

Act No. 236
Public Acts of 1999
Approved by the Governor
December 28, 1999
Filed with the Secretary of State
December 28, 1999
EFFECTIVE DATE: March 10, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999**

Introduced by Rep. Gilbert

ENROLLED HOUSE BILL No. 5056

AN ACT to amend 1976 PA 388, entitled "An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," 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:

Sec. 16. (1) A filing official shall make a statement or report required to be filed under this act available for public inspection and reproduction, commencing as soon as practicable, but not later than the third business day following the day on which it is received, during regular business hours of the filing official. If the report is a report of a late contribution under section 32(1) made to the secretary of state, the secretary of state shall also make the report or all of the contents of the report available to the public on the internet, without charge, as soon as practicable but not later than the end of the business day on which it is received, at a single website established and maintained by the secretary of state.

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

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

(4) A statement of organization filed under this act shall be preserved by the filing official for 5 years from the official date of the committee's dissolution. A statement or report filed under this act by a candidate for an office with a term exceeding 4 years shall be preserved by the filing official for 1 year beyond that candidate's term of office. Any other statement or report filed under this act shall be preserved by the filing official for 5 years from the date the filing occurred. However, if uncorrected violations have occurred in the statements or reports or a court determines that a violation of this act has occurred with regard to the statements or reports, the preservation period is extended until 5 years after the date of the court determination or the date the violations are corrected, whichever is later. Statements and reports filed under this act may be reproduced pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403. After the required preservation period, the statements and reports, or the reproductions of the statements and reports, shall be destroyed.

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

(6) A filing official shall determine whether a statement or report filed under this act complies, on its face, with the requirements of this act and the rules promulgated under this act. The filing official shall determine whether a statement or report that is required to be filed under this act is in fact filed. Within 4 business days after the deadline

for filing a statement or report under this act, the filing official shall give notice to the filer by registered mail of an error or omission in the statement or report and give notice to a person the filing official has reason to believe is a person required to and who failed to file a statement or report. A failure to give notice by the filing official under this subsection is not a defense to a criminal action against the person required to file.

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

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

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

Sec. 32. (1) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, record preparation, or report filing shall report a late contribution by filing with the filing officer within 48 hours after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor.

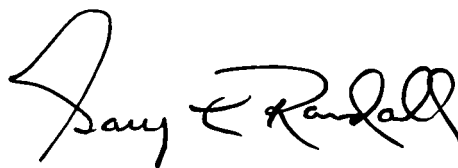
(2) Filing of a report of a late contribution pursuant to subsection (1) may be by any written means of communication and need not contain an original signature.

(3) A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to subsection (1). If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement and need not, therefore, be reported in a subsequent campaign statement.

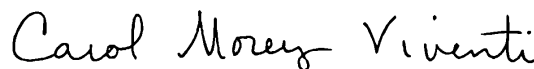
(4) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who fails to report a late contribution as required by subsection (1) shall pay a late filing fee, that shall not exceed \$2,000.00, determined 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.

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



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.