

# SENATE BILL No. 1228

November 28, 2018, Introduced by Senator BIEDA and referred to the Committee on Government Operations.

A bill to require elected public officials to file reports concerning receipt of certain contributions or subsidies; to prescribe certain powers and duties of certain state and local agencies and officials; and to provide for fees and civil fines.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2       "elected officials reporting act".

3       Sec. 3. As used in this act:

4       (a) "Elected official" means an individual who holds an  
5       elective office as that term is defined in section 5 of the  
6       Michigan campaign finance act, 1976 PA 388, MCL 169.205.

7       (b) "Immediate family" means a child residing in the elected  
8       official's household, the elected official's spouse, or an  
9       individual that the elected official or the elected official's

1 spouse claims as a dependent for federal income tax purposes.

2 (c) "Report" means the travel contribution and subsidy report  
3 required under section 5.

4 (d) "Reporting period" means the 6 months immediately  
5 preceding January 1 or July 1 of each year.

6 (e) "Travel" means transportation, lodging, or any expense  
7 related to transportation or lodging.

8 Sec. 5. (1) If an individual holds elective office at any time  
9 within a reporting period, the individual shall file a travel  
10 contribution and subsidy report not later than 30 days after the  
11 end of that reporting period. Except as provided in subsection (2),  
12 the report shall include each contribution or subsidy with an  
13 estimated value of not less than \$50.00 that the elected official  
14 or a member of his or her immediate family accepted for travel  
15 during the reporting period. The duty to file a report under this  
16 act survives vacation of an elective office before the required  
17 filing date for the report.

18 (2) An individual is not required to include the following in  
19 a report required under this act:

20 (a) A contribution or subsidy that the elected official  
21 receives from the unit of government of which he or she is an  
22 elected official.

23 (b) A contribution or subsidy that an immediate family member  
24 receives from his or her employer for business travel.

25 (3) A report for a state elected official shall be filed with  
26 the secretary of state.

27 (4) A report for an elected official of a unit of local

1 government shall be filed with the county clerk.

2 Sec. 7. Subject to section 5(2), the report shall contain all  
3 of the following information:

4 (a) The name and address of the elected official.

5 (b) The elective office that the individual held during the  
6 reporting period.

7 (c) The dates identifying the reporting period that the report  
8 covers.

9 (d) The name of the elected official's campaign committee.

10 (e) A description of any travel for which the elected official  
11 or a member of his or her immediate family received a contribution  
12 or subsidy with an estimated value of not less than \$50.00,  
13 including all of the following:

14 (i) The date, location, and nature of the travel.

15 (ii) The purpose of the travel.

16 (iii) The identity, street address, and telephone number for  
17 each nongovernmental source of a contribution or subsidy and the  
18 estimated value of the contribution or subsidy.

19 (iv) The name of each governmental source of a contribution or  
20 subsidy and the estimated value of the contribution or subsidy.

21 (f) If the elected official and his or her immediate family  
22 received no reportable contribution or subsidy for travel, a  
23 statement that the elected official received no contribution or  
24 subsidy for travel during the reporting period.

25 Sec. 9. (1) If a report is filed after the filing date  
26 indicated in section 5, the individual is responsible for a late  
27 filing fee of \$25.00 for each business day or part of a business

1 day that the report is late, not to exceed \$500.00.

2 (2) An individual who knowingly files an incomplete or  
3 inaccurate report is responsible for a civil fine of not more than  
4 \$1,000.00.

5 Sec. 11. (1) The secretary of state shall make a report that  
6 he or she receives available to the public through the electronic  
7 filing and internet disclosure system as described in the Michigan  
8 campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

9 (2) A county clerk shall make a report that he or she receives  
10 available for public inspection and reproduction during regular  
11 business hours. The county clerk shall make a report available as  
12 soon as practicable, but not later than 3 business days after  
13 receiving the report.

14 Sec. 13. (1) An individual responsible for a late filing fee  
15 shall pay the fee to the secretary of state or county clerk with  
16 whom the report is required to be filed.

17 (2) The secretary of state or county clerk may retain the late  
18 filing fee to cover the expenses of administering this act. The  
19 secretary of state may collect an unpaid late filing fee in the  
20 manner provided for collecting a late filing fee under section 17  
21 of the Michigan campaign finance act, 1976 PA 388, MCL 169.217. A  
22 county clerk may refer an unpaid filing fee for collection in the  
23 manner provided for collecting debts owed to the county.

24 Sec. 15. A civil fine collected under this act shall be  
25 forwarded to the state treasurer for deposit in the general fund.

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