



SENATE BILL No. 489

March 10, 1993, Introduced by Senators ARTHURHULTZ,
MC MANUS, STABENOW, FAUST, POLLACK and O'BRIEN and
referred to the Committee on Government Operations.

A bill to amend the title and sections 2, 4, and 7 of Act
No. 388 of the Public Acts of 1976, entitled
"Michigan campaign finance act,"
section 4 as amended by Act No. 95 of the Public Acts of 1989,
being sections 169.202, 169.204, and 169.207 of the Michigan
Compiled Laws; and to add section 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 4, and 7 of Act
2 No. 388 of the Public Acts of 1976, section 4 as amended by Act
3 No. 95 of the Public Acts of 1989, being sections 169.202,
4 169.204, and 169.207 of the Michigan Compiled Laws, are amended
5 and section 50 is added to read as follows:

1

TITLE

2 An act to regulate political activity; to regulate campaign
 3 financing; to restrict campaign contributions and expenditures;
 4 to require campaign statements and reports; to regulate anonymous
 5 contributions; to regulate campaign advertising and literature;
 6 to provide for segregated funds for political purposes; to pro-
 7 vide for the use of public funds for political purposes; to
 8 create ~~a state campaign fund~~ CERTAIN FUNDS; to provide for
 9 reversion ~~of~~ RETENTION, or refunding of ~~—~~ unexpended balances
 10 IN CERTAIN FUNDS; to require OTHER STATEMENTS AND reports; TO
 11 PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE DEPARTMENTS AND
 12 STATE AND LOCAL OFFICIALS AND EMPLOYEES; TO REGULATE ACCEPTANCE
 13 OF CERTAIN GIFTS, PAYMENTS, AND REIMBURSEMENTS; to provide appro-
 14 priations; to prescribe penalties AND PROVIDE REMEDIES; and to
 15 repeal certain acts and parts of acts.

16 Sec. 2. (1) "AWARD" MEANS A PERSONALIZED PLAQUE, TROPHY,
 17 CERTIFICATE, BUST, OR CEREMONIAL GAVEL.

18 (2) ~~(1)~~ "Ballot question" means a question ~~which~~ THAT is
 19 submitted or ~~which~~ THAT is intended to be submitted to a popu-
 20 lar vote at an election whether or not it qualifies for the
 21 ballot.

22 (3) ~~(2)~~ "Ballot question committee" means a committee
 23 acting in support of, or in opposition to, the qualification,
 24 passage, or defeat of a ballot question but ~~which~~ THAT does not
 25 receive contributions or make expenditures or contributions for
 26 the purpose of influencing or attempting to influence the action

1 of the voters for or against the nomination or election of a
2 candidate.

3 (4) ~~-(3)-~~ "Business" means a corporation, partnership, sole
4 proprietorship, firm, enterprise, franchise, association, organi-
5 zation, self-employed individual, holding company, joint stock
6 company, receivership, trust, activity, or entity ~~-which-~~ THAT is
7 organized for profit or nonprofit purposes.

8 Sec. 4. (1) "Contribution" means a payment, ~~-gift,-~~ sub-
9 scription, assessment, expenditure, contract, payment for serv-
10 ices, dues, advance, forbearance, loan, or donation of money or
11 anything of ascertainable monetary value, or a transfer of any-
12 thing of ascertainable monetary value to a person, made for the
13 purpose of influencing the nomination or election of a candidate,
14 or for the qualification, passage, or defeat of a ballot
15 question.

16 (2) Contribution includes the full purchase price of tickets
17 or payment of an attendance fee for events such as dinners, lun-
18 cheons, rallies, testimonials, and other fund-raising events; an
19 individual's own money or property other than the individual's
20 homestead used on behalf of that individual's candidacy; the
21 granting of discounts or rebates not available to the general
22 public; or the granting of discounts or rebates by broadcast
23 media and newspapers not extended on an equal basis to all candi-
24 dates for the same office; and the endorsing or guaranteeing of a
25 loan for the amount the endorser or guarantor is liable.

26 (3) Contribution does not include any of the following:

1 (a) Volunteer personal services provided without
2 compensation, or payments of costs incurred of less than \$500.00
3 in a calendar year by an individual for personal travel expenses
4 if the costs are voluntarily incurred without any understanding
5 or agreement that the costs shall be, directly or indirectly,
6 repaid.

7 (b) Food and beverages, not to exceed \$100.00 in value
8 during a calendar year, ~~which~~ THAT are donated by an individual
9 and for which reimbursement is not given.

10 (c) An offer or tender of a contribution if expressly and
11 unconditionally rejected, returned, or refunded in whole or in
12 part within 30 business days after receipt.

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

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

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

20 (4) "Fund raising event" means an event such as a dinner,
21 reception, testimonial, rally, auction, bingo, or similar affair
22 through which contributions are solicited or received by purchase
23 of a ticket, payment of an attendance fee, ~~donations or~~ MAKING
24 A DONATION, PURCHASE OF chances for prizes, or ~~through~~ purchase
25 of goods or services.

26 (5) "Gift" means a payment, ~~subscription,~~ advance,
27 forbearance, OR THE rendering ~~—~~ or deposit of money, services,

1 ENTERTAINMENT, or anything of value, unless consideration of
2 equal or greater value is given ~~therefor~~ IN EXCHANGE. GIFT
3 DOES NOT INCLUDE A CONTRIBUTION THAT IS REPORTED AS REQUIRED BY
4 THIS ACT OR AN AWARD.

5 SEC. 50. (1) SUBJECT TO THIS SECTION, A CANDIDATE FOR STATE
6 ELECTIVE OFFICE OR A PERSON HOLDING STATE ELECTIVE OFFICE MAY
7 ACCEPT A GIFT. A CANDIDATE FOR STATE ELECTIVE OFFICE OR A PERSON
8 HOLDING A STATE ELECTIVE OFFICE SHALL NOT ACCEPT A GIFT FROM A
9 LOBBYIST OR A LOBBYIST AGENT, AS DEFINED IN SECTION 5 OF ACT
10 NO. 472 OF THE PUBLIC ACTS OF 1978, BEING SECTION 4.415 OF THE
11 MICHIGAN COMPILED LAWS.

12 (2) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
13 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00
14 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.