



HOUSE BILL No. 5970

November 30, 1994 Introduced by Reps Bobier Fitzgerald, Stille and Dolan and referred to the Committee on House Oversight and Ethics

A bill to amend sections 16 and 24 of Act No 388 of the Public Acts of 1976, entitled as amended
Michigan campaign finance act
section 16 as amended by Act No 188 of the Public Acts of 1992 and section 24 as amended by Act No 117 of the Public Acts of 1994, being sections 169 216 and 169 224 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 16 and 24 of Act No 388 of the Public
2 Acts of 1976 section 16 as amended by Act No 188 of the Public
3 Acts of 1992 and section 24 as amended by Act No 117 of the
4 Public Acts of 1994 being sections 169 216 and 169 224 of the
5 Michigan Compiled Laws, are amended to read as follows

6 Sec 16 (1) A filing official shall make a statement or
7 report required to be filed under this act available for public

1 inspection and reproduction ~~commencing~~ DURING REGULAR
 2 BUSINESS HOURS OF THE FILING OFFICIAL THE FILING OFFICIAL SHALL
 3 MAKE A STATEMENT OR REPORT FILED UNDER THIS ACT AVAILABLE as soon
 4 as practicable AFTER RECEIPT, but not later than the third busi-
 5 ness day following the day on which ~~it~~ THE STATEMENT OR REPORT
 6 is received ~~, during regular business hours of the filing~~
 7 ~~official~~

8 (2) A FILING OFFICIAL SHALL PROVIDE A copy of a statement OR
 9 REPORT or part of a statement ~~shall be provided by a filing~~
 10 ~~official~~ OR REPORT at a reasonable charge

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

14 (4) ~~A~~ THE FILING OFFICIAL SHALL PRESERVE A statement of
 15 organization filed under this act ~~shall be preserved by the~~
 16 ~~filing official~~ for ~~5~~ 20 years from the official date of the
 17 committee s dissolution ~~A~~ THE FILING OFFICIAL SHALL PRESERVE
 18 A statement or report filed under this act by a candidate for an
 19 office with a term exceeding 4 years ~~shall be preserved by the~~
 20 ~~filing official~~ for ~~1 year~~ 16 YEARS beyond that candidate s
 21 term of office ~~Any~~ THE FILING OFFICIAL SHALL PRESERVE ANY
 22 other statement or report filed under this act ~~shall be pre-~~
 23 ~~served by the filing official~~ for ~~5~~ 20 years from the date the
 24 filing occurred Statements and reports filed under this act may
 25 be reproduced pursuant to the records media act, ACT NO 116 OF
 26 THE PUBLIC ACTS OF 1992 BEING SECTIONS 24 401 TO 24 403 OF THE
 27 MICHIGAN COMPILED LAWS After the required preservation period

1 the statements and reports or the reproductions of the
2 statements and reports shall be destroyed

3 (5) A ~~charge~~ FILING OFFICIAL shall not ~~be collected by a~~
4 ~~filing official~~ COLLECT A FEE for the filing of a required
5 statement or report or for a form upon which ~~the~~ A REQUIRED
6 statement or report is to be prepared ~~, except~~ HOWEVER A
7 FILING OFFICIAL SHALL COLLECT a late filing fee AS required by
8 this act

9 (6) A filing official shall determine whether a statement or
10 report filed under this act complies, on its face with the
11 requirements of this act and the rules promulgated under this
12 act The filing official shall determine whether a statement or
13 report that is required to be filed under this act is in fact
14 filed Within 4 business days after the deadline for filing a
15 statement or report under this act the filing official shall
16 give notice to the filer by registered mail of an error or omis-
17 sion in the statement or report and give notice to a person the
18 filing official has reason to believe is a person required to and
19 who failed to file a statement or report ~~-A-~~ THE failure OF A
20 FILING OFFICIAL to give notice ~~by the filing official~~ under
21 this subsection is not a defense to a criminal action against the
22 person required to file

23 (7) Within 9 business days after the report or statement is
24 required to be filed the filer shall make any corrections in the
25 statement or report ~~filed~~ AND FILE THE CORRECTIONS with the
26 appropriate filing official If the report or statement was not
27 filed ~~then it shall be late filed~~ THE PERSON SHALL FILE THE

1 REPORT OR STATEMENT WITH THE APPROPRIATE FILING OFFICIAL within 9
 2 business days after the time it was required to be filed ~~and~~
 3 ~~shall be~~ WHICH REPORT OR STATEMENT IS CONSIDERED LATE FILED AND
 4 IS subject to late filing fees

5 (8) After 9 business days and before 12 business days have
 6 expired after the deadline for filing the statement or report
 7 the filing official shall report errors or omissions that were
 8 not corrected and failures to file to the attorney general

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

22 Sec 24 (1) A committee shall file a statement of organi-
 23 zation with the filing officials designated in section 36 to
 24 receive the committee s campaign statements A statement of
 25 organization shall be filed within 10 days after a committee is
 26 formed ~~A filing official shall maintain a statement of~~
 27 ~~organization filed by a committee until 5 years after the~~

~~1 official date of the committee's dissolution~~ A person who fails
2 to file a statement of organization required by this subsection
3 shall pay a late filing fee of \$10 00 for each business day the
4 statement remains not filed in violation of this subsection The
5 late filing fee shall not exceed \$300 00 A person who violates
6 this subsection by failing to file for more than 30 days after a
7 statement of organization is required to be filed is guilty of a
8 misdemeanor punishable by a fine of not more than \$1 000 00

9 (2) The statement of organization required by subsection (1)
10 shall include the following information

11 (a) The name street address and if available, the tele-
12 phone number of the committee A committee address may be the
13 home address of the candidate or treasurer of the committee

14 (b) The name, street address, and, if available, the tele-
15 phone number of the treasurer or other individual designated as
16 responsible for the committee s record keeping report prepara-
17 tion, or report filing

18 (c) The name and address of the financial institution in
19 which the official committee depository is or is intended to be
20 located, and the name and address of each financial institution
21 in which a secondary depository is or is intended to be located

22 (d) The full name of the office being sought by including
23 district number or jurisdiction, and the county residence of each
24 candidate supported or opposed by the committee

25 (e) A brief statement identifying the substance of each
26 ballot question supported or opposed by the committee If the
27 ballot question supported or opposed by the committee is not

1 statewide the committee shall identify the county in which the
2 greatest number of registered voters eligible to vote on the
3 ballot question reside

4 (f) Identification of the committee as a candidate commit-
5 tee political party committee independent committee, political
6 committee, or ballot question committee if it is identifiable as
7 such a committee

8 (3) An independent committee or political committee shall
9 include in the name of the committee the name of the person or
10 persons that sponsor the committee, if any or with whom the com-
11 mittee is affiliated A person, other than an individual or a
12 committee sponsors or is affiliated with an independent commit-
13 tee or political committee if that person establishes directs
14 controls or financially supports the administration of the
15 committee For the purposes of this subsection a person does
16 not financially support the administration of a committee by
17 merely making a contribution to the committee

18 (4) If any of the information required in a statement of
19 organization is changed, the committee shall file an amendment
20 when the next campaign statement is required to be filed An
21 independent committee or political committee whose name does not
22 include the name of the person or persons that sponsor the com-
23 mittee or with whom the committee is affiliated as required by
24 subsection (3) shall file an amendment to the committee s state-
25 ment of organization not later than the date the next campaign
26 statement is required to be filed after ~~the effective date of~~
27 ~~the amendatory act that added this sentence~~ APRIL 1, 1995

1 (5) When filing a statement of organization a committee
2 other than an independent committee a political committee or a
3 political party committee may indicate in a written statement
4 signed by the treasurer of the committee that the committee does
5 not expect for each election to receive an amount in excess of
6 \$1,000 00 or expend an amount in excess of \$1,000 00

7 (6) When filing a statement of organization an independent
8 committee, a political committee, or a political party committee
9 may indicate in a written statement signed by the treasurer of
10 the committee that the committee does not expect in a calendar
11 year to receive or expend an amount in excess of \$1,000 00

12 (7) Upon the dissolution of a committee the committee shall
13 file a statement indicating dissolution with the filing officials
14 with whom the committee s statement of organization was filed
15 Dissolution of a committee shall be accomplished pursuant to
16 rules promulgated by the secretary of state under the administra-
17 tive procedures act of 1969 Act No 306 of the Public Acts of
18 1969 being sections 24 201 to 24 328 of the Michigan Compiled
19 Laws

20 (8) A candidate committee that files a written statement
21 pursuant to subsection (5) ~~shall~~ IS not ~~be~~ required to file a
22 dissolution statement pursuant to subsection (7) if the committee
23 failed to receive or expend an amount in excess of \$1,000 00 and
24 1 of the following applies

25 (a) The candidate was defeated in an election and has no
26 outstanding campaign debts or assets

1 (b) The candidate vacates an elective office and has no
2 outstanding campaign debts or assets