

# SENATE BILL No. 561

September 13, 2017, Introduced by Senator SCHMIDT and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 16 (MCL 169.216), as amended by 2000 PA 50.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 16. (1) A filing official shall make a statement or  
2 report required to be filed under this act available for public  
3 inspection and reproduction, ~~commencing~~ as soon as practicable, but  
4 not later than the third business day following the day on which it  
5 is received, during regular business hours of the filing official.  
6 If the report is a report of a late contribution under section  
7 32(1) made to the secretary of state, the secretary of state shall  
8 also make the report or all of the contents of the report available  
9 to the public on the internet, without charge, as soon as

1 practicable but not later than the end of the business day on which  
2 it is received, at a single website established and maintained by  
3 the secretary of state.

4 (2) A copy of a statement or part of a statement shall be  
5 provided by a filing official at a reasonable charge.

6 (3) A statement open to the public under this act shall not be  
7 used for any commercial purpose.

8 (4) Except as otherwise provided in this subsection, a  
9 statement of organization filed under this act with a filing  
10 official who is not the secretary of state shall be preserved by  
11 that filing official for 5 years from the official date of the  
12 committee's dissolution. A statement of organization filed under  
13 this act with a filing official who is not the secretary of state  
14 that is filed by a committee that received more than \$50,000.00 in  
15 an election cycle shall be preserved by that filing official for 15  
16 years from the official date of the committee's dissolution. A  
17 statement of organization filed under this act with the secretary  
18 of state shall be preserved by the secretary of state for 15 years  
19 from the official date of the committee's dissolution. Except as  
20 otherwise provided in this subsection, any other statement or  
21 report filed under this act with a filing official who is not the  
22 secretary of state shall be preserved by that filing official for 5  
23 years from the date the filing occurred. Any other statement or  
24 report filed under this act with a filing official who is not the  
25 secretary of state that is filed by a committee that received more  
26 than \$50,000.00 in an election cycle shall be preserved by that  
27 filing official for 15 years from the date the filing occurred. Any

1 other statement or report filed under this act with the secretary  
 2 of state shall be preserved by the secretary of state for 15 years  
 3 from the date the filing occurred. Upon a determination under  
 4 section 15 that a violation of this act has occurred, all  
 5 complaints, orders, decisions, or other documents related to that  
 6 violation shall be preserved by the filing official who is not the  
 7 secretary of state or the secretary of state for 15 years from the  
 8 date of the court determination or the date the violations are  
 9 corrected, whichever is later. Statements and reports filed under  
 10 this act may be reproduced pursuant to the records ~~media~~  
 11 **REPRODUCTION** act, 1992 PA 116, MCL 24.401 to ~~24.403.~~ **24.406**. After  
 12 the required preservation period, the statements and reports, or  
 13 the reproductions of the statements and reports, may be disposed of  
 14 in the manner prescribed in the management and budget act, 1984 PA  
 15 431, MCL 18.1101 to 18.1594, and ~~1913 PA 271, MCL 399.1 to~~  
 16 ~~399.10.~~ **SECTION 11 OF THE MICHIGAN HISTORY CENTER ACT, 2016 PA 470,**  
 17 **399.811.**

18 (5) A ~~charge~~ **FILING OFFICIAL** shall not ~~be collected by a~~  
 19 ~~filing official~~ **COLLECT A CHARGE** for the filing of a required  
 20 statement or report or for a form upon which the statement or  
 21 report is to be prepared, except a late filing fee required by this  
 22 act.

23 (6) A filing official shall determine whether a statement or  
 24 report filed under this act complies, on its face, with the  
 25 requirements of this act and the rules promulgated under this act.  
 26 The filing official shall determine whether a statement or report  
 27 that is required to be filed under this act is in fact filed.

1 Within 4 business days after the deadline for filing a statement or  
2 report under this act, the filing official shall give notice to the  
3 filer by registered mail of an error or omission in the statement  
4 or report and give notice to a person the filing official has  
5 reason to believe is a person required to and who failed to file a  
6 statement or report. A failure to give notice by the filing  
7 official under this subsection is not a defense to a criminal  
8 action against the person required to file.

9 (7) Within 9 business days after the report or statement is  
10 required to be filed, the filer shall make any corrections in the  
11 statement or report filed with the appropriate filing official. If  
12 the report or statement was not filed, then the report or statement  
13 shall be late filed within 9 business days after the time it was  
14 required to be filed and shall be subject to late filing fees.

15 (8) After 9 business days and before 12 business days have  
16 expired after the deadline for filing the statement or report, the  
17 filing official shall report errors or omissions that were not  
18 corrected and failures to file to the attorney general.

19 (9) A statement or report required to be filed under this act  
20 shall be filed not later than 5 p.m. of the day in which it is  
21 required to be filed. A preelection statement or report due on July  
22 25 or October 25 under section 33 that is postmarked by registered  
23 or certified mail, or sent by express mail or other overnight  
24 delivery service, at least 2 days before the deadline for filing is  
25 filed within the prescribed time regardless of when it is actually  
26 delivered. Any other statement or report required to be filed under  
27 this act that is postmarked by registered or certified mail or sent

1 by express mail or other overnight delivery service on or before  
2 the deadline for filing is filed within the prescribed time  
3 regardless of when it is actually delivered.

4 Enacting section 1. This amendatory act takes effect 90 days  
5 after the date it is enacted into law.

6 Enacting section 2. This amendatory act does not take effect  
7 unless Senate Bill No. 564

8 of the 99th Legislature is enacted into law.