

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 5056
(As passed the House November 9, 1999)

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 16 and 32 (MCL 169.216 and 169.232),
section 16 as amended by 1992 PA 188 and section 32 as amended by
1995 PA 264.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) A filing official shall make a statement or
2 report required to be filed under this act available for public
3 inspection and reproduction, commencing as soon as practicable,
4 but not later than the third business day following the day on
5 which it is received, during regular business hours of the filing
6 official. IF THE REPORT IS A REPORT OF A LATE CONTRIBUTION UNDER
7 SECTION 32(1) MADE TO THE SECRETARY OF STATE, THE SECRETARY OF
8 STATE SHALL ALSO MAKE THE REPORT OR ALL OF THE CONTENTS OF THE
9 REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET, WITHOUT CHARGE,

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1 AS SOON AS PRACTICABLE BUT NOT LATER THAN THE END OF THE BUSINESS
2 DAY ON WHICH IT IS RECEIVED, AT A SINGLE WEBSITE ESTABLISHED AND
3 MAINTAINED BY THE SECRETARY OF STATE.

4 (2) A copy of a statement or part of a statement shall be
5 provided by a filing official at a reasonable charge.

6 (3) A statement open to the public under this act shall not
7 be used for any commercial purpose.

8 (4) A statement of organization filed under this act shall
9 be preserved by the filing official for 5 years from the official
10 date of the committee's dissolution. A statement or report filed
11 under this act by a candidate for an office with a term exceeding
12 4 years shall be preserved by the filing official for 1 year
13 beyond that candidate's term of office. Any other statement or
14 report filed under this act shall be preserved by the filing
15 official for 5 years from the date the filing occurred. HOWEVER,
16 IF UNCORRECTED VIOLATIONS HAVE OCCURRED IN THE STATEMENTS OR
17 REPORTS OR A COURT DETERMINES THAT A VIOLATION OF THIS ACT HAS
18 OCCURRED WITH REGARD TO THE STATEMENTS OR REPORTS, THE PRESERVA-
19 TION PERIOD IS EXTENDED UNTIL 5 YEARS AFTER THE DATE OF THE COURT
20 DETERMINATION OR THE DATE THE VIOLATIONS ARE CORRECTED, WHICHEVER
21 IS LATER. Statements and reports filed under this act may be
22 reproduced pursuant to the records media act, 1992 PA 116,
23 MCL 24.401 TO 24.403. After the required preservation period,
24 the statements and reports, or the reproductions of the state-
25 ments and reports, shall be destroyed.

26 (5) A charge shall not be collected by a filing official for
27 the filing of a required statement or report or for a form upon

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1 which the statement or report is to be prepared, except a late
2 filing fee required by this act.

3 (6) A filing official shall determine whether a statement or
4 report filed under this act complies, on its face, with the
5 requirements of this act and the rules promulgated under this
6 act. The filing official shall determine whether a statement or
7 report that is required to be filed under this act is in fact
8 filed. Within 4 business days after the deadline for filing a
9 statement or report under this act, the filing official shall
10 give notice to the filer by registered mail of an error or omis-
11 sion in the statement or report and give notice to a person the
12 filing official has reason to believe is a person required to and
13 who failed to file a statement or report. A failure to give
14 notice by the filing official under this subsection is not a
15 defense to a criminal action against the person required to
16 file.

17 (7) Within 9 business days after the report or statement is
18 required to be filed, the filer shall make any corrections in the
19 statement or report filed with the appropriate filing official.
20 If the report or statement was not filed, then ~~it~~ THE REPORT OR
21 STATEMENT shall be late filed within 9 business days after the
22 time it was required to be filed and shall be subject to late
23 filing fees.

24 (8) After 9 business days and before 12 business days have
25 expired after the deadline for filing the statement or report,
26 the filing official shall report errors or omissions that were
27 not corrected and failures to file to the attorney general.

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1 (9) A statement or report required to be filed under this
2 act shall be filed not later than 5 p.m. of the day in which it
3 is required to be filed. A preelection statement or report due
4 on July 25 or October 25 under section 33 that is postmarked by
5 registered or certified mail, or sent by express mail or other
6 overnight delivery service, at least 2 days before the deadline
7 for filing is filed within the prescribed time regardless of when
8 it is actually delivered. Any other statement or report required
9 to be filed under this act that is postmarked by registered or
10 certified mail or sent by express mail or other overnight deliv-
11 ery service on or before the deadline for filing is filed within
12 the prescribed time regardless of when it is actually delivered.

13 Sec. 32. (1) A COMMITTEE, CANDIDATE, TREASURER, OR OTHER
14 INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE COMMITTEE'S RECORD
15 KEEPING, RECORD PREPARATION, OR REPORT FILING SHALL REPORT A late
16 contribution ~~shall be reported~~ by filing with the filing offi-
17 cer within 48 hours after its receipt the full name, street
18 address, occupation, employer, and principal place of business of
19 the contributor.

20 (2) Filing of a report of A late ~~contributions~~
21 CONTRIBUTION PURSUANT TO SUBSECTION (1) may be by any written
22 means of communication and need not contain an original
23 signature.

24 (3) A late contribution shall be reported on subsequent cam-
25 paign statements without regard to reports filed pursuant to
26 ~~this section~~ SUBSECTION (1). If a campaign statement has not
27 been filed, a late contribution may be reported, if practicable,

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1 in the campaign statement and need not, therefore, be reported in
2 a subsequent campaign statement.

3 (4) ~~-(2)-~~ A committee, candidate, treasurer, or other indi-
4 vidual designated as responsible for the committee's record keep-
5 ing, report preparation, or report filing who fails to report a
6 late contribution as required by ~~this section~~ SUBSECTION (1)
7 shall pay a late filing fee, of ~~\$25.00~~ ~~for each business~~
8 ~~day the report remains unfiled. The late filing fee shall not~~
9 ~~exceed \$500.00.~~ THAT SHALL NOT EXCEED \$2,000.00, DETERMINED AS
FOLLOWS:

(A) TWENTY-FIVE DOLLARS FOR EACH BUSINESS DAY THE REPORT
REMAINS UNFILED.

(B) AN ADDITIONAL \$25.00 FOR EACH BUSINESS DAY AFTER THE FIRST
3 BUSINESS DAYS THE REPORT REMAINS UNFILED.

(C) AN ADDITIONAL \$50.00 FOR EACH BUSINESS DAY AFTER THE FIRST
10 BUSINESS DAYS THE REPORT REMAINS UNFILED.

10 (5) ~~-(3)-~~ As used in this section, "late contribution" means
11 a contribution of \$200.00 or more received after the closing date
12 of the last campaign statement required to be filed before an
13 election.