

HOUSE BILL No. 4975

July 23, 1993, Introduced by Reps. Berman, Jondahl, Brown, Pitoniak, Anthony, Gagliardi, Dobronski and Kilpatrick and referred to the Committee on House Oversight and Ethics.

A bill to amend the title and sections 5, 7, 8, 9, 12, 45, 52, 61, 62, 63, 64, 65, 66, 67, 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 8, 52, 61, 64, 66, 67, and 69 as amended by Act No. 95 of the Public Acts of 1989, and section 65 as amended by Act No. 204 of the Public Acts of 1980, being sections 169.205, 169.207, 169.208, 169.209, 169.212, 169.245, 169.252, 169.261, 169.262, 169.263, 169.264, 169.265, 169.266, 169.267, and 169.269 of the Michigan Compiled Laws; and to add sections 72, 73, 74, 75, 76, 77, 78, and 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 5, 7, 8, 9, 12, 45, 52,
2 61, 62, 63, 64, 65, 66, 67, and 69 of Act No. 388 of the Public

1 Acts of 1976, section 5 as amended by Act No. 7 of the Public
 2 Acts of 1992, sections 8, 52, 61, 64, 66, 67, and 69 as amended
 3 by Act No. 95 of the Public Acts of 1989, and section 65 as
 4 amended by Act No. 204 of the Public Acts of 1980, being
 5 sections 169.205, 169.207, 169.208, 169.209, 169.212, 169.245,
 6 169.252, 169.261, 169.262, 169.263, 169.264, 169.265, 169.266,
 7 169.267, and 169.269 of the Michigan Compiled Laws, are amended
 8 and sections 72, 73, 74, 75, 76, 77, 78, and 79 are added to read
 9 as follows:

10

TITLE

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

24 Sec. 5. (1) "Election" means a primary, general, special,
 25 or millage election held in this state or a convention or caucus
 26 of a political party held in this state to nominate a candidate.
 27 Election includes AN ELECTION HELD FOR a recall vote.

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

2 (A) FOR A GENERAL ELECTION, THE PERIOD BEGINNING THE DAY
3 FOLLOWING THE LAST GENERAL ELECTION IN WHICH THE OFFICE APPEARED
4 ON THE BALLOT AND ENDING ON THE DAY OF THE GENERAL ELECTION IN
5 WHICH THE OFFICE NEXT APPEARS ON THE BALLOT.

6 (B) FOR A SPECIAL ELECTION, THE PERIOD BEGINNING THE DAY A
7 SPECIAL GENERAL ELECTION IS SCHEDULED OR THE DATE THE OFFICE
8 BECOMES VACANT, WHICHEVER IS EARLIER, AND ENDING ON THE DAY OF
9 THE SPECIAL GENERAL ELECTION.

10 (3) ~~(2)~~ "Elective office" means a public office filled by
11 an election, except for federal offices. A person who is
12 appointed to fill a vacancy in a public office that is ordinarily
13 elective holds an elective office. Elective office does not
14 include the office of precinct delegate. Except for the purposes
15 of sections 47, 54, and 55, elective office does not include a
16 school board member in a school district that has a pupil member-
17 ship of 2,400 or less enrolled on the most recent pupil member-
18 ship count day. However, elective office includes a school board
19 member in a school district that has a pupil membership of 2,400
20 or less, if a candidate committee of a candidate for the office
21 of school board member in that school district receives an amount
22 in excess of \$1,000.00 or expends an amount in excess of
23 \$1,000.00.

24 (4) "ELIGIBLE CANDIDATE FOR GOVERNOR" MEANS A CANDIDATE FOR
25 THE OFFICE OF GOVERNOR WHO IS ELIGIBLE TO RECEIVE MONEY FROM THE
26 GUBERNATORIAL CAMPAIGN FUND PURSUANT TO THIS ACT.

1 (5) "ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE" MEANS A
2 CANDIDATE FOR THE OFFICE OF STATE REPRESENTATIVE OR STATE SENATOR
3 WHO IS ELIGIBLE TO RECEIVE MONEY FROM THE LEGISLATIVE CAMPAIGN
4 FUND PURSUANT TO THIS ACT.

5 Sec. 7. (1) "Filed" means the receipt by the appropriate
6 filing official of a statement or report required to be filed
7 under this act.

8 (2) "Filer" means a person required to file a statement or
9 report pursuant to this act.

10 (3) "Filing official" means the official designated pursuant
11 to this act to receive required statements and reports.

12 (4) "Fund raising event" means an event such as a dinner,
13 reception, testimonial, rally, auction, bingo, or similar affair
14 through which contributions are solicited or received by purchase
15 of a ticket, payment of an attendance fee, donations or chances
16 for prizes, or through purchase of goods or services.

17 (5) "Gift" means a payment, subscription, advance, forbear-
18 ance, rendering, or deposit of money, services, or anything of
19 value, unless consideration of equal or greater value is given
20 ~~therefor~~ IN EXCHANGE.

21 (6) "GUBERNATORIAL CAMPAIGN FUND" MEANS THE GUBERNATORIAL
22 CAMPAIGN FUND CREATED BY SECTION 61.

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) "Independent expenditure" means an expenditure
23 ~~as defined in section 6~~ by a person if the expenditure is not
24 made at the direction of, or under the control of, another person
25 and if the expenditure is not a contribution to a committee.

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

4 (3) "LEGISLATIVE CAMPAIGN FUND" MEANS THE LEGISLATIVE CAM-
5 PAIGN FUND CREATED BY SECTION 72.

6 (4) ~~(3)~~ "Loan" means a transfer of money, property, or
7 anything of ascertainable monetary value in exchange for an
8 obligation, conditional or not, to repay in whole or part.

9 Sec. 12. (1) "QUALIFIED CAMPAIGN EXPENDITURE" MEANS AN
10 EXPENDITURE FOR SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS
11 OF VALUE BY THE CANDIDATE COMMITTEE TO FURTHER THE CANDIDATE'S
12 NOMINATION OR ELECTION TO OFFICE DURING THE YEAR IN WHICH THE
13 PRIMARY, SPECIAL, OR GENERAL ELECTION IN WHICH THE CANDIDATE
14 SEEKS NOMINATION OR ELECTION IS HELD. QUALIFIED CAMPAIGN EXPEN-
15 DITURE DOES NOT INCLUDE:

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

18 (B) A PAYMENT MADE TO AN ELIGIBLE CANDIDATE FOR GOVERNOR OR
19 AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE, TO A RELATIVE
20 WITHIN THE THIRD DEGREE OF CONSANGUINITY OF THE ELIGIBLE CANDI-
21 DATE, OR TO A BUSINESS WITH WHICH THE ELIGIBLE CANDIDATE OR THE
22 RELATIVE IS ASSOCIATED.

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

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

1 (E) PAYMENT FROM PETTY CASH.

2 (F) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, AND OTHER
3 PRINTED CAMPAIGN MATERIAL.

4 (G) PAYMENT TO A DEFENSE FUND.

5 (H) EXPENDITURES MADE FOR THE SOLICITATION OF CONTRIBUTIONS
6 THAT ARE EXEMPTED FROM THE EXPENDITURE LIMITS UNDER SECTION 67(2)
7 OR SECTION 78(2).

8 (2) ~~(1) "Qualifying"~~ "QUALIFIED contribution" means a con-
9 tribution of money made by a written instrument by a person other
10 than the candidate or the candidate's immediate family, to the
11 candidate committee of a candidate for the office of governor
12 ~~which~~ OR A CANDIDATE FOR LEGISLATIVE OFFICE THAT is \$100.00 or
13 less and made after April 1 of the year preceding a year in which
14 a ~~governor~~ PERSON is to be elected TO THAT OFFICE. Not more
15 than \$100.00 of a person's total aggregate contribution may be
16 used as a ~~qualifying~~ QUALIFIED contribution in any calendar
17 year. ~~Qualifying~~ QUALIFIED contribution does not include a
18 subscription, loan, advance, deposit of money, in-kind contribu-
19 tion or expenditure, or anything else of value except as pre-
20 scribed in this act.

21 (3) ~~(2)~~ "State elective office" means the office of gover-
22 nor, lieutenant governor, secretary of state, attorney general,
23 justice of the supreme court, member of the state board of educa-
24 tion, regent of the university of Michigan, member of the board
25 of trustees of Michigan state university, member of the board of
26 governors of Wayne state university, and member of the state
27 legislature.

1 Sec. 45. (1) A person may transfer any unexpended funds
 2 from 1 candidate committee to another candidate committee of that
 3 person if the contribution limits prescribed in section 52 for
 4 the candidate committee receiving the funds are equal to or
 5 greater than the contribution limits for the candidate committee
 6 transferring the funds and if the candidate committees are simul-
 7 taneously held by the same person. The funds being transferred
 8 shall not be considered a ~~qualifying~~ QUALIFIED contribution
 9 regardless of the amount of the individual contribution being
 10 transferred.

11 (2) Unexpended funds in a campaign committee that are not
 12 eligible for transfer to another candidate committee of the
 13 person, pursuant to subsection (1), shall be given to a political
 14 party committee ~~—~~ or to a tax exempt charitable institution, or
 15 returned to the contributors of the funds upon termination of the
 16 campaign committee.

17 Sec. 52. (1) Except as provided in subsection ~~(6)~~ (5), a
 18 person other than an independent committee or a political party
 19 committee shall not make contributions to a candidate committee
 20 of a candidate for state elective office ~~which~~ THAT, with
 21 respect to an election cycle, are more than the following:

22 (a) \$3,400.00 for a candidate for state elective office,
 23 other than the office of state legislator.

24 (b) \$1,000.00 for a candidate for state senator.

25 (c) \$500.00 for a candidate for state representative.

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

1 ~~(a) For a general election, the period beginning the day~~
2 ~~following the last general election in which the office appeared~~
3 ~~on the ballot and ending on the day of the next general election~~
4 ~~in which the office next appears on the ballot.~~

5 ~~(b) For a special election, the period beginning the day a~~
6 ~~special general election is scheduled or the date the office~~
7 ~~becomes vacant, whichever is earlier, and ending on the day of~~
8 ~~the special general election.~~

9 (2) ~~(3)~~ An independent committee shall not make contribu-
10 tions to a candidate committee of a candidate for state elective
11 office ~~which~~ THAT, in the aggregate for that election cycle,
12 are more than 10 times the amount permitted a person other than
13 an independent committee or political party committee in subsec-
14 tion (1).

15 (3) ~~(4)~~ A political party committee other than a state
16 central committee shall not make contributions to the candidate
17 committee of a candidate for state elective office ~~which~~ THAT
18 are more than 10 times the amount permitted a person other than
19 an independent committee or political party committee in subsec-
20 tion (1).

21 (4) ~~(5)~~ A state central committee of a political party
22 shall not make contributions to the candidate committee of a can-
23 didate for state elective office other than ~~candidates~~ A
24 CANDIDATE for the legislature ~~which~~ THAT are more than 20 times
25 the amount permitted a person other than an independent committee
26 or political party committee in subsection (1). A state central
27 committee of a political party shall not make contributions to

1 the candidate committee of a candidate for state senator or state
2 representative ~~which~~ THAT are more than 10 times the amount
3 permitted a person other than an independent committee or politi-
4 cal party committee in subsection (1).

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

8 (6) ~~(7)~~ Consistent with the provisions of this section, a
9 contribution designated in writing for a particular election
10 cycle shall be considered made for that election cycle. A con-
11 tribution made after the close of a particular election cycle and
12 designated in writing for that election cycle shall be made only
13 to the extent that the contribution does not exceed the candidate
14 committee's net outstanding debts and obligations from the elec-
15 tion cycle so designated. If a contribution is not designated in
16 writing for a particular election cycle, the contribution shall
17 be considered made for the election cycle that corresponds to the
18 date of the written instrument.

19 (7) ~~(8)~~ A candidate committee, a candidate, or a treasurer
20 or agent of a candidate committee shall not accept a contribution
21 with respect to an election cycle that exceeds the limitations in
22 subsection (1), (2), (3), OR (4). ~~, or (5).~~

23 (8) ~~(9)~~ For the purposes of this act, a contribution made
24 or received before ~~the effective date of the amendatory act that~~
25 ~~added this subsection shall be~~ JUNE 21, 1989 IS considered to be
26 made with respect to an election cycle.

1 (9) ~~(+10)~~ A person who knowingly violates this section is
2 guilty of a misdemeanor punishable, if the person is an
3 individual, by a fine of not more than \$1,000.00 ~~—~~ or imprison-
4 ment for not more than 90 days, or both, or, if the person is not
5 an individual, by a fine of not more than \$10,000.00.

6 Sec. 61. (1) The ~~state~~ GUBERNATORIAL campaign fund is
7 ~~hereby~~ created. The state treasurer shall administer the
8 ~~state~~ GUBERNATORIAL campaign fund ~~in accordance with this act~~
9 PURSUANT TO THIS SECTION AND SECTIONS 62 TO 71.

10 (2) An individual whose tax liability under the income tax
11 act of 1967, Act No. 281 of the Public Acts of 1967, as amended,
12 being sections 206.1 to 206.532 of the Michigan Compiled Laws,
13 for a taxable year is \$2.00 or more may designate that \$2.00 be
14 credited to the ~~state~~ GUBERNATORIAL campaign fund. In the case
15 of a joint return of husband and wife having an income tax
16 liability of \$4.00 or more each spouse may designate that \$2.00
17 be credited to the ~~state~~ GUBERNATORIAL campaign fund.

18 (3) The tax designation authorized in this section shall be
19 clearly and unambiguously printed on the first page of the state
20 individual income tax return.

21 (4) An amount equal to the cumulative amounts designated
22 under subsection (2) each year shall be appropriated annually
23 from the general fund of the state to the ~~state~~ GUBERNATORIAL
24 campaign fund. ~~to~~ THE AMOUNTS APPROPRIATED TO THE GUBERNATO-
25 RIAL CAMPAIGN FUND UNDER THIS SUBSECTION SHALL be available
26 beginning January 1 and continuing through December 31 of each
27 year in which a governor is elected. ~~The~~ EXCEPT AS OTHERWISE

1 PROVIDED IN THIS SUBSECTION, THE amounts appropriated under this
 2 section shall not revert to the general fund but shall remain
 3 available to the ~~state~~ GUBERNATORIAL campaign fund for distri-
 4 bution without fiscal year limitation. ~~except that any~~ ANY
 5 amounts remaining in the ~~state~~ GUBERNATORIAL campaign fund on
 6 THE December 31 immediately following a gubernatorial general
 7 election shall revert to the general fund.

8 (5) Before the distribution of funds under this act to
 9 ~~qualifying~~ ELIGIBLE primary election candidates FOR GOVERNOR,
 10 the state treasurer shall set aside sufficient funds from the
 11 ~~state~~ GUBERNATORIAL campaign fund to fully implement the for-
 12 mula for distributing funds to ~~qualifying~~ ELIGIBLE general
 13 election candidates FOR GOVERNOR. If insufficient funds exist in
 14 the ~~state~~ GUBERNATORIAL campaign fund to provide full funding
 15 to eligible primary election candidates FOR GOVERNOR, the
 16 GUBERNATORIAL campaign funds shall be distributed to ~~those~~
 17 ELIGIBLE PRIMARY ELECTION candidates FOR GOVERNOR on a pro rata
 18 basis.

19 Sec. 62. (1) Only a candidate FOR THE OFFICE OF GOVERNOR
 20 who established a single candidate committee ~~which~~ THAT submit-
 21 ted a statement of organization according to procedures estab-
 22 lished by ~~law~~ THIS ACT may receive ~~moneys~~ MONEY under this
 23 act. ~~Moneys~~ MONEY received by ~~a~~ AN ELIGIBLE candidate FOR
 24 GOVERNOR pursuant to ~~this act~~ SECTION 63 shall be spent only
 25 through the candidate committee and shall be reported by the can-
 26 didate committee according to procedures established by ~~law~~
 27 THIS ACT.

1 (2) If a candidate FOR THE OFFICE OF GOVERNOR desires to
2 receive ~~moneys~~ MONEY from the ~~state~~ GUBERNATORIAL campaign
3 fund, the candidate shall file a statement of organization indi-
4 cating the intent to seek ~~qualifying~~ QUALIFIED contributions
5 ~~or~~ AND to make ~~qualifying~~ QUALIFIED CAMPAIGN expenditures.
6 Contributions received or expenditures made before the filing of
7 a statement of organization for the office of governor shall not
8 be considered as a ~~qualifying~~ QUALIFIED contribution OR QUALI-
9 FIED CAMPAIGN EXPENDITURE.

10 (3) A candidate FOR THE OFFICE OF GOVERNOR who does not
11 apply for ~~moneys~~ MONEY from the ~~state~~ GUBERNATORIAL campaign
12 fund is not subject to sections 61 to 71.

13 Sec. 63. (1) The secretary of state shall receive and keep
14 a record of ~~each candidate's~~ THE certified statements of
15 ~~qualifying~~ QUALIFIED contributions OF EACH ELIGIBLE CANDIDATE
16 FOR GOVERNOR. A statement shall include in alphabetical order
17 the full name and street address of each person from whom a
18 ~~qualifying~~ QUALIFIED contribution is received during the
19 reporting period, together with the amount of each contribution
20 and the date received by the treasurer of the committee.

21 (2) The secretary of state shall promptly notify a candidate
22 for ~~nomination for~~ THE OFFICE OF governor when that candidate
23 ~~qualifies~~ IS ELIGIBLE under this act to receive ~~moneys~~ MONEY
24 from the ~~state~~ GUBERNATORIAL campaign fund.

25 (3) If a candidate FOR THE OFFICE OF GOVERNOR desires to
26 receive ~~moneys~~ MONEY from the ~~state~~ GUBERNATORIAL campaign
27 fund and HAS received notice of ~~qualification~~ ELIGIBILITY for

1 funding under subsection (2), the ELIGIBLE candidate FOR GOVERNOR
2 shall apply to the secretary of state. The ELIGIBLE candidate
3 FOR GOVERNOR shall state the amount of ~~moneys~~ MONEY desired
4 from the ~~state~~ GUBERNATORIAL campaign fund in the application.
5 The ELIGIBLE candidate FOR GOVERNOR shall state in the applica-
6 tion for ~~state~~ GUBERNATORIAL campaign fund money that the
7 ELIGIBLE candidate FOR GOVERNOR and the candidate's committee
8 agree to adhere to expenditure limitations stated in section 67.

9 (4) The secretary of state shall determine the maximum
10 amount for which the ELIGIBLE candidate FOR GOVERNOR qualifies
11 under this ~~act~~ SECTION AND SECTIONS 64 AND 65. The secretary
12 of state shall forward information as to this amount and the
13 application for funding to the state treasurer.

14 (5) The state treasurer shall issue a warrant drawn on the
15 ~~state~~ GUBERNATORIAL campaign fund for an amount equal to the
16 maximum amount ~~which~~ THAT the candidate FOR GOVERNOR is
17 ~~qualified~~ ELIGIBLE to receive or the amount applied for, which-
18 ever is less. The warrant shall not be issued before January 1
19 of the year in which the GENERAL election for governor is to be
20 held.

21 Sec. 64. (1) ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR in a
22 primary election may obtain funds from the ~~state~~ GUBERNATORIAL
23 campaign fund in an amount equal to \$2.00 for each \$1.00 of
24 ~~qualifying~~ QUALIFIED contribution if the ELIGIBLE candidate FOR
25 GOVERNOR certifies to the secretary of state both of the
26 following:

1 (a) That the candidate committee of the ELIGIBLE candidate
2 FOR GOVERNOR received an amount of ~~qualifying~~ QUALIFIED
3 contributions at least equal to 5% of the ~~candidate's~~ desig-
4 nated ~~spending~~ EXPENDITURE limit FOR THE ELIGIBLE CANDIDATE FOR
5 GOVERNOR.

6 (b) That the full name and address of each person making a
7 ~~qualifying~~ QUALIFIED contribution is recorded by the candidate
8 committee of the ELIGIBLE candidate ~~certifying~~ FOR GOVERNOR
9 MAKING THE CERTIFICATE. This requirement is in addition to and
10 not in lieu of any other requirements relating to the recording
11 and reporting of contributions.

12 (2) A candidate FOR THE OFFICE OF GOVERNOR is not entitled
13 to funds from the ~~state~~ GUBERNATORIAL campaign fund for a pri-
14 mary election if it is determined the name of the candidate FOR
15 THE OFFICE OF GOVERNOR is ineligible to appear on the primary
16 election ballot pursuant to section 53 of THE MICHIGAN ELECTION
17 LAW, Act No. 116 of the Public Acts of 1954, as amended, being
18 section 168.53 of the Michigan Compiled Laws. A candidate who
19 does not file nominating petitions for the office of governor or
20 who files an insufficient petition for that office shall return
21 all funds received from the ~~state~~ GUBERNATORIAL campaign fund
22 for that primary election.

23 (3) A candidate FOR THE OFFICE OF GOVERNOR shall not receive
24 from the ~~state~~ GUBERNATORIAL campaign fund for a primary more
25 than 66% of the candidate's expenditure limit designated in sec-
26 tion 67(1).

1 (4) For purposes of this section, primary election is the
2 election described in section 52 of Act No. 116 of the Public
3 Acts of 1954, as amended, being section 168.52 of the Michigan
4 Compiled Laws.

5 Sec. 65. (1) A major political party nominee FOR THE OFFICE
6 OF GOVERNOR is entitled to payment of not more than 75% of the
7 ~~spending~~ EXPENDITURE limit as designated in section 67 for a
8 general election. A candidate ~~may~~ FOR THE OFFICE OF GOVERNOR,
9 subject to ~~law~~ THIS ACT, MAY raise the remaining 25% of the
10 permissible expenditure limit in private contributions. An eli-
11 gible candidate FOR GOVERNOR in a general election may elect to
12 accept partial payment of ~~moneys~~ MONEY from the ~~state~~
13 GUBERNATORIAL campaign fund and instead raise private contribu-
14 tions as provided by ~~law which~~ THIS ACT THAT, when added to the
15 amount received from the ~~state~~ GUBERNATORIAL campaign fund,
16 does not exceed the expenditure limit designated in section 67.

17 (2) A minor political party nominee FOR THE OFFICE OF
18 GOVERNOR whose party received 5% or more of the vote for the same
19 office in the last election is entitled to an amount of not more
20 than 75% of the ~~spending~~ EXPENDITURE limit as designated in
21 section 67, multiplied by the number of popular votes the minor
22 party received in the preceding general election for governor
23 ~~which~~ THAT is divided by the average number of votes the major
24 parties received in that general election for governor.

25 (3) A minor political party nominee FOR THE OFFICE OF
26 GOVERNOR not eligible under subsection (2) but who receives more
27 than 5% of the vote in that general election for governor is

1 entitled to reimbursement in an amount of not more than 75% of
2 the ~~spending~~ EXPENDITURE limit as designated in section 67,
3 multiplied by the number of popular votes the minor party
4 received in the preceding general election for governor ~~which~~
5 THAT is divided by the average number of votes the major parties
6 received in that general election for governor.

7 (4) A minor political party nominee FOR THE OFFICE OF
8 GOVERNOR qualified under subsection (2) who receives more popular
9 votes in an election than the candidate of that minor political
10 party received at the preceding GENERAL election is entitled to
11 additional reimbursement in an amount determined as follows:

12 (a) Compute the amount ~~which~~ THAT the candidate FOR THE
13 OFFICE OF GOVERNOR would have received under subsection (3) had
14 the candidate otherwise qualified.

15 (b) Subtract the amount received under subsection (2) from
16 the amount computed under subdivision (a).

17 (5) ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR listed on the
18 ballot in the general election is entitled to \$1.00 for each
19 \$1.00 of ~~qualifying~~ QUALIFIED contributions certified to the
20 secretary of state pursuant to this act up to 50% of the
21 candidate's ~~spending~~ EXPENDITURE limit pursuant to section 67,
22 if the candidate has certified to the secretary of state an
23 amount of dollars in ~~qualifying~~ QUALIFIED contributions equal
24 to 5% of the candidate's designated ~~spending~~ EXPENDITURE
25 limit. ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR who chooses to
26 receive ~~any~~ public funds under this subsection ~~may~~ SHALL not

1 receive any ~~moneys~~ MONEY under subsection (1), (2), (3), or
2 (4).

3 (6) A major political party nominee FOR THE OFFICE OF
4 GOVERNOR shall receive from the state treasurer 5% of any funds
5 ~~which~~ THAT the ELIGIBLE candidate FOR GOVERNOR may be entitled
6 to under this section not later than 10 days after the primary
7 election, unless there is less than a 2% difference in vote
8 totals of the top 2 primary election candidates of the same
9 political party according to unofficial vote totals available to
10 the secretary of state. The balance of any funds owed to a major
11 political party nominee FOR THE OFFICE OF GOVERNOR under this
12 section shall be payable by the state treasurer within 3 days
13 after the board of state canvassers' certification of the primary
14 election results, but not later than 30 days after the primary
15 election. Any funds paid to a major political party nominee FOR
16 THE OFFICE OF GOVERNOR under this section either erroneously or
17 based on election results ~~which~~ THAT are reversed due to a
18 recount or fraud shall be repaid by that major political party
19 nominee FOR THE OFFICE OF GOVERNOR to the state treasurer within
20 60 days of receipt of notification by certified mail from the
21 state treasurer.

22 Sec. 66. (1) ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR may
23 only apply the funds received under this act against qualified
24 campaign expenditures.

25 ~~(2) As used in this section, "qualified campaign~~
26 ~~expenditure" means an expenditure for services, materials,~~
27 ~~facilities, or other things of value by the candidate committee~~

1 ~~to further the candidate's nomination or election to office~~
2 ~~during the year in which the primary or general election in which~~
3 ~~the candidate seeks nomination or election is held. Qualified~~
4 ~~campaign expenditure does not include.~~

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

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

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

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

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

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

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

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

22 (2) ~~(3) A~~ AN ELIGIBLE candidate FOR GOVERNOR shall keep
23 those funds received under this act in a separate account. The
24 ~~candidate's~~ qualified CAMPAIGN expenditures OF THE ELIGIBLE
25 CANDIDATE FOR GOVERNOR may be paid from this account unless the
26 account does not have a balance. An unexpended balance in this
27 account shall be refunded and credited to the general fund within

1 60 days after the election for which the funds were received.
2 ~~Payment~~ MONEY received from the ~~state~~ GUBERNATORIAL campaign
3 fund for expenditures in 1 election shall not be used for expen-
4 ditures in a subsequent election.

5 (3) ~~(4)~~ A person who knowingly violates this section is
6 guilty of a felony punishable, if the person is an individual, by
7 a fine of not more than \$2,000.00, or imprisonment for not more
8 than 3 years, or both, or, if the person IS not an individual, by
9 a fine of not more than \$10,000.00.

10 Sec. 67. (1) Expenditures made by a candidate committee to
11 further the nomination or election of ~~a~~ AN ELIGIBLE candidate
12 FOR GOVERNOR may not exceed \$1,500,000.00 in the aggregate for 1
13 election.

14 (2) Expenditures made by a candidate committee for the
15 solicitation of contributions, which expenditures are not more
16 than 20% of the candidate committee's expenditure limit desig-
17 nated in subsection (1), shall not be considered as expenditures
18 for the purposes of the expenditure limitations set forth in sub-
19 section (1).

20 (3) An expenditure by a candidate committee to purchase
21 space in a newspaper or other periodical or time on radio or
22 television for the purpose of responding to an editorial in the
23 same newspaper or periodical or on the same station or channel
24 ~~which~~ THAT was unfavorable to the committee's candidate FOR THE
25 OFFICE OF GOVERNOR or ~~which indorsed~~ THAT ENDORSED the
26 candidate's opponent shall not be considered an expenditure for
27 the purposes of the expenditure limitations set forth in

1 subsection (1). This subsection only applies to 1 response made
2 to a particular editorial, unfavorable report, or endorsement of
3 an opponent and ~~shall~~ DOES not apply unless the candidate is
4 refused free space or time in which to answer.

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

8 (5) If a person ~~who is~~ subject to this section is found
9 guilty OF VIOLATING THIS SECTION, the circuit court of that
10 county, on application by the attorney general, may prohibit that
11 person from assuming the duties of a public office or from
12 receiving compensation from public funds, or both.

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

18 (2) An independent committee shall not make contributions to
19 a candidate committee ~~which~~ THAT, for that election cycle, are
20 more than 10 times the amount permitted a person other than an
21 independent committee or political party committee in subsection
22 (1).

23 (3) A political party committee that is a state central com-
24 mittee shall not make contributions to a candidate committee
25 ~~which for an election cycle~~ THAT are more than \$750,000.00 IN
26 VALUE FOR AN ELECTION CYCLE.

1 (4) A political party committee that is a congressional
2 district or county committee shall not make contributions to a
3 candidate committee ~~which for an election cycle~~ THAT are more
4 than \$30,000.00 IN VALUE FOR AN ELECTION CYCLE.

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

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

14 (7) ~~Section 52(2)~~ SECTIONS 5(2) and ~~52(7)~~ 52(6) apply to
15 determining when an election cycle begins and ends and to which
16 election cycle a particular contribution shall be attributed.

17 (8) The candidate committee of a candidate for governor that
18 does not make application for ~~state~~ GUBERNATORIAL campaign
19 funds and that accepts from the candidate and the candidate's
20 immediate family contributions that total for an election cycle
21 more than \$340,000.00 shall notify the secretary of state in
22 writing within 48 hours after receipt of this amount. Within
23 2 business days after receipt of this notice, the secretary of
24 state shall send notice to all candidates who are either seeking
25 the same nomination ~~, in the case of~~ IN a primary election, or
26 election to that same office ~~, in the case of~~ IN a general

1 election, informing those candidate committees of all of the
2 following:

3 (a) That the expenditure limits provided in section 67 are
4 waived for the remainder of that election for those notified can-
5 didate committees that receive ~~state~~ GUBERNATORIAL campaign
6 funds under ~~this act~~ SECTION 63.

7 (b) That the expenditure limits of section 67 are not waived
8 for the purpose of determining the amount of public funds avail-
9 able to a candidate FOR THE OFFICE OF GOVERNOR under section 64
10 or 65.

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

16 SEC. 72. (1) THE LEGISLATIVE CAMPAIGN FUND IS CREATED. THE
17 STATE TREASURER SHALL ADMINISTER THE LEGISLATIVE CAMPAIGN FUND
18 PURSUANT TO THIS SECTION AND SECTIONS 73 TO 79. MONEY IN THE
19 LEGISLATIVE CAMPAIGN FUND SHALL NOT REVERT TO THE GENERAL FUND AT
20 THE CLOSE OF THE FISCAL YEAR BUT SHALL REMAIN IN THE FUND. THE
21 LEGISLATURE SHALL DETERMINE THE SOURCE OF MONEY TO FUND THE LEG-
22 ISLATIVE CAMPAIGN FUND.

23 (2) IF INSUFFICIENT FUNDS EXIST IN THE LEGISLATIVE CAMPAIGN
24 FUND TO PROVIDE FULL FUNDING TO ELIGIBLE CANDIDATES FOR LEGISLA-
25 TIVE OFFICE, THE STATE TREASURER SHALL DISTRIBUTE LEGISLATIVE
26 CAMPAIGN FUND MONEY TO ELIGIBLE CANDIDATES FOR LEGISLATIVE OFFICE
27 ON A PRO RATA BASIS.

1 SEC. 73. (1) ONLY A CANDIDATE FOR LEGISLATIVE OFFICE WHO
2 ESTABLISHES A SINGLE CANDIDATE COMMITTEE THAT SUBMITS A STATEMENT
3 OF ORGANIZATION ACCORDING TO PROCEDURES ESTABLISHED BY THIS ACT
4 MAY RECEIVE LEGISLATIVE CAMPAIGN FUND MONEY UNDER THIS ACT. AN
5 ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE WHO RECEIVES LEGISLA-
6 TIVE CAMPAIGN FUND MONEY UNDER SECTION 74 SHALL SPEND THE MONEY
7 ONLY THROUGH THE CANDIDATE COMMITTEE AND SHALL REPORT THE EXPEN-
8 DITURES ACCORDING TO PROCEDURES ESTABLISHED BY THIS ACT.

9 (2) IF A CANDIDATE FOR LEGISLATIVE OFFICE DESIRES TO RECEIVE
10 MONEY FROM THE LEGISLATIVE CAMPAIGN FUND, THE CANDIDATE SHALL
11 FILE A STATEMENT OF ORGANIZATION INDICATING THE INTENT TO SEEK
12 QUALIFIED CONTRIBUTIONS OR TO MAKE QUALIFIED CAMPAIGN
13 EXPENDITURES. A CONTRIBUTION RECEIVED OR EXPENDITURE MADE BEFORE
14 THE FILING OF A STATEMENT OF ORGANIZATION FOR THE LEGISLATIVE
15 OFFICE BEING SOUGHT SHALL NOT BE CONSIDERED A QUALIFIED CONTRIBU-
16 TION OR QUALIFIED CAMPAIGN EXPENDITURE UNDER THIS ACT.

17 (3) A CANDIDATE FOR LEGISLATIVE OFFICE WHO DOES NOT APPLY
18 FOR MONEY FROM THE LEGISLATIVE CAMPAIGN FUND IS NOT SUBJECT TO
19 SECTIONS 72 TO 79.

20 SEC. 74. (1) THE SECRETARY OF STATE SHALL RECEIVE AND KEEP
21 A RECORD OF THE CERTIFIED STATEMENTS OF QUALIFIED CONTRIBUTIONS
22 OF EACH ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE REQUIRED UNDER
23 SECTION 75. AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL
24 INCLUDE IN THE STATEMENT, IN ALPHABETICAL ORDER, THE FULL NAME
25 AND STREET ADDRESS OF EACH PERSON FROM WHOM A QUALIFIED CONTRIBU-
26 TION IS RECEIVED DURING THE REPORTING PERIOD, TOGETHER WITH THE

1 AMOUNT OF EACH CONTRIBUTION AND THE DATE RECEIVED BY THE
2 TREASURER OF THE CANDIDATE COMMITTEE.

3 (2) THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY A CANDIDATE
4 FOR LEGISLATIVE OFFICE WHEN THAT CANDIDATE IS ELIGIBLE UNDER THIS
5 ACT TO RECEIVE MONEY FROM THE LEGISLATIVE CAMPAIGN FUND.

6 (3) IF A CANDIDATE FOR LEGISLATIVE OFFICE DESIRES TO RECEIVE
7 MONEY FROM THE LEGISLATIVE CAMPAIGN FUND AND HAS RECEIVED NOTICE
8 OF ELIGIBILITY FOR FUNDING UNDER SUBSECTION (2), THE ELIGIBLE
9 CANDIDATE FOR LEGISLATIVE OFFICE SHALL APPLY TO THE SECRETARY OF
10 STATE. THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL STATE
11 THE AMOUNT OF MONEY DESIRED FROM THE LEGISLATIVE CAMPAIGN FUND IN
12 THE APPLICATION. THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
13 SHALL STATE IN THE APPLICATION FOR LEGISLATIVE CAMPAIGN FUND
14 MONEY THAT THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE AND THE
15 CANDIDATE'S COMMITTEE AGREE TO ADHERE TO THE EXPENDITURE LIMITA-
16 TIONS DESIGNATED IN SECTION 78.

17 (4) THE SECRETARY OF STATE SHALL DETERMINE THE MAXIMUM
18 AMOUNT FOR WHICH THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
19 QUALIFIES UNDER THIS SECTION AND SECTION 75. THE SECRETARY OF
20 STATE SHALL FORWARD INFORMATION AS TO THIS AMOUNT AND THE APPLI-
21 CATION FOR FUNDING TO THE STATE TREASURER.

22 (5) THE STATE TREASURER SHALL ISSUE A WARRANT DRAWN ON THE
23 LEGISLATIVE CAMPAIGN FUND FOR AN AMOUNT EQUAL TO THE MAXIMUM
24 AMOUNT THAT THE CANDIDATE FOR LEGISLATIVE OFFICE IS ELIGIBLE TO
25 RECEIVE OR THE AMOUNT APPLIED FOR, WHICHEVER IS LESS. FOR A CAN-
26 DIDATE FOR STATE REPRESENTATIVE, THE WARRANT SHALL NOT BE ISSUED
27 BEFORE JANUARY 1 OF THE YEAR IN WHICH THE GENERAL NOVEMBER

1 ELECTION IS TO BE HELD. FOR A CANDIDATE FOR STATE SENATOR, THE
2 WARRANT SHALL NOT BE ISSUED BEFORE JANUARY 1 OF THE YEAR IN WHICH
3 SENATORS ARE ELECTED IN A GENERAL NOVEMBER ELECTION.

4 SEC. 75. (1) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
5 IN AN ELECTION CYCLE MAY OBTAIN FUNDS FROM THE LEGISLATIVE CAM-
6 PAIGN FUND IN AN AMOUNT EQUAL TO \$2.00 FOR EACH \$1.00 OF QUALI-
7 FIED CONTRIBUTION, IF THE ELIGIBLE CANDIDATE FOR LEGISLATIVE
8 OFFICE CERTIFIES TO THE SECRETARY OF STATE BOTH OF THE
9 FOLLOWING:

10 (A) THAT THE CANDIDATE COMMITTEE OF THE ELIGIBLE CANDIDATE
11 FOR STATE REPRESENTATIVE RECEIVED \$3,000.00 OR MORE OF QUALIFIED
12 CONTRIBUTIONS OR THAT THE CANDIDATE COMMITTEE OF THE ELIGIBLE
13 CANDIDATE FOR SENATE RECEIVED \$7,500.00 OR MORE OF QUALIFIED
14 CONTRIBUTIONS.

15 (B) THAT THE FULL NAME AND ADDRESS OF EACH PERSON MAKING A
16 QUALIFIED CONTRIBUTION IS RECORDED BY THE CANDIDATE COMMITTEE OF
17 THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE MAKING THE
18 CERTIFICATE. THIS REQUIREMENT IS IN ADDITION TO AND NOT IN LIEU
19 OF ANY OTHER REQUIREMENTS RELATING TO THE RECORDING AND REPORTING
20 OF CONTRIBUTIONS.

21 (2) A CANDIDATE FOR LEGISLATIVE OFFICE IS NOT ENTITLED TO
22 FUNDS FROM THE LEGISLATIVE CAMPAIGN FUND FOR AN ELECTION CYCLE IF
23 IT IS DETERMINED THE NAME OF THE CANDIDATE FOR LEGISLATIVE OFFICE
24 IS INELIGIBLE TO APPEAR ON THE PRIMARY ELECTION BALLOT PURSUANT
25 TO SECTION 163 OF THE MICHIGAN ELECTION LAW, ACT NO. 116 OF THE
26 PUBLIC ACTS OF 1954, BEING SECTION 168.163 OF THE MICHIGAN
27 COMPILED LAWS. A CANDIDATE WHO DOES NOT FILE NOMINATING

1 PETITIONS FOR THE LEGISLATIVE OFFICE BEING SOUGHT OR WHO FILES AN
2 INSUFFICIENT PETITION FOR THAT OFFICE SHALL RETURN TO THE LEGIS-
3 LATIVE CAMPAIGN FUND ALL MONEY RECEIVED FROM THE LEGISLATIVE CAM-
4 PAIGN FUND FOR THAT ELECTION CYCLE.

5 (3) A CANDIDATE FOR THE OFFICE OF STATE REPRESENTATIVE SHALL
6 NOT RECEIVE MORE THAN \$36,000.00 FROM THE LEGISLATIVE CAMPAIGN
7 FUND FOR 1 ELECTION CYCLE. A CANDIDATE FOR THE OFFICE OF STATE
8 SENATOR SHALL NOT RECEIVE MORE THAN \$90,000.00 FROM THE LEGISLA-
9 TIVE CAMPAIGN FUND FOR 1 ELECTION CYCLE.

10 (4) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE MAY ELECT
11 TO ACCEPT PARTIAL PAYMENT OF MONEY FROM THE LEGISLATIVE CAMPAIGN
12 FUND AND INSTEAD RAISE PRIVATE CONTRIBUTIONS AS PROVIDED BY THIS
13 ACT THAT, WHEN ADDED TO THE AMOUNT RECEIVED FROM THE LEGISLATIVE
14 CAMPAIGN FUND, DO NOT EXCEED THE EXPENDITURE LIMIT DESIGNATED IN
15 SECTION 78.

16 (5) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL
17 RECEIVE FROM THE STATE TREASURER THE BALANCE OF ANY LEGISLATIVE
18 CAMPAIGN FUND MONEY THAT THE ELIGIBLE CANDIDATE FOR LEGISLATIVE
19 OFFICE MAY BE ENTITLED TO UNDER THIS SECTION NOT LATER THAN 10
20 DAYS AFTER THE PRIMARY ELECTION, UNLESS THERE IS LESS THAN A 2%
21 DIFFERENCE IN VOTE TOTALS OF THE TOP 2 PRIMARY ELECTION CANDI-
22 DATES OF THE SAME POLITICAL PARTY FOR THE SAME OFFICE ACCORDING
23 TO UNOFFICIAL VOTE TOTALS AVAILABLE TO THE SECRETARY OF STATE.
24 THE BALANCE OF ANY LEGISLATIVE CAMPAIGN FUND MONEY OWED TO AN
25 ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE UNDER THIS SECTION
26 SHALL BE PAYABLE BY THE STATE TREASURER WITHIN 3 DAYS AFTER THE
27 BOARD OF STATE CANVASSERS' CERTIFICATION OF THE PRIMARY ELECTION

1 RESULTS, BUT NOT LATER THAN 30 DAYS AFTER THE PRIMARY ELECTION.
2 ANY FUNDS PAID TO A CANDIDATE FOR LEGISLATIVE OFFICE UNDER THIS
3 SECTION EITHER ERRONEOUSLY OR BASED UPON ELECTION RESULTS THAT
4 ARE REVERSED DUE TO A RECOUNT OR FRAUD SHALL BE REPAYED BY THAT
5 CANDIDATE FOR LEGISLATIVE OFFICE TO THE LEGISLATIVE CAMPAIGN FUND
6 WITHIN 60 DAYS OF RECEIPT OF NOTIFICATION BY CERTIFIED MAIL FROM
7 THE STATE TREASURER.

8 SEC. 76. (1) NOTWITHSTANDING ANY OTHER SECTION OF THIS ACT,
9 AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE MAY MAKE EXPENDI-
10 TURES THAT EXCEED THE EXPENDITURE LIMITATIONS DESIGNATED IN
11 SECTION 78 IF THE ELIGIBLE CANDIDATE'S OPPONENT IN AN ELECTION
12 DOES NOT ACCEPT LEGISLATIVE CAMPAIGN FUND MONEY UNDER THIS ACT.
13 THE STATE TREASURER, IN THE MANNER PROVIDED IN THIS ACT, SHALL
14 PAY TO AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE WHO IS EXEMPT
15 FROM THE EXPENDITURE LIMITATIONS PURSUANT TO THIS SECTION, ALL
16 LEGISLATIVE CAMPAIGN FUND MONEY THE ELIGIBLE CANDIDATE IS ENTI-
17 TLED TO UNDER THIS ACT.

18 (2) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE WHO IS
19 EXEMPT FROM THE EXPENDITURE LIMITATIONS PURSUANT TO THIS SECTION
20 SHALL OTHERWISE COMPLY WITH THE REQUIREMENTS OF THIS ACT REGARD-
21 ING THE EXPENDITURE AND REPORTING OF LEGISLATIVE CAMPAIGN FUND
22 MONEY.

23 SEC. 77. (1) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
24 SHALL ONLY APPLY THE LEGISLATIVE CAMPAIGN FUND MONEY RECEIVED
25 UNDER THIS ACT AGAINST QUALIFIED CAMPAIGN EXPENDITURES.

26 (2) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL KEEP
27 LEGISLATIVE CAMPAIGN FUND MONEY RECEIVED UNDER THIS ACT IN A

1 SEPARATE ACCOUNT AND SHALL MAKE QUALIFIED CAMPAIGN EXPENDITURES
2 FROM THIS ACCOUNT UNLESS THE ACCOUNT DOES NOT HAVE A BALANCE. AN
3 ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL REFUND UNEXPENDED
4 LEGISLATIVE CAMPAIGN FUND MONEY REMAINING IN THIS ACCOUNT TO THE
5 LEGISLATIVE CAMPAIGN FUND WITHIN 60 DAYS AFTER THE GENERAL ELEC-
6 TION IF THE NAME OF THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
7 APPEARS ON THE GENERAL ELECTION BALLOT OR WITHIN 60 DAYS AFTER
8 THE PRIMARY ELECTION IF THE NAME OF THE ELIGIBLE CANDIDATE FOR
9 LEGISLATIVE OFFICE WILL NOT APPEAR ON THE GENERAL ELECTION
10 BALLOT. AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL NOT
11 USE MONEY RECEIVED FROM THE LEGISLATIVE CAMPAIGN FUND FOR EXPEN-
12 DITURES IN AN ELECTION CYCLE FOR EXPENDITURES IN A SUBSEQUENT
13 ELECTION CYCLE.

14 (3) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
15 OF A FELONY PUNISHABLE, IF THE PERSON IS AN INDIVIDUAL, BY A FINE
16 OF NOT MORE THAN \$2,000.00 OR IMPRISONMENT FOR NOT MORE THAN 3
17 YEARS, OR BOTH, OR, IF THE PERSON IS NOT AN INDIVIDUAL, BY A FINE
18 OF NOT MORE THAN \$10,000.00.

19 SEC. 78. (1) A CANDIDATE COMMITTEE OF AN ELIGIBLE CANDIDATE
20 FOR STATE REPRESENTATIVE SHALL NOT MAKE EXPENDITURES TO FURTHER
21 THE NOMINATION OR ELECTION OF THE ELIGIBLE CANDIDATE FOR STATE
22 REPRESENTATIVE THAT EXCEED \$54,000.00 IN THE AGGREGATE FOR AN
23 ELECTION CYCLE. A CANDIDATE COMMITTEE OF AN ELIGIBLE CANDIDATE
24 FOR STATE SENATOR SHALL NOT MAKE EXPENDITURES TO FURTHER THE NOM-
25 INATION OR ELECTION OF THE ELIGIBLE CANDIDATE FOR STATE SENATOR
26 THAT EXCEED \$135,000.00 IN THE AGGREGATE FOR AN ELECTION CYCLE.

1 (2) EXPENDITURES MADE BY A CANDIDATE COMMITTEE FOR THE
2 SOLICITATION OF CONTRIBUTIONS THAT, IN THE AGGREGATE, ARE NOT
3 MORE THAN 20% OF THE CANDIDATE COMMITTEE'S EXPENDITURE LIMIT DES-
4 IGNATED IN SUBSECTION (1) ARE NOT CONSIDERED EXPENDITURES FOR THE
5 PURPOSES OF THE EXPENDITURE LIMITATIONS SET FORTH IN SUBSECTION
6 (1).

7 (3) AN EXPENDITURE BY A CANDIDATE COMMITTEE TO PURCHASE
8 SPACE IN A NEWSPAPER OR OTHER PERIODICAL OR TIME ON RADIO OR
9 TELEVISION FOR THE PURPOSE OF RESPONDING TO AN EDITORIAL IN THE
10 SAME NEWSPAPER OR PERIODICAL OR ON THE SAME STATION OR CHANNEL
11 THAT WAS UNFAVORABLE TO THE COMMITTEE'S CANDIDATE FOR LEGISLATIVE
12 OFFICE OR THAT ENDORSED THE CANDIDATE'S OPPONENT IS NOT CONSID-
13 ERED AN EXPENDITURE FOR THE PURPOSES OF THE EXPENDITURE LIMITA-
14 TIONS SET FORTH IN SUBSECTION (1). THIS SUBSECTION ONLY APPLIES
15 TO 1 RESPONSE MADE TO A PARTICULAR EDITORIAL, UNFAVORABLE REPORT,
16 OR ENDORSEMENT OF AN OPPONENT AND DOES NOT APPLY UNLESS THE CAN-
17 DIDATE IS REFUSED FREE SPACE OR TIME IN WHICH TO ANSWER.

18 (4) A PERSON WHO KNOWINGLY VIOLATES SUBSECTION (1) IS GUILTY
19 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00,
20 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

21 (5) IF A PERSON SUBJECT TO THIS SECTION IS FOUND GUILTY OF
22 VIOLATING THIS SECTION, THE CIRCUIT COURT OF THAT COUNTY, ON
23 APPLICATION BY THE ATTORNEY GENERAL, MAY PROHIBIT THAT PERSON
24 FROM ASSUMING THE DUTIES OF A PUBLIC OFFICE OR FROM RECEIVING
25 COMPENSATION FROM PUBLIC FUNDS, OR BOTH.

26 SEC. 79. (1) A PERSON SHALL NOT INCUR A DEBT FOR GOODS,
27 SERVICES, MATERIALS, FACILITIES, OR ANYTHING OF VALUE IN

1 FURTHERANCE OF, OR IN OPPOSITION TO, THE NOMINATION FOR, OR
2 ELECTION TO, OFFICE OF A CANDIDATE FOR LEGISLATIVE OFFICE THAT,
3 WHEN PAID, WILL CAUSE THE EXPENDITURES OF THAT CANDIDATE OR
4 PERSON TO EXCEED ANY LIMIT IMPOSED BY SECTION 78. A PERSON WHO
5 KNOWINGLY VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR
6 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT
7 FOR NOT MORE THAN 90 DAYS, OR BOTH.

8 (2) IF A PERSON SUBJECT TO THIS SECTION IS FOUND GUILTY OF
9 VIOLATING THIS SECTION, THE CIRCUIT COURT OF THAT COUNTY, ON
10 APPLICATION BY THE ATTORNEY GENERAL, MAY PROHIBIT THAT PERSON
11 FROM ASSUMING THE DUTIES OF A PUBLIC OFFICE OR FROM RECEIVING
12 COMPENSATION FROM PUBLIC FUNDS, OR BOTH.