

# HOUSE BILL No. 6482

September 14, 2006, Introduced by Rep. Farhat and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending sections 3, 5, 7, 15, 16, 17, 18, 21, 24, 25, 33, 33a,  
34, 37, 51, and 61 (MCL 169.203, 169.205, 169.207, 169.215,  
169.216, 169.217, 169.218, 169.221, 169.224, 169.225, 169.233,  
169.233a, 169.234, 169.237, 169.251, and 169.261), sections 3, 17,  
21, 25, 37, and 51 as amended by 1989 PA 95, sections 5 and 24 as  
amended by 1999 PA 237, sections 7 and 15 as amended by 2001 PA  
250, section 16 as amended by 2000 PA 50, section 18 as amended by  
2006 PA 89, sections 33 and 34 as amended by 1999 PA 238, section  
33a as added by 1995 PA 264, and section 61 as amended by 1993 PA  
262, and by adding section 18a; and to repeal acts and parts of  
acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 3. (1) "Candidate" means an individual **WHO MEETS 1 OR MORE OF THE FOLLOWING CRITERIA:**

(a) ~~who~~ **THE INDIVIDUAL** files a fee, affidavit of incumbency, or nominating petition for an elective office. ~~→~~

(b) ~~whose~~ **THE INDIVIDUAL'S** nomination as a candidate for elective office by a political party caucus or convention is certified to the ~~appropriate filing official;~~ **SECRETARY OF STATE.**

(c) ~~who~~ **THE INDIVIDUAL** receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made. ~~→ or~~

(d) ~~who~~ **THE INDIVIDUAL** is an officeholder who is the subject of a recall vote. ~~Unless~~

**(2) "CANDIDATE" INCLUDES AN OFFICEHOLDER UNLESS** the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline. ~~→, an elected officeholder shall be considered to be a candidate for reelection to that same office for the purposes of this act only. For purposes of~~

**(3) AS USED IN** sections 61 to 71, "candidate" ~~only~~ means **ONLY**, in a primary election, a candidate for the office of governor and, in a general election, a candidate for the office of governor or lieutenant governor. ~~However, the~~ **THE** candidates for the

1 office of governor and lieutenant governor of the same political  
2 party in a general election shall be considered as 1 candidate.

3 (4) ~~-(2)-~~ "Candidate committee" means the committee designated  
4 in a candidate's filed statement of organization as that  
5 individual's candidate committee. A candidate committee shall be  
6 under the control and direction of the candidate named in the ~~same~~  
7 statement of organization. Notwithstanding subsection ~~-(4)-~~ (6), an  
8 individual shall form a candidate committee pursuant to section 21  
9 when the individual becomes a candidate ~~under~~ **IN 1 OF THE WAYS**  
10 **DESCRIBED IN** subsection (1).

11 (5) ~~-(3)-~~ "Closing date" means the date through which a  
12 campaign statement is required to be complete.

13 (6) ~~-(4)-~~ "Committee" means a person who receives  
14 contributions or makes expenditures for the purpose of influencing  
15 or attempting to influence the action of the voters for or against  
16 the nomination or election of a candidate, or the qualification,  
17 passage, or defeat of a ballot question, if contributions received  
18 total \$500.00 or more in a calendar year or expenditures made total  
19 \$500.00 or more in a calendar year. An individual, other than a  
20 candidate, does not constitute a committee. A person, other than a  
21 committee registered under this act, ~~making~~ **WHO MAKES** an  
22 expenditure to a ballot question committee ~~shall~~ **IS NOT** for that  
23 reason ~~not be considered~~ a committee ~~for the purposes of~~ **UNDER**  
24 this act, unless the person solicits or receives contributions for  
25 the purpose of making an expenditure to that ballot question  
26 committee.

27 Sec. 5. (1) "Domestic dependent sovereign" means an Indian

1 tribe that has been acknowledged, recognized, restored, or  
2 reaffirmed as an Indian tribe by the secretary of the interior  
3 pursuant to chapter 576, 48 Stat. 984, ~~25 U.S.C. 461 to 463, 464~~  
4 ~~to 465, 466 to 470, 471 to 472, 473, 474 to 475, 476 to 478, and~~  
5 ~~479,~~ commonly referred to as the Indian reorganization act, or has  
6 otherwise been acknowledged by the United States government as an  
7 Indian tribe.

8 (2) "Election" means a primary, general, special, or millage  
9 election held in this state or a convention or caucus of a  
10 political party held in this state to nominate a candidate.  
11 Election includes a recall vote.

12 (3) "Election cycle" means 1 of the following:

13 (a) For a general election, the period beginning ~~the day~~  
14 **JANUARY 1** following the last general election in which the office  
15 appeared on the ballot and ending on ~~the day of~~ **DECEMBER 31**  
16 **FOLLOWING** the general election in which the office next appears on  
17 the ballot.

18 (b) For a special election, the period beginning the day a  
19 special general election is called or the date the office becomes  
20 vacant, whichever is earlier, and ending on the day of the special  
21 general election.

22 (4) "Elective office" means a public office filled by an  
23 election. A person who is appointed to fill a vacancy in a public  
24 office that is ordinarily elective holds an elective office.  
25 Elective office does not include the office of precinct delegate.  
26 Except for the purposes of sections 47, 54, and 55, elective office  
27 does not include a school board member in a school district that

1 has a pupil membership of 2,400 or less enrolled on the most recent  
2 pupil membership count day. However, elective office includes a  
3 school board member in a school district that has a pupil  
4 membership of 2,400 or less, if a candidate committee of a  
5 candidate for the office of school board member in that school  
6 district receives an amount in excess of \$1,000.00 or expends an  
7 amount in excess of \$1,000.00. Elective office does not include a  
8 federal office except ~~for the purposes of~~ **AS USED IN** section 57.

9       Sec. 7. (1) **"ELECTRONIC SIGNATURE" MEANS THAT TERM AS DEFINED**  
10 **IN SECTION 2 OF THE UNIFORM ELECTRONIC TRANSACTIONS ACT, 2000 PA**  
11 **305, MCL 450.832.**

12       (2) ~~(1)~~ "Filed" means, ~~the receipt by the appropriate~~  
13 ~~filing official of~~ **WITH REFERENCE TO** a statement or report  
14 required to be filed under this act, **RECEIVED BY THE SECRETARY OF**  
15 **STATE.**

16       (3) ~~(2)~~ "Filer" means a person required to file a statement  
17 or report under this act.

18 ~~(3) "Filing official" means the official designated under this~~  
19 ~~act to receive required statements and reports.~~

20       (4) "Fund raising event" means an event such as a dinner,  
21 reception, testimonial, rally, auction, or similar affair through  
22 which contributions are solicited or received by purchase of a  
23 ticket, payment of an attendance fee, making a donation, or  
24 purchase of goods or services.

25       (5) "Gift" means a payment, subscription, advance,  
26 forbearance, rendering, or deposit of money, services, or anything  
27 of value, unless consideration of equal or greater value is given

1 in exchange.

2 (6) "Honorarium" means a payment of money to a person holding  
3 elective office as consideration for an appearance, a speech, an  
4 article, or any activity related to or associated with the  
5 performance of duties as an elected official. An honorarium does  
6 not include any of the following:

7 (a) Reimbursement for the cost of transportation,  
8 accommodations, or meals for the person.

9 (b) Wages, salaries, other employee compensation, and expenses  
10 authorized to be paid by this state or a political subdivision of  
11 this state to the person holding elective office.

12 (c) An award.

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

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

18 (b) Develop a filing, coding, and cross-indexing system for  
19 the filing of required reports and statements consistent with ~~the~~  
20 ~~purposes of this act. —, and supervise the implementation of the~~  
21 ~~filing systems by the clerks of the counties.~~

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

24 (d) Prepare forms, instructions, and manuals required under  
25 this act.

26 (e) Promulgate rules and issue declaratory rulings to  
27 implement this act in accordance with the administrative procedures

1 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2 (f) Upon receipt of a written request and the required filing,  
3 waive payment of a late filing fee if the request for the waiver is  
4 based on good cause and accompanied by adequate documentation. One  
5 or more of the following reasons constitute good cause for a late  
6 filing fee waiver:

7 (i) The incapacitating physical illness, hospitalization,  
8 accident involvement, death, or incapacitation for medical reasons  
9 of a person required to file ~~—~~ **OR** a person whose participation is  
10 essential to the preparation of the statement or report, or **OF** a  
11 member of the immediate family of ~~these persons~~ **SUCH A PERSON**.

12 (ii) Other unique, unintentional factors beyond the filer's  
13 control not stemming from a negligent act or nonaction ~~—so—~~ that  
14 **WOULD CAUSE** a reasonably prudent person ~~would~~ **TO** excuse the  
15 filing on a temporary basis. These factors include the loss or  
16 unavailability of records due to a fire, flood, theft, or similar  
17 reason and difficulties related to the transmission of the filing  
18 to the ~~filing official~~ **SECRETARY OF STATE**, such as exceptionally  
19 bad weather or strikes involving transportation systems.

20 (2) A declaratory ruling shall be issued under this section  
21 only if the person requesting the ruling has provided a reasonably  
22 complete statement of facts necessary for the ruling or if the  
23 person requesting the ruling has, with the permission of the  
24 secretary of state, supplied supplemental facts necessary for the  
25 ruling. A request for a declaratory ruling that is submitted to the  
26 secretary of state shall be made available for public inspection  
27 within 48 hours after its receipt. An interested person may submit

1 written comments regarding the request to the secretary of state  
2 within 10 business days after the date the request is made  
3 available to the public. Within 45 business days after receiving a  
4 declaratory ruling request, the secretary of state shall make a  
5 proposed response available to the public. An interested person may  
6 submit written comments regarding the proposed response to the  
7 secretary of state within 5 business days after the date the  
8 proposal is made available to the public. Except as otherwise  
9 provided in this section, the secretary of state shall issue a  
10 declaratory ruling within 60 business days after a request for a  
11 declaratory ruling is received. If the secretary of state refuses  
12 to issue a declaratory ruling, the secretary of state shall notify  
13 the person making the request of the reasons for the refusal and  
14 shall issue an interpretative statement providing an informational  
15 response to the question presented within the same time limitation  
16 applicable to a declaratory ruling. A declaratory ruling or  
17 interpretative statement issued under this section shall not state  
18 a general rule of law, other than that which is stated in this act,  
19 until the general rule of law is promulgated by the secretary of  
20 state as a rule under the administrative procedures act of 1969,  
21 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

22 (3) Under extenuating circumstances, the secretary of state  
23 may issue a notice extending for not more than 30 business days the  
24 period during which the secretary of state shall respond to a  
25 request for a declaratory ruling. The secretary of state shall not  
26 issue more than 1 notice of extension for a particular request. A  
27 person requesting a declaratory ruling may waive, in writing, the



1 time limitations provided by this section.

2 (4) The secretary of state shall make available to the public  
3 an annual summary of the declaratory rulings and interpretative  
4 statements issued by the secretary of state.

5 (5) A person may file with the secretary of state a complaint  
6 that alleges a violation of this act. Within 5 business days after  
7 a complaint that meets the requirements of subsection (6) is filed,  
8 the secretary of state shall give notice to the person against whom  
9 the complaint is filed. The notice shall include a copy of the  
10 complaint. Within 15 business days after this notice is provided,  
11 the person against whom the complaint was filed may submit to the  
12 secretary of state a response. The secretary of state may extend  
13 the period for submitting a response an additional 15 business days  
14 for good cause. The secretary of state shall provide a copy of a  
15 response received to the complainant. Within 10 business days after  
16 receiving a copy of the response, the complainant may submit to the  
17 secretary of state a rebuttal statement. The secretary of state may  
18 extend the period for submitting a rebuttal statement an additional  
19 10 business days for good cause. The secretary of state shall  
20 provide a copy of the rebuttal statement to the person against whom  
21 the complaint was filed.

22 (6) A complaint under subsection (5) shall satisfy all of the  
23 following requirements:

24 (a) Be signed by the complainant.

25 (b) State the name, address, and telephone number of the  
26 complainant.

27 (c) Include the complainant's certification that, to the best

1 of the complainant's knowledge, information, and belief, formed  
2 after a reasonable inquiry under the circumstances, each factual  
3 contention of the complaint is supported by evidence. However, if,  
4 after a reasonable inquiry under the circumstances, the complainant  
5 is unable to certify that certain factual contentions are supported  
6 by evidence, the complainant may certify that, to the best of his  
7 or her knowledge, information, or belief, there are grounds to  
8 conclude that those specifically identified factual contentions are  
9 likely to be supported by evidence after a reasonable opportunity  
10 for further inquiry.

11 (7) The secretary of state shall develop a form that satisfies  
12 the requirements of subsection (6) and may be used for the filing  
13 of complaints.

14 (8) A person who files a complaint with a false certificate  
15 under subsection (6)(c) is responsible for a civil violation of  
16 this act. A person may file a complaint under subsection (5)  
17 alleging that another person has filed a complaint with a false  
18 certificate under subsection (6)(c).

19 (9) The secretary of state shall investigate the allegations  
20 **IN A COMPLAINT FILED UNDER SUBSECTION (5)** under the rules  
21 promulgated under this act. Every 60 days after a complaint that  
22 meets the requirements of subsection (6) is filed and until the  
23 matter is terminated, the secretary of state shall, **BY mail OR, IF**  
24 **APPLICABLE, ELECTRONICALLY AS PROVIDED IN SECTION 18A, GIVE NOTICE**  
25 to the complainant and to the alleged violator notice of the action  
26 taken to date by the secretary of state ~~—, together with—~~ **AND OF**  
27 the reasons for the action or nonaction.

1           (10) If the secretary of state determines that there may be  
2 reason to believe that a violation of this act has occurred, the  
3 secretary of state shall endeavor to correct the violation or  
4 prevent a further violation by using informal methods such as a  
5 conference, conciliation, or persuasion, and may enter into a  
6 conciliation agreement with the person involved. Unless violated, a  
7 conciliation agreement is a complete bar to any further action with  
8 respect to matters covered in the conciliation agreement. If the  
9 secretary of state is unable to correct or prevent further  
10 violation by these informal methods, the secretary of state may  
11 refer the matter to the attorney general for the enforcement of a  
12 criminal penalty provided by this act or commence a hearing as  
13 provided in subsection (11).

14           (11) The secretary of state may commence a hearing to  
15 determine whether a civil violation of this act has occurred. A  
16 hearing shall not be commenced during the period beginning 30 days  
17 before an election in which the committee has received or expended  
18 money and ending the day after that election except with the  
19 consent of the person suspected of committing a civil violation.  
20 The hearing shall be conducted in accordance with the procedures  
21 ~~set forth~~ in chapter 4 of the administrative procedures act of  
22 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the  
23 secretary of state determines that a violation of this act has  
24 occurred, the secretary of state may issue an order requiring the  
25 person to pay a civil fine equal to the amount of the improper  
26 contribution or expenditure plus not more than \$1,000.00 for each  
27 violation.

1       (12) A final decision and order issued by the secretary of  
2 state is subject to judicial review as provided by chapter 6 of the  
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to  
4 24.306. The secretary of state shall deposit a civil fine imposed  
5 under this section in the general fund. The secretary of state may  
6 bring an action in circuit court to recover the amount of a civil  
7 fine.

8       (13) When a report or statement is filed under this act, the  
9 secretary of state shall review the report or statement and may  
10 investigate an apparent violation of this act under the rules  
11 promulgated under this act. If the secretary of state determines  
12 that there may be reason to believe a violation of this act has  
13 occurred and the procedures prescribed in subsection (10) have been  
14 complied with, the secretary of state may refer the matter to the  
15 attorney general for the enforcement of a criminal penalty provided  
16 by this act, or commence a hearing under subsection (11) to  
17 determine whether a civil violation of this act has occurred.

18       (14) Unless otherwise specified in this act, a person who  
19 violates a provision of this act is subject to a civil fine of not  
20 more than \$1,000.00 for each violation. A civil fine is in addition  
21 to, but not limited by, a criminal penalty prescribed by this act.

22       (15) In addition to any other sanction provided for by this  
23 act, the secretary of state may require a person who files a  
24 complaint with a false certificate under subsection (6)(c) to do  
25 either or both of the following:

26       (a) Pay to the secretary of state some or all of the expenses  
27 incurred by the secretary of state as a direct result of the filing

1 of the complaint.

2 (b) Pay to the person against whom the complaint was filed  
3 some or all of the expenses, including, but not limited to,  
4 reasonable attorney fees, incurred by that person in proceedings  
5 under this act as a direct result of the filing of the complaint.

6 (16) There is no private right of action, either in law or in  
7 equity, under this act. The remedies provided in this act are the  
8 exclusive means by which this act may be enforced and by which any  
9 harm resulting from a violation of this act may be redressed.

10 ~~—— (17) The secretary of state may waive the filing of a campaign~~  
11 ~~statement required under section 33, 34, or 35 if the closing date~~  
12 ~~of the particular campaign statement falls on the same or a later~~  
13 ~~date as the closing date of the next campaign statement filed by~~  
14 ~~the same person, or if the period that would be otherwise covered~~  
15 ~~by the next campaign statement filed by the same person is 10 days~~  
16 ~~or less.~~

17 (17) ~~—(18)—~~ The clerk of each county shall ~~do all of the~~  
18 ~~following:~~

19 ~~—— (a) Make~~ **MAKE** available through the county clerk's office the  
20 appropriate forms, instructions, and manuals required by this act.

21 ~~—— (b) Under the supervision of the secretary of state, implement~~  
22 ~~the filing, coding, and cross-indexing system prescribed for the~~  
23 ~~filing of reports and statements required to be filed with the~~  
24 ~~county clerk's office.~~

25 ~~—— (c) Receive all statements and reports required by this act to~~  
26 ~~be filed with the county clerk's office.~~

27 ~~—— (d) Upon written request, waive the payment of a late filing~~

1 ~~fee if the request for a waiver is based on good cause as~~  
2 ~~prescribed in subsection (1)(f).~~

3       Sec. 16. (1) ~~A filing official~~ **THE SECRETARY OF STATE** shall  
4 make **INFORMATION FROM** a statement or report ~~required to be~~ filed  
5 under this act available for public inspection and reproduction **IN**  
6 **WRITTEN FORM**, commencing as soon as practicable, but not later than  
7 the third business day following the day on which ~~it~~ **THE**  
8 **STATEMENT OR REPORT** is received, during regular business hours of  
9 the ~~filing official~~ **SECRETARY OF STATE**. ~~If the report is a~~  
10 ~~report of a late contribution under section 32(1) made to the~~  
11 ~~secretary of state, the secretary of state shall also make the~~  
12 ~~report or all of the contents of the report available to the public~~  
13 ~~on the internet, without charge, as soon as practicable but not~~  
14 ~~later than the end of the business day on which it is received, at~~  
15 ~~a single website established and maintained by the secretary of~~  
16 ~~state.~~

17       (2) A copy of a ~~statement or part of a statement~~ **WRITING**  
18 **PROVIDED UNDER THIS SECTION** shall be provided ~~by a filing official~~  
19 at a reasonable charge.

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

22       (4) Except as otherwise provided in this subsection, a  
23 statement of organization filed under this act with a ~~filing~~  
24 **LOCAL GOVERNMENTAL** official ~~who is not the secretary of state~~  
25 shall be preserved by that ~~filing~~ official for 5 years from the  
26 official date of the committee's dissolution. A statement of  
27 organization filed under this act with a ~~filing~~ **LOCAL**

1 **GOVERNMENTAL** official ~~who is not the secretary of state~~ that is  
2 filed by a committee that received more than \$50,000.00 in an  
3 election cycle shall be preserved by that ~~filing~~ official for 15  
4 years from the official date of the committee's dissolution. A  
5 statement of organization filed under this act with the secretary  
6 of state shall be preserved by the secretary of state for 15 years  
7 from the official date of the committee's dissolution. Except as  
8 otherwise provided in this subsection, any other statement or  
9 report filed under this act with a ~~filing~~ **LOCAL GOVERNMENTAL**  
10 official ~~who is not the secretary of state~~ shall be preserved by  
11 that ~~filing~~ official for 5 years from the date the filing  
12 occurred. Any other statement or report filed under this act with a  
13 ~~filing~~ **LOCAL GOVERNMENTAL** official ~~who is not the secretary of~~  
14 ~~state~~ that is filed by a committee that received more than  
15 \$50,000.00 in an election cycle shall be preserved by that ~~filing~~  
16 official for 15 years from the date the filing occurred. Any other  
17 statement or report filed under this act with the secretary of  
18 state shall be preserved by the secretary of state for 15 years  
19 from the date the filing occurred. Upon a determination under  
20 section 15 that a violation of this act has occurred, all  
21 complaints, orders, decisions, or other documents related to that  
22 violation shall be preserved by ~~the filing~~ **A LOCAL GOVERNMENTAL**  
23 official, ~~who is not the secretary of state~~ **IF APPLICABLE**, or the  
24 secretary of state for 15 years from the date of the court  
25 determination or the date the violations are corrected, whichever  
26 is later. Statements and reports filed under this act may be  
27 reproduced pursuant to the records ~~media~~ **REPRODUCTION** act, 1992

1 PA 116, MCL 24.401 to ~~24.403~~ **24.406**. After the required  
2 preservation period, the statements and reports, or the  
3 reproductions of the statements and reports, may be disposed of in  
4 the manner prescribed in the management and budget act, 1984 PA  
5 431, MCL 18.1101 to 18.1594, and 1913 PA 271, MCL 399.1 to 399.10.

6 (5) A charge shall not be collected by ~~a filing official~~ **THE**  
7 **SECRETARY OF STATE** for the filing of a required statement or report  
8 or for a form upon which the statement or report is to be prepared,  
9 except a late filing fee required by this act.

10 (6) ~~A filing official~~ **THE SECRETARY OF STATE** shall determine  
11 whether a statement or report filed under this act complies, on its  
12 face, with the requirements of this act and the rules promulgated  
13 under this act. The ~~filing official~~ **SECRETARY OF STATE** shall  
14 determine whether a statement or report that is required to be  
15 filed under this act is in fact filed. Within 4 business days after  
16 ~~the deadline for filing~~ **DETERMINING THAT** a statement or report  
17 **REQUIRED TO BE FILED** under this act **DOES NOT COMPLY WITH THIS ACT**  
18 **OR THE RULES OR HAS NOT BEEN FILED**, the ~~filing official~~ **SECRETARY**  
19 **OF STATE** shall give notice to the filer, by registered mail **OR, IF**  
20 **APPLICABLE, ELECTRONICALLY AS PROVIDED IN SECTION 18A**, of an error  
21 or omission in the statement or report and give notice to a person  
22 the ~~filing official~~ **SECRETARY OF STATE** has reason to believe is a  
23 person required to and who failed to file a statement or report. A  
24 failure to give notice by the ~~filing official~~ **SECRETARY OF STATE**  
25 under this subsection is not a defense to a criminal action against  
26 the person required to file.

27 (7) Within 9 business days after ~~the~~ **A** report or statement



1 is required to be filed, the filer shall make any corrections in  
2 the statement or report filed with the ~~appropriate filing official~~  
3 **SECRETARY OF STATE**. If the report or statement was not filed, then  
4 the report or statement shall be late filed within 9 business days  
5 after the time it was required to be filed and shall be subject to  
6 late filing fees.

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

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

25 Sec. 17. (1) A person paying a late filing fee as a result of  
26 that person's failure to file a statement or report shall pay that  
27 fee to the ~~filing official with whom the statement or report was~~

1 ~~required to be filed~~ **SECRETARY OF STATE.**

2 (2) The late filing fees collected ~~pursuant to~~ **UNDER**  
 3 sections 24, 33, **AND** 34 ~~, and 35,~~ and copying charges collected  
 4 ~~pursuant to~~ **UNDER** section 16 ~~, shall be retained by and for the~~  
 5 ~~use of the filing officials collecting the fees or charges~~ **THE**  
 6 **SECRETARY OF STATE** to cover ~~their~~ expenses ~~in~~ **OF** administering  
 7 this act. ~~A late filing fee assessed by a county clerk that~~  
 8 ~~remains unpaid for more than 60 days shall be considered a debt of~~  
 9 ~~the county and shall be collected by the county treasurer in the~~  
 10 ~~same manner as other county debts are collected.~~ A late filing fee  
 11 ~~assessed by the secretary of state~~ that remains unpaid for more  
 12 than 180 days shall be referred to the department of treasury for  
 13 collection.

14 (3) A committee, other than a candidate committee or a  
 15 committee making expenditures in assistance of or in opposition to  
 16 the qualification, passage, or defeat of a ballot question,  
 17 ~~required to file with the secretary of state~~ is not required to  
 18 pay a late filing fee ~~pursuant to sections~~ **UNDER SECTION** 24, 33,  
 19 **OR** 34 ~~, and 35,~~ if all of the following conditions are met:

20 (a) ~~A~~ **THE** committee **IS** required to register as a committee  
 21 **BUT** fails to file a statement of organization.

22 (b) The secretary of state sends to ~~that~~ **THE** committee  
 23 notice of the committee's failure to file a statement of  
 24 organization.

25 (c) At the same time or after the notice described in  
 26 subdivision (b) is sent, the secretary of state sends to ~~that~~ **THE**  
 27 committee notice of the committee's failure to file a campaign

1 statement that was due for a period that occurred before the notice  
2 of failure to file a statement of organization was sent.

3 (d) Within 10 business days after the notice of failure to  
4 file a statement of organization is sent, the committee files a  
5 statement of organization.

6 (e) Within 10 business days after the notice of failure to  
7 file a campaign statement is sent, the committee files every  
8 campaign statement that is due.

9 (4) Late filing fees that would have ~~occurred except~~ **ACCRUED**  
10 **BUT** for subsection (3) shall be assessed for each statement not  
11 filed before the eleventh business day after a notice of failure to  
12 file is sent ~~pursuant to~~ **UNDER** subsection (3).

13 (5) A committee other than a candidate committee that has not  
14 previously filed a statement of organization is not required to pay  
15 a late filing fee ~~pursuant to sections~~ **UNDER SECTION 24, 33, OR**  
16 ~~34 —, and 35,~~ if the committee files a statement of organization  
17 and every campaign statement that is due, before the secretary of  
18 state sends a notice to that committee ~~pursuant to~~ **UNDER**  
19 subsection (3).

20 Sec. 18. (1) The secretary of state shall develop and  
21 implement an electronic filing and internet disclosure system that  
22 permits committees that are required to file statements or reports  
23 under this act with the secretary of state to file those statements  
24 or reports electronically and that provides internet disclosure of  
25 electronically filed statements or reports on a website.

26 ~~—— (2) The secretary of state shall offer each committee required~~  
27 ~~to file with the secretary of state the option of filing campaign~~

~~statements or reports electronically, as described in subsection (1).~~

~~—— (3) Beginning with the annual campaign statement due January 31, 2004, each committee required to file with the secretary of state that received or expended \$20,000.00 or more in the preceding calendar year or expects to receive or expend \$20,000.00 or more in the current calendar year shall electronically file all statements and reports required under this act, as described in subsection (1).~~

~~—— (4) If a committee was not required to file a campaign statement under subsection (3) only because it did not meet the applicable threshold of receiving or expending \$20,000.00 or more, but the committee later reaches that threshold, the committee shall notify the secretary of state within 10 business days after reaching that threshold and shall subsequently file electronically all statements and reports required under this act.~~

~~(2) —(5) The secretary of state shall permit a committee to~~ **A**  
**COMMITTEE SHALL** electronically file statements and reports required under this act, as described in subsection (1), except an original statement of organization. ~~—, after the committee treasurer and, for a candidate committee, the candidate has signed and filed a form designed by the secretary of state to serve as the signature verifying the accuracy and completeness of each statement or report filed electronically.~~

**(3) THE SECRETARY OF STATE SHALL MAINTAIN A WEBSITE THAT DISPLAYS, AT A MINIMUM, ALL OF THE FOLLOWING AS REPORTED BY A COMMITTEE UNDER THIS SECTION:**

1 (A) RECENTLY REPORTED CONTRIBUTIONS.

2 (B) RECENTLY REPORTED EXPENDITURES.

3 (C) THE BALANCE OF CASH ON HAND.

4 SEC. 18A. (1) THE SECRETARY OF STATE SHALL OFFER A COMMITTEE  
5 THE OPTION OF RECEIVING NOTICES FROM THE SECRETARY OF STATE  
6 ELECTRONICALLY OVER THE INTERNET. A COMMITTEE THAT WISHES TO  
7 EXERCISE THE OPTION UNDER THIS SUBSECTION SHALL DO SO IN THE MANNER  
8 REQUIRED BY THE SECRETARY OF STATE.

9 (2) IF A COMMITTEE EXERCISES THE OPTION UNDER SUBSECTION (1),  
10 A NOTICE REQUIRED TO BE GIVEN TO THE COMMITTEE UNDER THIS ACT OR  
11 RULES PROMULGATED PURSUANT TO THIS ACT IS COMPLETE WHEN TRANSMITTED  
12 OVER THE INTERNET TO THE ELECTRONIC MAIL ADDRESS GIVEN TO THE  
13 SECRETARY OF STATE BY THE COMMITTEE.

14 (3) THIS SECTION DOES NOT APPLY TO THE SERVICE OF LEGAL  
15 PROCESS.

16 Sec. 21. (1) A candidate, within 10 days after becoming a  
17 candidate, shall form a candidate committee. A person who is a  
18 candidate for more than 1 office shall form a candidate committee  
19 for each office for which the person is a candidate, if at least 1  
20 of the offices is a state elective office. A candidate shall not  
21 form more than 1 candidate committee for each office for which the  
22 person is a candidate.

23 (2) A candidate committee shall have a treasurer who is a  
24 qualified elector of this state. A candidate may appoint himself or  
25 herself as the candidate committee treasurer.

26 (3) A committee other than a candidate committee shall have a  
27 treasurer who is a qualified elector of this state if the committee

1 conducts business through an office or other facility located in  
2 this state.

3 (4) If a committee is not required to have as its treasurer an  
4 individual who is a qualified elector of this state, the committee  
5 may have as its treasurer an individual who is a resident of  
6 another state. A committee with a nonresident treasurer shall file,  
7 with its statement of organization, an irrevocable written  
8 stipulation, signed by the treasurer, agreeing that **SERVICE OF**  
9 legal process affecting the committee ~~—, served—~~ on the secretary  
10 of state or an agent designated by the secretary of state ~~—, shall~~  
11 ~~have~~ **HAS** the same effect as ~~—if personally served—~~ **PERSONAL**  
12 **SERVICE** on the committee. ~~—This appointment shall remain—~~ **THE**  
13 **STIPULATION REMAINS** in force as long as any liability of the  
14 committee ~~—remains—~~ **IS** outstanding within this state.

15 (5) If the secretary of state or designated agent of the  
16 secretary of state is served with legal process pursuant to  
17 subsection (4), the secretary of state shall promptly notify the  
18 committee's treasurer by certified mail at the last known address  
19 of the committee shown on the committee's statement of  
20 organization.

21 (6) Except as provided by law, a candidate committee or a  
22 committee described in subsection (3) shall have 1 account in a  
23 financial institution in this state as an official depository for  
24 the purpose of depositing all contributions received by the  
25 committee in the form of or ~~—which—~~ **THAT** are converted to money,  
26 checks, or other negotiable instruments and for the purpose of  
27 making all expenditures. The committee shall designate that

1 financial institution as its official depository. The establishment  
2 of an account in a financial institution is not required until the  
3 committee receives a contribution or makes an expenditure.

4 Secondary depositories shall be used for the sole purpose of  
5 depositing contributions and promptly transferring the deposits to  
6 the committee's official depository.

7 (7) Except as provided by law, a committee described in  
8 subsection (4) shall have 1 account in a financial institution as  
9 its official depository for the purpose of depositing all  
10 contributions received by the committee in the form of or ~~which~~  
11 **THAT** are converted to money, checks, or other negotiable  
12 instruments and for the purpose of making all expenditures. The  
13 committee shall designate that financial institution as its  
14 official depository. The establishment of an account in a financial  
15 institution is not required until the committee receives a  
16 contribution or makes an expenditure. Secondary depositories shall  
17 be used for the sole purpose of depositing contributions and  
18 promptly transferring the deposits to the committee's official  
19 depository.

20 (8) A contribution shall not be accepted and an expenditure  
21 shall not be made by a committee that does not have a treasurer.  
22 When the office of treasurer in a candidate committee is vacant,  
23 the candidate shall be the treasurer until the candidate appoints a  
24 new treasurer.

25 (9) An expenditure shall not be made by a committee without  
26 the authorization of the treasurer or the treasurer's designee. The  
27 contributions received or expenditures made by a candidate or an

1 agent of a candidate shall be considered received or made by the  
2 candidate committee.

3 (10) Contributions received by an individual acting in behalf  
4 of a committee shall be reported promptly to the committee's  
5 treasurer. ~~not later than 5 days before the closing date of any~~  
6 ~~campaign statement required to be filed by the committee, and shall~~  
7 ~~be reported to the committee treasurer immediately if the~~  
8 ~~contribution is received less than 5 days before the closing date.~~

9 (11) A contribution shall be considered received by a  
10 committee when it is received by the committee treasurer or a  
11 designated agent of the committee treasurer ~~although~~ **EVEN THOUGH**  
12 the contribution ~~may~~ **IS** not ~~be~~ deposited in the official  
13 depository. ~~by the reporting deadline.~~

14 (12) Contributions received by a committee shall not be  
15 commingled with other funds of an agent of the committee or of any  
16 other person.

17 (13) A person who violates this section is subject to a civil  
18 fine of not more than \$1,000.00.

19 Sec. 24. (1) A committee shall file a statement of  
20 organization with the ~~filing officials designated in section 36 to~~  
21 ~~receive the committee's campaign statements~~ **SECRETARY OF STATE**. A  
22 statement of organization shall be filed within 10 days after a  
23 committee is formed. ~~A filing official shall maintain a statement~~  
24 ~~of organization filed by a committee until 5 years after the~~  
25 ~~official date of the committee's dissolution.~~ A person who fails  
26 to file a statement of organization required by this subsection  
27 shall pay a late filing fee of \$10.00 for each business day the



1 statement remains not filed in violation of this subsection. The  
2 late filing fee shall not exceed \$300.00. A person who violates  
3 this subsection by failing to file for more than 30 days after a  
4 statement of organization is required to be filed is guilty of a  
5 misdemeanor punishable by a fine of not more than \$1,000.00.

6 (2) The statement of organization required by subsection (1)  
7 shall include the following information:

8 (a) The name, street address, and if available, the telephone  
9 number of the committee. If a committee is a candidate committee,  
10 the committee name shall include the first and last name of the  
11 candidate. A committee address may be the home address of the  
12 candidate or treasurer of the committee.

13 (b) The name, street address, **DRIVER'S LICENSE NUMBER**, and if  
14 available, the telephone number of the treasurer or other  
15 individual designated as responsible for the committee's record  
16 keeping, report preparation, or report filing.

17 (c) The name and address of the financial institution in which  
18 the official committee depository is or is intended to be located,  
19 and the name and address of each financial institution in which a  
20 secondary depository is or is intended to be located.

21 (d) The full name of the office being sought by, including  
22 district number or jurisdiction, and the county residence of each  
23 candidate supported or opposed by the committee.

24 (e) A brief statement identifying the substance of each ballot  
25 question supported or opposed by the committee. ~~If the ballot~~  
26 ~~question supported or opposed by the committee is not statewide,~~  
27 ~~the committee shall identify the county in which the greatest~~

1 ~~number of registered voters eligible to vote on the ballot question~~  
2 ~~reside.~~

3 (f) Identification of the committee as a candidate committee,  
4 political party committee, independent committee, political  
5 committee, or ballot question committee if it is identifiable as  
6 such a committee.

7 (3) An independent committee or political committee shall  
8 include in the name of the committee the name of the person or  
9 persons that sponsor the committee, if any, or with whom the  
10 committee is affiliated. A person, other than an individual or a  
11 committee, sponsors or is affiliated with an independent committee  
12 or political committee if that person establishes, directs,  
13 controls, or financially supports the administration of the  
14 committee. For the purposes of this subsection, a person does not  
15 financially support the administration of a committee by merely  
16 making a contribution to the committee.

17 (4) If any of the information required in a statement of  
18 organization is changed, the committee shall file an amendment when  
19 the next campaign statement is required to be filed. ~~An~~  
20 ~~independent committee or political committee whose name does not~~  
21 ~~include the name of the person or persons that sponsor the~~  
22 ~~committee or with whom the committee is affiliated as required by~~  
23 ~~subsection (3) shall file an amendment to the committee's statement~~  
24 ~~of organization not later than the date the next campaign statement~~  
25 ~~is required to be filed after the effective date of the amendatory~~  
26 ~~act that added this sentence.~~

27 (5) When filing a statement of organization, a committee,

1 other than an independent committee, a political committee, or a  
2 political party committee, may indicate in a written statement  
3 signed by the treasurer of the committee that the committee does  
4 not expect for each election to receive an amount in excess of  
5 \$1,000.00 or expend an amount in excess of \$1,000.00.

6 (6) When filing a statement of organization, an independent  
7 committee, a political committee, or a political party committee  
8 may indicate in a written statement signed by the treasurer of the  
9 committee that the committee does not expect in a calendar year to  
10 receive or expend an amount in excess of \$1,000.00.

11 (7) Upon the dissolution of a committee, the committee shall  
12 file a statement indicating dissolution with the ~~filing officials~~  
13 ~~with whom the committee's statement of organization was filed~~  
14 **SECRETARY OF STATE**. Dissolution of a committee shall be  
15 accomplished pursuant to rules promulgated by the secretary of  
16 state under the administrative procedures act of 1969, 1969 PA 306,  
17 MCL 24.201 to 24.328.

18 (8) A candidate committee that files a written statement  
19 ~~pursuant to~~ **UNDER** subsection (5) ~~shall~~ **IS** not ~~be~~ required to  
20 file a dissolution statement ~~pursuant to~~ **UNDER** subsection (7) if  
21 the committee ~~failed to~~ **DOES NOT** receive or expend an amount in  
22 excess of \$1,000.00 and 1 of the following applies:

23 (a) The candidate was defeated in an election and has no  
24 outstanding campaign debts or assets.

25 (b) The candidate vacates an elective office and has no  
26 outstanding campaign debts or assets.

27 Sec. 25. A committee supporting or opposing a candidate or the

1 qualification, passage, or defeat of a ballot question shall file a  
 2 ~~legibly printed or typed~~ campaign statement **AS REQUIRED BY SECTION**  
 3 **18.** The period covered by a campaign statement is the period  
 4 beginning with the day after the closing date of the most recent  
 5 campaign statement filed ~~pursuant to~~ **UNDER** this act, and ending  
 6 with the closing date of the campaign statement in question. If the  
 7 committee filing the campaign statement has not previously filed a  
 8 campaign statement, the period covered ~~shall begin~~ **BEGINS** on the  
 9 date on which the committee was formed.

10 Sec. 33. (1) A committee ~~—, other than an independent~~  
 11 ~~committee or a political committee required to file with the~~  
 12 ~~secretary of state, supporting or opposing a candidate~~ shall file  
 13 complete campaign statements as required by this act and the rules  
 14 promulgated under this act. ~~The campaign statements shall be filed~~  
 15 ~~according to the following schedule:~~ **THE COMMITTEE SHALL NOT MAKE**  
 16 **AN EXPENDITURE UNLESS THE CONTRIBUTION OF THE MONEY OR THING OF**  
 17 **ASCERTAINABLE MONETARY VALUE THAT IS THE SUBJECT OF THE EXPENDITURE**  
 18 **HAS BEEN REPORTED IN A CAMPAIGN STATEMENT. THE CLOSING DATE OF THE**  
 19 **CAMPAIGN STATEMENT IS THE DATE OF THE LAST CONTRIBUTION REPORTED IN**  
 20 **THE STATEMENT.**

21 ~~—— (a) A preelection campaign statement shall be filed not later~~  
 22 ~~than the eleventh day before an election. The closing date for a~~  
 23 ~~campaign statement filed under this subdivision shall be the~~  
 24 ~~sixteenth day before the election.~~

25 ~~—— (b) A postelection campaign statement shall be filed not later~~  
 26 ~~than the thirtieth day following the election. The closing date for~~  
 27 ~~a campaign statement filed under this subdivision shall be the~~

~~twentieth day following the election. A committee supporting a candidate who loses the primary election shall file closing campaign statements in accordance with this section. If all liabilities of such a candidate or committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the thirtieth day following the election.~~

~~—— (2) For the purposes of subsection (1):~~

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

~~—— (b) A committee other than a candidate committee shall file a campaign statement for each period during which expenditures are made for the purpose of influencing the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question.~~

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

~~—— (a) In an odd numbered year:~~

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

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

2 ~~—— (iii) Not later than October 25 with a closing date of October~~  
3 ~~20.~~

4 ~~—— (b) In an even numbered year:~~

5 ~~—— (i) Not later than April 25 of that year with a closing date of~~  
6 ~~April 20 of that year.~~

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

8 ~~—— (iii) Not later than October 25 with a closing date of October~~  
9 ~~20.~~

10 ~~—— (4) A house political party caucus committee or a senate~~  
11 ~~political party caucus committee required to file with the~~  
12 ~~secretary of state shall file campaign statements as required by~~  
13 ~~this act according to the following schedule:~~

14 ~~—— (a) Not later than January 31 of each year with a closing date~~  
15 ~~of December 31 of the immediately preceding year.~~

16 ~~—— (b) Not later than April 25 of each year with a closing date~~  
17 ~~of April 20 of that year.~~

18 ~~—— (c) Not later than July 25 of each year with a closing date of~~  
19 ~~July 20 of that year.~~

20 ~~—— (d) Not later than October 25 of each year with a closing date~~  
21 ~~of October 20 of that year.~~

22 ~~—— (e) For the period beginning on the fourteenth day immediately~~  
23 ~~preceding a primary or special primary election and ending on the~~  
24 ~~day immediately following the primary or special primary election,~~  
25 ~~not later than 4 p.m. each business day with a closing date of the~~  
26 ~~immediately preceding day, only for a contribution received or~~  
27 ~~expenditure made that exceeds \$1,000.00 per day.~~

~~1 (f) For the period beginning on the fourteenth day immediately~~  
~~2 preceding a general or special election and ending on the day~~  
~~3 immediately following the general or special election, not later~~  
~~4 than 4 p.m. each business day with a closing date of the~~  
~~5 immediately preceding day, only for a contribution received or~~  
~~6 expenditure made that exceeds \$1,000.00 per day.~~

~~7 (5) Notwithstanding subsection (3) or (4) or section 51, if an~~  
~~8 independent expenditure is made within 45 days before a special~~  
~~9 election by an independent committee or a political committee~~  
~~10 required to file a campaign statement with the secretary of state,~~  
~~11 a report of the expenditure shall be filed by the committee with~~  
~~12 the secretary of state within 48 hours after the expenditure. The~~  
~~13 report shall be made on a form provided by the secretary of state~~  
~~14 and shall include the date of the independent expenditure, the~~  
~~15 amount of the expenditure, a brief description of the nature of the~~  
~~16 expenditure, and the name and address of the person to whom the~~  
~~17 expenditure was paid. The brief description of the expenditure~~  
~~18 shall include either the name of the candidate and the office~~  
~~19 sought by the candidate or the name of the ballot question and~~  
~~20 shall state whether the expenditure supports or opposes the~~  
~~21 candidate or ballot question. This subsection does not apply if the~~  
~~22 committee is required to report the independent expenditure in a~~  
~~23 campaign statement that is required to be filed before the date of~~  
~~24 the election for which the expenditure was made.~~

~~25 (2) (6) A candidate committee or a committee other than a~~  
~~26 candidate committee that files a written statement under section~~  
~~27 24(5) or (6) need not~~ **IS NOT REQUIRED TO** file a campaign

1 statement under ~~subsection (1), (3), or (4)~~ **THIS SECTION** unless  
 2 it received or expended an amount in excess of \$1,000.00. If the  
 3 committee receives or expends an amount in excess of \$1,000.00  
 4 during a period covered by a filing, the committee is then subject  
 5 to the campaign filing requirements ~~under~~ **OF** this act.

6 **(3)** ~~(7)~~ A ~~committee,~~ candidate, treasurer, or other  
 7 individual designated as responsible for the ~~committee's~~ record  
 8 keeping, report preparation, or report filing **FOR A COMMITTEE OTHER**  
 9 **THAN A BALLOT QUESTION COMMITTEE** who fails to file a statement as  
 10 required by this section shall pay a late filing fee. If the  
 11 committee has raised \$10,000.00 or less during the previous 2  
 12 years, the late filing fee shall be \$25.00 for each business day  
 13 the statement remains unfiled, but not to exceed \$500.00. If the  
 14 committee has raised more than \$10,000.00 during the previous 2  
 15 years, the late filing fee shall not exceed \$1,000.00, determined  
 16 as follows:

17 (a) Twenty-five dollars for each business day the report  
 18 remains unfiled.

19 (b) An additional \$25.00 for each business day after the first  
 20 3 business days the report remains unfiled.

21 (c) An additional \$50.00 for each business day after the first  
 22 10 business days the report remains unfiled.

23 **(4)** ~~(8)~~ If a candidate, treasurer, or other individual  
 24 designated as responsible for the ~~committee's~~ record keeping,  
 25 report preparation, or report filing **FOR A COMMITTEE OTHER THAN A**  
 26 **BALLOT QUESTION COMMITTEE** fails to file 2 statements required by  
 27 this section ~~or section 35~~ and both of the statements remain



1 unfiled for more than 30 days, that candidate, treasurer, or other  
2 designated individual is guilty of a misdemeanor, punishable by a  
3 fine of not more than \$1,000.00, or imprisonment for not more than  
4 90 days, or both.

5 (5) ~~-(9)-~~ If a candidate is found guilty of a violation of  
6 this section, the circuit court for that county, on application by  
7 the attorney general or the prosecuting attorney of that county,  
8 may prohibit that candidate from assuming the duties of a public  
9 office or from receiving compensation from public funds, or both.

10 (6) ~~-(10)-~~ If a treasurer or other individual designated as  
11 responsible for ~~a committee's~~ **THE** record keeping, report  
12 preparation, or report filing **FOR A COMMITTEE OTHER THAN A BALLOT**  
13 **QUESTION COMMITTEE** knowingly files an incomplete or inaccurate  
14 statement or report required by this section, that treasurer or  
15 other designated individual is subject to a civil fine of not more  
16 than \$1,000.00.

17 Sec. 33a. (1) A political committee, independent committee, or  
18 political party committee that makes a contribution to a candidate  
19 or ballot question committee shall include with the contribution  
20 all information that the receiving committee is required to include  
21 in a campaign statement filed pursuant to section 26 regarding the  
22 contributing committee.

23 (2) **A COMMITTEE THAT MAKES A CONTRIBUTION TO A CANDIDATE OR TO**  
24 **ANOTHER COMMITTEE SHALL PROVIDE WITH THE CONTRIBUTION THE CAMPAIGN**  
25 **FINANCE IDENTIFICATION NUMBER ASSIGNED TO THE CONTRIBUTING**  
26 **COMMITTEE BY THE OFFICIAL WITH WHOM THE COMMITTEE FILED ITS**  
27 **STATEMENT OF ORGANIZATION.**

1       Sec. 34. ~~—(1) A ballot question committee shall file a~~  
2 ~~campaign statement as required by this act according to the~~  
3 ~~following schedule:~~

4       ~~—— (a) A preelection campaign statement, the closing date of~~  
5 ~~which shall be the sixteenth day before the election, shall not be~~  
6 ~~filed later than the eleventh day before the election.~~

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

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

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

1 ~~pursuant to the following schedule:~~

2 ~~—— (a) First day — \$25.00.~~

3 ~~—— (b) Second day — \$50.00.~~

4 ~~—— (c) Third day — \$75.00.~~

5 ~~—— (d) Fourth day and for each subsequent day that the statement~~  
6 ~~remains unfiled — \$100.00.~~

7 ~~—— (4) If a treasurer or other individual designated as~~  
8 ~~responsible for the record keeping, report preparation, or report~~  
9 ~~filing of a ballot question committee supporting or opposing a~~  
10 ~~statewide ballot question fails to file a statement, other than a~~  
11 ~~preelection statement, under this section, that committee,~~  
12 ~~treasurer, or other designated individual shall pay a late filing~~  
13 ~~fee. If the committee has raised \$10,000.00 or less during the~~  
14 ~~previous 2 years, the late filing fee shall be \$25.00 for each~~  
15 ~~business day the campaign statement remains unfiled, but not to~~  
16 ~~exceed \$1,000.00. If the committee has raised more than \$10,000.00~~  
17 ~~during the previous 2 years, the late filing fee shall be \$50.00~~  
18 ~~for each business day the campaign statement remains unfiled, but~~  
19 ~~not to exceed \$2,000.00.~~

20 (1) ~~—(5)—~~ If a treasurer or other individual designated as  
21 responsible for the record keeping, report preparation, or report  
22 filing of a ballot question committee ~~supporting or opposing other~~  
23 ~~than a statewide ballot question~~ fails to file a **CAMPAIGN**  
24 statement ~~under this section~~ **REQUIRED BY THIS ACT**, that  
25 committee, treasurer, or other designated individual shall pay a  
26 late filing fee. If the committee has raised \$10,000.00 or less  
27 during the previous 2 years, the late filing fee shall be \$25.00

1 for each business day the campaign statement remains unfiled, but  
2 not to exceed \$1,000.00. If the committee has raised more than  
3 \$10,000.00 during the previous 2 years, the late filing fee shall  
4 be \$50.00 for each business day the campaign statement remains  
5 unfiled, but not to exceed \$2,000.00.

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

13 (3) ~~-(7)-~~ If a treasurer or other individual designated as  
14 responsible for the record keeping, report preparation, or report  
15 filing of a ballot question committee knowingly files an incomplete  
16 or inaccurate **CAMPAIGN** statement ~~or report~~ required by this  
17 ~~section~~ **ACT**, that treasurer or other designated individual is  
18 subject to a civil fine of not more than \$1,000.00.

19 Sec. 37. A campaign statement filed by a committee shall ~~be~~  
20 ~~signed by~~ **INCLUDE THE ELECTRONIC SIGNATURE OF** the committee  
21 treasurer or other individual designated as responsible for the  
22 record keeping, report preparation, or report filing for that  
23 committee. A verification statement shall be part of the campaign  
24 statement and shall state that the person who **ELECTRONICALLY** signed  
25 the **CAMPAIGN** statement used all reasonable diligence in preparation  
26 of the **CAMPAIGN** statement, and to that person's knowledge the  
27 **CAMPAIGN** statement is true and complete. If the committee is a

1 candidate committee, **THE CAMPAIGN STATEMENT SHALL ALSO INCLUDE THE**  
 2 **ELECTRONIC SIGNATURE OF** the candidate ~~shall also verify, in~~  
 3 ~~writing,~~ **AND A VERIFICATION STATEMENT** that to the best of the  
 4 candidate's knowledge the **CAMPAIGN** statement is true and complete.

5       Sec. 51. A person, other than a committee, who makes an  
 6 independent expenditure ~~—~~ advocating the election of a candidate  
 7 or the defeat of a candidate's opponents or the qualification,  
 8 passage, or defeat of a ballot question ~~—~~ in an amount of \$100.01  
 9 or more in a calendar year shall file a report of the independent  
 10 expenditure ~~—~~ within 10 days ~~—~~ with the clerk of the county of  
 11 residence of that person. The report shall be made on an  
 12 independent expenditure report form provided by the secretary of  
 13 state and shall include the date of the expenditure, a brief  
 14 description of the nature of the expenditure, the amount, the name  
 15 and address of the person to whom it was paid, the name and address  
 16 of the person filing the report, ~~together with~~ **AND** the name,  
 17 address, occupation, employer, and principal place of business of  
 18 each person who contributed \$100.01 or more to the expenditure. The  
 19 ~~filing official~~ **COUNTY CLERK** receiving the report shall forward  
 20 ~~copies, as required, to the appropriate filing officers as~~  
 21 ~~described in section 36~~ **A COPY TO THE SECRETARY OF STATE.**

22       Sec. 61. (1) The state campaign fund is ~~hereby~~ created. The  
 23 state treasurer shall administer the state campaign fund ~~pursuant~~  
 24 ~~to~~ **IN ACCORDANCE WITH** this act.

25       (2) An individual whose tax liability under the income tax act  
 26 of 1967, ~~Act No. 281 of the Public Acts of 1967, as amended, being~~  
 27 ~~sections 206.1 to 206.532 of the Michigan Compiled Laws~~ **1967 PA**

1 281, MCL 206.1 TO 206.532, for a taxable year is \$3.00 or more may  
 2 designate that \$3.00 be credited to the state campaign fund. In the  
 3 case of a joint return of husband and wife having an income tax  
 4 liability of \$6.00 or more, each spouse may designate that \$3.00 be  
 5 credited to the state campaign fund.

6 (3) The tax designation authorized in this section shall be  
 7 clearly and unambiguously printed on the first page of the state  
 8 individual income tax return.

9 (4) An amount equal to the cumulative amounts designated under  
 10 subsection (2) each year shall be appropriated annually from the  
 11 general fund of ~~the~~ **THIS** state to the state campaign fund to be  
 12 available beginning January 1 and continuing through December 31 of  
 13 each year in which a governor is elected. ~~The amounts~~ **MONEY**  
 14 appropriated under this section shall not ~~revert~~ **LAPSE** to the  
 15 general fund but shall remain ~~available to~~ **IN** the state campaign  
 16 fund ~~for distribution without fiscal year limitation except that~~  
 17 ~~any amounts remaining in the state campaign fund in excess of~~  
 18 ~~\$10,000,000.00 on December 31 immediately following a gubernatorial~~  
 19 ~~general election shall revert to the general fund.~~ **TO BE**  
 20 **DISTRIBUTED AS FOLLOWS:**

21 (A) IN THE CALENDAR YEAR IN WHICH THE AMENDATORY ACT THAT  
 22 ADDED THIS SUBDIVISION TAKES EFFECT, \$2,500,000.00 SHALL BE  
 23 TRANSFERRED TO THE SECRETARY OF STATE TO BE EXPENDED ONLY FOR THE  
 24 IMPLEMENTATION OR OPERATION OF THE ELECTRONIC FILING AND INTERNET  
 25 DISCLOSURE SYSTEM REQUIRED BY SECTION 18 AS AMENDED BY THE  
 26 AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

27 (B) MONEY REMAINING IN THE STATE CAMPAIGN FUND ON DECEMBER 31

1 OF YEARS AFTER THE CALENDAR YEAR IN WHICH THE AMENDATORY ACT THAT  
2 ADDED THIS SUBDIVISION TAKES EFFECT IN EXCESS OF \$6,000,000.00  
3 SHALL BE TRANSFERRED TO THE SECRETARY OF STATE TO BE EXPENDED ONLY  
4 FOR THE IMPLEMENTATION OR OPERATION OF THE ELECTRONIC FILING AND  
5 INTERNET DISCLOSURE SYSTEM REQUIRED BY SECTION 18.

6 (C) MONEY IN THE STATE CAMPAIGN FUND THAT IS NOT TRANSFERRED  
7 UNDER SUBDIVISION (A) OR (B) SHALL BE DISTRIBUTED ONLY TO  
8 CANDIDATES AS PROVIDED IN THIS SECTION AND SECTIONS 62 TO 71.

9 (5) Before the distribution of ~~funds~~ **MONEY** under this act to  
10 qualifying primary election candidates, the state treasurer shall  
11 set aside sufficient ~~funds~~ **MONEY** from the state campaign fund to  
12 fully implement the formula for distributing ~~funds~~ **MONEY** to  
13 qualifying general election candidates. If **THERE IS** insufficient  
14 ~~funds exist~~ **MONEY** in the state campaign fund to provide full  
15 funding to eligible primary election candidates, the ~~campaign~~  
16 ~~funds~~ **AVAILABLE MONEY** shall be distributed to those candidates on  
17 a pro rata basis.

18 Enacting section 1. Sections 32, 35, 36, 38, 81, and 82 of the  
19 Michigan campaign finance act, 1976 PA 388, MCL 169.232, 169.235,  
20 169.236, 169.238, 169.281, and 169.282, are repealed effective  
21 January 1, 2007.

22 Enacting section 2. Section 61 of the Michigan campaign  
23 finance act, 1976 PA 288, MCL 169.261, as amended by this  
24 amendatory act, takes effect September 1, 2006.

25 Enacting section 3. Sections 3, 5, 7, 15, 16, 17, 18, 21, 24,  
26 25, 33, 33a, 34, 37, and 51 of the Michigan campaign finance act,  
27 1976 PA 288, MCL 169.203, 169.205, 169.207, 169.215, 169.216,

1 169.217, 169.218, 169.221, 169.224, 169.225, 169.233, 169.233a,  
2 169.234, 169.237, and 169.251, as amended by this amendatory act,  
3 and section 18a of the Michigan campaign finance act, 1976 PA 288,  
4 as added by this amendatory act, take effect January 1, 2007.

5 Enacting section 4. This amendatory act does not take effect  
6 unless Senate Bill No.\_\_\_\_ or House Bill No. 6483(request no.  
7 06777'06 a) of the 93rd Legislature is enacted into law.