



SENATE BILL No. 1090

April 12, 1994, Introduced by Senator ARTHURHULTZ and
referred to the Committee on Government Operations

A bill to amend the title and sections 15, 16, 24, 33, and
35 of Act No 388 of the Public Acts of 1976, entitled
"Michigan campaign finance act,"
sections 15, 24, 33, and 35 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 169 215, 169 216,
169 224, 169 233, and 169 235 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 15, 16, 24 33, and 35 of
2 Act No 388 of the Public Acts of 1976, sections 15, 24, 33, and
3 35 as amended by Act No 95 of the Public Acts of 1989 and sec-
4 tion 16 as amended by Act No 188 of the Public Acts of 1992,
5 being sections 169 215, 169 216, 169 224, 169 233, and 169 235 of
6 the Michigan Compiled Laws, are amended to read as follows

TITLE

1
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 bal-
10 ances IN CERTAIN FUNDS to require OTHER STATEMENTS AND reports
11 TO REGULATE ACCEPTANCE OF CERTAIN GIFTS, PAYMENTS, AND REIMBURSE-
12 MENTS TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE
13 DEPARTMENTS AND STATE AND LOCAL OFFICIALS AND EMPLOYEES to pro-
14 vide appropriations to prescribe penalties AND PROVIDE REMEDIES
15 and to repeal certain acts and parts of acts

16 Sec 15 (1) The secretary of state shall do all of the
17 following

18 (a) Make available through his or her offices and furnish
19 to county clerks appropriate forms instructions, and manuals
20 required by this act

21 (b) Develop a filing, coding and cross-indexing system for
22 the filing of required reports and statements consistent with the
23 purposes of this act, and supervise the implementation of the
24 filing systems by the clerks of the counties

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

1 (d) Prepare forms, instructions, and manuals required under
2 this act

3 (e) Promulgate rules and issue declaratory rulings to imple-
4 ment this act pursuant to the administrative procedures act of
5 1969, Act No 306 of the Public Acts of 1969, as amended, being
6 sections 24 201 to 24 328 of the Michigan Compiled Laws

7 (f) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, UPON
8 receipt of a written request and the required filing, waive pay-
9 ment of a late filing fee if the request for the waiver is based
10 on good cause and accompanied by adequate documentation ~~Any~~
11 ONE OR MORE of the following reasons ~~shall~~ constitute good
12 cause for a late filing fee waiver

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

18 (11) Other unique, unintentional factors beyond the filer's
19 control not stemming from a negligent act or nonaction so that a
20 reasonably prudent person would excuse the filing on a temporary
21 basis These factors include the loss or unavailability of
22 records due to a fire, flood, theft, or similar reason and diffi-
23 culties related to the transmission of the filing to the filing
24 official, such as exceptionally bad weather or strikes involving
25 transportation systems

(G) UPON RECEIPT OF A WRITTEN REQUEST FOLLOWING AN ELECTION
BY A PERSON REQUIRED TO FILE A REPORT OR STATEMENT UNDER THIS

1 ACT, SET UP A RECONCILIATION MEETING TO REVIEW ALL REPORTS AND
2 STATEMENTS FILED OR REQUIRED TO BE FILED BY THAT PERSON UNDER
3 THIS ACT THE SECRETARY OF STATE SHALL WAIVE PAYMENT OF ALL LATE
4 FILING FEES OR PENALTIES DUE UNDER THIS ACT BY A PERSON WHO
5 REQUESTS AND ATTENDS A RECONCILIATION MEETING UNDER THIS SUBDIVI-
6 SION AND WHO COMPLETES AND CORRECTS ALL REPORTS OR STATEMENTS
7 REQUIRED TO BE FILED UNDER THIS ACT PURSUANT TO THE RECONCILIA-
8 TION MEETING

9 (2) A declaratory ruling shall be issued under this section
10 only if the person requesting the ruling has provided a reason-
11 ably complete statement of facts necessary for the ruling or if
12 the secretary of state has permitted the person requesting the
13 ruling an opportunity to supply supplemental facts necessary for
14 the ruling A request for a declaratory ruling that is submitted
15 to the secretary of state shall be made available for public
16 inspection within 48 hours after its receipt An interested
17 person may submit written comments regarding the request to the
18 secretary of state within 10 business days after the date the
19 request is made available to the public Within 45 business days
20 after receiving a declaratory ruling request, the secretary of
21 state shall make a proposed response available to the public An
22 interested person may submit written comments regarding the pro-
23 posed response to the secretary of state within 5 business days
24 after the date the proposal is made available to the public
25 Except as otherwise provided in this section, the secretary of
26 state shall issue a declaratory ruling within 60 business days
27 after a request for a declaratory ruling is received If the

1 secretary of state refuses to issue a declaratory ruling, the
2 secretary of state shall notify the person making the request of
3 the reasons for the refusal. The secretary of state may issue an
4 interpretative statement providing an informational response to
5 the question presented. A declaratory ruling or interpretative
6 statement issued under this section shall not state a general
7 rule of law, other than that which is stated in this act, until
8 the general rule of law is promulgated by the secretary of state
9 as a rule pursuant to the administrative procedures act of 1969,
10 Act No. 306 of the Public Acts of 1969, ~~being sections 24-201 to~~
11 ~~24-328 of the Michigan Compiled Laws,~~ or pursuant to judicial
12 order.

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

20 (4) An annual summary of the declaratory rulings and inter-
21 pretative statements issued by the secretary of state shall be
22 made available to the public.

23 (5) A person may file a complaint with the secretary of
24 state alleging a violation of this act. Upon receipt of a com-
25 plaint, the secretary of state shall investigate the allegations
26 pursuant to the rules promulgated under this act. If the
27 secretary of state determines that there may be reason to believe

1 that a violation of this act has occurred, the secretary of state
2 shall endeavor to correct the violation or prevent a further vio-
3 lation by using informal methods such as a conference, concili-
4 ation, or persuasion, and may enter into a conciliation agreement
5 with the person involved Unless violated, a conciliation agree-
6 ment is a complete bar to any further action with respect to mat-
7 ters covered in the conciliation agreement If the secretary of
8 state is unable to correct or prevent further violation by these
9 informal methods, the secretary of state may refer the matter to
10 the attorney general for the enforcement of any criminal penalty
11 provided by this act or commence a hearing pursuant to
12 subsection (6)

13 (6) The secretary of state may commence a hearing to deter-
14 mine whether a civil violation of this act has occurred A hear-
15 ing shall not be commenced during the period beginning 30 days
16 before an election in which the committee has received or
17 expended money and ending the day after that election except with
18 the consent of the person suspected of committing a civil
19 violation The hearing shall be conducted ~~in accordance with~~
20 PURSUANT TO the procedures set forth in chapter 4 of the adminis-
21 trative procedures act of 1969, Act No 306 of the Public Acts of
22 1969, being sections 24 271 to 24 287 of the Michigan Compiled
23 Laws If after a hearing the secretary of state determines that
24 a violation of this act has occurred, the secretary of state may
25 issue an order requiring the person to pay a civil fine equal to
26 the amount of the improper contribution or expenditure plus not
27 more than \$1,000 00 for each violation A final decision and

1 order issued by the secretary of state is subject to judicial
2 review as provided by chapter 6 of the administrative procedures
3 act of 1969, Act No 306 of the Public Acts of 1969, being sec-
4 tions 24 301 to 24 306 of the Michigan Compiled Laws ~~—A—~~ THE
5 SECRETARY OF STATE SHALL DEPOSIT A civil fine imposed under this
6 section ~~shall be deposited~~ in the general fund The secretary
7 of state may bring an action in circuit court to recover the
8 amount of a civil fine

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

20 (8) Unless otherwise specified in this act, a person who
21 violates a provision of this act is subject to a civil fine of
22 not more than \$1,000 00 for each violation Civil fines are in
23 addition to, but not limited by, any criminal penalty prescribed
24 by this act

25 (9) The secretary of state may waive the filing of a cam-
26 paign statement required under section 33, 34, or 35 if the
27 closing date of the particular campaign statement falls on the

1 same or a later date as the closing date of the next campaign
 2 statement filed by the same person, or if the period ~~which~~ THAT
 3 would be otherwise covered by the next campaign statement filed
 4 by the same person is 10 days or less

5 (10) The clerk of each county shall do all of the
 6 following

7 (a) Make available through the county clerk's office the
 8 appropriate forms, instructions, and manuals required by this
 9 act

10 (b) Under the supervision of the secretary of state, imple-
 11 ment the filing, coding, and cross-indexing system prescribed for
 12 the filing of reports and statements required to be filed with
 13 the county clerk's office

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

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

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

1 (2) A FILING OFFICIAL SHALL PROVIDE A copy of a statement or
2 part of a statement ~~shall be provided by a filing official~~ at a
3 reasonable charge

4 (3) A PERSON SHALL NOT USE A statement open to the public
5 under this act ~~shall not be used~~ for any commercial purpose

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

22 (5) A ~~charge~~ FILING OFFICIAL shall not ~~be collected by a~~
23 ~~filing official for the filing of a required statement or report~~
24 ~~or~~ COLLECT A FEE for a form upon which ~~the~~ A REQUIRED state-
25 ment or report is to be prepared ~~, except~~ HOWEVER, A FILING
26 OFFICIAL SHALL COLLECT a late filing fee AS required by this
27 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 STATEMENT OR REPORT IS CONSIDERED LATE FILED AND
23 IS subject to late filing fees

24 (8) BEFORE 2 BUSINESS DAYS HAVE EXPIRED AFTER THE DEADLINE
25 FOR FILING THE STATEMENT OR REPORT, THE SECRETARY OF STATE SHALL
26 REPORT FAILURES TO FILE TO THE ATTORNEY GENERAL BEFORE 2
27 BUSINESS DAYS HAVE EXPIRED AFTER THE DEADLINE FOR FILING THE

1 STATEMENT OR REPORT, THE COUNTY CLERK SHALL REPORT FAILURES TO
2 FILE TO THE PROSECUTING ATTORNEY FOR THAT COUNTY After 9 busi-
3 ness days and before 12 business days have expired after the
4 deadline for filing the statement or report, the ~~filing~~
5 ~~official~~ SECRETARY OF STATE shall report errors or omissions
6 that were not corrected ~~and failures to file~~ to the attorney
7 general AFTER 9 BUSINESS DAYS AND BEFORE 12 BUSINESS DAYS HAVE
8 EXPIRED AFTER THE DEADLINE FOR FILING THE STATEMENT OR REPORT,
9 THE COUNTY CLERK SHALL REPORT ERRORS OR OMISSIONS THAT WERE NOT
10 CORRECTED TO THE PROSECUTING ATTORNEY FOR THAT COUNTY ON THE
11 TENTH BUSINESS DAY AFTER THE RECEIPT OF A REPORT OF ERRORS OR
12 OMISSIONS AND FAILURES TO FILE FROM THE SECRETARY OF STATE, THE
13 ATTORNEY GENERAL SHALL REPORT ERRORS OR OMISSIONS THAT WERE NOT
14 CORRECTED AND FAILURES TO FILE TO THE PROSECUTING ATTORNEY FOR
15 THE COUNTY IN WHICH THE FILER RESIDES, IF KNOWN WITHIN A REA-
16 SONABLE PERIOD OF TIME AFTER RECEIPT OF A NOTICE OF ERRORS OR
17 OMISSIONS THAT WERE NOT CORRECTED AND FAILURES TO FILE, THE
18 ATTORNEY GENERAL AND THE PROSECUTING ATTORNEY SHALL TAKE THE
19 STEPS NEEDED TO ENFORCE THE CRIMINAL PENALTIES OF THIS ACT
20 EXCEPT WHEN IT IS IMPOSSIBLE, THE ATTORNEY GENERAL AND THE PROSE-
21 CUTING ATTORNEY SHALL BEGIN TAKING THE STEPS NEEDED TO ENFORCE
22 THE CRIMINAL PENALTIES OF THIS ACT BEFORE THE IMMEDIATELY SUC-
23 CEEDING ELECTION AT WHICH THE CANDIDATE OR BALLOT QUESTION WILL
24 APPEAR ON THE BALLOT

25 (9) A PERSON SHALL FILE A statement or report required to be
26 filed under this act ~~shall be filed~~ not later than 5 p m of
27 the day in which it is required to be filed A preelection

1 statement or report due on July 25 or October 25 under section 33
2 ~~which~~ THAT is postmarked by registered or certified mail, or
3 sent by express mail or other overnight delivery service, at
4 least 2 days before the deadline for filing ~~shall be~~ IS consid-
5 ered filed within the prescribed time regardless of when it is
6 actually delivered Any other statement or report required to be
7 filed under this act ~~which~~ THAT is postmarked by registered or
8 certified mail or sent by express mail or other overnight deliv-
9 ery service on or before the deadline for filing ~~shall be~~ IS
10 considered filed within the prescribed time regardless of when it
11 is actually delivered

12 (10) A PERSON REQUIRED TO FILE UNDER THIS ACT MAY FILE BY
13 COMPUTER DISK IN A FORMAT PRESCRIBED BY THE SECRETARY OF STATE

14 Sec 24 (1) A committee shall file a statement of organi-
15 zation with the filing officials designated in section 36 to
16 receive the committee's campaign statements A statement of
17 organization shall be filed within 10 days after a committee is
18 formed A filing official shall maintain a statement of organi-
19 zation filed by a committee until 5 years after the official date
20 of the committee's dissolution A person who fails to file a
21 statement of organization required by this subsection shall pay a
22 late filing fee of ~~\$10-00~~ \$25 00 for each business day the
23 statement remains not filed in violation of this subsection The
24 late filing fee shall not exceed ~~\$300-00~~ \$1,000 00 A person
25 who violates this subsection by failing to file for more than 30
26 days after a statement of organization is required to be filed is
27 guilty of a misdemeanor punishable by a fine of not more than

1 \$1,000 00 FOR A CANDIDATE COMMITTEE, THE CANDIDATE AND THE
2 TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE
3 COMMITTEE'S RECORD KEEPING, REPORT PREPARATION, OR REPORT FILING
4 ARE EQUALLY RESPONSIBLE FOR THE FILING REQUIRED BY THIS
5 SUBSECTION THE PAYMENT OF A LATE FEE BY OR CONVICTION OF 1 OF
6 THOSE PARTIES DOES NOT BAR THE PAYMENT OF A LATE FEE BY OR CON-
7 VICTION OF THE OTHER PARTY UNDER THIS SUBSECTION

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

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

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

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

21 (d) The full name of ~~—~~ the office BEING SOUGHT, including
22 district number or jurisdiction, ~~—sought by,~~ and the county res-
23 idence of each candidate ~~—, and a~~ SUPPORTED OR OPPOSED BY THE
24 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) ~~-(e)-~~ Identification of the committee as a candidate
5 committee, political party committee, independent committee,
6 political committee, or ballot question committee if it is iden-
7 tifiable as such a committee

8 (3) If any of the information required in a statement of
9 organization is changed, THE COMMITTEE SHALL FILE an amendment
10 ~~shall be filed~~ when the next campaign statement is required to
11 be filed

12 (4) When filing a statement of organization, a committee,
13 other than an independent committee, a political committee, or a
14 political party committee, may indicate in a written statement
15 signed by the treasurer of the committee that the committee does
16 not expect for each election to receive an amount in excess of
17 \$1 000 00 or expend an amount in excess of \$1,000 00

18 (5) When filing a statement of organization, an independent
19 committee, a political committee or a political party committee
20 may indicate in a written statement signed by the treasurer of
21 the committee that the committee does not expect in a calendar
22 year to receive or expend an amount in excess of \$1,000 00

23 (6) Upon the dissolution of a committee, THE COMMITTEE SHALL
24 FILE a statement indicating dissolution ~~shall be filed~~ with the
25 filing officials with whom the committee's statement of organiza-
26 tion was filed Dissolution of a committee shall be accomplished
27 ~~in accordance with~~ PURSUANT TO rules promulgated by the

1 secretary of state under the administrative procedures act of
2 1969, Act No 306 of the Public Acts of 1969, being sections
3 24 201 to 24 328 of the Michigan Compiled Laws ~~-(7)-~~ A candi-
4 date committee ~~-which-~~ THAT files a written statement pursuant to
5 subsection (4) ~~-shall-~~ IS not ~~-be-~~ required to file a dissolution
6 statement ~~-pursuant to-~~ UNDER THIS subsection ~~-(6)-~~ if the com-
7 mittee failed to receive or expend an amount in excess of
8 \$1,000 00 and 1 of the following applies

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

11 (b) The candidate vacates an elective office and has no out-
12 standing campaign debts or assets

13 Sec 33 (1) A committee other than an independent commit-
14 tee or a political committee required to file with the secretary
15 of state, supporting or opposing a candidate shall file campaign
16 statements as required by this act according to the following
17 schedule

18 (a) A preelection campaign statement shall be filed not
19 later than the eleventh day before an election The closing date
20 for a campaign statement filed under this subdivision ~~-shall be-~~
21 IS the sixteenth day before the election

22 (b) A postelection campaign statement shall be filed not
23 later than the thirtieth day following the election The closing
24 date for a campaign statement filed under this subdivision ~~-shall~~
25 ~~be-~~ IS the twentieth day following the election A committee
26 supporting a candidate who loses the primary election shall file
27 closing campaign statements ~~-in accordance with-~~ PURSUANT TO this

1 section If all liabilities of such a candidate or committee are
2 paid before the closing date and additional contributions are not
3 expected, the campaign statement may be filed at any time after
4 the election, but not later than the thirtieth day following the
5 election

6 (2) For the purposes of subsection (1)

7 (a) A candidate committee shall file a preelection campaign
8 statement and a postelection campaign statement for each election
9 in which the candidate seeks nomination or election, except if an
10 individual becomes a candidate after the closing date for the
11 preelection campaign statement only the postelection campaign
12 statement is required for that election

13 (b) A committee other than a candidate committee shall file
14 a campaign statement for each period during which expenditures
15 are made for the purpose of influencing the nomination or elec-
16 tion of a candidate or for the qualification, passage, or defeat
17 of a ballot question

18 (3) An independent committee or a political committee
19 required to file with the secretary of state shall file campaign
20 statements as required by this act according to the following
21 schedule

22 (a) In an odd numbered year

23 (1) Not later than January 31 of that year with a closing
24 date of December 31 of the previous year

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

26 (111) Not later than October 25 with a closing date of
27 October 20

1 (b) In an even numbered year

2 (1) Not later than April 25 of that year with a closing date
3 of April 20 of that year

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

5 (111) Not later than October 25 with a closing date of
6 October 20

7 (4) Notwithstanding subsection (3) or section 51, if an
8 independent expenditure is made within 45 days before a special
9 election by an independent committee or a political committee
10 required to file a campaign statement with the secretary of
11 state, THE COMMITTEE SHALL FILE a report of the INDEPENDENT
12 expenditure ~~shall be filed by the committee~~ with the secretary
13 of state within 48 hours after the expenditure The report shall
14 be made on a form provided by the secretary of state and shall
15 include the date of the independent expenditure, the amount of
16 the expenditure, a brief description of the nature of the expen-
17 diture, and the name and address of the person to whom the expen-
18 diture was paid The brief description of the INDEPENDENT expen-
19 diture shall include either the name of the candidate and the
20 office sought by the candidate or the name of the ballot question
21 and shall state whether the expenditure supports or opposes the
22 candidate or ballot question This subsection does not apply if
23 the committee is required to report the independent expenditure
24 in a campaign statement that is required to be filed before the
25 date of the election for which the expenditure was made

26 (5) A ~~candidate committee or a committee other than a~~
27 ~~candidate committee which~~ THAT files a written statement under

1 section ~~24(5) or (6)~~ 24 INDICATING THAT THE COMMITTEE DOES NOT
 2 EXPECT TO RECEIVE OR EXPEND AN AMOUNT IN EXCESS OF \$1,000 00 need
 3 not file a campaign statement under subsection (1) or (3) unless
 4 ~~it~~ THE COMMITTEE received or expended an amount in excess of
 5 \$1,000 00 If the committee receives or expends an amount in
 6 excess of \$1,000 00 during a period covered by a filing, the com-
 7 mittee is then subject to the campaign filing requirements under
 8 this act

9 (6) A committee, candidate, treasurer, or other individual
 10 designated as responsible for the committee's record keeping,
 11 report preparation, or report filing who fails to file a state-
 12 ment as required by this section shall pay a late filing fee of
 13 ~~\$25-00~~ \$100 00 for each business day the statement remains
 14 unfiled ~~The late filing fee shall not exceed \$500 00~~ If a
 15 candidate, treasurer, or other individual designated as responsi-
 16 ble for the committee's record keeping report preparation, or
 17 report filing fails to file 2 statements required by this section
 18 or section 35 and both of the statements remain unfiled for more
 19 than 30 days, that candidate, treasurer, or other designated
 20 individual is guilty of a misdemeanor, punishable by a fine of
 21 not more than \$1,000 00, or imprisonment for not more than 90
 22 days, or both FOR A CANDIDATE COMMITTEE, THE CANDIDATE AND THE
 23 TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE
 24 COMMITTEE'S RECORD KEEPING, REPORT PREPARATION, OR REPORT FILING
 25 ARE EQUALLY RESPONSIBLE FOR THE FILING REQUIRED BY THIS SECTION
 26 AND SECTION 35 THE PAYMENT OF A LATE FEE BY OR CONVICTION OF 1

1 OF THOSE PARTIES DOES NOT BAR THE PAYMENT OF A LATE FEE BY OR
2 CONVICTION OF THE OTHER PARTY UNDER THIS SUBSECTION

3 (7) If a candidate subject to this section is found guilty,
4 the circuit court for that county, on application by the attorney
5 general or the prosecuting attorney of that county, may prohibit
6 that candidate from assuming the duties of a public office or
7 from receiving compensation from public funds, or both

8 (8) If a treasurer or other individual designated as respon-
9 sible for a committee's record keeping, report preparation, or
10 report filing knowingly files an incomplete or inaccurate state-
11 ment or report required by this section, that treasurer or other
12 designated individual is subject to a civil fine of not more than
13 \$1,000 00

14 Sec 35 (1) In addition to any other requirements of this
15 act for filing a campaign statement, a committee, other than an
16 independent committee or a political committee required to file
17 with the secretary of state shall also file a campaign statement
18 not later than January 31 of each year The campaign statement
19 shall have a closing date of December 31 of the previous year
20 The period covered by the campaign statement filed pursuant to
21 this subsection shall begin the day after the closing date of the
22 previous campaign statement A campaign statement filed pursuant
23 to this subsection shall be waived if a postelection campaign
24 statement has been filed ~~which~~ ON OR BEFORE THE CLOSING DATE
25 FOR THE CAMPAIGN STATEMENT REQUIRED BY THIS SUBSECTION AND has a
26 filing deadline within 30 days of the closing date of the
27 campaign statement required by this subsection

1 (2) Subsection (1) does not apply to a candidate committee
 2 for an officeholder who is a judge or a supreme court justice, or
 3 who holds an elective office for which the salary is less than
 4 \$100 00 a month and who does not receive any contribution or make
 5 any expenditure during the time ~~which~~ THAT would be otherwise
 6 covered in the statement

7 (3) A committee, candidate, treasurer, or other individual
 8 designated as responsible for the record keeping, report prepara-
 9 tion, or report filing for a candidate committee of a candidate
 10 for state elective office or a judicial office who fails to file
 11 a campaign statement under this section shall pay a late filing
 12 fee of \$25 00 for each business day the campaign statement
 13 remains not filed in violation of this section The late filing
 14 fee shall not exceed \$500 00 A committee, treasurer or other
 15 individual designated as responsible for the record keeping,
 16 report preparation, or report filing for a committee other than a
 17 candidate committee of a candidate for state elective office or a
 18 judicial office who fails to file a campaign statement under this
 19 section shall pay a late filing fee of \$25 00 for each business
 20 day the committee statement remains not filed in violation of
 21 this section The late filing fee shall not exceed \$500 00

22 (4) A committee filing a written statement pursuant to sec-
 23 tion ~~24(5) or (6)~~ 24(4) OR (5) need not file a statement ~~in~~
 24 ~~accordance with~~ UNDER subsection (1) If a committee receives
 25 or expends more than \$1,000 00 during a time period prescribed by
 26 section ~~24(5) or (6)~~ 24(4) OR (5), the committee is then
 27 subject to the campaign filing requirements under this act and

1 shall file a campaign statement for the period beginning the day
2 after the closing date of the last postelection campaign state-
3 ment or an annual campaign statement ~~which~~ THAT is waived pur-
4 suant to subsection (1), whichever occurred earlier

5 (5) If a candidate, treasurer, or other individual desig-
6 nated as responsible for the record keeping, report preparation,
7 or report filing fails to file 2 statements required by this sec-
8 tion or section 33 and both of the statements remain unfiled for
9 more than 30 days, that candidate, treasurer, or other designated
10 individual is guilty of a misdemeanor, punishable by a fine of
11 not more than \$1,000 00, or imprisonment for not more than 90
12 days, or both

13 (6) If a treasurer or other individual designated as respon-
14 sible for the record keeping, report preparation, or report
15 filing for a committee required to file a campaign statement
16 under subsection (1) knowingly files an incomplete or inaccurate
17 statement or report required by this section, that treasurer or
18 other designated individual is subject to a civil fine of not
19 more than \$1,000 00