

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 571

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 4, 6, 9, 10, 15, 21, 24, 33, 35, 47, 52, 54,
55, and 57 (MCL 169.204, 169.206, 169.209, 169.210, 169.215,
169.221, 169.224, 169.233, 169.235, 169.247, 169.252, 169.254,
169.255, and 169.257), sections 4, 6, 33, 47, 52, and 55 as amended
by 2013 PA 252, section 9 as amended by 2012 PA 275, section 15 as
amended by 2012 PA 277, section 21 as amended by 1989 PA 95,
section 24 as amended by 1999 PA 237, section 35 as amended by 2012
PA 273, section 54 as amended by 1995 PA 264, and section 57 as
amended by 2012 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Contribution" means a payment, gift,

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

8 (2) Contribution includes the full purchase price of tickets
9 or payment of an attendance fee for events such as dinners,
10 luncheons, rallies, testimonials, and other fund-raising events; an
11 individual's own money or property other than the individual's
12 homestead used on behalf of that individual's candidacy; the
13 granting of discounts or rebates not available to the general
14 public; or the granting of discounts or rebates by broadcast media
15 and newspapers not extended on an equal basis to all candidates for
16 the same office; and the endorsing or guaranteeing of a loan for
17 the amount the endorser or guarantor is liable. Except for the
18 purposes of section 57, contribution does not include a
19 contribution to a federal candidate or a federal committee.

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

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

26 (b) Food and beverages, not to exceed \$1,000.00 in value
27 during a calendar year, that are donated by an individual and for

1 which reimbursement is not given.

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

5 (D) A CONTRIBUTION OR EXPENDITURE FOR THE ESTABLISHMENT OR
6 ADMINISTRATION OF, OR SOLICITATION, COLLECTION, OR TRANSFER OF
7 CONTRIBUTIONS TO, A SEPARATE SEGREGATED FUND IF THAT CONTRIBUTION
8 OR EXPENDITURE WAS MADE BY THE PERSON THAT ESTABLISHED THE SEPARATE
9 SEGREGATED FUND AS AUTHORIZED UNDER SECTION 55, OR WAS MADE BY A
10 PERSON THAT IS A MEMBER OF A NONPROFIT CORPORATION THAT ESTABLISHED
11 THE SEPARATE SEGREGATED FUND AS AUTHORIZED UNDER SECTION 55.

12 Sec. 6. (1) "Expenditure" means a payment, donation, loan, or
13 promise of payment of money or anything of ascertainable monetary
14 value for goods, materials, services, or facilities in assistance
15 of, or in opposition to, the nomination or election of a candidate,
16 the qualification, passage, or defeat of a ballot question, or the
17 qualification of a new political party. Expenditure includes, but
18 is not limited to, any of the following:

19 (a) A contribution or a transfer of anything of ascertainable
20 monetary value for purposes of influencing the nomination or
21 election of a candidate, the qualification, passage, or defeat of a
22 ballot question, or the qualification of a new political party.

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

27 (c) Except as provided in subsection (2)(f) or (g), an

1 expenditure made for poll watchers, challengers, distribution of
 2 election day literature, canvassing of voters to get out the vote,
 3 or transporting voters to the polls.

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

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

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

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

15 (c) An expenditure for the establishment ~~—OR~~ administration
 16 **OF**, or solicitation, **COLLECTION, OR TRANSFER** of contributions to, a
 17 separate segregated fund if that expenditure was made by the person
 18 ~~who~~**THAT** established the separate segregated fund as authorized
 19 under section 55, **OR MADE BY A PERSON WHO IS A MEMBER OF A**
 20 **NONPROFIT CORPORATION THAT ESTABLISHED THE SEPARATE SEGREGATED FUND**
 21 **AS AUTHORIZED UNDER SECTION 55.**

22 (d) An expenditure by a broadcasting station, newspaper,
 23 magazine, or other periodical or publication for a news story,
 24 commentary, or editorial in support of or opposition to a candidate
 25 for elective office or a ballot question in the regular course of
 26 publication or broadcasting.

27 (e) An offer or tender of an expenditure if expressly and

1 unconditionally rejected or returned.

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

7 (g) An expenditure for nonpartisan voter registration or
8 nonpartisan get-out-the-vote activities performed under chapter
9 XXIII of the Michigan election law, 1954 PA 116, MCL 168.491 to
10 168.524, by the secretary of state and other registration officials
11 who are identified by name with the activity.

12 (h) An expenditure by a state central committee of a political
13 party or a person controlled by a state central committee of a
14 political party for the construction, purchase, or renovation of 1
15 or more office facilities in Ingham ~~county~~ **COUNTY** if the facility
16 is not constructed, purchased, or renovated for the purpose of
17 influencing the election of a candidate in a particular election.
18 Items excluded from the definition of expenditure under this
19 subdivision include expenditures approved in ~~federal election~~
20 ~~commission~~ **FEDERAL ELECTION COMMISSION** advisory opinions 1993-9,
21 2001-1, and 2001-12 as allowable expenditures under the federal
22 election campaign act of 1971, ~~Public Law 92-225, 2 USC 431 to 457,~~
23 **52 USC 30101 TO 30146**, and regulations promulgated under that act,
24 regardless of whether those advisory opinions have been superseded.

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

27 (j) Except only for the purposes of section 47, an expenditure

1 for a communication if the communication does not in express terms
2 advocate the election or defeat of a clearly identified candidate
3 so as to restrict the application of this act to communications
4 containing express words of advocacy of election or defeat, such as
5 "vote for", "elect", "support", "cast your ballot for", "Smith for
6 governor", "vote against", "defeat", or "reject".

7 Sec. 9. (1) "Incidental expense" means an expenditure that is
8 an ordinary and necessary expense, paid or incurred in carrying out
9 the business of an elective office. Incidental expense includes,
10 but is not limited to, any of the following:

11 (a) A disbursement necessary to assist, serve, or communicate
12 with a constituent.

13 (b) A disbursement for equipment, furnishings, or supplies for
14 the office of the public official.

15 (c) A disbursement for a district office if the district
16 office is not used for campaign-related activity.

17 (d) A disbursement for the public official or his or her
18 staff, or both, to attend a conference, meeting, reception, or
19 other similar event.

20 (e) A disbursement to maintain a publicly owned residence or a
21 temporary residence at the seat of government.

22 (f) An unreimbursed disbursement for travel, lodging, meals,
23 or other expenses incurred by the public official, a member of the
24 public official's immediate family, or a member of the public
25 official's staff in carrying out the business of the elective
26 office.

27 (g) A donation to a tax-exempt charitable organization,

1 including the purchase of tickets to charitable or civic events.

2 (h) A disbursement to a ballot question committee.

3 (i) A purchase of tickets for use by that public official and
4 members of his or her immediate family and staff to a fund-raising
5 event sponsored by a candidate committee, independent committee,
6 political party committee, or a political committee that does not
7 exceed \$100.00 per committee in any calendar year.

8 (j) A disbursement for an educational course or seminar that
9 maintains or improves skills employed by the public official in
10 carrying out the business of the elective office.

11 (k) A purchase of advertisements in testimonials, program
12 books, souvenir books, or other publications if the advertisement
13 does not support or oppose the nomination or election of a
14 candidate.

15 (l) A disbursement for consultation, research, polling, and
16 photographic services not related to a campaign.

17 (m) A fee paid to a fraternal, veteran, or other service
18 organization.

19 (n) A payment of a tax liability incurred as a result of
20 authorized transactions by the candidate committee of the public
21 official.

22 (o) A fee for accounting, professional, or administrative
23 services for the candidate committee of the public official.

24 (p) A debt or obligation incurred by the candidate committee
25 of a public official for a disbursement authorized by subdivisions
26 (a) to (o), if the debt or obligation was reported in the candidate
27 committee report filed for the year in which the debt or obligation

1 arose.

2 (2) "Independent expenditure" means an expenditure by a person
3 if the expenditure is not made at the direction of, or under the
4 control of, another person and if the expenditure is not a
5 contribution to a committee.

6 (3) "In-kind contribution or expenditure" means a contribution
7 or expenditure other than money.

8 (4) "Loan" means a transfer of money, property, or anything of
9 ascertainable monetary value in exchange for an obligation,
10 conditional or not, to repay in whole or **IN** part.

11 (5) **"LOCAL BALLOT QUESTION" MEANS A BALLOT QUESTION OF A LOCAL**
12 **UNIT OF GOVERNMENT TO BE VOTED UPON IN THAT LOCAL UNIT OF**
13 **GOVERNMENT.**

14 (6) ~~(5)~~ "Local elective office" means an elective office at
15 the local unit of government level. Local elective office also
16 includes judge of the court of appeals, judge of the circuit court,
17 ~~judge of the recorder's court of the city of Detroit,~~ judge of the
18 district court, judge of the probate court, and judge of a
19 municipal court.

20 (7) ~~(6)~~ "Local unit of government" means a district,
21 authority, county, city, village, township, board, school district,
22 intermediate school district, or community college district.

23 Sec. 10. (1) "Major political party" means a political party
24 qualified to have its name listed on the general election ballot
25 whose candidate for governor received 25% or more of the popular
26 vote cast in the preceding gubernatorial election. If only 1
27 political party received 25% or more of the popular vote cast for

1 governor in the preceding gubernatorial election, then the
2 political party with the second highest vote ~~shall be deemed IS~~
3 **CONSIDERED** a major **POLITICAL** party.

4 (2) "MASS MAILING" MEANS MAILING BY UNITED STATES MAIL OR
5 FACSIMILE OF MORE THAN 500 PIECES OF MAIL MATTER OF AN IDENTICAL OR
6 SUBSTANTIALLY SIMILAR NATURE WITHIN ANY 30-DAY PERIOD.

7 (3) ~~(2)~~ "Minor political party" means a political party
8 qualified to have its name listed on the general election ballot
9 but ~~which~~ **THAT** does not qualify as a major **POLITICAL** party.

10 (4) ~~(3)~~ "Nominee" means an individual nominated to be a
11 candidate.

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

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

17 (b) Develop a filing, coding, and cross-indexing system for
18 the filing of required reports and statements consistent with this
19 act, and supervise the implementation of the filing systems by the
20 clerks of the counties.

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

23 (d) Prepare forms, instructions, and manuals required under
24 this act.

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

1 (f) Upon receipt of a written request and the required filing,
2 waive payment of a late filing fee if the request for the waiver is
3 based on good cause and accompanied by adequate documentation. One
4 or more of the following reasons constitute good cause for a late
5 filing fee waiver:

6 (i) The incapacitating physical illness, hospitalization,
7 accident involvement, death, or incapacitation for medical reasons
8 of a person required to file, a person whose participation is
9 essential to the preparation of the statement or report, or a
10 member of the immediate family of these persons.

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

19 (2) A declaratory ruling shall be issued under this section
20 only if the person requesting the ruling has provided a reasonably
21 complete statement of facts necessary for the ruling or if the
22 person requesting the ruling has, with the permission of the
23 secretary of state, supplied supplemental facts necessary for the
24 ruling. A request for a declaratory ruling that is submitted to the
25 secretary of state shall be made available for public inspection
26 within 48 hours after its receipt. An interested person may submit
27 written comments regarding the request to the secretary of state

1 within 10 business days after the date the request is made
2 available to the public. Within 45 business days after receiving a
3 declaratory ruling request, the secretary of state shall make a
4 proposed response available to the public. An interested person may
5 submit written comments regarding the proposed response to the
6 secretary of state within 5 business days after the date the
7 proposal is made available to the public. Except as otherwise
8 provided in this section, the secretary of state shall issue a
9 declaratory ruling within 60 business days after a request for a
10 declaratory ruling is received. If the secretary of state refuses
11 to issue a declaratory ruling, the secretary of state shall notify
12 the person making the request of the reasons for the refusal and
13 shall issue an interpretative statement providing an informational
14 response to the question presented within the same time limitation
15 applicable to a declaratory ruling. A declaratory ruling or
16 interpretative statement issued under this section shall not state
17 a general rule of law, other than that which is stated in this act,
18 until the general rule of law is promulgated by the secretary of
19 state as a rule under the administrative procedures act of 1969,
20 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

21 (3) Under extenuating circumstances, the secretary of state
22 may issue a notice extending for not more than 30 business days the
23 period during which the secretary of state shall respond to a
24 request for a declaratory ruling. The secretary of state shall not
25 issue more than 1 notice of extension for a particular request. A
26 person requesting a declaratory ruling may waive, in writing, the
27 time limitations provided by this section.

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

4 (5) A person may file with the secretary of state a complaint
5 that alleges a violation of this act. Within 5 business days after
6 a complaint that meets the requirements of subsection (6) is filed,
7 the secretary of state shall give notice to the person against whom
8 the complaint is filed. The notice shall include a copy of the
9 complaint. Within 15 business days after this notice is mailed, the
10 person against whom the complaint was filed may submit **A RESPONSE**
11 to the secretary of state. ~~a response.~~ The secretary of state may
12 extend the period for submitting a response an additional 15
13 business days for good cause. The secretary of state shall provide
14 a copy of a response received to the complainant. Within 10
15 business days after the response is mailed, the complainant may
16 submit **A REBUTTAL STATEMENT** to the secretary of state. ~~a rebuttal~~
17 ~~statement.~~ The secretary of state may extend the period for
18 submitting a rebuttal statement an additional 10 business days for
19 good cause. The secretary of state shall provide a copy of the
20 rebuttal statement to the person against whom the complaint was
21 filed.

22 (6) A complaint **FILED** under subsection (5) shall satisfy all
23 of the following requirements:

24 (a) Be signed by the complainant.

25 (b) State the name, address, and telephone number of the
26 complainant.

27 (c) Include the complainant's certification that, to the best

1 of the complainant's knowledge, information, and belief, formed
2 after a reasonable inquiry under the circumstances, each factual
3 contention of the complaint is supported by evidence. However, if,
4 after a reasonable inquiry under the circumstances, the complainant
5 is unable to certify that certain factual contentions are supported
6 by evidence, the complainant may certify that, to the best of his
7 or her knowledge, information, or belief, there are grounds to
8 conclude that those specifically identified factual contentions are
9 likely to be supported by evidence after a reasonable opportunity
10 for further inquiry.

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

14 (8) A person who files a complaint with a false certificate
15 under subsection (6)(c) is responsible for a civil violation of
16 this act. A person may file a complaint under subsection (5)
17 alleging that another person has filed a complaint with a false
18 certificate under subsection (6)(c).

19 (9) The secretary of state shall investigate the allegations
20 under the rules promulgated under this act. If the violation
21 involves the secretary of state, the immediate family of the
22 secretary of state, or a campaign or committee with which the
23 secretary of state is connected, directly or indirectly, the
24 secretary of state shall refer the matter to the attorney general
25 to determine whether a violation of this act has occurred.

26 (10) No later than ~~60~~45 business days after receipt of a
27 rebuttal statement submitted under subsection (5), or if no

1 response or rebuttal is received under subsection (5), the
2 secretary of state shall post on the secretary of state's ~~internet~~
3 **INTERNET** website whether or not there may be reason to believe that
4 a violation of this act has occurred. ~~If~~**WHEN** the secretary of
5 state determines ~~that~~**WHETHER** there may be reason to believe that a
6 violation of this act occurred **OR DID NOT OCCUR OR DETERMINES TO**
7 **TERMINATE ITS PROCEEDINGS**, the secretary of state shall, within 30
8 days of that determination, post on the secretary of state's
9 ~~internet~~**INTERNET** website any complaint, response, or rebuttal
10 statement received under subsection (5) regarding that violation **OR**
11 **ALLEGED VIOLATION** and any correspondence ~~regarding~~**THAT IS**
12 **DISPOSITIVE OF** that violation **OR ALLEGED VIOLATION** between the
13 secretary of state and the complainant or the person against whom
14 the complaint was filed. If the secretary of state determines that
15 there may be reason to believe that a violation of this act
16 occurred, the secretary of state shall endeavor to correct the
17 violation or prevent a further violation by using informal methods
18 such as a conference, conciliation, or persuasion, and may enter
19 into a conciliation agreement with the person involved. Unless
20 violated, a conciliation agreement is a complete bar to any further
21 civil or criminal action with respect to matters covered in the
22 conciliation agreement. The secretary of state shall, within 30
23 days after a conciliation agreement is signed, post that agreement
24 on the secretary of state's ~~internet~~**INTERNET** website. If, after 90
25 business days, the secretary of state is unable to correct or
26 prevent further violation by these informal methods, the secretary
27 of state shall do either of the following:

1 (a) Refer the matter to the attorney general for the
2 enforcement of any criminal penalty provided by this act.

3 (b) Commence a hearing as provided in subsection (11) for
4 enforcement of any civil violation.

5 (11) The secretary of state may commence a hearing to
6 determine whether a civil violation of this act has occurred. The
7 hearing shall be conducted in accordance with the procedures set
8 forth in chapter 4 of the administrative procedures act of 1969,
9 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the secretary
10 of state determines that a violation of this act has occurred, the
11 secretary of state may issue an order requiring the person to pay a
12 civil fine ~~equal to~~ **NOT MORE THAN** triple the amount of the improper
13 contribution or expenditure plus not more than \$1,000.00 for each
14 violation.

15 (12) A final decision and order issued by the secretary of
16 state is subject to judicial review as provided by chapter 6 of the
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to
18 24.306. The secretary of state shall deposit a civil fine imposed
19 under this section in the general fund. The secretary of state may
20 bring an action in circuit court to recover the amount of a civil
21 fine.

22 (13) When a report or statement is filed under this act, the
23 secretary of state shall review the report or statement and may
24 investigate an apparent violation of this act under the rules
25 promulgated under this act. If the secretary of state determines
26 that there may be reason to believe a violation of this act has
27 occurred and the procedures prescribed in subsection (10) have been

1 complied with, the secretary of state may refer the matter to the
2 attorney general for the enforcement of a criminal penalty provided
3 by this act, or commence a hearing under subsection (11) to
4 determine whether a civil violation of this act has occurred.

5 (14) No later than 60 business days after a matter is referred
6 to the attorney general for enforcement of a criminal penalty, the
7 attorney general shall determine whether to proceed with
8 enforcement of that penalty.

9 (15) Unless otherwise specified in this act, a person who
10 violates a provision of this act is subject to a civil fine of not
11 more than \$1,000.00 for each violation. A civil fine is in addition
12 to, but not limited by, a criminal penalty prescribed by this act.

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

17 (a) Pay to the secretary of state some or all of the expenses
18 incurred by the secretary of state as a direct result of the filing
19 of the complaint.

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

24 (17) Except as otherwise provided in section 57, there is no
25 private right of action, either in law or in equity, under this
26 act. Except as otherwise provided in section 57, the remedies
27 provided in this act are the exclusive means by which this act may

1 be enforced and by which any harm resulting from a violation of
2 this act may be redressed. The criminal penalties provided by this
3 act may only be enforced by the attorney general and only upon
4 referral by the secretary of state as provided under subsection
5 (10) or (13).

6 (18) The secretary of state may waive the filing of a campaign
7 statement required under section 33, 34, or 35 if the closing date
8 of the particular campaign statement falls on the same or a later
9 date as the closing date of the next campaign statement filed by
10 the same person, or if the period that would be otherwise covered
11 by the next campaign statement filed by the same person is 10 days
12 or less.

13 (19) The clerk of each county shall do all of the following:

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

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

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

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

25 Sec. 21. (1) A candidate, within 10 days after becoming a
26 candidate, shall form a candidate committee. A person who is a
27 candidate for more than 1 office shall form a candidate committee

1 for each office for which the person is a candidate, if at least 1
2 of the offices is a state elective office. A candidate shall not
3 form more than 1 candidate committee for each office for which the
4 person is a candidate.

5 (2) A candidate committee shall have a treasurer who is a
6 qualified elector of this state. A candidate may appoint himself or
7 herself as the candidate committee treasurer.

8 (3) A committee other than a candidate committee shall have a
9 treasurer who is a qualified elector of this state if the committee
10 conducts business through an office or other facility located in
11 this state.

12 (4) If a committee is not required to have as its treasurer an
13 individual who is a qualified elector of this state, the committee
14 may have as its treasurer an individual who is a resident of
15 another state. A committee with a nonresident treasurer shall file,
16 with its statement of organization, an irrevocable written
17 stipulation, signed by the treasurer, agreeing that legal process
18 affecting the committee, served on the secretary of state or an
19 agent designated by the secretary of state, ~~shall have~~ **HAS** the same
20 effect as if personally served on the committee. This appointment
21 ~~shall remain~~ **REMAINS** in force as long as any liability of the
22 committee remains outstanding within this state.

23 (5) If the secretary of state or designated agent of the
24 secretary of state is served with legal process pursuant to
25 subsection (4), the secretary of state shall promptly notify the
26 committee's treasurer by certified mail at the last known address
27 of the committee shown on the committee's statement of

1 organization.

2 (6) Except as provided by law, a candidate committee or a
3 committee described in subsection (3) shall have 1 account in a
4 financial institution in this state as an official depository for
5 the purpose of depositing all contributions received by the
6 committee in the form of or which are converted to money, checks,
7 or other negotiable instruments and for the purpose of making all
8 expenditures. The committee shall designate that financial
9 institution as its official depository. The establishment of an
10 account in a financial institution is not required until the
11 committee receives a contribution or makes an expenditure.
12 Secondary depositories shall be used for the sole purpose of
13 depositing contributions and promptly transferring the deposits to
14 the committee's official depository.

15 (7) Except as provided by law, a committee described in
16 subsection (4) shall have 1 account in a financial institution as
17 its official depository for the purpose of depositing all
18 contributions received by the committee in the form of or which are
19 converted to money, checks, or other negotiable instruments and for
20 the purpose of making all expenditures. The committee shall
21 designate that financial institution as its official depository.
22 The establishment of an account in a financial institution is not
23 required until the committee receives a contribution or makes an
24 expenditure. Secondary depositories shall be used **ONLY** for the ~~sole~~
25 ~~purpose~~ **PURPOSES** of depositing contributions and promptly
26 transferring the deposits to the committee's official depository,
27 **OR DEPOSITING, DIVIDING, AND TRANSFERRING CONTRIBUTIONS THAT ARE**

1 **AGGREGATED WITH DUES OR OTHER PAYMENTS.**

2 (8) A contribution shall not be accepted and an expenditure
3 shall not be made by a committee that does not have a treasurer.
4 When the office of treasurer in a candidate committee is vacant,
5 the candidate shall be the treasurer until the candidate appoints a
6 new treasurer.

7 (9) An expenditure shall not be made by a committee without
8 the authorization of the treasurer or the treasurer's designee. The
9 contributions received or expenditures made by a candidate or an
10 agent of a candidate ~~shall be~~ **ARE** considered received or made by
11 the candidate committee.

12 (10) Contributions received by an individual acting in behalf
13 of a committee shall be reported promptly to the committee's
14 treasurer not later than 5 days before the closing date of any
15 campaign statement required to be filed by the committee, and shall
16 be reported to the committee treasurer immediately if the
17 contribution is received less than 5 days before the closing date.

18 (11) A contribution ~~shall be~~ **IS** considered received by a
19 committee when it is received by the committee treasurer or a
20 designated agent of the committee treasurer although the
21 contribution may not be deposited in the official depository by the
22 reporting deadline.

23 (12) Contributions received by a committee shall not be
24 commingled with other funds of an agent of the committee or of any
25 other person. **CONTRIBUTIONS ARE NOT CONSIDERED TO BE COMMINGLED IF**
26 **THAT CONTRIBUTION IS EITHER OF THE FOLLOWING:**

27 (A) A CONTRIBUTION RECEIVED BY A PERSON FOR TRANSMISSION TO A

1 SEPARATE SEGREGATED FUND AS DESCRIBED IN SECTION 55(7).

2 (B) A CONTRIBUTION MADE BY 1 OR MORE PERSONS THROUGH A PERSON
3 IF ALL OF THE FOLLOWING ARE MET:

4 (i) THE INDIVIDUAL CONTRIBUTION OR AGGREGATED CONTRIBUTION IS
5 ACCOMPANIED BY OR LOGICALLY ASSOCIATED WITH ALL INFORMATION
6 REQUIRED UNDER SECTION 26 FOR EACH INDIVIDUAL CONTRIBUTOR.

7 (ii) THE PERSON MAKING THE CONTRIBUTION IS THE ORIGINAL SOURCE
8 OF THE CONTRIBUTION.

9 (iii) THE CONTRIBUTION IS NOT OBTAINED THROUGH USE OF COERCION
10 OR PHYSICAL FORCE, AS A CONDITION OF EMPLOYMENT OR MEMBERSHIP, OR
11 BY USING OR THREATENING TO USE JOB DISCRIMINATION OR FINANCIAL
12 REPRISALS.

13 (iv) ONLY THE PERSON MAKING THE CONTRIBUTION EXERCISES ANY
14 CONTROL OVER THE MAKING OF, OR THE AMOUNT OR RECIPIENT OF, THE
15 CONTRIBUTION.

16 (v) THE CONTRIBUTION IS NOT OTHERWISE PROHIBITED BY THIS ACT.

17 (13) A person ~~who~~ **THAT** violates this section is subject to a
18 civil fine of not more than \$1,000.00.

19 Sec. 24. (1) A committee shall file a statement of
20 organization with the filing officials designated in section 36 to
21 receive the committee's campaign statements. A **COMMITTEE SHALL FILE**
22 A statement of organization ~~shall be filed~~ within 10 days after a
23 **THE** committee is formed. A filing official shall maintain a
24 statement of organization filed by a committee until 5 years after
25 the official date of the committee's dissolution. A person who
26 fails to file a statement of organization required by this
27 subsection shall pay a late filing fee of \$10.00 for each business

1 day the statement remains not filed in violation of this
2 subsection. The late filing fee shall not exceed \$300.00. A person
3 who violates this subsection by failing to file for more than 30
4 days after a statement of organization is required to be filed is
5 guilty of a misdemeanor punishable by a fine of not more than
6 \$1,000.00.

7 (2) The statement of organization required ~~by~~ **TO BE FILED**
8 **UNDER** subsection (1) ~~shall~~ **MUST** include the following information:

9 (a) The name, street address, and if available, the **ELECTRONIC**
10 **MAIL ADDRESS AND** telephone number of the committee, **AND THE**
11 **ELECTRONIC MAIL ADDRESS OF THE CANDIDATE**. If a committee is a
12 candidate committee, the committee name shall include the first and
13 last name of the candidate. A committee address may be the home
14 address of the candidate or treasurer of the committee.

15 (b) The name, street address, and if available, the **ELECTRONIC**
16 **MAIL ADDRESS AND** telephone number of the treasurer or other
17 individual designated as responsible for the committee's record
18 keeping, report preparation, or report filing.

19 (c) The name and address of the financial institution in which
20 the official committee depository is or is intended to be located,
21 and the name and address of each financial institution in which a
22 secondary depository is or is intended to be located.

23 (d) The full name of the office being sought by, including
24 district number or jurisdiction, and the county residence of each
25 candidate supported or opposed by the committee.

26 (e) A brief statement identifying the substance of each ballot
27 question supported or opposed by the committee. If the ballot

1 question supported or opposed by the committee is not statewide,
2 the committee shall identify the county in which the greatest
3 number of registered voters eligible to vote on the ballot question
4 reside.

5 (f) Identification of the committee as a candidate committee,
6 political party committee, independent committee, political
7 committee, or ballot question committee if it is identifiable as
8 such a committee.

9 (3) An independent committee or political committee shall
10 include in the name of the committee the name of the person or
11 persons that sponsor the committee, if any, or with whom the
12 committee is affiliated. A person, other than an individual or a
13 committee, sponsors or is affiliated with an independent committee
14 or political committee if that person establishes, directs,
15 controls, or financially supports the administration of the
16 committee. For the purposes of this subsection, a person does not
17 financially support the administration of a committee by merely
18 making a contribution to the committee.

19 (4) If any of the information required in a statement of
20 organization is changed, the committee shall file an amendment when
21 the next campaign statement is required to be filed. ~~An independent~~
22 ~~committee or political committee whose name does not include the~~
23 ~~name of the person or persons that sponsor the committee or with~~
24 ~~whom the committee is affiliated as required by subsection (3)~~
25 ~~shall file an amendment to the committee's statement of~~
26 ~~organization not later than the date the next campaign statement is~~
27 ~~required to be filed after the effective date of the amendatory act~~

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1 ~~that added this sentence.~~

2 (5) When filing a statement of organization, a committee,
3 other than an independent committee, a political committee, or a
4 political party committee, may indicate in a written statement
5 signed by the treasurer of the committee that the committee does
6 not expect for each election to receive an amount in excess of

7 \$1,000.00 or expend an amount in excess of \$1,000.00. [THE TREASURER OF A
COMMITTEE OF AN INCUMBENT JUDGE OR JUSTICE IS CONSIDERED TO HAVE MADE THE
STATEMENT REQUIRED UNDER THIS SUBSECTION FOLLOWING APPOINTMENT OR
ELECTION OF THAT JUDGE OR JUSTICE AND IS NOT REQUIRED TO FILE A WRITTEN
STATEMENT UNDER THIS SUBSECTION INDICATING THAT THE COMMITTEE DOES NOT
EXPECT FOR EACH ELECTION TO RECEIVE OR EXPEND AN AMOUNT IN EXCESS OF
\$1,000.00.]

8 (6) When filing a statement of organization, an independent
9 committee, a political committee, or a political party committee
10 may indicate in a written statement signed by the treasurer of the
11 committee that the committee does not expect in a calendar year to
12 receive or expend an amount in excess of \$1,000.00.

13 (7) Upon the dissolution of a committee, the committee shall
14 file a statement indicating dissolution with the filing officials
15 with whom the committee's statement of organization was filed.
16 Dissolution of a committee shall be accomplished pursuant to rules
17 promulgated by the secretary of state under the administrative
18 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

19 (8) A candidate committee that files a written statement
20 ~~pursuant to~~ UNDER subsection (5) [OR THAT IS CONSIDERED TO HAVE MADE A
STATEMENT UNDER SUBSECTION (5)] ~~shall~~ IS not be required to file a
21 dissolution statement ~~pursuant to~~ UNDER subsection (7) if the
22 committee failed to receive or expend an amount in excess of
23 \$1,000.00 and 1 of the following applies:

24 (a) The candidate was defeated in an election and has no
25 outstanding campaign debts or assets.

26 (b) The candidate vacates an elective office and has no
27 outstanding campaign debts or assets.

1 Sec. 33. (1) A committee, other than an independent committee
2 or a political committee required to file with the secretary of
3 state, supporting or opposing a candidate shall file complete
4 campaign statements as required by this act and the rules
5 promulgated under this act. The campaign statements shall be filed
6 according to the following schedule:

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

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

21 (c) ~~In~~**FOR CANDIDATE COMMITTEES ONLY, IN** a year in which there
22 is no election for the candidate the **CANDIDATE** committee is
23 supporting or opposing:

24 (i) Not later than July 25 with a closing date of July 20 of
25 that year.

26 (ii) Not later than October 25 with a closing date of October
27 20 of that year.

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

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

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

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

~~—— (a) Not later than February 15 of each year with a closing date of February 10 of that year.~~

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

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

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

(4) A house political party caucus committee or a senate political party caucus committee required to file with the

1 secretary of state or a political party committee for a party
2 attempting to qualify as a new political party under section 685 of
3 the Michigan election law, 1954 PA 116, MCL 168.685, shall file
4 campaign statements as required by this act according to the
5 following schedule:

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

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

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

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

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

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

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

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

17 (6) A candidate committee or a committee other than a
18 candidate committee that files a written statement under section
19 24(5) or (6) **[OR THAT IS AUTOMATICALLY CONSIDERED TO HAVE MADE A**
STATEMENT UNDER SECTION 24(5)] is not required to file a campaign
20 statement under
21 subsection (1), (3), or (4) unless it received or expended an
22 amount in excess of \$1,000.00. If the committee receives or expends
23 an amount in excess of \$1,000.00 during a period covered by a
24 filing, the committee is then subject to the campaign filing
25 requirements under this act.

26 (7) A committee, candidate, treasurer, or other individual
27 designated as responsible for the committee's record keeping,
report preparation, or report filing who fails to file a statement

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

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

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

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

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

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

27 (10) If a candidate, treasurer, or other individual designated

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

5 (11) If a candidate, treasurer, or other individual designated
6 as responsible for a committee's record keeping, report
7 preparation, or report filing knowingly omits or underreports
8 individual contributions or individual expenditures required to be
9 disclosed by this act, that individual is subject to a civil fine
10 of not more than \$1,000.00 or the amount of the contributions and
11 expenditures omitted or underreported, whichever is greater.

12 (12) If a candidate committee's account has a balance of
13 \$20,000.00 or more and a candidate, treasurer, or other individual
14 designated as responsible for that committee's record keeping,
15 report preparation, or report filing fails to file campaign
16 statements required under this act for 2 consecutive years, that
17 candidate, treasurer, or other individual is guilty of a felony
18 punishable by imprisonment for not more than 3 years or a fine of
19 not more than \$5,000.00, or both. Any money in a candidate
20 committee account described in this subsection is subject to
21 seizure by, and forfeiture to, this state as provided in this
22 section.

23 (13) Not more than 5 business days after seizure of money
24 under subsection (12), the secretary of state shall deliver
25 personally or by registered mail to the last known address of the
26 candidate from whom the seizure was made an inventory statement of
27 the money seized. The inventory statement shall also contain notice

1 to the effect that unless demand for hearing as provided in this
2 section is made within 10 business days, the money is forfeited to
3 this state. Within 10 business days after the date of service of
4 the notice, the candidate may by registered mail, facsimile
5 transmission, or personal service file with the secretary of state
6 a demand for a hearing before the secretary of state or a person
7 designated by the secretary of state for a determination as to
8 whether the money was lawfully subject to seizure and forfeiture.
9 The candidate is entitled to appear before the secretary of state
10 or a person designated by the secretary of state, to be represented
11 by counsel, and to present testimony and argument. Upon receipt of
12 a request for hearing, the secretary of state or a person
13 designated by the secretary of state shall hold the hearing within
14 15 business days. The hearing is not a contested case proceeding
15 and is not subject to the administrative procedures act of 1969,
16 1969 PA 306, MCL 24.201 to 24.328. After the hearing, the secretary
17 of state or a person designated by the secretary of state shall
18 render a decision in writing within 10 business days of the hearing
19 and, by order, shall either declare the money subject to seizure
20 and forfeiture or declare the money returnable to the candidate.
21 If, within 10 business days after the date of service of the
22 inventory statement, the candidate does not file with the secretary
23 of state a demand for a hearing before the secretary of state or a
24 person designated by the secretary of state, the money seized is
25 forfeited to this state by operation of law. If, after a hearing
26 before the secretary of state or a person designated by the
27 secretary of state, the secretary of state or a person designated

1 by the secretary of state determines that the money is lawfully
2 subject to seizure and forfeiture and the candidate does not appeal
3 to the circuit court of the county in which the seizure was made
4 within the time prescribed in this section, the money seized is
5 forfeited to this state by operation of law. If a candidate is
6 aggrieved by the decision of the secretary of state or a person
7 designated by the secretary of state, that candidate may appeal to
8 the circuit court of the county where the seizure was made to
9 obtain a judicial determination of the lawfulness of the seizure
10 and forfeiture. The action shall be commenced within 20 days after
11 notice of a determination by the secretary of state or a person
12 designated by the secretary of state is sent to the candidate. The
13 court shall hear the action and determine the issues of fact and
14 law involved in accordance with rules of practice and procedure as
15 in other in rem proceedings.

16 Sec. 35. (1) In addition to any other requirements of this act
17 for filing a campaign statement, a committee ~~, other than an~~
18 ~~independent committee or a political committee~~ required to file
19 with the secretary of state ~~, shall~~ also file a campaign statement
20 not later than January 31 of each year. The campaign statement
21 shall have a closing date of December 31 of the previous year. The
22 period covered by the campaign statement filed under this
23 subsection begins the day after the closing date of the previous
24 campaign statement. A campaign statement filed under this
25 subsection ~~shall be~~ **IS** waived if a postelection campaign statement
26 has been filed that has a filing deadline within 30 days of the
27 closing date of the campaign statement required by this subsection.

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

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

1 \$500.00.

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

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

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

25 Sec. 47. (1) Except as otherwise provided in this subsection
26 and subject to subsections (3) and (4), a billboard, placard,
27 poster, pamphlet, or other printed matter having reference to an

1 election, a candidate, or a ballot question, shall bear upon it **AN**
 2 **IDENTIFICATION THAT CONTAINS** the name and address of the person
 3 paying for the matter. Except as otherwise provided in this
 4 subsection **AND SUBSECTION (5)** and subject to subsections (3) and
 5 (4), if the printed matter relating to a candidate is an
 6 independent expenditure that is not authorized in writing by the
 7 candidate committee of that candidate, **IN ADDITION TO THE**
 8 **IDENTIFICATION REQUIRED UNDER THIS SUBSECTION**, the printed matter
 9 shall contain the following disclaimer: "Not authorized by any
 10 candidate committee". An individual other than a candidate is not
 11 subject to this subsection if the individual is acting
 12 independently and not acting as an agent for a candidate or any
 13 committee. This subsection does not apply to communications between
 14 a separate segregated fund established under section 55 and
 15 individuals who can be solicited for contributions to that separate
 16 segregated fund under section 55.

17 (2) A radio or television paid advertisement having reference
 18 to an election, a candidate, or a ballot question shall identify
 19 the sponsoring person as required by the ~~federal communications~~
 20 ~~commission, shall~~ **FEDERAL COMMUNICATIONS COMMISSION**, bear **AN**
 21 **IDENTIFICATION THAT CONTAINS** the name of the person paying for the
 22 advertisement, and ~~shall be~~ in compliance with subsection (3) and,
 23 **EXCEPT AS OTHERWISE PROVIDED BY SUBSECTION (5)**, with the following:

24 (a) If the radio or television paid advertisement relates to a
 25 candidate and is an independent expenditure, the advertisement
 26 shall contain the following disclaimer: "Not authorized by any
 27 candidate".

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

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

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

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification ~~or disclaimer~~ required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject ~~only to the~~ **BOTH OF THE FOLLOWING:**

(A) MUST CONTAIN THE identification required by subsection (1), (2), or ~~(8)~~ **(7)** if that communication references a clearly identified candidate or ballot question within 60 days before a

1 general election or 30 days before a primary election in which the
 2 candidate or ballot question appears on a ballot and is targeted to
 3 the relevant electorate where the candidate or ballot question
 4 appears on the ballot by means of radio, television, mass mailing,
 5 or prerecorded telephone message.

6 **(B) IS NOT REQUIRED TO CONTAIN THE DISCLAIMER REQUIRED BY**
 7 **SUBSECTION (1) OR (2).**

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

11 ~~—— (7) As used in this section, "mass mailing" means a mailing by~~
 12 ~~United States mail or facsimile of more than 500 pieces of mail~~
 13 ~~matter of an identical or substantially similar nature within any~~
 14 ~~30-day period.~~

15 (7) ~~(8)~~ A prerecorded telephone message that in express terms
 16 advocates the election or defeat of a clearly identified candidate,
 17 or the qualification, passage, or defeat of a ballot question,
 18 shall ~~contain~~ **BEAR AN IDENTIFICATION THAT CONTAINS** the name and
 19 telephone number, address, or other contact information of the
 20 person paying for the prerecorded telephone message, and shall be
 21 in compliance with subsection (4). **A PRERECORDED TELEPHONE MESSAGE**
 22 **SUBJECT TO THIS SUBSECTION IS NOT REQUIRED TO CONTAIN A DISCLAIMER.**

23 Sec. 52. (1) Except as provided in subsection (5) or (11) and
 24 subject to section 46 and subsection (8), a person other than an
 25 independent committee or a political party committee shall not make
 26 contributions to a candidate committee of a candidate for elective
 27 office that, with respect to an election cycle, are more than the

1 following:

2 (a) \$6,800.00 for a candidate for state elective office other
3 than the office of state legislator, or for a candidate for local
4 elective office if the district from which he or she is seeking
5 office has a population of more than 250,000.

6 (b) \$2,000.00 for a candidate for state senator, or for a
7 candidate for local elective office if the district from which he
8 or she is seeking office has a population of more than 85,000 but
9 250,000 or less.

10 (c) \$1,000.00 for a candidate for state representative, or for
11 a candidate for local elective office if the district from which he
12 or she is seeking office has a population of 85,000 or less.

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

23 (a) A house political party caucus committee or a senate
24 political party caucus committee shall not pay a debt incurred by a
25 candidate if that debt was incurred while the candidate was seeking
26 nomination at a primary election and the candidate was opposed at
27 that primary.

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

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

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

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

25 (6) Consistent with the provisions of this section, a
26 contribution designated in writing for a particular election cycle
27 is considered made for that election cycle. A contribution made

1 after the close of a particular election cycle and designated in
2 writing for that election cycle shall be made only to the extent
3 that the contribution does not exceed the candidate committee's net
4 outstanding debts and obligations from the election cycle so
5 designated. If a contribution is not designated in writing for a
6 particular election cycle, ~~the~~ **ALL OF THE FOLLOWING APPLY TO THAT**
7 **CONTRIBUTION:**

8 (A) THE contribution is considered made for the election cycle
9 that corresponds to the date of the written instrument.

10 (B) THE CONTRIBUTION LIMITS FOR THE CURRENT ELECTION CYCLE
11 APPLY TO THAT CONTRIBUTION.

12 (C) A CANDIDATE COMMITTEE MAY USE THAT CONTRIBUTION TO PAY
13 OUTSTANDING DEBTS AND OBLIGATIONS FROM A PREVIOUS ELECTION CYCLE
14 REGARDLESS OF WHETHER THE CONTRIBUTION, WHEN AGGREGATED WITH ANY
15 CONTRIBUTIONS MADE IN THAT PREVIOUS ELECTION CYCLE, WOULD EXCEED
16 THE CONTRIBUTION LIMITS FOR THAT PREVIOUS ELECTION CYCLE.

17 (7) A candidate committee, a candidate, or a treasurer or
18 agent of a candidate committee shall not accept a contribution with
19 respect to an election cycle that exceeds the limitations in
20 subsection (1), (2), (3), (4), (11), or (12).

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

27 (9) A person who knowingly violates this section is guilty of

1 a misdemeanor punishable, if the person is an individual, by a fine
2 of not more than \$1,000.00 or imprisonment for not more than 90
3 days, or both, or, if the person is not an individual, by a fine of
4 not more than \$10,000.00.

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

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

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

27 (c) All of the political committees and independent committees

1 established by an organization of national or international unions,
2 by a state central body of that organization, by a local central
3 body of that organization, or by any combination thereof, are
4 treated as a single independent committee.

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

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

23 (12) The limitation on an independent committee's
24 contributions under subsection (2) does not apply to contributions
25 that are part of 1 or more bundled contributions delivered to the
26 candidate committee of a candidate for statewide elective office
27 and that are attributed to the independent committee as prescribed

1 in section 31. An independent committee shall not make
2 contributions to a candidate committee of a candidate for statewide
3 elective office that are part of 1 or more bundled contributions
4 delivered to that candidate committee, that are attributed to the
5 independent committee as prescribed in section 31, and that, in the
6 aggregate for that election cycle, are more than 10 times the
7 amount permitted a person other than an independent committee or
8 political party committee in subsection (1).

9 Sec. 54. (1) Except with respect to the exceptions and
10 conditions in subsections (2) and (3) and section 55, and to loans
11 made in the ordinary course of business, a corporation, joint stock
12 company, domestic dependent sovereign, or labor organization shall
13 not make a contribution or expenditure or provide volunteer
14 personal services that are excluded from the definition of a
15 contribution ~~pursuant to~~ **UNDER** section 4(3)(a).

16 (2) An officer, director, stockholder, attorney, agent, or any
17 other person acting for a labor organization, a domestic dependent
18 sovereign, or a corporation or joint stock company, whether
19 incorporated under the laws of this or any other state or foreign
20 country, except corporations formed for political purposes, shall
21 not make a contribution or expenditure or provide volunteer
22 personal services that are excluded from the definition of a
23 contribution ~~pursuant to~~ **UNDER** section 4(3)(a).

24 **(3) EXCEPT FOR EXPENDITURES MADE BY A CORPORATION IN THE**
25 **ORDINARY COURSE OF ITS BUSINESS, AN EXPENDITURE MADE BY A**
26 **CORPORATION TO PROVIDE FOR THE COLLECTION AND TRANSFER OF**
27 **CONTRIBUTIONS TO ANOTHER SEPARATE SEGREGATED FUND NOT ESTABLISHED**

1 BY THAT CORPORATION, OR TO A SEPARATE SEGREGATED FUND NOT CONNECTED
2 TO A NONPROFIT CORPORATION OF WHICH THE CORPORATION IS A MEMBER,
3 CONSTITUTES AN IN-KIND CONTRIBUTION BY THE CORPORATION AND IS
4 PROHIBITED UNDER THIS SECTION. ADVANCED PAYMENT OR REIMBURSEMENT TO
5 A CORPORATION BY A SEPARATE SEGREGATED FUND NOT ESTABLISHED BY THAT
6 CORPORATION, OR BY A SEPARATE SEGREGATED FUND NOT CONNECTED TO A
7 NONPROFIT CORPORATION OF WHICH THE CORPORATION IS A MEMBER, DOES
8 NOT CURE A USE OF CORPORATE RESOURCES OTHERWISE PROHIBITED BY THIS
9 SECTION.

10 (4) ~~(3)~~—A corporation, joint stock company, domestic dependent
11 sovereign, or labor organization may make a contribution to a
12 ballot question committee subject to this act. A corporation, joint
13 stock company, domestic dependent sovereign, or labor organization
14 may make an independent expenditure in any amount for the
15 qualification, passage, or defeat of a ballot question. A
16 corporation, joint stock company, domestic dependent sovereign, or
17 labor organization that makes an independent expenditure under this
18 subsection is considered a ballot question committee for the
19 purposes of this act.

20 (5) ~~(4)~~—A person who knowingly violates this section is guilty
21 of a felony punishable, if the person is an individual, by a fine
22 of not more than \$5,000.00 or imprisonment for not more than 3
23 years, or both, or, if the person is not an individual, by a fine
24 of not more than \$10,000.00.

25 Sec. 55. (1) ~~A corporation organized on a for profit or~~
26 ~~nonprofit basis, a joint stock company, a domestic dependent~~
27 ~~sovereign, or a labor organization formed under the laws of this or~~

1 ~~another state or foreign country~~ **CONNECTED ORGANIZATION** may make an
2 expenditure for the establishment ~~and OR~~ administration **OF**, and
3 solicitation, **COLLECTION, OR TRANSFER** of contributions to, a
4 separate segregated fund to be used for political purposes. A
5 separate segregated fund established **BY A CONNECTED ORGANIZATION**
6 under this section ~~shall be~~ **IS** limited to making contributions to,
7 and expenditures on behalf of, candidate committees, ballot
8 question committees, political party committees, political
9 committees, independent committees, and other separate segregated
10 funds.

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

15 (a) Stockholders of the corporation or company.

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

17 (c) Employees of the corporation or company who have policy
18 making, managerial, professional, supervisory, or administrative
19 nonclerical responsibilities.

20 (3) Contributions for a separate segregated fund established
21 under this section by a corporation organized on a nonprofit basis
22 may be solicited from any of the following persons or their
23 spouses:

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

25 (b) Stockholders or members of members of the corporation.

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

27 (d) Employees of the members of the corporation who have

1 policy making, managerial, professional, supervisory, or
2 administrative nonclerical responsibilities.

3 (e) Employees of the corporation who have policy making,
4 managerial, professional, supervisory, or administrative
5 nonclerical responsibilities.

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

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

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

11 (c) Employees of the labor organization who have policy
12 making, managerial, professional, supervisory, or administrative
13 nonclerical responsibilities.

14 (5) Contributions for a separate segregated fund established
15 under this section by a domestic dependent sovereign may be
16 solicited from an individual who is a member of any domestic
17 dependent sovereign.

18 (6) Contributions shall not be obtained for a separate
19 segregated fund established under this section by use of coercion
20 or physical force, by making a contribution a condition of
21 employment or membership, or by using or threatening to use job
22 discrimination or financial reprisals. A ~~corporation organized on a~~
23 ~~for profit or nonprofit basis, a joint stock company, a domestic~~
24 ~~dependent sovereign, or a labor~~ **CONNECTED** organization shall not
25 solicit or obtain contributions for a separate segregated fund
26 established under this section from an individual described in
27 subsection (2), (3), (4), or (5) on an automatic or passive basis

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

11 (7) A CONTRIBUTION BY AN INDIVIDUAL TO A SEPARATE SEGREGATED
12 FUND THAT IS AGGREGATED WITH A DUES OR OTHER PAYMENT TO THE
13 CONNECTED ORGANIZATION MAY BE COLLECTED BY OR MADE PAYABLE FIRST TO
14 THE CONNECTED ORGANIZATION FOR SUBSEQUENT TRANSFER TO THE SEPARATE
15 SEGREGATED FUND IF ALL OF THE FOLLOWING OCCUR:

16 (A) THE INDIVIDUAL MAKING THE CONTRIBUTION DOES EITHER OF THE
17 FOLLOWING:

18 (i) SPECIFICALLY INDICATES IN A RECORD OR ELECTRONIC RECORD
19 THAT THE AMOUNT COLLECTED, OR A SPECIFIED PORTION OF THE TOTAL
20 AMOUNT IF REMITTED AS PART OF A DUES OR OTHER PAYMENT TO THE
21 CONNECTED ORGANIZATION, IS A CONTRIBUTION TO THE SEPARATE
22 SEGREGATED FUND.

23 (ii) FAILS TO RETURN A RECORD OR ELECTRONIC RECORD DESCRIBED
24 IN SUBPARAGRAPH (i), BUT REMITS PAYMENT TO THE CONNECTED
25 ORGANIZATION IN RESPONSE TO A SPECIFICALLY REQUESTED AMOUNT THAT
26 INCLUDES A SOLICITED CONTRIBUTION, THE SOLICITATION FOR A
27 CONTRIBUTION WAS CLEARLY DISTINGUISHABLE FROM ANY DUES OR OTHER

1 FEES REQUESTED AS PART OF THE TOTAL, AND THE CONNECTED ORGANIZATION
2 MAINTAINS A RECORD OR ELECTRONIC RECORD OF THE SOLICITATION THAT
3 INCLUDES THE AMOUNT OF THE SOLICITED CONTRIBUTION AND THE AMOUNT OF
4 ANY DUES OR OTHER FEES CHARGED IN CONJUNCTION WITH THE SOLICITATION
5 FOR EACH CONTRIBUTOR.

6 (B) THE CONNECTED ORGANIZATION TRANSFERS THE ENTIRE SPECIFIED
7 AMOUNT OF ANY DESIGNATED CONTRIBUTION, INDIVIDUALLY OR AGGREGATED
8 WITH OTHER CONTRIBUTIONS, TO THE SEPARATE SEGREGATED FUND
9 ELECTRONICALLY OR BY WRITTEN INSTRUMENT. ANY TRANSFER OF DESIGNATED
10 CONTRIBUTIONS SHALL BE ACCOMPANIED BY OR LOGICALLY ASSOCIATED WITH
11 A RECORD OR ELECTRONIC RECORD SETTING FORTH ALL INFORMATION
12 REQUIRED UNDER SECTION 26 FOR EACH INDIVIDUAL CONTRIBUTOR WHOSE
13 CONTRIBUTION IS TRANSFERRED.

14 (C) THE CONNECTED ORGANIZATION ACCOUNTS FOR ANY CONTRIBUTIONS
15 UNDER THIS SUBSECTION IN A MANNER THAT DOCUMENTS ALL OF THE
16 FOLLOWING:

17 (i) THE IDENTITY OF THE INDIVIDUAL CONTRIBUTOR.

18 (ii) THE DATE, AMOUNT, AND METHOD OF RECEIPT FOR EACH
19 INDIVIDUAL CONTRIBUTION.

20 (iii) THE DATE, AMOUNT, AND METHOD OF ALL TRANSFERS TO THE
21 SEPARATE SEGREGATED FUND.

22 (D) THE CONNECTED ORGANIZATION AND THE SEPARATE SEGREGATED
23 FUND ADOPT A WRITTEN POLICY GOVERNING THE HANDLING, ACCOUNTING, AND
24 TRANSFER OF ANY CONTRIBUTION UNDER THIS SUBSECTION.

25 (E) IN CONNECTION WITH AN INVESTIGATION OR HEARING UNDER
26 SECTION 15 REGARDING ANY CONTRIBUTIONS UNDER THIS SUBSECTION, THE
27 CONNECTED ORGANIZATION VOLUNTARILY AGREES TO MAKE AVAILABLE TO THE

1 SECRETARY OF STATE ANY RECORDS DESCRIBED IN SUBDIVISIONS (A) TO (D)
2 AND PROVIDES THOSE RECORDS AT THE REQUEST OF THE SECRETARY OF
3 STATE.

4 (8) ~~(7) A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), A
5 person who knowingly violates this section is guilty of a felony
6 punishable, if the person is an individual, by a fine of not more
7 than \$5,000.00 or imprisonment for not more than 3 years, or both,
8 or, if the person is not an individual, by a fine of not more than
9 \$10,000.00.

10 (9) ~~(8)~~ If a corporation, joint stock company, domestic
11 dependent sovereign, or labor organization that obtains
12 contributions for a separate segregated fund from individuals
13 described in subsection (2), (3), (4), or (5) pays to 1 or more of
14 those individuals a bonus or other remuneration for the purpose of
15 reimbursing those contributions, then that corporation, joint stock
16 company, domestic dependent sovereign, or labor organization is
17 subject to a civil fine equal to 2 times the total contributions
18 obtained from all individuals for the separate segregated fund
19 during that calendar year.

20 (10) IF A VIOLATION OF THIS SECTION RESULTS SOLELY FROM THE
21 FAILURE OF A CONNECTED ORGANIZATION TO TRANSFER 1 OR MORE
22 CONTRIBUTIONS, THAT CONNECTED ORGANIZATION IS NOT GUILTY OF A
23 FELONY AS DESCRIBED IN SUBSECTION (8), BUT SHALL NOTIFY THE
24 CONTRIBUTOR OF THE FAILURE TO TRANSFER THE CONTRIBUTION AND REFUND
25 THE FULL AMOUNT OF THE CONTRIBUTION TO THE CONTRIBUTOR IF
26 REQUESTED. THE PENALTIES DESCRIBED IN SUBSECTION (8) APPLY TO ANY
27 OTHER VIOLATION OF THIS SECTION, INCLUDING USE OR DIVERSION OF ANY

1 CONTRIBUTIONS BY A CONNECTED ORGANIZATION FOR A PURPOSE NOT
2 DESCRIBED IN SUBSECTION (7) BEFORE THOSE CONTRIBUTIONS ARE
3 TRANSFERRED TO THE SEPARATE SEGREGATED FUND.

4 (11) AS USED IN THIS SECTION:

5 (A) "CONNECTED ORGANIZATION" MEANS A CORPORATION ORGANIZED ON
6 A FOR-PROFIT OR NONPROFIT BASIS, A JOINT STOCK COMPANY, A DOMESTIC
7 DEPENDENT SOVEREIGN, OR A LABOR ORGANIZATION FORMED UNDER THE LAWS
8 OF THIS OR ANOTHER STATE OR FOREIGN COUNTRY, OR A MEMBER OF ANY
9 SUCH ENTITY THAT IS NOT AN INDIVIDUAL.

10 (B) "RECORD" AND "ELECTRONIC RECORD" MEAN THOSE TERMS AS
11 DEFINED IN SECTION 2 OF THE UNIFORM ELECTRONIC TRANSACTIONS ACT,
12 2000 PA 305, MCL 450.832.

13 (C) "WRITTEN INSTRUMENT" MEANS A MONEY ORDER, OR A CHECK,
14 CASHIER'S CHECK, OR OTHER NEGOTIABLE INSTRUMENT, AS THOSE TERMS ARE
15 DEFINED IN SECTION 3104 OF THE UNIFORM COMMERCIAL CODE, 1962 PA
16 174, MCL 440.3104, IN THE NAME OF THE CONNECTED ORGANIZATION AND
17 PAYABLE TO THE SEPARATE SEGREGATED FUND.

18 Sec. 57. (1) A public body or a person acting for a public
19 body shall not use or authorize the use of funds, personnel, office
20 space, computer hardware or software, property, stationery,
21 postage, vehicles, equipment, supplies, or other public resources
22 to make a contribution or expenditure or provide volunteer personal
23 services that are excluded from the definition of contribution
24 under section 4(3)(a). The prohibition under this subsection
25 includes, but is not limited to, using or authorizing the use of
26 public resources to establish or administer a payroll deduction
27 plan to directly or indirectly collect or deliver a contribution

1 to, or make an expenditure for, a committee. Advance payment or
2 reimbursement to a public body does not cure a use of public
3 resources otherwise prohibited by this subsection. This subsection
4 does not apply to any of the following:

5 (a) The expression of views by an elected or appointed public
6 official who has policy making responsibilities.

7 (b) ~~The~~ **SUBJECT TO SUBSECTION (3), THE** production or
8 dissemination of factual information concerning issues relevant to
9 the function of the public body.

10 (c) The production or dissemination of debates, interviews,
11 commentary, or information by a broadcasting station, newspaper,
12 magazine, or other periodical or publication in the regular course
13 of broadcasting or publication.

14 (d) The use of a public facility owned or leased by, or on
15 behalf of, a public body if any candidate or committee has an equal
16 opportunity to use the public facility.

17 (e) The use of a public facility owned or leased by, or on
18 behalf of, a public body if that facility is primarily used as a
19 family dwelling and is not used to conduct a fund-raising event.

20 (f) An elected or appointed public official or an employee of
21 a public body who, when not acting for a public body but is on his
22 or her own personal time, is expressing his or her own personal
23 views, is expending his or her own personal funds, or is providing
24 his or her own personal volunteer services.

25 (2) If the secretary of state has dismissed a complaint filed
26 under section 15(5) alleging that a public body or person acting
27 for a public body used or authorized the use of public resources to

1 establish or administer a payroll deduction plan to collect or
2 deliver a contribution to, or make an expenditure for, a committee
3 in violation of this section, or if the secretary of state enters
4 into a conciliation agreement under section 15(10) that does not
5 prevent a public body or a person acting for a public body to use
6 or authorize the use of public resources to establish or administer
7 a payroll deduction plan to collect or deliver a contribution to,
8 or make an expenditure for, a committee in violation of this
9 section, the following apply:

10 (a) The complainant or any other person who resides, or has a
11 place of business, in the jurisdiction where the use or
12 authorization of the use of public resources occurred may bring a
13 civil action against the public body or person acting for the
14 public body to seek declaratory, injunctive, mandamus, or other
15 equitable relief and to recover losses that a public body suffers
16 from the violation of this section.

17 (b) If the complainant or any other person who resides, or has
18 a place of business, in the jurisdiction where the use or
19 authorization of the use of public resources occurred prevails in
20 an action initiated under this subsection, a court shall award the
21 complainant or any other person necessary expenses, costs, and
22 reasonable attorney fees.

23 (c) Any amount awarded or equitable relief granted by a court
24 under this subsection may be awarded or granted against the public
25 body or an individual acting for the public body, or both, that
26 violates this section, as determined by the court.

27 (d) A complainant or any other person who resides, or has a

1 place of business, in the jurisdiction where the use or
2 authorization of the use of public resources occurred may bring a
3 civil action under this subsection in any county in which venue is
4 proper. Process issued by a court in which an action is filed under
5 this subsection may be served anywhere in this state.

6 (3) EXCEPT FOR AN ELECTION OFFICIAL IN THE PERFORMANCE OF HIS
7 OR HER DUTIES UNDER THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
8 168.1 TO 168.992, A PUBLIC BODY, OR A PERSON ACTING FOR A PUBLIC
9 BODY, SHALL NOT, DURING THE PERIOD 60 DAYS BEFORE AN ELECTION IN
10 WHICH A LOCAL BALLOT QUESTION APPEARS ON A BALLOT, USE PUBLIC FUNDS
11 OR RESOURCES FOR A COMMUNICATION BY MEANS OF RADIO, TELEVISION,
12 MASS MAILING, OR PRERECORDED TELEPHONE MESSAGE IF THAT
13 COMMUNICATION REFERENCES A LOCAL BALLOT QUESTION AND IS TARGETED TO
14 THE RELEVANT ELECTORATE WHERE THE LOCAL BALLOT QUESTION APPEARS ON
15 THE BALLOT.

16 (4) ~~(3)~~—A person who knowingly violates this section is guilty
17 of a misdemeanor punishable, if the person is an individual, by a
18 fine of not more than \$1,000.00 or imprisonment for not more than 1
19 year, or both, or if the person is not an individual, by 1 of the
20 following, whichever is greater:

21 (a) A fine of not more than \$20,000.00.

22 (b) A fine equal to the amount of the improper contribution or
23 expenditure.