

# HOUSE BILL No. 5320

December 5, 1989, Introduced by Rep. Niederstadt and referred to the Committee on Towns and Counties.

A bill to amend section 16 of Act No. 388 of the Public Acts of 1976, entitled

"Michigan campaign finance act,"

as amended by Act No. 95 of the Public Acts of 1989, being section 169.216 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 16 of Act No. 388 of the Public Acts of  
2 1976, as amended by Act No. 95 of the Public Acts of 1989, being  
3 section 169.216 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 16. (1) A filing official shall make ~~statements and~~  
6 ~~reports~~ A STATEMENT OR REPORT required to be filed under this  
7 act available for public inspection and reproduction, commencing  
8 as soon as practicable, but not later than the third business day

1 following the day on which ~~they are~~ IT IS received, during  
2 regular business hours of the filing official.

3 (2) ~~Copies of statements or parts of statements~~ A COPY OF  
4 A STATEMENT OR PART OF A STATEMENT shall be provided by a filing  
5 official at a reasonable charge.

6 (3) A statement open to the public under this act shall not  
7 be used for ~~purposes of commercial solicitation or~~ any commer-  
8 cial purpose.

9 (4) A statement of organization filed under this act shall  
10 be preserved by the filing official for 5 years from the official  
11 date of the committee's dissolution. A statement or report filed  
12 under this act by a candidate for an office with a term exceeding  
13 4 years shall be preserved by the filing official for 1 year  
14 beyond that candidate's term of office. Any other statement or  
15 report filed under this act shall be preserved by the filing  
16 official for 5 years from the date the filing occurred.  
17 Statements and reports filed under this act may be ~~microfilmed~~  
18 REPRODUCED PURSUANT TO THE RECORDS MEDIA ACT. After the required  
19 preservation period, the statements and reports, ~~microfilmed or~~  
20 ~~otherwise~~ INCLUDING ANY REPRODUCTIONS, shall be destroyed.

21 (5) A charge shall not be collected by a filing official for  
22 the filing of a required statement or report ~~—~~ or for a form  
23 upon which the statement or report is to be prepared, except  
24 ~~for~~ a late filing fee required by this act.

25 (6) A filing official shall determine whether a statement or  
26 report filed under this act complies, on its face, with the  
27 requirements of this act and the rules promulgated under this

1 act. The filing official shall determine whether a statement or  
2 report ~~which~~ THAT is required to be filed under this act is in  
3 fact filed. Within 4 business days after the deadline for filing  
4 a statement or report under this act, the filing official shall  
5 give notice to the filer by registered mail of an error or omis-  
6 sion in the statement or report and give notice to a person the  
7 filing official has reason to believe is a person required to and  
8 who failed to file a statement or report. A failure to give  
9 notice by the filing official under this subsection is not a  
10 defense to a criminal action by the person required to file.

11 (7) Within 9 business days after the report or statement is  
12 required to be filed, the filer shall make any corrections in the  
13 statement or report filed with the appropriate filing official.  
14 If the report or statement was not filed, then it shall be late  
15 filed within 9 business days after the time it was required to be  
16 filed and shall be subject to late filing fees.

17 (8) After 9 business days and before 12 business days have  
18 expired after the deadline for filing the statement or report,  
19 the filing official shall report errors or omissions ~~which~~ THAT  
20 were not corrected and failures to file to the attorney general.

21 (9) A statement or report required to be filed under this  
22 act shall be filed not later than 5 p.m. of the day in which it  
23 is required to be filed. A preelection statement or report due  
24 on July 25 or October 25 under section 33 ~~which~~ THAT is post-  
25 marked by registered or certified mail, or sent by express mail  
26 or other overnight delivery service, at least 2 days before the  
27 deadline for filing shall be considered filed within the

1 prescribed time regardless of when it is actually delivered. Any  
2 other statement or report required to be filed under this act  
3 ~~which~~ THAT is postmarked by registered or certified mail or  
4 sent by express mail or other overnight delivery service on or  
5 before the deadline for filing shall be considered filed within  
6 the prescribed time regardless of when it is actually delivered.

7 Section 2. This amendatory act shall not take effect unless  
8 House Bill No. 5013 of the 85th Legislature is enacted into law.