

SENATE BILL No. 842

October 21, 1999, Introduced by Senator STEIL and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 16, 33, 34, and 35 (MCL 169.215, 169.216, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 16 as amended by 1992 PA 188, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) The secretary of state shall do all of the
2 following:

3 (a) Make available through his or her offices, and furnish
4 to county clerks, appropriate forms, instructions, and manuals
5 required by this act.

6 (b) Develop a filing, coding, and cross-indexing system for
7 the filing of required reports and statements consistent with the

1 purposes of this act, and supervise the implementation of the
2 filing systems by the clerks of the counties.

3 (c) Receive all statements and reports required by this act
4 to be filed with the secretary of state.

5 (d) Prepare forms, instructions, and manuals required under
6 this act.

7 (e) Promulgate rules and issue declaratory rulings to imple-
8 ment this act pursuant to the administrative procedures act of
9 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~
10 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306,
11 MCL 24.201 TO 24.328.

12 (f) Upon receipt of a written request and the required
13 filing, waive payment of a late filing fee if the request for the
14 waiver is based on good cause and accompanied by adequate
15 documentation. One or more of the following reasons constitute
16 good cause for a late filing fee waiver:

17 (i) The incapacitating physical illness, hospitalization,
18 accident involvement, death, or incapacitation for medical rea-
19 sons of a person required to file, a person whose participation
20 is essential to the preparation of the statement or report, or a
21 member of the immediate family of these persons.

22 (ii) Other unique, unintentional factors beyond the filer's
23 control not stemming from a negligent act or nonaction so that a
24 reasonably prudent person would excuse the filing on a temporary
25 basis. These factors include the loss or unavailability of
26 records due to a fire, flood, theft, or similar reason and
27 difficulties related to the transmission of the filing to the

1 filing official, such as exceptionally bad weather or strikes
2 involving transportation systems.

3 (2) A declaratory ruling shall be issued under this section
4 only if the person requesting the ruling has provided a reason-
5 ably complete statement of facts necessary for the ruling or if
6 the secretary of state has permitted the person requesting the
7 ruling an opportunity to supply supplemental facts necessary for
8 the ruling. A request for a declaratory ruling that is submitted
9 to the secretary of state shall be made available for public
10 inspection within 48 hours after its receipt. An interested
11 person may submit written comments regarding the request to the
12 secretary of state within 10 business days after the date the
13 request is made available to the public. Within 45 business days
14 after receiving a declaratory ruling request, the secretary of
15 state shall make a proposed response available to the public. An
16 interested person may submit written comments regarding the pro-
17 posed response to the secretary of state within 5 business days
18 after the date the proposal is made available to the public.
19 Except as otherwise provided in this section, the secretary of
20 state shall issue a declaratory ruling within 60 business days
21 after a request for a declaratory ruling is received. If the
22 secretary of state refuses to issue a declaratory ruling, the
23 secretary of state shall notify the person making the request of
24 the reasons for the refusal. The secretary of state may issue an
25 interpretative statement providing an informational response to
26 the question presented. A declaratory ruling or interpretative
27 statement issued under this section shall not state a general

1 rule of law, other than that which is stated in this act, until
2 the general rule of law is promulgated by the secretary of state
3 as a rule pursuant to the administrative procedures act of 1969,
4 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
5 ~~24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO~~
6 24.328, or pursuant to judicial order.

7 (3) Under extenuating circumstances, the secretary of state
8 may issue a notice extending for not more than 30 business days
9 the period during which the secretary of state shall respond to a
10 request for a declaratory ruling. The secretary of state shall
11 not issue more than 1 notice of extension for a particular
12 request. A person requesting a declaratory ruling may waive, in
13 writing, the time limitations provided by this section.

14 (4) The secretary of state shall make available to the
15 public an annual summary of the declaratory rulings and interpre-
16 tative statements issued by the secretary of state.

17 (5) A person may file a complaint with the secretary of
18 state alleging a violation of this act. ~~Upon receipt of a com-~~
19 ~~plaint, the~~ WITHIN 5 BUSINESS DAYS AFTER A COMPLAINT IS FILED,
20 THE SECRETARY OF STATE SHALL GIVE NOTICE TO THE PERSON AGAINST
21 WHOM THE COMPLAINT IS FILED. THE NOTICE SHALL INCLUDE A COPY OF
22 THE COMPLAINT. WITHIN 15 BUSINESS DAYS AFTER THIS NOTICE IS PRO-
23 VIDED, THE PERSON AGAINST WHOM THE COMPLAINT WAS FILED MAY SUBMIT
24 TO THE SECRETARY OF STATE A RESPONSE. THE SECRETARY OF STATE MAY
25 EXTEND THE PERIOD FOR SUBMITTING A RESPONSE AN ADDITIONAL 15
26 BUSINESS DAYS FOR GOOD CAUSE. THE SECRETARY OF STATE SHALL
27 PROVIDE A COPY OF A RESPONSE RECEIVED TO THE COMPLAINANT. WITHIN

1 10 BUSINESS DAYS AFTER RECEIVING A COPY OF THE RESPONSE, THE
2 COMPLAINANT MAY SUBMIT TO THE SECRETARY OF STATE A REBUTTAL
3 STATEMENT. THE SECRETARY OF STATE MAY EXTEND THE PERIOD FOR SUB-
4 MITTING A REBUTTAL STATEMENT AN ADDITIONAL 10 BUSINESS DAYS FOR
5 GOOD CAUSE. THE SECRETARY OF STATE SHALL PROVIDE A COPY OF THE
6 REBUTTAL STATEMENT TO THE PERSON AGAINST WHOM THE COMPLAINT WAS
7 FILED. THE secretary of state shall investigate the allegations
8 pursuant to the rules promulgated under this act. EVERY 60 DAYS
9 AFTER A COMPLAINT IS FILED AND UNTIL THE MATTER IS TERMINATED,
10 THE SECRETARY OF STATE SHALL MAIL TO THE COMPLAINANT AND TO THE
11 ALLEGED VIOLATOR NOTICE OF THE ACTION TAKEN TO DATE BY THE SECRE-
12 TARY OF STATE, TOGETHER WITH THE REASONS FOR THE ACTION OR
13 NONACTION. If the secretary of state determines that there may be
14 reason to believe that a violation of this act has occurred, the
15 secretary of state shall endeavor to correct the violation or
16 prevent a further violation by using informal methods such as a
17 conference, conciliation, or persuasion, and may enter into a
18 conciliation agreement with the person involved. Unless vio-
19 lated, a conciliation agreement is a complete bar to any further
20 action with respect to matters covered in the conciliation
21 agreement. If the secretary of state is unable to correct or
22 prevent further violation by these informal methods, the secre-
23 tary of state may refer the matter to the attorney general for
24 the enforcement of any criminal penalty provided by this act or
25 commence a hearing pursuant to subsection (6).

26 (6) The secretary of state may commence a hearing to
27 determine whether a civil violation of this act has occurred. A

1 hearing shall not be commenced during the period beginning 30
2 days before an election in which the committee has received or
3 expended money and ending the day after that election except with
4 the consent of the person suspected of committing a civil
5 violation. The hearing shall be conducted in accordance with the
6 procedures set forth in chapter 4 of the administrative proce-
7 dures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~
8 ~~sections 24.271 to 24.287 of the Michigan Compiled Laws~~ 1969
9 PA 306, MCL 24.271 TO 24.287. If after a hearing the secretary
10 of state determines that a violation of this act has occurred,
11 the secretary of state may issue an order requiring the person to
12 pay a civil fine equal to the amount of the improper contribution
13 or expenditure plus not more than \$1,000.00 for each violation.
14 A final decision and order issued by the secretary of state is
15 subject to judicial review as provided by chapter 6 of the admin-
16 istrative procedures act of 1969, ~~Act No. 306 of the Public Acts~~
17 ~~of 1969, being sections 24.301 to 24.306 of the Michigan Compiled~~
18 ~~Laws~~ 1969 PA 306, MCL 24.301 TO 24.306. The secretary of state
19 shall deposit a civil fine imposed under this section in the gen-
20 eral fund. The secretary of state may bring an action in circuit
21 court to recover the amount of a civil fine.

22 (7) When a report or statement is filed pursuant to this
23 act, the secretary of state shall review the report or statement
24 and may investigate an apparent violation of this act pursuant to
25 the rules promulgated ~~pursuant to~~ UNDER this act. If the sec-
26 retary of state determines that there may be reason to believe a
27 violation of this act has occurred and the procedures prescribed

1 in subsection (5) have been complied with, the secretary of state
2 may refer the matter to the attorney general for the enforcement
3 of any criminal penalty provided by this act, or commence a hear-
4 ing under subsection (6) to determine whether a civil violation
5 of this act has occurred.

6 (8) Unless otherwise specified in this act, a person who
7 violates a provision of this act is subject to a civil fine of
8 not more than \$1,000.00 for each violation. Civil fines are in
9 addition to, but not limited by, any criminal penalty prescribed
10 by this act.

11 (9) There is no private right of action, either in law or in
12 equity, pursuant to this act. The remedies provided in this act
13 are the exclusive means by which this act may be enforced and by
14 which any harm resulting from a violation of this act may be
15 redressed.

16 (10) The secretary of state may waive the filing of a cam-
17 paign statement required under section 33, 34, or 35 if the clos-
18 ing date of the particular campaign statement falls on the same
19 or a later date as the closing date of the next campaign state-
20 ment filed by the same person, or if the period that would be
21 otherwise covered by the next campaign statement filed by the
22 same person is 10 days or less.

23 (11) The clerk of each county shall do all of the
24 following:

25 (a) Make available through the county clerk's office the
26 appropriate forms, instructions, and manuals required by this
27 act.

1 (b) Under the supervision of the secretary of state,
2 implement the filing, coding, and cross-indexing system pre-
3 scribed for the filing of reports and statements required to be
4 filed with the county clerk's office.

5 (c) Receive all statements and reports required by this act
6 to be filed with the county clerk's office.

7 (d) Upon written request, waive the payment of a late filing
8 fee if the request for a waiver is based on good cause as pre-
9 scribed in subsection (1)(f).

10 Sec. 16. (1) A filing official shall make a statement or
11 report required to be filed under this act available for public
12 inspection and reproduction, commencing as soon as practicable,
13 but not later than the third business day following the day on
14 which it is received, during regular business hours of the filing
15 official.

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

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

20 (4) A statement of organization filed under this act shall
21 be preserved by the filing official for 5 years from the official
22 date of the committee's dissolution. A statement or report filed
23 under this act by a candidate for an office with a term exceeding
24 4 years shall be preserved by the filing official for 1 year
25 beyond that candidate's term of office. Any other statement or
26 report filed under this act shall be preserved by the filing
27 official for 5 years from the date the filing occurred. HOWEVER,

1 IF UNCORRECTED VIOLATIONS HAVE OCCURRED IN THE STATEMENTS OR
2 REPORTS OR A COURT DETERMINES THAT A VIOLATION OF THIS ACT HAS
3 OCCURRED WITH REGARD TO THE STATEMENTS OR REPORTS, THE PRESERVA-
4 TION PERIOD IS EXTENDED UNTIL 5 YEARS AFTER THE DATE OF THE COURT
5 DETERMINATION OR THE DATE THE VIOLATIONS ARE CORRECTED, WHICHEVER
6 IS LATER. Statements and reports filed under this act may be
7 reproduced pursuant to the records media act, 1992 PA 116,
8 MCL 24.401 TO 24.403. After the required preservation period,
9 the statements and reports, or the reproductions of the state-
10 ments and reports, shall be destroyed.

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

15 (6) A filing official shall determine whether a statement or
16 report filed under this act complies, on its face, with the
17 requirements of this act and the rules promulgated under this
18 act. The filing official shall determine whether a statement or
19 report that is required to be filed under this act is in fact
20 filed. Within 4 business days after the deadline for filing a
21 statement or report under this act, the filing official shall
22 give notice to the filer by registered mail of an error or omis-
23 sion in the statement or report and give notice to a person the
24 filing official has reason to believe is a person required to and
25 who failed to file a statement or report. A failure to give
26 notice by the filing official under this subsection is not a

1 defense to a criminal action against the person required to
2 file.

3 (7) Within 9 business days after the report or statement is
4 required to be filed, the filer shall make any corrections in the
5 statement or report filed with the appropriate filing official.
6 If the report or statement was not filed, then ~~it~~ THE REPORT OR
7 STATEMENT shall be late filed within 9 business days after the
8 time it was required to be filed and shall be subject to late
9 filing fees.

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

14 (9) A statement or report required to be filed under this
15 act shall be filed not later than 5 p.m. of the day in which it
16 is required to be filed. A preelection statement or report due
17 on July 25 or October 25 under section 33 that is postmarked by
18 registered or certified mail, or sent by express mail or other
19 overnight delivery service, at least 2 days before the deadline
20 for filing is filed within the prescribed time regardless of when
21 it is actually delivered. Any other statement or report required
22 to be filed under this act that is postmarked by registered or
23 certified mail or sent by express mail or other overnight deliv-
24 ery service on or before the deadline for filing is filed within
25 the prescribed time regardless of when it is actually delivered.

26 Sec. 33. (1) A committee, other than an independent
27 committee or a political committee required to file with the

1 secretary of state, supporting or opposing a candidate shall file
2 COMPLETE campaign statements as required by this act AND THE
3 RULES PROMULGATED UNDER THIS ACT. THE CAMPAIGN STATEMENTS SHALL
4 BE FILED according to the following schedule:

5 (a) A preelection campaign statement shall be filed not
6 later than the eleventh day before an election. The closing date
7 for a campaign statement filed under this subdivision shall be
8 the sixteenth day before the election.

9 (b) A postelection campaign statement shall be filed not
10 later than the thirtieth day following the election. The closing
11 date for a campaign statement filed under this subdivision shall
12 be the twentieth day following the election. A committee sup-
13 porting a candidate who loses the primary election shall file
14 closing campaign statements in accordance with this section. If
15 all liabilities of such a candidate or committee are paid before
16 the closing date and additional contributions are not expected,
17 the campaign statement may be filed at any time after the elec-
18 tion, but not later than the thirtieth day following the
19 election.

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

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

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

6 (3) An independent committee or a political committee other
7 than a house political party caucus committee or senate political
8 party caucus committee required to file with the secretary of
9 state shall file campaign statements as required by this act
10 according to the following schedule:

11 (a) In an odd numbered year:

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

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

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

17 (b) In an even numbered year:

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

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

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

23 (4) A house political party caucus committee or a senate
24 political party caucus committee required to file with the secre-
25 tary of state shall file campaign statements as required by this
26 act according to the following schedule:

1 (a) Not later than January 31 of each year with a closing
2 date of December 31 of the immediately preceding year.

3 (b) Not later than April 25 of each year with a closing date
4 of April 20 of that year.

5 (c) Not later than July 25 of each year with a closing date
6 of July 20 of that year.

7 (d) Not later than October 25 of each year with a closing
8 date of October 20 of that year.

9 (e) For the period beginning on the fourteenth day immedi-
10 ately preceding a primary or special primary election and ending
11 on the day immediately following the primary or special primary
12 election, not later than 4 p.m. each business day with a closing
13 date of the immediately preceding day, only for a contribution
14 received or expenditure made that exceeds \$1,000.00 per day.

15 (f) For the period beginning on the fourteenth day immedi-
16 ately preceding a general or special election and ending on the
17 day immediately following the general or special election, not
18 later than 4 p.m. each business day with a closing date of the
19 immediately preceding day, only for a contribution received or
20 expenditure made that exceeds \$1,000.00 per day.

21 (5) Notwithstanding subsection (3) or (4) or section 51, if
22 an independent expenditure is made within 45 days before a spe-
23 cial election by an independent committee or a political commit-
24 tee required to file a campaign statement with the secretary of
25 state, a report of the expenditure shall be filed by the commit-
26 tee with the secretary of state within 48 hours after the
27 expenditure. The report shall be made on a form provided by the

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

13 (6) A candidate committee or a committee other than a candi-
14 date committee that files a written statement under section 24(5)
15 or (6) need not file a campaign statement under subsection (1),
16 (3), or (4) unless it received or expended an amount in excess of
17 \$1,000.00. If the committee receives or expends an amount in
18 excess of \$1,000.00 during a period covered by a filing, the com-
19 mittee is then subject to the campaign filing requirements under
20 this act.

21 (7) A committee, candidate, treasurer, or other individual
22 designated as responsible for the committee's record keeping,
23 report preparation, or report filing who fails to file a state-
24 ment as required by this section shall pay a late filing fee.
25 ~~of~~ IF THE COMMITTEE HAS RAISED \$10,000.00 OR LESS DURING THE
26 PREVIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$25.00 for each
27 business day the statement remains unfiled, ~~The~~ BUT NOT TO

1 EXCEED \$500.00. IF THE COMMITTEE HAS RAISED MORE THAN \$10,000.00
2 DURING THE PREVIOUS 2 YEARS, THE late filing fee shall BE \$50.00
3 FOR EACH BUSINESS DAY THE STATEMENT REMAINS UNFILED, BUT not TO
4 exceed ~~-\$500.00~~ \$1,000.00. If a candidate, treasurer, or other
5 individual designated as responsible for the committee's record
6 keeping, report preparation, or report filing fails to file 2
7 statements required by this section or section 35 and both of the
8 statements remain unfiled for more than 30 days, that candidate,
9 treasurer, or other designated individual is guilty of a misde-
10 meanor, punishable by a fine of not more than \$1,000.00, or
11 imprisonment for not more than 90 days, or both.

12 (8) If a candidate ~~subject to this section~~ is found guilty
13 OF A VIOLATION OF THIS SECTION, the circuit court for that
14 county, on application by the attorney general or the prosecuting
15 attorney of that county, may prohibit that candidate from assum-
16 ing the duties of a public office or from receiving compensation
17 from public funds, or both.

18 (9) If a treasurer or other individual designated as respon-
19 sible for a committee's record keeping, report preparation, or
20 report filing knowingly files an incomplete or inaccurate state-
21 ment or report required by this section, that treasurer or other
22 designated individual is subject to a civil fine of not more than
23 \$1,000.00.

24 Sec. 34. (1) A ballot question committee shall file a cam-
25 paign statement as required by this act according to the follow-
26 ing schedule:

1 (a) A preelection campaign statement, ~~of which~~ the closing
2 date OF WHICH shall be the sixteenth day before the election,
3 shall not be filed later than the eleventh day before the
4 election.

5 (b) A postelection campaign statement, the closing date of
6 which shall be the twentieth day following the election, shall
7 not be filed later than the thirtieth day following an election.
8 If all liabilities of the committee are paid before the closing
9 date and additional contributions are not expected, the campaign
10 statement may be filed at any time after the election, but not
11 later than the thirtieth day following the election.

12 (2) A ballot question committee supporting or opposing a
13 statewide ballot question shall file a campaign statement, of
14 which the closing date shall be the twenty-eighth day after the
15 qualification of the measure, not later than 35 days after the
16 ballot question is qualified for the ballot. If the ballot ques-
17 tion fails to qualify for the ballot, the ballot question commit-
18 tee shall file the campaign statement within 35 days after the
19 final deadline for qualifying, the closing date of which shall be
20 the twenty-eighth day after the deadline.

21 (3) If a ballot question committee supporting or opposing a
22 statewide ballot question fails to file a preelection statement
23 under this section, that committee or its treasurer shall pay a
24 late filing fee for each business day the statement remains not
25 filed in violation of this section, not to exceed \$1,000.00, pur-
26 suant to the following schedule:

1 (a) First day--\$25.00.

2 (b) Second day--\$50.00.

3 (c) Third day--\$75.00.

4 (d) Fourth day and for each subsequent day that the state-
5 ment remains unfiled--\$100.00.

6 (4) If a treasurer or other individual designated as respon-
7 sible for the record keeping, report preparation, or report
8 filing of a ballot question committee supporting or opposing a
9 statewide ballot question fails to file a statement, other than a
10 preelection statement, under this section, that committee, trea-
11 surer, or other designated individual shall pay a late filing
12 fee. ~~of~~ IF THE COMMITTEE HAS RAISED \$10,000.00 OR LESS DURING
13 THE PREVIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$25.00 for
14 each business day the campaign statement remains ~~not filed in~~
15 ~~violation of this section,~~ UNFILED, BUT NOT TO EXCEED \$1,000.00.
16 IF THE COMMITTEE HAS RAISED MORE THAN \$10,000.00 DURING THE PRE-
17 VIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$50.00 FOR EACH BUSI-
18 NESS DAY THE CAMPAIGN STATEMENT REMAINS UNFILED, BUT not to
19 exceed ~~-\$1,000.00-~~ \$2,000.00.

20 (5) If a treasurer or other individual designated as respon-
21 sible for the record keeping, report preparation, or report
22 filing of a ballot question committee supporting or opposing
23 other than a statewide ballot question fails to file a statement
24 under this section, that committee, treasurer, or other desig-
25 nated individual shall pay a late filing fee. ~~of~~ IF THE COMMIT-
26 TEE HAS RAISED \$10,000.00 OR LESS DURING THE PREVIOUS 2 YEARS,
27 THE LATE FILING FEE SHALL BE \$25.00 for each business day the

1 campaign statement remains ~~not filed in violation of this~~
2 ~~section,~~ UNFILED, BUT NOT TO EXCEED \$1,000.00. IF THE COMMITTEE
3 HAS RAISED MORE THAN \$10,000.00 DURING THE PREVIOUS 2 YEARS, THE
4 LATE FILING FEE SHALL BE \$50.00 FOR EACH BUSINESS DAY THE CAM-
5 PAIGN STATEMENT REMAINS UNFILED, BUT not to exceed ~~-\$1,000.00-~~
6 \$2,000.00.

7 (6) If a treasurer or other individual designated as respon-
8 sible for the record keeping, report preparation, or report
9 filing of a ballot question committee fails to file a statement
10 as required by subsection (1) or (2) for more than 7 days, that
11 treasurer or other designated individual is guilty of a misde-
12 meanor, punishable by a fine of not more than \$1,000.00, or
13 imprisonment for not more than 90 days, or both.

14 (7) If a treasurer or other individual designated as respon-
15 sible for the record keeping, report preparation, or report
16 filing of a ballot question committee knowingly files an incom-
17 plete or inaccurate statement or report required by this section,
18 that treasurer or other designated individual is subject to a
19 civil fine of not more than \$1,000.00.

20 Sec. 35. (1) In addition to any other requirements of this
21 act for filing a campaign statement, a committee, other than an
22 independent committee or a political committee required to file
23 with the secretary of state, shall also file a campaign statement
24 not later than January 31 of each year. The campaign statement
25 shall have a closing date of December 31 of the previous year.
26 The period covered by the campaign statement filed pursuant to
27 this subsection shall begin the day after the closing date of the

1 previous campaign statement. A campaign statement filed pursuant
2 to this subsection shall be waived if a postelection campaign
3 statement has been filed which has a filing deadline within 30
4 days of the closing date of the campaign statement required by
5 this subsection.

6 (2) Subsection (1) does not apply to a candidate committee
7 for an officeholder who is a judge or a supreme court justice, or
8 who holds an elective office for which the salary is less than
9 \$100.00 a month and who does not receive any contribution or make
10 any expenditure during the time which would be otherwise covered
11 in the statement.

12 (3) A committee, candidate, treasurer, or other individual
13 designated as responsible for the record keeping, report prepara-
14 tion, or report filing for a candidate committee of a candidate
15 for state elective office or a judicial office who fails to file
16 a campaign statement under this section shall pay a late filing
17 fee. ~~of~~ IF THE COMMITTEE HAS RAISED \$10,000.00 OR LESS DURING
18 THE PREVIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$25.00 for
19 each business day the campaign statement remains ~~not filed in~~
20 ~~violation of this section.~~ ~~The~~ UNFILED, BUT NOT TO EXCEED
21 \$500.00. IF THE COMMITTEE HAS RAISED MORE THAN \$10,000.00 DURING
22 THE PREVIOUS 2 YEARS, THE late filing fee shall BE \$50.00 FOR
23 EACH BUSINESS DAY THE CAMPAIGN STATEMENT REMAINS UNFILED, BUT not
24 TO exceed ~~\$500.00~~ \$1,000.00. A committee, treasurer, or other
25 individual designated as responsible for the record keeping,
26 report preparation, or report filing for a committee other than a
27 candidate committee of a candidate for state elective office or a

1 judicial office who fails to file a campaign statement under this
2 section shall pay a late filing fee of \$25.00 for each business
3 day the committee statement remains not filed in violation of
4 this section. The late filing fee shall not exceed \$500.00.

5 (4) A committee filing a written statement pursuant to sec-
6 tion 24(5) or (6) need not file a statement in accordance with
7 subsection (1). If a committee receives or expends more than
8 \$1,000.00 during a time period prescribed by section 24(5) or
9 (6), the committee is then subject to the campaign filing
10 requirements under this act and shall file a campaign statement
11 for the period beginning the day after the closing date of the
12 last postelection campaign statement or an annual campaign state-
13 ment which is waived pursuant to subsection (1), whichever
14 occurred earlier.

15 (5) If a candidate, treasurer, or other individual desig-
16 nated as responsible for the record keeping, report preparation,
17 or report filing fails to file 2 statements required by this sec-
18 tion or section 33 and both of the statements remain unfiled for
19 more than 30 days, that candidate, treasurer, or other designated
20 individual is guilty of a misdemeanor, punishable by a fine of
21 not more than \$1,000.00, or imprisonment for not more than 90
22 days, or both.

23 (6) If a treasurer or other individual designated as respon-
24 sible for the record keeping, report preparation, or report
25 filing for a committee required to file a campaign statement
26 under subsection (1) knowingly files an incomplete or inaccurate
27 statement or report required by this section, that treasurer or

1 other designated individual is subject to a civil fine of not
2 more than \$1,000.00.