

# HOUSE BILL No. 5931

May 3, 2018, Introduced by Rep. Howrylak and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending sections 10 and 20 (MCL 169.210 and 169.220), section  
10 as amended by 2015 PA 269 and section 20 as amended by 2017 PA  
114.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 10. (1) "Major political party" means a political party  
2       qualified to have its ~~name~~ **CANDIDATES' NAMES** listed on the general  
3       election ballot whose candidate for governor received 25% or more  
4       of the popular vote cast in the preceding gubernatorial election.  
5       If only 1 political party received 25% or more of the popular vote  
6       cast for governor in the preceding gubernatorial election, then the  
7       political party with the second highest vote is considered a major  
8       political party.

9       (2) "Mass mailing" means mailing by United States mail or

1 facsimile of more than 500 pieces of mail matter of an identical or  
2 substantially similar nature within any 30-day period.

3 (3) "Minor political party" means a political party qualified  
4 to have its ~~name~~ **CANDIDATES' NAMES** listed on the general election  
5 ballot but that does not qualify as a major political party.

6 (4) "Nominee" means an individual nominated to be a candidate.

7 Sec. 20. (1) An individual is not considered a candidate if  
8 the individual has done any of the following:

9 (a) Filed a fee, affidavit of incumbency, or nominating  
10 petition for an elective office, if the individual withdraws within  
11 the time limit established by law, and if the individual has not  
12 received a contribution, made an expenditure, or given consent for  
13 another person to receive a contribution or make an expenditure to  
14 secure the individual's nomination or election to an elective  
15 office. For purposes of this subdivision, a payment of a filing fee  
16 for elective office is not considered an expenditure.

17 (b) Has been nominated as a candidate for elective office by a  
18 political party caucus or convention, if the individual nominated  
19 withdraws within the time limit established by law or does not  
20 submit the notice of acceptance of nomination according to the  
21 procedures established by law, and if the individual has not  
22 received a contribution, made an expenditure, or given consent for  
23 another person to receive a contribution or make an expenditure to  
24 secure the individual's nomination or election to an elective  
25 office.

26 (c) Has been nominated as a candidate for elective office by a  
27 political party caucus or convention, if the party does not qualify

1 to have its ~~name and~~ candidates' names appear on the general  
2 election ballot under section 685 of the Michigan election law,  
3 1954 PA 116, MCL 168.685, and if the individual has not received a  
4 contribution or made an expenditure to secure the individual's  
5 nomination or election to an elective office.

6 (d) Has been appointed to fill a vacancy in an elective office  
7 if the individual does not meet 1 of the criteria of section 3(1).

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

11 (a) An individual who receives a contribution, makes an  
12 expenditure, or gives consent for another person to receive a  
13 contribution or make an expenditure with a view to bringing about  
14 the individual's receiving write-in votes at an election is a  
15 candidate under this act at the time of receiving the contribution  
16 or making the expenditure or giving consent to another person to  
17 receive the contribution or make the expenditure.

18 (b) An individual who is not a candidate by reason of  
19 subdivision (a), but who is certified as a nominee as a result of  
20 write-in votes received at a primary election and does not withdraw  
21 as a nominee as provided by law is a candidate under this act as of  
22 5 days following the certification of the nomination by the board  
23 of canvassers canvassing the primary.

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

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

3           Enacting section 2. This amendatory act does not take effect  
4 unless Senate Bill No.\_\_\_\_ or House Bill No. 5930 (request no.  
5 05945'18) of the 99th Legislature is enacted into law.