

SENATE BILL No. 281

March 29, 2017, Introduced by Senators BIEDA, HOPGOOD, CONYERS, JOHNSON, HERTEL, GREGORY and YOUNG and referred to the Committee on Elections and Government Reform.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 3 and 26 (MCL 169.203 and 169.226), section 3
as amended by 2012 PA 273 and section 26 as amended by 2013 PA 252.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Candidate" means an individual who meets 1 or
2 more of the following criteria:

3 (a) Files a fee, an affidavit of incumbency, or a nominating
4 petition for an elective office.

5 (b) Is nominated as a candidate for elective office by a
6 political party caucus or convention and whose nomination is
7 certified to the appropriate filing official.

8 (c) Receives a contribution, makes an expenditure, or gives
9 consent for another person to receive a contribution or make an
10 expenditure with a view to bringing about the individual's

1 nomination or election to an elective office, whether or not the
2 specific elective office for which the individual will seek
3 nomination or election is known at the time the contribution is
4 received or the expenditure is made.

5 (d) Is an officeholder who is the subject of a recall vote.

6 (e) Holds an elective office, unless the officeholder is
7 constitutionally or legally barred from seeking reelection or fails
8 to file for reelection to that office by the applicable filing
9 deadline. An individual described in this subdivision is considered
10 to be a candidate for reelection to that same office for the
11 purposes of this act only.

12 For purposes of sections 61 to 71, "candidate" only means, in
13 a primary election, a candidate for the office of governor and, in
14 a general election, a candidate for the office of governor or
15 lieutenant governor. However, the candidates for the office of
16 governor and lieutenant governor of the same political party in a
17 general election ~~shall be~~ **ARE** considered as 1 candidate.

18 (2) "Candidate committee" means the committee designated in a
19 candidate's filed statement of organization as that individual's
20 candidate committee. A candidate committee shall be under the
21 control and direction of the candidate named in the same statement
22 of organization. Notwithstanding subsection (4), an individual
23 shall form a candidate committee under section 21 if the individual
24 becomes a candidate under subsection (1).

25 (3) "Closing date" means the date through which a campaign
26 statement is required to be complete.

27 (4) "Committee" means a person who receives contributions or

1 makes expenditures for the purpose of influencing or attempting to
2 influence the action of the voters for or against the nomination or
3 election of a candidate, the qualification, passage, or defeat of a
4 ballot question, or the qualification of a new political party, if
5 contributions received total \$500.00 or more in a calendar year or
6 expenditures made total \$500.00 or more in a calendar year.

7 **COMMITTEE INCLUDES A POLITICAL ORGANIZATION RECOGNIZED BY THE**
8 **INTERNAL REVENUE SERVICE UNDER 26 USC 527 THAT HAS AN OFFICER,**
9 **DIRECTOR, BOARD MEMBER, OR TRUSTEE WHO IS A RESIDENT OF THIS STATE.**

10 An individual, other than a candidate, does not constitute a
11 committee. A person, other than a committee registered under this
12 act, making an expenditure to a ballot question committee, shall
13 not, for that reason, be considered a committee for the purposes of
14 this act unless the person solicits or receives contributions for
15 the purpose of making an expenditure to that ballot question
16 committee.

17 Sec. 26. (1) A campaign statement of a committee, other than a
18 political party committee, required by this act ~~shall~~**MUST** contain
19 all of the following information:

20 (a) The filing committee's name, address, and telephone
21 number, and the full name, residential and business addresses, and
22 telephone numbers of the committee treasurer or other individual
23 designated as responsible for the committee's record keeping,
24 report preparation, or report filing.

25 (b) Under the heading "receipts", the total amount of
26 contributions received during the period covered by the campaign
27 statement; under the heading "expenditures", the total amount of

1 expenditures made during the period covered by the campaign
2 statement; and the cumulative amount of those totals. Forgiveness
3 of a loan shall not be included in the totals. Payment of a loan by
4 a third party ~~shall~~**MUST** be recorded and reported as an in-kind
5 contribution by the third party. In-kind contributions or
6 expenditures ~~shall~~**MUST** be listed at fair market value and ~~shall~~ be
7 reported as both contributions and expenditures. A contribution or
8 expenditure that is by other than completed and accepted payment,
9 gift, or other transfer, that is clearly not legally enforceable,
10 and that is expressly withdrawn or rejected and returned before a
11 campaign statement closing date need not be included in the
12 campaign statement and if included may, in a later or amended
13 statement, be shown as a deduction, but the committee shall keep
14 adequate records of each instance.

15 (c) The balance of cash on hand at the beginning and the end
16 of the period covered by the campaign statement.

17 (d) The following information regarding each fund-raising
18 event ~~shall~~**MUST** be included in the report:

19 (i) The type of event, date held, address and name, if any, of
20 the place where the activity was held, and approximate number of
21 individuals participating or in attendance.

22 (ii) The total amount of all contributions.

23 (iii) The gross receipts of the fund-raising event.

24 (iv) The expenditures incident to the event.

25 (e) The full name of each individual from whom contributions
26 are received during the period covered by the campaign statement,
27 together with the individual's street address, the amount

1 contributed, the date on which each contribution was received, and
2 the cumulative amount contributed by that individual. The
3 occupation, employer, and principal place of business ~~shall~~**MUST** be
4 stated if the individual's cumulative contributions are more than
5 \$100.00. For contributions of \$5.00 or less by an individual to a
6 political committee or independent committee, the secretary of
7 state shall accept for filing any written communication from the
8 political committee or independent committee that contains the
9 information otherwise required under this subsection. Any such
10 written communication does not need to contain an original
11 signature.

12 (f) The cumulative amount contributed and the name and address
13 of each individual, except those individuals reported under
14 subdivision (e), who contributed to the committee. The occupation,
15 employer, and principal place of business ~~shall~~**MUST** be stated for
16 each individual who contributed more than \$100.00.

17 (g) The name and street address of each person, other than an
18 individual, from whom contributions are received during the period
19 covered by the campaign statement, together with an itemization of
20 the amounts contributed, the date on which each contribution was
21 received, and the cumulative amount contributed by that person.

22 (h) The name, address, and amount given by an individual who
23 contributed to the total amount contributed by a person who is
24 other than a committee or an individual. The occupation, employer,
25 and principal place of business ~~shall~~**MUST** be stated if the
26 individual contributed more than \$100.00 of the total amount
27 contributed by a person who is other than a committee or an

1 individual.

2 (i) The cumulative total of expenditures of \$50.00 or less
3 made during the period covered by the campaign statement except for
4 expenditures made to or on behalf of another committee, candidate,
5 or ballot question.

6 (j) The full name and street address of each person to whom
7 expenditures totaling more than \$50.00 were made, together with the
8 amount of each separate expenditure to each person during the
9 period covered by the campaign statement; the purpose of the
10 expenditure; the full name and street address of the person
11 providing the consideration for which any expenditure was made if
12 different from the payee; the itemization regardless of amount of
13 each expenditure made to or on behalf of another committee,
14 candidate, or ballot question; and the cumulative amount of
15 expenditures for or against that candidate or ballot question for
16 an election cycle. An expenditure made in support of more than 1
17 candidate or ballot question, or both, ~~shall~~**MUST** be apportioned
18 reasonably among the candidates or ballot questions, or both.

19 **(K) FOR A CANDIDATE COMMITTEE OF A CANDIDATE WHO CONTROLS OR**
20 **DIRECTS A POLITICAL ORGANIZATION RECOGNIZED BY THE INTERNAL REVENUE**
21 **SERVICE UNDER 26 USC 527, ALL DONORS, CONTRIBUTIONS, AND**
22 **EXPENDITURES OF THAT POLITICAL ORGANIZATION. A CANDIDATE CONTROLS**
23 **OR DIRECTS A POLITICAL ORGANIZATION IF ANY DIRECTOR, OFFICER, OR**
24 **BOARD MEMBER OF THE POLITICAL ORGANIZATION IS EMPLOYED BY OR SERVES**
25 **AS AN AGENT TO THE CANDIDATE, AS DETERMINED BY THE TOTALITY OF THE**
26 **CIRCUMSTANCES.**

27 (2) A candidate committee or ballot question committee shall

1 report all cumulative amounts required by this section on a per
2 election cycle basis. Except for subsection (1)(j), an independent
3 committee or political committee shall report all cumulative
4 amounts required by this section on a calendar year basis.

5 (3) A campaign statement of a committee, in addition to the
6 other information required by this section, ~~shall~~**MUST** include an
7 itemized list of all expenditures during the reporting period for
8 election day busing of electors to the polls, get-out-the-vote
9 activities, slate cards, challengers, poll watchers, and poll
10 workers.

11 (4) For a reporting period in which a contribution is received
12 that is to be part of a bundled contribution or a reporting period
13 in which a bundled contribution is delivered to the candidate
14 committee of a candidate for statewide elective office, a bundling
15 committee shall report to the secretary of state, on a form
16 provided by the secretary of state, all of the following
17 information, as applicable, about each contribution received or
18 delivered as part of a bundled contribution, and about each bundled
19 contribution delivered, in the reporting period:

20 (a) The amount of each contribution, the date it was received
21 by the bundling committee, and the candidate for statewide elective
22 office whom the contributor designated as the intended recipient.

23 (b) Each contributor's name and address and, for each
24 contribution exceeding \$100.00, the contributor's occupation,
25 employer, and principal place of business.

26 (c) The date each contribution is delivered to the candidate's
27 statewide elective office candidate committee.

1 (d) The total amount of bundled contributions delivered to
2 that candidate committee during the reporting period and during the
3 election cycle.

4 (5) With its delivery of a bundled contribution to the
5 candidate committee of a candidate for statewide elective office, a
6 bundling committee shall deliver a report to that candidate
7 committee, on a form provided by the secretary of state, that
8 includes all of the following information, as applicable, about
9 each contribution delivered as part of the bundled contribution,
10 and about all bundled contributions delivered to that candidate
11 committee in the election cycle:

12 (a) The amount of each contribution, the date it was received
13 by the bundling committee, and the statewide elective office
14 candidate the contributor designated as the intended recipient.

15 (b) Each contributor's name and address and, for each
16 contribution exceeding \$100.00, the contributor's occupation,
17 employer, and principal place of business.

18 (c) The total amount of bundled contributions delivered to
19 that candidate committee during the reporting period and during the
20 election cycle.

21 (6) For a reporting period in which a bundled contribution is
22 received, a candidate committee of a candidate for statewide
23 elective office shall report to the secretary of state, on a form
24 provided by the secretary of state, all of the following
25 information, as applicable, about each contribution delivered as
26 part of a bundled contribution received in the reporting period and
27 about all bundled contributions received by that candidate

1 committee:

2 (a) The amount of each contribution, the date it was received
3 by the candidate committee, and the name of the bundling committee
4 that delivered the contribution.

5 (b) Each contributor's name and address and, for each
6 contribution exceeding \$100.00, the contributor's occupation,
7 employer, and principal place of business.

8 (c) The total amount of bundled contributions received by that
9 candidate committee during the reporting period and during the
10 election cycle.