



# HOUSE BILL No. 5079

September 20, 1995, Introduced by Rep. Munsell and referred to the Committee on House Oversight and Ethics.

A bill to amend section 33 of Act No. 388 of the Public Acts of 1976, entitled as amended "Michigan campaign finance act," as amended by Act No. 95 of the Public Acts of 1989, being section 169.233 of the Michigan Compiled Laws.

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

1 Section 1. Section 33 of Act No. 388 of the Public Acts of  
2 1976, as amended by Act No. 95 of the Public Acts of 1989, being  
3 section 169.233 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 33. (1) A committee, other than an independent commit-  
6 tee or a political committee required to file with the secretary  
7 of state, supporting or opposing a candidate shall file campaign  
8 statements as required by this act according to the following  
9 schedule:

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

5 (b) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, A  
6 postelection campaign statement shall be filed not later than the  
7 thirtieth day following the election ~~. The~~ AND THE closing  
8 date for ~~a~~ THIS POSTELECTION campaign statement ~~filed under~~  
9 ~~this subdivision~~ shall be the twentieth day following the  
10 election. FOR THE GENERAL NOVEMBER ELECTION, A POSTELECTION CAM-  
11 PAIGN STATEMENT SHALL BE FILED NOT LATER THAN THE JANUARY TENTH  
12 IMMEDIATELY FOLLOWING THE ELECTION AND THE CLOSING DATE FOR THIS  
13 POSTELECTION CAMPAIGN STATEMENT SHALL BE THE DECEMBER 31 IMMEDI-  
14 ATELY FOLLOWING THE ELECTION. A committee supporting a candidate  
15 who loses the primary election shall file closing campaign state-  
16 ments ~~in accordance with~~ UNDER this section. If all liabili-  
17 ties of ~~such a~~ THE candidate or committee are paid before the  
18 closing date and additional contributions are not expected, the  
19 campaign statement may be filed at any time after the election,  
20 but not later than ~~the thirtieth day following the election~~  
21 OTHERWISE REQUIRED IN THIS SUBDIVISION.

22 (2) For the purposes of subsection (1):

23 (a) A candidate committee shall file a preelection campaign  
24 statement and a postelection campaign statement for each election  
25 in which the candidate seeks nomination or election, except if an  
26 individual becomes a candidate after the closing date for the

1 preelection campaign statement only the postelection campaign  
2 statement is required for that election.

3 (b) A committee other than a candidate committee shall file  
4 a campaign statement for each period during which expenditures  
5 are made for the purpose of influencing the nomination or elec-  
6 tion of a candidate or for the qualification, passage, or defeat  
7 of a ballot question.

8 (3) An independent committee or a political committee  
9 required to file with the secretary of state shall file campaign  
10 statements as required by this act according to the following  
11 schedule:

12 (a) In an odd numbered year:

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

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

16 (iii) Not later than October 25 with a closing date of  
17 October 20.

18 (b) In an even numbered year:

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

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

22 (iii) Not later than October 25 with a closing date of  
23 October 20.

24 (4) Notwithstanding subsection (3) or section 51, if an  
25 independent expenditure is made within 45 days before a special  
26 election by an independent committee or a political committee  
27 required to file a campaign statement with the secretary of

1 state, a report of the expenditure shall be filed by the  
2 committee with the secretary of state within 48 hours after the  
3 expenditure. The report shall be made on a form provided by the  
4 secretary of state and shall include the date of the independent  
5 expenditure, the amount of the expenditure, a brief description  
6 of the nature of the expenditure, and the name and address of the  
7 person to whom the expenditure was paid. The brief description  
8 of the expenditure shall include either the name of the candidate  
9 and the office sought by the candidate or the name of the ballot  
10 question and shall state whether the expenditure supports or  
11 opposes the candidate or ballot question. This subsection does  
12 not apply if the committee is required to report the independent  
13 expenditure in a campaign statement that is required to be filed  
14 before the date of the election for which the expenditure was  
15 made.

16 (5) A candidate committee or a committee other than a candi-  
17 date committee which files a written statement under section  
18 24(5) or (6) need not file a campaign statement under subsection  
19 (1) or (3) unless it received or expended an amount in excess of  
20 \$1,000.00. If the committee receives or expends an amount in  
21 excess of \$1,000.00 during a period covered by a filing, the com-  
22 mittee is then subject to the campaign filing requirements under  
23 this act.

24 (6) A committee, candidate, treasurer, or other individual  
25 designated as responsible for the committee's record keeping,  
26 report preparation, or report filing who fails to file a  
27 statement as required by this section shall pay a late filing fee

1 of \$25.00 for each business day the statement remains unfiled.  
2 The late filing fee shall not exceed \$500.00. If a candidate,  
3 treasurer, or other individual designated as responsible for the  
4 committee's record keeping, report preparation, or report filing  
5 fails to file 2 statements required by this section or section 35  
6 and both of the statements remain unfiled for more than 30 days,  
7 that candidate, treasurer, or other designated individual is  
8 guilty of a misdemeanor, punishable by a fine of not more than  
9 \$1,000.00, or imprisonment for not more than 90 days, or both.

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

15 (8) If a treasurer or other individual designated as respon-  
16 sible for a committee's record keeping, report preparation, or  
17 report filing knowingly files an incomplete or inaccurate state-  
18 ment or report required by this section, that treasurer or other  
19 designated individual is subject to a civil fine of not more than  
20 \$1,000.00.