

SENATE BILL No. 1358

June 1, 2010, Introduced by Senators BIRKHOLZ and GEORGE and referred to the Committee on Campaign and Election Oversight.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) A committee, other than an independent committee
2 or a political committee required to file with the secretary of
3 state, supporting or opposing a candidate, **INCLUDING, BUT NOT**
4 **LIMITED TO, A CANDIDATE FOR CONSTITUTIONAL CONVENTION DELEGATE,**
5 shall file complete campaign statements as required by this act and
6 the rules promulgated under this act. The campaign statements shall
7 be filed according to the following schedule:

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

1 sixteenth day before the election.

2 (b) A postelection campaign statement shall be filed not later
3 than the thirtieth day following the election. The closing date for
4 a campaign statement filed under this subdivision shall be the
5 twentieth day following the election. A committee supporting a
6 candidate who loses the primary election shall file closing
7 campaign statements in accordance with this section. If all
8 liabilities of ~~such a~~ **THAT** candidate or committee are paid before
9 the closing date and additional contributions are not expected, the
10 campaign statement may be filed at any time after the election, but
11 not later than the thirtieth day following the election.

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

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

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

24 (3) An independent committee or a political committee other
25 than a house political party caucus committee or senate political
26 party caucus committee required to file with the secretary of state
27 shall file campaign statements as required by this act according to

1 the following schedule:

2 (a) In an odd numbered year:

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

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

6 (iii) Not later than October 25 with a closing date of October
7 20.

8 (b) In an even numbered year:

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

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

12 (iii) Not later than October 25 with a closing date of October
13 20.

14 (4) A house political party caucus committee or a senate
15 political party caucus committee required to file with the
16 secretary of state shall file campaign statements as required by
17 this act according to the following schedule:

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

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

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

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

26 (e) For the period beginning on the fourteenth day immediately
27 preceding a primary or special primary election and ending on the

1 day immediately following the primary or special primary election,
2 not later than 4 p.m. each business day with a closing date of the
3 immediately preceding day, only for a contribution received or
4 expenditure made that exceeds \$1,000.00 per day.

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

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

1 the election for which the expenditure was made.

2 (6) A candidate committee or a committee other than a
3 candidate committee that files a written statement under section
4 24(5) or (6) need not file a campaign statement under subsection
5 (1), (3), or (4) unless it received or expended an amount in excess
6 of \$1,000.00. If the committee receives or expends an amount in
7 excess of \$1,000.00 during a period covered by a filing, the
8 committee is then subject to the campaign filing requirements under
9 this act.

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

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

22 (b) An additional \$25.00 for each business day after the first
23 3 business days the report remains unfiled.

24 (c) An additional \$50.00 for each business day after the first
25 10 business days the report remains unfiled.

26 (8) If a candidate, treasurer, or other individual designated
27 as responsible for the committee's record keeping, report

1 preparation, or report filing fails to file 2 statements required
2 by this section or section 35 and both of the statements remain
3 unfiled for more than 30 days, that candidate, treasurer, or other
4 designated individual is guilty of a misdemeanor, punishable by a
5 fine of not more than \$1,000.00, or imprisonment for not more than
6 90 days, or both.

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

12 (10) If a treasurer or other individual designated as
13 responsible for a committee's record keeping, report preparation,
14 or report filing knowingly files an incomplete or inaccurate
15 statement or report required by this section, that treasurer or
16 other designated individual is subject to a civil fine of not more
17 than \$1,000.00.