



HOUSE BILL No. 5056

October 26, 1999, Introduced by Rep. Gilbert and referred to the Committee on Constitutional Law and Ethics.

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), THE FILING OFFICIAL SHALL ALSO MAKE THE REPORT OR
8 ALL OF THE CONTENTS OF THE REPORT AVAILABLE TO THE PUBLIC ON THE
9 INTERNET, WITHOUT CHARGE, AS SOON AS PRACTICABLE BUT NOT LATER

1 THAN THE END OF THE BUSINESS DAY ON WHICH IT IS RECEIVED, AT A
2 SINGLE WEBSITE ESTABLISHED AND MAINTAINED BY THE SECRETARY OF
3 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.

16 Statements and reports filed under this act may be reproduced
17 pursuant to the records media act, 1992 PA 116, MCL 24.401 TO
18 24.403. After the required preservation period, the statements
19 and reports, or the reproductions of the statements and reports,
20 shall be destroyed.

21 (5) A charge shall not be collected by a filing official for
22 the filing of a required statement or report or for a form upon
23 which the statement or report is to be prepared, except a late
24 filing fee required by this act.

25 (6) A filing official shall determine whether a statement or
26 report filed under this act complies, on its face, with the
27 requirements of this act and the rules promulgated under this

1 act. The filing official shall determine whether a statement or
2 report that is required to be filed under this act is in fact
3 filed. Within 4 business days after the deadline for filing a
4 statement or report under this act, the filing official shall
5 give notice to the filer by registered mail of an error or omis-
6 sion in the statement or report and give notice to a person the
7 filing official has reason to believe is a person required to and
8 who failed to file a statement or report. A failure to give
9 notice by the filing official under this subsection is not a
10 defense to a criminal action against the person required to
11 file.

12 (7) Within 9 business days after the report or statement is
13 required to be filed, the filer shall make any corrections in the
14 statement or report filed with the appropriate filing official.
15 If the report or statement was not filed, then it shall be late
16 filed within 9 business days after the time it was required to be
17 filed and shall be subject to late filing fees.

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

22 (9) A statement or report required to be filed under this
23 act shall be filed not later than 5 p.m. of the day in which it
24 is required to be filed. A preelection statement or report due
25 on July 25 or October 25 under section 33 that is postmarked by
26 registered or certified mail, or sent by express mail or other
27 overnight delivery service, at least 2 days before the deadline

1 for filing is filed within the prescribed time regardless of when
2 it is actually delivered. Any other statement or report required
3 to be filed under this act that is postmarked by registered or
4 certified mail or sent by express mail or other overnight deliv-
5 ery service on or before the deadline for filing is filed within
6 the prescribed time regardless of when it is actually delivered.

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

14 (2) Filing of a report of A late ~~contributions~~
15 CONTRIBUTION PURSUANT TO SUBSECTION (1) may be by any written
16 means of communication and need not contain an original
17 signature.

18 (3) A late contribution shall be reported on subsequent cam-
19 paign statements without regard to reports filed pursuant to
20 ~~this section~~ SUBSECTION (1). If a campaign statement has not
21 been filed, a late contribution may be reported, if practicable,
22 in the campaign statement and need not, therefore, be reported in
23 a subsequent campaign statement.

24 (4) ~~-(2)-~~ A committee, candidate, treasurer, or other indi-
25 vidual designated as responsible for the committee's record keep-
26 ing, report preparation, or report filing who fails to report a
27 late contribution as required by ~~this section~~ SUBSECTION (1)

1 shall pay a late filing fee of ~~-\$25.00-~~ \$100.00 for each business
2 day the report remains unfiled. The late filing fee shall not
3 exceed ~~-\$500.00-~~ \$2,000.00.

4 (5) ~~-(3)-~~ As used in this section, "late contribution" means
5 a contribution of \$200.00 or more received after the closing date
6 of the last campaign statement required to be filed before an
7 election.