

# HOUSE BILL No. 4178

February 8, 2017, Introduced by Reps. Canfield, Lucido and Vaupel and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled  
 "Michigan campaign finance act,"  
 by amending section 20 (MCL 169.220), as amended by 1982 PA 167.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 20. (1) An individual ~~shall~~ **IS** not ~~be~~ considered ~~to be~~ a  
 2 candidate if the individual has done any of the following:

3           (a) Filed a fee, affidavit of incumbency, or nominating  
 4 petition for an elective office, if the individual withdraws within  
 5 the time limit established by law, and if the individual has not  
 6 received a contribution, made an expenditure, or given consent for  
 7 another person to receive a contribution or make an expenditure to  
 8 secure the individual's nomination or election to an elective  
 9 office. For purposes of this subdivision, a payment of a filing fee  
 10 for elective office ~~shall~~ **IS** not ~~be~~ considered ~~to be~~ an

1 expenditure.

2 (b) Has been nominated as a candidate for elective office by a  
3 political party caucus or convention, if the individual nominated  
4 withdraws within the time limit established by law or does not  
5 submit the notice of acceptance of nomination according to the  
6 procedures established by law, and if the individual has not  
7 received a contribution, made an expenditure, or given consent for  
8 another person to receive a contribution or make an expenditure to  
9 secure the individual's nomination or election to an elective  
10 office.

11 (c) Has been nominated as a candidate for elective office by a  
12 political party caucus or convention, if the party does not qualify  
13 to have its name ~~, party vignette,~~ and candidates' names appear on  
14 the general election ballot ~~pursuant to~~ **UNDER** section 685 of ~~Act~~  
15 ~~No. 116 of the Public Acts of 1954, as amended, being section~~  
16 ~~168.685 of the Michigan Compiled Laws;~~ **THE MICHIGAN ELECTION LAW,**  
17 **1954 PA 116, MCL 168.685,** and if the individual has not received a  
18 contribution or made an expenditure to secure the individual's  
19 nomination or election to an elective office.

20 (d) Has been appointed to fill a vacancy in an elective office  
21 if the individual does not meet 1 of the ~~provisions~~ **CRITERIA** of  
22 section 3(1).

23 (2) An individual who receives votes at an election solely by  
24 the write-in method as provided by law is considered a candidate  
25 under this act as follows:

26 (a) An individual who receives a contribution, makes an  
27 expenditure, or gives consent for another person to receive a

1 contribution or make an expenditure with a view to bringing about  
2 the individual's receiving write-in votes at an election is a  
3 candidate under this act at the time of receiving the contribution  
4 or making the expenditure or giving consent to another person to  
5 receive the contribution or make the expenditure.

6 (b) An individual who is not a candidate by reason of  
7 subdivision (a), but who is certified as a nominee as a result of  
8 write-in votes received at a primary election and does not withdraw  
9 as a nominee as provided by law is a candidate under this act as of  
10 5 days following the certification of the nomination by the board  
11 of canvassers canvassing the primary.

12 (c) An individual who is not a candidate by reason of  
13 subdivision (a) or (b), but who is elected to an office by  
14 receiving write-in votes in an election is a candidate under this  
15 act at the time the individual qualifies for the office.

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

18 Enacting section 2. This amendatory act does not take effect  
19 unless Senate Bill No. \_\_\_\_ or House Bill No. 4177 (request no.  
20 01560'17) of the 99th Legislature is enacted into law.