

SENATE BILL No. 985

November 12, 2009, Introduced by Senator BROWN and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 32 and 33 (MCL 169.232 and 169.233), section
32 as amended by 1999 PA 236 and section 33 as amended by 1999 PA
238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) Filing of a report of a late contribution ~~pursuant to~~
8 **UNDER** subsection (1) may be by any written means of communication

1 and need not contain an original signature.

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

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

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

15 (b) An additional \$25.00 for each business day after the first
16 3 business days the report remains unfiled.

17 (c) An additional \$50.00 for each business day after the first
18 10 business days the report remains unfiled.

19 (5) As used in this section, "late contribution" means a
20 contribution of \$200.00 or more received after the closing date of
21 the last campaign statement required to be filed before an election
22 **IN WHICH THE COMMITTEE THAT RECEIVED THE CONTRIBUTION PARTICIPATES.**

23 Sec. 33. (1) A committee, other than an independent committee
24 or a political committee required to file with the secretary of
25 state, supporting or opposing a candidate shall file complete
26 campaign statements as required by this act and the rules
27 promulgated under this act. The campaign statements shall be filed

~~according to the following schedule~~ **NOT LATER THAN THE FOLLOWING
DATES EVERY YEAR:**

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

~~—— (b) A postelection campaign statement shall be filed not later
than the thirtieth day following the election. The closing date for
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.~~

(A) APRIL 30 WITH A CLOSING DATE OF MARCH 31.

(B) JULY 31 WITH A CLOSING DATE OF JUNE 30.

(C) OCTOBER 31 WITH A CLOSING DATE OF SEPTEMBER 30.

~~(2) (b) A committee other than a candidate committee shall~~

1 file a campaign statement **AS REQUIRED BY SUBSECTION (1)** for each
2 period during which expenditures are made for the purpose of
3 influencing the nomination or election of a candidate or for the
4 qualification, passage, or defeat of a ballot question.

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

10 (a) In an odd numbered year:

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

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

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

16 (b) In an even numbered year:

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

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

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

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

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

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

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

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

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

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

19 (5) Notwithstanding subsection (3) or (4) or section 51, if an
20 independent expenditure is made within 45 days before a special
21 election by an independent committee or a political committee
22 required to file a campaign statement with the secretary of state,
23 a report of the expenditure shall be filed by the committee with
24 the secretary of state within 48 hours after the expenditure. The
25 report shall be made on a form provided by the secretary of state
26 and shall include the date of the independent expenditure, the
27 amount of the expenditure, a brief description of the nature of the

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

10 (6) A candidate committee or a committee other than a
11 candidate committee that files a written statement under section
12 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign statement
13 under subsection (1), (3), or (4) unless it received or expended an
14 amount in excess of \$1,000.00. If the committee receives or expends
15 an amount in excess of \$1,000.00 during a period covered by a
16 filing, the committee is then subject to the campaign filing
17 requirements under this act.

18 (7) A committee, candidate, treasurer, or other individual
19 designated as responsible for the committee's record keeping,
20 report preparation, or report filing who fails to file a statement
21 as required by this section shall pay a late filing fee. If the
22 committee has raised \$10,000.00 or less during the previous 2
23 years, the late filing fee shall be \$25.00 for each business day
24 the statement remains unfiled, but not to exceed \$500.00. If the
25 committee has raised more than \$10,000.00 during the previous 2
26 years, the late filing fee shall not exceed \$1,000.00, determined
27 as follows:

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

3 (b) An additional \$25.00 for each business day after the first
4 3 business days the report remains unfiled.

5 (c) An additional \$50.00 for each business day after the first
6 10 business days the report remains unfiled.

7 (8) If a candidate, treasurer, or other individual designated
8 as responsible for the committee's record keeping, report
9 preparation, or report filing fails to file 2 statements required
10 by this section or section 35 and both of the statements remain
11 unfiled for more than 30 days, that candidate, treasurer, or other
12 designated individual is guilty of a misdemeanor, punishable by a
13 fine of not more than \$1,000.00, or imprisonment for not more than
14 90 days, or both.

15 (9) If a candidate is found guilty of a violation of this
16 section, the circuit court for that county, on application by the
17 attorney general or the prosecuting attorney of that county, may
18 prohibit that candidate from assuming the duties of a public office
19 or from receiving compensation from public funds, or both.

20 (10) If a treasurer or other individual designated as
21 responsible for a committee's record keeping, report preparation,
22 or report filing knowingly files an incomplete or inaccurate
23 statement or report required by this section, that treasurer or
24 other designated individual is subject to a civil fine of not more
25 than \$1,000.00.