

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5059

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 3, 4, 6, 11, 33, and 35 (MCL 169.203, 169.204,
169.206, 169.211, 169.233, and 169.235), section 3 as amended by
1989 PA 95, sections 4, 6, and 11 as amended by 2012 PA 31, section
33 as amended by 1999 PA 238, and section 35 as amended by 2000 PA
75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Candidate" means an individual ~~÷ (a) who files~~
2 **WHO MEETS 1 OR MORE OF THE FOLLOWING CRITERIA:**
3 **(A) FILES** a fee, **AN** affidavit of incumbency, or **A** nominating
4 petition for an elective office. ~~÷ (b) whose nomination~~
5 **(B) IS NOMINATED** as a candidate for elective office by a
6 political party caucus or convention **AND WHOSE NOMINATION is**

1 certified to the appropriate filing official. ~~;(c) who receives~~

2 (C) RECEIVES a contribution, makes an expenditure, or gives
3 consent for another person to receive a contribution or make an
4 expenditure with a view to bringing about the individual's
5 nomination or election to an elective office, whether or not the
6 specific elective office for which the individual will seek
7 nomination or election is known at the time the contribution is
8 received or the expenditure is made. ~~;(d) who is~~

9 (D) IS an officeholder who is the subject of a recall vote.
10 Unless

11 (E) HOLDS AN ELECTIVE OFFICE, UNLESS the officeholder is
12 constitutionally or legally barred from seeking reelection or fails
13 to file for reelection to that office by the applicable filing
14 deadline. ~~;(an elected officeholder shall be)~~ AN INDIVIDUAL
15 DESCRIBED IN THIS SUBDIVISION IS considered to be a candidate for
16 reelection to that same office for the purposes of this act only.

17 For purposes of sections 61 to 71, "candidate" only means, in
18 a primary election, a candidate for the office of governor and, in
19 a general election, a candidate for the office of governor or
20 lieutenant governor. However, the candidates for the office of
21 governor and lieutenant governor of the same political party in a
22 general election shall be considered as 1 candidate.

23 (2) "Candidate committee" means the committee designated in a
24 candidate's filed statement of organization as that individual's
25 candidate committee. A candidate committee shall be under the
26 control and direction of the candidate named in the same statement
27 of organization. Notwithstanding subsection (4), an individual

1 shall form a candidate committee ~~pursuant to~~ **UNDER** section 21 ~~when~~
2 **IF** the individual becomes a candidate under subsection (1).

3 (3) "Closing date" means the date through which a campaign
4 statement is required to be complete.

5 (4) "Committee" means a person who receives contributions or
6 makes expenditures for the purpose of influencing or attempting to
7 influence the action of the voters for or against the nomination or
8 election of a candidate, ~~or~~ the qualification, passage, or defeat
9 of a ballot question, **OR THE QUALIFICATION OF A NEW POLITICAL**
10 **PARTY**, if contributions received total \$500.00 or more in a
11 calendar year or expenditures made total \$500.00 or more in a
12 calendar year. An individual, other than a candidate, does not
13 constitute a committee. A person, other than a committee registered
14 under this act, making an expenditure to a ballot question
15 committee, shall **NOT**, for that reason, ~~not~~ be considered a
16 committee for the purposes of this act unless the person solicits
17 or receives contributions for the purpose of making an expenditure
18 to that ballot question committee.

19 Sec. 4. (1) "Contribution" means a payment, gift,
20 subscription, assessment, expenditure, contract, payment for
21 services, dues, advance, forbearance, loan, or donation of money or
22 anything of ascertainable monetary value, or a transfer of anything
23 of ascertainable monetary value to a person, made for the purpose
24 of influencing the nomination or election of a candidate, ~~or~~ for
25 the qualification, passage, or defeat of a ballot question, **OR FOR**
26 **THE QUALIFICATION OF A NEW POLITICAL PARTY**.

27 (2) Contribution includes the full purchase price of tickets

1 or payment of an attendance fee for events such as dinners,
2 luncheons, rallies, testimonials, and other fund-raising events; an
3 individual's own money or property other than the individual's
4 homestead used on behalf of that individual's candidacy; the
5 granting of discounts or rebates not available to the general
6 public; or the granting of discounts or rebates by broadcast media
7 and newspapers not extended on an equal basis to all candidates for
8 the same office; and the endorsing or guaranteeing of a loan for
9 the amount the endorser or guarantor is liable. Except for the
10 purposes of section 57, contribution does not include a
11 contribution to a federal candidate or a federal committee.

12 (3) Contribution does not include any of the following:

13 (a) Volunteer personal services provided without compensation,
14 or payments of costs incurred of less than \$500.00 in a calendar
15 year by an individual for personal travel expenses if the costs are
16 voluntarily incurred without any understanding or agreement that
17 the costs shall be, directly or indirectly, repaid.

18 (b) Food and beverages, not to exceed \$100.00 in value during
19 a calendar year, which are donated by an individual and for which
20 reimbursement is not given.

21 (c) An offer or tender of a contribution if expressly and
22 unconditionally rejected, returned, or refunded in whole or in part
23 within 30 business days after receipt.

24 Sec. 6. (1) "Expenditure" means a payment, donation, loan, or
25 promise of payment of money or anything of ascertainable monetary
26 value for goods, materials, services, or facilities in assistance
27 of, or in opposition to, the nomination or election of a candidate,

1 ~~or~~ the qualification, passage, or defeat of a ballot question, **OR**
2 **THE QUALIFICATION OF A NEW POLITICAL PARTY.** Expenditure includes,
3 but is not limited to, any of the following:

4 (a) A contribution or a transfer of anything of ascertainable
5 monetary value for purposes of influencing the nomination or
6 election of a candidate, ~~or~~ the qualification, passage, or defeat
7 of a ballot question, **OR THE QUALIFICATION OF A NEW POLITICAL**
8 **PARTY.**

9 (b) Except as provided in subsection (2)(f) or (g), an
10 expenditure for voter registration or get-out-the-vote activities
11 made by a person who sponsors or finances the activity or who is
12 identified by name with the activity.

13 (c) Except as provided in subsection (2)(f) or (g), an
14 expenditure made for poll watchers, challengers, distribution of
15 election day literature, canvassing of voters to get out the vote,
16 or transporting voters to the polls.

17 (d) Except as provided in subsection (2)(c), the cost of
18 establishing and administering a payroll deduction plan to collect
19 and deliver a contribution to a committee.

20 (2) Expenditure does not include any of the following:

21 (a) An expenditure for communication by a person with the
22 person's paid members or shareholders and those individuals who can
23 be solicited for contributions to a separate segregated fund under
24 section 55.

25 (b) An expenditure for communication on a subject or issue if
26 the communication does not support or oppose a ballot question or
27 candidate by name or clear inference.

1 (c) An expenditure for the establishment, administration, or
2 solicitation of contributions to a separate segregated fund if that
3 expenditure was made by the person who established the separate
4 segregated fund as authorized under section 55.

5 (d) An expenditure by a broadcasting station, newspaper,
6 magazine, or other periodical or publication for a news story,
7 commentary, or editorial in support of or opposition to a candidate
8 for elective office or a ballot question in the regular course of
9 publication or broadcasting.

10 (e) An offer or tender of an expenditure if expressly and
11 unconditionally rejected or returned.

12 (f) An expenditure for nonpartisan voter registration or
13 nonpartisan get-out-the-vote activities made by an organization
14 that is exempt from federal income tax under section 501(c)(3) of
15 the internal revenue code of 1986, 26 USC 501, or any successor
16 statute.

17 (g) An expenditure for nonpartisan voter registration or
18 nonpartisan get-out-the-vote activities performed under chapter
19 XXIII of the Michigan election law, 1954 PA 116, MCL 168.491 to
20 168.524, by the secretary of state and other registration officials
21 who are identified by name with the activity.

22 (h) An expenditure by a state central committee of a political
23 party or a person controlled by a state central committee of a
24 political party for the construction, purchase, or renovation of 1
25 or more office facilities in Ingham county if the facility is not
26 constructed, purchased, or renovated for the purpose of influencing
27 the election of a candidate in a particular election. Items

1 excluded from the definition of expenditure under this subdivision
2 include expenditures approved in federal election commission
3 advisory opinions 1993-9, 2001-1, and 2001-12 as allowable
4 expenditures under the federal election campaign act of 1971,
5 Public Law 92-225, 2 USC 431 to 457, and regulations promulgated
6 under that act, regardless of whether those advisory opinions have
7 been superseded.

8 (i) Except for the purposes of section 57, an expenditure to
9 or for a federal candidate or a federal committee.

10 Sec. 11. (1) "Payroll deduction plan" means any system in
11 which an employer deducts any amount of money from the wages,
12 earnings, or compensation of an employee.

13 (2) "Person" means a business, individual, proprietorship,
14 firm, partnership, joint venture, syndicate, business trust, labor
15 organization, company, corporation, association, committee, or any
16 other organization or group of persons acting jointly.

17 (3) "Political committee" means a committee that is not a
18 candidate committee, political party committee, independent
19 committee, or ballot question committee.

20 (4) "Political merchandise" means goods such as bumper
21 stickers, pins, hats, beverages, literature, or other items sold by
22 a person at a fund raiser or to the general public for publicity or
23 for the purpose of raising funds to be used in supporting or
24 opposing a candidate for nomination for or election to an elective
25 office, ~~or~~ in supporting or opposing the qualification, passage, or
26 defeat of a ballot question, **OR IN SUPPORTING OR OPPOSING THE**
27 **QUALIFICATION OF A NEW POLITICAL PARTY.**

1 (5) "Political party" means a political party that has a right
2 under law to have the names of its candidates listed on the ballot
3 in a general election.

4 (6) "Political party committee" means a state central,
5 district, or county committee of a political party **OR A PARTY**
6 **ATTEMPTING TO QUALIFY AS A NEW POLITICAL PARTY UNDER SECTION 685 OF**
7 **THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.685,** that is a
8 committee. Each state central committee shall designate the
9 official party county and district committees. There shall not be
10 more than 1 officially designated political party committee per
11 county and per congressional district.

12 (7) "Public body" means 1 or more of the following:

13 (a) A state agency, department, division, bureau, board,
14 commission, council, authority, or other body in the executive
15 branch of state government.

16 (b) The legislature or an agency, board, commission, or
17 council in the legislative branch of state government.

18 (c) A county, city, township, village, intercounty, intercity,
19 or regional governing body; a council, school district, special
20 district, or municipal corporation; or a board, department,
21 commission, or council or an agency of a board, department,
22 commission, or council.

23 (d) Any other body that is created by state or local authority
24 or is primarily funded by or through state or local authority,
25 ~~which~~ **IF THE** body exercises governmental or proprietary authority
26 or performs a governmental or proprietary function.

27 Sec. 33. (1) A committee, other than an independent committee

1 or a political committee required to file with the secretary of
2 state, supporting or opposing a candidate shall file complete
3 campaign statements as required by this act and the rules
4 promulgated under this act. The campaign statements shall be filed
5 according to the following schedule:

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

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

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

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

27 (b) A committee other than a candidate committee shall file a

1 campaign statement for each period during which expenditures are
 2 made for the purpose of influencing the nomination or election of a
 3 candidate or for the qualification, passage, or defeat of a ballot
 4 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 (A) NOT LATER THAN FEBRUARY 15 OF EACH YEAR WITH A CLOSING
 23 DATE OF FEBRUARY 10 OF THAT YEAR.

24 (B) NOT LATER THAN APRIL 25 OF EACH YEAR WITH A CLOSING DATE
 25 OF APRIL 20 OF THAT YEAR.

26 (C) NOT LATER THAN JULY 25 OF EACH YEAR WITH A CLOSING DATE OF
 27 JULY 20 OF THAT YEAR.

1 (D) NOT LATER THAN OCTOBER 25 OF EACH YEAR WITH A CLOSING DATE
2 OF OCTOBER 20 OF THAT YEAR.

3 (4) A house political party caucus committee or a senate
4 political party caucus committee required to file with the
5 secretary of state OR A POLITICAL PARTY COMMITTEE FOR A PARTY
6 ATTEMPTING TO QUALIFY AS A NEW POLITICAL PARTY UNDER SECTION 685 OF
7 THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.685, shall file
8 campaign statements as required by this act according to the
9 following schedule:

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

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

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

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

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

24 (f) For the period beginning on the fourteenth day immediately
25 preceding a general or special election and ending on the day
26 immediately following the general or special election, not later
27 than 4 p.m. each business day with a closing date of the

1 immediately preceding day, only for a contribution received or
2 expenditure made that exceeds \$1,000.00 per day.

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

21 (6) A candidate committee or a committee other than a
22 candidate committee that files a written statement under section
23 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign statement
24 under subsection (1), (3), or (4) unless it received or expended an
25 amount in excess of \$1,000.00. If the committee receives or expends
26 an amount in excess of \$1,000.00 during a period covered by a
27 filing, the committee is then subject to the campaign filing

1 requirements under this act.

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

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

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

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

18 (8) If a candidate, treasurer, or other individual designated
19 as responsible for the committee's record keeping, report
20 preparation, or report filing fails to file 2 statements required
21 by this section or section 35 and both of the statements remain
22 unfiled for more than 30 days, that candidate, treasurer, or other
23 designated individual is guilty of a misdemeanor ~~—~~punishable by a
24 fine of not more than \$1,000.00 ~~—~~or imprisonment for not more than
25 90 days, or both.

26 (9) If a candidate is found guilty of a violation of this
27 section, the circuit court for that county, on application by the

1 attorney general or the prosecuting attorney of that county, may
2 prohibit that candidate from assuming the duties of a public office
3 or from receiving compensation from public funds, or both.

4 (10) If a **CANDIDATE**, treasurer, or other individual designated
5 as responsible for a committee's record keeping, report
6 preparation, or report filing knowingly files an incomplete or
7 inaccurate statement or report required by this section, that
8 ~~treasurer or other designated~~ individual is subject to a civil fine
9 of not more than \$1,000.00.

10 (11) IF A CANDIDATE, TREASURER, OR OTHER INDIVIDUAL DESIGNATED
11 AS RESPONSIBLE FOR A COMMITTEE'S RECORD KEEPING, REPORT
12 PREPARATION, OR REPORT FILING KNOWINGLY OMITTS OR UNDERREPORTS
13 INDIVIDUAL CONTRIBUTIONS OR INDIVIDUAL EXPENDITURES REQUIRED TO BE
14 DISCLOSED BY THIS ACT, THAT INDIVIDUAL IS SUBJECT TO A CIVIL FINE
15 OF NOT MORE THAN \$1,000.00 OR THE AMOUNT OF THE CONTRIBUTIONS AND
16 EXPENDITURES OMITTED OR UNDERREPORTED, WHICHEVER IS GREATER.

17 (12) IF A CANDIDATE COMMITTEE'S ACCOUNT HAS A BALANCE OF
18 \$20,000.00 OR MORE AND A CANDIDATE, TREASURER, OR OTHER INDIVIDUAL
19 DESIGNATED AS RESPONSIBLE FOR THAT COMMITTEE'S RECORD KEEPING,
20 REPORT PREPARATION, OR REPORT FILING FAILS TO FILE CAMPAIGN
21 STATEMENTS REQUIRED UNDER THIS ACT FOR 2 CONSECUTIVE YEARS, THAT
22 CANDIDATE, TREASURER, OR OTHER INDIVIDUAL IS GUILTY OF A FELONY
23 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF
24 NOT MORE THAN \$5,000.00, OR BOTH. ANY MONEY IN A CANDIDATE
25 COMMITTEE ACCOUNT DESCRIBED IN THIS SUBSECTION IS SUBJECT TO
26 SEIZURE BY, AND FORFEITURE TO, THIS STATE AS PROVIDED IN THIS
27 SECTION.

1 (13) NOT MORE THAN 5 BUSINESS DAYS AFTER SEIZURE OF MONEY
2 UNDER SUBSECTION (12), THE SECRETARY OF STATE SHALL DELIVER
3 PERSONALLY OR BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS OF THE
4 CANDIDATE FROM WHOM THE SEIZURE WAS MADE AN INVENTORY STATEMENT OF
5 THE MONEY SEIZED. THE INVENTORY STATEMENT SHALL ALSO CONTAIN NOTICE
6 TO THE EFFECT THAT UNLESS DEMAND FOR HEARING AS PROVIDED IN THIS
7 SECTION IS MADE WITHIN 10 BUSINESS DAYS, THE MONEY IS FORFEITED TO
8 THIS STATE. WITHIN 10 BUSINESS DAYS AFTER THE DATE OF SERVICE OF
9 THE NOTICE, THE CANDIDATE MAY BY REGISTERED MAIL, FACSIMILE
10 TRANSMISSION, OR PERSONAL SERVICE FILE WITH THE SECRETARY OF STATE
11 A DEMAND FOR A HEARING BEFORE THE SECRETARY OF STATE OR A PERSON
12 DESIGNATED BY THE SECRETARY OF STATE FOR A DETERMINATION AS TO
13 WHETHER THE MONEY WAS LAWFULLY SUBJECT TO SEIZURE AND FORFEITURE.
14 THE CANDIDATE IS ENTITLED TO APPEAR BEFORE THE SECRETARY OF STATE
15 OR A PERSON DESIGNATED BY THE SECRETARY OF STATE, TO BE REPRESENTED
16 BY COUNSEL, AND TO PRESENT TESTIMONY AND ARGUMENT. UPON RECEIPT OF
17 A REQUEST FOR HEARING, THE SECRETARY OF STATE OR A PERSON
18 DESIGNATED BY THE SECRETARY OF STATE SHALL HOLD THE HEARING WITHIN
19 15 BUSINESS DAYS. THE HEARING IS NOT A CONTESTED CASE PROCEEDING
20 AND IS NOT SUBJECT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
21 1969 PA 306, MCL 24.201 TO 24.328. AFTER THE HEARING, THE SECRETARY
22 OF STATE OR A PERSON DESIGNATED BY THE SECRETARY OF STATE SHALL
23 RENDER A DECISION IN WRITING WITHIN 10 BUSINESS DAYS OF THE HEARING
24 AND, BY ORDER, SHALL EITHER DECLARE THE MONEY SUBJECT TO SEIZURE
25 AND FORFEITURE OR DECLARE THE MONEY RETURNABLE TO THE CANDIDATE.
26 IF, WITHIN 10 BUSINESS DAYS AFTER THE DATE OF SERVICE OF THE
27 INVENTORY STATEMENT, THE CANDIDATE DOES NOT FILE WITH THE SECRETARY

1 OF STATE A DEMAND FOR A HEARING BEFORE THE SECRETARY OF STATE OR A
2 PERSON DESIGNATED BY THE SECRETARY OF STATE, THE MONEY SEIZED IS
3 FORFEITED TO THIS STATE BY OPERATION OF LAW. IF, AFTER A HEARING
4 BEFORE THE SECRETARY OF STATE OR A PERSON DESIGNATED BY THE
5 SECRETARY OF STATE, THE SECRETARY OF STATE OR A PERSON DESIGNATED
6 BY THE SECRETARY OF STATE DETERMINES THAT THE MONEY IS LAWFULLY
7 SUBJECT TO SEIZURE AND FORFEITURE AND THE CANDIDATE DOES NOT APPEAL
8 TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE SEIZURE WAS MADE
9 WITHIN THE TIME PRESCRIBED IN THIS SECTION, THE MONEY SEIZED IS
10 FORFEITED TO THIS STATE BY OPERATION OF LAW. IF A CANDIDATE IS
11 AGGRIEVED BY THE DECISION OF THE SECRETARY OF STATE OR A PERSON
12 DESIGNATED BY THE SECRETARY OF STATE, THAT CANDIDATE MAY APPEAL TO
13 THE CIRCUIT COURT OF THE COUNTY WHERE THE SEIZURE WAS MADE TO
14 OBTAIN A JUDICIAL DETERMINATION OF THE LAWFULNESS OF THE SEIZURE
15 AND FORFEITURE. THE ACTION SHALL BE COMMENCED WITHIN 20 DAYS AFTER
16 NOTICE OF A DETERMINATION BY THE SECRETARY OF STATE OR A PERSON
17 DESIGNATED BY THE SECRETARY OF STATE IS SENT TO THE CANDIDATE. THE
18 COURT SHALL HEAR THE ACTION AND DETERMINE THE ISSUES OF FACT AND
19 LAW INVOLVED IN ACCORDANCE WITH RULES OF PRACTICE AND PROCEDURE AS
20 IN OTHER IN REM PROCEEDINGS.

21 Sec. 35. (1) In addition to any other requirements of this act
22 for filing a campaign statement, a committee, other than an
23 independent committee or a political committee required to file
24 with the secretary of state, shall also file a campaign statement
25 not later than January 31 of each year. The campaign statement
26 shall have a closing date of December 31 of the previous year. The
27 period covered by the campaign statement filed pursuant to ~~UNDER~~

1 this subsection begins the day after the closing date of the
2 previous campaign statement. A campaign statement filed ~~pursuant to~~
3 **UNDER** this subsection shall be waived if a postelection campaign
4 statement has been filed that has a filing deadline within 30 days
5 of the closing date of the campaign statement required by this
6 subsection.

7 (2) Subsection (1) does not apply to a candidate committee for
8 an officeholder who is a judge or a supreme court justice, or who
9 holds an elective office for which the salary is less than \$100.00
10 a month and who does not receive any contribution or make any
11 expenditure during the time that would be otherwise covered in the
12 statement.

13 (3) A committee, candidate, treasurer, or other individual
14 designated as responsible for the record keeping, report
15 preparation, or report filing for a candidate committee of a
16 candidate for state elective office or a judicial office who fails
17 to file a campaign statement under this section shall be assessed a
18 late filing fee. If the committee has raised \$10,000.00 or less
19 during the previous 2 years, the late filing fee shall be \$25.00
20 for each business day the campaign statement remains unfiled, but
21 not to exceed \$500.00. If the committee has raised more than
22 \$10,000.00 during the previous 2 years, the late filing fee shall
23 be \$50.00 for each business day the campaign statement remains
24 unfiled, but not to exceed \$1,000.00. The late filing fee assessed
25 under this subsection shall be paid by the candidate, and the
26 candidate shall not use committee funds to pay that fee. A
27 committee, treasurer, or other individual designated as responsible

1 for the record keeping, report preparation, or report filing for a
2 committee other than a candidate committee of a candidate for state
3 elective office or a judicial office who fails to file a campaign
4 statement under this section shall pay a late filing fee of \$25.00
5 for each business day the campaign statement remains not filed in
6 violation of this section. The late filing fee shall not exceed
7 \$500.00.

8 (4) A committee filing a written statement ~~pursuant to~~ **UNDER**
9 section 24(5) or (6) need not file a statement in accordance with
10 subsection (1). If a committee receives or expends more than
11 \$1,000.00 during a time period prescribed by section 24(5) or (6),
12 the committee is then subject to the campaign filing requirements
13 under this act and shall file a campaign statement for the period
14 beginning the day after the closing date of the last postelection
15 campaign statement or an annual campaign statement that is waived
16 ~~pursuant to~~ **UNDER** subsection (1), whichever occurred earlier.

17 (5) If a candidate, treasurer, or other individual designated
18 as responsible for the record keeping, report preparation, or
19 report filing fails to file 2 statements required by this section
20 or section 33 and both of the statements remain unfiled for more
21 than 30 days, that candidate, treasurer, or other designated
22 individual is guilty of a misdemeanor, punishable by a fine of not
23 more than \$1,000.00, or imprisonment for not more than 90 days, or
24 both.

25 (6) If a **CANDIDATE**, treasurer, or other individual designated
26 as responsible for the record keeping, report preparation, or
27 report filing for a committee required to file a campaign statement

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1 under subsection (1) knowingly files an incomplete or inaccurate
2 statement or report required by this section, that ~~treasurer or~~
3 ~~other designated~~ individual is subject to a civil fine of not more
4 than \$1,000.00.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 753 of the 96th Legislature is enacted into
7 law.

<<Enacting section 2. This amendatory act takes effect December 30,
2012.>>