

HOUSE BILL NO. 4642

June 12, 2025, Introduced by Reps. Rigas, Aragona, Cavitt, Frisbie, Wozniak, Outman, Borton, Smit, DeBoyer, DeSana, Woolford, Bollin, Hoadley, Kelly, Carra, Paquette, Posthumus, Prestin, BeGole, Kunse, Maddock, Greene and Bruck and referred to Committee on Election Integrity.

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.

(b) Develop a filing, coding, and cross-indexing system for the filing of required reports and statements consistent with this act, and supervise the implementation of the filing systems by the clerks of the counties.

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

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

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

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

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

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

1 transportation systems.

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

1 general rule of law is promulgated by the secretary of state as a
2 rule under the administrative procedures act of 1969, 1969 PA 306,
3 MCL 24.201 to 24.328, or under judicial order.

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

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

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

1 a copy of the rebuttal statement to the person against whom the
2 complaint was filed.

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

5 (a) Be signed by the complainant.

6 (b) State the name, address, and telephone number of the
7 complainant.

8 (c) Include the complainant's certification that, to the best
9 of the complainant's knowledge, information, and belief, formed
10 after a reasonable inquiry under the circumstances, each factual
11 contention of the complaint is supported by evidence. However, if,
12 after a reasonable inquiry under the circumstances, the complainant
13 is unable to certify that certain factual contentions are supported
14 by evidence, the complainant may certify that, to the best of ~~his~~
15 ~~or her~~**the complainant's** knowledge, information, or belief, there
16 are grounds to conclude that those specifically identified factual
17 contentions are likely to be supported by evidence after a
18 reasonable opportunity for further inquiry.

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

22 (8) A person who files a complaint with a false certificate
23 under subsection (6)(c) is responsible for a civil violation of
24 this act. A person may file a complaint under subsection (5)
25 alleging that another person has filed a complaint with a false
26 certificate under subsection (6)(c).

27 (9) The secretary of state shall investigate the allegations
28 under the rules promulgated under this act. If the violation
29 involves the secretary of state, the immediate family of the

1 secretary of state, or a campaign or committee with which the
2 secretary of state is connected, directly or indirectly, the
3 secretary of state shall refer the matter to the attorney general
4 to determine whether a violation of this act has occurred.

5 (10) If the secretary of state refers a matter to the attorney
6 general under subsection (9), the attorney general shall
7 investigate and resolve the matter in the same manner as is
8 required of the secretary of state under this section. Except as
9 otherwise provided in this subsection, the requirements and
10 procedures prescribed under this section that apply to a complaint
11 received by the secretary of state under subsection (5) apply to a
12 complaint referred to the attorney general under subsection (9). If
13 the secretary of state refers a complaint to the attorney general
14 under subsection (9) and the attorney general determines that there
15 may be reason to believe that a violation of this act occurred, the
16 attorney general shall do any of the following, as applicable:

17 (a) If the violation is not a felony, resolve the matter using
18 informal methods under subsection (11).

19 (b) If the violation is not a felony and the attorney general
20 has complied with the procedures prescribed in subsection (11), the
21 attorney general may enforce a criminal penalty provided by this
22 act or commence a hearing under subsection (12) to determine
23 whether a civil violation of this act has occurred.

24 (c) If the violation is a felony, the attorney general shall
25 enforce a criminal penalty provided by this act or commence a
26 hearing under subsection (12) to determine whether a civil
27 violation of this act has occurred.

28 (11) ~~(10) No~~ **Not** later than 45 business days after receipt of
29 a rebuttal statement submitted under subsection (5), or if no

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

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

(b) Commence a hearing as provided in subsection ~~(11)~~ **(12)** for enforcement of any civil violation.

(12) ~~(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.

(13) ~~(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.

(14) ~~(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)~~ **(11)** 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)~~ **(12)** to determine whether a civil violation of this act has

1 occurred.

2 **(15)** ~~(14) No~~ **Not** later than 60 business days after a matter is
3 referred to the attorney general for enforcement of a criminal
4 penalty, the attorney general shall determine whether to proceed
5 with enforcement of that penalty.

6 **(16)** ~~(15)~~ Unless otherwise specified in this act, a person who
7 violates a provision of this act is subject to a civil fine of not
8 more than \$1,000.00 for each violation. A civil fine is in addition
9 to, but not limited by, a criminal penalty prescribed by this act.

10 **(17)** ~~(16)~~ In addition to any other sanction provided for by
11 this act, the secretary of state may require a person who files a
12 complaint with a false certificate under subsection (6)(c) to do
13 either or both of the following:

14 (a) Pay to the secretary of state some or all of the expenses
15 incurred by the secretary of state as a direct result of the filing
16 of the complaint.

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

21 **(18)** ~~(17) Except as otherwise provided in section 57, there~~
22 **There** is no private right of action, either in law or in equity,
23 under this act. ~~Except as otherwise provided in section 57, the~~ **The**
24 remedies provided in this act are the exclusive means by which this
25 act may be enforced and by which any harm resulting from a
26 violation of this act may be redressed. The criminal penalties
27 provided by this act may only be enforced by the attorney general
28 and only ~~upon~~ **after any of the following:**

29 **(a)** A referral by the secretary of state as provided under

1 subsection ~~(10)~~-(11) or ~~(13)~~-(14) .

2 (b) A referral to the attorney general under subsection (9) .

3 (19) ~~(18)~~The secretary of state may waive the filing of a
4 campaign statement required under section 33, 34, or 35 if the
5 closing date of the particular campaign statement falls on the same
6 or a later date as the closing date of the next campaign statement
7 filed by the same person, or if the period that would be otherwise
8 covered by the next campaign statement filed by the same person is
9 10 days or less.

10 (20) ~~(19)~~The clerk of each county shall do all of the
11 following:

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

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

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

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