

# SENATE BILL NO. 99

February 26, 2025, Introduced by Senators MOSS, SINGH and MCBROOM and referred to Committee on Oversight.

A bill to amend 2023 PA 281, entitled "Public officers financial disclosure act," by amending sections 3, 5, 7, 11, 13, and 15 (MCL 15.703, 15.705, 15.707, 15.711, 15.713, and 15.715).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. As used in this act:

2       (a) "Blind trust" means a qualified blind trust or qualified  
3       diversified trust as those terms are defined in 5 CFR 2634.403.

4       (b) "Consumer Price Index" means the most comprehensive index  
5       of consumer prices available for the Detroit-Warren-Dearborn area

1 from the Bureau of Labor Statistics of the United States Department  
2 of Labor.

3 (c) ~~(b)~~—"Department" means the department of state.

4 (d) ~~(e)~~—"Earned income" means salaries, wages, tips, bonuses,  
5 commissions, or other compensation or earnings from employment  
6 earned during the reporting period.

7 (e) ~~(d)~~—"Form" means the financial disclosure form created by  
8 the department in accordance with section 11.

9 (f) ~~(e)~~—"Gift" means that term as defined in section 7-4 of  
10 ~~the Michigan campaign finance act, 1976 PA 388, MCL 169.207.1978 PA~~  
11 **472, MCL 4.414.**

12 (g) ~~(f)~~—"Honorarium" means that term as defined in section 7  
13 of the Michigan campaign finance act, 1976 PA 388, MCL 169.207.

14 (h) ~~(g)~~—"Liabilities" means what a person owes to another  
15 person, including, but not limited to, mortgages or other debts.  
16 For purposes of this act, a debt does not include a revolving debt,  
17 an unsecured debt that is from a financial institution or the  
18 federal government, or a debt owed by a business entity.

19 (i) ~~(h)~~—"Lobbyist" means that term as defined in section 5 of  
20 1978 PA 472, MCL 4.415.

21 (j) ~~(i)~~—"Lobbyist agent" means that term as defined in section  
22 5 of 1978 PA 472, MCL 4.415.

23 ~~(j) "Spouse" means an individual who is lawfully married to a~~  
24 ~~public officer as described under 26 CFR 30.7701-18.~~

25 (k) "Public officer" means all of the following:

26 (i) A state representative.

27 (ii) A state senator.

28 (iii) The attorney general.

29 (iv) The governor.

1 (v) The lieutenant governor.

2 (vi) The secretary of state.

3 (l) "Report" means the financial disclosure report required  
4 under section 10 of article IV of the state constitution of 1963.

5 (m) "Reporting period" means the preceding calendar year.

6 (n) **"Spouse" means an individual who is lawfully married to a**  
7 **public officer as described under 26 CFR 30.7701-18.**

8 (o) ~~(n)~~ "Unearned income" means income that is not earned from  
9 employment, including, but not limited to, financial prize,  
10 unemployment benefits, annuities, stock dividends, deferred  
11 compensation, pension, profit sharing, or retirement income.  
12 Unearned income does not include inheritance money or a familial  
13 gift.

14 Sec. 5. (1) A public officer shall file an annual financial  
15 disclosure report with the department -

16 ~~(2) The report required under this section must first be filed~~  
17 ~~by April 15, 2024, and by~~ **not later than** May 15 of each year.  
18 ~~thereafter.~~ This subsection does not apply to an individual who was  
19 a public officer only on the first day of the calendar year.

20 (2) ~~(3)~~ If a public officer who is required to file a report  
21 under this act receives notice from the secretary of state under  
22 section ~~13(1)(g),~~ **13(1)(h)**, the public officer shall, ~~within~~ **not**  
23 **later than** 9 business days after receiving the notice, file  
24 corrections to the errors or omissions or file the report, as  
25 applicable.

26 Sec. 7. (1) A report required under section 5 must include a  
27 complete statement of all of the following:

28 (a) The full name, mailing address, telephone number, and  
29 email address of the public officer.

1           (b) The name and address of the public officer's employer **or**  
2 **employers** and the positions held during the reporting period, if  
3 the public officer receives \$1,000.00 or more in annual income from  
4 each position.

5           (c) The name of the spouse of the public officer, **and, if the**  
6 **public officer's spouse receives \$1,000.00 or more in annual**  
7 **income**, the occupation of the public officer's spouse ~~—~~and the  
8 name of the employer or employers of the public officer's spouse.~~—~~

9           (d) Whether the public officer's spouse was registered as a  
10 lobbyist or lobbyist agent under 1978 PA 472, MCL 4.411 to 4.431,  
11 during the reporting period.

12           (e) A list of all positions currently held as an officer,  
13 director, trustee, partner, proprietor, representative, employee,  
14 or consultant of any organization, corporation, firm, partnership,  
15 or other business enterprise, nonprofit organization, labor  
16 organization, or educational or other institution other than this  
17 state. If this subdivision applies, the public officer shall  
18 include the name of the organization. For purposes of this  
19 subdivision, positions held in any religious, social, fraternal, or  
20 political entity, or positions that are solely of an honorary  
21 nature, are excluded.

22           (f) The source of earned income received during the reporting  
23 period by the public officer. For purposes of this subdivision, the  
24 public officer must report each source of income received during  
25 the reporting period that is \$1,000.00 or more.

26           (g) Except as otherwise provided in this subdivision, a list  
27 of each asset, excluding a business asset, held for investment or  
28 production of income with a fair market value of \$1,000.00 or more  
29 during the reporting period and any sources of unearned income that

1 exceed \$200.00 during the reporting period, **including the origin**  
2 **and address of the sources of unearned income.** The fair market  
3 value for the purpose of listing each asset, excluding a business  
4 asset, held for investment or production of income under this  
5 subdivision must be adjusted for inflation every 4 years using the  
6 ~~Detroit~~ Consumer Price Index, and rounded up to the nearest  
7 \$1,000.00.

8 (h) A list of all liabilities that exceed \$10,000.00 owed by  
9 the public officer to a creditor at any time during the reporting  
10 period.

11 (i) Except as otherwise provided in this subdivision, a list  
12 of any stocks, bonds, or other forms of securities held by the  
13 public officer or held jointly with the public officer's spouse  
14 during the reporting period, **including the origin and address of**  
15 **the securities,** if the security has a total aggregate fair market  
16 value of \$1,000.00 or more. The fair market value for the purpose  
17 of listing stocks, bonds, or other forms of securities under this  
18 subdivision must be adjusted for inflation every 4 years using the  
19 ~~Detroit~~ Consumer Price Index, and rounded up to the nearest  
20 \$1,000.00. For purposes of this act, a public officer is not  
21 required to disclose a stock in a widely held investment fund,  
22 including, but not limited to, a mutual fund, regulated investment  
23 company, pension or deferred compensation plan, or other investment  
24 fund, if both of the following apply:

25 (i) Either the fund is publicly traded or the assets of the  
26 fund are widely diversified.

27 (ii) The public officer or the public officer's spouse does not  
28 exercise control over or have the ability to exercise control over  
29 the financial interests held by the fund.

1           (j) A list of any real property in which the public officer  
2 holds an ownership or other financial interest. For purposes of  
3 this subdivision, the public officer is required to include a real  
4 property in the report only if that real property has a fair market  
5 value of \$1,000.00 or more during the reporting period. A public  
6 officer filing a report may exclude the street number of a parcel  
7 of real property under this subdivision.

8           (k) The date, identity of parties to, and general terms of any  
9 agreements or arrangements with respect to future employment, a  
10 leave of absence while serving as a public officer, continuation or  
11 deferral of payments by a former or current employer other than  
12 this state, or continuing participation in an employee welfare or  
13 benefit plan maintained by a former employer. As provided in  
14 section 8, there is an ongoing duty to report any agreement or  
15 arrangement entered into by a public officer after the filing  
16 deadline described in section ~~5(2)~~-5.

17           (l) A list of all gifts received and **required to be** reported by  
18 a lobbyist or lobbyist agent under state law, **including the name of**  
19 **the lobbyist or lobbyist agent that provided the gift.**

20           (m) A list of all travel payments received and **required to be**  
21 reported by a lobbyist or lobbyist agent under state law, **including**  
22 **the name of the lobbyist or lobbyist agent that provided the travel**  
23 **payment.**

24           (n) A list of each payment made by a lobbyist or lobbyist  
25 agent to a charity in lieu of honoraria, **including the name of the**  
26 **lobbyist or lobbyist agent that made the payment.**

27           (o) If applicable, a statement indicating that the public  
28 officer or the public officer's spouse is a registered vendor with  
29 this state, has a majority interest in a company that is a

1 registered vendor with this state, or is employed by a company that  
2 is a registered vendor with this state. If the public officer or  
3 the public officer's spouse is a registered vendor with this state  
4 or has a majority interest in a company that is a registered vendor  
5 with this state, the public officer shall include the name of the  
6 company and a description of all contracts entered into with this  
7 state by the public officer, public officer's spouse, or company in  
8 which the public officer or public officer's spouse has a majority  
9 interest during the reporting period. If the public officer or  
10 public officer's spouse is employed by a company that is a  
11 registered vendor with this state, the public officer shall include  
12 the name of the company and a description of all contracts entered  
13 into with this state that the public officer or the public  
14 officer's spouse worked on directly during the reporting period.

15 (2) A public officer is not required to disclose the value of  
16 any real property or property disclosed under subsection (1).

17 (3) If a public officer required to file a report under this  
18 section holds a beneficial interest in a blind trust, the public  
19 officer is not required to include the interests or assets of the  
20 blind trust in the report. However, the public officer must  
21 indicate in the public officer's report that the public officer  
22 holds a beneficial interest in a blind trust. For purposes of this  
23 subsection, ~~beneficial~~ "**beneficial interest**" includes, but is not  
24 limited to, the interest in a trust of a qualified trust  
25 beneficiary or trust beneficiary as those terms are defined under  
26 section 7103 of the estates and protected individuals code, 1998 PA  
27 386, MCL 700.7103.

28 (4) A report required under section 5 must include the  
29 following certification: "I certify that the statements I have made

1 on this financial disclosure form are true, complete, and correct  
2 to the best of my knowledge and belief, and that I have not moved  
3 assets during the reporting period for the purpose of avoiding  
4 disclosure under the public officers financial disclosure act".

5 Sec. 11. (1) ~~Within~~ **Not later than** 30 days after ~~the effective~~  
6 ~~date of this act,~~ **February 13, 2024**, the department shall create a  
7 standard financial disclosure form that incorporates the  
8 requirements of section 7 for use by a public officer to file the  
9 financial disclosure report required under this act.

10 (2) The department shall, ~~no~~ **not** later than March 15, ~~2024,~~  
11 **2025**, make the **most current version of the** form created under this  
12 section easily accessible on its website.

13 Sec. 13. (1) The secretary of state shall do all of the  
14 following:

15 (a) Make available through the secretary of state's offices  
16 appropriate forms, instructions, and manuals required by this act.

17 (b) Create and operate an electronic, internet-accessible  
18 system to receive ~~all~~ statements and reports **that are** required by  
19 this act to be filed with the secretary of state.

20 (c) **Accept statements and reports required by this act to be**  
21 **filed with the secretary of state that are submitted via email as**  
22 **an acceptable alternative to the electronic filing system created**  
23 **under subdivision (b). This subdivision applies retroactively to**  
24 **statements and reports submitted by email for the reporting period**  
25 **of January 1, 2023 to December 31, 2023.**

26 (d) ~~(e)~~ Create ~~all~~ forms, instructions, and manuals required  
27 under this act.

28 (e) ~~(d)~~ Issue declaratory rulings to implement this act under  
29 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201



1 to 24.328.

2           **(f)** ~~(e)~~—On receiving a written request and the required  
3 filing, waive payment of a late filing fee if the request for the  
4 waiver is based on good cause and accompanied by adequate  
5 documentation. One or more of the following reasons constitute good  
6 cause for a late filing fee waiver:

7           *(i)* The incapacitating physical illness, hospitalization,  
8 accident involvement, death, or incapacitation for medical reasons  
9 of a public officer or an individual whose participation is  
10 essential to the preparation of the report.

11           *(ii)* Other unique, unintentional factors beyond the control of  
12 the public officer that are not the result of a negligent act or  
13 nonaction so that a reasonably prudent person would excuse the  
14 filing on a temporary basis. These factors include the loss or  
15 unavailability of records because of a fire, flood, theft, or  
16 similar reason and difficulties related to the transmission of the  
17 filing to the secretary of state, such as exceptionally bad  
18 weather.

19           **(g)** ~~(f)~~—As soon as practicable, but not later than 5 business  
20 days after a report required to be filed under this act is  
21 received, make the report or all of the contents of the report  
22 available without charge to the public on a separate internet  
23 webpage or its website homepage.

24           **(h)** ~~(g)~~ ~~Within~~ **Not later than** 9 business days after the  
25 deadline for filing a report under this act, notify, by registered  
26 mail or email, an individual of any error or omission in the  
27 individual's report or that the individual failed to file the  
28 required report.

29           (2) The secretary of state shall issue a declaratory ruling

1 under this section only if the person requesting the ruling has  
2 provided a reasonably complete statement of facts necessary for the  
3 ruling or if the person requesting the ruling has, with the  
4 permission of the secretary of state, supplied supplemental facts  
5 necessary for the ruling. ~~Within~~ **Not later than** 2 business days  
6 after receiving a request for a declaratory ruling, the secretary  
7 of state shall make the request available in the manner provided  
8 for under subsection ~~(1)(f)~~. **(1)(g)**. An interested person may  
9 submit written comments regarding the request to the secretary of  
10 state ~~within~~ **not later than** 10 business days after the date the  
11 request is made available to the public. ~~Within~~ **Not later than** 45  
12 business days after receiving a declaratory ruling request, the  
13 secretary of state shall make a proposed response available in the  
14 manner provided for under subsection ~~(1)(f)~~. **(1)(g)**. An interested  
15 person may submit written comments regarding the proposed response  
16 to the secretary of state ~~within~~ **not later than** 5 business days  
17 after the date the proposal is made available to the public. Except  
18 as otherwise provided in this section, the secretary of state shall  
19 issue a declaratory ruling ~~within~~ **not later than** 60 business days  
20 after receiving a request for a declaratory ruling. The secretary  
21 of state may refuse to issue a declaratory ruling or an  
22 interpretive statement under this act if the request is anonymous,  
23 the secretary of state determines that the subject matter of the  
24 request is frivolous on its face, or the request is indefinite or  
25 lacks specificity. If the secretary of state refuses to issue a  
26 declaratory ruling, the secretary of state shall notify the person  
27 making the request of the reasons for the refusal and issue an  
28 interpretive statement providing an informational response to the  
29 question presented within the 60-day period. A declaratory ruling

1 or interpretive statement issued under this section must not state  
2 a general rule of law, other than that which is stated in this act,  
3 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,  
6 the 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 interpretive  
13 statements issued by the secretary of state under this section.

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 mail notice  
18 to the person against whom the complaint is filed. The notice must  
19 include a copy of the complaint. ~~Within~~**Not later than** 15 business  
20 days after the notice is mailed, the person against whom the  
21 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 mail a copy of a response received to the  
25 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. If, on review of the complaint, the secretary  
3 of state determines that the complaint is frivolous, illegible,  
4 indefinite, or unsigned, or does not identify an alleged violator,  
5 allege a violation of the act, or contain a verification statement,  
6 the secretary of state may summarily dismiss the complaint without  
7 prejudice. If a complaint is summarily dismissed, the complainant  
8 must be notified in writing as to the reason the complaint was  
9 dismissed. The secretary of state may consolidate similar  
10 complaints.

11 (6) A complaint filed under subsection (5) must satisfy all of  
12 the following requirements:

13 (a) Be signed by the complainant.

14 (b) State the name, address, and telephone number of the  
15 complainant.

16 (c) Include the complainant's certification that, to the best  
17 of the complainant's knowledge, information, and belief, formed  
18 after a reasonable inquiry under the circumstances, each factual  
19 contention of the complaint is supported by evidence. However, if,  
20 after a reasonable inquiry under the circumstances, the complainant  
21 is unable to certify that certain factual contentions are supported  
22 by evidence, the complainant may certify that, to the best of the  
23 complainant's knowledge, information, or belief, there are grounds  
24 to conclude that those specifically identified factual contentions  
25 are likely to be supported by evidence after a reasonable  
26 opportunity for further inquiry.

27 (7) A person shall not file a complaint with a false  
28 certificate under subsection (6) (c). A person may file a complaint  
29 under subsection (5) alleging that another person has filed a

1 complaint with a false certificate under subsection (6)(c).

2 (8) The secretary of state shall investigate allegations  
3 brought under this act. If an allegation involves the secretary of  
4 state, or the secretary of state's spouse, the secretary of state  
5 shall refer the matter to the attorney general to determine whether  
6 a violation of this act occurred.

7 (9) ~~No~~**Not** later than 45 business days after receiving a  
8 rebuttal statement submitted under subsection (5) or, if no  
9 response or rebuttal is received under subsection (5), 45 business  
10 days after receiving a complaint under subsection (5), the  
11 secretary of state shall post on the secretary of state's website  
12 whether there may be reason to believe that a violation of this act  
13 occurred. If the secretary of state determines there may be reason  
14 to believe that a violation of this act occurred or determines to  
15 terminate its proceedings, the secretary of state shall, ~~within~~**not**  
16 **later than** 30 days after that determination, post on the secretary  
17 of state's website any complaint, response, or rebuttal statement  
18 received under subsection (5) regarding that violation or alleged  
19 violation and any correspondence that is dispositive of that  
20 violation or alleged violation between the secretary of state and  
21 the complainant or the person against whom the complaint was filed.  
22 If the secretary of state determines that there may be reason to  
23 believe that a violation of this act occurred, the secretary of  
24 state shall endeavor to correct the violation or prevent a further  
25 violation by using informal methods such as a conference,  
26 conciliation, or persuasion, and may enter into a conciliation  
27 agreement with the person involved. Unless violated, a conciliation  
28 agreement is a complete bar to any further civil action with  
29 respect to matters covered in the conciliation agreement. The

1 secretary of state shall, ~~within~~**not later than** 30 days after a  
2 conciliation agreement is signed, post that agreement on the  
3 department's website. If, after 90 business days, the secretary of  
4 state is unable to correct or prevent further violation by these  
5 informal methods, the secretary of state may commence a hearing as  
6 provided in subsection (10) for enforcement of this act.

7 (10) The secretary of state may commence a hearing to  
8 determine whether a violation of this act occurred. The hearing  
9 must be conducted in accordance with chapter 4 of the  
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to  
11 24.288.

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

19 (12) The secretary of state shall review a report or statement  
20 filed under this act and may investigate an apparent violation of  
21 this act. If the secretary of state determines that there may be  
22 reason to believe a violation of this act occurred and the  
23 procedures prescribed in subsection (9) have been complied with,  
24 the secretary of state may commence a hearing under subsection (10)  
25 to determine whether a violation of this act occurred.

26 (13) There is no private right of action, either in law or in  
27 equity, under this act. The remedies provided in this act are the  
28 exclusive means by which this act may be enforced and by which any  
29 harm resulting from a violation of this act may be redressed.

1           (14) The secretary of state shall preserve a report filed  
2 under this act for 15 years after the date the report is filed. If  
3 the secretary of state or attorney general determines under this  
4 section that a violation of this act occurred, the secretary of  
5 state shall preserve all complaints, orders, decisions, or other  
6 documents related to that violation for 15 years after the date of  
7 the determination or the date the violation is corrected, whichever  
8 is later. Reports filed under this act may be reproduced under the  
9 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After  
10 the required preservation period, the reports, or the reproductions  
11 of the reports, may be disposed of in the manner prescribed in the  
12 management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and  
13 section 11 of the Michigan history center act, 2016 PA 470, MCL  
14 399.811.

15           Sec. 15. (1) An individual who fails to file a report as  
16 required under this act shall pay a late filing fee of \$25.00 for  
17 each business day after the first 10 business days that the report  
18 remains unfiled. The fee imposed under this subsection must not  
19 exceed \$1,000.00.

20           (2) A late filing fee collected under this act must be  
21 deposited into the general fund.

22           (3) An individual who knowingly files an incomplete or  
23 inaccurate report in violation of this act may be ordered to pay a  
24 civil fine of not more than \$2,000.00.

25           (4) A late filing fee assessed or civil fine imposed under  
26 this act that remains unpaid for more than 180 days must be  
27 referred to the department of treasury for collection.

28           (5) The amount of a late filing fee assessed or civil fine  
29 imposed under this act must be adjusted for inflation every 4 years

1 using the ~~Detroit~~-Consumer Price Index.