

# SENATE BILL No. 703

January 14, 2016, Introduced by Senator ZORN and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 57 (MCL 169.257), as amended by 2015 PA 269.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 57. (1) A public body or a person acting for a public  
2 body shall not use or authorize the use of funds, personnel, office  
3 space, computer hardware or software, property, stationery,  
4 postage, vehicles, equipment, supplies, or other public resources  
5 to make a contribution or expenditure or provide volunteer personal  
6 services that are excluded from the definition of contribution  
7 under section 4(3)(a). The prohibition under this subsection  
8 includes, but is not limited to, using or authorizing the use of  
9 public resources to establish or administer a payroll deduction

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

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

8 (b) ~~Subject to subsection (3), the~~ **THE** production or  
9 dissemination of factual information concerning issues relevant to  
10 the function of the public body.

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

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

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

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

26 (2) If the secretary of state has dismissed a complaint filed  
27 under section 15(5) alleging that a public body or person acting

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

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

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

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

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

7 ~~— (3) Except for an election official in the performance of his~~  
8 ~~or her duties under the Michigan election law, 1954 PA 116, MCL~~  
9 ~~168.1 to 168.992, a public body, or a person acting for a public~~  
10 ~~body, shall not, during the period 60 days before an election in~~  
11 ~~which a local ballot question appears on a ballot, use public funds~~  
12 ~~or resources for a communication by means of radio, television,~~  
13 ~~mass mailing, or prerecorded telephone message if that~~  
14 ~~communication references a local ballot question and is targeted to~~  
15 ~~the relevant electorate where the local ballot question appears on~~  
16 ~~the ballot.~~

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

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

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