

HOUSE BILL No. 5261

October 6, 2005, Introduced by Reps. Bieda, Tobocman, Condino, Gleason, Alma Smith, Espinoza, McDowell, Miller, Vagnozzi, Cushingberry, Anderson and Wenke and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to require elected public officials to file reports concerning receipt of certain contributions or subsidies; to prescribe certain powers and duties of certain state and local agencies and officials; and to provide for fees and civil fines.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "elected officials reporting act".

3 Sec. 3. As used in this act:

4 (a) "Elected official" means an individual who holds an
5 elective office as that term is defined in section 5 of the
6 Michigan campaign finance act, 1976 PA 388, MCL 169.205.

7 (b) "Immediate family" means a child residing in the elected

1 official's household, the elected official's spouse, or an
2 individual that the elected official or the elected official's
3 spouse claims as a dependent for federal income tax purposes.

4 (c) "Report" means the travel contribution and subsidy report
5 required under section 5.

6 (d) "Reporting period" means the 6 months immediately
7 preceding January 1 or July 1 of each year.

8 (e) "Travel" means transportation, lodging, or any expense
9 related to transportation or lodging.

10 Sec. 5. (1) If an individual holds elective office at any time
11 within a reporting period, the individual shall file a travel
12 contribution and subsidy report not later than 30 days after the
13 end of that reporting period. Except as provided in subsection (2),
14 the report shall include each contribution or subsidy with an
15 estimated value of not less than \$50.00 that the elected official
16 or a member of his or her immediate family accepts for travel
17 during the reporting period. The duty to file a report under this
18 act survives vacation of an elective office before the required
19 filing date for the report.

20 (2) An individual is not required to include the following in
21 a report required under this act:

22 (a) A contribution or subsidy that the elected official
23 receives from the unit of government of which he or she is an
24 elected official.

25 (b) A contribution or subsidy that an immediate family member
26 receives from his or her employer for business travel.

27 (3) A report for a state elected official shall be filed with

1 the secretary of state.

2 (4) A report for an elected official of a unit of local
3 government shall be filed with the county clerk.

4 Sec. 7. The report shall contain all of the following
5 information:

6 (a) The name and address of the elected official.

7 (b) The elective office that the individual held during the
8 reporting period.

9 (c) The dates identifying the reporting period that the report
10 covers.

11 (d) The elected official's campaign committee identification
12 number.

13 (e) A description of any travel for which the elected official
14 or a member of his or her immediate family received a contribution
15 or subsidy with an estimated value of not less than \$50.00,
16 including all of the following:

17 (i) The date, location, and nature of the travel.

18 (ii) The purpose of the travel.

19 (iii) The identity, street address, and telephone number for
20 each nongovernmental source of a contribution or subsidy and the
21 estimated value of the contribution or subsidy.

22 (iv) The name of each governmental source of a contribution or
23 subsidy and the estimated value of the contribution or subsidy.

24 (f) If the elected official and his or her immediate family
25 received no reportable contribution or subsidy for travel, a
26 statement that the elected official received no contribution or
27 subsidy for travel during the reporting period.

1 Sec. 9. (1) If a report is filed after the filing date
2 indicated in section 5, the individual is responsible for a late
3 filing fee of \$25.00 for each business day or part of a business
4 day that the report is late, not to exceed \$500.00.

5 (2) An individual who knowingly files an incomplete or
6 inaccurate report is responsible for a civil fine of not more than
7 \$1,000.00.

8 Sec. 11. (1) The secretary of state shall make a report that
9 he or she receives available to the public through the electronic
10 filing and internet disclosure system as described in the Michigan
11 campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

12 (2) A county clerk shall make a report that he or she receives
13 available for public inspection and reproduction during regular
14 business hours. The county clerk shall make a report available as
15 soon as practicable, but not later than 3 business days after
16 receipt of the report.

17 Sec. 13. (1) An individual responsible for a late filing fee
18 shall pay the fee to the secretary of state or county clerk with
19 whom the report is required to be filed.

20 (2) The secretary of state or county clerk may retain the late
21 filing fee to cover the expenses of administering this act. The
22 secretary of state may collect an unpaid late filing fee in the
23 manner provided for collecting a late filing fee under section 17
24 of the Michigan campaign finance act, 1976 PA 388, MCL 169.217. A
25 county clerk may refer an unpaid filing fee for collection in the
26 manner provided for collecting debts owed to the county.

27 Sec. 15. A civil fine collected under this act shall be

1 forwarded to the state treasurer for deposit in the general fund.