

HOUSE BILL NO. 4268

March 19, 2025, Introduced by Reps. Byrnes, Mentzer, Dievendorf, Morgan, Koleszar, Brixie, Conlin, Price, Rheingans, Wegela, Hoskins, Coffia, Paiz, Wilson, Miller, Tsernoglou, Andrews, Arbit, Longjohn, MacDonell, Myers-Phillips and McKinney and referred to Committee on Government Operations.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 15 (MCL 169.215), as amended by 2015 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 15. (1) The secretary of state shall do all of the
- 2 following:
- 3 (a) Make available through ~~his or her~~ **the secretary of state's**
- 4 offices, and furnish to county clerks, appropriate forms,
- 5 instructions, and manuals required by this act.
- 6 (b) Develop a filing, coding, and cross-indexing system for

1 the filing of required reports and statements consistent with this
2 act, and supervise the implementation of the filing systems by the
3 clerks of the counties.

4 (c) Receive all statements and reports required by this act to
5 be filed with the secretary of state.

6 (d) Prepare forms, instructions, and manuals required under
7 this act.

8 (e) Promulgate rules and issue declaratory rulings to
9 implement this act in accordance with the administrative procedures
10 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

11 (f) ~~Upon~~**On** receipt of a written request and the required
12 filing, waive payment of a late filing fee if the request for the
13 waiver is based on good cause and accompanied by adequate
14 documentation. One or more of the following reasons constitute good
15 cause for a late filing fee waiver:

16 (i) The incapacitating physical illness, hospitalization,
17 accident involvement, death, or incapacitation for medical reasons
18 of ~~a person~~**an individual** required to file, ~~a person~~**an individual**
19 whose participation is essential to the preparation of the
20 statement or report, or a member of the immediate family of these
21 ~~persons~~**individuals**.

22 (ii) Other unique, unintentional factors beyond the filer's
23 control not stemming from a negligent act or nonaction so that a
24 reasonably prudent person would excuse the filing on a temporary
25 basis. These factors include the loss or unavailability of records
26 due to a fire, flood, theft, or similar reason and difficulties
27 related to the transmission of the filing to the filing official,
28 such as exceptionally bad weather or strikes involving
29 transportation systems.

1 (2) ~~A~~**The secretary of state shall issue a** declaratory ruling
2 ~~shall be issued~~ under this section only if the person requesting
3 the ruling has provided a reasonably complete statement of facts
4 necessary for the ruling or if the person requesting the ruling
5 has, with the permission of the secretary of state, supplied
6 supplemental facts necessary for the ruling. A request for a
7 declaratory ruling that is submitted to the secretary of state
8 ~~shall~~**must** be made available for public inspection ~~within~~**not later**
9 **than** 48 hours after its receipt. An interested person may submit
10 written comments regarding the request to the secretary of state
11 ~~within~~**not later than** 10 business days after the date the request
12 is made available to the public. ~~Within~~**Not later than** 45 business
13 days after receiving a declaratory ruling request, the secretary of
14 state shall make a proposed response available to the public. An
15 interested person may submit written comments regarding the
16 proposed response to the secretary of state ~~within~~**not later than** 5
17 business days after the date the proposal is made available to the
18 public. Except as otherwise provided in this section, the secretary
19 of state shall issue a declaratory ruling ~~within~~**not later than** 60
20 business days after a request for a declaratory ruling is received.
21 If the secretary of state refuses to issue a declaratory ruling,
22 the secretary of state shall notify the person making the request
23 of the reasons for the refusal and shall issue an interpretative
24 statement providing an informational response to the question
25 presented within the same time limitation applicable to a
26 declaratory ruling. A declaratory ruling or interpretative
27 statement issued under this section ~~shall~~**must** not state a general
28 rule of law, other than that which is stated in this act, until the
29 general rule of law is promulgated by the secretary of state as a

1 rule under the administrative procedures act of 1969, 1969 PA 306,
2 MCL 24.201 to 24.328, or under judicial order.

3 (3) Under extenuating circumstances, the secretary of state
4 may issue a notice extending for not more than 30 business days the
5 period during which the secretary of state shall respond to a
6 request for a declaratory ruling. The secretary of state shall not
7 issue more than 1 notice of extension for a particular request. A
8 person requesting a declaratory ruling may waive, in writing, the
9 time limitations provided by this section.

10 (4) The secretary of state shall make available to the public
11 an annual summary of the declaratory rulings and interpretative
12 statements issued by the secretary of state.

13 (5) A person may file with the secretary of state a complaint
14 that alleges a violation of this act. ~~Within~~ **Not later than** 5
15 business days after a complaint that meets the requirements of
16 subsection (6) is filed, the secretary of state shall give notice
17 to the person against whom the complaint is filed. The notice ~~shall~~
18 **must** include a copy of the complaint. ~~Within~~ **Not later than** 15
19 business days after this notice is mailed, the person against whom
20 the complaint was filed may submit a response to the secretary of
21 state. The secretary of state may extend the period for submitting
22 a response an additional 15 business days for good cause. The
23 secretary of state shall provide a copy of a response received to
24 the complainant. ~~Within~~ **Not later than** 10 business days after the
25 response is mailed, the complainant may submit a rebuttal statement
26 to the secretary of state. The secretary of state may extend the
27 period for submitting a rebuttal statement an additional 10
28 business days for good cause. The secretary of state shall provide
29 a copy of the rebuttal statement to the person against whom the

1 complaint was filed. If, on initial review of the complaint on its
2 receipt, the secretary of state determines that the complaint is
3 frivolous, illegible, indefinite, or unsigned, or does not identify
4 an alleged violator, allege a violation of the act, or contain a
5 verification statement, the secretary of state may summarily
6 dismiss the complaint without prejudice. If a complaint is
7 summarily dismissed, the complainant must be notified in writing as
8 to the reason the complaint was dismissed. Under this section, a
9 complaint is frivolous if the secretary of state determines that
10 all of the following apply:

11 (a) The primary purpose in filing the complaint was to harass,
12 embarrass, or injure the person against whom the complaint was
13 filed.

14 (b) The complainant had no reasonable basis to believe the
15 fact underlying the complaint to be true.

16 (c) The complaint is devoid of any arguable legal merit or
17 lacks an arguable basis in either law or fact.

18 (6) A complaint filed under subsection (5) ~~shall~~**must** satisfy
19 all of the following requirements:

20 (a) Be signed by the complainant.

21 (b) State the name, address, and telephone number of the
22 complainant.

23 (c) Include the complainant's certification that, to the best
24 of the complainant's knowledge, information, and belief, formed
25 after a reasonable inquiry under the circumstances, each factual
26 contention of the complaint is supported by evidence. However, if,
27 after a reasonable inquiry under the circumstances, the complainant
28 is unable to certify that certain factual contentions are supported
29 by evidence, the complainant may certify that, to the best of ~~his~~

1 ~~or her~~ **the complainant's** knowledge, information, or belief, there
2 are grounds to conclude that those specifically identified factual
3 contentions are likely to be supported by evidence after a
4 reasonable opportunity for further inquiry.

5 (7) The secretary of state shall develop a form that satisfies
6 the requirements of subsection (6) and may be used for the filing
7 of complaints.

8 (8) A person who files a complaint with a false certificate
9 under subsection (6)(c) is responsible for a civil violation of
10 this act. A person may file a complaint under subsection (5)
11 alleging that another person has filed a complaint with a false
12 certificate under subsection (6)(c).

13 (9) The secretary of state shall investigate the allegations
14 under the rules promulgated under this act. If the violation
15 involves the secretary of state, the immediate family of the
16 secretary of state, or a campaign or committee with which the
17 secretary of state is connected, directly or indirectly, the
18 secretary of state shall refer the matter to the attorney general
19 to determine whether a violation of this act has occurred.

20 (10) **The secretary of state may petition the circuit court of**
21 **Ingham County for injunctive relief to correct a violation or**
22 **prevent a further or ongoing violation of this act if either of the**
23 **following applies:**

24 (a) **A complaint has been filed under subsection (5), the**
25 **complaint meets all of the requirements of subsection (6), a**
26 **response to the complaint has been received or the deadline to**
27 **respond to the complaint has passed, and the secretary of state has**
28 **attempted to correct the violation or prevent a further or ongoing**
29 **violation using informal methods outlined under this section.**

1 (b) The secretary of state has issued a notice of error or
2 omission in the ordinary course of review of reports under section
3 16, a response to the notice of error or omission has been received
4 or the deadline to respond to the notice of error or omission has
5 passed, and the secretary of state has attempted to correct the
6 violation or prevent a further or ongoing violation using informal
7 methods outlined under this section.

8 (11) The secretary of state may petition the circuit court of
9 Ingham County to issue a subpoena on behalf of the secretary of
10 state that requires the person subpoenaed to appear and testify
11 under oath to any matter related to the examination and to produce
12 any relevant documents if either of the following applies:

13 (a) A complaint has been filed under subsection (5), the
14 complaint meets all of the requirements of subsection (6), a
15 response to the complaint has been received or the deadline to
16 respond to the complaint has passed, and the person being
17 subpoenaed has not fully responded or refuses to fully respond to
18 the secretary's request.

19 (b) The secretary of state has issued a notice of error or
20 omission in the ordinary course of review of reports under section
21 16, a response to the notice of error or omission has been received
22 or the deadline to respond to the notice of error or omission has
23 passed, and the person being subpoenaed has not fully responded or
24 refuses to fully respond to the secretary's request.

25 (12) ~~(10) No~~ **Not** later than 45 business days after receipt of
26 a rebuttal statement submitted under subsection (5), or if no
27 response or rebuttal is received under subsection (5), the
28 secretary of state shall post on the secretary of state's ~~Internet~~
29 website whether or not there may be reason to believe that a

1 violation of this act has occurred. When the secretary of state
2 determines whether there may be reason to believe that a violation
3 of this act occurred or did not occur or determines to terminate
4 its proceedings, the secretary of state shall, ~~within~~**not later**
5 **than** 30 days ~~of~~**after** that determination, post on the secretary of
6 state's ~~Internet~~-website any complaint, response, or rebuttal
7 statement received under subsection (5) regarding that violation or
8 alleged violation and any correspondence that is dispositive of
9 that violation or alleged violation between the secretary of state
10 and the complainant or the person against whom the complaint was
11 filed. If the secretary of state determines that there may be
12 reason to believe that a violation of this act occurred, the
13 secretary of state shall endeavor to correct the violation or
14 prevent a further violation by using informal methods such as a
15 conference, conciliation, or persuasion, and may enter into a
16 conciliation agreement with the person involved. Unless violated, a
17 conciliation agreement is a complete bar to any further civil or
18 criminal action with respect to matters covered in the conciliation
19 agreement. The secretary of state shall, ~~within~~**not later than** 30
20 days after a conciliation agreement is signed, post that agreement
21 on the secretary of state's ~~Internet~~-website. If, after 90 business
22 days, the secretary of state is unable to correct or prevent
23 further violation by these informal methods, the secretary of state
24 shall do either of the following:

25 (a) Refer the matter to the attorney general for the
26 enforcement of any criminal penalty provided by this act.

27 (b) Commence a hearing as provided in subsection ~~(11)~~**(13)** for
28 enforcement of any civil violation.

29 **(13)** ~~(11)~~The secretary of state may commence a hearing to

determine whether a civil violation of this act has occurred. The hearing ~~shall~~**must** be conducted in accordance with the procedures set forth in chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to ~~24.287~~**24.288**. If after a hearing the secretary of state determines that a violation of this act has occurred, the secretary of state may issue an order requiring the person to pay a civil fine not more than triple the amount of the improper contribution or expenditure plus not more than \$1,000.00 for each violation.

(14) ~~(12)~~ A final decision and order issued by the secretary of state is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. The secretary of state shall deposit a civil fine imposed under this section in the general fund. The secretary of state may bring an action in circuit court to recover the amount of a civil fine.

(15) ~~(13)~~ When a report or statement is filed under this act, the secretary of state shall review the report or statement and may investigate an apparent violation of this act under the rules promulgated under this act. If the secretary of state determines that there may be reason to believe a violation of this act has occurred and the procedures prescribed in subsection ~~(10)~~**(12)** have been complied with, the secretary of state may refer the matter to the attorney general for the enforcement of a criminal penalty provided by this act, or commence a hearing under subsection ~~(11)~~**(13)** to determine whether a civil violation of this act has occurred.

(16) ~~(14)~~ ~~No~~**Not** later than 60 business days after a matter is referred to the attorney general for enforcement of a criminal

1 penalty, the attorney general shall determine whether to proceed
2 with enforcement of that penalty.

3 (17) ~~(15)~~ Unless otherwise specified in this act, a person who
4 violates a provision of this act is subject to a civil fine of not
5 more than \$1,000.00 for each violation. A civil fine is in addition
6 to, but not limited by, a criminal penalty prescribed by this act.

7 (18) ~~(16)~~ In addition to any other sanction provided for by
8 this act, the secretary of state may require a person who files a
9 complaint with a false certificate under subsection (6)(c) to do
10 either or both of the following:

11 (a) Pay to the secretary of state some or all of the expenses
12 incurred by the secretary of state as a direct result of the filing
13 of the complaint.

14 (b) Pay to the person against whom the complaint was filed
15 some or all of the expenses, including, but not limited to,
16 reasonable attorney fees incurred by that person in proceedings
17 under this act as a direct result of the filing of the complaint.

18 (19) ~~(17) Except as otherwise provided in section 57, there~~
19 **There** is no private right of action, either in law or in equity,
20 under this act. ~~Except as otherwise provided in section 57, the~~ **The**
21 remedies provided in this act are the exclusive means by which this
22 act may be enforced and by which any harm resulting from a
23 violation of this act may be redressed. The criminal penalties
24 provided by this act may only be enforced by the attorney general
25 and only ~~upon~~ **on** referral by the secretary of state as provided
26 under subsection ~~(10)~~ **(12)** or ~~(13)~~ **(15)**.

27 (20) ~~(18)~~ The secretary of state may waive the filing of a
28 campaign statement required under section 33, 34, or 35 if the
29 closing date of the particular campaign statement falls on the same

1 or a later date as the closing date of the next campaign statement
2 filed by the same person, or if the period that would be otherwise
3 covered by the next campaign statement filed by the same person is
4 10 days or less.

5 **(21)** ~~(19)~~—The clerk of each county shall do all of the
6 following:

7 (a) Make available through the county clerk's office the
8 appropriate forms, instructions, and manuals required by this act.

9 (b) Under the supervision of the secretary of state, implement
10 the filing, coding, and cross-indexing system prescribed for the
11 filing of reports and statements required to be filed with the
12 county clerk's office.

13 (c) Receive all statements and reports required by this act to
14 be filed with the county clerk's office.

15 (d) ~~Upon~~ **On** written request, waive the payment of a late
16 filing fee if the request for a waiver is based on good cause as
17 prescribed in subsection (1)(f).