

# HOUSE BILL NO. 4921

September 05, 2019, Introduced by Reps. Hope, Peterson, Bolden, Brenda Carter, Guerra, Kuppa, Cherry, Gay-Dagnogo, Brixie, Inman, Tyrone Carter, Wittenberg, Hood and Rabhi and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending sections 3 and 26 (MCL 169.203 and 169.226), as amended  
by 2017 PA 119.

## 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



1 political party caucus or convention and whose nomination is  
2 certified to the appropriate filing official.

3 (c) Receives a contribution, makes an expenditure, or gives  
4 consent for another person to receive a contribution or make an  
5 expenditure with a view to bringing about the individual's  
6 nomination or election to an elective office, whether or not the  
7 specific elective office for which the individual will seek  
8 nomination or election is known at the time the contribution is  
9 received or the expenditure is made.

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

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

17 For purposes of sections 61 to 71, "candidate" only means, in  
18 a primary election, a candidate for the office of governor and, in  
19 a general election, a candidate for the office of governor or  
20 lieutenant governor. However, the candidates for the office of  
21 governor and lieutenant governor of the same political party in a  
22 general election are considered as 1 candidate.

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



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

3 (4) "Committee" means a person that receives contributions or  
4 makes expenditures for the purpose of influencing or attempting to  
5 influence the action of the voters for or against the nomination or  
6 election of a candidate, the qualification, passage, or defeat of a  
7 ballot question, or the qualification of a new political party, if  
8 contributions received total \$500.00 or more in a calendar year or  
9 expenditures made total \$500.00 or more in a calendar year.

10 **Committee includes a political organization recognized by the**  
11 **internal revenue service under 26 USC 527 that has an officer,**  
12 **director, board member, or trustee who is a resident of this state.**

13 Except as restricted or prohibited by this act or other state or  
14 federal law, a committee may also make other lawful disbursements.

15 An individual, other than a candidate, does not constitute a  
16 committee. A person, other than a committee registered under this  
17 act, making an expenditure to a ballot question committee or an  
18 independent expenditure committee, shall not, for that reason, be  
19 considered a committee or be required to file a report for the  
20 purposes of this act unless the person solicits or receives  
21 contributions for the purpose of making an expenditure to that  
22 ballot question committee or independent expenditure committee.

23 Sec. 26. (1) A campaign statement of a committee, other than a  
24 political party committee, required by this act must contain all of  
25 the following information:

26 (a) The filing committee's name, address, and telephone  
27 number, and the full name, residential and business addresses,  
28 electronic mail address, and telephone numbers of the committee  
29 treasurer or other individual designated as responsible for the



1 committee's record keeping, report preparation, or report filing.

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

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

21 (d) The following information regarding each fund-raising  
22 event must be included in the report:

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

26 (ii) The total amount of all contributions.

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

28 (iv) The expenditures incident to the event.

29 (e) The full name of each individual from whom contributions



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

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

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

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



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

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

20 **(k) For a candidate committee of a candidate who controls or**  
21 **directs a political organization recognized by the internal revenue**  
22 **service under 26 USC 527, all donors, contributions, and**  
23 **expenditures of that political organization. A candidate controls**  
24 **or directs a political organization if any director, officer, or**  
25 **board member of the political organization is employed by or serves**  
26 **as an agent to the candidate, as determined by the totality of the**  
27 **circumstances.**

28 (2) A candidate committee or ballot question committee shall  
29 report all cumulative amounts required by this section on a per



1 election cycle basis. Except as provided in subsection (1)(j), an  
2 independent committee, independent expenditure committee, or  
3 political committee shall report all cumulative amounts required by  
4 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, 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.

28 (d) The total amount of bundled contributions delivered to  
29 that candidate committee during the reporting period and during the



1 election cycle.

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

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

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

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

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

27 (a) The amount of each contribution, the date it was received  
28 by the candidate committee, and the name of the bundling committee  
29 that delivered the contribution.





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

4           (c) The total amount of bundled contributions received by that  
5     candidate committee during the reporting period and during the  
6     election cycle.

