

SENATE BILL No. 448

May 10, 1989, Introduced by Senator POSTHUMUS and referred to the Committee on Government Operations.

A bill to amend sections 1, 3, 4, 5, 6, 8, 15, 16, 17, 21, 22, 23, 24, 25, 26, 28, 29, 33, 34, 35, 36, 37, 38, 42, 44, 51, 52, 54, 61, 64, 66, 67, and 69 of Act No. 388 of the Public Acts of 1976, entitled

"An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create a state campaign fund; to provide for reversion of, or refunding of, unexpended balances; to require reports; to provide appropriations; to prescribe penalties; and to repeal certain acts and parts of acts,"

section 15 as amended by Act No. 465 of the Public Acts of 1980, sections 24 and 33 as amended by Act No. 138 of the Public Acts of 1985, section 34 as amended by Act No. 181 of the Public Acts of 1980, section 35 as amended by Act No. 215 of the Public Acts of 1980, and section 36 as amended by Act No. 205 of the Public

Acts of 1980, being sections 169.201, 169.203, 169.204, 169.205, 169.206, 169.208, 169.215, 169.216, 169.217, 169.221, 169.222, 169.223, 169.224, 169.225, 169.226, 169.228, 169.229, 169.233, 169.234, 169.235, 169.236, 169.237, 169.238, 169.242, 169.244, 169.251, 169.252, 169.254, 169.261, 169.264, 169.266, 169.267, and 169.269 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 3, 4, 5, 6, 8, 15, 16, 17, 21, 22,
2 23, 24, 25, 26, 28, 29, 33, 34, 35, 36, 37, 38, 42, 44, 51, 52,
3 54, 61, 64, 66, 67, and 69 of Act No. 388 of the Public Acts of
4 1976, section 15 as amended by Act No. 465 of the Public Acts of
5 1980, sections 24 and 33 as amended by Act No. 138 of the Public
6 Acts of 1985, section 34 as amended by Act No. 181 of the Public
7 Acts of 1980, section 35 as amended by Act No. 215 of the Public
8 Acts of 1980, and section 36 as amended by Act No. 205 of the
9 Public Acts of 1980, being sections 169.201, 169.203, 169.204,
10 169.205, 169.206, 169.208, 169.215, 169.216, 169.217, 169.221,
11 169.222, 169.223, 169.224, 169.225, 169.226, 169.228, 169.229,
12 169.233, 169.234, 169.235, 169.236, 169.237, 169.238, 169.242,
13 169.244, 169.251, 169.252, 169.254, 169.261, 169.264, 169.266,
14 169.267, and 169.269 of the Michigan Compiled Laws, are amended
15 to read as follows:

16 Sec. 1. (1) ~~Except~~ THIS ACT SHALL BE KNOWN AND MAY BE
17 CITED AS THE "MICHIGAN CAMPAIGN FINANCE ACT".

18 (2) EXCEPT as otherwise defined in this act, the words and
19 phrases defined in sections 2 to 12 shall, FOR THE PURPOSES OF

1 THIS ACT, have the meanings ~~respectively~~ ascribed to them in
2 those sections. ~~for the purposes of this act.~~

3 Sec. 3. (1) "Candidate" means an individual: (a) who files
4 a fee, affidavit of incumbency, or nominating petition for an
5 elective office; (b) whose nomination as a candidate for elective
6 office by a political party caucus or convention is certified to
7 the appropriate filing official; (c) who receives a contribution,
8 makes an expenditure, or gives consent for another person to
9 receive a contribution or make an expenditure with a view to
10 bringing about the individual's nomination or election to an
11 elective office, whether or not the specific elective office for
12 which the individual will seek nomination or election is known at
13 the time the contribution is received or the expenditure is made;
14 or (d) who is an officeholder who is the subject of a recall
15 vote. Unless the officeholder is constitutionally or legally
16 barred from seeking reelection or fails to file for reelection to
17 that office by the applicable filing deadline, an elected office-
18 holder shall be considered to be a candidate for reelection to
19 that same office for the purposes of this act only.

20 For purposes of sections 61 to 71, "candidate" only means,
21 in a primary election, a candidate for the office of governor ~~+~~
22 and, in a general election, a candidate for the office of gover-
23 nor or lieutenant governor. ~~but~~ HOWEVER, the candidates for
24 the office of governor and lieutenant governor of the same polit-
25 ical party in a general election shall be considered as 1
26 candidate.

1 (2) "Candidate committee" means the committee designated in
2 a candidate's filed statement of organization as that
3 individual's candidate committee. A candidate committee shall be
4 ~~presumed to be~~ under the control and direction of the candidate
5 named in the same statement of organization. Notwithstanding
6 subsection (4), an individual shall form a candidate committee
7 pursuant to section 21 when the individual becomes a candidate
8 under subsection (1).

9 (3) "Closing date" means the date through which a campaign
10 statement is required to be complete.

11 (4) "Committee" means a person who receives contributions or
12 makes expenditures for the purpose of influencing or attempting
13 to influence the action of the voters for or against the nomina-
14 tion or election of a candidate, or the qualification, passage,
15 or defeat of a ballot question, if contributions received total
16 ~~-\$200.00-~~ \$500.00 or more in a calendar year or expenditures made
17 total ~~-\$200.00-~~ \$500.00 or more in a calendar year. An individu-
18 al, other than a candidate, ~~shall~~ DOES not constitute a
19 committee. A PERSON, OTHER THAN A COMMITTEE REGISTERED UNDER
20 THIS ACT, MAKING AN EXPENDITURE TO A BALLOT QUESTION COMMITTEE
21 SHALL FOR THAT REASON NOT BE CONSIDERED A COMMITTEE FOR THE PUR-
22 POSES OF THIS ACT UNLESS THE PERSON SOLICITS OR RECEIVES CONTRI-
23 BUTIONS FOR THE PURPOSE OF MAKING AN EXPENDITURE TO THAT BALLOT
24 QUESTION COMMITTEE.

25 Sec. 4. (1) "Contribution" means a payment, gift, subscrip-
26 tion, assessment, expenditure, contract, payment for services,
27 dues, advance, forbearance, loan, OR donation ~~, pledge or~~

1 ~~promise~~ of money or anything of ascertainable monetary value,
2 ~~whether or not conditional or legally enforceable,~~ or a trans-
3 fer of anything of ascertainable monetary value to a person, made
4 for the purpose of influencing the nomination or election of a
5 candidate, or for the qualification, passage, or defeat of a
6 ballot question. ~~An offer or tender of a contribution is not a~~
7 ~~contribution if expressly and unconditionally rejected or~~
8 ~~returned.~~

9 (2) Contribution includes the FULL purchase PRICE of tickets
10 or payment of an attendance fee for events such as dinners, lun-
11 cheons, rallies, testimonials, and ~~similar~~ OTHER fund-raising
12 events; an individual's own money or property other than the
13 individual's homestead used on behalf of that individual's candi-
14 dacy; the granting of discounts or rebates not available to the
15 general public; or the granting of discounts or rebates by broad-
16 cast media and newspapers not extended on an equal basis to all
17 candidates for the same office; AND THE ENDORSING OR GUARANTEEING
18 OF A LOAN FOR THE AMOUNT THE ENDORSER OR GUARANTOR IS LIABLE.

19 (3) Contribution does not include ANY OF THE FOLLOWING:

20 (a) Volunteer personal services provided without compensa-
21 tion, or payments of costs incurred of less than ~~\$250.00~~
22 \$500.00 in a calendar year by an individual for personal travel
23 expenses if the costs are voluntarily incurred without any under-
24 standing or agreement that the costs shall be, directly or indi-
25 rectly, repaid.

1 ~~(b) Amounts received pursuant to a pledge or promise to the~~
 2 ~~extent that the amounts were previously reported as a~~
 3 ~~contribution.~~

4 (B) ~~(e)~~ Food and beverages, not to exceed ~~\$50.00~~ \$100.00
 5 in value during a calendar year, which are donated by an individ-
 6 ual and for which reimbursement is not given.

7 (C) AN OFFER OR TENDER OF A CONTRIBUTION IF EXPRESSLY AND
 8 UNCONDITIONALLY REJECTED, RETURNED, OR REFUNDED IN WHOLE OR IN
 9 PART WITHIN 30 BUSINESS DAYS AFTER RECEIPT.

10 Sec. 5. (1) "Election" means a primary, general, special,
 11 or millage election held in this state or a convention or caucus
 12 of a political party held in this state to nominate a candidate.
 13 Election includes a recall vote.

14 (2) "Elective office" means a public office filled by an
 15 election, except for federal offices. A person who is appointed
 16 to fill a vacancy in a public office ~~which~~ THAT is ordinarily
 17 elective holds an elective office. Elective office does not
 18 include ~~the office of precinct~~ EITHER OF THE FOLLOWING
 19 OFFICES:

20 (A) PRECINCT delegate.

21 (B) SCHOOL BOARD MEMBER IN A PRIMARY, THIRD CLASS, OR FOURTH
 22 CLASS SCHOOL DISTRICT.

23 Sec. 6. (1) "Expenditure" means a payment, donation, loan,
 24 ~~pledge,~~ or promise of payment of money or anything of ascer-
 25 tainable monetary value for goods, materials, services, or facil-
 26 ities in assistance of, or in opposition to, the nomination or
 27 election of a candidate, or the qualification, passage, or defeat

1 of a ballot question. ~~An offer or tender of an expenditure is~~
2 ~~not an expenditure if expressly and unconditionally rejected or~~
3 ~~returned.~~

4 (2) Expenditure includes a contribution or a transfer of
5 anything of ascertainable monetary value for purposes of influ-
6 encing the nomination or election of any candidate or the quali-
7 fication, passage, or defeat of a ballot question.

8 (3) Expenditure does not include ANY OF THE FOLLOWING:

9 ~~(a) An amount paid pursuant to a pledge or promise to the~~
10 ~~extent the amount was previously reported as an expenditure.~~

11 (A) ~~(b)~~ An expenditure for communication by a person
12 ~~strictly~~ with the person's paid members or shareholders.

13 (B) ~~(c)~~ An expenditure for communication on a subject or
14 issue if the communication does not support or oppose a ballot
15 issue or candidate by name or clear inference. ~~or an~~

16 (C) AN expenditure for the establishment, administration, or
17 solicitation of contributions to a fund or independent
18 committee.

19 (d) An expenditure by a broadcasting station, newspaper,
20 magazine, or other periodical or publication for any news story,
21 commentary, or editorial in support of or opposition to a candi-
22 date for elective office ~~—~~ or a ballot question in the regular
23 course of publication or broadcasting.

24 (E) AN OFFER OR TENDER OF AN EXPENDITURE IF EXPRESSLY AND
25 UNCONDITIONALLY REJECTED OR RETURNED.

26 (F) ~~(e)~~ An expenditure for nonpartisan voter registration
27 or nonpartisan get-out-the-vote activities. This exclusion

1 ~~shall~~ DOES not apply if a candidate or group of candidates
 2 sponsors or finances the activity or is identified by name with
 3 the activity. This exclusion ~~shall~~ DOES apply to an activity
 4 performed pursuant to sections 491 to 524 of THE MICHIGAN ELEC-
 5 TION LAW, Act No. 116 of the Public Acts of 1954, as amended,
 6 being sections 168.491 to 168.524 of the Michigan Compiled Laws,
 7 by the secretary of state and other registration officials who
 8 are identified by name with the activity. This exclusion ~~shall~~
 9 DOES apply to a candidate who is an elected officeholder and
 10 whose office is not on the ballot for the general election in the
 11 calendar year in which the expenditure is made or WHO is not a
 12 candidate within the meaning of sections 3(1)(a) and 3(1)(b) and
 13 WHO is identified by name with the activity.

14 Sec. 8. (1) "Immediate family" means ~~a~~ ANY child residing
 15 in a candidate's household, ~~a~~ THE CANDIDATE'S spouse, ~~of a~~
 16 ~~candidate, or an~~ OR ANY individual claimed by that candidate or
 17 that candidate's spouse as a dependent for federal income tax
 18 purposes.

19 (2) "Independent committee" means a committee, other than a
 20 political party committee, which BEFORE CONTRIBUTING TO A CANDI-
 21 DATE COMMITTEE OF A CANDIDATE FOR STATE ELECTIVE OFFICE UNDER
 22 SECTION 52(3) OR 69(2):

23 (a) Filed a statement of organization as an independent com-
 24 mittee at least 6 months before an election for which it expected
 25 to accept contributions or make expenditures in support of or in
 26 opposition to a candidate for nomination to or election to a
 27 state elective office; and received contributions from at least

1 25 persons and made expenditures NOT TO EXCEED THE LIMITATIONS OF
2 SECTION 52(1) in support of or in opposition to 3 or more candi-
3 dates for nomination for or election to a state elective office
4 in the same calendar year.

5 (b) Is a separate level, subsidiary, subunit, or affiliate
6 of an organization which is an independent committee if the deci-
7 sions or judgments to make contributions or expenditures on
8 behalf of candidates are independently exercised within the sepa-
9 rate level, subsidiary, subunit, or affiliate of the parent orga-
10 nization and otherwise meets the requirements of subdivision

11 (a).

12 Sec. 15. (1) The secretary of state shall do all of the
13 following:

14 (a) Make available through ~~its~~ HIS OR HER offices, and
15 furnish to county clerks, appropriate forms, instructions, and
16 manuals required by this act.

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

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

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

25 (e) Promulgate rules and issue declaratory rulings to imple-
26 ment this act pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF
27 1969, Act No. 306 of the Public Acts of 1969, as amended, being

1 sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled
2 Laws.

3 ~~-(f) Conduct investigations as may be necessary to determine~~
4 ~~if there is reason to believe a violation of this act has~~
5 ~~occurred. Investigations shall be in accordance with the proce-~~
6 ~~dures set forth in Act No. 306 of the Public Acts of 1969, as~~
7 ~~amended.~~

8 (F) ~~-(g)-~~ Upon receipt of a written request and ~~-upon~~
9 ~~receipt of~~ the required filing, waive payment of a late filing
10 fee if the request for the waiver is based on good cause AND
11 ACCOMPANIED BY ADEQUATE DOCUMENTATION. ~~-Good cause for a waiver~~
12 ~~of a late filing fee shall consist of any of the following rea-~~
13 ~~sons and shall be accompanied by adequate documentation~~ ANY OF
14 THE FOLLOWING REASONS SHALL CONSTITUTE GOOD CAUSE FOR A LATE
15 FILING FEE WAIVER:

16 (i) The incapacitating physical illness, hospitalization,
17 accident involvement, death, or incapacitation for medical rea-
18 sons of a person required to file, a person whose participation
19 is essential to the preparation of the statement or report, or a
20 member of the immediate family of these persons.

21 (ii) Other unique, unintentional factors beyond the filer's
22 control not stemming from a negligent act or nonaction so that a
23 reasonably prudent person would excuse the filing on a temporary
24 basis. These factors include the loss or unavailability of
25 records due to a fire, flood, theft, or similar reason and diffi-
26 culties related to the transmission of the filing to the filing

1 official, such as exceptionally bad weather or strikes involving
2 transportation systems.

3 (2) A DECLARATORY RULING SHALL BE ISSUED UNDER THIS SECTION
4 ONLY IF THE PERSON REQUESTING THE RULING HAS PROVIDED A REASON-
5 ABLY COMPLETE STATEMENT OF FACTS NECESSARY FOR THE RULING OR IF
6 THE SECRETARY OF STATE HAS PERMITTED THE PERSON REQUESTING THE
7 RULING AN OPPORTUNITY TO SUPPLY SUPPLEMENTAL FACTS NECESSARY FOR
8 THE RULING. A REQUEST FOR A DECLARATORY RULING THAT IS SUBMITTED
9 TO THE SECRETARY OF STATE SHALL BE MADE AVAILABLE FOR PUBLIC
10 INSPECTION WITHIN 48 HOURS AFTER ITS RECEIPT. AN INTERESTED
11 PERSON MAY SUBMIT WRITTEN COMMENTS REGARDING THE REQUEST TO THE
12 SECRETARY OF STATE WITHIN 10 BUSINESS DAYS AFTER THE DATE THE
13 REQUEST IS MADE AVAILABLE TO THE PUBLIC. WITHIN 45 BUSINESS DAYS
14 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 PRO-
17 POSED RESPONSE TO THE SECRETARY OF STATE WITHIN 5 BUSINESS DAYS
18 AFTER THE DATE THE PROPOSAL IS MADE AVAILABLE TO THE PUBLIC.
19 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SECRETARY OF
20 STATE SHALL ISSUE A DECLARATORY RULING WITHIN 60 BUSINESS DAYS
21 AFTER A REQUEST FOR A DECLARATORY RULING IS RECEIVED. IF THE
22 SECRETARY OF STATE REFUSES TO ISSUE A DECLARATORY RULING, THE
23 SECRETARY OF STATE SHALL NOTIFY THE PERSON MAKING THE REQUEST OF
24 THE REASONS FOR THE REFUSAL. THE SECRETARY OF STATE MAY ISSUE AN
25 INTERPRETATIVE STATEMENT PROVIDING AN INFORMATIONAL RESPONSE TO
26 THE QUESTION PRESENTED. A DECLARATORY RULING OR INTERPRETATIVE
27 STATEMENT ISSUED UNDER THIS SECTION SHALL NOT STATE A GENERAL

1 RULE OF LAW, OTHER THAN THAT WHICH IS STATED IN THIS ACT, UNTIL
2 THE GENERAL RULE OF LAW IS PROMULGATED BY THE SECRETARY OF STATE
3 AS A RULE PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
4 ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
5 24.328 OF THE MICHIGAN COMPILED LAWS, OR PURSUANT TO JUDICIAL
6 ORDER.

7 (3) UNDER EXTENUATING CIRCUMSTANCES, THE SECRETARY OF STATE
8 MAY ISSUE A NOTICE EXTENDING FOR NOT MORE THAN 30 BUSINESS DAYS
9 THE PERIOD DURING WHICH THE SECRETARY OF STATE SHALL RESPOND TO A
10 REQUEST FOR A DECLARATORY RULING. THE SECRETARY OF STATE SHALL
11 NOT ISSUE MORE THAN 1 NOTICE OF EXTENSION FOR A PARTICULAR
12 REQUEST. A PERSON REQUESTING A DECLARATORY RULING MAY WAIVE, IN
13 WRITING, THE TIME LIMITATIONS PROVIDED BY THIS SECTION.

14 (4) AN ANNUAL SUMMARY OF THE DECLARATORY RULINGS AND INTER-
15 PRETATIVE STATEMENTS ISSUED BY THE SECRETARY OF STATE SHALL BE
16 MADE AVAILABLE TO THE PUBLIC.

17 (5) ~~-(2)-~~ A person may file a complaint with the secretary
18 of state alleging a violation of this act. ~~The secretary of~~
19 ~~state, upon~~ UPON receipt of a complaint, THE SECRETARY OF STATE
20 shall investigate the allegations pursuant to the rules promul-
21 gated under this act. If the secretary of state determines that
22 there ~~is~~ MAY BE reason to believe that a violation of this act
23 has occurred, the secretary of state may ~~endeavor to~~ correct
24 THE VIOLATION or prevent A further violation by USING informal
25 methods ~~of~~ SUCH AS A conference, conciliation, ~~and~~ OR persua-
26 sion, and may enter into a conciliation agreement with the person
27 involved. ~~A conciliation agreement, unless violated, shall~~

1 ~~constitute~~ UNLESS VIOLATED, A CONCILIATION AGREEMENT IS a
2 complete bar to any further action with respect to matters cov-
3 ered in the conciliation agreement. If the secretary of state is
4 unable to correct or prevent further violation by these informal
5 methods, ~~proceedings shall be commenced pursuant to the rules~~
6 ~~promulgated to implement this act. The secretary of state may~~
7 ~~forward the results of the investigation to the attorney general~~
8 ~~for enforcement of this act.~~ THE SECRETARY OF STATE MAY REFER
9 THE MATTER TO THE ATTORNEY GENERAL FOR THE ENFORCEMENT OF ANY
10 CRIMINAL PENALTY PROVIDED BY THIS ACT OR COMMENCE A HEARING PUR-
11 SUANT TO SUBSECTION (6).

12 (6) THE SECRETARY OF STATE MAY COMMENCE A HEARING TO DETER-
13 MINE WHETHER A CIVIL VIOLATION OF THIS ACT HAS OCCURRED. A HEAR-
14 ING SHALL NOT BE COMMENCED DURING THE PERIOD BEGINNING 30 DAYS
15 BEFORE AN ELECTION IN WHICH THE COMMITTEE HAS RECEIVED OR
16 EXPENDED MONEY AND ENDING THE DAY AFTER THAT ELECTION EXCEPT WITH
17 THE CONSENT OF THE PERSON SUSPECTED OF COMMITTING A CIVIL
18 VIOLATION. THE HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE
19 PROCEDURES SET FORTH IN CHAPTER 4 OF THE ADMINISTRATIVE PROCE-
20 DURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
21 SECTIONS 24.271 TO 24.287 OF THE MICHIGAN COMPILED LAWS. IF
22 AFTER A HEARING THE SECRETARY OF STATE DETERMINES THAT A VIOLA-
23 TION OF THIS ACT HAS OCCURRED, THE SECRETARY OF STATE MAY ISSUE
24 AN ORDER REQUIRING THE PERSON TO PAY A CIVIL FINE EQUAL TO THE
25 AMOUNT OF THE IMPROPER CONTRIBUTION OR EXPENDITURE PLUS NOT MORE
26 THAN \$1,000.00 FOR EACH VIOLATION. A FINAL DECISION AND ORDER
27 ISSUED BY THE SECRETARY OF STATE IS SUBJECT TO JUDICIAL REVIEW AS

1 PROVIDED BY CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES ACT OF
2 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS
3 24.301 TO 24.306 OF THE MICHIGAN COMPILED LAWS. A CIVIL FINE
4 IMPOSED UNDER THIS SECTION SHALL BE DEPOSITED IN THE GENERAL
5 FUND. THE SECRETARY OF STATE MAY BRING AN ACTION IN CIRCUIT
6 COURT TO RECOVER THE AMOUNT OF A CIVIL FINE.

7 (7) ~~-(3)-~~ WHEN A REPORT OR STATEMENT IS FILED PURSUANT TO
8 THIS ACT, THE SECRETARY OF STATE SHALL REVIEW THE REPORT OR
9 STATEMENT AND MAY INVESTIGATE AN APPARENT VIOLATION OF THIS ACT
10 PURSUANT TO THE RULES PROMULGATED PURSUANT TO THIS ACT. If the
11 secretary of state ~~, upon investigation of a report filed under~~
12 ~~this act,~~ determines that there ~~is~~ MAY BE reason to believe a
13 violation of this act has occurred and the procedures prescribed
14 in subsection ~~-(2)-~~ (5) have been complied with, the secretary of
15 state ~~shall forward the results of that investigation to the~~
16 ~~attorney general for enforcement of this act~~ MAY REFER THE
17 MATTER TO THE ATTORNEY GENERAL FOR THE ENFORCEMENT OF ANY CRIMI-
18 NAL PENALTY PROVIDED BY THIS ACT, OR COMMENCE A HEARING UNDER
19 SUBSECTION (6) TO DETERMINE WHETHER A CIVIL VIOLATION OF THIS ACT
20 HAS OCCURRED.

21 (8) UNLESS OTHERWISE SPECIFIED IN THIS ACT, A PERSON WHO
22 VIOLATES A PROVISION OF THIS ACT IS SUBJECT TO A CIVIL FINE OF
23 NOT MORE THAN \$1,000.00 FOR EACH VIOLATION. CIVIL FINES ARE IN
24 ADDITION TO, BUT NOT LIMITED BY, ANY CRIMINAL PENALTY PRESCRIBED
25 BY THIS ACT.

26 (9) ~~-(4)-~~ The secretary of state may waive the filing of a
27 campaign statement required under ~~sections~~ SECTION 33, 34, or

1 35 if the closing date of the particular campaign statement falls
2 on the same or a later date as the closing date of the next cam-
3 paign statement filed by the same person, or if the period which
4 would be otherwise covered by the next campaign statement filed
5 by the same person is 10 days or less.

6 (10) ~~—(5)—~~ The clerk of each county shall DO ALL OF THE
7 FOLLOWING:

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

11 (b) Under the supervision of the secretary of state, imple-
12 ment the filing, coding, and cross-indexing system prescribed for
13 the filing of reports and statements required to be filed with
14 the county clerk's office.

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

17 (d) Upon written request, waive the payment of a late filing
18 fee if the request for a waiver is based on good cause as pre-
19 scribed in subsection (1)(g).

20 Sec. 16. (1) A filing official shall make statements and
21 reports required to be filed under this act available for public
22 inspection and reproduction, commencing as soon as practicable,
23 but not later than the third business day following the day on
24 which they are received, during regular business hours of the
25 filing official.

26 (2) Copies of statements or parts of statements shall be
27 provided by a filing official at a reasonable charge.

1 (3) A statement open to the public under this act shall not
2 be used for purposes of commercial solicitation or any commercial
3 purpose. ~~A person who violates this subsection is subject to a~~
4 ~~civil penalty of not more than \$1,000.00. A~~

5 (4) A STATEMENT OF ORGANIZATION FILED UNDER THIS ACT SHALL
6 BE PRESERVED BY THE FILING OFFICIAL FOR 5 YEARS FROM THE OFFICIAL
7 DATE OF THE COMMITTEE'S DISSOLUTION. A STATEMENT OR REPORT FILED
8 UNDER THIS ACT BY A CANDIDATE FOR AN OFFICE WITH A TERM EXCEEDING
9 4 YEARS SHALL BE PRESERVED BY THE FILING OFFICIAL FOR 1 YEAR
10 BEYOND THAT CANDIDATE'S TERM OF OFFICE. ANY OTHER statement or
11 report filed under this act shall be preserved by the filing
12 official for 5 years ~~or for 1 year beyond the term of office for~~
13 ~~which the statement or report is filed, whichever is longer~~ FROM
14 THE DATE THE FILING OCCURRED. Statements and reports filed under
15 this act may be microfilmed. After the required preservation
16 period the statements and reports, microfilmed or otherwise,
17 shall be destroyed.

18 (5) A charge ~~may~~ SHALL not be collected by a filing offi-
19 cial for the filing of a required statement or report, or for a
20 form upon which the statement or report is to be prepared except
21 for a late filing fee required by this act.

22 (6) A filing official shall determine whether a statement or
23 report filed under this act complies, on its face, with the
24 requirements of this act and the rules promulgated under this
25 act. The filing official shall determine whether a statement or
26 report which is required to be filed under this act is in fact
27 filed. Within 4 BUSINESS days after the deadline for filing a

1 statement or report under this act, the filing official shall
2 give notice to the filer by registered mail of an error or omis-
3 sion in the statement or report and give notice to a person the
4 filing official has reason to believe is a person required to and
5 who failed to file a statement or report. A failure to give
6 notice by the filing official under this subsection is not a
7 defense to a criminal action by the person required to file.

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

14 (8) After 9 BUSINESS days and before 12 BUSINESS days have
15 expired after the deadline for filing the statement or report,
16 the filing official shall report errors or omissions which were
17 not corrected and failures to file to the attorney general.

18 (9) A statement or report required to be filed under this
19 act shall be filed not later than 5 p.m. of the day in which it
20 is required to be filed. A PREELECTION statement or report DUE
21 ON JULY 25 OR OCTOBER 25 UNDER SECTION 33 which is postmarked by
22 registered OR CERTIFIED mail, OR SENT BY EXPRESS MAIL OR OTHER
23 OVERNIGHT DELIVERY SERVICE, at least 2 days before the deadline
24 for filing shall be considered filed within the prescribed time
25 regardless of when it is actually delivered. ANY OTHER STATEMENT
26 OR REPORT REQUIRED TO BE FILED UNDER THIS ACT WHICH IS POSTMARKED
27 BY REGISTERED OR CERTIFIED MAIL OR SENT BY EXPRESS MAIL OR OTHER

1 OVERNIGHT DELIVERY SERVICE ON OR BEFORE THE DEADLINE FOR FILING
2 SHALL BE CONSIDERED FILED WITHIN THE PRESCRIBED TIME REGARDLESS
3 OF WHEN IT IS ACTUALLY DELIVERED.

4 Sec. 17. (1) A person paying a late filing fee as a result
5 of that person's failure to file a statement or report shall pay
6 that fee to the filing official with whom the statement or report
7 was required to be filed.

8 (2) The late filing fees collected pursuant to sections 24,
9 33, 34, and 35, and copying charges collected pursuant to section
10 16, shall be retained by and for the use of the filing officials
11 collecting the fees or charges to cover their expenses in admin-
12 istering this act. A LATE FILING FEE ASSESSED BY A COUNTY CLERK
13 THAT REMAINS UNPAID FOR MORE THAN 60 DAYS SHALL BE CONSIDERED A
14 DEBT OF THE COUNTY AND SHALL BE COLLECTED BY THE COUNTY TREASURER
15 IN THE SAME MANNER AS OTHER COUNTY DEBTS ARE COLLECTED. A LATE
16 FILING FEE ASSESSED BY THE SECRETARY OF STATE THAT REMAINS UNPAID
17 FOR MORE THAN 180 DAYS SHALL BE REFERRED TO THE DEPARTMENT OF
18 TREASURY FOR COLLECTION.

19 (3) A COMMITTEE, OTHER THAN A CANDIDATE COMMITTEE, REQUIRED
20 TO FILE WITH THE SECRETARY OF STATE IS NOT REQUIRED TO PAY A LATE
21 FILING FEE PURSUANT TO SECTIONS 24, 33, 34, AND 35, IF ALL OF THE
22 FOLLOWING CONDITIONS ARE MET:

23 (A) A COMMITTEE REQUIRED TO REGISTER AS A COMMITTEE FAILS TO
24 FILE A STATEMENT OF ORGANIZATION.

25 (B) THE SECRETARY OF STATE SENDS TO THAT COMMITTEE NOTICE OF
26 THE COMMITTEE'S FAILURE TO FILE A STATEMENT OF ORGANIZATION.

1 (C) AT THE SAME TIME OR AFTER THE NOTICE DESCRIBED IN
2 SUBDIVISION (B) IS SENT, THE SECRETARY OF STATE SENDS TO THAT
3 COMMITTEE NOTICE OF THE COMMITTEE'S FAILURE TO FILE A CAMPAIGN
4 STATEMENT THAT WAS DUE FOR A PERIOD THAT OCCURRED BEFORE THE
5 NOTICE OF FAILURE TO FILE A STATEMENT OF ORGANIZATION WAS SENT.

6 (D) WITHIN 10 BUSINESS DAYS AFTER THE NOTICE OF FAILURE TO
7 FILE A STATEMENT OF ORGANIZATION IS SENT, THE COMMITTEE FILES A
8 STATEMENT OF ORGANIZATION.

9 (E) WITHIN 10 BUSINESS DAYS AFTER THE NOTICE OF FAILURE TO
10 FILE A CAMPAIGN STATEMENT IS SENT, THE COMMITTEE FILES EVERY CAM-
11 PAIGN STATEMENT THAT IS DUE.

12 (4) LATE FILING FEES THAT WOULD HAVE OCCURRED EXCEPT FOR
13 SUBSECTION (3) SHALL BE ASSESSED FOR EACH STATEMENT NOT FILED
14 BEFORE THE ELEVENTH BUSINESS DAY AFTER A NOTICE OF FAILURE TO
15 FILE IS SENT PURSUANT TO SUBSECTION (3).

16 (5) A COMMITTEE OTHER THAN A CANDIDATE COMMITTEE THAT HAS
17 NOT PREVIOUSLY FILED A STATEMENT OF ORGANIZATION IS NOT REQUIRED
18 TO PAY A LATE FILING FEE PURSUANT TO SECTIONS 24, 33, 34, AND 35,
19 IF THE COMMITTEE FILES A STATEMENT OF ORGANIZATION AND EVERY CAM-
20 PAIGN STATEMENT THAT IS DUE, BEFORE THE SECRETARY OF STATE SENDS
21 A NOTICE TO THAT COMMITTEE PURSUANT TO SUBSECTION (3).

22 Sec. 21. (1) A candidate, within 10 days after becoming a
23 candidate, shall form a candidate committee. A person who is a
24 candidate for more than 1 office shall form a candidate committee
25 for each office for which the person is a candidate, if at least
26 1 of the offices is a state elective office. A candidate shall

1 not form more than 1 candidate committee for each office for
2 which the person is a candidate.

3 (2) A CANDIDATE committee shall have a treasurer who is a
4 qualified elector of this state. A candidate may appoint himself
5 or herself as the candidate committee treasurer.

6 (3) IF A COMMITTEE IS NOT A CANDIDATE COMMITTEE AND THE COM-
7 MITTEE CONDUCTS BUSINESS THROUGH AN OFFICE OR OTHER FACILITY
8 LOCATED IN THIS STATE, THE COMMITTEE SHALL HAVE A TREASURER WHO
9 IS A QUALIFIED ELECTOR OF THIS STATE.

10 (4) IF A COMMITTEE IS NOT REQUIRED TO HAVE AS ITS TREASURER
11 AN INDIVIDUAL WHO IS A QUALIFIED ELECTOR OF THIS STATE, THE COM-
12 MITTEE MAY HAVE AS ITS TREASURER AN INDIVIDUAL WHO IS A QUALIFIED
13 ELECTOR OF ANOTHER STATE. A COMMITTEE WITH A NONRESIDENT TREA-
14 SURER SHALL FILE, WITH ITS STATEMENT OF ORGANIZATION, AN IRREVO-
15 CABLE NOTARIZED STIPULATION, SWORN TO BY THE TREASURER, STIPULAT-
16 ING THAT LEGAL PROCESS AFFECTING THE COMMITTEE, SERVED ON THE
17 SECRETARY OF STATE OR AN AGENT DESIGNATED BY THE SECRETARY OF
18 STATE, SHALL HAVE THE SAME EFFECT AS IF PERSONALLY SERVED ON THE
19 COMMITTEE. THIS APPOINTMENT SHALL REMAIN IN FORCE AS LONG AS ANY
20 LIABILITY OF THE COMMITTEE REMAINS OUTSTANDING WITHIN THIS
21 STATE.

22 (5) IF THE SECRETARY OF STATE OR DESIGNATED AGENT OF THE
23 SECRETARY OF STATE IS SERVED WITH LEGAL PROCESS PURSUANT TO SUB-
24 SECTION (4), THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY THE
25 COMMITTEE'S TREASURER BY CERTIFIED MAIL AT THE LAST KNOWN ADDRESS
26 OF THE COMMITTEE SHOWN ON THE COMMITTEE'S STATEMENT OF
27 ORGANIZATION.

1 (6) ~~-(3)-~~ Except as provided by law, a CANDIDATE committee
2 OR A COMMITTEE DESCRIBED IN SUBSECTION (3) shall have 1 account
3 in a financial institution in this state as an official deposi-
4 tory for the purpose of depositing all contributions ~~which it~~
5 ~~receives~~ RECEIVED BY THE COMMITTEE in the form of or which are
6 converted to money, checks, or other negotiable instruments and
7 for the purpose of making all expenditures. The committee shall
8 designate ~~a~~ THAT financial institution ~~in this state~~ as its
9 official depository. The establishment of an account in a finan-
10 cial institution is not required until the committee receives a
11 contribution or makes an expenditure. Secondary depositories
12 shall be used for the sole purpose of depositing contributions
13 and promptly transferring the deposits to the committee's offi-
14 cial depository.

15 (7) EXCEPT AS PROVIDED BY LAW, A COMMITTEE DESCRIBED IN
16 SUBSECTION (4) SHALL HAVE 1 ACCOUNT IN A FINANCIAL INSTITUTION AS
17 ITS OFFICIAL DEPOSITORY FOR THE PURPOSE OF DEPOSITING ALL CONTRI-
18 BUTIONS RECEIVED BY THE COMMITTEE IN THE FORM OF OR WHICH ARE
19 CONVERTED TO MONEY, CHECKS, OR OTHER NEGOTIABLE INSTRUMENTS AND
20 FOR THE PURPOSE OF MAKING ALL EXPENDITURES. THE COMMITTEE SHALL
21 DESIGNATE THAT FINANCIAL INSTITUTION AS ITS OFFICIAL DEPOSITORY.
22 THE ESTABLISHMENT OF AN ACCOUNT IN A FINANCIAL INSTITUTION IS NOT
23 REQUIRED UNTIL THE COMMITTEE RECEIVES A CONTRIBUTION OR MAKES AN
24 EXPENDITURE. SECONDARY DEPOSITORIES SHALL BE USED FOR THE SOLE
25 PURPOSE OF DEPOSITING CONTRIBUTIONS AND PROMPTLY TRANSFERRING THE
26 DEPOSITS TO THE COMMITTEE'S OFFICIAL DEPOSITORY.

1 (8) ~~-(4)-~~ A contribution shall not be accepted and an
2 expenditure shall not be made by a committee ~~which~~ THAT does
3 not have a treasurer. When the office of treasurer in a candi-
4 date committee is vacant, the candidate shall be the treasurer
5 until the candidate appoints a new treasurer.

6 (9) ~~-(5)-~~ An expenditure shall not be made by a committee
7 without the authorization of the treasurer or the treasurer's
8 designee. The contributions received or expenditures made by a
9 candidate or an agent of a candidate shall be considered received
10 or made by the candidate committee.

11 (10) ~~-(6)-~~ Contributions received by an individual acting in
12 behalf of a committee shall be reported promptly to the
13 committee's treasurer not later than 5 days before the closing
14 date of any campaign statement required to be filed by the com-
15 mittee, and shall be reported to the committee treasurer immedi-
16 ately if the contribution is received less than 5 days before the
17 closing date.

18 (11) ~~-(7)-~~ A contribution shall be considered received by a
19 committee when it is received by the committee treasurer or a
20 designated agent of the committee treasurer ~~notwithstanding the~~
21 ~~fact that~~ ALTHOUGH the contribution ~~is~~ MAY not BE deposited in
22 the official depository by the reporting deadline.

23 (12) ~~-(8)-~~ Contributions received by a committee shall not
24 be commingled with ~~any~~ OTHER funds of an agent of the committee
25 or of any other person.

26 ~~-(9)- A person who violates this section is subject to a~~
27 ~~civil penalty of not more than \$1,000.00.~~

1 Sec. 22. A committee treasurer OR OTHER INDIVIDUAL
2 DESIGNATED ON THE STATEMENT OF ORGANIZATION AS RESPONSIBLE FOR
3 THE COMMITTEE'S RECORD KEEPING, REPORT PREPARATION, OR REPORT
4 FILING shall keep detailed accounts, records, bills, and receipts
5 as required to substantiate the information contained in a state-
6 ment or report filed pursuant to this act or rules promulgated
7 under this act. The treasurer shall record the name and address
8 of a person from whom a contribution is received except for con-
9 tributions of \$20.00 or less received pursuant to section 41(3).
10 The records of a committee shall be preserved for 5 years and
11 shall be made available for inspection as authorized by the sec-
12 retary of state. A ~~person~~ TREASURER OR OTHER INDIVIDUAL DESIG-
13 NATED AS RESPONSIBLE FOR THE COMMITTEE'S RECORD KEEPING, REPORT
14 PREPARATION, OR REPORT FILING who knowingly violates this section
15 is ~~guilty of a misdemeanor and shall be punished by a fine of~~
16 ~~not more than \$1,000.00, or imprisoned for not more than 90 days,~~
17 ~~or both~~ SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$1,000.00.

18 Sec. 23. Subject to section 15, the secretary of state
19 shall promulgate rules for the withdrawal of funds from a commit-
20 tee account for petty cash expenditures and for keeping records
21 of the withdrawals. A single expenditure from a petty cash fund
22 shall not exceed \$50.00. A person who violates this section is
23 subject to a civil ~~penalty~~ FINE of 3 times the amount BY which
24 ~~is in excess of~~ THE EXPENDITURE EXCEEDS \$50.00, but the
25 ~~penalty~~ FINE shall not ~~be more than \$500.00~~ EXCEED
26 \$1,000.00.

1 Sec. 24. (1) A committee shall file a statement of
2 organization with the filing officials designated in section 36
3 to receive the committee's campaign statements. A statement of
4 organization shall be filed within 10 days after a committee is
5 formed. A filing official shall maintain a statement of organi-
6 zation filed by a committee until ~~notified of~~ 5 YEARS AFTER the
7 OFFICIAL DATE OF THE committee's dissolution. A person who fails
8 to file a statement of organization required by this subsection
9 shall pay a late filing fee of \$10.00 for each BUSINESS day the
10 statement remains not filed in violation of this subsection. THE
11 LATE FILING FEE SHALL not ~~to~~ exceed \$300.00. A person who vio-
12 lates this subsection by failing to file for more than 30 days
13 after a statement of organization is required to be filed is
14 guilty of a misdemeanor ~~and shall be fined~~ PUNISHABLE BY A FINE
15 OF not more than \$1,000.00.

16 (2) The statement of organization required by subsection (1)
17 shall include the following information:

18 (a) The name, street address, and ~~, where~~ IF available,
19 the telephone number of the committee. A committee address may
20 be the home address of the candidate or treasurer of the
21 committee.

22 (b) The name, street address, and ~~, where~~ IF available,
23 the telephone number of the treasurer ~~and other principal offi-~~
24 ~~cers of the committee~~ OR OTHER INDIVIDUAL DESIGNATED AS RESPON-
25 SIBLE FOR THE COMMITTEE'S RECORD KEEPING, REPORT PREPARATION, OR
26 REPORT FILING.

1 (c) The name and address of the financial institution in
2 which the official committee depository is or is intended to be
3 located, and the name and address of each financial institution
4 in which a secondary depository is or is intended to be located.

5 ~~(d) The name of each person, other than an individual, that~~
6 ~~is a member of the committee.~~

7 (D) ~~(e)~~ The full name of, the office including district
8 number or jurisdiction sought by, and the county residence of
9 each candidate, and a brief statement identifying the substance
10 of each ballot question supported or opposed by the committee.
11 If the ballot question supported or opposed by the committee is
12 not statewide, the committee shall identify the county in which
13 the greatest number of registered voters eligible to vote on the
14 ballot question reside.

15 (E) ~~(f)~~ Identification of the committee as a candidate
16 committee, political party committee, independent committee,
17 political committee, or ballot question committee if it is iden-
18 tifiable as such a committee.

19 (3) ~~When~~ IF any of the information required in a statement
20 of organization is changed, an amendment shall be filed ~~within~~
21 ~~10 days to reflect the change, except that changes in membership~~
22 ~~and changes in subsection (2)(e) need only be reported~~ when the
23 next campaign statement is required to be filed. ~~A person who~~
24 ~~fails to file a change under this subsection shall pay a late~~
25 ~~filing fee of \$10.00 for each day the change remains not filed in~~
26 ~~violation of this subsection not to exceed \$300.00. A person who~~
27 ~~is in violation of this subsection by failing to file a required~~

1 ~~amendment for more than 30 days is guilty of a misdemeanor and~~
2 ~~shall be fined not more than \$1,000.00.~~

3 (4) When filing a statement of organization, a committee,
4 OTHER THAN AN INDEPENDENT COMMITTEE, A POLITICAL COMMITTEE, OR A
5 POLITICAL PARTY COMMITTEE, may indicate in a ~~sworn~~ WRITTEN
6 statement SIGNED BY THE TREASURER OF THE COMMITTEE that the com-
7 mittee does not expect for each election to receive an amount in
8 excess of \$1,000.00 or expend an amount in excess of \$1,000.00.

9 (5) WHEN FILING A STATEMENT OF ORGANIZATION, AN INDEPENDENT
10 COMMITTEE, A POLITICAL COMMITTEE, OR A POLITICAL PARTY COMMITTEE
11 MAY INDICATE IN A WRITTEN STATEMENT SIGNED BY THE TREASURER OF
12 THE COMMITTEE THAT THE COMMITTEE DOES NOT EXPECT IN A CALENDAR
13 YEAR TO RECEIVE OR EXPEND AN AMOUNT IN EXCESS OF \$1,000.00.

14 (6) ~~-(5)-~~ Upon the dissolution of a committee, a statement
15 indicating dissolution shall be filed with the filing officials
16 with whom the committee's statement of organization was filed.
17 Dissolution of a committee shall be accomplished in accordance
18 with rules promulgated by the secretary of state ~~subject to sec-~~
19 ~~tion 15-~~ UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT
20 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
21 24.328 OF THE MICHIGAN COMPILED LAWS.

22 (7) A CANDIDATE COMMITTEE WHICH FILES A WRITTEN STATEMENT
23 PURSUANT TO SUBSECTION (4) SHALL NOT BE REQUIRED TO FILE A DISSO-
24 LUTION STATEMENT PURSUANT TO SUBSECTION (6) IF THE COMMITTEE
25 FAILED TO RECEIVE OR EXPEND AN AMOUNT IN EXCESS OF \$1,000.00 AND
26 1 OF THE FOLLOWING APPLIES:

1 (A) THE CANDIDATE WAS DEFEATED IN AN ELECTION AND HAS NO
2 OUTSTANDING CAMPAIGN DEBTS OR ASSETS.

3 (B) THE CANDIDATE VACATES AN ELECTIVE OFFICE AND HAS NO OUT-
4 STANDING CAMPAIGN DEBTS OR ASSETS.

5 Sec. 25. ~~-(1)-~~ A committee supporting or opposing a candi-
6 date or the qualification, passage, or defeat of a ballot ques-
7 tion shall file a legibly printed or typed campaign statement.
8 The period covered by a campaign statement is the period begin-
9 ning with the day after the closing date of the most recent cam-
10 paign statement ~~which was~~ filed PURSUANT TO THIS ACT, and
11 ending with the closing date of the campaign statement in
12 question. If the committee filing the campaign statement has not
13 previously filed a campaign statement, the period covered shall
14 begin ~~with the effective date of this section, or~~ ON the date
15 on which the committee was formed. ~~if the committee is formed~~
16 ~~after the effective date of this section.~~

17 ~~-(2)- This act shall not be construed to exempt a person from~~
18 ~~disclosing transactions which occurred before the effective date~~
19 ~~of this section according to the laws then in effect.~~

20 Sec. 26. A campaign statement of a committee, other than a
21 political party committee, required by this act shall contain ALL
22 OF the following information:

23 (a) The filing committee's name, address, and telephone
24 number, and the full name, residential and business addresses,
25 and telephone numbers of its committee treasurer.

26 (b) Under the heading "receipts", the total amount of
27 contributions received during the period covered by the campaign

1 statement; under the heading "expenditures", the total amount of
2 expenditures made during the period covered by the campaign
3 statement; and the cumulative amount of those totals for that
4 election. If a loan was repaid during the period covered by the
5 campaign statement, the amount of the repayment shall be sub-
6 tracted from the total amount of contributions received.
7 Forgiveness of a loan shall not be included in the totals.
8 Payment of a loan by a third party shall be recorded and reported
9 as a contribution by the third party but shall not be included in
10 the totals. In-kind contributions or expenditures shall be
11 listed at fair market value and shall be reported as both contri-
12 butions and expenditures. A contribution or expenditure which is
13 by other than completed and accepted payment, gift, or other
14 transfer, which is clearly not legally enforceable, and which is
15 expressly withdrawn or rejected and returned ~~—a—~~ before a cam-
16 paign statement closing date need not be included in the campaign
17 statement and if included may, in a later or amended statement,
18 be shown as a deduction, but adequate records of each instance
19 shall be kept.

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

23 (d) The total amount of contributions received during the
24 period covered by the campaign statement from persons who con-
25 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 for that election pursuant to section 41(3).

8 (g) ~~The total amount of contributions of \$20.00 or less~~
9 ~~received during the period covered by the campaign statement for~~
10 ~~each fund-raising event held during that period.~~ The following
11 information regarding each fund-raising event shall be included
12 in the report:

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

16 (ii) ~~The full name of each person who, through making a~~
17 ~~contribution or expenditure in connection with the event, made a~~
18 ~~total contribution of \$20.01 or more, and the total of all such~~
19 ~~contributions. This requirement is in addition to, and not in~~
20 ~~lieu of, the requirements of this section relating to the record-~~
21 ~~ing and reporting of contributions.~~ THE TOTAL AMOUNT OF ALL CON-
22 TRIBUTIONS OF \$20.01 OR MORE.

23 (iii) ~~Moneys received in connection with the event or~~
24 ~~activity from persons in amounts of \$20.00 or less shall be~~
25 ~~listed by general category such as tickets, beverages, bumper~~
26 ~~stickers, or other, and the total of those contributions shall be~~

1 ~~recorded.~~ THE TOTAL AMOUNT OF ALL CONTRIBUTIONS OF \$20.00 OR
2 LESS.

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

4 (v) The expenditures incident to the event.

5 (h) The full name of each ~~person~~ INDIVIDUAL from whom con-
6 tributions totaling \$20.01 or more are received during the period
7 covered by the campaign statement, together with the ~~person's~~
8 INDIVIDUAL'S street address, the amount contributed, the date on
9 which each contribution was received, and the cumulative amount
10 contributed by that person for that election. The occupation,
11 employer, and principal place of business shall be stated if the
12 ~~person's~~ INDIVIDUAL'S total contributions for the ~~period is~~
13 ELECTION ARE \$200.01 or more.

14 (i) The cumulative amount contributed and the name and
15 address of each person, except those ~~persons or names~~
16 INDIVIDUALS reported under subdivision (h), who contributed a
17 total of \$20.01 or more for that election. The occupation,
18 employer, and principal place of business, shall be stated for
19 each person who contributed \$200.01 or more for that election.

20 (j) The name and street address of each ~~committee and the~~
21 ~~full name and street address of the treasurer of each committee~~
22 ~~which is listed as a contributor~~ PERSON, OTHER THAN AN INDIVIDU-
23 AL, FROM WHOM CONTRIBUTIONS ARE RECEIVED DURING THE PERIOD COV-
24 ERED BY THE CAMPAIGN STATEMENT, TOGETHER WITH AN ITEMIZATION OF
25 THE AMOUNTS CONTRIBUTED, THE DATE ON WHICH EACH CONTRIBUTION WAS
26 RECEIVED, AND THE CUMULATIVE AMOUNT CONTRIBUTED BY THAT PERSON
27 FOR THAT ELECTION.

1 (k) The name, address, and amount given by a person who
 2 contributed \$20.01 or more of the total amount contributed by a
 3 person who is other than a committee or an individual. The occu-
 4 pation, employer, and principal place of business shall be stated
 5 if the person contributed \$200.01 or more OF THE TOTAL AMOUNT
 6 CONTRIBUTED BY A PERSON WHO IS OTHER THAN A COMMITTEE OR AN
 7 INDIVIDUAL.

8 (l) ~~A listing, by general category,~~ THE CUMULATIVE TOTAL
 9 of expenditures of \$50.00 or less made during the period covered
 10 by the campaign statement ~~and the total of those expenditures~~
 11 EXCEPT FOR EXPENDITURES MADE TO OR ON BEHALF OF ANOTHER COMMIT-
 12 TEE, CANDIDATE, OR BALLOT QUESTION.

13 (m) The full name and street address of each person to whom
 14 expenditures totaling \$50.01 or more were made, together with the
 15 amount of each separate expenditure to each such person during
 16 the period covered by the campaign statement; the purpose of the
 17 expenditure; the full name and street address of the person pro-
 18 viding the consideration for which any expenditure was made if
 19 different from the payee; ~~and the full name and street address of~~
 20 ~~the treasurer of a committee which is listed.~~

21 ~~(n) The amount of expenditures for or against a candidate or~~
 22 ~~ballot question during the period covered by the campaign state-~~
 23 ~~ment and~~ THE ITEMIZATION REGARDLESS OF AMOUNT OF EACH EXPENDI-
 24 TURE MADE TO OR ON BEHALF OF ANOTHER COMMITTEE, CANDIDATE, OR
 25 BALLOT QUESTION; AND the cumulative amount of expenditures for or
 26 against that candidate or ballot question. An expenditure made
 27 in support of more than 1 candidate or ballot question, or both,

1 shall be apportioned reasonably among the candidates or ballot
2 questions, or both.

3 (N) THE FOLLOWING INFORMATION REGARDING EACH FUND-RAISING
4 EVENT REGULATED BY THE BUREAU OF STATE LOTTERY UNDER THE
5 TRAXLER-MCCAULEY-LAW-BOWMAN BINGO ACT, ACT NO. 382 OF THE PUBLIC
6 ACTS OF 1972, BEING SECTIONS 432.101 TO 432.120 OF THE MICHIGAN
7 COMPILED LAWS, SHALL BE INCLUDED IN THE REPORT:

8 (i) THE DATE OF THE EVENT, ADDRESS AND NAME, IF ANY, OF THE
9 PLACE WHERE THE ACTIVITY WAS HELD, AND APPROXIMATE NUMBER OF
10 TICKETS PURCHASED OR INDIVIDUALS ATTENDING THE EVENT.

11 (ii) THE GROSS RECEIPTS OF THE EVENT.

12 (iii) THE EXPENSES INCIDENT TO THE EVENT.

13 Sec. 28. (1) Interest received by a committee on an account
14 consisting of funds belonging to the committee shall not be con-
15 sidered a contribution to the committee but shall be reported as
16 interest. Interest paid by a committee shall be reported as an
17 expenditure.

18 (2) A loan WITH AN OUTSTANDING BALANCE made or received
19 shall be set forth in a separate schedule providing the date and
20 amount of the loan, ~~and, if the loan is repaid,~~ the date and
21 amount of ~~a repayment~~ EACH PAYMENT, the amount of cumulative
22 ~~repayments~~ PAYMENTS, the amount of the outstanding balance, and
23 whether the loan ~~was repaid~~ PAYMENTS WERE MADE by money, serv-
24 ices, property, or other means. The committee shall provide the
25 name and address of the lender and ~~a~~ EACH person who is liable
26 directly, indirectly, or contingently on each loan of \$20.01 or
27 more. The occupation ~~, AND employer, and principal place of~~

1 ~~business~~ IF ANY, of the lender and ~~persons~~ PERSON shall be
2 stated if the loan is \$200.01 or more. IF A LOAN IS PAID OFF
3 WITHIN A REPORTING PERIOD, THIS ACTIVITY NEED NOT BE REPORTED ON
4 A SEPARATE SCHEDULE. HOWEVER, IF A LOAN IS FORGIVEN, IT SHALL BE
5 DETAILED ON A SEPARATE SCHEDULE.

6 (3) Accompanying a campaign statement reporting the receipt
7 of a contribution of \$20.01 or more from a committee or person
8 whose treasurer does not reside in, whose principal office is not
9 located in, or whose funds are not kept in this state, shall be a
10 statement certified as true and correct by an officer of the con-
11 tributing committee or person setting forth the full name,
12 address, along with the amount contributed, of each person who
13 contributed \$20.01 or more of the contribution. The occupation,
14 employer, and principal place of business shall be stated for
15 each person who contributed \$200.01 or more.

16 Sec. 29. (1) A campaign statement filed by a political
17 party committee shall contain ALL OF the following information:

18 (a) The full name of each person from whom contributions
19 totaling \$20.01 or more in value ~~is~~ ARE received in a calendar
20 year, the amount, and the date or dates contributed; and, if the
21 person is a committee, the name and address of the committee and
22 the full name of the committee treasurer, together with the
23 amount of the contribution and the date received. The occupa-
24 tion, employer, and principal place of business, IF ANY, shall be
25 listed for each person from whom contributions totaling \$200.01
26 or more are received in a calendar year.

1 (b) Accompanying a campaign statement reporting the receipt
2 of a contribution of \$20.01 or more from a committee or person
3 whose treasurer does not reside in, whose principal office is not
4 located in, or whose funds are not kept in this state, and whose
5 committee has not filed a statement of organization as required
6 in section 24, shall be a statement setting forth the full name
7 and address of the treasurer of the committee.

8 (c) An itemized list of all expenditures, including in-kind
9 contributions and expenditures and loans, made during the period
10 covered by the campaign statement ~~which~~ THAT were contributions
11 to a candidate committee of a candidate for elective office or a
12 ballot question committee; or independent expenditures in support
13 of the qualification, passage, or defeat of a ballot question or
14 in support of the nomination or election of a candidate for elec-
15 tive office or the defeat of any of the candidate's opponents.

16 (d) The total expenditure by the committee for each candi-
17 date for elective office or ballot question in whose behalf an
18 independent expenditure was made or a contribution was given for
19 the election.

20 (E) THE FOLLOWING INFORMATION REGARDING EACH FUND-RAISING
21 EVENT REGULATED BY THE BUREAU OF STATE LOTTERY UNDER THE
22 TRAXLER-MCCAULEY-LAW-BOWMAN BINGO ACT, ACT NO. 382 OF THE PUBLIC
23 ACTS OF 1972, BEING SECTIONS 432.101 TO 432.120 OF THE MICHIGAN
24 COMPILED LAWS, AND HELD FOR THE PURPOSE OF DEPOSITING ANY MONEYS
25 IN A POLITICAL PARTY COMMITTEE ACCOUNT REGULATED BY THIS ACT
26 SHALL BE INCLUDED IN THE REPORT:

1 (i) THE DATE OF THE EVENT, ADDRESS AND NAME, IF ANY, OF THE
 2 PLACE WHERE THE ACTIVITY WAS HELD, AND APPROXIMATE NUMBER OF
 3 TICKETS PURCHASED OR INDIVIDUALS ATTENDING THE EVENT.

4 (ii) THE GROSS RECEIPTS OF THE EVENT.

5 (iii) THE EXPENSES INCIDENT TO THE EVENT.

6 (iv) THE AMOUNT OF MONEY DEPOSITED IN EACH POLITICAL PARTY
 7 COMMITTEE ACCOUNT REGULATED BY THIS ACT.

8 (F) ~~-(e)-~~ The filer's name, address, and telephone number,
 9 ~~where~~ IF available, if any, and the full name, ~~residential and~~
 10 ~~business addresses~~ ADDRESS, and telephone ~~numbers, where~~
 11 NUMBER, IF available, of the committee treasurer.

12 (2) An expenditure listed under subsection (1)(c) shall be
 13 identified as an independent expenditure or as a contribution to
 14 a candidate committee or a ballot question committee.

15 (3) A contribution to OR ON BEHALF OF a candidate committee
 16 or ballot question committee listed under subsection (1) (c)
 17 shall note the name and address of the committee, the name of the
 18 candidate and the office sought, if any, the amount contributed,
 19 and the date of contribution.

20 (4) An independent expenditure listed under subsection
 21 (1)(c) shall note EITHER the name of the candidate for whose ben-
 22 efit the expenditure was made and the office sought by the candi-
 23 date, or a brief description of the ballot question for which the
 24 expenditure was made; ~~—~~ the amount, date, and purpose of the
 25 expenditure; ~~—~~ and the full name and address of the person to
 26 whom the expenditure was made.

1 (5) An expenditure listed which was made in support of more
2 than 1 candidate or ballot question, or both, shall be
3 apportioned reasonably among the candidates or ballot questions,
4 or both.

5 Sec. 33. (1) A committee, OTHER THAN AN INDEPENDENT COMMIT-
6 TEE OR A POLITICAL COMMITTEE REQUIRED TO FILE WITH THE SECRETARY
7 OF STATE, supporting or opposing a candidate shall file campaign
8 statements as required by this act according to the following
9 schedule:

10 (a) A preelection campaign statement shall be filed not
11 later than the eleventh day before an election. The closing date
12 for a campaign statement filed under this subdivision shall be
13 the sixteenth day before the election.

14 (b) A postelection campaign statement shall be filed not
15 later than the thirtieth day following the election. The closing
16 date for a campaign statement filed under this subdivision shall
17 be the twentieth day following the election. A committee sup-
18 porting a candidate who loses the primary election shall file
19 closing campaign statements in accordance with this section. If
20 all liabilities of such a candidate or committee are paid before
21 the closing date and additional contributions are not expected,
22 the campaign statement may be filed at any time after the elec-
23 tion, but not later than the thirtieth day following the
24 election.

25 (2) FOR THE PURPOSES OF SUBSECTION (1):

26 (A) A CANDIDATE COMMITTEE SHALL FILE A PREELECTION CAMPAIGN
27 STATEMENT AND A POSTELECTION CAMPAIGN STATEMENT FOR EACH ELECTION

1 IN WHICH THE CANDIDATE SEEKS NOMINATION OR ELECTION, EXCEPT IF AN
2 INDIVIDUAL BECOMES A CANDIDATE AFTER THE CLOSING DATE FOR THE
3 PREELECTION CAMPAIGN STATEMENT ONLY THE POSTELECTION CAMPAIGN
4 STATEMENT IS REQUIRED FOR THAT ELECTION.

5 (B) A COMMITTEE OTHER THAN A CANDIDATE COMMITTEE SHALL FILE
6 A CAMPAIGN STATEMENT FOR EACH PERIOD DURING WHICH EXPENDITURES
7 ARE MADE FOR THE PURPOSE OF INFLUENCING THE NOMINATION OR ELEC-
8 TION OF A CANDIDATE OR FOR THE QUALIFICATION, PASSAGE, OR DEFEAT
9 OF A BALLOT QUESTION.

10 (3) AN INDEPENDENT COMMITTEE OR A POLITICAL COMMITTEE
11 REQUIRED TO FILE WITH THE SECRETARY OF STATE SHALL FILE CAMPAIGN
12 STATEMENTS AS REQUIRED BY THIS ACT ACCORDING TO THE FOLLOWING
13 SCHEDULE:

14 (A) IN AN ODD NUMBERED YEAR:

15 (i) NOT LATER THAN JANUARY 31 OF THAT YEAR WITH A CLOSING
16 DATE OF DECEMBER 31 OF THE PREVIOUS YEAR.

17 (ii) NOT LATER THAN JULY 25 WITH A CLOSING DATE OF JULY 20.

18 (iii) NOT LATER THAN OCTOBER 25 WITH A CLOSING DATE OF
19 OCTOBER 20.

20 (B) IN AN EVEN NUMBERED YEAR:

21 (i) NOT LATER THAN APRIL 25 OF THAT YEAR WITH A CLOSING DATE
22 OF APRIL 20 OF THAT YEAR.

23 (ii) NOT LATER THAN JULY 25 WITH A CLOSING DATE OF JULY 20.

24 (iii) NOT LATER THAN OCTOBER 25 WITH A CLOSING DATE OF
25 OCTOBER 20.

26 (4) NOTWITHSTANDING SUBSECTION (3) OR SECTION 51, IF AN
27 INDEPENDENT EXPENDITURE IS MADE WITHIN 45 DAYS BEFORE A SPECIAL

1 ELECTION BY AN INDEPENDENT COMMITTEE OR A POLITICAL COMMITTEE
2 REQUIRED TO FILE A CAMPAIGN STATEMENT WITH THE SECRETARY OF
3 STATE, A REPORT OF THE EXPENDITURE SHALL BE FILED BY THE COMMIT-
4 TEE WITH THE SECRETARY OF STATE WITHIN 48 HOURS AFTER THE
5 EXPENDITURE. THE REPORT SHALL BE MADE ON A FORM PROVIDED BY THE
6 SECRETARY OF STATE AND SHALL INCLUDE THE DATE OF THE INDEPENDENT
7 EXPENDITURE, THE AMOUNT OF THE EXPENDITURE, A BRIEF DESCRIPTION
8 OF THE NATURE OF THE EXPENDITURE, AND THE NAME AND ADDRESS OF THE
9 PERSON TO WHOM THE EXPENDITURE WAS PAID. THE BRIEF DESCRIPTION
10 OF THE EXPENDITURE SHALL INCLUDE EITHER THE NAME OF THE CANDIDATE
11 AND THE OFFICE SOUGHT BY THE CANDIDATE OR THE NAME OF THE BALLOT
12 QUESTION AND SHALL STATE WHETHER THE EXPENDITURE SUPPORTS OR
13 OPPOSES THE CANDIDATE OR BALLOT QUESTION. THIS SUBSECTION DOES
14 NOT APPLY IF THE COMMITTEE IS REQUIRED TO REPORT THE INDEPENDENT
15 EXPENDITURE IN A CAMPAIGN STATEMENT THAT IS REQUIRED TO BE FILED
16 BEFORE THE DATE OF THE ELECTION FOR WHICH THE EXPENDITURE WAS
17 MADE.

18 (5) ~~-(2)-~~ A candidate committee or a committee other than a
19 candidate committee which files a ~~-sworn-~~ WRITTEN statement
20 ~~-pursuant to section 24(4)-~~ UNDER SECTION 24(5) OR (6) need not
21 file a campaign statement under ~~-subsection (1)(a) or (1)(b)-~~
22 SUBSECTION (1) OR (3) unless it ~~-did receive-~~ RECEIVED or
23 ~~-expend-~~ EXPENDED an amount in excess of \$1,000.00. If the com-
24 mittee receives or expends an amount in excess of \$1,000.00
25 during a period covered by a filing¹, the committee is then
26 subject to the campaign filing requirements under this act.

1 (6) ~~-(3)-~~ A ~~person~~ CANDIDATE, TREASURER, OR OTHER
 2 INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE COMMITTEE'S RECORD
 3 KEEPING, REPORT PREPARATION, OR REPORT FILING who fails to file a
 4 statement as required by this section shall pay a late filing fee
 5 of ~~-\$10.00-~~ \$25.00 for each BUSINESS day the statement remains
 6 unfiled. ~~not to exceed \$300.00. A person who is in violation~~
 7 ~~more than 7 days~~ THE LATE FILING FEE SHALL NOT EXCEED \$500.00.
 8 IF A CANDIDATE, TREASURER, OR OTHER INDIVIDUAL DESIGNATED AS
 9 RESPONSIBLE FOR THE COMMITTEE'S RECORD KEEPING, REPORT PREPARA-
 10 TION, OR REPORT FILING FAILS TO FILE 2 STATEMENTS REQUIRED BY
 11 THIS SECTION OR SECTION 35 IN A CALENDAR YEAR AND BOTH OF THE
 12 STATEMENTS REMAIN UNFILED FOR MORE THAN 30 DAYS, THAT CANDIDATE,
 13 TREASURER, OR OTHER DESIGNATED INDIVIDUAL is guilty of a misde-
 14 meanor, ~~and shall be punished~~ PUNISHABLE by a fine of not more
 15 than \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90
 16 days, or both.

17 (7) ~~-(4)-~~ If a ~~person~~ CANDIDATE subject to this section is
 18 found guilty, the circuit court ~~of~~ FOR that county, on applica-
 19 tion by the attorney general or the prosecuting attorney of that
 20 county, may prohibit that ~~person~~ CANDIDATE from assuming the
 21 duties of a public office or from receiving compensation from
 22 public funds, or both.

23 ~~-(5) An independent committee or a political committee shall~~
 24 ~~not be assessed a penalty or late filing fee if all of the fol-~~
 25 ~~lowing apply:~~

26 ~~(a) The total expenditures or contributions made by the~~
 27 ~~committee for an election is \$500.00 or less.~~

~~(b) The expenditures or contributions were made before July 1, 1982.~~

~~(c) The expenditures or contributions were reported to the appropriate filing official before November 2, 1982.~~

~~(6) A penalty or late filing fee which has been paid by an independent committee or political committee which meets the requirements of subsection (5) shall be returned to the committee if a written request is made to the appropriate filing official by the person who paid the penalty or late filing fee.~~

(8) IF A TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR A COMMITTEE'S RECORD KEEPING, REPORT PREPARATION, OR REPORT FILING KNOWINGLY FILES AN INCOMPLETE OR INACCURATE STATEMENT OR REPORT REQUIRED BY THIS SECTION, THAT TREASURER OR OTHER DESIGNATED INDIVIDUAL IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$1,000.00.

Sec. 34. (1) A ballot question committee shall file a campaign statement as required by this act according to the following schedule:

(a) A preelection campaign statement, of which the closing date shall be the sixteenth day before the election, shall not be filed later than the eleventh day before the election.

(b) A postelection campaign statement, the closing date of which shall be the twentieth day following the election, shall not be filed later than the thirtieth day following an election. If all liabilities of the committee are paid before the closing date and additional contributions are not expected, the campaign

1 statement may be filed at any time after the election, but not
2 later than the thirtieth day following the election.

3 (2) A ballot question committee supporting or opposing a
4 statewide ballot question shall file a campaign statement, of
5 which the closing date shall be the twenty-eighth day ~~following~~
6 AFTER the qualification of the measure, not later than 35 days
7 after the ballot question is qualified for the ballot. If the
8 ballot question fails to qualify for the ballot, the ballot ques-
9 tion committee shall file the campaign statement within 35 days
10 after the final deadline for qualifying, the closing date of
11 which shall be the twenty-eighth day ~~following~~ AFTER the
12 deadline.

13 (3) If a ballot question committee supporting or opposing a
14 statewide ballot question fails to file a preelection statement
15 under this section, that committee or its treasurer shall pay a
16 late filing fee for each BUSINESS day the statement remains not
17 filed IN VIOLATION OF THIS SECTION, not to exceed \$1,000.00, pur-
18 suant to the following schedule:

19 (a) First day--\$25.00.

20 (b) Second day--\$50.00.

21 (c) Third day--\$75.00.

22 (d) Fourth day and for each subsequent day that the state-
23 ment remains unfiled--\$100.00.

24 (4) If a TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPON-
25 SIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
26 FILING OF A ballot question committee supporting or opposing a
27 statewide ballot question fails to file a statement, other than a

1 preelection statement, under this section, that ~~committee or~~
2 ~~its~~ treasurer ~~—~~ OR OTHER DESIGNATED INDIVIDUAL shall pay a
3 late filing fee of \$25.00 for each BUSINESS day the campaign
4 statement remains not filed in violation of this section, not to
5 exceed \$1,000.00.

6 (5) If a TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPON-
7 SIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
8 FILING OF A ballot question committee supporting or opposing
9 other than a statewide ballot question fails to file a statement
10 under this section, that ~~committee or its~~ treasurer ~~—~~ OR
11 OTHER DESIGNATED INDIVIDUAL shall pay a late filing fee of
12 ~~-\$10.00-~~ \$25.00 for each BUSINESS day the campaign statement
13 remains not filed in violation of this section, not to exceed
14 ~~-\$300.00-~~ \$1,000.00.

15 (6) If a TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPON-
16 SIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
17 FILING OF A ballot question committee ~~is in violation of~~ FAILS
18 TO FILE A STATEMENT AS REQUIRED BY subsection (1) or (2) for more
19 than 7 days, that ~~committee or its~~ treasurer ~~—~~ OR OTHER DES-
20 IGNATED INDIVIDUAL is guilty of a misdemeanor, punishable by a
21 fine of not more than \$1,000.00, or imprisonment for not more
22 than 90 days, or both.

23 (7) If a TREASURER OR OTHER INDIVIDUAL DESIGNATED AS RESPON-
24 SIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
25 FILING OF A ballot question committee knowingly files an incom-
26 plete or inaccurate statement or report required by this section,
27 that ~~committee or its treasurer, is guilty of a misdemeanor,~~

1 ~~punishable by a fine of not more than \$1,000.00, or imprisonment~~
2 ~~for not more than 90 days, or both~~ TREASURER OR OTHER DESIGNATED
3 INDIVIDUAL IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN
4 \$1,000.00.

5 Sec. 35. (1) In addition to any other requirements of this
6 act ~~to file~~ FOR FILING a campaign statement, a committee, other
7 than an independent committee OR A POLITICAL COMMITTEE REQUIRED
8 TO FILE WITH THE SECRETARY OF STATE, shall also file a campaign
9 statement not later than January 31 of each year. The campaign
10 statement shall have a closing date of December 31 of the previ-
11 ous year. The period covered by the campaign statement filed
12 pursuant to this subsection shall begin ~~from~~ the day after the
13 closing date of the previous campaign statement. A campaign
14 statement filed pursuant to this subsection shall be waived if a
15 postelection campaign statement has been filed which has a filing
16 deadline within 30 days of the closing date of the campaign
17 statement required by this subsection.

18 (2) Subsection (1) does not apply to a candidate committee
19 for an officeholder who is a judge or a supreme court justice, or
20 WHO holds an elective office for which the salary is less than
21 \$100.00 a month and WHO does not receive any contribution or make
22 any expenditure during the time which would be otherwise covered
23 in the statement.

24 (3) A ~~person who is~~ CANDIDATE, TREASURER, OR OTHER INDI-
25 VIDUAL DESIGNATED AS RESPONSIBLE FOR THE RECORD KEEPING, REPORT
26 PREPARATION, OR REPORT FILING FOR a candidate committee of a
27 candidate for state elective office or a judicial office ~~and~~

1 who fails to file a campaign statement under this section shall
2 pay a late filing fee of \$25.00 for each business day the cam-
3 paign statement remains not filed in violation of this section.
4 THE LATE FILING FEE SHALL not ~~to~~ exceed ~~-\$300.00-~~ \$500.00. A
5 ~~person who is~~ TREASURER OR OTHER INDIVIDUAL DESIGNATED AS
6 RESPONSIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
7 FILING FOR a committee other than a candidate committee of a can-
8 didate for state elective office or a judicial office ~~and~~ who
9 fails to file a campaign statement under this section shall pay a
10 late filing fee of ~~-\$10.00-~~ \$25.00 for each business day the com-
11 mittee statement remains not filed in violation of this section.
12 THE LATE FILING FEE SHALL not ~~to~~ exceed ~~-\$300.00-~~ \$500.00.

13 (4) A committee filing a ~~sworn~~ WRITTEN statement pursuant
14 to section ~~24(7)-~~ 24(5) OR (6) need not file a statement in
15 accordance with subsection (1). If a committee receives or
16 expends more than \$1,000.00 ~~for an election~~ DURING A TIME
17 PERIOD PRESCRIBED BY SECTION 24(5) OR (6), the committee is then
18 subject to the campaign filing requirements under this act and
19 shall file a campaign statement for the period beginning the day
20 after the closing date of the last postelection campaign state-
21 ment or an annual campaign statement which is waived pursuant to
22 subsection (1), whichever occurred earlier.

23 (5) ~~A person who is in violation of subsection (1) for more~~
24 ~~than 7 business days~~ IF A CANDIDATE, TREASURER, OR OTHER INDIV-
25 VIDUAL DESIGNATED AS RESPONSIBLE FOR THE RECORD KEEPING, REPORT
26 PREPARATION, OR REPORT FILING FAILS TO FILE 2 STATEMENTS REQUIRED
27 BY THIS SECTION OR SECTION 33 IN A CALENDAR YEAR AND BOTH OF THE

1 STATEMENTS REMAIN UNFILED FOR MORE THAN 30 DAYS, THAT CANDIDATE,
2 TREASURER, OR OTHER DESIGNATED INDIVIDUAL is guilty of a misde-
3 meanor, punishable by a fine of not more than \$1,000.00, or
4 imprisonment for not more than 90 days, or both. ~~A person who~~
5 ~~knowingly files an incomplete or inaccurate statement or report~~
6 ~~required by this section is guilty of a misdemeanor, punishable~~
7 ~~by a fine of not more than \$1,000.00, or imprisonment for not~~
8 ~~more than 90 days, or both.~~

9 (6) ~~As used in subsections (3) and (5), "person" means for~~
10 ~~a committee other than a candidate committee, that committee and~~
11 ~~that committee's treasurer, and for a candidate committee, that~~
12 ~~committee, that candidate, and that candidate committee's~~
13 ~~treasurer.~~ IF A TREASURER OR OTHER INDIVIDUAL DESIGNATED AS
14 RESPONSIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
15 FILING FOR A COMMITTEE REQUIRED TO FILE A CAMPAIGN STATEMENT
16 UNDER SUBSECTION (1) KNOWINGLY FILES AN INCOMPLETE OR INACCURATE
17 STATEMENT OR REPORT REQUIRED BY THIS SECTION, THAT TREASURER OR
18 OTHER DESIGNATED INDIVIDUAL IS SUBJECT TO A CIVIL FINE OF NOT
19 MORE THAN \$1,000.00.

20 Sec. 36. (1) A copy of the campaign statement of candidate
21 committees for a state elective office or a judicial office shall
22 be filed with the secretary of state, who shall reproduce the
23 copy and transmit the reproduction to the clerk of the county of
24 residence of the candidate. A copy of the campaign statement of
25 candidate committees of candidates for all other offices shall be
26 filed with the clerk of the county of residence of the
27 candidate.

1 (2) A copy of the campaign statement of a ballot question
2 committee supporting or opposing a statewide ballot question
3 shall be filed with the secretary of state and with the clerk of
4 the most populous county in the state. A ballot question commit-
5 tee supporting or opposing a ballot question to be voted upon in
6 more than 1 county, but not statewide, shall file with the clerk
7 of the county in which the greatest number of registered voters
8 eligible to vote on the ballot question reside. A ballot ques-
9 tion committee supporting or opposing a ballot question to be
10 voted upon within a single county shall file a statement only
11 with the clerk of that county.

12 (3) A copy of the campaign statement of a political party
13 committee ~~that is a state central or district committee~~ shall
14 be filed with the secretary of state. ~~A political party commit-~~
15 ~~tee that is a county committee shall file a copy with the clerk~~
16 ~~of that county and with the secretary of state.~~ THE SECRETARY OF
17 STATE SHALL REPRODUCE A COPY OF THE CAMPAIGN STATEMENT OF A
18 POLITICAL PARTY COMMITTEE THAT IS A COUNTY COMMITTEE AND FILE THE
19 COPY WITH THE CLERK OF THE COUNTY WHERE THE COUNTY COMMITTEE
20 OPERATES.

21 (4) A copy of a campaign statement of a committee supporting
22 or opposing a candidate for the office of school board, where the
23 office is to be voted on in more than 1 county but not statewide,
24 shall be filed with the clerk of the county in which the greatest
25 number of registered voters eligible to vote on the office
26 reside.

1 (5) A copy of the campaign statement of any other committee
2 not covered under subsection (1), (2), (3), or (4) shall be filed
3 with the secretary of state, except that a committee reporting
4 contributions or expenditures for a candidate within only 1
5 county shall file a statement only with the clerk of that
6 county.

7 Sec. 37. A campaign statement filed by a committee shall be
8 signed by the committee treasurer OR OTHER INDIVIDUAL DESIGNATED
9 AS RESPONSIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR
10 REPORT FILING FOR THAT COMMITTEE. A verification statement shall
11 be part of the campaign statement and shall state that the
12 ~~treasurer~~ PERSON WHO SIGNED THE STATEMENT used all reasonable
13 diligence in ~~its~~ preparation OF THE STATEMENT, and ~~that to the~~
14 ~~treasurer's~~ TO THAT PERSON'S knowledge ~~it~~ THE STATEMENT is
15 true and complete. If the committee is a candidate committee,
16 the candidate shall also verify, in writing, that to the best of
17 the candidate's knowledge the statement is true and complete.

18 Sec. 38. A campaign statement shall cover the period begin-
19 ning the day after the closing date of the last campaign state-
20 ment and ~~end~~ ENDING on the closing date as specified in this
21 act.

22 Sec. 42. (1) A person who accepts a contribution, other
23 than by written instrument, on behalf of another and acts as the
24 intermediary or agent of the person from whom the contribution
25 was accepted shall disclose to the recipient of the contribution
26 the intermediary's own name and address and the name and address
27 of the actual source of the contribution. A person who knowingly

1 violates this subsection is guilty of a misdemeanor ~~and shall be~~
2 ~~punished~~ PUNISHABLE by a fine of not more than \$1,000.00, or
3 ~~imprisoned~~ IMPRISONMENT for not more than 90 days, or both.

4 (2) A contribution of \$20.01 or more from a ~~committee or~~
5 person whose treasurer does not reside in, whose principal office
6 is not located in, or whose funds are not kept in this state,
7 shall not be accepted by a person for purposes of supporting or
8 opposing candidates for elective office or the qualification,
9 passage, or defeat of a ballot question unless accompanied by a
10 statement certified as true and correct by an officer of the con-
11 tributing ~~committee or~~ person setting forth the full name and
12 address along with the amount contributed, of each person who
13 contributed \$20.01 or more of the contribution. The occupation,
14 employer, and principal place of business shall be listed for
15 each person who contributed \$200.01 or more of the contribution.
16 THE CERTIFIED STATEMENT SHALL ALSO STATE THAT THE CONTRIBUTION
17 WAS NOT MADE FROM AN ACCOUNT CONTAINING FUNDS PROHIBITED BY
18 SECTION 54. A person who knowingly violates this subsection is
19 guilty of a misdemeanor ~~and shall be punished~~ PUNISHABLE, IF
20 THE PERSON IS AN INDIVIDUAL, by a fine of not more than
21 \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90
22 days, or both, ~~and~~ OR, if the person is ~~other than~~ NOT an
23 individual, ~~the person shall be fined~~ BY A FINE OF not more
24 than \$10,000.00. THIS SUBSECTION DOES NOT APPLY IF THE PERSON
25 MAKING THE CONTRIBUTION IS REGISTERED AS A COMMITTEE UNDER
26 SECTION 24.

1 (3) A person shall not receive a contribution from a person
2 other than a committee unless for purposes of the recipient
3 person's record keeping and reporting requirements, the contribu-
4 tion is accompanied by the name and address of each person who
5 contributed \$20.01 or more to the contribution, and the name,
6 address, occupation, employer, and principal place of business of
7 each person who contributed \$200.01 or more to the contribution.
8 A person who knowingly ~~is in violation of~~ VIOLATES this subsec-
9 tion is guilty of a misdemeanor ~~and shall be punished~~
10 PUNISHABLE, IF THE PERSON IS AN INDIVIDUAL, by a fine of not more
11 than \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90
12 days, or both, ~~and~~ OR, if the person is other than an
13 individual, ~~the person shall be fined~~ BY A FINE OF not more
14 than \$10,000.00.

15 Sec. 44. (1) A contribution shall not be made by a person
16 to another person with the agreement or arrangement that the
17 person receiving the contribution will then transfer that contri-
18 bution to a particular candidate committee.

19 (2) A candidate committee shall not make a contribution to
20 or an independent expenditure in behalf of another candidate
21 committee.

22 (3) AN INDIVIDUAL, OTHER THAN A COMMITTEE TREASURER OR THE
23 INDIVIDUAL DESIGNATED AS RESPONSIBLE FOR THE RECORD KEEPING,
24 REPORT PREPARATION, OR REPORT FILING FOR A COMMITTEE, WHO OBTAINS
25 POSSESSION OF 1 COMMITTEE'S CONTRIBUTION FOR THE PURPOSE OF
26 DELIVERING THE CONTRIBUTION TO ANOTHER COMMITTEE SHALL DELIVER
27 THE CONTRIBUTION TO THAT COMMITTEE, THAT COMMITTEE'S TREASURER,

1 OR THAT COMMITTEE'S AGENT, OR RETURN THE CONTRIBUTION TO THE
2 PAYOR, NOT LATER THAN 10 BUSINESS DAYS AFTER OBTAINING POSSESSION
3 OF THE CONTRIBUTION.

4 (4) TWO OR MORE PERSONS, OTHER THAN INDIVIDUALS, MAY HOLD A
5 JOINT FUND-RAISER IF THE RECEIPTS AND EXPENSES OF THE FUND-RAISER
6 ARE SHARED PROPORTIONATELY. IF AN OFFICEHOLDER EXPENSE FUND AND
7 THE CANDIDATE COMMITTEE OF THAT OFFICEHOLDER HOLD A JOINT
8 FUND-RAISER, THE CANDIDATE COMMITTEE SHALL PAY THE EXPENSES OF
9 THE FUND-RAISER AND ALL CORPORATE MONEY RECEIVED FOR THE
10 FUND-RAISER SHALL BE DEPOSITED IN THE ACCOUNT OF THE OFFICEHOLDER
11 EXPENSE FUND. ALL NONCORPORATE CONTRIBUTIONS SHALL BE DEPOSITED
12 IN A SECONDARY DEPOSITORY DESIGNATED TO RECEIVE CONTRIBUTIONS
13 PRIOR TO THEIR SPLIT BETWEEN THE CANDIDATE COMMITTEE AND OFFICE-
14 HOLDER EXPENSE FUND.

15 (5) ~~-(3)-~~ A person who knowingly violates this section is
16 guilty of a misdemeanor ~~and shall be punished~~ PUNISHABLE by a
17 fine of not more than \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for
18 not more than 90 days, or both.

19 Sec. 51. ~~-(1)-~~ A person, other than a committee, who makes
20 an independent expenditure, advocating the election of a candi-
21 date or the defeat of a candidate's opponents or the qualifica-
22 tion, passage, or defeat of a ballot question, ~~which totals~~ IN
23 an amount of \$100.01 or more in a calendar year shall file a
24 report of the independent expenditure, within 10 days, with the
25 clerk of the county of residence of that person. The report
26 shall be made on an independent expenditure report form provided
27 by the secretary of state and shall include the date of the

1 expenditure, a brief description of the nature of the
 2 expenditure, the amount, the name and address of the person to
 3 whom it was paid, the name and address of the person filing the
 4 report, together with the name, address, occupation, employer,
 5 and principal place of business of each person who contributed
 6 \$100.01 or more to the expenditure. The filing official receiv-
 7 ing the report shall forward copies, as required, to the appro-
 8 priate filing officers as described in section 36.

9 ~~-(2) A person who violates this section is subject to a~~
 10 ~~civil penalty of not more than \$500.00.~~

11 Sec. 52. (1) ~~-A~~ EXCEPT AS PROVIDED IN SUBSECTION (6), A
 12 person other than an independent committee or a political party
 13 committee shall not make contributions to a candidate committee
 14 of a candidate for state elective office which, with respect to
 15 ~~a single election,~~ AN ELECTION CYCLE are more than the
 16 following:

17 (a) ~~\$1,700.00 in value~~ \$3,400.00 for a candidate for state
 18 elective office other than the office of state legislator.

19 (b) ~~\$450.00 in value~~ \$1,000.00 for a candidate for state
 20 senator.

21 (c) ~~\$250.00 in value~~ \$500.00 for a candidate for state
 22 representative.

23 (2) For the purpose of subsection (1), "with respect to ~~a~~
 24 ~~single election~~" means, ~~in the case of a contribution designated~~
 25 ~~in writing for a particular election, the election so~~
 26 ~~designated. A contribution made after a primary election,~~
 27 ~~general election, caucus, or convention and designated for the~~

~~1 primary election, caucus, or convention shall be made only to the~~
~~2 extent that the contribution does not exceed net outstanding~~
~~3 debts and obligations from the primary election, general elec-~~
~~4 tion, caucus, or convention. If a contribution is not designated~~
~~5 in writing for a particular election, the contribution shall be~~
~~6 considered made for a primary election, general election, caucus,~~
~~7 or convention if made on or before the date of the primary elec-~~
~~8 tion, general election, caucus, or convention. AN ELECTION~~
9 CYCLE" MEANS 1 OF THE FOLLOWING:

10 (A) FOR A GENERAL ELECTION, THE PERIOD BEGINNING THE DAY
11 FOLLOWING THE LAST GENERAL ELECTION IN WHICH THE OFFICE APPEARED
12 ON THE BALLOT AND ENDING ON THE DAY OF THE NEXT GENERAL ELECTION
13 IN WHICH THE OFFICE NEXT APPEARS ON THE BALLOT.

14 (B) FOR A SPECIAL ELECTION, THE PERIOD BEGINNING THE DAY A
15 SPECIAL GENERAL ELECTION IS SCHEDULED OR THE DATE THE OFFICE
16 BECOMES VACANT, WHICHEVER IS EARLIER, AND ENDING ON THE DAY OF
17 THE SPECIAL GENERAL ELECTION.

18 (3) An independent committee shall not make contributions to
19 a candidate committee of a candidate for state elective office
20 which, in the aggregate for that election — CYCLE are more than
21 10 times the amount permitted a person other than an independent
22 committee or political party committee in subsection (1).

23 (4) A political party committee other than a state central
24 committee shall not make contributions to the candidate committee
25 of a candidate for state elective office which are more than 10
26 times the amount permitted a person other than an independent
27 committee or political party committee in subsection (1).

1 (5) A state central committee of a political party shall not
2 make contributions to the candidate committee of a candidate for
3 state elective office other than candidates for the legislature
4 which are more than 20 times the amount permitted a person other
5 than an independent committee or political party committee in
6 subsection (1). A state central committee of a political party
7 shall not make contributions to the candidate committee of a can-
8 didate for state senator or state representative which are more
9 than 10 times the amount permitted a person other than an inde-
10 pendent committee or political party committee in subsection
11 (1).

12 (6) A contribution from a member of a candidate's immediate
13 family to the candidate committee of that candidate is exempt
14 from the limitations of subsection (1).

15 (7) CONSISTENT WITH THE PROVISIONS OF THIS SECTION, A CON-
16 TRIBUTION DESIGNATED IN WRITING FOR A PARTICULAR ELECTION CYCLE
17 SHALL BE CONSIDERED MADE FOR THAT ELECTION CYCLE. A CONTRIBUTION
18 MADE AFTER THE CLOSE OF A PARTICULAR ELECTION CYCLE AND DESIG-
19 NATED IN WRITING FOR THAT ELECTION CYCLE SHALL BE MADE ONLY TO
20 THE EXTENT THAT THE CONTRIBUTION DOES NOT EXCEED THE CANDIDATE
21 COMMITTEE'S NET OUTSTANDING DEBTS AND OBLIGATIONS FROM THE ELEC-
22 TION CYCLE SO DESIGNATED. IF A CONTRIBUTION IS NOT DESIGNATED IN
23 WRITING FOR A PARTICULAR ELECTION CYCLE, THE CONTRIBUTION SHALL
24 BE CONSIDERED MADE FOR THE ELECTION CYCLE THAT CORRESPONDS TO THE
25 DATE OF THE WRITTEN INSTRUMENT.

26 (8) A CANDIDATE COMMITTEE, A CANDIDATE, OR A TREASURER OR
27 AGENT OF A CANDIDATE COMMITTEE SHALL NOT ACCEPT A CONTRIBUTION

1 WITH RESPECT TO AN ELECTION CYCLE THAT EXCEEDS THE LIMITATIONS IN
2 SUBSECTION (1), (3), (4), OR (5).

3 (9) ~~-(7)-~~ A person who knowingly violates this section is
4 guilty of a misdemeanor ~~and shall be punished~~ PUNISHABLE, IF
5 THE PERSON IS AN INDIVIDUAL, by a fine of not more than
6 \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90
7 days, or both, ~~and~~ OR, if the person is ~~other than~~ NOT an
8 individual, ~~the person shall be fined~~ BY A FINE OF not more
9 than \$10,000.00.

10 Sec. 54. (1) Except with respect to the exceptions and con-
11 ditions in ~~subsections~~ SUBSECTION (2) and ~~-(3)-and~~ section 55,
12 and to loans made in the ordinary course of business, a corpora-
13 tion may not make a contribution or expenditure or provide volun-
14 teer personal services which services are excluded from the defi-
15 nition of a contribution pursuant to section 4(3)(a).

16 (2) An officer, director, stockholder, attorney, agent, or
17 any other person acting for a corporation or joint stock company,
18 whether incorporated under the laws of this or any other state or
19 foreign country, except corporations formed for political pur-
20 poses, shall not make a contribution or expenditure or provide
21 volunteer personal services which services are excluded from the
22 definition of a contribution pursuant to section 4(3)(a).

23 ~~-(3)- A corporation or joint stock company, whether incorpo-~~
24 ~~rated under the laws of this or any other state or foreign coun-~~
25 ~~try, except a corporation formed for political purposes, shall~~
26 ~~not make a contribution or provide volunteer personal services~~
27 ~~which services are excluded from the definition of a contribution~~

1 ~~pursuant to section 4(3)(a), in excess of \$40,000.00, to each~~
 2 ~~ballot question committee for the qualification, passage, or~~
 3 ~~defeat of a particular ballot question.~~

4 (3) ~~-(4)-~~ Nothing in this section shall preclude a corpora-
 5 tion or joint stock company from making an independent expendi-
 6 ture in any amount for the qualification, passage, or defeat of a
 7 ballot question. A corporation making an independent expenditure
 8 under this subsection shall be considered a ballot question com-
 9 mittee for the purposes of this act.

10 (4) ~~-(5)-~~ A person who knowingly violates this section is
 11 guilty of a felony ~~and shall be punished~~ PUNISHABLE, IF THE
 12 PERSON IS AN INDIVIDUAL, by a fine of not more than \$5,000.00 or
 13 ~~imprisoned~~ IMPRISONMENT for not more than 3 years, or both,
 14 ~~and~~ OR, if the person is ~~other than~~ NOT an individual, ~~the~~
 15 ~~person shall be fined~~ BY A FINE OF not more than \$10,000.00.

16 Sec. 61. (1) The state campaign fund is hereby created.
 17 The state treasurer shall administer the state campaign fund in
 18 accordance with this act.

19 (2) ~~Effective with the taxable years beginning January 1,~~
 20 ~~1976, an~~ AN individual whose ~~income~~ tax liability under THE
 21 INCOME TAX ACT OF 1967, Act No. 281 of the Public Acts of 1967,
 22 as amended, being sections 206.1 to 206.532 of the Michigan
 23 Compiled Laws, for a taxable year is \$2.00 or more may designate
 24 that \$2.00 be credited to the state campaign fund. In the case
 25 of a joint return of husband and wife having an income tax
 26 liability of \$4.00 or more each spouse may designate that \$2.00
 27 ~~shall be paid~~ BE CREDITED to the state campaign fund.

1 (3) The tax designation authorized in this section shall be
2 clearly and unambiguously printed on the first page of the state
3 individual income tax return.

4 (4) An amount equal to the cumulative amounts designated
5 under subsection (2) each year shall be appropriated annually
6 from the general fund of the state to the state campaign fund to
7 be available beginning January 1 and continuing through December
8 31 of each year in which a governor is elected. The amounts
9 appropriated under this section shall not revert to the general
10 fund but shall remain available to the state campaign fund for
11 distribution without fiscal year limitation except that any
12 amounts remaining in the state campaign fund on December 31 imme-
13 diately following a gubernatorial general election shall revert
14 to the general fund. ~~There is appropriated from the general~~
15 ~~fund of the state for the fiscal year ending 1977 an amount equal~~
16 ~~to the amounts designated under subsection (2) for the tax year~~
17 ~~of 1976.~~

18 (5) Before the distribution of funds under this act to qual-
19 ifying primary election candidates, the state treasurer shall set
20 aside sufficient funds from the state campaign fund to fully
21 implement the formula for distributing funds to qualifying gen-
22 eral election candidates. If insufficient funds exist in the
23 state campaign fund to provide full funding to eligible primary
24 election candidates, the campaign funds shall be distributed to
25 those candidates on a pro rata basis.

26 Sec. 64. (1) A candidate in a primary election may obtain
27 ~~moneys~~ FUNDS from the state campaign fund in an amount equal to

1 \$2.00 for each \$1.00 of qualifying contribution if the candidate
2 certifies to the secretary of state ~~that~~ BOTH OF THE
3 FOLLOWING:

4 (a) ~~The~~ THAT THE candidate committee of the candidate
5 received an amount of qualifying contributions at least equal to
6 5% of the candidate's designated spending limit.

7 (b) ~~The~~ THAT THE full name and address of each person
8 making a qualifying contribution is recorded by the candidate
9 committee of the candidate certifying. This requirement is in
10 addition to and not in lieu of any other requirements relating to
11 the recording and reporting of contributions.

12 ~~(2) An unopposed candidate for nomination in a primary~~
13 ~~election is not entitled to moneys from the state campaign fund~~
14 ~~except as provided in subsection (3).~~

15 ~~(3) If a major party has a contest for the nomination for~~
16 ~~the same office, an unopposed candidate for nomination of another~~
17 ~~party in a primary election may receive up to 25% of the maximum~~
18 ~~payment provided in subsection (6).~~

19 (2) ~~(4)~~ A candidate is not entitled to ~~moneys~~ FUNDS from
20 the state campaign fund for a primary election if it is deter-
21 mined the name of the candidate is ineligible to appear on the
22 primary election ballot pursuant to section 53 of Act No. 116 of
23 the Public Acts of 1954, as amended, being section 168.53 of the
24 Michigan Compiled Laws.

25 ~~(5) For purposes of this act, a write in candidate shall~~
26 ~~not be regarded as opposition, or as creating a contested~~
27 ~~primary.~~

1 (3) ~~-(6)-~~ A candidate ~~may~~ SHALL not receive from the state
2 campaign fund for a ~~-contested-~~ primary more than 66% of the
3 candidate's expenditure limit designated in section 67(1).

4 (4) ~~-(7)-~~ For purposes of this section, primary election is
5 ~~-an-~~ THE election ~~held pursuant to~~ DESCRIBED IN section 52 of
6 Act No. 116 of the Public Acts of 1954, as amended, being sec-
7 tion 168.52 of the Michigan Compiled Laws.

8 Sec. 66. (1) A candidate may only apply the ~~-moneys-~~ FUNDS
9 received under this act against qualified campaign expenditures.

10 (2) As used in this section, "qualified campaign
11 expenditure" means an expenditure for services, materials, facil-
12 ities, or other things of value by the candidate committee to
13 further the candidate's nomination or election to office during
14 the year in which the primary or general election in which the
15 candidate seeks nomination or election is held. Qualified cam-
16 paign expenditure does not include:

17 (a) An expenditure in violation of any law of the United
18 States or of this state.

19 (b) A payment made to the candidate or a relative within the
20 third degree of consanguinity of the candidate, or to a business
21 with which the candidate or the relative is associated.

22 (c) A payment to the extent clearly in excess of the fair
23 market value of services, materials, facilities, or other things
24 of value received in exchange.

25 (d) That portion of any salary or wage to an individual in
26 excess of ~~-\$2,000.00-~~ \$5,000.00 per month.

1 (e) Payment from petty cash.

2 (f) Gifts, except brochures, buttons, signs, and other
3 printed campaign material.

4 (g) Payment to a defense fund.

5 (h) Expenditures made for the solicitation of contributions
6 which are exempted from the candidate's expenditure limits under
7 section 67(2).

8 (3) A candidate shall keep those ~~moneys~~ FUNDS received
9 under this act in a separate account. The candidate's qualified
10 expenditures may be paid from this account unless the account
11 does not have a balance. An unexpended balance in this account
12 shall be refunded and credited to the general fund within 60 days
13 after the election for which the ~~moneys~~ FUNDS were received.
14 Payment received from the state campaign fund for expenditures in
15 1 election shall not be used for expenditures in a subsequent
16 election.

17 (4) A person who knowingly violates this section is guilty
18 of a felony ~~and~~ PUNISHABLE, if the person is an individual,
19 ~~shall be punished~~ by a fine of not more than \$2,000.00, or
20 ~~imprisoned~~ IMPRISONMENT for not more than 3 years, or both,
21 ~~and~~ OR, if the person ~~is other than~~ NOT an individual, ~~shall~~
22 ~~be punished~~ by a fine of not more than \$10,000.00.

23 Sec. 67. (1) Expenditures made by a candidate committee to
24 further the nomination or election of a candidate may not exceed
25 ~~\$1,000,000.00~~ \$1,500,000.00 in the aggregate for 1 election.

26 (2) Expenditures made by a candidate committee solely for
27 the solicitation of contributions which expenditures are not more

1 than 20% of the candidate committee's expenditure limit
2 designated in subsection (1) shall not be considered as expendi-
3 tures for the purposes of the expenditure limitations set forth
4 in subsection (1).

5 (3) An expenditure by a candidate committee to purchase
6 space in a newspaper or other periodical or time on radio or
7 television for the purpose of responding to an editorial in the
8 same newspaper or periodical or on the same station or channel
9 which was unfavorable to the committee's candidate or which
10 indorsed the candidate's opponent shall not be considered an
11 expenditure for the purposes of the expenditure limitations set
12 forth in subsection (1). This subsection only applies to 1
13 response made to a particular editorial, unfavorable report, or
14 endorsement of an opponent and shall not apply unless the candi-
15 date is refused free space or time in which to answer.

16 (4) A person who knowingly violates subsection (1) is guilty
17 of a misdemeanor ~~and shall be punished~~ PUNISHABLE by a fine of
18 not more than \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for not
19 more than 90 days, or both.

20 (5) If a person who is subject to this section is found
21 guilty, the circuit court of that county, on application by the
22 attorney general, may prohibit that person from assuming the
23 duties of a public office or from receiving compensation from
24 public funds, or both.

25 Sec. 69. (1) ~~-A-~~ EXCEPT AS PROVIDED IN SUBSECTION (6), A
26 person other than an independent committee or a political party
27 committee shall not make contributions to a candidate committee

1 of a candidate which are more than ~~-\$1,700.00-~~ \$3,400.00 in value
 2 for ~~a single election-~~ AN ELECTION CYCLE.

3 (2) An independent committee shall not make contributions to
 4 a candidate committee which, ~~in the aggregate-~~ for that election
 5 ~~—~~ CYCLE are more than 10 times the amount permitted a person
 6 other than an independent committee or political party committee
 7 in subsection (1).

8 (3) A political party committee that is a state central com-
 9 mittee shall not make contributions to a candidate committee
 10 which FOR AN ELECTION CYCLE are more than \$750,000.00. ~~-25% of~~
 11 ~~the candidate's expenditure limit.~~

12 (4) A political party committee that is a congressional dis-
 13 trict or county committee shall not make contributions to a can-
 14 didate committee which FOR AN ELECTION CYCLE are more than
 15 \$30,000.00. ~~-1% of the candidate's expenditure limit.~~

16 (5) A CANDIDATE COMMITTEE, A CANDIDATE, OR A TREASURER OR
 17 AGENT SHALL NOT ACCEPT A CONTRIBUTION WITH RESPECT TO AN ELECTION
 18 CYCLE THAT EXCEEDS A LIMITATION IN SUBSECTIONS (1) TO (4).

19 (6) ~~-(5)-~~ As used in this subsection, "immediate family"
 20 means a spouse, parent, brother, sister, son, or daughter. A
 21 candidate and members of that candidate's immediate family may
 22 not contribute in total to that person's candidate committee an
 23 amount which is more than ~~-\$25,000.00-~~ \$50,000.00 in value for ~~a~~
 24 ~~single-~~ AN election CYCLE.

25 (7) SECTION 52(2) AND 52(7) APPLY TO DETERMINING WHEN AN
 26 ELECTION CYCLE BEGINS AND ENDS AND TO WHICH ELECTION CYCLE A
 27 PARTICULAR CONTRIBUTION SHALL BE ATTRIBUTED.

1 (8) THE CANDIDATE COMMITTEE OF A CANDIDATE FOR GOVERNOR THAT
2 DOES NOT MAKE APPLICATION FOR STATE CAMPAIGN FUNDS AND THAT
3 ACCEPTS FROM THE CANDIDATE AND THE CANDIDATE'S IMMEDIATE FAMILY
4 CONTRIBUTIONS THAT TOTAL FOR AN ELECTION CYCLE MORE THAN
5 \$340,000.00 SHALL NOTIFY THE SECRETARY OF STATE IN WRITING WITHIN
6 48 HOURS AFTER RECEIPT OF THIS AMOUNT. WITHIN 2 BUSINESS DAYS
7 AFTER RECEIPT OF THIS NOTICE, THE SECRETARY OF STATE SHALL SEND
8 NOTICE TO ALL CANDIDATES WHO ARE EITHER SEEKING THE SAME NOMINA-
9 TION, IN THE CASE OF A PRIMARY ELECTION, OR ELECTION TO THAT SAME
10 OFFICE, IN THE CASE OF A GENERAL ELECTION, INFORMING THOSE CANDI-
11 DATE COMMITTEES OF ALL OF THE FOLLOWING:

12 (A) THAT THE EXPENDITURE LIMITS PROVIDED IN SECTION 67 ARE
13 WAIVED FOR THE REMAINDER OF THAT ELECTION FOR THOSE NOTIFIED CAN-
14 DIDATE COMMITTEES THAT RECEIVE STATE CAMPAIGN FUNDS UNDER THIS
15 ACT.

16 (B) THAT THE EXPENDITURE LIMITS OF SECTION 67 ARE NOT WAIVED
17 FOR THE PURPOSE OF DETERMINING THE AMOUNT OF PUBLIC FUNDS AVAIL-
18 ABLE TO A CANDIDATE UNDER SECTION 64 OR 65.

19 (9) ~~-(6)-~~ A person who knowingly violates this section is
20 guilty of a misdemeanor ~~and shall be punished~~ PUNISHABLE, IF
21 THE PERSON IS AN INDIVIDUAL, by a fine of not more than
22 \$1,000.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90
23 days, or both, ~~and~~ OR, if the person is ~~other than~~ NOT an
24 individual, ~~the person shall be fined~~ BY A FINE OF not more
25 than \$10,000.00.