

HOUSE BILL NO. 4291

March 05, 2019, Introduced by Reps. Calley, Sabo, Pagan, Vaupel and Hope and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 33 and 34 (MCL 169.233 and 169.234), section
33 as amended by 2017 PA 119 and section 34 as amended by 2012 PA
277.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 33. (1) A committee, other than an independent committee,
- 2 an independent expenditure committee, or a political committee
- 3 required to file with the secretary of state, supporting or



opposing a candidate shall file complete campaign statements as required by this act and the rules promulgated under this act according to the following schedule:

(a) ~~A-Except as otherwise provided in subdivision (c), a~~ preelection campaign statement must be filed not later than the ~~eleventh-twenty-fifth day of the month~~ before an election. The closing date for a campaign statement filed under this subdivision is the ~~sixteenth-twentieth day of the month~~ before the election.

(b) ~~A-Except as otherwise provided in subdivision (c), a~~ postelection campaign statement must be filed not later than the ~~thirtieth-twenty-fifth day following-of the month of~~ the election. The closing date for a campaign statement filed under this subdivision is the twentieth day ~~following-of the month of~~ the election. A committee supporting a candidate who loses the primary election shall file closing campaign statements in accordance with this section. If all liabilities of that candidate or committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the ~~thirtieth-twenty-fifth day following-of the month of~~ the election.

(c) For an election occurring in conjunction with a presidential primary election, or for a special election held on a date other than a regular election date provided in section 641 of the Michigan election law, 1954 PA 116, MCL 168.641, a preelection campaign statement must be filed not later than the eleventh day before the election, and the closing date for the statement is the sixteenth day before the election. A postelection campaign statement under this subdivision must be filed not later than the twenty-fifth day following the election, and the closing date for



1 the statement is the twentieth day following the election. A
2 committee supporting a candidate who loses a special primary
3 election shall file closing campaign statements in accordance with
4 this subdivision. If all liabilities of that candidate or committee
5 are paid before the closing date and additional contributions are
6 not expected, the campaign statement may be filed at any time after
7 the election, but not later than the twenty-fifth day following the
8 election.

9 (d) ~~(e)~~ For candidate committees only, in a year ~~in which~~ **when**
10 there is no election for the candidate the candidate committee is
11 supporting or opposing:

12 (i) Not later than July 25 with a closing date of July 20 of
13 that year.

14 (ii) Not later than October 25 with a closing date of October
15 20 of that year.

16 (2) For the purposes of subsection (1):

17 (a) A candidate committee shall file a preelection campaign
18 statement and a postelection campaign statement for each election
19 in which the candidate seeks nomination or election, except if an
20 individual becomes a candidate after the closing date for the
21 preelection campaign statement only the postelection campaign
22 statement is required for that election.

23 (b) A committee other than a candidate committee shall file a
24 campaign statement for each period ~~during which~~ **when** expenditures
25 are made for the purpose of influencing the nomination or election
26 of a candidate or for the qualification, passage, or defeat of a
27 ballot question.

28 (3) An independent committee, an independent expenditure
29 committee, or a political committee other than a house political



1 party caucus committee or senate political party caucus committee
2 required to file with the secretary of state shall file campaign
3 statements as required by this act according to the following
4 schedule:

5 (a) Not later than April 25 of each year with a closing date
6 of April 20 of that year.

7 (b) Not later than July 25 of each year with a closing date of
8 July 20 of that year.

9 (c) Not later than October 25 of each year with a closing date
10 of October 20 of that year.

11 (4) A house political party caucus committee or a senate
12 political party caucus committee required to file with the
13 secretary of state or a political party committee for a party
14 attempting to qualify as a new political party under section 685 of
15 the Michigan election law, 1954 PA 116, MCL 168.685, shall file
16 campaign statements as required by this act according to the
17 following schedule:

18 (a) Not later than January 31 of each year with a closing date
19 of December 31 of the immediately preceding year.

20 (b) Not later than April 25 of each year with a closing date
21 of April 20 of that year.

22 (c) Not later than July 25 of each year with a closing date of
23 July 20 of that year.

24 (d) Not later than October 25 of each year with a closing date
25 of October 20 of that year.

26 (e) For the period beginning on the fourteenth day immediately
27 preceding a primary or special primary election and ending on the
28 day immediately following the primary or special primary election,
29 not later than 4 p.m. each business day with a closing date of the



1 immediately preceding day, only for a contribution received or
2 expenditure made that exceeds \$1,000.00 per day.

3 (f) For the period beginning on the fourteenth day immediately
4 preceding a general or special election and ending on the day
5 immediately following the general or special election, not later
6 than 4 p.m. each business day with a closing date of the
7 immediately preceding day, only for a contribution received or
8 expenditure made that exceeds \$1,000.00 per day.

9 (5) Notwithstanding subsection (3) or (4) or section 51, if an
10 independent expenditure is made within 45 days before a special
11 election by an independent committee, an independent expenditure
12 committee, or a political committee required to file a campaign
13 statement with the secretary of state, the committee shall file a
14 report of the expenditure with the secretary of state within 48
15 hours after the expenditure. The report must be made on a form
16 provided by the secretary of state and must include the date of the
17 independent expenditure, the amount of the expenditure, a brief
18 description of the nature of the expenditure, and the name and
19 address of the person to whom the expenditure was paid. The brief
20 description of the expenditure must include either the name of the
21 candidate and the office sought by the candidate or the name of the
22 ballot question and state whether the expenditure supports or
23 opposes the candidate or ballot question. This subsection does not
24 apply if the committee is required to report the independent
25 expenditure in a campaign statement that is required to be filed
26 before the date of the election for which the expenditure was made.

27 (6) A candidate committee or a committee other than a
28 candidate committee that files a written statement under section
29 24(5) or (6) or that is automatically considered to have made a



1 statement under section 24(5) is not required to file a campaign
2 statement under subsection (1), (3), or (4) unless it received or
3 expended an amount in excess of \$1,000.00. If the committee
4 receives or expends an amount in excess of \$1,000.00 during a
5 period covered by a filing, the committee is then subject to the
6 campaign **statement** filing requirements under this act.

7 (7) A committee, candidate, treasurer, or other individual
8 designated as responsible for the committee's record keeping,
9 report preparation, or report filing who fails to file a statement
10 as required by this section shall pay a late filing fee. If the
11 committee has raised \$10,000.00 or less during the previous 2
12 years, the late filing fee is \$25.00 for each business day the
13 statement remains unfiled, but not to exceed \$500.00. If the
14 committee has raised more than \$10,000.00 during the previous 2
15 years, the late filing fee must not exceed \$1,000.00, determined as
16 follows:

17 (a) Twenty-five dollars for each business day the report
18 remains unfiled.

19 (b) An additional \$25.00 for each business day after the first
20 3 business days the report remains unfiled.

21 (c) An additional \$50.00 for each business day after the first
22 10 business days the report remains unfiled.

23 (8) If a candidate, treasurer, or other individual designated
24 as responsible for the committee's record keeping, report
25 preparation, or report filing fails to file 2 statements required
26 by this section or section 35 and both of the statements remain
27 unfiled for more than 30 days, that candidate, treasurer, or other
28 designated individual is guilty of a misdemeanor punishable by a
29 fine of not more than \$1,000.00 or imprisonment for not more than



1 90 days, or both.

2 (9) If a candidate is found guilty of a violation of this
3 section, the circuit court for that county, on application by the
4 attorney general or the prosecuting attorney of that county, may
5 prohibit that candidate from assuming the duties of a public office
6 or from receiving compensation from public funds, or both.

7 (10) If a candidate, treasurer, or other individual designated
8 as responsible for a committee's record keeping, report
9 preparation, or report filing knowingly files an incomplete or
10 inaccurate statement or report required by this section, that
11 individual is subject to a civil fine of not more than \$1,000.00.

12 (11) If a candidate, treasurer, or other individual designated
13 as responsible for a committee's record keeping, report
14 preparation, or report filing knowingly omits or underreports
15 individual contributions or individual expenditures required to be
16 disclosed by this act, that individual is subject to a civil fine
17 of not more than \$1,000.00 or the amount of the contributions and
18 expenditures omitted or underreported, whichever is greater.

19 (12) If a candidate committee's account has a balance of
20 \$20,000.00 or more and a candidate, treasurer, or other individual
21 designated as responsible for that committee's record keeping,
22 report preparation, or report filing fails to file campaign
23 statements required under this act for 2 consecutive years, that
24 candidate, treasurer, or other individual is guilty of a felony
25 punishable by imprisonment for not more than 3 years or a fine of
26 not more than \$5,000.00, or both. Any money in a candidate
27 committee account described in this subsection is subject to
28 seizure by, and forfeiture to, this state as provided in this
29 section.



(13) Not more than 5 business days after seizure of money under subsection (12), the secretary of state shall deliver personally or by registered mail to the last known address of the candidate from whom the seizure was made an inventory statement of the money seized. The inventory statement must also contain notice to the effect that unless demand for hearing as provided in this section is made within 10 business days, the money is forfeited to this state. Within 10 business days after the date of service of the notice, the candidate may by registered mail, facsimile transmission, or personal service file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state for a determination as to whether the money was lawfully subject to seizure and forfeiture. The candidate is entitled to appear before the secretary of state or a person designated by the secretary of state, to be represented by counsel, and to present testimony and argument. Upon receipt of a request for hearing, the secretary of state or a person designated by the secretary of state shall hold the hearing within 15 business days. The hearing is not a contested case proceeding and is not subject to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After the hearing, the secretary of state or a person designated by the secretary of state shall render a decision in writing within 10 business days of the hearing and, by order, shall either declare the money subject to seizure and forfeiture or declare the money returnable to the candidate. If, within 10 business days after the date of service of the inventory statement, the candidate does not file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state, the money seized is



1 forfeited to this state by operation of law. If, after a hearing
 2 before the secretary of state or a person designated by the
 3 secretary of state, the secretary of state or a person designated
 4 by the secretary of state determines that the money is lawfully
 5 subject to seizure and forfeiture and the candidate does not appeal
 6 to the circuit court of the county in which the seizure was made
 7 within the time prescribed in this section, the money seized is
 8 forfeited to this state by operation of law. If a candidate is
 9 aggrieved by the decision of the secretary of state or a person
 10 designated by the secretary of state, that candidate may appeal to
 11 the circuit court of the county where the seizure was made to
 12 obtain a judicial determination of the lawfulness of the seizure
 13 and forfeiture. The action must be commenced within 20 days after
 14 notice of a determination by the secretary of state or a person
 15 designated by the secretary of state is sent to the candidate. The
 16 court shall hear the action and determine the issues of fact and
 17 law involved in accordance with rules of practice and procedure as
 18 in other in rem proceedings.

19 Sec. 34. (1) A ballot question committee shall file a campaign
 20 statement as required by this act according to the following
 21 schedule:

22 (a) ~~A-Except as otherwise provided in subdivision (c), a~~
 23 preelection campaign statement, the closing date of which ~~shall be~~
 24 **is the sixteenth-twentieth day of the month** before the election,
 25 ~~shall-must~~ not be filed later than the ~~eleventh-twenty-fifth day of~~
 26 **the month** before the election.

27 (b) ~~A-Except as otherwise provided in subdivision (c), a~~
 28 postelection campaign statement, the closing date of which ~~shall be~~
 29 **is the twentieth day following-of the month of** the election, ~~shall~~



1 ~~must~~ not be filed later than the ~~thirtieth~~**twenty-fifth** day
 2 ~~following-of the month of~~ an election. If all liabilities of the
 3 committee are paid before the closing date and additional
 4 contributions are not expected, the campaign statement may be filed
 5 at any time after the election, but not later than the ~~thirtieth~~
 6 **twenty-fifth** day ~~following-of the month of~~ the election.

7 (c) For an election occurring in conjunction with a
 8 presidential primary election, or for a special election held on a
 9 date other than a regular election date provided in section 641 of
 10 the Michigan election law, 1954 PA 116, MCL 168.641, a preelection
 11 campaign statement must be filed not later than the eleventh day
 12 before the election, and the closing date for the statement is the
 13 sixteenth day before the election. A postelection campaign
 14 statement under this subdivision must be filed not later than the
 15 twenty-fifth day following the election, and the closing date for
 16 the statement is the twentieth day following the election. If all
 17 liabilities of the committee are paid before the closing date and
 18 additional contributions are not expected, the campaign statement
 19 may be filed at any time after the election, but not later than the
 20 twenty-fifth day following the election.

21 (d) ~~(e)~~ Campaign statements not later than the following
 22 dates every year:

23 ~~(i) February 15 with a closing date of February 10 of that~~
 24 ~~year.~~

25 (i) ~~(ii)~~ April 25 with a closing date of April 20 of that year.

26 (ii) ~~(iii)~~ July 25 with a closing date of July 20 of that year.

27 (e) ~~(d)~~ In every odd numbered year, a campaign statement not
 28 later than October 25 with a closing date of October 20 of that
 29 year.



1 (2) A ballot question committee supporting or opposing a
2 statewide ballot question shall file a campaign statement, of which
3 the closing date ~~shall be~~ **is** the twenty-eighth day after the filing
4 of the petition form, not later than 35 days after the petition
5 form is filed under section 483a of the Michigan election law, 1954
6 PA 116, MCL 168.483a.

7 (3) If a ballot question committee supporting or opposing a
8 statewide ballot question fails to file a preelection statement
9 under this section, that committee or its treasurer shall pay a
10 late filing fee for each business day the statement remains not
11 filed in violation of this section, not to exceed \$1,000.00,
12 pursuant to the following schedule:

13 (a) First day--\$25.00.

14 (b) Second day--\$50.00.

15 (c) Third day--\$75.00.

16 (d) Fourth day and for each subsequent day that the statement
17 remains unfilled--\$100.00.

18 (4) If a treasurer or other individual designated as
19 responsible for the record keeping, report preparation, or report
20 filing of a ballot question committee supporting or opposing a
21 statewide ballot question fails to file a statement, other than a
22 preelection statement, under this section, that committee,
23 treasurer, or other designated individual shall pay a late filing
24 fee. If the committee has raised \$10,000.00 or less during the
25 previous 2 years, the late filing fee ~~shall be~~ **is** \$25.00 for each
26 business day the campaign statement remains unfilled, but not to
27 exceed \$1,000.00. If the committee has raised more than \$10,000.00
28 during the previous 2 years, the late filing fee ~~shall be~~ **is** \$50.00
29 for each business day the campaign statement remains unfilled, but



1 not to exceed \$2,000.00.

2 (5) If a treasurer or other individual designated as
3 responsible for the record keeping, report preparation, or report
4 filing of a ballot question committee supporting or opposing other
5 than a statewide ballot question fails to file a statement under
6 this section, that committee, treasurer, or other designated
7 individual shall pay a late filing fee. If the committee has raised
8 \$10,000.00 or less during the previous 2 years, the late filing fee
9 ~~shall be~~ **is** \$25.00 for each business day the campaign statement
10 remains unfiled, but not to exceed \$1,000.00. If the committee has
11 raised more than \$10,000.00 during the previous 2 years, the late
12 filing fee ~~shall be~~ **is** \$50.00 for each business day the campaign
13 statement remains unfiled, but not to exceed \$2,000.00.

14 (6) If a treasurer or other individual designated as
15 responsible for the record keeping, report preparation, or report
16 filing of a ballot question committee fails to file a statement as
17 required by subsection (1) or (2) for more than 7 days, that
18 treasurer or other designated individual is guilty of a misdemeanor
19 ~~—~~ punishable by a fine of not more than \$1,000.00 ~~—~~ or imprisonment
20 for not more than 90 days, or both.

21 (7) If a treasurer or other individual designated as
22 responsible for the record keeping, report preparation, or report
23 filing of a ballot question committee knowingly files an incomplete
24 or inaccurate statement or report required by this section, that
25 treasurer or other designated individual is subject to a civil fine
26 of not more than \$1,000.00 or the amount of the undisclosed
27 contribution, whichever is greater.

