

# SENATE BILL No. 1359

June 1, 2010, Introduced by Senators GEORGE and BIRKHOLZ 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 12 and 52 (MCL 169.212 and 169.252), as  
amended by 2001 PA 250.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 12. (1) "Qualifying contribution" means a contribution of  
2 money made by a written instrument by an individual to the  
3 candidate committee of a candidate for the office of governor that  
4 is \$100.00 or less and made after April 1 of the year preceding a  
5 year in which a governor is to be elected. Not more than \$100.00 of  
6 an individual's total aggregate contribution may be used as a  
7 qualifying contribution in a calendar year. Qualifying contribution

1 does not include a subscription, loan, advance, deposit of money,  
2 in-kind contribution or expenditure, or anything else of value  
3 except as prescribed in this act. Qualifying contribution does not  
4 include a contribution by an individual who resides outside of this  
5 state. For purposes of this subsection, an individual is considered  
6 to reside in this state if he or she is considered a resident of  
7 this state under the Michigan election law, 1954 PA 116, MCL 168.1  
8 to 168.992.

9 (2) "Senate political party caucus committee" means an  
10 independent committee established by a political party caucus of  
11 the state senate under section 24a.

12 (3) "State elective office" means a statewide elective office,  
13 **A CONSTITUTIONAL CONVENTION DELEGATE**, or the office of state  
14 legislator.

15 (4) "Statewide elective office" means the office of governor,  
16 lieutenant governor, secretary of state, or attorney general,  
17 justice of the supreme court, member of the state board of  
18 education, regent of the university of Michigan, member of the  
19 board of trustees of Michigan state university, or member of the  
20 board of governors of Wayne state university.

21 Sec. 52. (1) Except as provided in subsection (5) or ~~(11)~~-(12)  
22 and subject to subsection ~~(8)~~-(9), a person other than an  
23 independent committee or a political party committee shall not make  
24 contributions to a candidate committee of a candidate for elective  
25 office that, with respect to an election cycle, are more than the  
26 following:

27 (a) \$3,400.00 for a candidate for state elective office other

1 than the office of state legislator **OR CONSTITUTIONAL CONVENTION**  
2 **DELEGATE**, or for a candidate for local elective office if the  
3 district from which he or she is seeking office has a population of  
4 more than 250,000.

5 (b) \$1,000.00 for a candidate for state senator, **FOR A**  
6 **CANDIDATE FOR CONSTITUTIONAL CONVENTION DELEGATE ELECTED FROM A**  
7 **SENATORIAL DISTRICT**, or for a candidate for local elective office  
8 if the district from which he or she is seeking office has a  
9 population of more than 85,000 but 250,000 or less.

10 (c) \$500.00 for a candidate for state representative, **FOR A**  
11 **CANDIDATE FOR CONSTITUTIONAL CONVENTION DELEGATE ELECTED FROM A**  
12 **REPRESENTATIVE DISTRICT**, or for a candidate for local elective  
13 office if the district from which he or she is seeking office has a  
14 population of 85,000 or less.

15 (2) Except as otherwise provided in this subsection and  
16 subsection ~~(12)~~ **(13)**, an independent committee shall not make  
17 contributions to a candidate committee of a candidate for elective  
18 office that, in the aggregate for that election cycle, are more  
19 than 10 times the amount permitted a person other than an  
20 independent committee or political party committee in subsection  
21 (1). A house political party caucus committee or a senate political  
22 party caucus committee is not limited under this subsection in the  
23 amount of contributions made to the candidate committee of a  
24 candidate for the office of state legislator, except as follows:

25 (a) A house political party caucus committee or a senate  
26 political party caucus committee shall not pay a debt incurred by a  
27 candidate if that debt was incurred while the candidate was seeking

1 nomination at a primary election and the candidate was opposed at  
2 that primary.

3 (b) A house political party caucus committee or a senate  
4 political party caucus committee shall not make a contribution to  
5 or make an expenditure on behalf of a candidate if that candidate  
6 is seeking nomination at a primary election and the candidate is  
7 opposed at that primary.

8 (3) A political party committee other than a state central  
9 committee shall not make contributions to the candidate committee  
10 of a candidate for elective office that are more than 10 times the  
11 amount permitted a person other than an independent committee or  
12 political party committee in subsection (1).

13 (4) A state central committee of a political party shall not  
14 make contributions to the candidate committee of a candidate for  
15 state elective office other than a candidate for the legislature  
16 that are more than 20 times the amount permitted a person other  
17 than an independent committee or political party committee in  
18 subsection (1). A state central committee of a political party  
19 shall not make contributions to the candidate committee of a  
20 candidate for state senator, state representative, or local  
21 elective office that are more than 10 times the amount permitted a  
22 person other than an independent committee or political party  
23 committee in subsection (1).

24 (5) A contribution from a member of a candidate's immediate  
25 family to the candidate committee of that candidate is exempt from  
26 the limitations of subsection (1).

27 (6) Consistent with the provisions of this section, a

1 contribution designated in writing for a particular election cycle  
2 is considered made for that election cycle. A contribution made  
3 after the close of a particular election cycle and designated in  
4 writing for that election cycle shall be made only to the extent  
5 that the contribution does not exceed the candidate committee's net  
6 outstanding debts and obligations from the election cycle so  
7 designated. If a contribution is not designated in writing for a  
8 particular election cycle, the contribution is considered made for  
9 the election cycle that corresponds to the date of the written  
10 instrument.

11 **(7) AN INDEPENDENT OR POLITICAL COMMITTEE SHALL NOT MAKE A**  
12 **CONTRIBUTION TO A CANDIDATE COMMITTEE OF A CANDIDATE FOR**  
13 **CONSTITUTIONAL CONVENTION DELEGATE.**

14 **(8) ~~(7)~~**A candidate committee, a candidate, or a treasurer or  
15 agent of a candidate committee shall not accept a contribution with  
16 respect to an election cycle that exceeds the limitations in  
17 subsection (1), (2), (3), (4), ~~(11), or (7)~~, (12), **OR (13)**.

18 **(9) ~~(8)~~**The contribution limits in subsection (1) for a  
19 candidate for local elective office are effective on the effective  
20 date of the amendatory act that provides for those contribution  
21 limits, however, only contributions received by that candidate on  
22 and after that date shall be used to determine if the contribution  
23 limit has been reached.

24 **(10) ~~(9)~~**A person who knowingly violates this section is  
25 guilty of a misdemeanor punishable, if the person is an individual,  
26 by a fine of not more than \$1,000.00 or imprisonment for not more  
27 than 90 days, or both, or, if the person is not an individual, by a

1 fine of not more than \$10,000.00.

2 (11) ~~(10)~~ For purposes of the limitations provided in  
3 subsections (1), ~~and~~ (2), **AND (7)**, all contributions made by  
4 political committees or independent committees established by any  
5 corporation, joint stock company, domestic dependent sovereign, or  
6 labor organization, including any parent, subsidiary, branch,  
7 division, department, or local unit thereof, shall be considered to  
8 have been made by a single independent committee. By way of  
9 illustration and not limitation, all of the following apply as a  
10 result of the application of this requirement:

11 (a) All of the political committees and independent committees  
12 established by a for profit corporation or joint stock company, by  
13 a subsidiary of the for profit corporation or joint stock company,  
14 or by any combination thereof, are treated as a single independent  
15 committee.

16 (b) All of the political committees and independent committees  
17 established by a single national or international labor  
18 organization, by a labor organization of that national or  
19 international labor organization, by a local labor organization of  
20 that national or international labor organization, or by any other  
21 subordinate organization of that national or international labor  
22 organization, or by any combination thereof, are treated as a  
23 single independent committee.

24 (c) All of the political committees and independent committees  
25 established by an organization of national or international unions,  
26 by a state central body of that organization, by a local central  
27 body of that organization, or by any combination thereof, are

1 treated as a single independent committee.

2 (d) All of the political committees and independent committees  
3 established by a nonprofit corporation, by a related state entity  
4 of that nonprofit corporation, by a related local entity of that  
5 nonprofit corporation, or by any combination thereof, are treated  
6 as a single independent committee.

7 (12) ~~(11)~~ The limitation on a political committee's  
8 contributions under subsection (1) does not apply to contributions  
9 that are part of 1 or more bundled contributions delivered to the  
10 candidate committee of a candidate for statewide elective office  
11 and that are attributed to the political committee as prescribed in  
12 section 31. A political committee shall not make contributions to a  
13 candidate committee of a candidate for statewide elective office  
14 that are part of 1 or more bundled contributions delivered to that  
15 candidate committee, that are attributed to the political committee  
16 as prescribed in section 31, and that, in the aggregate for that  
17 election cycle, are more than the amount permitted a person other  
18 than an independent committee or political party committee in  
19 subsection (1).

20 (13) ~~(12)~~ The ~~limitation~~ **LIMITATIONS** on an independent  
21 committee's contributions under ~~subsection~~ **SUBSECTIONS (2) AND (7)**  
22 ~~does~~ **DO** not apply to contributions that are part of 1 or more  
23 bundled contributions delivered to the candidate committee of a  
24 candidate for statewide elective office and that are attributed to  
25 the independent committee as prescribed in section 31. An  
26 independent committee shall not make contributions to a candidate  
27 committee of a candidate for statewide elective office that are

1 part of 1 or more bundled contributions delivered to that candidate  
2 committee, that are attributed to the independent committee as  
3 prescribed in section 31, and that, in the aggregate for that  
4 election cycle, are more than 10 times the amount permitted a  
5 person other than an independent committee or political party  
6 committee in subsection (1).