

HOUSE BILL No. 5860

June 6, 1990, Introduced by Reps. Hillegonds, Van Singel, Strand, Randall, Sikkema, Wartner, Bandstra, Willis Bullard, Van Regenmorter, Bender, Law, London, Honigman, Dolan, Munsell, Martin, Gilmer, Jaye, Fitzgerald, Crandall, Kulchitsky, Trim, Gnodtke, Oxender, Camp, Emmons and Allen and referred to the Committee on House Oversight.

A bill to amend sections 4, 5, and 7 of Act No. 388 of the Public Acts of 1976, entitled

"Michigan campaign finance act,"

sections 4 and 5 as amended by Act No. 95 of the Public Acts of 1989, being sections 169.204, 169.205, and 169.207 of the Michigan Compiled Laws; and to add section 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4, 5, and 7 of Act No. 388 of the
2 Public Acts of 1976, sections 4 and 5 as amended by Act No. 95 of
3 the Public Acts of 1989, being sections 169.204, 169.205, and
4 169.207 of the Michigan Compiled Laws, are amended and section 50
5 is added to read as follows:

6 Sec. 4. (1) "Contribution" means a payment, gift,
7 subscription, assessment, expenditure, contract, payment for
8 services, dues, advance, forbearance, loan, or donation of money

1 or anything of ascertainable monetary value, or a transfer of
2 anything of ascertainable monetary value to a person, made for
3 the purpose of influencing the nomination or election of a candi-
4 date, or for the qualification, passage, or defeat of a ballot
5 question.

6 (2) Contribution includes the full purchase price of tickets
7 or payment of an attendance fee for events such as dinners, lun-
8 cheons, rallies, testimonials, and other fund-raising events; an
9 individual's own money or property other than the individual's
10 homestead used on behalf of that individual's candidacy; the
11 granting of discounts or rebates not available to the general
12 public; or the granting of discounts or rebates by broadcast
13 media and newspapers not extended on an equal basis to all candi-
14 dates for the same office; and the endorsing or guaranteeing of a
15 loan for the amount the endorser or guarantor is liable.

16 (3) Contribution does not include any of the following:

17 (a) Volunteer personal services provided without compensa-
18 tion ~~—~~ or payments of costs incurred of less than \$500.00 in a
19 calendar year by an individual for personal travel expenses if
20 the costs are voluntarily incurred without any understanding or
21 agreement that the costs shall be, directly or indirectly,
22 repaid.

23 (b) Food and beverages, not to exceed \$100.00 in value
24 during a calendar year, which are donated by an individual and
25 for which reimbursement is not given.

1 (c) An offer or tender of a contribution if expressly and
2 unconditionally rejected, returned, or refunded in whole or in
3 part within 30 business days after receipt.

4 (D) AN HONORARIUM.

5 Sec. 5. (1) "ELECTED PUBLIC OFFICIAL" MEANS A PERSON HOLD-
6 ING ELECTIVE OFFICE.

7 (2) ~~-(1)-~~ "Election" means a primary, general, special, or
8 millage election held in this state or a convention or caucus of
9 a political party held in this state to nominate a candidate.
10 Election includes a recall vote.

11 (3) ~~-(2)-~~ "Elective office" means a public office filled by
12 an election, except for A federal ~~-offices-~~ OFFICE. A person who
13 is appointed to fill a vacancy in a public office that is ordina-
14 rily elective holds an elective office. Elective office does not
15 include the office of precinct delegate. Except for the purposes
16 of sections 54 and 55, elective office does not include a school
17 board member in a primary or fourth class school district.

18 Sec. 7. (1) "Filed" means the receipt by the appropriate
19 filing official of a statement or report required to be filed
20 under this act.

21 (2) "Filer" means a person required to file a statement or
22 report pursuant to this act.

23 (3) "Filing official" means the official designated pursuant
24 to this act to receive required statements and reports.

25 (4) "Fund raising event" means an event such as a dinner,
26 reception, testimonial, rally, auction, bingo, or similar affair
27 through which contributions are solicited or received by purchase

1 of a ticket, payment of an attendance fee, donations, ~~or~~
2 PURCHASE OF chances for prizes, or ~~through~~ purchase of goods or
3 services.

4 (5) "Gift" means a payment, subscription, advance, forbear-
5 ance, rendering, or deposit of money, services, or anything of
6 value ~~, unless~~ FOR WHICH consideration of equal or greater
7 value is NOT given. ~~therefor.~~

8 (6) "HONORARIUM" MEANS MONEY OR ANYTHING OF VALUE THAT AN
9 ELECTED PUBLIC OFFICIAL RECEIVES IN RECOGNITION OF, OR CONSIDERA-
10 TION FOR, AN APPEARANCE, SPEECH, PRESENTATION, OR PUBLISHED WORK
11 BY THE ELECTED PUBLIC OFFICIAL THAT IS NOT PRIMARILY RELATED TO A
12 CURRENT OR FORMER OCCUPATION OF THE ELECTED PUBLIC OFFICIAL OTHER
13 THAN THE HOLDING OF ELECTIVE OFFICE. HONORARIUM DOES NOT INCLUDE
14 A NONMONETARY TOKEN OF APPRECIATION OF LESS THAN \$20.00 VALUE.

15 SEC. 50. (1) AN ELECTED PUBLIC OFFICIAL SHALL NOT RECEIVE
16 HONORARIA.

17 (2) IF AN ELECTED PUBLIC OFFICIAL OR A MEMBER OF HIS OR HER
18 IMMEDIATE FAMILY USES TRANSPORTATION, OBTAINS LODGING, OR CON-
19 SUMES FOOD OR BEVERAGES IN CONNECTION WITH AN UNDERTAKING IN THE
20 DISCHARGE OF THE DUTIES OF THAT ELECTIVE OFFICE, AND COSTS IN
21 EXCESS OF \$50.00 FOR THE TRANSPORTATION, LODGING, FOOD, OR BEVER-
22 AGES, OR ANY COMBINATION OF THEM, ARE PAID OR REIMBURSED BY A
23 PERSON OR PERSONS OTHER THAN THE ELECTED PUBLIC OFFICIAL OR THE
24 GOVERNMENTAL UNIT IN WHICH THE ELECTED PUBLIC OFFICIAL HOLDS
25 ELECTIVE OFFICE, THE ELECTED PUBLIC OFFICIAL SHALL REPORT ON A
26 FORM PROVIDED BY THE SECRETARY OF STATE THE NAME AND ADDRESS AND
27 AMOUNT OF COSTS PAID OR REIMBURSED BY EACH SUCH PERSON.

1 (3) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
2 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00
3 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.