LIABILITY INCURRED AS A RESULT OF  
2 AUTHORIZED TRANSACTIONS BY THE OFFICEHOLDER EXPENSE FUND OF THE  
3 PUBLIC OFFICIAL.

4 (M) A FEE FOR ACCOUNTING, PROFESSIONAL, OR ADMINISTRATIVE  
5 SERVICES FOR THE OFFICEHOLDER EXPENSE FUND OF THE PUBLIC  
6 OFFICIAL.

7 (N) A DEBT OR OBLIGATION INCURRED BY THE OFFICEHOLDER  
8 EXPENSE FUND OF THE PUBLIC OFFICIAL FOR A DISBURSEMENT AUTHORIZED  
9 BY SUBDIVISIONS (A) TO (M), IF THE DEBT OR OBLIGATION WAS  
10 REPORTED IN THE OFFICEHOLDER EXPENSE FUND REPORT FILED FOR THE  
11 QUARTER IN WHICH THE DEBT OR OBLIGATION AROSE.

12 (2) ~~-(1)-~~ "Independent expenditure" means an expenditure ~~as~~  
13 ~~defined in section 6~~ by a person if the expenditure is not made  
14 at the direction of, or under the control of, another person and  
15 if the expenditure is not a contribution to a committee.

16 (3) ~~-(2)-~~ "In-kind contribution or expenditure" means a con-  
17 tribution ~~as defined in section 4~~ or expenditure ~~as defined in~~  
18 ~~section 6~~ other than money.

19 (4) "LATE CONTRIBUTION" MEANS A CONTRIBUTION OF MORE THAN  
20 \$100.00 RECEIVED AFTER THE CLOSING DATE OF THE LAST CAMPAIGN  
21 STATEMENT REQUIRED TO BE FILED BEFORE AN ELECTION.

22 (5) ~~-(3)-~~ "Loan" means a transfer of money, property, or  
23 anything of ascertainable monetary value in exchange for an  
24 obligation, conditional or not, to repay in whole or part.

25 (6) "LOCAL ELECTIVE OFFICE" MEANS AN ELECTIVE OFFICE AT THE  
26 LOCAL UNIT OF GOVERNMENT LEVEL.



1       (7) "LOCAL UNIT OF GOVERNMENT" MEANS A DISTRICT, AUTHORITY,  
2 COUNTY, CITY, VILLAGE, TOWNSHIP, SCHOOL DISTRICT, INTERMEDIATE  
3 SCHOOL DISTRICT, OR COMMUNITY COLLEGE DISTRICT.

4       Sec. 12. (1) "QUALIFIED CAMPAIGN EXPENDITURE" MEANS AN  
5 EXPENDITURE FOR SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS  
6 OF VALUE BY THE CANDIDATE COMMITTEE TO FURTHER THE CANDIDATE'S  
7 NOMINATION OR ELECTION TO OFFICE DURING THE YEAR IN WHICH THE  
8 PRIMARY OR GENERAL ELECTION IN WHICH THE CANDIDATE SEEKS NOMINA-  
9 TION OR ELECTION IS HELD. QUALIFIED CAMPAIGN EXPENDITURE DOES  
10 NOT INCLUDE ANY OF THE FOLLOWING:

11       (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED  
12 STATES OR OF THIS STATE.

13       (B) A PAYMENT MADE TO THE CANDIDATE OR A RELATIVE WITHIN THE  
14 THIRD DEGREE OF CONSANGUINITY OF THE CANDIDATE, OR TO A BUSINESS  
15 WITH WHICH THE CANDIDATE OR THE RELATIVE IS ASSOCIATED.

16       (C) A PAYMENT TO THE EXTENT CLEARLY IN EXCESS OF THE FAIR  
17 MARKET VALUE OF SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS  
18 OF VALUE RECEIVED IN EXCHANGE.

19       (D) THAT PORTION OF ANY SALARY OR WAGE TO AN INDIVIDUAL IN  
20 EXCESS OF \$5,000.00 PER MONTH.

21       (E) PAYMENT FROM PETTY CASH.

22       (F) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, AND OTHER  
23 PRINTED CAMPAIGN MATERIAL.

24       (G) PAYMENT TO A DEFENSE FUND.

25       (H) AN EXPENDITURE MADE FOR THE SOLICITATION OF CONTRIBU-  
26 TIONS THAT ARE EXEMPTED FROM THE CANDIDATE'S EXPENDITURE LIMITS  
27 UNDER SECTION 67(2).

1 (1) AN EXPENDITURE BY A CANDIDATE COMMITTEE FOR AN  
2 INCIDENTAL EXPENSE UNDER SECTION 21A.

3 (2) ~~-(1)-~~ "Qualifying contribution" means a contribution of  
4 money made by a written instrument by a person other than the  
5 candidate or the candidate's immediate family, to the candidate  
6 committee of a candidate for the office of governor ~~which~~ THAT  
7 is \$100.00 or less and made after April 1 of the year preceding a  
8 year in which a governor is to be elected. Not more than \$100.00  
9 of a person's total aggregate contribution may be used as a qual-  
10 ifying contribution in any calendar year. Qualifying contribu-  
11 tion does not include a subscription, loan, advance, deposit of  
12 money, in-kind contribution or expenditure, or anything else of  
13 value except as prescribed in this act.

14 (3) ~~-(2)-~~ "State elective office" means the office of gover-  
15 nor, lieutenant governor, secretary of state, attorney general,  
16 justice of the supreme court, member of the state board of educa-  
17 tion, regent of the university of Michigan, member of the board  
18 of trustees of Michigan state university, member of the board of  
19 governors of Wayne state university, and member of the state  
20 legislature.

21 Sec. 15. (1) The secretary of state shall do all of the  
22 following:

23 (a) Make available through his or her offices, and furnish  
24 to county clerks, appropriate forms, instructions, and manuals  
25 required by this act.

26 (b) Develop a filing, coding, and cross-indexing system for  
27 the filing of required reports and statements consistent with the

1 purposes of this act, and supervise the implementation of the  
2 filing systems by the clerks of the counties.

3 (c) Receive all statements and reports required by this act  
4 to be filed with the secretary of state.

5 (d) Prepare forms, instructions, and manuals required under  
6 this act.

7 (e) Promulgate rules and issue declaratory rulings to imple-  
8 ment this act pursuant to the administrative procedures act of  
9 1969, Act No. 306 of the Public Acts of 1969, as amended, being  
10 sections 24.201 to 24.328 of the Michigan Compiled Laws.

11 (f) Upon receipt of a written request and the required  
12 filing, waive payment of a late filing fee if the request for the  
13 waiver is based on good cause and accompanied by adequate  
14 documentation. ~~Any~~ ONE OR MORE of the following reasons  
15 ~~shall~~ constitute good cause for a late filing fee waiver:

16 (i) The incapacitating physical illness, hospitalization,  
17 accident involvement, death, or incapacitation for medical rea-  
18 sons of a person required to file, a person whose participation  
19 is essential to the preparation of the statement or report, or a  
20 member of the immediate family of these persons.

21 (ii) Other unique, unintentional factors beyond the filer's  
22 control not stemming from a negligent act or nonaction so that a  
23 reasonably prudent person would excuse the filing on a temporary  
24 basis. These factors include the loss or unavailability of  
25 records due to a fire, flood, theft, or similar reason and diffi-  
26 culties related to the transmission of the filing to the filing

1 official, such as exceptionally bad weather or strikes involving  
2 transportation systems.

3       (2) A declaratory ruling shall be issued under this section  
4 only if the person requesting the ruling has provided a reason-  
5 ably complete statement of facts necessary for the ruling or if  
6 the secretary of state has permitted the person requesting the  
7 ruling an opportunity to supply supplemental facts necessary for  
8 the ruling. A request for a declaratory ruling that is submitted  
9 to the secretary of state shall be made available for public  
10 inspection within 48 hours after its receipt. An interested  
11 person may submit written comments regarding the request to the  
12 secretary of state within 10 business days after the date the  
13 request is made available to the public. Within 45 business days  
14 after receiving a declaratory ruling request, the secretary of  
15 state shall make a proposed response available to the public. An  
16 interested person may submit written comments regarding the pro-  
17 posed response to the secretary of state within 5 business days  
18 after the date the proposal is made available to the public.  
19 Except as otherwise provided in this section, the secretary of  
20 state shall issue a declaratory ruling within 60 business days  
21 after a request for a declaratory ruling is received. If the  
22 secretary of state refuses to issue a declaratory ruling, the  
23 secretary of state shall notify the person making the request of  
24 the reasons for the refusal. The secretary of state may issue an  
25 interpretative statement providing an informational response to  
26 the question presented. A declaratory ruling or interpretative  
27 statement issued under this section shall not state a general

1 rule of law, other than that which is stated in this act, until  
2 the general rule of law is promulgated by the secretary of state  
3 as a rule pursuant to the administrative procedures act of 1969,  
4 Act No. 306 of the Public Acts of 1969, being sections 24.201 to  
5 24.328 of the Michigan Compiled Laws, or pursuant to judicial  
6 order.

7 (3) Under extenuating circumstances, the secretary of state  
8 may issue a notice extending for not more than 30 business days  
9 the period during which the secretary of state shall respond to a  
10 request for a declaratory ruling. The secretary of state shall  
11 not issue more than 1 notice of extension for a particular  
12 request. A person requesting a declaratory ruling may waive, in  
13 writing, the time limitations provided by this section.

14 (4) ~~An~~ THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE  
15 PUBLIC AN annual summary of the declaratory rulings and interpre-  
16 tative statements issued by the secretary of state. ~~shall be~~  
17 ~~made available to the public.~~

18 (5) A person may file a complaint with the secretary of  
19 state alleging a violation of this act. Upon receipt of a com-  
20 plaint, the secretary of state shall investigate the allegations  
21 pursuant to the rules promulgated under this act. If the secre-  
22 tary of state determines that there may be reason to believe that  
23 a violation of this act has occurred, the secretary of state  
24 shall endeavor to correct the violation or prevent a further vio-  
25 lation by using informal methods such as a conference, concili-  
26 ation, or persuasion, and may enter into a conciliation agreement  
27 with the person involved. Unless violated, a conciliation

1 agreement is a complete bar to any further action with respect to  
 2 matters covered in the conciliation agreement. If the secretary  
 3 of state is unable to correct or prevent further violation by  
 4 these informal methods, the secretary of state may ~~refer the~~  
 5 ~~matter to the attorney general for the enforcement of~~ ENFORCE  
 6 any criminal penalty provided by this act or commence a hearing  
 7 pursuant to subsection (6).

8 (6) The secretary of state may commence a hearing to deter-  
 9 mine whether a civil violation of this act has occurred. A hear-  
 10 ing shall not be commenced during the period beginning 30 days  
 11 before an election in which the committee has received or  
 12 expended money and ending the day after that election except with  
 13 the consent of the person suspected of committing a civil  
 14 violation. The hearing shall be conducted ~~in accordance with~~  
 15 PURSUANT TO the procedures set forth in chapter 4 of the adminis-  
 16 trative procedures act of 1969, Act No. 306 of the Public Acts of  
 17 1969, being sections 24.271 to 24.287 of the Michigan Compiled  
 18 Laws. If after a hearing the secretary of state determines that  
 19 a violation of this act has occurred, the secretary of state may  
 20 issue an order requiring the person to pay a civil fine equal to  
 21 the amount of the improper contribution or expenditure plus not  
 22 more than \$1,000.00 for each violation. A final decision and  
 23 order issued by the secretary of state is subject to judicial  
 24 review as provided by chapter 6 of the administrative procedures  
 25 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-  
 26 tions 24.301 to 24.306 of the Michigan Compiled Laws. ~~A~~ THE  
 27 SECRETARY OF STATE SHALL DEPOSIT A civil fine imposed under this

1 section ~~shall be deposited~~ in the general fund. The secretary  
2 of state may bring an action in circuit court to recover the  
3 amount of a civil fine.

4 (7) When a report or statement is filed pursuant to this  
5 act, the secretary of state shall review the report or statement  
6 and may investigate an apparent violation of this act pursuant to  
7 the rules promulgated pursuant to this act. If the secretary of  
8 state determines that there may be reason to believe a violation  
9 of this act has occurred and the procedures prescribed in subsec-  
10 tion (5) have been complied with, the secretary of state may  
11 ~~refer the matter to the attorney general for the enforcement of~~  
12 ENFORCE any criminal penalty provided by this act, or commence a  
13 hearing under subsection (6) to determine whether a civil viola-  
14 tion of this act has occurred.

15 (8) Unless otherwise specified in this act, a person who  
16 violates a provision of this act is subject to a civil fine of  
17 not more than \$1,000.00 for each violation. Civil fines are in  
18 addition to, but not limited by, any criminal penalty prescribed  
19 by this act.

20 (9) The secretary of state may waive the filing of a cam-  
21 paign statement required under section 33, 34, or 35 if the clos-  
22 ing date of the particular campaign statement falls on the same  
23 or a later date as the closing date of the next campaign state-  
24 ment filed by the same person, or if the period ~~which~~ THAT  
25 would be otherwise covered by the next campaign statement filed  
26 by the same person is 10 days or less.

1 (10) The clerk of each county shall do all of the  
2 following:

3 (a) Make available through the county clerk's office the  
4 appropriate forms, instructions, and manuals required by this  
5 act.

6 (b) Under the supervision of the secretary of state, imple-  
7 ment the filing, coding, and cross-indexing system prescribed for  
8 the filing of reports and statements required to be filed with  
9 the county clerk's office.

10 (c) Receive all statements and reports required by this act  
11 to be filed with the county clerk's office.

12 (d) Upon written request, waive the payment of a late filing  
13 fee if the request for a waiver is based on good cause as pre-  
14 scribed in subsection ~~(1)(g)~~ (1)(F).

15 Sec. 16. (1) A filing official shall make a statement or  
16 report required to be filed under this act available for public  
17 inspection and reproduction ~~, commencing~~ DURING REGULAR BUSI-  
18 NESS HOURS OF THE FILING OFFICIAL. THE FILING OFFICIAL SHALL  
19 MAKE A STATEMENT OR REPORT FILED UNDER THIS ACT AVAILABLE as soon  
20 as practicable AFTER RECEIPT, but not later than the third busi-  
21 ness day following the day on which ~~it~~ THE STATEMENT OR REPORT  
22 is received. ~~, during regular business hours of the filing~~  
23 ~~official.~~

24 (2) A FILING OFFICIAL SHALL PROVIDE A copy of a statement OR  
25 REPORT or part of a statement ~~shall be provided by a filing~~  
26 ~~official~~ OR REPORT at a reasonable charge.



1 (3) A PERSON SHALL NOT USE A statement ~~open~~ OR REPORT  
2 AVAILABLE to the public under this act ~~shall not be used~~ for  
3 any commercial purpose.

4 (4) ~~A~~ THE FILING OFFICIAL SHALL PRESERVE A statement of  
5 organization filed under this act ~~shall be preserved by the~~  
6 ~~filing official~~ for 5 years from the official date of the  
7 committee's dissolution. ~~A~~ THE FILING OFFICIAL SHALL PRESERVE  
8 A statement or report filed under this act by a candidate for an  
9 office with a term exceeding 4 years ~~shall be preserved by the~~  
10 ~~filing official~~ for 1 year beyond that candidate's term of  
11 office. ~~Any~~ THE FILING OFFICIAL SHALL PRESERVE ANY other  
12 statement or report filed under this act ~~shall be preserved by~~  
13 ~~the filing official~~ for 5 years from the date the filing  
14 occurred. Statements and reports filed under this act may be  
15 reproduced pursuant to the records media act, ACT NO. 116 OF THE  
16 PUBLIC ACTS OF 1992, BEING SECTIONS 24.401 TO 24.403 OF THE  
17 MICHIGAN COMPILED LAWS. After the required preservation period,  
18 the statements and reports, or the reproductions of the state-  
19 ments and reports, shall be destroyed.

20 (5) A ~~charge~~ FILING OFFICIAL shall not ~~be collected by a~~  
21 ~~filing official for the filing of a required statement or report~~  
22 ~~or~~ COLLECT A FEE for a form upon which ~~the~~ A REQUIRED state-  
23 ment or report is to be prepared. ~~except~~ HOWEVER, A FILING  
24 OFFICIAL SHALL COLLECT THE FILING FEE PRESCRIBED IN SECTION 18  
25 FOR THE FILING OF CERTAIN REQUIRED STATEMENTS AND REPORTS AND a  
26 late filing fee AS required by this act.

1 (6) A filing official shall determine whether a statement or  
2 report filed under this act complies, on its face, with the  
3 requirements of this act and the rules promulgated under this  
4 act. The filing official shall determine whether a statement or  
5 report that is required to be filed under this act is in fact  
6 filed. Within 4 business days after the deadline for filing a  
7 statement or report under this act, the filing official shall  
8 give notice to the filer by registered mail of an error or omis-  
9 sion in the statement or report and give notice to a person the  
10 filing official has reason to believe is a person required to and  
11 who failed to file a statement or report. A failure to give  
12 notice by the filing official under this subsection is not a  
13 defense to a criminal action against the person required to  
14 file.

15 (7) Within 9 business days after the report or statement is  
16 required to be filed, the filer shall make any corrections in the  
17 statement or report ~~filed~~ AND FILE THE CORRECTIONS with the  
18 appropriate filing official. If the report or statement was not  
19 filed, ~~then it shall be late filed~~ THE PERSON SHALL FILE THE  
20 REPORT OR STATEMENT WITH THE APPROPRIATE FILING OFFICIAL within 9  
21 business days after the time it was required to be filed, ~~and~~  
22 ~~shall be~~ WHICH REPORT OR STATEMENT IS CONSIDERED LATE FILED AND  
23 IS subject to late filing fees.

24 (8) After 9 business days and before 12 business days have  
25 expired after the deadline for filing the statement or report,  
26 the filing official shall report errors or omissions that were

1 not corrected and failures to file to the ~~attorney general~~  
 2 SECRETARY OF STATE.

3 (9) A PERSON SHALL FILE A statement or report required to be  
 4 filed under this act ~~shall be filed~~ not later than 5 p.m. of  
 5 the day in which it is required to be filed. A preelection  
 6 statement or report due on July 25 or October 25 under section 33  
 7 that is postmarked by registered or certified mail, or sent by  
 8 express mail or other overnight delivery service, at least 2 days  
 9 before the deadline for filing is filed within the prescribed  
 10 time regardless of when it is actually delivered. Any other  
 11 statement or report required to be filed under this act that is  
 12 postmarked by registered or certified mail or sent by express  
 13 mail or other overnight delivery service on or before the dead-  
 14 line for filing is filed within the prescribed time regardless of  
 15 when it is actually delivered.

16 SEC. 18. (1) AN INDEPENDENT COMMITTEE AND A POLITICAL COM-  
 17 MITTEE SHALL PAY TO THE FILING OFFICIAL WITH THE FIRST REQUIRED  
 18 STATEMENT OR REPORT IN EVERY CALENDAR YEAR A FILING FEE BASED  
 19 UPON THE SUM OF THE TOTAL AMOUNT OF CONTRIBUTIONS TO AND INDEPEN-  
 20 DENT EXPENDITURES MADE ON BEHALF OF ALL CANDIDATES IN THE IMMEDI-  
 21 ATELY PRECEDING 2-YEAR ELECTION CYCLE. THE FILING FEE SHALL BE 1  
 22 OF THE FOLLOWING:

23	<u>SUM OF CONTRIBUTIONS AND INDEPENDENT EXPENDITURES</u>	<u>FILING FEE</u>
24	LESS THAN \$10,000.00.....	\$100.00
25	AT LEAST \$10,000.00 BUT LESS THAN \$20,000.00.....	\$200.00
26	AT LEAST \$20,000.00 BUT LESS THAN \$30,000.00.....	\$300.00

1        AT LEAST \$30,000.00 BUT LESS THAN \$40,000.00..... \$400.00  
2        \$40,000.00 OR MORE..... \$500.00

3        (2) A CANDIDATE COMMITTEE SHALL PAY TO THE FILING OFFICIAL  
4 WITH THE STATEMENT OF ORGANIZATION A FILING FEE OF \$100.00.

5        (3) A COMMITTEE THAT FILES A WRITTEN STATEMENT UNDER  
6 SECTION 24 INDICATING THAT THE COMMITTEE DOES NOT EXPECT IN A  
7 CALENDAR YEAR TO RECEIVE OR EXPEND AN AMOUNT IN EXCESS OF  
8 \$1,000.00 IS NOT REQUIRED TO PAY THE FEE IN SUBSECTION (1) OR  
9 (2). HOWEVER, A COMMITTEE THAT NOTIFIES THE APPROPRIATE OFFICIAL  
10 THAT THE COMMITTEE HAS RECEIVED OR EXPENDED AN AMOUNT IN EXCESS  
11 OF \$1,000.00 SHALL PAY THE FILING FEE REQUIRED IN SUBSECTION (1)  
12 OR (2).

13        (4) THE FILING OFFICIAL, ON OR BEFORE THE FIFTH DAY OF THE  
14 MONTH FOLLOWING THE RECEIPT OF FEES UNDER SUBSECTIONS (1) AND  
15 (2), SHALL PAY TO THE COUNTY TREASURER ALL OF THOSE FEES RECEIVED  
16 DURING THE PRECEDING MONTH. THE COUNTY TREASURER, WITHIN 5 DAYS  
17 AFTER RECEIPT OF THE FEES, SHALL TRANSMIT THE FEES TO THE STATE  
18 TREASURER FOR DEPOSIT IN THE SECRETARY OF STATE COMPUTERIZATION  
19 FUND CREATED BY SECTION 19.

20        SEC. 19. (1) THE SECRETARY OF STATE COMPUTERIZATION FUND IS  
21 CREATED IN THE STATE TREASURY. THE PURPOSE OF THE SECRETARY OF  
22 STATE COMPUTERIZATION FUND IS TO PROVIDE FOR THE COMPUTERIZATION  
23 OF ALL CAMPAIGN FINANCE RECORDS FILED WITH THE SECRETARY OF STATE  
24 UNDER THIS ACT.

25        (2) ON OR BEFORE OCTOBER 1, 1993, THE SECRETARY OF STATE  
26 SHALL SUBMIT TO THE LEGISLATURE A COMPREHENSIVE COMPUTERIZATION  
27 PLAN THAT INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

1 (A) THE STATUS OF COMPUTERIZATION OF CAMPAIGN FINANCE  
2 RECORDS.

3 (B) AN ANALYSIS OF THE NEEDS FOR COMPUTERIZATION OF CAMPAIGN  
4 FINANCE RECORDS.

5 (C) STANDARDS FOR COMPUTERIZATION OF CAMPAIGN FINANCE  
6 RECORDS.

7 (D) A PLAN FOR THE DISTRIBUTION OF REVENUE FROM THE SECRE-  
8 TARY OF STATE COMPUTERIZATION FUND THAT PROVIDES FOR DIRECT DIS-  
9 BURSEMENTS FROM THE SECRETARY OF STATE COMPUTERIZATION FUND BY  
10 THE SECRETARY OF STATE. THE SECRETARY OF STATE MAY APPROVE DIS-  
11 BURSEMENTS THAT INCLUDE PAYMENT FOR SERVICES PROVIDED BY EMPLOY-  
12 EES OF THIS STATE OR PRIVATE VENDORS, OR BY A COMBINATION OF  
13 BOTH.

14 (3) THE SECRETARY OF STATE SHALL SUBMIT TO THE LEGISLATURE  
15 AN ANNUAL UPDATE TO THE COMPREHENSIVE COMPUTERIZATION PLAN.

16 (4) THE STATE TREASURER SHALL CREDIT THE SECRETARY OF STATE  
17 COMPUTERIZATION FUND WITH DEPOSITS OF PROCEEDS FROM THE COLLEC-  
18 TION OF REVENUE FROM THE FILING FEES PROVIDED IN SECTION 18,  
19 APPROPRIATIONS MADE TO THE FUND, AND ALL INCOME FROM INVESTMENT.  
20 THE STATE TREASURER MAY INVEST MONEY CONTAINED IN THE SECRETARY  
21 OF STATE COMPUTERIZATION FUND IN ANY MANNER AUTHORIZED BY LAW FOR  
22 THE INVESTMENT OF STATE MONEY. HOWEVER, AN INVESTMENT SHALL NOT  
23 INTERFERE WITH ANY APPORTIONMENT, ALLOCATION, OR PAYMENT OF MONEY  
24 AS REQUIRED BY THIS SECTION. THE STATE TREASURER SHALL CREDIT TO  
25 THE FUND ALL INCOME EARNED AS A RESULT OF AN INVESTMENT OF FUND  
26 MONEY.

1 (5) THE STATE TREASURER, AT THE DIRECTION OF THE SECRETARY  
2 OF STATE, SHALL DISTRIBUTE MONEY FROM THE SECRETARY OF STATE  
3 COMPUTERIZATION FUND AT LEAST ANNUALLY AND MORE OFTEN AS THE SEC-  
4 RETARY OF STATE CONSIDERS NECESSARY. MONEY REMAINING IN THE FUND  
5 AT THE CLOSE OF EACH FISCAL YEAR SHALL REMAIN IN THE FUND AND  
6 SHALL NOT REVERT TO THE GENERAL FUND.

7 SEC. 21A. A CANDIDATE COMMITTEE OF A CANDIDATE WHO IS  
8 ELECTED OR APPOINTED TO AN ELECTIVE OFFICE MAY MAKE AN EXPENDI-  
9 TURE FOR AN INCIDENTAL EXPENSE FOR THE ELECTIVE OFFICE TO WHICH  
10 THAT CANDIDATE WAS ELECTED OR APPOINTED.

11 SEC. 21B. A CANDIDATE COMMITTEE OF A CANDIDATE FOR ELECTIVE  
12 OFFICE SHALL NOT SPEND ANY MONEY RECEIVED BY THE CANDIDATE COM-  
13 MITTEE FROM AN INDEPENDENT COMMITTEE OR POLITICAL COMMITTEE UNTIL  
14 AN EQUAL OR GREATER AMOUNT OF MONEY IS RECEIVED BY THE CANDIDATE  
15 COMMITTEE FROM INDIVIDUAL CONTRIBUTORS.

16 Sec. 22. A committee treasurer or other individual desig-  
17 nated on the statement of organization as responsible for the  
18 committee's record keeping, report preparation, or report filing  
19 shall keep detailed accounts, records, bills, and receipts as  
20 required to substantiate the information contained in a statement  
21 or report filed pursuant to this act or rules promulgated under  
22 this act. The treasurer OR OTHER INDIVIDUAL shall record the  
23 name and address of a person from whom a contribution is  
24 received. ~~except for contributions of \$20.00 or less received~~  
25 ~~pursuant to section 41(3).~~ The records of a committee shall be  
26 preserved for 5 years and shall be made available for inspection  
27 as authorized by the secretary of state. A treasurer or other

1 individual designated as responsible for the committee's record  
2 keeping, report preparation, or report filing who knowingly vio-  
3 lates this section is subject to a civil fine of not more than  
4 \$1,000.00.

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

19       (2) The statement of organization required by subsection (1)  
20 shall include the following information:

21       (a) The name, street address, and if available, the tele-  
22 phone number of the committee. A committee address may be the  
23 home address of the candidate or treasurer of the committee.

24       (b) The name, street address, and if available, the tele-  
25 phone number of the treasurer or other individual designated as  
26 responsible for the committee's record keeping, report  
27 preparation, or report filing.

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

5 (d) The full name of ~~—~~ the office BEING SOUGHT, including  
6 district number or jurisdiction, ~~sought by,~~ and the county res-  
7 idence of each candidate ~~—, and a~~ SUPPORTED OR OPPOSED BY THE  
8 COMMITTEE.

9 (E) A brief statement identifying the substance of each  
10 ballot question supported or opposed by the committee. If the  
11 ballot question supported or opposed by the committee is not  
12 statewide, the committee shall identify the county in which the  
13 greatest number of registered voters eligible to vote on the  
14 ballot question reside.

15 (F) ~~(e)~~ Identification of the committee as a candidate  
16 committee, political party committee, independent committee,  
17 political committee, or ballot question committee if it is iden-  
18 tifiable as such a committee.

19 (3) AN INDEPENDENT OR POLITICAL COMMITTEE SHALL INCLUDE IN  
20 THE NAME OF THE COMMITTEE THE NAME OF THE PERSON OR PERSONS THAT  
21 SPONSOR THE COMMITTEE, IF ANY, OR WITH WHOM THE COMMITTEE IS  
22 AFFILIATED. A PERSON, OTHER THAN AN INDIVIDUAL OR A COMMITTEE,  
23 SPONSORS OR IS AFFILIATED WITH AN INDEPENDENT OR POLITICAL COM-  
24 MITTEE IF THAT PERSON ESTABLISHES, DIRECTS, CONTROLS, OR FINAN-  
25 CIALY SUPPORTS THE ADMINISTRATION OF THE COMMITTEE. FOR THE  
26 PURPOSES OF THIS SUBSECTION, A PERSON DOES NOT FINANCIALLY



1 SUPPORT THE ADMINISTRATION OF A COMMITTEE BY MERELY MAKING A  
2 CONTRIBUTION TO THE COMMITTEE.

3 (4) ~~-(3)-~~ If any of the information required in a statement  
4 of organization is changed, THE COMMITTEE SHALL FILE an amendment  
5 ~~shall be filed~~ when the next campaign statement is required to  
6 be filed.

7 (5) ~~-(4)-~~ When filing a statement of organization, a commit-  
8 tee, other than an independent committee, a political committee,  
9 or a political party committee, may indicate in a written state-  
10 ment signed by the treasurer of the committee that the committee  
11 does not expect for each election to receive an amount in excess  
12 of \$1,000.00 or expend an amount in excess of \$1,000.00.

13 (6) ~~-(5)-~~ When filing a statement of organization, an inde-  
14 pendent committee, a political committee, or a political party  
15 committee may indicate in a written statement signed by the trea-  
16 surer of the committee that the committee does not expect in a  
17 calendar year to receive or expend an amount in excess of  
18 \$1,000.00.

19 (7) ~~-(6)-~~ Upon the dissolution of a committee, THE COMMITTEE  
20 SHALL FILE a statement indicating dissolution ~~shall be filed~~  
21 with the filing officials with whom the committee's statement of  
22 organization was filed. Dissolution of a committee shall be  
23 accomplished ~~in accordance with~~ PURSUANT TO rules promulgated  
24 by the secretary of state under the administrative procedures act  
25 of 1969, Act No. 306 of the Public Acts of 1969, being sections  
26 24.201 to 24.328 of the Michigan Compiled Laws.

1       (8) ~~-(7)-~~ A candidate committee ~~which~~ THAT files a written  
2 statement pursuant to subsection ~~-(4)-~~ (5) shall not be required  
3 to file a dissolution statement pursuant to subsection ~~-(6)-~~ (7)  
4 if the committee failed to receive or expend an amount in excess  
5 of \$1,000.00 and 1 of the following applies:

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

8       (b) The candidate vacates an elective office and has no out-  
9 standing campaign debts or assets.

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

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

18       (b) Under the heading "receipts", the total amount of con-  
19 tributions received during the period covered by the campaign  
20 statement; under the heading "expenditures", the total amount of  
21 expenditures made during the period covered by the campaign  
22 statement; and the cumulative amount of those totals.

23 Forgiveness of a loan shall not be included in the totals.

24 Payment of a loan by a third party shall be recorded and reported  
25 as an in-kind contribution by the third party. In-kind contribu-  
26 tions or expenditures shall be listed at fair market value and  
27 shall be reported as both contributions and expenditures. A

1 contribution or expenditure ~~which~~ THAT is by other than  
2 completed and accepted payment, gift, or other transfer, ~~which~~  
3 is clearly not legally enforceable, and ~~which~~ is expressly  
4 withdrawn or rejected and returned before a campaign statement  
5 closing date need not be included in the campaign statement and  
6 if included may, in a later or amended statement, be shown as a  
7 deduction, but THE COMMITTEE SHALL KEEP adequate records of each  
8 instance. ~~shall be kept.~~

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

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

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

17 ~~(f) The total amount of contributions of \$20.00 or less~~  
18 ~~received during the period covered by the campaign statement and~~  
19 ~~the cumulative amount of the contributions received by the filer~~  
20 ~~pursuant to section 41(3).~~

21 (D) ~~(g)~~ The following information regarding each  
22 fund-raising event shall be included in the report:

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

26 (ii) The total amount of all contributions. ~~of \$20.01 or~~  
27 ~~more.~~

1 ~~(iii) The total amount of all contributions of \$20.00 or~~  
 2 ~~less.~~

3 (iii) ~~(iv)~~ The gross receipts of the fund-raising event.

4 (iv) ~~(v)~~ The expenditures incident to the event.

5 (E) ~~(h)~~ The full name of each individual from whom contri-  
 6 butions ~~totaling \$20.01 or more~~ are received during the period  
 7 covered by the campaign statement, together with the individual's  
 8 street address, the amount contributed, the date on which each  
 9 contribution was received, and the cumulative amount contributed  
 10 by that individual. The occupation, employer, and principal  
 11 place of business shall be stated if the individual's cumulative  
 12 contributions are ~~\$200.01 or~~ more THAN \$100.00.

13 (F) ~~(i)~~ The cumulative amount contributed and the name and  
 14 address of each individual, except those individuals reported  
 15 under subdivision ~~(h)~~ (E), who contributed ~~a total of \$20.01~~  
 16 ~~or more~~ TO THE COMMITTEE. The occupation, employer, and princi-  
 17 pal place of business, shall be stated for each individual who  
 18 contributed ~~\$200.01 or~~ more THAN \$100.00.

19 (G) ~~(j)~~ The name and street address of each person, other  
 20 than an individual, from whom contributions are received during  
 21 the period covered by the campaign statement, together with an  
 22 itemization of the amounts contributed, the date on which each  
 23 contribution was received, and the cumulative amount contributed  
 24 by that person.

25 (H) ~~(k)~~ The name, address, and amount given by an individ-  
 26 ual who contributed ~~\$20.01 or more of~~ TO the total amount  
 27 contributed by a person who is other than a committee or an

1 individual. The occupation, employer, and principal place of  
2 business shall be stated if the individual contributed ~~\$200.00~~  
3 ~~or~~ more THAN \$100.00 of the total amount contributed by a person  
4 who is other than a committee or an individual.

5 (I) ~~(I)~~ The cumulative total of expenditures of \$50.00 or  
6 less made during the period covered by the campaign statement  
7 except for expenditures made to or on behalf of another commit-  
8 tee, candidate, or ballot question.

9 (J) ~~(m)~~ The full name and street address of each person to  
10 whom expenditures totaling ~~\$50.00~~ ~~or~~ more THAN \$50.00 were  
11 made, together with the amount of each separate expenditure to  
12 each ~~such~~ person during the period covered by the campaign  
13 statement; the purpose of the expenditure; the full name and  
14 street address of the person providing the consideration for  
15 which any expenditure was made if different from the payee; the  
16 itemization regardless of amount of each expenditure made to or  
17 on behalf of another committee, candidate, or ballot question;  
18 and the cumulative amount of expenditures for or against that  
19 candidate or ballot question for an election cycle. An expendi-  
20 ture made in support of more than 1 candidate or ballot question,  
21 or both, shall be apportioned reasonably among the candidates or  
22 ballot questions, or both.

23 (K) FOR A CANDIDATE COMMITTEE OF A CANDIDATE, THE TOTAL  
24 AMOUNT OF CONTRIBUTIONS RECEIVED FROM INDEPENDENT COMMITTEES AND  
25 POLITICAL COMMITTEES DURING THE PERIOD COVERED BY THE CAMPAIGN  
26 STATEMENT AND THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED FROM

1 INDIVIDUAL CONTRIBUTORS DURING THE PERIOD COVERED BY THE CAMPAIGN  
2 STATEMENT.

3 (1) FOR AN INDEPENDENT OR POLITICAL COMMITTEE, THE TOTAL  
4 AMOUNT OF INDEPENDENT EXPENDITURES AND AN ITEMIZED LIST OF EACH  
5 INDEPENDENT EXPENDITURE CONTAINING ALL OF THE FOLLOWING  
6 INFORMATION:

7 (i) THE DATE OF THE INDEPENDENT EXPENDITURE.

8 (ii) THE PAYEE OF THE INDEPENDENT EXPENDITURE.

9 (iii) THE AMOUNT OF THE INDEPENDENT EXPENDITURE.

10 (iv) IF THE INDEPENDENT EXPENDITURE WAS ON BEHALF OF A CAN-  
11 DIDATE, THE NAME OF THE CANDIDATE AND THE DISTRICT AND OFFICE FOR  
12 WHICH THAT INDEPENDENT EXPENDITURE WAS MADE.

13 (v) IF THE INDEPENDENT EXPENDITURE WAS ON BEHALF OF A BALLOT  
14 QUESTION, THE BALLOT QUESTION AND THE PURPOSE FOR WHICH THE INDE-  
15 PENDENT EXPENDITURE WAS MADE.

16 (vi) IF THE INDEPENDENT EXPENDITURE WAS NOT ON BEHALF OF A  
17 CANDIDATE OR BALLOT QUESTION COMMITTEE, THE PURPOSE OF THE INDE-  
18 PENDENT EXPENDITURE.

19 (2) A candidate committee or ballot question committee shall  
20 report all cumulative amounts required by this section on a per  
21 election cycle basis. Except for ~~subdivision (m)~~  
22 SUBSECTION (1)(J), an independent committee or political commit-  
23 tee shall report all cumulative amounts required by this section  
24 on a calendar year basis.

25 Sec. 28. (1) Interest received by a committee on an account  
26 consisting of funds belonging to the committee shall not be  
27 considered a contribution to the committee but THE COMMITTEE

1 shall ~~be reported~~ REPORT ITS RECEIPT ON A CAMPAIGN STATEMENT as  
2 interest. ~~Interest~~ A COMMITTEE SHALL REPORT INTEREST paid by  
3 ~~a~~ THE committee ~~shall be reported~~ ON A CAMPAIGN STATEMENT as  
4 an expenditure.

5 (2) A COMMITTEE SHALL REPORT A loan with an outstanding bal-  
6 ance made or received ~~shall be set forth~~ in a separate schedule  
7 TO THE CAMPAIGN STATEMENT providing the date and amount of the  
8 loan, the date and amount of each payment, the amount of cumula-  
9 tive payments, the amount of the outstanding balance, and whether  
10 the loan payments were made by money, services, property, or  
11 other means. The committee shall provide the name and address of  
12 the lender and each person who is liable directly, indirectly, or  
13 contingently on each loan. ~~of \$20.01 or more.~~ The COMMITTEE  
14 SHALL PROVIDE THE occupation and employer, if any, of the lender  
15 and EACH person ~~shall be stated~~ if the loan is ~~\$200.01 or~~ FOR  
16 more THAN \$100.00. If a loan is paid off within a reporting  
17 period, this activity need not be reported on a separate schedule  
18 TO THE CAMPAIGN STATEMENT. However, if a loan is forgiven, ~~it~~  
19 THE COMMITTEE shall ~~be detailed~~ DETAIL THAT FACT on a separate  
20 schedule TO THE CAMPAIGN STATEMENT.

21 (3) Accompanying a campaign statement reporting the receipt  
22 of a contribution ~~of \$20.01 or more~~ from a person whose trea-  
23 surer does not reside in, whose principal office is not located  
24 in, or whose funds are not kept in this state, shall be a state-  
25 ment certified as true and correct by an officer of the contrib-  
26 uting person setting forth the full name, address, along with the  
27 amount contributed, of each person who contributed ~~\$20.01 or~~

1 ~~more~~ TO THE TOTAL AMOUNT of the contribution. The occupation,  
2 employer, and principal place of business shall be stated for  
3 each person who contributed ~~-\$200.01 or~~ more THAN \$100.00. This  
4 subsection does not apply if the contributing person is regis-  
5 tered as a committee under section 24.

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

8 (a) The full name of each person from whom contributions  
9 ~~totaling \$20.01 or more in value~~ are received in a calendar  
10 year, the amount, and the date or dates contributed; and, if the  
11 person is a committee, the name and address of the committee and  
12 the full name of the committee treasurer, together with the  
13 amount of the contribution and the date received. The occupa-  
14 tion, employer, and principal place of business, if any, shall be  
15 listed for each person from whom contributions totaling ~~-\$200.01~~  
16 ~~or~~ more THAN \$100.00 are received in a calendar year.

17 (b) Accompanying a campaign statement reporting the receipt  
18 of a contribution ~~of \$20.01 or more~~ from a committee or person,  
19 whose treasurer does not reside in, whose principal office is not  
20 located in, or whose funds are not kept in this state, and whose  
21 committee has not filed a statement of organization as required  
22 in section 24, shall be a statement setting forth the full name  
23 and address of the treasurer of the committee.

24 (c) An itemized list of all expenditures, including in-kind  
25 contributions and expenditures and loans, made during the period  
26 covered by the campaign statement that were contributions to a  
27 candidate committee of a candidate for elective office or a



1 ballot question committee; or independent expenditures in support  
2 of the qualification, passage, or defeat of a ballot question or  
3 in support of the nomination or election of a candidate for elec-  
4 tive office or the defeat of any of the candidate's opponents.

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

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

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

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

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

1 the amount, date, and purpose of the expenditure; and the full  
 2 name and address of the person to whom the expenditure was made.

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

7 Sec. 32. ~~(1)~~ A COMMITTEE SHALL REPORT A late Contribution  
 8 ~~shall be reported~~ by filing with the filing ~~officer~~ OFFICIAL  
 9 within 48 hours after ~~its~~ receipt OF THE LATE CONTRIBUTION the  
 10 full name, street address, occupation, employer, and principal  
 11 place of business of the contributor. ~~Filing of~~ THE COMMITTEE  
 12 MAY FILE a report of late contributions ~~may be~~ by any written  
 13 means of communication and need not contain an original  
 14 signature. ~~A~~ THE COMMITTEE SHALL REPORT A late contribution  
 15 ~~shall be reported~~ on subsequent campaign statements without  
 16 regard to reports filed pursuant to this section. If a campaign  
 17 statement has not been filed, a COMMITTEE MAY REPORT A late  
 18 contribution, ~~may be reported,~~ if practicable, in the campaign  
 19 statement and need not ~~, therefore, be reported~~ REPORT THE LATE  
 20 CONTRIBUTION in a subsequent campaign statement.

21 ~~(2) As used in this section "late contribution" means a~~  
 22 ~~contribution of \$200.00 or more received after the closing date~~  
 23 ~~of the last campaign statement required to be filed before an~~  
 24 ~~election.~~

25 Sec. 33. (1) A committee, other than an independent commit-  
 26 tee or a political committee required to file with the secretary  
 27 of state, supporting or opposing a candidate shall file campaign

1 statements as required by this act according to the following  
2 schedule:

3 (a) A preelection campaign statement shall be filed not  
4 later than the eleventh day before an election. The closing date  
5 for a campaign statement filed under this subdivision ~~shall be~~  
6 IS the sixteenth day before the election.

7 (b) A postelection campaign statement shall be filed not  
8 later than the thirtieth day following the election. The closing  
9 date for a campaign statement filed under this subdivision ~~shall~~  
10 ~~be~~ IS the twentieth day following the election. A committee  
11 supporting a candidate who loses the primary election shall file  
12 closing campaign statements ~~in accordance with~~ PURSUANT TO this  
13 section. If all liabilities of such a candidate or committee are  
14 paid before the closing date and additional contributions are not  
15 expected, the campaign statement may be filed at any time after  
16 the election, but not later than the thirtieth day following the  
17 election.

18 (2) For the purposes of subsection (1), THE FOLLOWING  
19 APPLY:

20 (a) A candidate committee shall file a preelection campaign  
21 statement and a postelection campaign statement for each election  
22 in which the candidate seeks nomination or election, except if an  
23 individual becomes a candidate after the closing date for the  
24 preelection campaign statement only the postelection campaign  
25 statement is required for that election.

26 (b) A committee other than a candidate committee shall file  
27 a campaign statement for each period during which expenditures

1 are made for the purpose of influencing the nomination or  
2 election of a candidate or for the qualification, passage, or  
3 defeat of a ballot question.

4 (3) An independent committee or a political committee  
5 required to file with the secretary of state shall file campaign  
6 statements as required by this act according to the following  
7 schedule:

8 (a) In an odd numbered year:

9 (i) Not later than January 31 of that year with a closing  
10 date of December 31 of the previous year.

11 (ii) Not later than July 25 with a closing date of July 20.

12 (iii) Not later than October 25 with a closing date of  
13 October 20.

14 (b) In an even numbered year:

15 (i) Not later than April 25 of that year with a closing date  
16 of April 20 of that year.

17 (ii) Not later than July 25 with a closing date of July 20.

18 (iii) Not later than October 25 with a closing date of  
19 October 20.

20 (4) Notwithstanding subsection (3) or section 51, if an  
21 independent expenditure is made within 45 days before a special  
22 election by an independent committee or a political committee  
23 required to file a campaign statement with the secretary of  
24 state, THE COMMITTEE SHALL FILE a report of the INDEPENDENT  
25 expenditure ~~shall be filed by the committee~~ with the secretary  
26 of state within 48 hours after the expenditure. The report shall  
27 be made on a form provided by the secretary of state and shall

1 include the date of the independent expenditure, the amount of  
2 the expenditure, a brief description of the nature of the expen-  
3 diture, and the name and address of the person to whom the expen-  
4 diture was paid. The brief description of the INDEPENDENT expen-  
5 diture shall include either the name of the candidate and the  
6 office sought by the candidate or the name of the ballot question  
7 and shall state whether the expenditure supports or opposes the  
8 candidate or ballot question. This subsection does not apply if  
9 the committee is required to report the independent expenditure  
10 in a campaign statement that is required to be filed before the  
11 date of the election for which the expenditure was made.

12 (5) A candidate committee or a committee other than a candi-  
13 date committee ~~which~~ THAT files a written statement under sec-  
14 tion 24(5) or (6) need not file a campaign statement under sub-  
15 section (1) or (3) unless it received or expended an amount in  
16 excess of \$1,000.00. If the committee receives or expends an  
17 amount in excess of \$1,000.00 during a period covered by a  
18 filing, the committee is then subject to the campaign filing  
19 requirements under this act.

20 (6) A committee, candidate, treasurer, or other individual  
21 designated as responsible for the committee's record keeping,  
22 report preparation, or report filing who fails to file a state-  
23 ment as required by this section shall pay a late filing fee of  
24 ~~\$25.00~~ \$250.00 for each business day the statement remains  
25 unfiled. ~~The late filing fee shall not exceed \$500.00.~~ If a  
26 candidate, treasurer, or other individual designated as  
27 responsible for the committee's record keeping, report

1 preparation, or report filing fails to file 2 statements required  
2 by this section or section 35 and both of the statements remain  
3 unfiled for more than 30 days, that candidate, treasurer, or  
4 other designated individual is guilty of a misdemeanor, punish-  
5 able by a fine of not more than \$1,000.00, or imprisonment for  
6 not more than 90 days, or both.

7 (7) If a candidate subject to this section is found guilty,  
8 the circuit court for that county, on application by the  
9 ~~attorney general~~ SECRETARY OF STATE or the prosecuting attorney  
10 of that county, may prohibit that candidate from assuming the  
11 duties of a public office or from receiving compensation from  
12 public funds, or both.

13 (8) If a treasurer or other individual designated as respon-  
14 sible for a committee's record keeping, report preparation, or  
15 report filing knowingly files an incomplete or inaccurate state-  
16 ment or report required by this section, that treasurer or other  
17 designated individual is subject to a civil fine of not more than  
18 \$1,000.00.

19 Sec. 36. (1) A ~~copy of the campaign statement of candi-~~  
20 date ~~committees~~ COMMITTEE for a state elective office or a  
21 judicial office shall ~~be filed~~ FILE A COPY OF THE CAMPAIGN  
22 STATEMENT REQUIRED UNDER THIS ACT with the secretary of state.  
23 ~~who~~ THE SECRETARY OF STATE shall reproduce the copy and  
24 transmit the reproduction to the clerk of the county of residence  
25 of the candidate. ~~A copy of the campaign statement of candidate~~  
26 ~~committees of candidates for all other offices shall be filed~~  
27 ~~with the clerk of the county of residence of the candidate.~~

1       (2) A ~~copy of the campaign statement of a~~ ballot question  
2 committee supporting or opposing a statewide ballot question  
3 shall ~~be filed~~ FILE A COPY OF THE CAMPAIGN STATEMENT REQUIRED  
4 UNDER THIS ACT with the secretary of state and with the clerk of  
5 the most populous county in the state. A ballot question commit-  
6 tee supporting or opposing a ballot question to be voted upon in  
7 more than 1 county, but not statewide, shall file A COPY OF THE  
8 CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT with the clerk of the  
9 county in which the greatest number of registered voters eligible  
10 to vote on the ballot question reside. A ballot question commit-  
11 tee supporting or opposing a ballot question to be voted upon  
12 within a single county shall file a COPY OF THE CAMPAIGN state-  
13 ment REQUIRED UNDER THIS ACT only with the clerk of that county.

14       (3) A ~~copy of the campaign statement of a~~ political party  
15 committee shall ~~be filed~~ FILE A COPY OF THE CAMPAIGN STATEMENT  
16 REQUIRED UNDER THIS ACT with the secretary of state. The secre-  
17 tary of state shall reproduce a copy of the campaign statement of  
18 a political party committee that is a county committee and file  
19 the copy with the clerk of the county where the county committee  
20 operates.

21       (4) A ~~copy of a campaign statement of a~~ committee support-  
22 ing or opposing a candidate for ~~the~~ LOCAL ELECTIVE office, ~~of~~  
23 ~~school board, where~~ IF the office is to be voted on in more than  
24 1 county but not statewide, shall ~~be filed~~ FILE A SUFFICIENT  
25 NUMBER OF COPIES OF THE CAMPAIGN STATEMENT REQUIRED UNDER THIS  
26 ACT with the ~~clerk of the county in which the greatest number of~~  
27 ~~registered voters eligible to vote on the office reside~~

1 SECRETARY OF STATE. THE SECRETARY OF STATE SHALL TRANSMIT 1 COPY  
2 OF THE CAMPAIGN STATEMENT TO THE COUNTY CLERK OF EACH COUNTY IN  
3 WHICH THE OFFICE IS TO BE VOTED ON AND 1 COPY OF THE CAMPAIGN  
4 STATEMENT TO EACH LOCAL UNIT OF GOVERNMENT IN WHICH THE OFFICE IS  
5 TO BE VOTED ON. A COMMITTEE SUPPORTING OR OPPOSING A CANDIDATE  
6 FOR LOCAL ELECTIVE OFFICE, IF THE OFFICE IS TO BE VOTED ON IN  
7 ONLY 1 COUNTY, SHALL FILE A SUFFICIENT NUMBER OF COPIES OF THE  
8 CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT WITH THE CLERK OF THAT  
9 COUNTY. THE COUNTY CLERK SHALL TRANSMIT 1 COPY OF THE CAMPAIGN  
10 STATEMENT TO EACH LOCAL UNIT OF GOVERNMENT IN WHICH THE OFFICE IS  
11 TO BE VOTED ON.

12 (5) A ~~copy of the campaign statement of any other~~ commit-  
13 tee not covered under subsection (1), (2), (3), or (4) shall ~~be~~  
14 ~~filed~~ FILE A COPY OF THE CAMPAIGN STATEMENT REQUIRED UNDER THIS  
15 ACT with the secretary of state, except that a committee report-  
16 ing contributions or expenditures for a candidate within only 1  
17 county shall file a statement only with the clerk of that  
18 county.

19 (6) A LOCAL UNIT OF GOVERNMENT THAT RECEIVES COPIES OF CAM-  
20 PAIGN STATEMENTS UNDER THIS SECTION SHALL MAKE THE STATEMENTS  
21 AVAILABLE FOR PUBLIC INSPECTION AND REPRODUCTION DURING REGULAR  
22 BUSINESS HOURS OF THE LOCAL UNIT OF GOVERNMENT. THE LOCAL UNIT  
23 OF GOVERNMENT SHALL MAKE THE STATEMENTS AVAILABLE AS SOON AS  
24 PRACTICABLE AFTER RECEIPT, BUT NOT LATER THAN THE THIRD BUSINESS  
25 DAY FOLLOWING THE DAY ON WHICH THEY ARE RECEIVED.

26 (7) A CANDIDATE WHO FAILS TO FILE OR WHOSE COMMITTEE FAILS  
27 TO FILE A SUFFICIENT NUMBER OF COPIES OF A CAMPAIGN STATEMENT



1 UNDER SUBSECTION (4) IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN  
2 \$100.00 FOR EACH VIOLATION.

3 SEC. 39. (1) AN INDEPENDENT OR POLITICAL COMMITTEE SHALL  
4 NOT ACCEPT A CONTRIBUTION FROM AN INDIVIDUAL ON AN AUTOMATIC OR  
5 PASSIVE BASIS UNLESS THAT INDIVIDUAL FIRST ACTIVELY INDICATES, IN  
6 WRITING, THE DESIRE TO MAKE THAT CONTRIBUTION. THE COMMITTEE  
7 SHALL NOT ACCEPT CONTRIBUTIONS BASED UPON AN ACTIVE INDICATION BY  
8 THAT INDIVIDUAL FOR MORE THAN 12 MONTHS AFTER THE ACTIVE INDICA-  
9 TION IS MADE.

10 (2) AN INDEPENDENT COMMITTEE, POLITICAL COMMITTEE, AND  
11 POLITICAL PARTY COMMITTEE SHALL ANNUALLY PROVIDE A NOTICE TO ALL  
12 CONTRIBUTORS TO THE COMMITTEE. THE COMMITTEE SHALL FILE A COPY  
13 OF THE NOTICE WITH THE SECRETARY OF STATE. THE NOTICE SHALL CON-  
14 TAIN ALL OF THE FOLLOWING:

15 (A) THE NAME OF THE COMMITTEE.

16 (B) AN ITEMIZED AND CUMULATIVE LIST OF ALL CONTRIBUTIONS  
17 RECEIVED BY THE COMMITTEE FOR THE 12-MONTH PERIOD COVERED BY THE  
18 NOTICE.

19 (C) AN ITEMIZED AND CUMULATIVE LIST OF ALL DISBURSEMENTS  
20 MADE BY THE COMMITTEE INCLUDING, BUT NOT LIMITED TO, THE  
21 FOLLOWING:

22 (i) THE DATE OF EACH DISBURSEMENT.

23 (ii) THE AMOUNT OF EACH DISBURSEMENT.

24 (iii) IF THE DISBURSEMENT WAS TO A CANDIDATE COMMITTEE, THE  
25 NAME AND POLITICAL PARTY AFFILIATION OF THE CANDIDATE.

1 (iv) IF THE DISBURSEMENT WAS AN INDEPENDENT EXPENDITURE, THE  
2 DISTRICT AND OFFICE OR BALLOT QUESTION FOR WHICH THE INDEPENDENT  
3 EXPENDITURE WAS MADE.

4 (v) THE NATURE OF EACH ADMINISTRATIVE EXPENDITURE.

5 (vi) THE NATURE AND EXPLANATION OF ALL OTHER DISBURSEMENTS  
6 NOT PREVIOUSLY LISTED IN THIS SUBDIVISION.

7 (D) ANY OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS  
8 NECESSARY.

9 Sec. 41. (1) A person shall not make or accept ~~any~~ A  
10 single contribution of ~~\$20.01 or~~ more THAN \$20.00 in cash ~~nor~~  
11 OR make or accept ~~any~~ A single expenditure of ~~\$50.01 or~~ more  
12 THAN \$50.00 in cash. ~~Contributions of \$20.01 or~~ A CONTRIBUTION  
13 OF more ~~and expenditures of \$50.01~~ THAN \$20.00 or AN EXPENDI-  
14 TURE OF more THAN \$50.00, other than an in-kind contribution or  
15 expenditure, shall be made by written instrument containing the  
16 names of the payor and the payee. ~~A person who knowingly vio-~~  
17 ~~lates this section is guilty of a misdemeanor and shall be pun-~~  
18 ~~ished by a fine of not more than \$1,000.00, or imprisoned for not~~  
19 ~~more than 90 days, or both, and if the person is other than an~~  
20 ~~individual the person shall be fined not more than \$10,000.00.~~

21 (2) A person shall not accept or expend an anonymous  
22 contribution. An anonymous contribution received by a person  
23 shall not be deposited but shall be given to a tax exempt chari-  
24 table organization. The charitable organization receiving the  
25 contribution shall provide the person with a receipt. The  
26 receipt shall be returned by an appropriate committee pursuant to  
27 section 22.

1     ~~(3) A contribution received as the result of a fund raising~~  
2 ~~event or casual services, or from the sale of political merchan-~~  
3 ~~dise that is \$20.00 or less in the aggregate from a person in any~~  
4 ~~calendar year shall not be considered an anonymous contribution.~~  
5 ~~A contribution received from membership fees, dues, or subscrip-~~  
6 ~~tions for political purposes to an independent committee or a~~  
7 ~~political party committee that is \$20.00 or less in the aggregate~~  
8 ~~from a person in any calendar year shall not be considered an~~  
9 ~~anonymous contribution.~~

10     ~~(4) A person making a contribution pursuant to subsection~~  
11 ~~(3) which is \$20.01 or more in any calendar year when added to~~  
12 ~~all other contributions made to that committee by that person~~  
13 ~~shall furnish the recipient with the donor's name, address, and~~  
14 ~~the total amount contributed.~~

15     ~~(5) A person who knowingly violates subsection (2), (3), or~~  
16 ~~(4) is guilty of a misdemeanor and shall be punished by a fine of~~  
17 ~~not more than \$1,000.00, or imprisoned for not more than 90 days,~~  
18 ~~or both.~~

19     (3) ~~(6)~~ A contribution shall not be made, directly or  
20 indirectly, by any person in a name other than the name by which  
21 that person is identified for legal purposes.

22     (4) A person who KNOWINGLY violates this ~~subsection~~  
23 ~~SECTION~~ is guilty of a misdemeanor ~~and shall be punished~~  
24 ~~PUNISHABLE~~, IF THE PERSON IS AN INDIVIDUAL, by a fine of not more  
25 than \$1,000.00 ~~—~~ or ~~imprisoned~~ IMPRISONMENT for not more than  
26 90 days, or both, ~~and~~ OR, if the person is other than an

1 individual, ~~the person shall be fined~~ BY A FINE OF not more  
2 than \$10,000.00.

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

12       (2) A contribution ~~of \$20.01 or more~~ from a person whose  
13 treasurer does not reside in, whose principal office is not  
14 located in, or whose funds are not kept in this state, shall not  
15 be accepted by a person for purposes of supporting or opposing  
16 candidates for elective office or the qualification, passage, or  
17 defeat of a ballot question unless accompanied by a statement  
18 certified as true and correct by an officer of the contributing  
19 person setting forth the full name and address along with the  
20 amount contributed, of each person who contributed ~~\$20.01 or~~  
21 ~~more~~ TO THE TOTAL AMOUNT of the contribution. The occupation,  
22 employer, and principal place of business shall be listed for  
23 each person who contributed ~~\$200.01 or~~ more THAN \$100.00 TO THE  
24 TOTAL AMOUNT of the contribution. The certified statement shall  
25 also state that the contribution was not made from an account  
26 containing funds prohibited by section 54. ~~A person who~~  
27 ~~knowingly violates this subsection is guilty of a misdemeanor~~

1 ~~punishable, if the person is an individual, by a fine of not more~~  
2 ~~than \$1,000.00, or imprisonment for not more than 90 days, or~~  
3 ~~both, or, if the person is not an individual, by a fine of not~~  
4 ~~more than \$10,000.00.~~ This subsection does not apply if the con-  
5 tributing person is registered as a committee under section 24.

6 (3) A person shall not receive a contribution from a person  
7 other than a committee unless for purposes of the recipient  
8 person's record keeping and reporting requirements, the contribu-  
9 tion is accompanied by the name and address of each person who  
10 contributed ~~\$20.01 or more~~ to the TOTAL AMOUNT OF THE contribu-  
11 tion, and the name, address, occupation, employer, and principal  
12 place of business of each person who contributed ~~\$200.01 or~~  
13 more THAN \$100.00 to the TOTAL AMOUNT OF THE contribution.

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

19 Sec. 44. (1) A contribution shall not be made by a person  
20 to another person with the agreement or arrangement that the  
21 person receiving the contribution will then transfer that contri-  
22 bution to a particular candidate committee.

23 (2) A candidate committee shall not make a contribution to  
24 or an independent expenditure in behalf of another candidate  
25 committee.

26 (3) An individual, other than a committee treasurer or the  
27 individual designated as responsible for the record keeping,

1 report preparation, or report filing for a committee, who obtains  
2 possession of ~~+~~ A committee's contribution for the purpose of  
3 delivering the contribution to another committee shall deliver  
4 the contribution to that committee, that committee's treasurer,  
5 or that committee's agent, or return the contribution to the  
6 payor, not later than 10 business days after obtaining possession  
7 of the contribution.

8 (4) Two or more persons, other than individuals, may hold a  
9 joint fund-raiser if the receipts and expenses of the fund-raiser  
10 are shared proportionately. ~~If an officeholder expense fund and~~  
11 ~~the candidate committee of that officeholder hold a joint~~  
12 ~~fund raiser, the candidate committee shall pay the expenses of~~  
13 ~~the fund raiser and all corporate money received for the~~  
14 ~~fund raiser shall be deposited in the account of the officeholder~~  
15 ~~expense fund. All noncorporate contributions shall be deposited~~  
16 ~~in a secondary depository designated to receive contributions~~  
17 ~~prior to their split between the candidate committee and office-~~  
18 ~~holder expense fund.~~

19 (5) A person who knowingly violates this section is guilty  
20 of a misdemeanor punishable, IF THE PERSON IS AN INDIVIDUAL, by a  
21 fine of not more than \$1,000.00, or imprisonment for not more  
22 than 90 days, or both, OR, IF THE PERSON IS OTHER THAN AN INDI-  
23 VIDUAL, BY A FINE OF NOT MORE THAN \$10,000.00.

24 Sec. 46. ~~At the beginning of~~ BEGINNING JANUARY 1, 1995  
25 AND every JANUARY 1 OF EACH odd-numbered year AFTER 1993, the  
26 secretary of state shall ~~recommend adjustments to and which~~  
27 ~~shall be approved by the legislature of~~ ADJUST the dollar value

1 contribution limits provided in this act, together with the  
 2 dollar value floor for reporting of the name, address, occupa-  
 3 tion, and employer, or principal place of business of persons who  
 4 make contributions pursuant to this chapter.  ~~, on the basis of~~  
 5  ~~the United States department of commerce's consumer price index~~  
 6  ~~and the number of registered voters in the state.~~ THE SECRETARY  
 7 OF STATE SHALL MAKE THE ADJUSTMENT BY COMPARING THE PERCENTAGE  
 8 INCREASE OR DECREASE IN THE DETROIT CONSUMER PRICE INDEX--ALL  
 9 ITEMS FOR THE PRECEDING NOVEMBER BY THE CORRESPONDING DETROIT  
 10 CONSUMER PRICE INDEX--ALL ITEMS 2 YEARS EARLIER. THE SECRETARY  
 11 OF STATE SHALL MULTIPLY THE RESULTANT PERCENTAGE CHANGE BY THE  
 12 AFFECTED MONETARY AMOUNTS. THE SECRETARY OF STATE SHALL ROUND  
 13 THE PRODUCT TO THE NEAREST DOLLAR AND ADD IT TO OR SUBTRACT IT  
 14 FROM THE MONETARY AMOUNTS EXISTING ON THE EFFECTIVE DATE OF THE  
 15 AMENDATORY ACT THAT ADDED THIS SENTENCE OR THOSE AMOUNTS AS PRE-  
 16 VIOUSLY ADJUSTED BY THIS SECTION, WHICHEVER OCCURS LATER. THE  
 17 ADJUSTED AMOUNTS SHALL BE THE NEW AMOUNTS FOR THE 2-YEAR PERIOD.

18       Sec. 47. (1) A billboard, placard, poster, pamphlet, or  
 19 other printed matter ~~having reference~~ THAT REFERS to an elec-  
 20 tion, a candidate, or A ballot question, shall bear upon it the  
 21 name and address of the person paying for the matter AND SHALL  
 22 COMPLY WITH SUBSECTION (3). IF THE BILLBOARD, PLACARD, POSTER,  
 23 PAMPHLET, OR OTHER PRINTED MATTER RELATING TO A CANDIDATE IS AN  
 24 INDEPENDENT EXPENDITURE THAT WAS NOT AUTHORIZED IN WRITING BY THE  
 25 CANDIDATE COMMITTEE OF THAT CANDIDATE, THE PRINTED MATTER SHALL  
 26 CONTAIN THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY THE CANDI-  
 27 DATE COMMITTEE OF .....".

(CANDIDATE'S NAME)

(2) A radio or television paid advertisement ~~having~~  
~~reference~~ THAT REFERS to an election, a candidate, or A ballot  
 question shall identify the sponsoring person as required by the  
 federal communications commission ~~AND~~ AND SUBSECTION (3) AND  
 shall bear the name of the person paying for the advertisement.  
~~and shall be in compliance with~~ THE RADIO OR TELEVISION PAID  
 ADVERTISEMENT SHALL CONTAIN 1 OF the following DISCLAIMERS:

(a) If the radio or television paid advertisement relates to  
 a candidate and is an independent expenditure: ~~the advertise-~~  
~~ment shall contain the following disclaimer:~~ "Not authorized by  
 any candidate".

(b) If the radio or television paid advertisement relates to  
 a candidate and is not an independent expenditure but is paid for  
 by a person other than the candidate to which it is related: ~~the advertisement shall contain the following disclaimer:~~  
 "Authorized by .....".  
 (name of candidate or name of candidate committee)

~~(3) If the printed matter relating to a candidate is an~~  
~~independent expenditure which was not authorized in writing by~~  
~~the candidate committee of that candidate, the printed matter~~  
~~shall contain the following disclaimer:~~ "Not authorized by the  
 candidate committee of .....".  
 (candidate's name)

(3) THE NAME AND ADDRESS OF THE PERSON PAYING FOR THE MATTER  
 UNDER SUBSECTION (1) AND THE IDENTIFICATION OF THE SPONSORING  
 PERSON UNDER SUBSECTION (2) SHALL BE READILY APPARENT TO THE  
 REASONABLE PERSON VIEWING THE MATTER OR ADVERTISEMENT. The



1 SECRETARY OF STATE SHALL PROMULGATE RULES THAT DETERMINE THE size  
2 and placement of the disclaimer. ~~shall be determined by rules~~  
3 ~~promulgated by the secretary of state.~~ The rules may exempt  
4 printed matter and certain other items such as campaign buttons  
5 or balloons, the size of which makes it unreasonable to add an  
6 identification or disclaimer, from the identification or dis-  
7 claimer required by this section.

8 (4) A person who knowingly violates this section is guilty  
9 of a misdemeanor ~~and shall be punished~~ PUNISHABLE, IF THE  
10 PERSON IS AN INDIVIDUAL, by a fine of not more than \$1,000.00 ~~—~~  
11 or ~~imprisoned~~ IMPRISONMENT for not more than 90 days, or both,  
12 OR, IF THE PERSON IS OTHER THAN AN INDIVIDUAL, BY A FINE OF NOT  
13 MORE THAN \$10,000.00.

14 Sec. 49. (1) ~~An~~ SUBJECT TO SUBSECTION (3), AN elected  
15 public official may establish an officeholder expense fund. The  
16 OFFICEHOLDER EXPENSE fund may be used for expenses incidental to  
17 the person's office. The OFFICEHOLDER EXPENSE fund ~~may~~ SHALL  
18 not be used to make contributions and expenditures to further the  
19 nomination or election of that public official.

20 (2) The contributions and expenditures made pursuant to  
21 subsection (1) are not exempt from the contribution limitations  
22 of this act, but ~~any and all~~ THE contributions and expenditures  
23 shall be recorded and shall be reported on forms provided by the  
24 secretary of state and filed not later than January 31 of each  
25 year. ~~and~~ THE REPORT shall have a closing date of January 1 of  
26 that year.

1 (3) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT  
 2 THAT ADDED THIS SENTENCE, AN ELECTED PUBLIC OFFICIAL SHALL NOT  
 3 ESTABLISH AN OFFICEHOLDER EXPENSE FUND. AN ELECTED PUBLIC OFFI-  
 4 CIAL WHO HAS AN OFFICEHOLDER EXPENSE FUND ON THE EFFECTIVE DATE  
 5 OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE SHALL NOT ACCEPT  
 6 CONTRIBUTIONS TO THE OFFICEHOLDER EXPENSE FUND ON OR AFTER THAT  
 7 DATE UNLESS THE CONTRIBUTION IS NECESSARY TO PAY A DEBT FOR  
 8 EXPENSES INCIDENTAL TO THE PERSON'S OFFICE INCURRED BY THE  
 9 OFFICEHOLDER BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
 10 ADDED THIS SENTENCE. BEFORE JANUARY 1, 1993, UNEXPENDED FUNDS IN  
 11 AN OFFICEHOLDER EXPENSE FUND SHALL BE DISBURSED IN 1 OF THE FOL-  
 12 LOWING WAYS:

13 (A) GIVEN TO A TAX-EXEMPT CHARITABLE ORGANIZATION.

14 (B) RETURNED TO THE CONTRIBUTORS OF THE OFFICEHOLDER EXPENSE  
 15 FUND.

16 (4) ~~(3)~~ A person who knowingly violates this section is  
 17 guilty of a misdemeanor, ~~and shall be punished~~ PUNISHABLE by a  
 18 fine of not more than \$1,000.00 or ~~imprisoned~~ IMPRISONMENT for  
 19 not more than 90 days, or both.

20 Sec. 52. (1) Except as provided in subsection (6), a person  
 21 other than an independent committee or a political party commit-  
 22 tee shall not make contributions to a candidate committee of a  
 23 candidate for ~~state~~ AN elective office which, with respect to  
 24 an election cycle are more than the following:

25 (a) \$3,400.00 for a candidate for state elective office,  
 26 other than the office of state legislator, OR FOR A CANDIDATE FOR

1 LOCAL ELECTIVE OFFICE IF THE DISTRICT FROM WHICH HE OR SHE IS  
2 SEEKING OFFICE HAS A POPULATION OF MORE THAN 250,000.

3 (b) \$1,000.00 for a candidate for state senator OR FOR A  
4 CANDIDATE FOR LOCAL ELECTIVE OFFICE IF THE DISTRICT FROM WHICH HE  
5 OR SHE IS SEEKING OFFICE HAS A POPULATION OF MORE THAN 85,000 BUT  
6 250,000 OR LESS.

7 (c) \$500.00 for a candidate for state representative OR FOR  
8 A CANDIDATE FOR LOCAL ELECTIVE OFFICE IF THE DISTRICT FROM WHICH  
9 HE OR SHE IS SEEKING OFFICE HAS A POPULATION OF 85,000 OR LESS.

10 ~~(2) For the purpose of subsection (1), "with respect to an~~  
11 ~~election cycle" means 1 of the following:~~

12 ~~(a) For a general election, the period beginning the day~~  
13 ~~following the last general election in which the office appeared~~  
14 ~~on the ballot and ending on the day of the next general election~~  
15 ~~in which the office next appears on the ballot.~~

16 ~~(b) For a special election, the period beginning the day a~~  
17 ~~special general election is scheduled or the date the office~~  
18 ~~becomes vacant, whichever is earlier, and ending on the day of~~  
19 ~~the special general election.~~

20 (2) ~~(3)~~ An independent committee shall not make contribu-  
21 tions to a candidate committee of a candidate for ~~state~~ elec-  
22 tive office ~~which~~ THAT, in the aggregate for that election  
23 cycle, are more than 10 times the amount permitted a person other  
24 than an independent committee or political party committee in  
25 subsection (1).

26 (3) ~~(4)~~ A political party committee other than a state  
27 central committee shall not make contributions to the candidate

1 committee of a candidate for ~~state~~ elective office ~~which~~ THAT  
 2 are more than 10 times the amount permitted a person other than  
 3 an independent committee or political party committee in subsec-  
 4 tion (1).

5 (4) ~~(5)~~ A state central committee of a political party  
 6 shall not make contributions to the candidate committee of a can-  
 7 didate for ~~state~~ elective office other than ~~candidates~~ A  
 8 CANDIDATE for the legislature ~~which~~ THAT are more than 20 times  
 9 the amount permitted a person other than an independent committee  
 10 or political party committee in subsection (1). A state central  
 11 committee of a political party shall not make contributions to  
 12 the candidate committee of a candidate for state senator or state  
 13 representative ~~which~~ THAT are more than 10 times the amount  
 14 permitted a person other than an independent committee or politi-  
 15 cal party committee in subsection (1).

16 (5) ~~(6)~~ A contribution from a member of a candidate's  
 17 immediate family to the candidate committee of that candidate is  
 18 exempt from the limitations of subsection (1).

19 (6) ~~(7)~~ Consistent with the provisions of this section, a  
 20 contribution designated in writing for a particular election  
 21 cycle shall be considered made for that election cycle. A con-  
 22 tribution made after the close of a particular election cycle and  
 23 designated in writing for that election cycle shall be made only  
 24 to the extent that the contribution does not exceed the candidate  
 25 committee's net outstanding debts and obligations from the elec-  
 26 tion cycle so designated. If a contribution is not designated in  
 27 writing for a particular election cycle, the contribution shall

1 be considered made for the election cycle that corresponds to the  
2 date of the written instrument.

3 (7) ~~(8)~~ A candidate committee, a candidate, or a treasurer  
4 or agent of a candidate committee shall not accept a contribution  
5 with respect to an election cycle that exceeds the limitations in  
6 subsection (1), (2), (3), OR (4). ~~, or (5).~~

7 (8) ~~(9)~~ For the purposes of this act, a contribution made  
8 or received before ~~the effective date of the amendatory act that~~  
9 ~~added this subsection shall be~~ JUNE 21, 1989 IS considered to be  
10 made with respect to an election cycle.

11 (9) ~~(10)~~ A person who knowingly violates this section is  
12 guilty of a misdemeanor punishable, if the person is an individu-  
13 al, by a fine of not more than \$1,000.00 ~~—~~ or imprisonment for  
14 not more than 90 days, or both, or, if the person is not an indi-  
15 vidual, by a fine of not more than \$10,000.00.

16 Sec. 62. (1) ~~Only a~~ A candidate who ~~established~~  
17 ESTABLISHES a single candidate committee ~~which submitted~~ THAT  
18 SUBMITS a statement of organization according to procedures  
19 established by ~~law~~ THIS ACT may receive ~~moneys under this act~~  
20 MONEY FROM THE STATE CAMPAIGN FUND. ~~Moneys~~ A CANDIDATE SHALL  
21 SPEND MONEY received ~~by a candidate pursuant to this act shall~~  
22 ~~be spent~~ FROM THE STATE CAMPAIGN FUND only through the candidate  
23 committee and ~~shall be reported by~~ the candidate committee  
24 SHALL REPORT THE RECEIPT AND EXPENDITURE OF STATE CAMPAIGN FUND  
25 MONEY according to procedures established by ~~law~~ THIS ACT.

26 (2) If a candidate desires to receive ~~moneys~~ MONEY from  
27 the state campaign fund, the candidate shall file a statement of

1 organization indicating the intent to seek qualifying  
2 contributions or to make ~~qualifying~~ QUALIFIED CAMPAIGN  
3 expenditures. ~~Contributions~~ A CONTRIBUTION received or  
4 ~~expenditures~~ AN EXPENDITURE made before the filing of a state-  
5 ment of organization for the office of governor shall not be con-  
6 sidered ~~as~~ a qualifying contribution OR QUALIFIED CAMPAIGN  
7 EXPENDITURE. A CANDIDATE WHO FILES A STATEMENT OF ORGANIZATION  
8 INDICATING HIS OR HER INTENT UNDER THIS SUBSECTION SHALL NOT  
9 ACCEPT A CONTRIBUTION FROM AN INDEPENDENT COMMITTEE OR POLITICAL  
10 COMMITTEE.

11 (3) A candidate who does not apply for ~~moneys~~ MONEY from  
12 the state campaign fund is not subject to sections 61 to 71.

13 Sec. 66. (1) A candidate may only apply the funds received  
14 ~~under this act~~ FROM THE STATE CAMPAIGN FUND against qualified  
15 campaign expenditures.

16 ~~(2) As used in this section, "qualified campaign~~  
17 ~~expenditure" means an expenditure for services, materials, facil-~~  
18 ~~ities, or other things of value by the candidate committee to~~  
19 ~~further the candidate's nomination or election to office during~~  
20 ~~the year in which the primary or general election in which the~~  
21 ~~candidate seeks nomination or election is held. Qualified cam-~~  
22 ~~paign expenditure does not include:~~

23 ~~(a) An expenditure in violation of any law of the United~~  
24 ~~States or of this state.~~

25 ~~(b) A payment made to the candidate or a relative within the~~  
26 ~~third degree of consanguinity of the candidate, or to a business~~  
27 ~~with which the candidate or the relative is associated.~~

1 ~~(c) A payment to the extent clearly in excess of the fair~~  
2 ~~market value of services, materials, facilities, or other things~~  
3 ~~of value received in exchange.~~

4 ~~(d) That portion of any salary or wage to an individual in~~  
5 ~~excess of \$5,000.00 per month.~~

6 ~~(e) Payment from petty cash.~~

7 ~~(f) Gifts, except brochures, buttons, signs, and other~~  
8 ~~printed campaign material.~~

9 ~~(g) Payment to a defense fund.~~

10 ~~(h) Expenditures made for the solicitation of contributions~~  
11 ~~which are exempted from the candidate's expenditure limits under~~  
12 ~~section 67(2).~~

13 (2) ~~(3)~~ A candidate shall keep ~~those~~ THE funds received  
14 ~~under this act~~ FROM THE STATE CAMPAIGN FUND in a separate  
15 account. The candidate's qualified CAMPAIGN expenditures may be  
16 paid from this account unless the account does not have a  
17 balance. An unexpended balance in this account shall be refunded  
18 and credited to the general fund within 60 days after the elec-  
19 tion for which the funds were received. Payment received from  
20 the state campaign fund for expenditures in 1 election shall not  
21 be used for expenditures in a subsequent election.

22 (3) ~~(4)~~ A person who knowingly violates this section is  
23 guilty of a felony punishable, if the person is an individual, by  
24 a fine of not more than \$2,000.00, or imprisonment for not more  
25 than 3 years, or both, or, if the person not an individual, by a  
26 fine of not more than \$10,000.00.

1        Sec. 67. (1) ~~Expenditures made by a~~ A candidate AND HIS  
2 OR HER CANDIDATE committee SHALL NOT MAKE EXPENDITURES to further  
3 the nomination or election of ~~a~~ THE candidate ~~may not~~ THAT  
4 exceed \$1,500,000.00 in the aggregate for 1 election.

5        (2) Expenditures made by a candidate committee for the  
6 solicitation of contributions ~~which expenditures~~ THAT are not  
7 more than 20% of the candidate committee's expenditure limit des-  
8 ignated in subsection (1) shall not be considered as expenditures  
9 for the purposes of the expenditure limitations set forth in sub-  
10 section (1). EXPENDITURES MADE BY A CANDIDATE COMMITTEE FOR  
11 INCIDENTAL EXPENSES UNDER SECTION 21A SHALL NOT BE CONSIDERED AS  
12 EXPENDITURES FOR THE PURPOSES OF THE EXPENDITURE LIMITATIONS SET  
13 FORTH IN SUBSECTION (1).

14        (3) An expenditure by a candidate committee to purchase  
15 space in a newspaper or other periodical or time on radio or  
16 television for the purpose of responding to an editorial in the  
17 same newspaper or periodical or on the same station or channel  
18 ~~which~~ THAT was unfavorable to the committee's candidate or  
19 ~~which indorsed~~ THAT ENDORSED the candidate's opponent shall not  
20 be considered an expenditure for the purposes of the expenditure  
21 limitations set forth in subsection (1). This subsection only  
22 applies to 1 response made to a particular editorial, unfavorable  
23 report, or endorsement of an opponent and shall not apply unless  
24 the candidate is refused free space or time in which to answer.

25        (4) A person who knowingly violates subsection (1) is guilty  
26 of a misdemeanor punishable by a fine of not more than \$1,000.00  
27 ~~—~~ or imprisonment for not more than 90 days, or both.



1 (5) If a person who is subject to this section is found  
2 guilty, the circuit court of that county, on application by the  
3 ~~attorney general~~ SECRETARY OF STATE, may prohibit that person  
4 from assuming the duties of a public office or from receiving  
5 compensation from public funds, or both.

6 Sec. 68. (1) A PERSON SHALL NOT INCUR A debt for goods,  
7 services, materials, facilities, or anything of value in further-  
8 ance of, or in opposition to, the nomination for, or election to,  
9 office of a candidate ~~shall not be incurred by a person which~~  
10 THAT, when paid, will cause the expenditures of that candidate or  
11 person to exceed any limit imposed by this act. A person who  
12 knowingly violates this subsection is guilty of a misdemeanor  
13 ~~and shall be punished~~ PUNISHABLE by a fine of not more than  
14 \$1,000.00 ~~or imprisoned~~ IMPRISONMENT for not more than 90  
15 days, or both.

16 (2) If a person who is subject to this section is found  
17 guilty, the circuit court of that county, on application by the  
18 ~~attorney general~~ SECRETARY OF STATE, may prohibit that person  
19 from assuming the duties of a public office or from receiving  
20 compensation from public funds, or both.

21 Sec. 69. (1) Except as provided in subsection (6), a person  
22 other than an independent committee or a political party commit-  
23 tee shall not make contributions to a candidate committee of a  
24 candidate ~~which~~ THAT are more than \$3,400.00 in value for an  
25 election cycle.

26 (2) An independent committee shall not make contributions to  
27 a candidate committee ~~which,~~ THAT for ~~that~~ AN election cycle

1 are more than 10 times the amount permitted a person other than  
2 an independent committee or political party committee in subsec-  
3 tion (1).

4 (3) A political party committee that is a state central com-  
5 mittee shall not make contributions to a candidate committee  
6 ~~which~~ THAT for an election cycle are more than \$750,000.00.

7 (4) A political party committee that is a congressional dis-  
8 trict or county committee shall not make contributions to a can-  
9 didate committee ~~which~~ THAT for an election cycle are more than  
10 \$30,000.00.

11 (5) A candidate committee, a candidate, or a treasurer or  
12 agent shall not accept a contribution with respect to an election  
13 cycle that exceeds a limitation in subsections (1) to (4).

14 (6) As used in this subsection, "immediate family" means a  
15 spouse, parent, brother, sister, son, or daughter. A candidate  
16 and members of that candidate's immediate family may not contrib-  
17 ute in total to that person's candidate committee an amount  
18 ~~which~~ THAT is more than \$50,000.00 in value for an election  
19 cycle.

20 (7) ~~Section 52(2) and 52(7)~~ SECTIONS 5(2) AND 52(6) apply  
21 to determining when an election cycle begins and ends and to  
22 which election cycle a particular contribution shall be  
23 attributed.

24 (8) The candidate committee of a candidate for governor that  
25 does not make application for FUNDS FROM THE state campaign  
26 ~~funds~~ FUND and that accepts from the candidate and the  
27 candidate's immediate family contributions that total for an

1 election cycle more than \$340,000.00 shall notify the secretary  
2 of state in writing within 48 hours after receipt of this  
3 amount. Within 2 business days after receipt of this notice, the  
4 secretary of state shall send notice to all candidates who are  
5 either seeking the same nomination, in the case of a primary  
6 election, or election to that same office, in the case of a gen-  
7 eral election, informing those candidate committees of all of the  
8 following:

9 (a) That the expenditure limits provided in section 67 are  
10 waived for the remainder of that election for those notified can-  
11 didate committees that receive FUNDS FROM THE state campaign  
12 ~~funds~~ FUND under this act.

13 (b) That the expenditure limits of section 67 are not waived  
14 for the purpose of determining the amount of public funds avail-  
15 able to a candidate under section 64 or 65.

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