

HOUSE BILL No. 5433

January 31, 1990, Introduced by Rep. Hillegonds and referred to the Committee on Elections.

A bill to amend sections 26 and 45 of Act No. 388 of the Public Acts of 1976, entitled "Michigan campaign finance act," section 26 as amended by Act No. 95 of the Public Acts of 1989, being sections 169.226 and 169.245 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 26 and 45 of Act No. 388 of the Public
2 Acts of 1976, section 26 as amended by Act No. 95 of the Public
3 Acts of 1989, being sections 169.226 and 169.245 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 26. (1) A campaign statement of a committee, other
6 than a political party committee, required by this act shall
7 contain all of the following information:

1 (a) The filing committee's name, address, and telephone
2 number ~~—~~ and the full name ~~—~~ AND residential and business
3 addresses ~~—~~ and telephone numbers of its committee treasurer.

4 (b) Under the heading "receipts", the total amount of con-
5 tributions received during the period covered by the campaign
6 statement; under the heading "expenditures", the total amount of
7 expenditures made during the period covered by the campaign
8 statement; and the cumulative amount of those totals.

9 Forgiveness of a loan shall not be included in the totals.

10 Payment of a loan by a third party shall be recorded and reported
11 as an in-kind contribution by the third party. In-kind contribu-
12 tions or expenditures shall be listed at fair market value and
13 shall be reported as both contributions and expenditures. A con-
14 tribution or expenditure ~~which~~ THAT is by other than completed
15 and accepted payment, gift, or other transfer, ~~which~~ THAT is
16 clearly not legally enforceable, and ~~which~~ THAT is expressly
17 withdrawn or rejected and returned before a campaign statement
18 closing date need not be included in the campaign statement and
19 if included may, in a later or amended statement, be shown as a
20 deduction, but adequate records of each ~~instance~~ SUCH CONTRIBU-
21 TION OR EXPENDITURE shall be kept.

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

24 (d) The total amount of contributions received during the
25 period covered by the campaign statement from persons who con-
26 tributed \$20.01 or more.

1 (e) The total amount of contributions received during the
2 period covered by the campaign statement from persons who
3 contributed \$20.00 or less.

4 (f) The total amount of contributions of \$20.00 or less
5 received during the period covered by the campaign statement and
6 the cumulative amount of the contributions received by the filer
7 pursuant to section 41(3).

8 (g) The following information regarding each fund-raising
9 event: ~~shall be included in the report .~~

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

13 (ii) The total amount of all contributions of \$20.01 or
14 more.

15 (iii) The total amount of all contributions of \$20.00 or
16 less.

17 (iv) The gross receipts of the fund-raising event.

18 (v) The expenditures incident to the event.

19 (h) The full name of each individual from whom contributions
20 totaling \$20.01 or more are received during the period covered by
21 the campaign statement, together with the individual's street
22 address, the amount contributed, the date on which each contribu-
23 tion was received, and the cumulative amount contributed by that
24 individual. The occupation, employer, and principal place of
25 business shall be stated if the individual's cumulative contribu-
26 tions are \$200.01 or more.

1 (i) The cumulative amount contributed and the name and
2 address of each individual, except those individuals reported
3 under subdivision (h), who contributed a total of \$20.01 or
4 more. The occupation, employer, and principal place of business,
5 shall be stated for each individual who contributed \$200.01 or
6 more.

7 (j) The name and street address of each person, other than
8 an individual, from whom contributions are received during the
9 period covered by the campaign statement, together with an item-
10 ization of the amounts contributed, the date on which each con-
11 tribution was received, and the cumulative amount contributed by
12 that person.

13 (k) The name, address, and amount given by an individual who
14 contributed \$20.01 or more of the total amount contributed by a
15 person who is other than a committee or an individual. The occu-
16 pation, employer, and principal place of business shall be stated
17 if the individual contributed \$200.01 or more of the total amount
18 contributed by a person who is other than a committee or an
19 individual.

20 (l) The cumulative total of expenditures of \$50.00 or less
21 made during the period covered by the campaign statement except
22 for expenditures made to or on behalf of another committee, can-
23 didate, or ballot question.

24 (m) The full name and street address of each person to whom
25 expenditures totaling \$50.01 or more were made, together with the
26 amount of each separate expenditure to each such person during
27 the period covered by the campaign statement; the purpose of the

1 expenditure; the full name and street address of the person
2 providing the consideration for which any expenditure was made if
3 different from the payee; the itemization regardless of amount of
4 each expenditure made to or on behalf of another committee, can-
5 didate, or ballot question; and the cumulative amount of expendi-
6 tures for or against that candidate or ballot question for an
7 election cycle. An expenditure made in support of more than 1
8 candidate or ballot question, or both, shall be apportioned rea-
9 sonably among the candidates or ballot questions, or both.

10 (2) IN ADDITION TO THE INFORMATION REQUIRED BY
11 SUBSECTION (1), A CAMPAIGN STATEMENT OF A CANDIDATE COMMITTEE
12 THAT IS REQUIRED TO BE FILED UNDER SECTION 35(1) IN A YEAR IN
13 WHICH THE CANDIDATE SEEKS NOMINATION OR ELECTION TO AN ELECTIVE
14 OFFICE SHALL REPORT THE DISBURSEMENT OF UNEXPENDED MONEY PURSUANT
15 TO SECTION 45(3). IF THE FILING OF SUCH A CAMPAIGN STATEMENT IS
16 WAIVED PURSUANT TO SECTION 35(1) BECAUSE OF THE FILING OF A POST-
17 ELECTION CAMPAIGN STATEMENT, THE POSTELECTION CAMPAIGN STATEMENT
18 SHALL REPORT THE DISBURSEMENT OF UNEXPENDED MONEY PURSUANT TO
19 SECTION 45(3). THE CAMPAIGN STATEMENT SHALL CONTAIN THE NAME AND
20 ADDRESS OF EACH PERSON TO WHOM UNEXPENDED MONEY IS DISBURSED AND
21 SHALL INDICATE WHETHER EACH SUCH PERSON IS A POLITICAL PARTY COM-
22 MITTEE, TAX EXEMPT CHARITABLE INSTITUTION, OR CONTRIBUTOR.

23 (3) ~~(2)~~ A candidate committee or ballot question committee
24 shall report ~~all~~ cumulative amounts required by this section on
25 a per election cycle basis. Except for ~~subdivision (m)~~
26 SUBSECTION (1)(M), an independent committee or political

1 committee shall report all cumulative amounts required by this
2 section on a calendar year basis.

3 Sec. 45. (1) A person may transfer ~~any~~ unexpended
4 ~~funds~~ MONEY from 1 candidate committee to another candidate
5 committee of that person if the contribution limits prescribed in
6 section 52 for the candidate committee receiving the ~~funds~~
7 MONEY are equal to or greater than the contribution limits for
8 the candidate committee transferring the ~~funds~~ MONEY and if the
9 candidate committees are simultaneously ~~held by~~ UNDER THE CON-
10 TROL AND DIRECTION OF the same person. The ~~funds~~ MONEY being
11 transferred shall not be considered a qualifying contribution
12 regardless of the amount of the individual contribution being
13 transferred.

14 (2) Unexpended ~~funds in~~ MONEY OF a ~~campaign~~ CANDIDATE
15 committee that ~~are~~ IS not eligible for transfer to another can-
16 didate committee of the person, pursuant to subsection (1), shall
17 be given to a political party committee ~~—~~ or ~~to a~~ tax exempt
18 charitable institution ~~—~~ or returned to the contributors of the
19 ~~funds~~ MONEY upon termination of the ~~campaign~~ CANDIDATE
20 committee.

21 (3) BY DECEMBER 31 OF A YEAR IN WHICH A CANDIDATE SEEKS NOM-
22 INATION OR ELECTION TO AN ELECTIVE OFFICE, THE CANDIDATE'S CANDI-
23 DATE COMMITTEE SHALL DISBURSE ANY UNEXPENDED MONEY IN ITS OFFI-
24 CIAL DEPOSITORY ACCOUNT. THE CANDIDATE COMMITTEE SHALL GIVE THE
25 MONEY TO A POLITICAL PARTY COMMITTEE OR TAX EXEMPT CHARITABLE
26 INSTITUTION OR RETURN THE MONEY ON A PRO RATA BASIS TO THE
27 CONTRIBUTORS TO THE CANDIDATE COMMITTEE. IF A CANDIDATE OR A

1 TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE
2 RECORD KEEPING, REPORT PREPARATION, OR REPORT FILING OF A CANDI-
3 DATE COMMITTEE FAILS TO DISBURSE UNEXPENDED MONEY FROM A CANDI-
4 DATE COMMITTEE'S ACCOUNT PURSUANT TO THIS SUBSECTION, THAT INDI-
5 VIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT
6 MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR
7 BOTH.