

SENATE BILL No. 824

November 10, 2011, Introduced by Senator ROBERTSON and referred to the Committee on Local Government and Elections.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 6, 15, 26, 29, 32, 33, 34, 36, 47, and 55 (MCL 169.204, 169.206, 169.215, 169.226, 169.229, 169.232, 169.233, 169.234, 169.236, 169.247, and 169.255), section 4 as amended by 1989 PA 95, section 6 as amended by 2003 PA 69, sections 15, 26, 29, and 47 as amended by 2001 PA 250, section 32 as amended by 1999 PA 236, sections 33 and 34 as amended by 1999 PA 238, section 36 as amended by 1996 PA 590, and section 55 as amended by 1995 PA 264.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Contribution" means a payment, gift,
2 subscription, assessment, expenditure, contract, payment for

1 services, dues, advance, forbearance, loan, or donation of money
2 or anything of ascertainable monetary value, or a transfer of
3 anything of ascertainable monetary value to a person, made for
4 the purpose of influencing the nomination or election of a
5 candidate, or for the qualification, passage, or defeat of a
6 ballot question.

7 (2) Contribution includes the full purchase price of tickets
8 or payment of an attendance fee for events such as dinners,
9 luncheons, rallies, testimonials, and other fund-raising events;
10 an individual's own money or property other than the individual's
11 homestead used on behalf of that individual's candidacy; the
12 granting of discounts or rebates not available to the general
13 public; or the granting of discounts or rebates by broadcast
14 media and newspapers not extended on an equal basis to all
15 candidates for the same office; and the endorsing or guaranteeing
16 of a loan for the amount the endorser or guarantor is liable.

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

18 (a) Volunteer personal services provided without
19 compensation, or payments of costs incurred of less than \$500.00
20 in a calendar year by an individual for personal travel expenses
21 if the costs are voluntarily incurred without any understanding
22 or agreement that the costs shall be, directly or indirectly,
23 repaid.

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

27 (c) An offer or tender of a contribution if expressly and

1 unconditionally rejected, returned, or refunded in whole or in
2 part within 30 business days after receipt.

3 **(D) ANYTHING OF ASCERTAINABLE MONETARY VALUE RECEIVED BY A**
4 **POLITICAL PARTY COMMITTEE THAT IS CLEARLY DESIGNATED BY THE**
5 **CONTRIBUTOR FOR THE COMMITTEE'S ADMINISTRATIVE ACCOUNT.**

6 Sec. 6. (1) "Expenditure" means a payment, donation, loan,
7 or promise of payment of money or anything of ascertainable
8 monetary value for goods, materials, services, or facilities in
9 assistance of, or in opposition to, the nomination or election of
10 a candidate, or the qualification, passage, or defeat of a ballot
11 question. Expenditure includes, but is not limited to, any of the
12 following:

13 (a) A contribution or a transfer of anything of
14 ascertainable monetary value for purposes of influencing the
15 nomination or election of a candidate or the qualification,
16 passage, or defeat of a ballot question.

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

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

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

26 (a) An expenditure for communication by a person with the
27 person's paid members or shareholders and those individuals who

1 can be solicited for contributions to a separate segregated fund
2 under section 55.

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

6 (c) An expenditure for the establishment, administration, or
7 solicitation of contributions to a separate segregated fund or
8 independent committee.

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

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

16 (f) An expenditure for nonpartisan voter registration or
17 nonpartisan get-out-the-vote activities made by an organization
18 that is exempt from federal income tax ~~pursuant to~~ **UNDER** section
19 501(c)(3) of the internal revenue code of 1986, 26 ~~U.S.C.~~ **USC**
20 501, or any successor statute.

21 (g) An expenditure for nonpartisan voter registration or
22 nonpartisan get-out-the-vote activities performed ~~pursuant to~~
23 **UNDER** chapter XXIII of the Michigan election law, 1954 PA 116,
24 MCL 168.491 to 168.524, by the secretary of state and other
25 registration officials who are identified by name with the
26 activity.

27 (h) An expenditure by a state central committee of a

1 political party or a person controlled by a state central
2 committee of a political party for the construction, purchase, or
3 renovation of 1 or more office facilities in Ingham county if the
4 facility is not constructed, purchased, or renovated for the
5 purpose of influencing the election of a candidate in a
6 particular election. Items excluded from the definition of
7 expenditure under this subdivision include expenditures approved
8 in federal election commission advisory opinions 1993-9, 2001-1,
9 and 2001-12 as allowable expenditures under the federal election
10 campaign act of 1971, Public Law 92-225, 2 U.S.C. ~~USC~~ 431 to 434,
11 ~~437, 437c to 439a, 439c, 441a to 441h, and 442 to 455,~~ and
12 regulations promulgated under that act, regardless of whether
13 those advisory opinions have been superseded.

14 **(I) A DISBURSEMENT FROM AN ADMINISTRATIVE ACCOUNT.**

15 **(3) FOR THE PURPOSES OF THIS ACT, "ADMINISTRATIVE ACCOUNT"**
16 **MEANS A SEPARATE SEGREGATED ACCOUNT MAINTAINED BY A POLITICAL**
17 **PARTY COMMITTEE TO BE USED EXCLUSIVELY FOR EXPENSES THAT DO NOT**
18 **CONSTITUTE CONTRIBUTIONS OR EXPENDITURES.**

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

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

24 (b) Develop a filing, coding, and cross-indexing system for
25 the filing of required reports and statements consistent with the
26 purposes of this act, and supervise the implementation of the
27 filing systems by the clerks of the counties.

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

3 (d) Prepare forms, instructions, and manuals required under
4 this act.

5 (e) Promulgate rules and issue declaratory rulings to
6 implement this act in accordance with the administrative
7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

8 (f) Upon receipt of a written request and the required
9 filing, waive payment of a late filing fee if the request for the
10 waiver is based on good cause and accompanied by adequate
11 documentation. One or more of the following reasons constitute
12 good cause for a late filing fee waiver:

13 (i) The incapacitating physical illness, hospitalization,
14 accident involvement, death, or incapacitation for medical
15 reasons of a person required to file, a person whose
16 participation is essential to the preparation of the statement or
17 report, or a member of the immediate family of these persons.

18 (ii) Other unique, unintentional factors beyond the filer's
19 control not stemming from a negligent act or nonaction so that a
20 reasonably prudent person would excuse the filing on a temporary
21 basis. These factors include the loss or unavailability of
22 records due to a fire, flood, theft, or similar reason and
23 difficulties related to the transmission of the filing to the
24 filing official, such as exceptionally bad weather or strikes
25 involving transportation systems.

26 (2) A declaratory ruling shall be issued under this section
27 only if the person requesting the ruling has provided a

1 reasonably complete statement of facts necessary for the ruling
2 or if the person requesting the ruling has, with the permission
3 of the secretary of state, supplied supplemental facts necessary
4 for the ruling. A request for a declaratory ruling that is
5 submitted to the secretary of state shall be made available for
6 public inspection within 48 hours after its receipt. An
7 interested person may submit written comments regarding the
8 request to the secretary of state within 10 business days after
9 the date the request is made available to the public. Within 45
10 business days after receiving a declaratory ruling request, the
11 secretary of state shall make a proposed response available to
12 the public. An interested person may submit written comments
13 regarding the proposed response to the secretary of state within
14 5 business days after the date the proposal is made available to
15 the public. Except as otherwise provided in this section, the
16 secretary of state shall issue a declaratory ruling within 60
17 business days after a request for a declaratory ruling is
18 received. If the secretary of state refuses to issue a
19 declaratory ruling, the secretary of state shall notify the
20 person making the request of the reasons for the refusal and
21 shall issue an interpretative statement providing an
22 informational response to the question presented within the same
23 time limitation applicable to a declaratory ruling. A declaratory
24 ruling or interpretative statement issued under this section
25 shall not state a general rule of law, other than that which is
26 stated in this act, until the general rule of law is promulgated
27 by the secretary of state as a rule under the administrative

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or
2 under judicial order.

3 (3) Under extenuating circumstances, the secretary of state
4 may issue a notice extending for not more than 30 business days
5 the period during which the secretary of state shall respond to a
6 request for a declaratory ruling. The secretary of state shall
7 not issue more than 1 notice of extension for a particular
8 request. A person requesting a declaratory ruling may waive, in
9 writing, the time limitations provided by this section.

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

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

1 rebuttal statement an additional 10 business days for good cause.
2 The secretary of state shall provide a copy of the rebuttal
3 statement to the person against whom the complaint was filed.

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

6 (a) Be signed by the complainant.

7 (b) State the name, address, and telephone number of the
8 complainant.

9 (c) Include the complainant's certification that, to the
10 best of the complainant's knowledge, information, and belief,
11 formed after a reasonable inquiry under the circumstances, each
12 factual contention of the complaint is supported by evidence.
13 However, if, after a reasonable inquiry under the circumstances,
14 the complainant is unable to certify that certain factual
15 contentions are supported by evidence, the complainant may
16 certify that, to the best of his or her knowledge, information,
17 or belief, there are grounds to conclude that those specifically
18 identified factual contentions are likely to be supported by
19 evidence after a reasonable opportunity for further inquiry.

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

23 (8) A person who files a complaint with a false certificate
24 under subsection (6)(c) is responsible for a civil violation of
25 this act. A person may file a complaint under subsection (5)
26 alleging that another person has filed a complaint with a false
27 certificate under subsection (6)(c).

1 (9) The secretary of state shall investigate the allegations
2 under the rules promulgated under this act. ~~Every 60 days after a~~
3 ~~complaint that meets the requirements of subsection (6) is filed~~
4 ~~and until the matter is terminated, the secretary of state shall~~
5 ~~mail to the complainant and to the alleged violator notice of the~~
6 ~~action taken to date by the secretary of state, together with the~~
7 ~~reasons for the action or nonaction.~~ **IF THE VIOLATION INVOLVES**
8 **THE SECRETARY OF STATE, THE IMMEDIATE FAMILY OF THE SECRETARY OF**
9 **STATE, OR A CAMPAIGN OR COMMITTEE WITH WHICH THE SECRETARY OF**
10 **STATE IS CONNECTED, DIRECTLY OR INDIRECTLY, THE SECRETARY OF**
11 **STATE SHALL REFER THE MATTER TO THE ATTORNEY GENERAL TO DETERMINE**
12 **WHETHER A VIOLATION OF THIS ACT HAS OCCURRED.**

13 (10) ~~If~~ **NO LATER THAN 60 BUSINESS DAYS AFTER RECEIPT OF A**
14 **REBUTTAL STATEMENT SUBMITTED UNDER SUBSECTION (5), OR IF NO**
15 **RESPONSE OR REBUTTAL IS RECEIVED UNDER SUBSECTION (5), the**
16 ~~secretary of state determines that~~ **SHALL POST ON THE SECRETARY OF**
17 **STATE'S INTERNET WEBSITE WHETHER OR NOT** there may be reason to
18 believe that a violation of this act has occurred. **IF THE**
19 **SECRETARY OF STATE DETERMINES THAT THERE MAY BE REASON TO BELIEVE**
20 **THAT A VIOLATION OF THIS ACT OCCURRED, THE SECRETARY OF STATE**
21 **SHALL, WITHIN 30 DAYS OF THAT DETERMINATION, POST ON THE**
22 **SECRETARY OF STATE'S INTERNET WEBSITE ANY COMPLAINT, RESPONSE, OR**
23 **REBUTTAL STATEMENT RECEIVED UNDER SUBSECTION (5) REGARDING THAT**
24 **VIOLATION AND ANY CORRESPONDENCE REGARDING THAT VIOLATION BETWEEN**
25 **THE SECRETARY OF STATE AND THE COMPLAINANT OR THE PERSON AGAINST**
26 **WHOM THE COMPLAINT WAS FILED. IF THE SECRETARY OF STATE**
27 **DETERMINES THAT THERE MAY BE REASON TO BELIEVE THAT A VIOLATION**

1 **OF THIS ACT OCCURRED**, the secretary of state shall endeavor to
 2 correct the violation or prevent a further violation by using
 3 informal methods such as a conference, conciliation, or
 4 persuasion, and may enter into a conciliation agreement with the
 5 person involved. Unless violated, a conciliation agreement is a
 6 complete bar to any further **CIVIL OR CRIMINAL** action with respect
 7 to matters covered in the conciliation agreement. **THE SECRETARY**
 8 **OF STATE SHALL, WITHIN 30 DAYS AFTER A CONCILIATION AGREEMENT IS**
 9 **SIGNED, POST THAT AGREEMENT ON THE SECRETARY OF STATE'S INTERNET**
 10 **WEBSITE.** If, **AFTER 60 BUSINESS DAYS**, the secretary of state is
 11 unable to correct or prevent further violation by these informal
 12 methods, the secretary of state ~~may refer~~ **SHALL DO EITHER OF THE**
 13 **FOLLOWING:**

14 (A) **REFER** the matter to the attorney general for the
 15 enforcement of a ~~ANY~~ criminal penalty provided by this act. ~~or~~
 16 ~~commence~~

17 (B) **COMMENCE** a hearing as provided in subsection (11) **FOR**
 18 **ENFORCEMENT OF ANY CIVIL VIOLATION.**

19 (11) The secretary of state may commence a hearing to
 20 determine whether a civil violation of this act has occurred. A
 21 ~~hearing shall not be commenced during the period beginning 30~~
 22 ~~days before an election in which the committee has received or~~
 23 ~~expended money and ending the day after that election except with~~
 24 ~~the consent of the person suspected of committing a civil~~
 25 ~~violation.~~ The hearing shall be conducted in accordance with the
 26 procedures set forth in chapter 4 of the administrative
 27 procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If

1 after a hearing the secretary of state determines that a
2 violation of this act has occurred, the secretary of state may
3 issue an order requiring the person to pay a civil fine equal to
4 **TRIPLE** the amount of the improper contribution or expenditure
5 plus not more than \$1,000.00 for each violation.

6 (12) A final decision and order issued by the secretary of
7 state is subject to judicial review as provided by chapter 6 of
8 the administrative procedures act of 1969, 1969 PA 306, MCL
9 24.301 to 24.306. The secretary of state shall deposit a civil
10 fine imposed under this section in the general fund. The
11 secretary of state may bring an action in circuit court to
12 recover the amount of a civil fine.

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

23 **(14) NO LATER THAN 60 BUSINESS DAYS AFTER A MATTER IS**
24 **REFERRED TO THE ATTORNEY GENERAL FOR ENFORCEMENT OF A CRIMINAL**
25 **PENALTY, THE ATTORNEY GENERAL SHALL DETERMINE WHETHER TO PROCEED**
26 **WITH ENFORCEMENT OF THAT PENALTY.**

27 (15) ~~(14)~~ Unless otherwise specified in this act, a person

1 who violates a provision of this act is subject to a civil fine
2 of not more than \$1,000.00 for each violation. A civil fine is in
3 addition to, but not limited by, a criminal penalty prescribed by
4 this act.

5 (16) ~~(15)~~—In addition to any other sanction provided for by
6 this act, the secretary of state may require a person who files a
7 complaint with a false certificate under subsection (6)(c) to do
8 either or both of the following:

9 (a) Pay to the secretary of state some or all of the
10 expenses incurred by the secretary of state as a direct result of
11 the filing of the complaint.

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

16 (17) ~~(16)~~—There is no private right of action, either in law
17 or in equity, under this act. The remedies provided in this act
18 are the exclusive means by which this act may be enforced and by
19 which any harm resulting from a violation of this act may be
20 redressed. **THE CRIMINAL PENALTIES PROVIDED BY THIS ACT MAY ONLY
21 BE ENFORCED BY THE ATTORNEY GENERAL AND ONLY UPON REFERRAL BY THE
22 SECRETARY OF STATE AS PROVIDED UNDER SUBSECTION (10) OR (13).**

23 (18) ~~(17)~~—The secretary of state may waive the filing of a
24 campaign statement required under section 33, 34, or 35 if the
25 closing date of the particular campaign statement falls on the
26 same or a later date as the closing date of the next campaign
27 statement filed by the same person, or if the period that would

1 be otherwise covered by the next campaign statement filed by the
2 same person is 10 days or less.

3 (19) ~~(18)~~—The clerk of each county shall do all of the
4 following:

5 (a) Make available through the county clerk's office the
6 appropriate forms, instructions, and manuals required by this
7 act.

8 (b) Under the supervision of the secretary of state,
9 implement the filing, coding, and cross-indexing system
10 prescribed for the filing of reports and statements required to
11 be filed with the county clerk's office.

12 (c) Receive all statements and reports required by this act
13 to be filed with the county clerk's office.

14 (d) Upon written request, waive the payment of a late filing
15 fee if the request for a waiver is based on good cause as
16 prescribed in subsection (1)(f).

17 Sec. 26. (1) A campaign statement of a committee, other than
18 a political party committee, required by this act shall contain
19 all of the following information:

20 (a) The filing committee's name, address, and telephone
21 number, and the full name, residential and business addresses,
22 and telephone numbers of the committee treasurer or other
23 individual designated as responsible for the committee's record
24 keeping, report preparation, or report filing.

25 (b) Under the heading "receipts", the total amount of
26 contributions received during the period covered by the campaign
27 statement; under the heading "expenditures", the total amount of

1 expenditures made during the period covered by the campaign
2 statement; and the cumulative amount of those totals. Forgiveness
3 of a loan shall not be included in the totals. Payment of a loan
4 by a third party shall be recorded and reported as an in-kind
5 contribution by the third party. In-kind contributions or
6 expenditures shall be listed at fair market value and shall be
7 reported as both contributions and expenditures. A contribution
8 or expenditure that is by other than completed and accepted
9 payment, gift, or other transfer, that is clearly not legally
10 enforceable, and that is expressly withdrawn or rejected and
11 returned before a campaign statement closing date need not be
12 included in the campaign statement and if included may, in a
13 later or amended statement, be shown as a deduction, but the
14 committee shall keep adequate records of each instance.

15 (c) The balance of cash on hand at the beginning and the end
16 of the period covered by the campaign statement.

17 (d) The following information regarding each fund-raising
18 event shall be included in the report:

19 (i) The type of event, date held, address and name, if any,
20 of the place where the activity was held, and approximate number
21 of individuals participating or in attendance.

22 (ii) The total amount of all contributions.

23 (iii) The gross receipts of the fund-raising event.

24 (iv) The expenditures incident to the event.

25 (e) The full name of each individual from whom contributions
26 are received during the period covered by the campaign statement,
27 together with the individual's street address, the amount

1 contributed, the date on which each contribution was received,
2 and the cumulative amount contributed by that individual. The
3 occupation, employer, and principal place of business shall be
4 stated if the individual's cumulative contributions are more than
5 \$100.00.

6 (f) The cumulative amount contributed and the name and
7 address of each individual, except those individuals reported
8 under subdivision (e), who contributed to the committee. The
9 occupation, employer, and principal place of business shall be
10 stated for each individual who contributed more than \$100.00.

11 (g) The name and street address of each person, other than
12 an individual, from whom contributions are received during the
13 period covered by the campaign statement, together with an
14 itemization of the amounts contributed, the date on which each
15 contribution was received, and the cumulative amount contributed
16 by that person.

17 (h) The name, address, and amount given by an individual who
18 contributed to the total amount contributed by a person who is
19 other than a committee or an individual. The occupation,
20 employer, and principal place of business shall be stated if the
21 individual contributed more than \$100.00 of the total amount
22 contributed by a person who is other than a committee or an
23 individual.

24 (i) The cumulative total of expenditures of \$50.00 or less
25 made during the period covered by the campaign statement except
26 for expenditures made to or on behalf of another committee,
27 candidate, or ballot question.

1 (j) The full name and street address of each person to whom
2 expenditures totaling more than \$50.00 were made, together with
3 the amount of each separate expenditure to each person during the
4 period covered by the campaign statement; the purpose of the
5 expenditure; the full name and street address of the person
6 providing the consideration for which any expenditure was made if
7 different from the payee; the itemization regardless of amount of
8 each expenditure made to or on behalf of another committee,
9 candidate, or ballot question; and the cumulative amount of
10 expenditures for or against that candidate or ballot question for
11 an election cycle. An expenditure made in support of more than 1
12 candidate or ballot question, or both, shall be apportioned
13 reasonably among the candidates or ballot questions, or both.

14 (2) A candidate committee or ballot question committee shall
15 report all cumulative amounts required by this section on a per
16 election cycle basis. Except for subsection (1)(j), an
17 independent committee or political committee shall report all
18 cumulative amounts required by this section on a calendar year
19 basis.

20 (3) A campaign statement of a committee, in addition to the
21 other information required by this section, shall include an
22 itemized list of all expenditures during the reporting period for
23 election day busing of electors to the polls, get-out-the-vote
24 activities, slate cards, challengers, poll watchers, and poll
25 workers.

26 (4) For a reporting period in which a contribution is
27 received that is to be part of a bundled contribution or a

1 reporting period in which a bundled contribution is delivered to
2 the candidate committee of a candidate for statewide elective
3 office, a bundling committee shall report to the secretary of
4 state, on a form provided by the secretary of state, all of the
5 following information, as applicable, about each contribution
6 received or delivered as part of a bundled contribution, and
7 about each bundled contribution delivered, in the reporting
8 period:

9 (a) The amount of each contribution, the date it was
10 received by the bundling committee, and the candidate for
11 statewide elective office whom the contributor designated as the
12 intended recipient.

13 (b) Each contributor's name and address and, for each
14 contribution exceeding \$100.00, the contributor's occupation,
15 employer, and principal place of business.

16 (c) The date each contribution is delivered to the
17 candidate's statewide elective office candidate committee.

18 (d) The total amount of bundled contributions delivered to
19 that candidate committee during the reporting period and during
20 the election cycle.

21 (5) With its delivery of a bundled contribution to the
22 candidate committee of a candidate for statewide elective office,
23 a bundling committee shall deliver a report to that candidate
24 committee, on a form provided by the secretary of state, that
25 includes all of the following information, as applicable, about
26 each contribution delivered as part of the bundled contribution,
27 and about all bundled contributions delivered to that candidate

1 committee in the election cycle:

2 (a) The amount of each contribution, the date it was
3 received by the bundling committee, and the statewide elective
4 office candidate the contributor designated as the intended
5 recipient.

6 (b) Each contributor's name and address and, for each
7 contribution exceeding \$100.00, the contributor's occupation,
8 employer, and principal place of business.

9 (c) The total amount of bundled contributions delivered to
10 that candidate committee during the reporting period and during
11 the election cycle.

12 (6) For a reporting period in which a bundled contribution
13 is received, a candidate committee of a candidate for statewide
14 elective office shall report to the secretary of state, on a form
15 provided by the secretary of state, all of the following
16 information, as applicable, about each contribution delivered as
17 part of a bundled contribution received in the reporting period
18 and about all bundled contributions received by that candidate
19 committee:

20 (a) The amount of each contribution, the date it was
21 received by the candidate committee, and the name of the bundling
22 committee that delivered the contribution.

23 (b) Each contributor's name and address and, for each
24 contribution exceeding \$100.00, the contributor's occupation,
25 employer, and principal place of business.

26 (c) The total amount of bundled contributions received by
27 that candidate committee during the reporting period and during

1 the election cycle.

2 **(7) A COMMITTEE IS NOT REQUIRED TO FILE A CAMPAIGN STATEMENT**
3 **WITH RESPECT TO AN ADMINISTRATIVE ACCOUNT.**

4 Sec. 29. (1) A campaign statement filed by a political party
5 committee shall contain all of the following information:

6 (a) The full name and street address of each person from
7 whom contributions are received in a calendar year, the amount,
8 and the date or dates contributed; and, if the person is a
9 committee, the name and address of the committee and the full
10 name of the committee treasurer, together with the amount of the
11 contribution and the date received. The occupation, employer, and
12 principal place of business, if any, shall be listed for each
13 person from whom contributions totaling more than \$100.00 are
14 received in a calendar year.

15 (b) Accompanying a campaign statement reporting the receipt
16 of a contribution from a committee or person whose treasurer does
17 not reside in, whose principal office is not located in, or whose
18 funds are not kept in this state, and whose committee has not
19 filed a statement of organization as required in section 24,
20 shall be a statement setting forth the full name and address of
21 the treasurer of the committee.

22 (c) An itemized list of all expenditures, including in-kind
23 contributions and expenditures and loans, made during the period
24 covered by the campaign statement that were contributions to a
25 candidate committee of a candidate for elective office or a
26 ballot question committee; or independent expenditures in support
27 of the qualification, passage, or defeat of a ballot question or

1 in support of the nomination or election of a candidate for
2 elective office or the defeat of any of the candidate's
3 opponents.

4 (d) The total expenditure by the committee for each
5 candidate for elective office or ballot question in whose behalf
6 an independent expenditure was made or a contribution was given
7 for the election cycle.

8 (e) The filer's name, address, and telephone number, if
9 available, if any, and the full name, address, and telephone
10 number, if available, of the committee treasurer.

11 (2) The committee shall identify an expenditure listed under
12 subsection (1)(c) as an independent expenditure or as a
13 contribution to a candidate committee or a ballot question
14 committee.

15 (3) The committee shall designate for a contribution to or
16 on behalf of a candidate committee or ballot question committee
17 listed under subsection (1)(c) the name and address of the
18 committee, the name of the candidate and the office sought, if
19 any, the amount contributed, and the date of contribution.

20 (4) The committee shall designate for an independent
21 expenditure listed under subsection (1)(c) either the name of the
22 candidate for whose benefit the expenditure was made and the
23 office sought by the candidate, or a brief description of the
24 ballot question for which the expenditure was made; the amount,
25 date, and purpose of the expenditure; and the full name and
26 address of the person to whom the expenditure was made.

27 (5) The committee shall apportion an expenditure listed that

1 was made in support of more than 1 candidate or ballot question,
2 or both, reasonably among the candidates or ballot questions, or
3 both.

4 (6) A campaign statement of a committee, in addition to the
5 other information required by this section, shall include an
6 itemized list of all expenditures during the reporting period for
7 election day busing of electors to the polls, get-out-the-vote
8 activities, slate cards, challengers, poll watchers, and poll
9 workers.

10 (7) **A COMMITTEE IS NOT REQUIRED TO FILE A CAMPAIGN STATEMENT**
11 **WITH RESPECT TO AN ADMINISTRATIVE ACCOUNT.**

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

18 (2) Filing of a report of a late contribution ~~pursuant to~~
19 **UNDER** subsection (1) may be by any written means of communication
20 and need not contain an original signature.

21 (3) A late contribution shall be reported on subsequent
22 campaign statements without regard to reports filed ~~pursuant to~~
23 **UNDER** subsection (1). If a campaign statement has not been filed,
24 a late contribution may be reported, if practicable, in the
25 campaign statement and need not, therefore, be reported in a
26 subsequent campaign statement.

27 (4) A committee, candidate, treasurer, or other individual

1 designated as responsible for the committee's record keeping,
2 report preparation, or report filing who fails to report a late
3 contribution as required by subsection (1) shall pay a late
4 filing fee, that shall not exceed **THE AMOUNT OF THE CONTRIBUTION,**
5 **OR \$2,000.00** ~~—~~determined as follows:

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

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

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

12 (5) **A COMMITTEE IS ONLY REQUIRED TO FILE A REPORT OF A LATE**
13 **CONTRIBUTION FOR AN ELECTION DURING WHICH THE COMMITTEE MADE**
14 **EXPENDITURES FOR THE PURPOSE OF INFLUENCING THE NOMINATION OR**
15 **ELECTION OF A CANDIDATE OR FOR THE QUALIFICATION, PASSAGE, OR**
16 **DEFEAT OF A BALLOT QUESTION AFTER THE COMMITTEE FILED ITS**
17 **PREELECTION CAMPAIGN STATEMENT. THIS SUBSECTION IS RETROACTIVE**
18 **AND TAKES EFFECT JANUARY 1, 2010.**

19 (6) **THIS STATE OR A COUNTY SHALL REIMBURSE OR WAIVE ANY LATE**
20 **FILING FEE PAID OR ASSESSED UNDER SUBSECTION (4) BETWEEN JANUARY**
21 **1, 2010 AND THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
22 **THIS SUBSECTION. THIS SUBSECTION ONLY APPLIES TO COMMITTEES THAT**
23 **HAVE FILED ALL OTHER CAMPAIGN STATEMENTS REQUIRED UNDER THIS ACT**
24 **IN A TIMELY MANNER.**

25 (7) ~~(5)~~ As used in this section, "late contribution" means a
26 ~~contribution of \$200.00~~ **CONTRIBUTIONS WITH A CUMULATIVE TOTAL OF**
27 **\$500.00** or more received after the closing date of the last

1 campaign statement required to be filed before an election.

2 Sec. 33. (1) A committee, other than an independent
3 committee or a political committee required to file with the
4 secretary of state, supporting or opposing a candidate shall file
5 complete campaign statements as required by this act and the
6 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
9 later than the eleventh day before an election. The closing date
10 for a campaign statement filed under this subdivision shall be
11 the sixteenth day before the election.

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

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

24 (a) A candidate committee shall file a preelection campaign
25 statement and a postelection campaign statement for each election
26 in which the candidate seeks nomination or election, except if an
27 individual becomes a candidate after the closing date for the

1 preelection campaign statement only the postelection campaign
2 statement is required for that election.

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

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

13 ~~—— (a) In an odd numbered year:~~

14 (A) ~~(i)~~ Not later than January 31 of ~~that~~ **EACH** year with a
15 closing date of December 31 of the previous year.

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

18 (C) ~~(ii)~~ Not later than July 25 **OF EACH YEAR** with a closing
19 date of July 20 **OF THAT YEAR.**

20 (D) ~~(iii)~~ Not later than October 25 **OF EACH YEAR** with a
21 closing date of October 20 **OF THAT YEAR.**

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

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

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

26 ~~—— (iii) Not later than October 25 with a closing date of October~~
27 ~~20.~~

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

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

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

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

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

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

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

26 (5) Notwithstanding subsection (3) or (4) or section 51, if
27 an independent expenditure is made within 45 days before a

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

18 (6) A candidate committee or a committee other than a
19 candidate committee that files a written statement under section
20 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign
21 statement under subsection (1), (3), or (4) unless it received or
22 expended an amount in excess of \$1,000.00. If the committee
23 receives or expends an amount in excess of \$1,000.00 during a
24 period covered by a filing, the committee is then subject to the
25 campaign filing requirements under this act.

26 (7) A committee, candidate, treasurer, or other individual
27 designated as responsible for the committee's record keeping,

1 report preparation, or report filing who fails to file a
2 statement as required by this section shall pay a late filing
3 fee. If the committee has raised \$10,000.00 or less during the
4 previous 2 years, the late filing fee shall be \$25.00 for each
5 business day the statement remains unfiled, but not to exceed
6 \$500.00. If the committee has raised more than \$10,000.00 during
7 the previous 2 years, the late filing fee shall not exceed
8 \$1,000.00, determined as follows:

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

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

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

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

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

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

7 Sec. 34. (1) A ballot question committee shall file a
8 campaign statement as required by this act according to the
9 following schedule:

10 (a) A preelection campaign statement, the closing date of
11 which shall be the sixteenth day before the election, shall not
12 be filed later than the eleventh day before the election.

13 (b) A postelection campaign statement, the closing date of
14 which shall be the twentieth day following the election, shall
15 not be filed later than the thirtieth day following an election.
16 If all liabilities of the committee are paid before the closing
17 date and additional contributions are not expected, the campaign
18 statement may be filed at any time after the election, but not
19 later than the thirtieth day following the election.

20 **(C) CAMPAIGN STATEMENTS NOT LATER THAN THE FOLLOWING DATES**
21 **EVERY YEAR:**

22 **(i) JANUARY 31 WITH A CLOSING DATE OF DECEMBER 31 OF THE**
23 **PREVIOUS YEAR.**

24 **(ii) APRIL 25 WITH A CLOSING DATE OF APRIL 20 OF THAT YEAR.**

25 **(iii) JULY 25 WITH A CLOSING DATE OF JULY 20 OF THAT YEAR.**

26 **(D) IN EVERY ODD NUMBERED YEAR, A CAMPAIGN STATEMENT NOT**
27 **LATER THAN OCTOBER 25 WITH A CLOSING DATE OF OCTOBER 20 OF THAT**

1 **YEAR.**

2 (2) A ballot question committee supporting or opposing a
3 statewide ballot question shall file a campaign statement, of
4 which the closing date shall be the twenty-eighth day after the
5 qualification of the measure, not later than 35 days after the
6 ballot question is qualified for the ballot. If the ballot
7 question fails to qualify for the ballot, the ballot question
8 committee shall file the campaign statement within 35 days after
9 the final deadline for qualifying, the closing date of which
10 shall be the twenty-eighth day after the deadline.

11 (3) If a ballot question committee supporting or opposing a
12 statewide ballot question fails to file a preelection statement
13 under this section, that committee or its treasurer shall pay a
14 late filing fee for each business day the statement remains not
15 filed in violation of this section, not to exceed \$1,000.00,
16 pursuant to the following schedule:

17 (a) First day--\$25.00.

18 (b) Second day--\$50.00.

19 (c) Third day--\$75.00.

20 (d) Fourth day and for each subsequent day that the
21 statement remains unfiled--\$100.00.

22 (4) If a treasurer or other individual designated as
23 responsible for the record keeping, report preparation, or report
24 filing of a ballot question committee supporting or opposing a
25 statewide ballot question fails to file a statement, other than a
26 preelection statement, under this section, that committee,
27 treasurer, or other designated individual shall pay a late filing

1 fee. If the committee has raised \$10,000.00 or less during the
2 previous 2 years, the late filing fee shall be \$25.00 for each
3 business day the campaign statement remains unfiled, but not to
4 exceed \$1,000.00. If the committee has raised more than
5 \$10,000.00 during the previous 2 years, the late filing fee shall
6 be \$50.00 for each business day the campaign statement remains
7 unfiled, but not to exceed \$2,000.00.

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

21 (6) If a treasurer or other individual designated as
22 responsible for the record keeping, report preparation, or report
23 filing of a ballot question committee fails to file a statement
24 as required by subsection (1) or (2) for more than 7 days, that
25 treasurer or other designated individual is guilty of a
26 misdemeanor, punishable by a fine of not more than \$1,000.00, or
27 imprisonment for not more than 90 days, or both.

1 (7) If a treasurer or other individual designated as
2 responsible for the record keeping, report preparation, or report
3 filing of a ballot question committee knowingly files an
4 incomplete or inaccurate statement or report required by this
5 section, that treasurer or other designated individual is subject
6 to a civil fine of not more than \$1,000.00.

7 Sec. 36. (1) A candidate committee for a state elective
8 office or a judicial office shall file a copy of the campaign
9 statement required under this act with the secretary of state.
10 The secretary of state shall reproduce the copy and transmit the
11 reproduction to the clerk of the county of residence of the
12 candidate.

13 (2) A ballot question committee supporting or opposing a
14 statewide ballot question shall file a copy of the campaign
15 statement required under this act with the secretary of state and
16 with the clerk of the most populous county in the state. ~~A-EXCEPT~~
17 **AS OTHERWISE PROVIDED IN THIS SUBSECTION, A** ballot question
18 committee supporting or opposing a ballot question to be voted
19 upon in more than 1 county, but not statewide, shall file a copy
20 of the campaign statement required under this act with the clerk
21 of the county in which the greatest number of registered voters
22 eligible to vote on the ballot question reside. ~~A-EXCEPT AS~~
23 **OTHERWISE PROVIDED IN THIS SUBSECTION, A** ballot question
24 committee supporting or opposing a ballot question to be voted
25 upon within a single county shall file a copy of the campaign
26 statement required under this act only with the clerk of that
27 county. **IF A BALLOT QUESTION COMMITTEE IS REGISTERED WITH THE**

1 SECRETARY OF STATE AND IS SUPPORTING OR OPPOSING A NONSTATEWIDE
2 BALLOT QUESTION, THAT BALLOT QUESTION COMMITTEE IS ONLY REQUIRED
3 TO FILE A COPY OF A CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT
4 WITH THE SECRETARY OF STATE.

5 (3) A political party committee shall file a copy of the
6 campaign statement required under this act with the secretary of
7 state. The secretary of state shall reproduce a copy of the
8 campaign statement of a political party committee that is a
9 county committee and file the copy with the clerk of the county
10 where the county committee operates.

11 (4) A committee supporting or opposing a candidate for local
12 elective office, if the office is to be voted on in more than 1
13 county but not statewide, shall file a copy of the campaign
14 statement required under this act with the clerk of the county in
15 which the greatest number of registered voters eligible to vote
16 on the office reside.

17 (5) IF A COMMITTEE IS REGISTERED WITH THE SECRETARY OF STATE
18 AND IS SUPPORTING OR OPPOSING THE RECALL OF A LOCAL ELECTIVE
19 OFFICEHOLDER, THAT COMMITTEE IS ONLY REQUIRED TO FILE A COPY OF A
20 CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT WITH THE SECRETARY OF
21 STATE.

22 (6) ~~(5)~~—A committee not covered under subsection (1), (2),
23 (3), ~~or~~ (4), OR (5) shall file a copy of the campaign statement
24 required under this act with the secretary of state, except that
25 a committee reporting contributions or expenditures for a
26 candidate within only 1 county shall file a statement only with
27 the clerk of that county.

1 (7) ~~(6)~~—A local unit of government that receives copies of
2 campaign statements under this section shall make the statements
3 available for public inspection and reproduction during regular
4 business hours of the local unit of government. The local unit of
5 government shall make the statements available as soon as
6 practicable after receipt, but not later than the third business
7 day following the day on which they are received.

8 Sec. 47. (1) Except as otherwise provided in this subsection
9 and subject to subsections (3) and (4), a billboard, placard,
10 poster, pamphlet, or other printed matter having reference to an
11 election, a candidate, or a ballot question, shall bear upon it
12 the name and address of the person paying for the matter. Except
13 as otherwise provided in this subsection and subject to
14 subsections (3) and (4), if the printed matter relating to a
15 candidate is an independent expenditure that is not authorized in
16 writing by the candidate committee of that candidate, the printed
17 matter shall contain the following disclaimer: "Not authorized by
18 any candidate committee". An individual other than a candidate is
19 not subject to this subsection if the individual is acting
20 independently and not acting as an agent for a candidate or any
21 committee. **THIS SUBSECTION DOES NOT APPLY TO COMMUNICATIONS
22 BETWEEN A SEPARATE SEGREGATED FUND ESTABLISHED UNDER SECTION 55
23 AND INDIVIDUALS WHO CAN BE SOLICITED FOR CONTRIBUTIONS TO THAT
24 SEPARATE SEGREGATED FUND UNDER SECTION 55.**

25 (2) A radio or television paid advertisement having
26 reference to an election, a candidate, or a ballot question shall
27 identify the sponsoring person as required by the federal

1 communications commission, shall bear the name of the person
2 paying for the advertisement, and shall be in compliance with
3 subsection (3) and with the following:

4 (a) If the radio or television paid advertisement relates to
5 a candidate and is an independent expenditure, the advertisement
6 shall contain the following disclaimer: "Not authorized by any
7 candidate".

8 (b) If the radio or television paid advertisement relates to
9 a candidate and is not an independent expenditure but is paid for
10 by a person other than the candidate to which it is related, the
11 advertisement shall contain the following disclaimer:

12 "Authorized by".
13 (name of candidate or name of candidate committee)

14 (3) The size and placement of an identification or
15 disclaimer required by this section shall be determined by rules
16 promulgated by the secretary of state. The rules may exempt
17 printed matter and certain other items such as campaign buttons
18 or balloons, the size of which makes it unreasonable to add an
19 identification or disclaimer, from the identification or
20 disclaimer required by this section.

21 (4) Except for a candidate committee's printed matter or
22 radio or television paid advertisements, each identification or
23 disclaimer required by this section shall also indicate that the
24 printed matter or radio or television paid advertisement is paid
25 for "with regulated funds". Printed matter or a radio or
26 television paid advertisement that is not subject to this act

1 shall not bear the statement required by this subsection.

2 (5) A person who knowingly violates this section is guilty
3 of a misdemeanor punishable by a fine of not more than \$1,000.00,
4 or imprisonment for not more than 93 days, or both.

5 Sec. 55. (1) A corporation organized on a for profit or
6 nonprofit basis, a joint stock company, a domestic dependent
7 sovereign, or a labor organization formed under the laws of this
8 or another state or foreign country may make an expenditure for
9 the establishment and administration and solicitation of
10 contributions to a separate segregated fund to be used for
11 political purposes. A separate segregated fund established under
12 this section shall be limited to making contributions to, and
13 expenditures on behalf of, candidate committees, ballot question
14 committees, political party committees, political committees, ~~and~~
15 independent committees, **AND OTHER SEPARATE SEGREGATED FUNDS.**

16 (2) Contributions for a separate segregated fund established
17 by a corporation, organized on a for profit basis, or a joint
18 stock company under this section may be solicited from any of the
19 following persons or their spouses:

20 (a) Stockholders of the corporation or company.

21 (b) Officers and directors of the corporation or company.

22 (c) Employees of the corporation or company who have policy
23 making, managerial, professional, supervisory, or administrative
24 nonclerical responsibilities.

25 (3) Contributions for a separate segregated fund established
26 under this section by a corporation organized on a nonprofit
27 basis may be solicited from any of the following persons or their

1 spouses:

2 (a) Members of the corporation who are individuals.

3 (b) Stockholders of members of the corporation.

4 (c) Officers or directors of members of the corporation.

5 (d) Employees of the members of the corporation who have
6 policy making, managerial, professional, supervisory, or
7 administrative nonclerical responsibilities.

8 (e) Employees of the corporation who have policy making,
9 managerial, professional, supervisory, or administrative
10 nonclerical responsibilities.

11 (4) Contributions for a separate segregated fund established
12 under this section by a labor organization may be solicited from
13 any of the following persons or their spouses:

14 (a) Members of the labor organization who are individuals.

15 (b) Officers or directors of the labor organization.

16 (c) Employees of the labor organization who have policy
17 making, managerial, professional, supervisory, or administrative
18 nonclerical responsibilities.

19 (5) Contributions for a separate segregated fund established
20 under this section by a domestic dependent sovereign may be
21 solicited from an individual who is a member of any domestic
22 dependent sovereign.

23 (6) Contributions shall not be obtained for a separate
24 segregated fund established under this section by use of coercion
25 or physical force, by making a contribution a condition of
26 employment or membership, or by using or threatening to use job
27 discrimination or financial reprisals. A corporation organized on

1 a for profit or nonprofit basis, a joint stock company, a
2 domestic dependent sovereign, or a labor organization shall not
3 solicit or obtain contributions for a separate segregated fund
4 established under this section from an individual described in
5 subsection (2), (3), (4), or (5) on an automatic or passive basis
6 including but not limited to a payroll deduction plan or reverse
7 checkoff method. A corporation organized on a for profit or
8 nonprofit basis, a joint stock company, a domestic dependent
9 sovereign, or a labor organization may solicit or obtain
10 contributions for a separate segregated fund established under
11 this section from an individual described in subsection (2), (3),
12 (4), or (5) on an automatic basis, including but not limited to a
13 payroll deduction plan, only if the individual who is
14 contributing to the fund affirmatively consents to the
15 contribution at least once in every calendar year.

16 (7) A person who knowingly violates this section is guilty
17 of a felony punishable, if the person is an individual, by a fine
18 of not more than \$5,000.00 or imprisonment for not more than 3
19 years, or both, or, if the person is not an individual, by a fine
20 of not more than \$10,000.00.

21 (8) If a corporation, joint stock company, domestic
22 dependent sovereign, or labor organization that obtains
23 contributions for a separate segregated fund from individuals
24 described in subsection (2), (3), (4), or (5) pays to 1 or more
25 of those individuals a bonus or other remuneration for the
26 purpose of reimbursing those contributions, then that
27 corporation, joint stock company, domestic dependent sovereign,

1 or labor organization is subject to a civil fine equal to 2 times
2 the total contributions obtained from all individuals for the
3 separate segregated fund during that calendar year.