



HOUSE BILL No. 5410

November 9, 1995, Introduced by Reps. Munsell, Nye, Sikkema, London, DeLange, Dolan, Dobb, Bullard, Gustafson, Bobier, Bryant, Kaza, Middleton and Brackenridge and referred to the Committee on House Oversight and Ethics.

A bill to amend sections 5, 6, 8, 11, 12, 26, 29, 32, 33, 52, and 69 of Act No. 388 of the Public Acts of 1976, entitled as amended

"Michigan campaign finance act,"

section 5 as amended by Act No. 7 of the Public Acts of 1992, sections 6, 8, 26, 29, and 52 as amended by Act No. 117 of the Public Acts of 1994, section 12 as amended by Act No. 262 of the Public Acts of 1993, and sections 33 and 69 as amended by Act No. 95 of the Public Acts of 1989, being sections 169.205, 169.206, 169.208, 169.211, 169.212, 169.226, 169.229, 169.232, 169.233, 169.252, and 169.269 of the Michigan Compiled Laws; and to add section 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 6, 8, 11, 12, 26, 29, 32, 33, 52,
2 and 69 of Act No. 388 of the Public Acts of 1976, section 5 as

1 amended by Act No. 7 of the Public Acts of 1992, sections 6, 8,
2 26, 29, and 52 as amended by Act No. 117 of the Public Acts of
3 1994, section 12 as amended by Act No. 262 of the Public Acts of
4 1993, and sections 33 and 69 as amended by Act No. 95 of the
5 Public Acts of 1989, being sections 169.205, 169.206, 169.208,
6 169.211, 169.212, 169.226, 169.229, 169.232, 169.233, 169.252,
7 and 169.269 of the Michigan Compiled Laws, are amended and sec-
8 tion 57 is added to read as follows:

9 Sec. 5. (1) "Election" means a primary, general, special,
10 or millage election held in this state or a convention or caucus
11 of a political party held in this state to nominate a candidate.
12 Election includes a recall vote.

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

14 (A) FOR A GENERAL ELECTION, THE PERIOD BEGINNING THE DAY
15 FOLLOWING THE LAST GENERAL ELECTION IN WHICH THE OFFICE APPEARED
16 ON THE BALLOT AND ENDING ON THE DAY OF THE GENERAL ELECTION IN
17 WHICH THE OFFICE NEXT APPEARS ON THE BALLOT.

18 (B) FOR A SPECIAL ELECTION, THE PERIOD BEGINNING THE DAY A
19 SPECIAL GENERAL ELECTION IS CALLED OR THE DATE THE OFFICE BECOMES
20 VACANT, WHICHEVER IS EARLIER, AND ENDING ON THE DAY OF THE SPE-
21 CIAL GENERAL ELECTION.

22 (3) ~~(2)~~ "Elective office" means a public office filled by
23 an election, except for federal offices. A person who is
24 appointed to fill a vacancy in a public office that is ordinarily
25 elective holds an elective office. Elective office does not
26 include the office of precinct delegate. Except for the purposes
27 of sections 47, 54, and 55, elective office does not include a

1 school board member in a school district that has a pupil
2 membership of 2,400 or less enrolled on the most recent pupil
3 membership count day. However, elective office includes a school
4 board member in a school district that has a pupil membership of
5 2,400 or less, if a candidate committee of a candidate for the
6 office of school board member in that school district receives an
7 amount in excess of \$1,000.00 or expends an amount in excess of
8 \$1,000.00.

9 Sec. 6. (1) "Expenditure" means a payment, donation, loan,
10 or promise of payment of money or anything of ascertainable mone-
11 tary value for goods, materials, services, or facilities in
12 assistance of, or in opposition to, the nomination or election of
13 a candidate, or the qualification, passage, or defeat of a ballot
14 question. ~~(2)~~ Expenditure includes ~~a~~ BUT IS NOT LIMITED TO
15 ANY OF THE FOLLOWING:

16 (A) A contribution or a transfer of anything of ascertain-
17 ble monetary value for purposes of influencing the nomination or
18 election of a candidate or the qualification, passage, or defeat
19 of a ballot question.

20 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(F) OR
21 (G), AN EXPENDITURE FOR VOTER REGISTRATION OR GET-OUT-THE-VOTE
22 ACTIVITIES MADE BY A PERSON WHO SPONSORS OR FINANCES THE ACTIVITY
23 OR WHO IS IDENTIFIED BY NAME WITH THE ACTIVITY.

24 (C) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(F) OR
25 (G), AN EXPENDITURE MADE FOR POLL WATCHERS, CHALLENGERS, DISTRI-
26 BUTION OF ELECTION DAY LITERATURE, CANVASSING OF VOTERS TO GET
27 OUT THE VOTE, OR TRANSPORTING VOTERS TO THE POLLS.

1 (2) ~~(3)~~ Expenditure does not include any of the
2 following:

3 (a) An expenditure for communication by a person with the
4 person's paid members or shareholders and those individuals who
5 can be solicited for contributions to a separate segregated fund
6 under section 55.

7 (b) An expenditure for communication on a subject or issue
8 if the communication does not support or oppose a ballot question
9 or candidate by name or clear inference.

10 (c) An expenditure for the establishment, administration, or
11 solicitation of contributions to a separate segregated fund or
12 independent committee.

13 (d) An expenditure by a broadcasting station, newspaper,
14 magazine, or other periodical or publication for a news story,
15 commentary, or editorial in support of or opposition to a candi-
16 date for elective office or a ballot question in the regular
17 course of publication or broadcasting.

18 (e) An offer or tender of an expenditure if expressly and
19 unconditionally rejected or returned.

20 (f) An expenditure for nonpartisan voter registration or
21 nonpartisan get-out-the-vote activities MADE BY AN ORGANIZATION
22 THAT IS EXEMPT FROM FEDERAL INCOME TAX PURSUANT TO SECTION
23 501(c)(3) OF THE INTERNAL REVENUE CODE OF 1986, OR ANY SUCCESSOR
24 STATUTE. ~~This exclusion does not apply if a candidate or group
25 of candidates sponsors or finances the activity or is identified
26 by name with the activity. This exclusion does apply to an
27 activity~~

1 (G) AN EXPENDITURE FOR NONPARTISAN VOTER REGISTRATION OR
2 NONPARTISAN GET-OUT-THE-VOTE ACTIVITIES performed pursuant to
3 sections 491 to 524 of the Michigan election law, Act No. 116 of
4 the Public Acts of 1954, ~~as amended,~~ being sections 168.491 to
5 168.524 of the Michigan Compiled Laws, by the secretary of state
6 and other registration officials who are identified by name with
7 the activity. ~~This exclusion does apply to a candidate who is
8 an elected officeholder and whose office is not on the ballot for
9 the general election in the calendar year in which the expendi-
10 ture is made or who is not a candidate within the meaning of sec-
11 tions 3(1)(a) and 3(1)(b) and who is identified by name with the
12 activity.~~

13 Sec. 8. (1) "HOUSE POLITICAL PARTY CAUCUS COMMITTEE" MEANS
14 AN INDEPENDENT COMMITTEE ESTABLISHED BY A POLITICAL PARTY CAUCUS
15 OF THE STATE HOUSE OF REPRESENTATIVES UNDER THIS SUBSECTION. A
16 POLITICAL PARTY CAUCUS OF THE STATE HOUSE OF REPRESENTATIVES
17 SHALL NOT ESTABLISH OR MAINTAIN MORE THAN 1 HOUSE POLITICAL PARTY
18 CAUCUS COMMITTEE. NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE
19 OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, THE LEADER OF
20 EACH POLITICAL PARTY CAUCUS OF THE STATE HOUSE OF REPRESENTATIVES
21 SHALL ESTABLISH OR DESIGNATE THE INDEPENDENT COMMITTEE THAT IS
22 THE HOUSE POLITICAL PARTY CAUCUS COMMITTEE UNDER THIS ACT.

23 (2) ~~(1)~~ "Immediate family" means any child residing in a
24 candidate's household, the candidate's spouse, or any individual
25 claimed by that candidate or that candidate's spouse as a depen-
26 dent for federal income tax purposes.

1 (3) ~~(2)~~ "Independent committee" means a committee, other
2 than a political party committee, which before contributing to a
3 candidate committee of a candidate for state elective office
4 under section ~~52(3)~~ 52(2) or 69(2) files a statement of organi-
5 zation as an independent committee at least 6 months before an
6 election for which it expects to accept contributions or make
7 expenditures in support of or in opposition to a candidate for
8 nomination to or election to a state elective office; and
9 receives contributions from at least 25 persons and makes expen-
10 ditures not to exceed the limitations of section 52(1) in support
11 of or in opposition to 3 or more candidates for nomination for or
12 election to a state elective office in the same calendar year.

13 Sec. 11. (1) "Person" means a business, individual, pro-
14 prietorship, firm, partnership, joint venture, syndicate, busi-
15 ness trust, labor organization, company, corporation, associa-
16 tion, committee, or any other organization or group of persons
17 acting jointly.

18 (2) "Political committee" means a committee which is not a
19 candidate committee, political party committee, independent com-
20 mittee, or ballot question committee.

21 (3) "Political merchandise" means goods such as bumper
22 stickers, pins, hats, beverages, literature, or other items sold
23 by a person at a fund raiser or to the general public for public-
24 ity or for the purpose of raising funds to be used in supporting
25 or opposing a candidate for nomination for or election to an
26 elective office or in supporting or opposing the qualification,
27 passage, or defeat of a ballot question.

1 (4) "Political party" means a political party which has a
2 right under law to have the names of its candidates listed on the
3 ballot in a general election.

4 (5) "Political party committee" means a state central, dis-
5 trict, or county committee of a political party which is a
6 committee. Each state central committee shall designate the
7 official party county and district committees. There shall not
8 be more than 1 officially designated political party committee
9 per county and per congressional district.

10 (6) "PUBLIC BODY" MEANS A LEGISLATIVE OR GOVERNING BODY OF
11 THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE THAT IS EMPOW-
12 ERED BY THE STATE CONSTITUTION OF 1963, STATUTE, CHARTER, ORDI-
13 NANCE, RESOLUTION, OR RULE TO EXERCISE GOVERNMENTAL OR PROPRI-
14 ETARY AUTHORITY OR PERFORM A GOVERNMENTAL OR PROPRIETARY
15 FUNCTION. PUBLIC BODY INCLUDES BUT IS NOT LIMITED TO A BOARD,
16 COMMISSION, AUTHORITY, OR COUNCIL THAT MEETS THE REQUIREMENTS OF
17 THIS SUBSECTION.

18 Sec. 12. (1) "Qualifying contribution" means a contribution
19 of money made by a written instrument by an individual to the
20 candidate committee of a candidate for the office of governor
21 that is \$100.00 or less and made after April 1 of the year pre-
22 ceding a year in which a governor is to be elected. Not more
23 than \$100.00 of an individual's total aggregate contribution may
24 be used as a qualifying contribution in any calendar year.
25 Qualifying contribution does not include a subscription, loan,
26 advance, deposit of money, in-kind contribution or expenditure,
27 or anything else of value except as prescribed in this act.

1 Qualifying contribution does not include a contribution by an
2 individual who resides outside of this state. For purposes of
3 this subsection, an individual is considered to reside in this
4 state if he or she is considered a resident of this state under
5 the Michigan election law, Act No. 116 of the Public Acts of
6 1954, being sections 168.1 to 168.992 of the Michigan Compiled
7 Laws.

8 (2) "SENATE POLITICAL PARTY CAUCUS COMMITTEE" MEANS AN INDE-
9 PENDENT COMMITTEE ESTABLISHED BY A POLITICAL PARTY CAUCUS OF THE
10 STATE SENATE UNDER THIS SUBSECTION. A POLITICAL PARTY CAUCUS OF
11 THE STATE SENATE SHALL NOT ESTABLISH OR MAINTAIN MORE THAN 1
12 SENATE POLITICAL PARTY CAUCUS COMMITTEE. NOT LATER THAN 30 DAYS
13 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
14 SENTENCE, THE LEADER OF EACH POLITICAL PARTY CAUCUS OF THE STATE
15 SENATE SHALL ESTABLISH OR DESIGNATE THE INDEPENDENT COMMITTEE
16 THAT IS THE SENATE POLITICAL PARTY CAUCUS COMMITTEE UNDER THIS
17 ACT.

18 (3) ~~(2)~~ "State elective office" means the office of gover-
19 nor, lieutenant governor, secretary of state, attorney general,
20 justice of the supreme court, member of the state board of educa-
21 tion, regent of the university of Michigan, member of the board
22 of trustees of Michigan state university, member of the board of
23 governors of Wayne state university, and member of the state
24 legislature.

25 Sec. 26. (1) A campaign statement of a committee, other
26 than a political party committee, required by this act shall
27 contain all of the following information:

1 (a) The filing committee's name, address, and telephone
2 number, and the full name, residential and business addresses,
3 and telephone numbers of the committee treasurer or other indi-
4 vidual designated as responsible for the committee's record keep-
5 ing, report preparation, or report filing.

6 (b) Under the heading "receipts", the total amount of con-
7 tributions received during the period covered by the campaign
8 statement; under the heading "expenditures", the total amount of
9 expenditures made during the period covered by the campaign
10 statement; and the cumulative amount of those totals.

11 Forgiveness of a loan shall not be included in the totals.
12 Payment of a loan by a third party shall be recorded and reported
13 as an in-kind contribution by the third party. In-kind contribu-
14 tions or expenditures shall be listed at fair market value and
15 shall be reported as both contributions and expenditures. A con-
16 tribution or expenditure that is by other than completed and
17 accepted payment, gift, or other transfer, that is clearly not
18 legally enforceable, and that is expressly withdrawn or rejected
19 and returned before a campaign statement closing date need not be
20 included in the campaign statement and if included may, in a
21 later or amended statement, be shown as a deduction, but the com-
22 mittee shall keep adequate records of each instance.

23 (c) The balance of cash on hand at the beginning and the end
24 of the period covered by the campaign statement.

25 (d) The total amount of contributions received during the
26 period covered by the campaign statement from persons who
27 contributed more than \$20.00.

1 (e) The total amount of contributions received during the
2 period covered by the campaign statement from persons who con-
3 tributed \$20.00 or less.

4 (f) The total amount of contributions of \$20.00 or less
5 received during the period covered by the campaign statement and
6 the cumulative amount of the contributions received by the filer
7 pursuant to section 41(3).

8 (g) The following information regarding each fund-raising
9 event shall be included in the report:

10 (i) The type of event, date held, address and name, if any,
11 of the place where the activity was held, and approximate number
12 of individuals participating or in attendance.

13 (ii) The total amount of all contributions of more than
14 \$20.00.

15 (iii) The total amount of all contributions of \$20.00 or
16 less.

17 (iv) The gross receipts of the fund-raising event.

18 (v) The expenditures incident to the event.

19 (h) The full name of each individual from whom contributions
20 totaling more than \$20.00 are received during the period covered
21 by the campaign statement, together with the individual's street
22 address, the amount contributed, the date on which each contribu-
23 tion was received, and the cumulative amount contributed by that
24 individual. The occupation, employer, and principal place of
25 business shall be stated if the individual's cumulative contribu-
26 tions are more than \$100.00.

1 (i) The cumulative amount contributed and the name and
2 address of each individual, except those individuals reported
3 under subdivision (h), who contributed a total of more than
4 \$20.00. The occupation, employer, and principal place of busi-
5 ness, shall be stated for each individual who contributed more
6 than \$100.00.

7 (j) The name and street address of each person, other than
8 an individual, from whom contributions are received during the
9 period covered by the campaign statement, together with an item-
10 ization of the amounts contributed, the date on which each con-
11 tribution was received, and the cumulative amount contributed by
12 that person.

13 (k) The name, address, and amount given by an individual who
14 contributed more than \$20.00 to the total amount contributed by a
15 person who is other than a committee or an individual. The occu-
16 pation, employer, and principal place of business shall be stated
17 if the individual contributed more than \$100.00 of the total
18 amount contributed by a person who is other than a committee or
19 an individual.

20 (l) The cumulative total of expenditures of \$50.00 or less
21 made during the period covered by the campaign statement except
22 for expenditures made to or on behalf of another committee, can-
23 didate, or ballot question.

24 (m) The full name and street address of each person to whom
25 expenditures totaling more than \$50.00 were made, together with
26 the amount of each separate expenditure to each person during the
27 period covered by the campaign statement; the purpose of the

1 expenditure; the full name and street address of the person
2 providing the consideration for which any expenditure was made if
3 different from the payee; the itemization regardless of amount of
4 each expenditure made to or on behalf of another committee, can-
5 didate, or ballot question; and the cumulative amount of expendi-
6 tures for or against that candidate or ballot question for an
7 election cycle. An expenditure made in support of more than 1
8 candidate or ballot question, or both, shall be apportioned rea-
9 sonably among the candidates or ballot questions, or both.

10 (2) A candidate committee or ballot question committee shall
11 report all cumulative amounts required by this section on a per
12 election cycle basis. Except for subsection (1)(m), an indepen-
13 dent committee or political committee shall report all cumulative
14 amounts required by this section on a calendar year basis.

15 (3) A CAMPAIGN STATEMENT OF A COMMITTEE, IN ADDITION TO THE
16 OTHER INFORMATION REQUIRED BY THIS SECTION, SHALL INCLUDE AN
17 ITEMIZED LIST OF ALL EXPENDITURES DURING THE REPORTING PERIOD FOR
18 ELECTION DAY BUSING OF ELECTORS TO THE POLLS, GET-OUT-THE-VOTE
19 ACTIVITIES, SLATE CARDS, CHALLENGERS, POLL WATCHERS, AND POLL
20 WORKERS.

21 Sec. 29. (1) A campaign statement filed by a political
22 party committee shall contain all of the following information:

23 (a) The full name of each person from whom contributions
24 totaling more than \$20.00 in value are received in a calendar
25 year, the amount, and the date or dates contributed; and, if the
26 person is a committee, the name and address of the committee and
27 the full name of the committee treasurer, together with the

1 amount of the contribution and the date received. The
2 occupation, employer, and principal place of business, if any,
3 shall be listed for each person from whom contributions totaling
4 more than \$100.00 are received in a calendar year.

5 (b) Accompanying a campaign statement reporting the receipt
6 of a contribution of more than \$20.00 from a committee or person
7 whose treasurer does not reside in, whose principal office is not
8 located in, or whose funds are not kept in this state, and whose
9 committee has not filed a statement of organization as required
10 in section 24, shall be a statement setting forth the full name
11 and address of the treasurer of the committee.

12 (c) An itemized list of all expenditures, including in-kind
13 contributions and expenditures and loans, made during the period
14 covered by the campaign statement that were contributions to a
15 candidate committee of a candidate for elective office or a
16 ballot question committee; or independent expenditures in support
17 of the qualification, passage, or defeat of a ballot question or
18 in support of the nomination or election of a candidate for elec-
19 tive office or the defeat of any of the candidate's opponents.

20 (d) The total expenditure by the committee for each candi-
21 date for elective office or ballot question in whose behalf an
22 independent expenditure was made or a contribution was given for
23 the election cycle.

24 (e) The filer's name, address, and telephone number, if
25 available, if any, and the full name, address, and telephone
26 number, if available, of the committee treasurer.

1 (2) The committee shall identify an expenditure listed under
2 subsection (1)(c) as an independent expenditure or as a
3 contribution to a candidate committee or a ballot question
4 committee.

5 (3) The committee shall designate for a contribution to or
6 on behalf of a candidate committee or ballot question committee
7 listed under subsection (1)(c) the name and address of the com-
8 mittee, the name of the candidate and the office sought, if any,
9 the amount contributed, and the date of contribution.

10 (4) The committee shall designate for an independent expen-
11 diture listed under subsection (1)(c) either the name of the can-
12 didate for whose benefit the expenditure was made and the office
13 sought by the candidate, or a brief description of the ballot
14 question for which the expenditure was made; the amount, date,
15 and purpose of the expenditure; and the full name and address of
16 the person to whom the expenditure was made.

17 (5) The committee shall apportion an expenditure listed that
18 was made in support of more than 1 candidate or ballot question,
19 or both, reasonably among the candidates or ballot questions, or
20 both.

21 (6) A CAMPAIGN STATEMENT OF A COMMITTEE, IN ADDITION TO THE
22 OTHER INFORMATION REQUIRED BY THIS SECTION, SHALL INCLUDE AN
23 ITEMIZED LIST OF ALL EXPENDITURES DURING THE REPORTING PERIOD FOR
24 ELECTION DAY BUSING OF ELECTORS TO THE POLLS, GET-OUT-THE-VOTE
25 ACTIVITIES, SLATE CARDS, CHALLENGERS, POLL WATCHERS, AND POLL
26 WORKERS.

1 Sec. 32. (1) A late contribution shall be reported by
2 filing with the filing officer within 48 hours after its receipt
3 the full name, street address, occupation, employer, and princi-
4 pal place of business of the contributor. Filing of a report of
5 late contributions may be by any written means of communication
6 and need not contain an original signature. A late contribution
7 shall be reported on subsequent campaign statements without
8 regard to reports filed pursuant to this section. If a campaign
9 statement has not been filed, a late contribution may be
10 reported, if practicable, in the campaign statement and need not,
11 therefore, be reported in a subsequent campaign statement.

12 (2) A COMMITTEE, CANDIDATE, TREASURER, OR OTHER INDIVIDUAL
13 DESIGNATED AS RESPONSIBLE FOR THE COMMITTEE'S RECORD KEEPING,
14 REPORT PREPARATION, OR REPORT FILING WHO FAILS TO REPORT A LATE
15 CONTRIBUTION AS REQUIRED BY THIS SECTION SHALL PAY A LATE FILING
16 FEE OF \$25.00 FOR EACH BUSINESS DAY THE REPORT REMAINS UNFILED.
17 THE LATE FILING FEE SHALL NOT EXCEED \$500.00.

18 (3) ~~(2)~~ As used in this section "late contribution" means
19 a contribution of \$200.00 or more received after the closing date
20 of the last campaign statement required to be filed before an
21 election.

22 Sec. 33. (1) A committee, other than an independent commit-
23 tee or a political committee required to file with the secretary
24 of state, supporting or opposing a candidate shall file campaign
25 statements as required by this act according to the following
26 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 postelection campaign statement shall be filed not
6 later than the thirtieth day following the election. The closing
7 date for a campaign statement filed under this subdivision shall
8 be the twentieth day following the election. A committee sup-
9 porting a candidate who loses the primary election shall file
10 closing campaign statements in accordance with this section. If
11 all liabilities of such a candidate or committee are paid before
12 the closing date and additional contributions are not expected,
13 the campaign statement may be filed at any time after the elec-
14 tion, but not later than the thirtieth day following the
15 election.

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

17 (a) A candidate committee shall file a preelection campaign
18 statement and a postelection campaign statement for each election
19 in which the candidate seeks nomination or election, except if an
20 individual becomes a candidate after the closing date for the
21 preelection campaign statement only the postelection campaign
22 statement is required for that election.

23 (b) A committee other than a candidate committee shall file
24 a campaign statement for each period during which expenditures
25 are made for the purpose of influencing the nomination or elec-
26 tion of a candidate or for the qualification, passage, or defeat
27 of a ballot question.

1 (3) An independent committee or a political committee
2 INCLUDING A HOUSE POLITICAL PARTY CAUCUS COMMITTEE OR SENATE
3 POLITICAL PARTY CAUCUS COMMITTEE required to file with the secre-
4 tary of state shall file campaign statements as required by this
5 act according to the following schedule:

6 (a) In an odd numbered year:

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

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

10 (iii) Not later than October 25 with a closing date of
11 October 20.

12 (b) In an even numbered year:

13 (i) Not later than April 25 of that year with a closing date
14 of April 20 of that 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 (4) Notwithstanding subsection (3) or section 51, if an
19 independent expenditure is made within 45 days before a special
20 election by an independent committee or a political committee
21 required to file a campaign statement with the secretary of
22 state, a report of the expenditure shall be filed by the commit-
23 tee with the secretary of state within 48 hours after the
24 expenditure. The report shall be made on a form provided by the
25 secretary of state and shall include the date of the independent
26 expenditure, the amount of the expenditure, a brief description
27 of the nature of the expenditure, and the name and address of the

1 person to whom the expenditure was paid. The brief description
2 of the expenditure shall include either the name of the candidate
3 and the office sought by the candidate or the name of the ballot
4 question and shall state whether the expenditure supports or
5 opposes the candidate or ballot question. This subsection does
6 not apply if the committee is required to report the independent
7 expenditure in a campaign statement that is required to be filed
8 before the date of the election for which the expenditure was
9 made.

10 (5) A candidate committee or a committee other than a candi-
11 date committee which files a written statement under section
12 24(5) or (6) need not file a campaign statement under subsection
13 (1) or (3) unless it received or expended an amount in excess of
14 \$1,000.00. If the committee receives or expends an amount in
15 excess of \$1,000.00 during a period covered by a filing, the com-
16 mittee is then subject to the campaign filing requirements under
17 this act.

18 (6) A committee, candidate, treasurer, or other individual
19 designated as responsible for the committee's record keeping,
20 report preparation, or report filing who fails to file a state-
21 ment as required by this section shall pay a late filing fee of
22 \$25.00 for each business day the statement remains unfiled. The
23 late filing fee shall not exceed \$500.00. If a candidate, trea-
24 surer, or other individual designated as responsible for the
25 committee's record keeping, report preparation, or report filing
26 fails to file 2 statements required by this section or section 35
27 and both of the statements remain unfiled for more than 30 days,

1 that candidate, treasurer, or other designated individual is
2 guilty of a misdemeanor, punishable by a fine of not more than
3 \$1,000.00, or imprisonment for not more than 90 days, or both.

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

9 (8) If a treasurer or other individual designated as respon-
10 sible for a committee's record keeping, report preparation, or
11 report filing knowingly files an incomplete or inaccurate state-
12 ment or report required by this section, that treasurer or other
13 designated individual is subject to a civil fine of not more than
14 \$1,000.00.

15 Sec. 52. (1) Except as provided in subsection ~~(7)~~ (5), a
16 person other than an independent committee or a political party
17 committee shall not make contributions to a candidate committee
18 of a candidate for state elective office that, with respect to an
19 election cycle, are more than the following:

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

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

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

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

26 ~~(a) For a general election, the period beginning the day~~
27 ~~following the last general election in which the office appeared~~

1 ~~on the ballot and ending on the day of the next general election~~
2 ~~in which the office next appears on the ballot.~~

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

7 (2) ~~(3) An~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSEC-
8 TION, AN independent committee shall not make contributions to a
9 candidate committee of a candidate for state elective office
10 that, in the aggregate for that election cycle, are more than 10
11 times the amount permitted a person other than an independent
12 committee or political party committee in subsection (1). A
13 HOUSE POLITICAL PARTY CAUCUS COMMITTEE OR A SENATE POLITICAL
14 PARTY CAUCUS COMMITTEE IS NOT LIMITED UNDER THIS SUBSECTION IN
15 THE AMOUNT OF CONTRIBUTIONS MADE TO THE CANDIDATE COMMITTEE OF A
16 CANDIDATE FOR THE OFFICE OF STATE LEGISLATOR.

17 (3) ~~(4)~~ A political party committee other than a state
18 central committee shall not make contributions to the candidate
19 committee of a candidate for state elective office that are more
20 than 10 times the amount permitted a person other than an inde-
21 pendent committee or political party committee in subsection
22 (1).

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

1 committee in subsection (1). A state central committee of a
2 political party shall not make contributions to the candidate
3 committee of a candidate for state senator or state representa-
4 tive that are more than 10 times the amount permitted a person
5 other than an independent committee or political party committee
6 in subsection (1).

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

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

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

25 ~~(9) For the purposes of this act, a contribution made or~~
26 ~~received before June 21, 1989 is considered to be made with~~
27 ~~respect to an election cycle.~~

1 (8) ~~(+0)~~ A person who knowingly violates this section is
2 guilty of a misdemeanor punishable, if the person is an individu-
3 al, by a fine of not more than \$1,000.00 or imprisonment for not
4 more than 90 days, or both, or, if the person is not an individu-
5 al, by a fine of not more than \$10,000.00.

6 (9) ~~(++)~~ For purposes of the limitations provided in
7 subsections (1) and ~~(3)~~ (2), all contributions made by politi-
8 cal committees or independent committees established by any cor-
9 poration, joint stock company, or labor organization, including
10 any parent, subsidiary, branch, division, department, or local
11 unit thereof, shall be considered to have been made by a single
12 independent committee. By way of illustration and not limita-
13 tion, all of the following apply as a result of the application
14 of this requirement:

15 (a) All of the political committees and independent commit-
16 tees established by a for profit corporation or joint stock com-
17 pany, by a subsidiary of the for profit corporation or joint
18 stock company, or by any combination thereof, are treated as a
19 single independent committee.

20 (b) All of the political committees and independent commit-
21 tees established by a single national or international labor
22 organization, by a labor organization of that national or inter-
23 national labor organization, by a local labor organization of
24 that national or international labor organization, or by any
25 other subordinate organization of that national or international
26 labor organization, or by any combination thereof, are treated as
27 a single independent committee.

1 (c) All of the political committees and independent
2 committees established by an organization of national or interna-
3 tional unions, by a state central body of that organization, by a
4 local central body of that organization, or by any combination
5 thereof, are treated as a single independent committee.

6 (d) All of the political committees and independent commit-
7 tees established by a nonprofit corporation, by a related state
8 entity of that nonprofit corporation, by a related local entity
9 of that nonprofit corporation, or by any combination thereof, are
10 treated as a single independent committee.

11 SEC. 57. A PUBLIC BODY SHALL NOT MAKE A CONTRIBUTION OR
12 EXPENDITURE OR PROVIDE VOLUNTEER PERSONAL SERVICES THAT ARE
13 EXCLUDED FROM THE DEFINITION OF CONTRIBUTION UNDER SECTION
14 4(3)(A). 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 1
17 YEAR, OR BOTH, OR IF THE PERSON IS NOT AN INDIVIDUAL, BY A FINE
18 OF NOT MORE THAN \$20,000.00.

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

24 (2) An independent committee shall not make contributions to
25 a candidate committee ~~which, for~~ that FOR AN election cycle are
26 more than 10 times the amount permitted a person other than an

1 independent committee or political party committee in subsection
2 (1).

3 (3) A political party committee that is a state central com-
4 mittee shall not make contributions to a candidate committee
5 ~~which~~ THAT for an election cycle are more than \$750,000.00.

6 (4) A political party committee that is a congressional dis-
7 trict or county committee shall not make contributions to a can-
8 didate committee ~~which~~ THAT for an election cycle are more than
9 \$30,000.00.

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

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

18 (7) ~~Section 52(2)~~ SECTIONS 5(2) and ~~52(7)~~ 52(6) apply to
19 determining when an election cycle begins and ends and to which
20 election cycle a particular contribution ~~shall be~~ IS
21 attributed.

22 (8) The candidate committee of a candidate for governor that
23 does not make application for state campaign funds and that
24 accepts from the candidate and the candidate's immediate family
25 contributions that total for an election cycle more than
26 \$340,000.00 shall notify the secretary of state in writing within
27 48 hours after receipt of this amount. Within 2 business days

1 after receipt of this notice, the secretary of state shall send
2 notice to all candidates who are either seeking the same nomina-
3 tion, in the case of a primary election, or election to that same
4 office, in the case of a general election, informing those candi-
5 date committees of all of the following:

6 (a) That the expenditure limits provided in section 67 are
7 waived for the remainder of that election for those notified can-
8 didate committees that receive state campaign funds under this
9 act.

10 (b) That the expenditure limits of section 67 are not waived
11 for the purpose of determining the amount of public funds avail-
12 able to a candidate under section 64 or 65.

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