



SENATE BILL No. 1089

July 3, 1996, Introduced by Senator A. SMITH and referred to the Committee on Government Operations.

A bill to amend sections 5, 7, 8, 9, 12, 45, 52, 61, 62, 63, 64, 65, 66, 67, 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, section 7 as amended by Act No. 385 of the Public Acts of 1994, sections 8 and 52 as amended by Act No. 117 of the Public Acts of 1994, sections 9, 66, and 67 as amended by Act No. 411 of the Public Acts of 1994, sections 12, 61, 64, and 65 as amended by Act No. 262 of the Public Acts of 1993, and section 69 as amended by Act No. 95 of the Public Acts of 1989, being sections 169.205, 169.207, 169.208, 169.209, 169.212, 169.245, 169.252, 169.261, 169.262, 169.263, 169.264, 169.265, 169.266, 169.267, and 169.269 of the Michigan Compiled Laws; and to add sections 72, 73, 74, 75, 76, 77, 78, and 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 7, 8, 9, 12, 45, 52, 61, 62, 63, 64,
2 65, 66, 67, and 69 of Act No. 388 of the Public Acts of 1976,
3 section 5 as amended by Act No. 7 of the Public Acts of 1992,
4 section 7 as amended by Act No. 385 of the Public Acts of 1994,
5 sections 8 and 52 as amended by Act No. 117 of the Public Acts of
6 1994, sections 9, 66, and 67 as amended by Act No. 411 of the
7 Public Acts of 1994, sections 12, 61, 64, and 65 as amended by
8 Act No. 262 of the Public Acts of 1993, and section 69 as amended
9 by Act No. 95 of the Public Acts of 1989, being sections 169.205,
10 169.207, 169.208, 169.209, 169.212, 169.245, 169.252, 169.261,
11 169.262, 169.263, 169.264, 169.265, 169.266, 169.267, and 169.269
12 of the Michigan Compiled Laws, are amended and sections 72, 73,
13 74, 75, 76, 77, 78, and 79 are added to read as follows:

14 Sec. 5. (1) "Election" means a primary, general, special,
15 or millage election held in this state or a convention or caucus
16 of a political party held in this state to nominate a candidate.
17 Election includes AN ELECTION HELD FOR a recall vote.

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

19 (A) FOR A GENERAL ELECTION, THE PERIOD BEGINNING THE DAY
20 FOLLOWING THE LAST GENERAL ELECTION IN WHICH THE OFFICE APPEARED
21 ON THE BALLOT AND ENDING ON THE DAY OF THE GENERAL ELECTION IN
22 WHICH THE OFFICE NEXT APPEARS ON THE BALLOT.

23 (B) FOR A SPECIAL ELECTION, THE PERIOD BEGINNING THE DAY A
24 SPECIAL GENERAL ELECTION IS SCHEDULED OR THE DATE THE OFFICE
25 BECOMES VACANT, WHICHEVER IS EARLIER, AND ENDING ON THE DAY OF
26 THE SPECIAL GENERAL ELECTION.

1 (3) ~~(2)~~ "Elective office" means a public office filled by
2 an election, except for federal offices. A person who is
3 appointed to fill a vacancy in a public office that is ordinarily
4 elective holds an elective office. Elective office does not
5 include the office of precinct delegate. Except for the purposes
6 of sections 47, 54, and 55, elective office does not include a
7 school board member in a school district that has a pupil member-
8 ship of 2,400 or less enrolled on the most recent pupil member-
9 ship count day. However, elective office includes a school board
10 member in a school district that has a pupil membership of 2,400
11 or less, if a candidate committee of a candidate for the office
12 of school board member in that school district receives an amount
13 in excess of \$1,000.00 or expends an amount in excess of
14 \$1,000.00.

15 (4) "ELIGIBLE CANDIDATE FOR GOVERNOR" MEANS A CANDIDATE FOR
16 THE OFFICE OF GOVERNOR WHO IS ELIGIBLE TO RECEIVE MONEY FROM THE
17 GUBERNATORIAL CAMPAIGN FUND PURSUANT TO THIS ACT.

18 (5) "ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE" MEANS A CAN-
19 DIDATE FOR THE OFFICE OF STATE REPRESENTATIVE OR STATE SENATOR
20 WHO IS ELIGIBLE TO RECEIVE MONEY FROM THE LEGISLATIVE CAMPAIGN
21 FUND PURSUANT TO THIS ACT.

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

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

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

3 (4) "Fund raising event" means an event such as a dinner,
4 reception, testimonial, rally, auction, bingo, or similar affair
5 through which contributions are solicited or received by purchase
6 of a ticket, payment of an attendance fee, making a donation,
7 purchase of chances for prizes, or purchase of goods or
8 services.

9 (5) "Gift" means a payment, subscription, advance, forbear-
10 ance, rendering, or deposit of money, services, or anything of
11 value, unless consideration of equal or greater value is given in
12 exchange.

13 (6) "GUBERNATORIAL CAMPAIGN FUND" MEANS THE GUBERNATORIAL
14 CAMPAIGN FUND CREATED BY SECTION 61.

15 (7) ~~(6)~~ "Honorarium" means a payment of money to a person
16 holding elective office as consideration for an appearance, a
17 speech, an article, or any activity related to or associated with
18 the performance of duties as an elected official. An honorarium
19 does not include any of the following:

20 (a) Reimbursement for the cost of transportation, accommoda-
21 tions, or meals for the person.

22 (b) Wages, salaries, other employee compensation, and
23 expenses authorized to be paid by this state or a political sub-
24 division of this state to the person holding elective office.

25 (c) An award.

26 Sec. 8. (1) "Immediate family" means ~~any~~ A child residing
27 in a candidate's household, the candidate's spouse, or any

1 individual claimed by that candidate or that candidate's spouse
2 as a dependent for federal income tax purposes.

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

16 Sec. 9. (1) "Incidental expense" means an expenditure that
17 is an ordinary and necessary expense, as described in section 162
18 of the internal revenue code of 1986, 26 U.S.C. 162, paid or
19 incurred in carrying out the business of an elective office.
20 Incidental expense includes, but is not limited to, any of the
21 following:

22 (a) A disbursement necessary to assist, serve, or communi-
23 cate with a constituent.

24 (b) A disbursement for equipment, furnishings, or supplies
25 for the office of the public official.

26 (c) A disbursement for a district office if the district
27 office is not used for campaign-related activity.

1 (d) A disbursement for the public official or his or her
2 staff, or both, to attend a conference, meeting, reception, or
3 other similar event.

4 (e) A disbursement to maintain a publicly owned residence or
5 a temporary residence at the seat of government.

6 (f) An unreimbursed disbursement for travel, lodging, meals,
7 or other expenses incurred by the public official, a member of
8 the public official's immediate family, or a member of the public
9 official's staff in carrying out the business of the elective
10 office.

11 (g) A donation to a tax-exempt charitable organization,
12 including the purchase of tickets to charitable or civic events.

13 (h) A disbursement to a ballot question committee.

14 (i) A purchase of tickets for use by that public official
15 and members of his or her immediate family and staff to a
16 fund-raising event sponsored by a candidate committee, indepen-
17 dent committee, political party committee, or a political commit-
18 tee that does not exceed \$100.00 per committee in any calendar
19 year.

20 (j) A disbursement for an educational course or seminar that
21 maintains or improves skills employed by the public official in
22 carrying out the business of the elective office.

23 (k) A purchase of advertisements in testimonials, program
24 books, souvenir books, or other publications if the advertisement
25 does not support or oppose the nomination or election of a
26 candidate.

1 (l) A disbursement for consultation, research, polling, and
2 photographic services not related to a campaign.

3 (m) A fee paid to a fraternal, veteran, or other service
4 organization.

5 (n) A payment of a tax liability incurred as a result of
6 authorized transactions by the candidate committee of the public
7 official.

8 (o) A fee for accounting, professional, or administrative
9 services for the candidate committee of the public official.

10 (p) A debt or obligation incurred by the candidate committee
11 of a public official for a disbursement authorized by subdivi-
12 sions (a) to (o), if the debt or obligation was reported in the
13 candidate committee report filed for the year in which the debt
14 or obligation arose.

15 (2) "Independent expenditure" means an expenditure by a
16 person if the expenditure is not made at the direction of, or
17 under the control of, another person and if the expenditure is
18 not a contribution to a committee.

19 (3) "In-kind contribution or expenditure" means a contribu-
20 tion or expenditure other than money.

21 (4) "LEGISLATIVE CAMPAIGN FUND" MEANS THE LEGISLATIVE CAM-
22 PAIGN FUND CREATED BY SECTION 72.

23 (5) ~~(4)~~ "Loan" means a transfer of money, property, or
24 anything of ascertainable monetary value in exchange for an obli-
25 gation, conditional or not, to repay in whole or part.

26 Sec. 12. (1) "QUALIFIED CAMPAIGN EXPENDITURE" MEANS AN
27 EXPENDITURE FOR SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS

1 OF VALUE BY THE CANDIDATE COMMITTEE TO FURTHER THE CANDIDATE'S
2 NOMINATION OR ELECTION TO OFFICE DURING THE YEAR IN WHICH THE
3 PRIMARY, SPECIAL, OR GENERAL ELECTION IN WHICH THE CANDIDATE
4 SEEKS NOMINATION OR ELECTION IS HELD. QUALIFIED CAMPAIGN EXPEN-
5 DITURE DOES NOT INCLUDE:

6 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED
7 STATES OR OF THIS STATE.

8 (B) A PAYMENT MADE TO AN ELIGIBLE CANDIDATE FOR GOVERNOR OR
9 AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE, TO A RELATIVE
10 WITHIN THE THIRD DEGREE OF CONSANGUINITY OF THE ELIGIBLE CANDI-
11 DATE, OR TO A BUSINESS WITH WHICH THE ELIGIBLE CANDIDATE OR THE
12 RELATIVE IS ASSOCIATED.

13 (C) A PAYMENT TO THE EXTENT CLEARLY IN EXCESS OF THE FAIR
14 MARKET VALUE OF SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS
15 OF VALUE RECEIVED IN EXCHANGE.

16 (D) THAT PORTION OF ANY SALARY OR WAGE TO AN INDIVIDUAL IN
17 EXCESS OF \$5,000.00 PER MONTH.

18 (E) PAYMENT FROM PETTY CASH.

19 (F) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, AND OTHER
20 PRINTED CAMPAIGN MATERIAL.

21 (G) PAYMENT TO A DEFENSE FUND.

22 (2) ~~(1) "Qualifying"~~ "QUALIFIED contribution" means a con-
23 tribution of money made by a written instrument by an individual
24 to the candidate committee of a candidate for the office of gov-
25 ernor OR A CANDIDATE FOR LEGISLATIVE OFFICE that is \$100.00 or
26 less and made after April 1 of the year preceding a year in which
27 a ~~governor~~ PERSON is to be elected TO THAT OFFICE. Not more

1 than \$100.00 of an individual's total aggregate contribution may
2 be used as a ~~qualifying~~ QUALIFIED contribution in any calendar
3 year. ~~Qualifying~~ QUALIFIED contribution does not include a
4 subscription, loan, advance, deposit of money, in-kind contribu-
5 tion or expenditure, or anything else of value except as pre-
6 scribed in this act. ~~Qualifying~~ QUALIFIED contribution does
7 not include a contribution by an individual who resides outside
8 of this state. For purposes of this subsection, an individual is
9 considered to reside in this state if he or she is considered a
10 resident of this state under the Michigan election law, Act
11 No. 116 of the Public Acts of 1954, being sections 168.1 to
12 168.992 of the Michigan Compiled Laws.

13 (3) ~~(2)~~ "State elective office" means the office of gover-
14 nor, lieutenant governor, secretary of state, attorney general,
15 justice of the supreme court, member of the state board of educa-
16 tion, regent of the university of Michigan, member of the board
17 of trustees of Michigan state university, member of the board of
18 governors of Wayne state university, and member of the state
19 legislature.

20 Sec. 45. (1) A person may transfer any unexpended funds
21 from 1 candidate committee to another candidate committee of that
22 person if the contribution limits prescribed in section 52 for
23 the candidate committee receiving the funds are equal to or
24 greater than the contribution limits for the candidate committee
25 transferring the funds and if the candidate committees are simul-
26 taneously held by the same person. The funds being transferred
27 shall not be considered a ~~qualifying~~ QUALIFIED contribution

1 regardless of the amount of the individual contribution being
2 transferred.

3 (2) Unexpended funds in a campaign committee that are not
4 eligible for transfer to another candidate committee of the
5 person, pursuant to subsection (1), shall be given to a political
6 party committee ~~or~~ or to a tax exempt charitable institution, or
7 returned to the contributors of the funds upon termination of the
8 campaign committee.

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

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

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

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

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

20 ~~(a) For a general election, the period beginning the day
21 following the last general election in which the office appeared
22 on the ballot and ending on the day of the next general election
23 in which the office next appears on the ballot.~~

24 ~~(b) For a special election, the period beginning the day a
25 special general election is scheduled or the date the office
26 becomes vacant, whichever is earlier, and ending on the day of
27 the special general election.~~

1 (2) ~~(3)~~ An independent committee shall not make
2 contributions to a candidate committee of a candidate for state
3 elective office that, in the aggregate for that election cycle,
4 are more than 10 times the amount permitted a person other than
5 an independent committee or political party committee in subsec-
6 tion (1).

7 (3) ~~(4)~~ A political party committee other than a state
8 central committee shall not make contributions to the candidate
9 committee of a candidate for state elective office that are more
10 than 10 times the amount permitted a person other than an inde-
11 pendent committee or political party committee in subsection
12 (1).

13 (4) ~~(5)~~ A state central committee of a political party
14 shall not make contributions to the candidate committee of a can-
15 didate for state elective office other than a candidate for the
16 legislature that are more than 20 times the amount permitted a
17 person other than an independent committee or political party
18 committee in subsection (1). A state central committee of a
19 political party shall not make contributions to the candidate
20 committee of a candidate for state senator or state representa-
21 tive that are more than 10 times the amount permitted a person
22 other than an independent committee or political party committee
23 in subsection (1).

24 (5) ~~(6)~~ A contribution from a member of a candidate's
25 immediate family to the candidate committee of that candidate is
26 exempt from the limitations of subsection (1).

1 (6) ~~(7)~~ Consistent with the provisions of this section, a
2 contribution designated in writing for a particular election
3 cycle shall be considered made for that election cycle. A con-
4 tribution made after the close of a particular election cycle and
5 designated in writing for that election cycle shall be made only
6 to the extent that the contribution does not exceed the candidate
7 committee's net outstanding debts and obligations from the elec-
8 tion cycle so designated. If a contribution is not designated in
9 writing for a particular election cycle, the contribution shall
10 be considered made for the election cycle that corresponds to the
11 date of the written instrument.

12 (7) ~~(8)~~ A candidate committee, a candidate, or a treasurer
13 or agent of a candidate committee shall not accept a contribution
14 with respect to an election cycle that exceeds the limitations in
15 subsection (1), (2), (3), OR (4). ~~, or (5).~~

16 (8) ~~(9)~~ For the purposes of this act, a contribution made
17 or received before June 21, 1989 is considered to be made with
18 respect to an election cycle.

19 (9) ~~(10)~~ A person who knowingly violates this section is
20 guilty of a misdemeanor punishable, if the person is an individ-
21 ual ~~—~~ by a fine of not more than \$1,000.00 or imprisonment for
22 not more than 90 days, or both, or, if the person is not an indi-
23 vidual, by a fine of not more than \$10,000.00.

24 (10) ~~(11)~~ For purposes of the limitations provided in
25 subsections (1) and ~~(3)~~ (2), all contributions made by politi-
26 cal committees or independent committees established by any
27 corporation, joint stock company, or labor organization,

1 including any parent, subsidiary, branch, division, department,
2 or local unit thereof, shall be considered to have been made by a
3 single independent committee. By way of illustration and not
4 limitation, all of the following apply as a result of the appli-
5 cation of this requirement:

6 (a) All of the political committees and independent commit-
7 tees established by a for profit corporation or joint stock com-
8 pany, by a subsidiary of the for profit corporation or joint
9 stock company, or by any combination thereof, are treated as a
10 single independent committee.

11 (b) All of the political committees and independent commit-
12 tees established by a single national or international labor
13 organization, by a labor organization of that national or inter-
14 national labor organization, by a local labor organization of
15 that national or international labor organization, or by any
16 other subordinate organization of that national or international
17 labor organization, or by any combination thereof, are treated as
18 a single independent committee.

19 (c) All of the political committees and independent commit-
20 tees established by an organization of national or international
21 unions, by a state central body of that organization, by a local
22 central body of that organization, or by any combination thereof,
23 are treated as a single independent committee.

24 (d) All of the political committees and independent commit-
25 tees established by a nonprofit corporation, by a related state
26 entity of that nonprofit corporation, by a related local entity

1 of that nonprofit corporation, or by any combination thereof, are
2 treated as a single independent committee.

3 Sec. 61. (1) The ~~state~~ GUBERNATORIAL campaign fund is
4 ~~hereby~~ created. The state treasurer shall administer the
5 ~~state~~ GUBERNATORIAL campaign fund pursuant to this ~~act~~
6 SECTION AND SECTIONS 62 TO 71.

7 (2) An individual whose tax liability under the income tax
8 act of 1967, Act No. 281 of the Public Acts of 1967, as amended,
9 being sections 206.1 to 206.532 of the Michigan Compiled Laws,
10 for a taxable year is \$3.00 or more may designate that \$3.00 be
11 credited to the ~~state~~ GUBERNATORIAL campaign fund. In the case
12 of a joint return of husband and wife having an income tax
13 liability of \$6.00 or more, each spouse may designate that \$3.00
14 be credited to the ~~state~~ GUBERNATORIAL campaign fund.

15 (3) The tax designation authorized in this section shall be
16 clearly and unambiguously printed on the first page of the state
17 individual income tax return.

18 (4) An amount equal to the cumulative amounts designated
19 under subsection (2) each year shall be appropriated annually
20 from the general fund of the state to the ~~state~~ GUBERNATORIAL
21 campaign fund. ~~to~~ THE AMOUNTS APPROPRIATED TO THE GUBERNATORIAL
22 CAMPAIGN FUND UNDER THIS SUBSECTION SHALL be available beginning
23 January 1 and continuing through December 31 of each year in
24 which a governor is elected. ~~The~~ EXCEPT AS OTHERWISE PROVIDED
25 IN THIS SUBSECTION, THE amounts appropriated under this section
26 shall not revert to the general fund but shall remain available
27 to the ~~state~~ GUBERNATORIAL campaign fund for distribution

1 without fiscal year limitation. ~~except that any~~ ANY amounts
2 remaining in the ~~state~~ GUBERNATORIAL campaign fund in excess of
3 \$10,000,000.00 on December 31 immediately following a gubernato-
4 rial general election shall revert to the general fund.

5 (5) Before the distribution of funds under this act to
6 ~~qualifying~~ ELIGIBLE primary election candidates FOR GOVERNOR,
7 the state treasurer shall set aside sufficient funds from the
8 ~~state~~ GUBERNATORIAL campaign fund to fully implement the for-
9 mula for distributing funds to ~~qualifying~~ ELIGIBLE general
10 election candidates FOR GOVERNOR. If insufficient funds exist in
11 the ~~state~~ GUBERNATORIAL campaign fund to provide full funding
12 to eligible primary election candidates FOR GOVERNOR, the
13 GUBERNATORIAL campaign funds shall be distributed to ~~those~~
14 ELIGIBLE PRIMARY ELECTION candidates FOR GOVERNOR on a pro rata
15 basis.

16 Sec. 62. (1) Only a candidate FOR THE OFFICE OF GOVERNOR
17 who established a single candidate committee ~~which~~ THAT submit-
18 ted a statement of organization according to procedures estab-
19 lished by ~~law~~ THIS ACT may receive ~~moneys~~ MONEY under this
20 act. ~~Moneys~~ MONEY received by ~~a~~ AN ELIGIBLE candidate FOR
21 GOVERNOR pursuant to ~~this act~~ SECTION 63 shall be spent only
22 through the candidate committee and shall be reported by the can-
23 didate committee according to procedures established by ~~law~~
24 THIS ACT.

25 (2) If a candidate FOR THE OFFICE OF GOVERNOR desires to
26 receive ~~moneys~~ MONEY from the ~~state~~ GUBERNATORIAL campaign
27 fund, the candidate shall file a statement of organization

1 indicating the intent to seek ~~qualifying~~ QUALIFIED
2 contributions ~~or~~ AND to make ~~qualifying~~ QUALIFIED CAMPAIGN
3 expenditures. Contributions received or expenditures made before
4 the filing of a statement of organization for the office of gov-
5 ernor shall not be considered as a ~~qualifying~~ QUALIFIED contri-
6 bution OR QUALIFIED CAMPAIGN EXPENDITURE.

7 (3) A candidate FOR THE OFFICE OF GOVERNOR who does not
8 apply for ~~moneys~~ MONEY from the ~~state~~ GUBERNATORIAL campaign
9 fund is not subject to sections 61 to 71.

10 Sec. 63. (1) The secretary of state shall receive and keep
11 a record of ~~each candidate's~~ THE certified statements of
12 ~~qualifying~~ QUALIFIED contributions OF EACH ELIGIBLE CANDIDATE
13 FOR GOVERNOR. A statement shall include in alphabetical order
14 the full name and street address of each person from whom a
15 ~~qualifying~~ QUALIFIED contribution is received during the
16 reporting period, together with the amount of each contribution
17 and the date received by the treasurer of the committee.

18 (2) The secretary of state shall promptly notify a candidate
19 for ~~nomination for~~ THE OFFICE OF governor when that candidate
20 ~~qualifies~~ IS ELIGIBLE under this act to receive ~~moneys~~ MONEY
21 from the ~~state~~ GUBERNATORIAL campaign fund.

22 (3) If a candidate FOR THE OFFICE OF GOVERNOR desires to
23 receive ~~moneys~~ MONEY from the ~~state~~ GUBERNATORIAL campaign
24 fund and HAS received notice of ~~qualification~~ ELIGIBILITY for
25 funding under subsection (2), the ELIGIBLE candidate FOR GOVERNOR
26 shall apply to the secretary of state. The ELIGIBLE candidate
27 FOR GOVERNOR shall state the amount of ~~moneys~~ MONEY desired

1 from the ~~state~~ GUBERNATORIAL campaign fund in the application.
2 The ELIGIBLE candidate FOR GOVERNOR shall state in the applica-
3 tion for ~~state~~ GUBERNATORIAL campaign fund money that the
4 ELIGIBLE candidate FOR GOVERNOR and the candidate's committee
5 agree to adhere to expenditure limitations stated in section 67.

6 (4) The secretary of state shall determine the maximum
7 amount for which the ELIGIBLE candidate FOR GOVERNOR qualifies
8 under this ~~act~~ SECTION AND SECTIONS 64 AND 65. The secretary
9 of state shall forward information as to this amount and the
10 application for funding to the state treasurer.

11 (5) The state treasurer shall issue a warrant drawn on the
12 ~~state~~ GUBERNATORIAL campaign fund for an amount equal to the
13 maximum amount ~~which~~ THAT the candidate FOR GOVERNOR is
14 ~~qualified~~ ELIGIBLE to receive or the amount applied for, which-
15 ever is less. The warrant shall not be issued before January 1
16 of the year in which the GENERAL election for governor is to be
17 held.

18 Sec. 64. (1) ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR in a
19 primary election may obtain funds from the ~~state~~ GUBERNATORIAL
20 campaign fund in an amount equal to \$2.00 for each \$1.00 of
21 ~~qualifying~~ QUALIFIED contribution if the ELIGIBLE candidate FOR
22 GOVERNOR certifies to the secretary of state both of the
23 following:

24 (a) That the candidate committee of the ELIGIBLE candidate
25 FOR GOVERNOR received \$75,000.00 or more of ~~qualifying~~
26 QUALIFIED contributions.

1 (b) That the full name and address of each person making a
2 ~~qualifying~~ QUALIFIED contribution is recorded by the candidate
3 committee of the ELIGIBLE candidate ~~certifying~~ FOR GOVERNOR
4 MAKING THE CERTIFICATION. This requirement is in addition to and
5 not in lieu of any other requirements relating to the recording
6 and reporting of contributions.

7 (2) A candidate FOR THE OFFICE OF GOVERNOR is not entitled
8 to funds from the ~~state~~ GUBERNATORIAL campaign fund for a pri-
9 mary election if it is determined the name of the candidate FOR
10 THE OFFICE OF GOVERNOR is ineligible to appear on the primary
11 election ballot pursuant to section 53 of the Michigan election
12 law, Act No. 116 of the Public Acts of 1954, ~~as amended,~~ being
13 section 168.53 of the Michigan Compiled Laws. A candidate who
14 does not file nominating petitions for the office of governor or
15 who files an insufficient petition for that office shall return
16 all funds received from the ~~state~~ GUBERNATORIAL campaign fund
17 for that primary election.

18 (3) A candidate FOR THE OFFICE OF GOVERNOR shall not receive
19 from the ~~state~~ GUBERNATORIAL campaign fund for a primary more
20 than \$990,000.00.

21 (4) For purposes of this section, primary election is the
22 election described in section 52 of Act No. 116 of the Public
23 Acts of 1954, ~~as amended,~~ being section 168.52 of the Michigan
24 Compiled Laws.

25 Sec. 65. (1) A major political party nominee FOR THE OFFICE
26 OF GOVERNOR is entitled to an amount from the ~~state~~
27 GUBERNATORIAL campaign fund of not more than \$1,125,000.00 for a

1 general election. A candidate FOR THE OFFICE OF GOVERNOR,
2 subject to ~~law~~ THIS ACT, may raise the remaining amount of the
3 permissible expenditure limit in private contributions. An eli-
4 gible candidate FOR GOVERNOR in a general election may elect to
5 accept partial payment of money from the ~~state~~ GUBERNATORIAL
6 campaign fund and instead raise private contributions as provided
7 by ~~law~~ THIS ACT that, when added to the amount received from
8 the ~~state~~ GUBERNATORIAL campaign fund, do not exceed the expen-
9 diture limit designated in section 67.

10 (2) A minor political party nominee FOR THE OFFICE OF
11 GOVERNOR whose party received 5% or more of the vote for the same
12 office in the last election is entitled to an amount from the
13 ~~state~~ GUBERNATORIAL campaign fund of not more than
14 \$1,125,000.00, multiplied by the number of popular votes the
15 minor party received in the preceding general election for gover-
16 nor and then divided by the average number of votes the major
17 parties received in that general election for governor.

18 (3) A minor political party nominee FOR THE OFFICE OF
19 GOVERNOR not eligible under subsection (2) but who receives more
20 than 5% of the vote in that general election for governor is
21 entitled to reimbursement from the ~~state~~ GUBERNATORIAL campaign
22 fund in an amount of not more than \$1,125,000.00, multiplied by
23 the number of popular votes the minor party received in the pre-
24 ceding general election for governor and then divided by the
25 average number of votes the major parties received in that gen-
26 eral election for governor.

1 (4) A minor political party nominee FOR THE OFFICE OF
2 GOVERNOR qualified under subsection (2) who receives more popular
3 votes in an election than the candidate of that minor political
4 party received at the preceding GENERAL election is entitled to
5 additional reimbursement from the ~~state~~ GUBERNATORIAL campaign
6 fund in an amount determined as follows:

7 (a) Compute the amount that the candidate FOR THE OFFICE OF
8 GOVERNOR would have received under subsection (3) had the candi-
9 date otherwise qualified.

10 (b) Subtract the amount received under subsection (2) from
11 the amount computed under subdivision (a).

12 (5) ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR listed on the
13 ballot in the general election is entitled to \$1.00 for each
14 \$1.00 of ~~qualifying~~ QUALIFIED contributions certified to the
15 secretary of state pursuant to this act up to \$750,000.00, if the
16 candidate has certified to the secretary of state \$75,000.00 or
17 more in ~~qualifying~~ QUALIFIED contributions. ~~A~~ AN ELIGIBLE
18 candidate FOR GOVERNOR who chooses to receive ~~any~~ public funds
19 under this subsection shall not receive any money under subsec-
20 tion (1), (2), (3), or (4).

21 (6) A major political party nominee FOR THE OFFICE OF
22 GOVERNOR shall receive from the state treasurer \$56,250.00 of the
23 funds that the ELIGIBLE candidate FOR GOVERNOR may be entitled to
24 under this section not later than 10 days after the primary elec-
25 tion, unless there is less than a 2% difference in vote totals of
26 the top 2 primary election candidates of the same political party
27 according to unofficial vote totals available to the secretary of

1 state. The balance of any funds owed to a major political party
2 nominee FOR THE OFFICE OF GOVERNOR under this section shall be
3 payable by the state treasurer within 3 days after the board of
4 state canvassers' certification of the primary election results,
5 but not later than 30 days after the primary election. Any funds
6 paid to a major political party nominee FOR THE OFFICE OF
7 GOVERNOR under this section either erroneously or based on elec-
8 tion results that are reversed due to a recount or fraud shall be
9 repaid by that major political party nominee FOR THE OFFICE OF
10 GOVERNOR to the state treasurer within 60 days of receipt of
11 notification by certified mail from the state treasurer.

12 Sec. 66. (1) ~~A~~ AN ELIGIBLE candidate FOR GOVERNOR may
13 only apply the funds received under this act from the ~~state~~
14 GUBERNATORIAL campaign fund against qualified campaign
15 expenditures.

16 ~~(2) As used in this section, "qualified campaign~~
17 ~~expenditure" means an expenditure for services, materials, facil-~~
18 ~~ities, or other things of value by the candidate committee to~~
19 ~~further the candidate's nomination or election to office during~~
20 ~~the year in which the primary or general election in which the~~
21 ~~candidate seeks nomination or election is held. Qualified cam-~~
22 ~~paign expenditure does not include any of the following:~~

23 ~~(a) An expenditure in violation of any law of the United~~
24 ~~States or of this state.~~

25 ~~(b) A payment made to the candidate or a relative within the~~
26 ~~third degree of consanguinity of the candidate, or to a business~~
27 ~~with which the candidate or the relative is associated.~~

1 ~~(c) A payment to the extent clearly in excess of the fair~~
2 ~~market value of services, materials, facilities, or other things~~
3 ~~of value received in exchange.~~

4 ~~(d) That portion of any salary or wage to an individual in~~
5 ~~excess of \$5,000.00 per month.~~

6 ~~(e) Payment from petty cash.~~

7 ~~(f) Gifts, except brochures, buttons, signs, and other~~
8 ~~printed campaign material.~~

9 ~~(g) Payment to a defense fund.~~

10 ~~(h) An expenditure by a candidate committee for an inciden-~~
11 ~~tal expense under section 21a.~~

12 (2) ~~(3) A~~ AN ELIGIBLE candidate FOR GOVERNOR shall keep
13 the funds received under this act from the ~~state~~ GUBERNATORIAL
14 campaign fund in a separate account. The ~~candidate's~~ qualified
15 CAMPAIGN expenditures OF THE ELIGIBLE CANDIDATE FOR GOVERNOR may
16 be paid from the separate account unless the account does not
17 have a balance. An unexpended balance in the separate account
18 shall be refunded and credited to the general fund within 60 days
19 after the election for which the funds were received. ~~Payment~~
20 MONEY received from the ~~state~~ GUBERNATORIAL campaign fund for
21 expenditures in 1 election shall not be used for expenditures in
22 a subsequent election.

23 (3) ~~(4)~~ A person who knowingly violates this section is
24 guilty of a felony punishable, if the person is an individual, by
25 a fine of not more than \$2,000.00, or imprisonment for not more
26 than 3 years, or both, or, if the person not an individual, by a
27 fine of not more than \$10,000.00.

1 Sec. 67. (1) Expenditures made by a candidate committee to
2 further the nomination or election of ~~a~~ AN ELIGIBLE candidate
3 ~~may~~ FOR GOVERNOR SHALL not exceed \$2,000,000.00 in the aggre-
4 gate for 1 election. An expenditure by a candidate committee for
5 an incidental expense under section 21a is not considered an
6 expenditure for the purposes of the expenditure limitations set
7 forth in this subsection.

8 (2) An expenditure by a candidate committee to purchase
9 space in a newspaper or other periodical or time on radio or
10 television for the purpose of responding to an editorial in the
11 same newspaper or periodical or on the same station or channel
12 that was unfavorable to the committee's candidate FOR THE OFFICE
13 OF GOVERNOR or that endorsed the candidate's opponent is not con-
14 sidered an expenditure for the purposes of the expenditure limi-
15 tations set forth in subsection (1). This subsection only
16 applies to 1 response made to a particular editorial, unfavorable
17 report, or endorsement of an opponent and does not apply unless
18 the candidate is refused free space or time in which to answer.

19 (3) A person who knowingly violates subsection (1) is guilty
20 of a misdemeanor punishable by a fine of not more than \$1,000.00,
21 or imprisonment for not more than 90 days, or both.

22 (4) If a person ~~who is~~ subject to this section is found
23 guilty OF VIOLATING THIS SECTION, the circuit court, on applica-
24 tion by the attorney general, may prohibit that person from
25 assuming the duties of a public office or from receiving compen-
26 sation from public funds, or both.

1 Sec. 69. (1) Except as provided in subsection (6), a person
2 other than an independent committee or a political party
3 committee shall not make contributions to a candidate committee
4 of a candidate ~~which~~ THAT are more than \$3,400.00 in value for
5 an election cycle.

6 (2) An independent committee shall not make contributions to
7 a candidate committee ~~which~~ THAT, for that election cycle, are
8 more than 10 times the amount permitted a person other than an
9 independent committee or political party committee in subsection
10 (1).

11 (3) A political party committee that is a state central com-
12 mittee shall not make contributions to a candidate committee
13 ~~which for an election cycle~~ THAT are more than \$750,000.00 IN
14 VALUE FOR AN ELECTION CYCLE.

15 (4) A political party committee that is a congressional dis-
16 trict or county committee shall not make contributions to a can-
17 didate committee ~~which for an election cycle~~ THAT are more than
18 \$30,000.00 IN VALUE FOR AN ELECTION CYCLE.

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

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

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

4 (8) The candidate committee of a candidate for governor that
5 does not make application for ~~state~~ GUBERNATORIAL campaign
6 funds and that accepts from the candidate and the candidate's
7 immediate family contributions that total for an election cycle
8 more than \$340,000.00 shall notify the secretary of state in
9 writing within 48 hours after receipt of this amount. Within
10 2 business days after receipt of this notice, the secretary of
11 state shall send notice to all candidates who are either seeking
12 the same nomination ~~, in the case of~~ IN a primary election, or
13 election to that same office ~~, in the case of~~ IN a general
14 election, informing those candidate committees of all of the
15 following:

16 (a) That the expenditure limits provided in section 67 are
17 waived for the remainder of that election for those notified can-
18 didate committees that receive ~~state~~ GUBERNATORIAL campaign
19 funds under ~~this act~~ SECTION 63.

20 (b) That the expenditure limits of section 67 are not waived
21 for the purpose of determining the amount of public funds avail-
22 able to a candidate FOR THE OFFICE OF GOVERNOR under section 64
23 or 65.

24 (9) A person who knowingly violates this section is guilty
25 of a misdemeanor punishable, if the person is an individual, by a
26 fine of not more than \$1,000.00, or imprisonment for not more

1 than 90 days, or both, or, if the person is not an individual, by
2 a fine of not more than \$10,000.00.

3 SEC. 72. (1) THE LEGISLATIVE CAMPAIGN FUND IS CREATED. THE
4 STATE TREASURER SHALL ADMINISTER THE LEGISLATIVE CAMPAIGN FUND
5 PURSUANT TO THIS SECTION AND SECTIONS 73 TO 79. MONEY IN THE
6 LEGISLATIVE CAMPAIGN FUND SHALL NOT REVERT TO THE GENERAL FUND AT
7 THE CLOSE OF THE FISCAL YEAR BUT SHALL REMAIN IN THE FUND. THE
8 LEGISLATURE SHALL DETERMINE THE SOURCE OF MONEY TO FUND THE LEG-
9 ISLATIVE CAMPAIGN FUND.

10 (2) IF INSUFFICIENT FUNDS EXIST IN THE LEGISLATIVE CAMPAIGN
11 FUND TO PROVIDE FULL FUNDING TO ELIGIBLE CANDIDATES FOR LEGISLA-
12 TIVE OFFICE, THE STATE TREASURER SHALL DISTRIBUTE LEGISLATIVE
13 CAMPAIGN FUND MONEY TO ELIGIBLE CANDIDATES FOR LEGISLATIVE OFFICE
14 ON A PRO RATA BASIS.

15 SEC. 73. (1) ONLY A CANDIDATE FOR LEGISLATIVE OFFICE WHO
16 ESTABLISHES A SINGLE CANDIDATE COMMITTEE THAT SUBMITS A STATEMENT
17 OF ORGANIZATION ACCORDING TO PROCEDURES ESTABLISHED BY THIS ACT
18 MAY RECEIVE LEGISLATIVE CAMPAIGN FUND MONEY UNDER THIS ACT. AN
19 ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE WHO RECEIVES LEGISLA-
20 TIVE CAMPAIGN FUND MONEY UNDER SECTION 74 SHALL SPEND THE MONEY
21 ONLY THROUGH THE CANDIDATE COMMITTEE AND SHALL REPORT THE EXPEN-
22 DITURES ACCORDING TO PROCEDURES ESTABLISHED BY THIS ACT.

23 (2) IF A CANDIDATE FOR LEGISLATIVE OFFICE DESIRES TO RECEIVE
24 MONEY FROM THE LEGISLATIVE CAMPAIGN FUND, THE CANDIDATE SHALL
25 FILE A STATEMENT OF ORGANIZATION INDICATING THE INTENT TO SEEK
26 QUALIFIED CONTRIBUTIONS OR TO MAKE QUALIFIED CAMPAIGN
27 EXPENDITURES. A CONTRIBUTION RECEIVED OR EXPENDITURE MADE BEFORE

1 THE FILING OF A STATEMENT OF ORGANIZATION FOR THE LEGISLATIVE
2 OFFICE BEING SOUGHT SHALL NOT BE CONSIDERED A QUALIFIED CONTRIBU-
3 TION OR QUALIFIED CAMPAIGN EXPENDITURE UNDER THIS ACT.

4 (3) A CANDIDATE FOR LEGISLATIVE OFFICE WHO DOES NOT APPLY
5 FOR MONEY FROM THE LEGISLATIVE CAMPAIGN FUND IS NOT SUBJECT TO
6 SECTIONS 72 TO 79.

7 SEC. 74. (1) THE SECRETARY OF STATE SHALL RECEIVE AND KEEP
8 A RECORD OF THE CERTIFIED STATEMENTS OF QUALIFIED CONTRIBUTIONS
9 OF EACH ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE REQUIRED UNDER
10 SECTION 75. AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL
11 INCLUDE IN THE STATEMENT, IN ALPHABETICAL ORDER, THE FULL NAME
12 AND STREET ADDRESS OF EACH PERSON FROM WHOM A QUALIFIED CONTRIBU-
13 TION IS RECEIVED DURING THE REPORTING PERIOD, TOGETHER WITH THE
14 AMOUNT OF EACH CONTRIBUTION AND THE DATE RECEIVED BY THE TREA-
15 SURER OF THE CANDIDATE COMMITTEE.

16 (2) THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY A CANDIDATE
17 FOR LEGISLATIVE OFFICE WHEN THAT CANDIDATE IS ELIGIBLE UNDER THIS
18 ACT TO RECEIVE MONEY FROM THE LEGISLATIVE CAMPAIGN FUND.

19 (3) IF A CANDIDATE FOR LEGISLATIVE OFFICE DESIRES TO RECEIVE
20 MONEY FROM THE LEGISLATIVE CAMPAIGN FUND AND HAS RECEIVED NOTICE
21 OF ELIGIBILITY FOR FUNDING UNDER SUBSECTION (2), THE ELIGIBLE
22 CANDIDATE FOR LEGISLATIVE OFFICE SHALL APPLY TO THE SECRETARY OF
23 STATE. THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL STATE
24 THE AMOUNT OF MONEY DESIRED FROM THE LEGISLATIVE CAMPAIGN FUND IN
25 THE APPLICATION. THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
26 SHALL STATE IN THE APPLICATION FOR LEGISLATIVE CAMPAIGN FUND
27 MONEY THAT THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE AND THE

1 CANDIDATE'S COMMITTEE AGREE TO ADHERE TO THE EXPENDITURE
2 LIMITATIONS DESIGNATED IN SECTION 78.

3 (4) THE SECRETARY OF STATE SHALL DETERMINE THE MAXIMUM
4 AMOUNT FOR WHICH THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
5 QUALIFIES UNDER THIS SECTION AND SECTION 75. THE SECRETARY OF
6 STATE SHALL FORWARD INFORMATION AS TO THIS AMOUNT AND THE APPLI-
7 CATION FOR FUNDING TO THE STATE TREASURER.

8 (5) THE STATE TREASURER SHALL ISSUE A WARRANT DRAWN ON THE
9 LEGISLATIVE CAMPAIGN FUND FOR AN AMOUNT EQUAL TO THE MAXIMUM
10 AMOUNT THAT THE CANDIDATE FOR LEGISLATIVE OFFICE IS ELIGIBLE TO
11 RECEIVE OR THE AMOUNT APPLIED FOR, WHICHEVER IS LESS. FOR A CAN-
12 DIDATE FOR STATE REPRESENTATIVE, THE WARRANT SHALL NOT BE ISSUED
13 BEFORE JANUARY 1 OF THE YEAR IN WHICH THE GENERAL NOVEMBER ELEC-
14 TION IS TO BE HELD. FOR A CANDIDATE FOR STATE SENATOR, THE WAR-
15 RANT SHALL NOT BE ISSUED BEFORE JANUARY 1 OF THE YEAR IN WHICH
16 SENATORS ARE ELECTED IN A GENERAL NOVEMBER ELECTION.

17 SEC. 75. (1) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
18 IN AN ELECTION CYCLE MAY OBTAIN FUNDS FROM THE LEGISLATIVE CAM-
19 PAIGN FUND IN AN AMOUNT EQUAL TO \$2.00 FOR EACH \$1.00 OF QUALI-
20 FIED CONTRIBUTION, IF THE ELIGIBLE CANDIDATE FOR LEGISLATIVE
21 OFFICE CERTIFIES TO THE SECRETARY OF STATE BOTH OF THE
22 FOLLOWING:

23 (A) THAT THE CANDIDATE COMMITTEE OF THE ELIGIBLE CANDIDATE
24 FOR STATE REPRESENTATIVE RECEIVED \$3,000.00 OR MORE OF QUALIFIED
25 CONTRIBUTIONS OR THAT THE CANDIDATE COMMITTEE OF THE ELIGIBLE
26 CANDIDATE FOR SENATE RECEIVED \$7,500.00 OR MORE OF QUALIFIED
27 CONTRIBUTIONS.

1 (B) THAT THE FULL NAME AND ADDRESS OF EACH PERSON MAKING A
2 QUALIFIED CONTRIBUTION IS RECORDED BY THE CANDIDATE COMMITTEE OF
3 THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE MAKING THE
4 CERTIFICATION. THIS REQUIREMENT IS IN ADDITION TO AND NOT IN
5 LIEU OF ANY OTHER REQUIREMENTS RELATING TO THE RECORDING AND
6 REPORTING OF CONTRIBUTIONS.

7 (2) A CANDIDATE FOR LEGISLATIVE OFFICE IS NOT ENTITLED TO
8 FUNDS FROM THE LEGISLATIVE CAMPAIGN FUND FOR AN ELECTION CYCLE IF
9 IT IS DETERMINED THE NAME OF THE CANDIDATE FOR LEGISLATIVE OFFICE
10 IS INELIGIBLE TO APPEAR ON THE PRIMARY ELECTION BALLOT PURSUANT
11 TO SECTION 163 OF THE MICHIGAN ELECTION LAW, ACT NO. 116 OF THE
12 PUBLIC ACTS OF 1954, BEING SECTION 168.163 OF THE MICHIGAN
13 COMPILED LAWS. A CANDIDATE WHO DOES NOT FILE NOMINATING PETI-
14 TIONS FOR THE LEGISLATIVE OFFICE BEING SOUGHT OR WHO FILES AN
15 INSUFFICIENT PETITION FOR THAT OFFICE SHALL RETURN TO THE LEGIS-
16 LATIVE CAMPAIGN FUND ALL MONEY RECEIVED FROM THE LEGISLATIVE CAM-
17 PAIGN FUND FOR THAT ELECTION CYCLE.

18 (3) A CANDIDATE FOR THE OFFICE OF STATE REPRESENTATIVE SHALL
19 NOT RECEIVE MORE THAN \$36,000.00 FROM THE LEGISLATIVE CAMPAIGN
20 FUND FOR 1 ELECTION CYCLE. A CANDIDATE FOR THE OFFICE OF STATE
21 SENATOR SHALL NOT RECEIVE MORE THAN \$90,000.00 FROM THE LEGISLA-
22 TIVE CAMPAIGN FUND FOR 1 ELECTION CYCLE.

23 (4) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE MAY ELECT
24 TO ACCEPT PARTIAL PAYMENT OF MONEY FROM THE LEGISLATIVE CAMPAIGN
25 FUND AND INSTEAD RAISE PRIVATE CONTRIBUTIONS AS PROVIDED BY THIS
26 ACT THAT, WHEN ADDED TO THE AMOUNT RECEIVED FROM THE LEGISLATIVE

1 CAMPAIGN FUND, DO NOT EXCEED THE EXPENDITURE LIMIT DESIGNATED IN
2 SECTION 78.

3 (5) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL
4 RECEIVE FROM THE STATE TREASURER THE BALANCE OF ANY LEGISLATIVE
5 CAMPAIGN FUND MONEY THAT THE ELIGIBLE CANDIDATE FOR LEGISLATIVE
6 OFFICE MAY BE ENTITLED TO UNDER THIS SECTION NOT LATER THAN 10
7 DAYS AFTER THE PRIMARY ELECTION, UNLESS THERE IS LESS THAN A 2%
8 DIFFERENCE IN VOTE TOTALS OF THE TOP 2 PRIMARY ELECTION CANDI-
9 DATES OF THE SAME POLITICAL PARTY FOR THE SAME OFFICE ACCORDING
10 TO UNOFFICIAL VOTE TOTALS AVAILABLE TO THE SECRETARY OF STATE.
11 THE BALANCE OF ANY LEGISLATIVE CAMPAIGN FUND MONEY OWED TO AN
12 ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE UNDER THIS SECTION
13 SHALL BE PAYABLE BY THE STATE TREASURER WITHIN 3 DAYS AFTER THE
14 BOARD OF STATE CANVASSERS' CERTIFICATION OF THE PRIMARY ELECTION
15 RESULTS, BUT NOT LATER THAN 30 DAYS AFTER THE PRIMARY ELECTION.
16 ANY FUNDS PAID TO A CANDIDATE FOR LEGISLATIVE OFFICE UNDER THIS
17 SECTION EITHER ERRONEOUSLY OR BASED UPON ELECTION RESULTS THAT
18 ARE REVERSED DUE TO A RECOUNT OR FRAUD SHALL BE REPAID BY THAT
19 CANDIDATE FOR LEGISLATIVE OFFICE TO THE LEGISLATIVE CAMPAIGN FUND
20 WITHIN 60 DAYS OF RECEIPT OF NOTIFICATION BY CERTIFIED MAIL FROM
21 THE STATE TREASURER.

22 SEC. 76. (1) NOTWITHSTANDING ANY OTHER SECTION OF THIS ACT,
23 AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE MAY MAKE EXPENDI-
24 TURES THAT EXCEED THE EXPENDITURE LIMITATIONS DESIGNATED IN
25 SECTION 78 IF THE ELIGIBLE CANDIDATE'S OPPONENT IN AN ELECTION
26 DOES NOT ACCEPT LEGISLATIVE CAMPAIGN FUND MONEY UNDER THIS ACT.
27 THE STATE TREASURER, IN THE MANNER PROVIDED IN THIS ACT, SHALL

1 PAY TO AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE WHO IS EXEMPT
2 FROM THE EXPENDITURE LIMITATIONS PURSUANT TO THIS SECTION, ALL
3 LEGISLATIVE CAMPAIGN FUND MONEY THE ELIGIBLE CANDIDATE IS ENTI-
4 TLED TO UNDER THIS ACT.

5 (2) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE WHO IS
6 EXEMPT FROM THE EXPENDITURE LIMITATIONS PURSUANT TO THIS SECTION
7 SHALL OTHERWISE COMPLY WITH THE REQUIREMENTS OF THIS ACT REGARD-
8 ING THE EXPENDITURE AND REPORTING OF LEGISLATIVE CAMPAIGN FUND
9 MONEY.

10 SEC. 77. (1) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
11 SHALL ONLY APPLY THE LEGISLATIVE CAMPAIGN FUND MONEY RECEIVED
12 UNDER THIS ACT AGAINST QUALIFIED CAMPAIGN EXPENDITURES.

13 (2) AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL KEEP
14 LEGISLATIVE CAMPAIGN FUND MONEY RECEIVED UNDER THIS ACT IN A SEP-
15 ARATE ACCOUNT AND SHALL MAKE QUALIFIED CAMPAIGN EXPENDITURES FROM
16 THIS ACCOUNT UNLESS THE ACCOUNT DOES NOT HAVE A BALANCE. AN ELI-
17 GIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL REFUND UNEXPENDED
18 LEGISLATIVE CAMPAIGN FUND MONEY REMAINING IN THIS ACCOUNT TO THE
19 LEGISLATIVE CAMPAIGN FUND WITHIN 60 DAYS AFTER THE GENERAL ELEC-
20 TION IF THE NAME OF THE ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE
21 APPEARS ON THE GENERAL ELECTION BALLOT OR WITHIN 60 DAYS AFTER
22 THE PRIMARY ELECTION IF THE NAME OF THE ELIGIBLE CANDIDATE FOR
23 LEGISLATIVE OFFICE WILL NOT APPEAR ON THE GENERAL ELECTION
24 BALLOT. AN ELIGIBLE CANDIDATE FOR LEGISLATIVE OFFICE SHALL NOT
25 USE MONEY RECEIVED FROM THE LEGISLATIVE CAMPAIGN FUND FOR EXPEN-
26 DITURES IN AN ELECTION CYCLE FOR EXPENDITURES IN A SUBSEQUENT
27 ELECTION CYCLE.

1 (3) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
2 OF A FELONY PUNISHABLE, IF THE PERSON IS AN INDIVIDUAL, BY A FINE
3 OF NOT MORE THAN \$2,000.00 OR IMPRISONMENT FOR NOT MORE THAN 3
4 YEARS, OR BOTH, OR, IF THE PERSON IS NOT AN INDIVIDUAL, BY A FINE
5 OF NOT MORE THAN \$10,000.00.

6 SEC. 78. (1) A CANDIDATE COMMITTEE OF AN ELIGIBLE CANDIDATE
7 FOR STATE REPRESENTATIVE SHALL NOT MAKE EXPENDITURES TO FURTHER
8 THE NOMINATION OR ELECTION OF THE ELIGIBLE CANDIDATE FOR STATE
9 REPRESENTATIVE THAT EXCEED \$54,000.00 IN THE AGGREGATE FOR AN
10 ELECTION CYCLE. A CANDIDATE COMMITTEE OF AN ELIGIBLE CANDIDATE
11 FOR STATE SENATOR SHALL NOT MAKE EXPENDITURES TO FURTHER THE NOM-
12 INATION OR ELECTION OF THE ELIGIBLE CANDIDATE FOR STATE SENATOR
13 THAT EXCEED \$135,000.00 IN THE AGGREGATE FOR AN ELECTION CYCLE.

14 (2) AN EXPENDITURE BY A CANDIDATE COMMITTEE TO PURCHASE
15 SPACE IN A NEWSPAPER OR OTHER PERIODICAL OR TIME ON RADIO OR
16 TELEVISION FOR THE PURPOSE OF RESPONDING TO AN EDITORIAL IN THE
17 SAME NEWSPAPER OR PERIODICAL OR ON THE SAME STATION OR CHANNEL
18 THAT WAS UNFAVORABLE TO THE COMMITTEE'S CANDIDATE FOR LEGISLATIVE
19 OFFICE OR THAT ENDORSED THE CANDIDATE'S OPPONENT IS NOT CONSID-
20 ERED AN EXPENDITURE FOR THE PURPOSES OF THE EXPENDITURE LIMITA-
21 TIONS SET FORTH IN SUBSECTION (1). THIS SUBSECTION ONLY APPLIES
22 TO 1 RESPONSE MADE TO A PARTICULAR EDITORIAL, UNFAVORABLE REPORT,
23 OR ENDORSEMENT OF AN OPPONENT AND DOES NOT APPLY UNLESS THE CAN-
24 DIDATE IS REFUSED FREE SPACE OR TIME IN WHICH TO ANSWER.

25 (3) A PERSON WHO KNOWINGLY VIOLATES SUBSECTION (1) IS GUILTY
26 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00,
27 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

1 (4) IF A PERSON SUBJECT TO THIS SECTION IS FOUND GUILTY OF
2 VIOLATING THIS SECTION, THE CIRCUIT COURT OF THAT COUNTY, ON
3 APPLICATION BY THE ATTORNEY GENERAL, MAY PROHIBIT THAT PERSON
4 FROM ASSUMING THE DUTIES OF A PUBLIC OFFICE OR FROM RECEIVING
5 COMPENSATION FROM PUBLIC FUNDS, OR BOTH.

6 SEC. 79. (1) A PERSON SHALL NOT INCUR A DEBT FOR GOODS,
7 SERVICES, MATERIALS, FACILITIES, OR ANYTHING OF VALUE IN FURTHER-
8 ANCE OF, OR IN OPPOSITION TO, THE NOMINATION FOR, OR ELECTION TO,
9 OFFICE OF A CANDIDATE FOR LEGISLATIVE OFFICE THAT, WHEN PAID,
10 WILL CAUSE THE EXPENDITURES OF THAT CANDIDATE OR PERSON TO EXCEED
11 ANY LIMIT IMPOSED BY SECTION 78. A PERSON WHO KNOWINGLY VIOLATES
12 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE
13 OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 90
14 DAYS, OR BOTH.

15 (2) IF A PERSON SUBJECT TO THIS SECTION IS FOUND GUILTY OF
16 VIOLATING THIS SECTION, THE CIRCUIT COURT OF THAT COUNTY, ON
17 APPLICATION BY THE ATTORNEY GENERAL, MAY PROHIBIT THAT PERSON
18 FROM ASSUMING THE DUTIES OF A PUBLIC OFFICE OR FROM RECEIVING
19 COMPENSATION FROM PUBLIC FUNDS, OR BOTH.