

SENATE BILL No. 631

July 16, 2003, Introduced by Senators PATTERSON, BIRKHOLZ, TOY, GILBERT, GEORGE, STAMAS, VAN WOERKOM, HAMMERSTROM, BISHOP, McMANUS, KUIPERS, GOSCHKA and JELINEK and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 2001 PA 250, sections 33 and 34 as amended by 1999 PA 238, and section 35 as amended by 2000 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Make available through his or her offices, and furnish to
4 county clerks, appropriate forms, instructions, and manuals
5 required by this act.

6 (b) Develop a filing, coding, and cross-indexing system for
7 the filing of required reports and statements consistent with the
8 purposes of this act, and supervise the implementation of the

SENATE BILL No. 631

1 filing systems by the clerks of the counties.

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

4 (d) Prepare forms, instructions, and manuals required under
5 this act.

6 (e) Promulgate rules and issue declaratory rulings to
7 implement this act in accordance with the administrative
8 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

9 (f) Upon receipt of a written request and the required
10 filing, waive payment of a late filing fee if the request for the
11 waiver is based on good cause and accompanied by adequate
12 documentation. One or more of the following reasons constitute
13 good cause for a late filing fee waiver:

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

19 (ii) Other unique, unintentional factors beyond the filer's
20 control not stemming from a negligent act or nonaction so that a
21 reasonably prudent person would excuse the filing on a temporary
22 basis. These factors include the loss or unavailability of
23 records due to a fire, flood, theft, or similar reason and
24 difficulties related to the transmission of the filing to the
25 filing official, such as exceptionally bad weather or strikes
26 involving transportation systems.

27 (2) A declaratory ruling shall be issued under this section

1 only if the person requesting the ruling has provided a
2 reasonably complete statement of facts necessary for the ruling
3 or if the person requesting the ruling has, with the permission
4 of the secretary of state, supplied supplemental facts necessary
5 for the ruling. A request for a declaratory ruling that is
6 submitted to the secretary of state shall be made available for
7 public inspection within 48 hours after its receipt. An
8 interested person may submit written comments regarding the
9 request to the secretary of state within 10 business days after
10 the date the request is made available to the public. Within 45
11 business days after receiving a declaratory ruling request, the
12 secretary of state shall make a proposed response available to
13 the public. An interested person may submit written comments
14 regarding the proposed response to the secretary of state within
15 5 business days after the date the proposal is made available to
16 the public. Except as otherwise provided in this section, the
17 secretary of state shall issue a declaratory ruling within
18 60 business days after a request for a declaratory ruling is
19 received. If the secretary of state refuses to issue a
20 declaratory ruling, the secretary of state shall notify the
21 person making the request of the reasons for the refusal and
22 shall issue an interpretative statement providing an
23 informational response to the question presented within the same
24 time limitation applicable to a declaratory ruling. A
25 declaratory ruling or interpretative statement issued under this
26 section shall not state a general rule of law, other than that
27 which is stated in this act, until the general rule of law is

1 promulgated by the secretary of state as a rule under the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328, or under judicial order.

4 (3) Under extenuating circumstances, the secretary of state
5 may issue a notice extending for not more than 30 business days
6 the period during which the secretary of state shall respond to a
7 request for a declaratory ruling. The secretary of state shall
8 not issue more than 1 notice of extension for a particular
9 request. A person requesting a declaratory ruling may waive, in
10 writing, the time limitations provided by this section.

11 (4) The secretary of state shall make available to the public
12 an annual summary of the declaratory rulings and interpretative
13 statements issued by the secretary of state.

14 (5) A person may file with the secretary of state a complaint
15 that alleges a violation of this act. Within 5 business days
16 after a complaint that meets the requirements of subsection (6)
17 is filed, the secretary of state shall give notice to the person
18 against whom the complaint is filed. The notice shall include a
19 copy of the complaint. Within 15 business days after this notice
20 is provided, the person against whom the complaint was filed may
21 submit to the secretary of state a response. The secretary of
22 state may extend the period for submitting a response an
23 additional 15 business days for good cause. The secretary of
24 state shall provide a copy of a response received to the
25 complainant. Within 10 business days after receiving a copy of
26 the response, the complainant may submit to the secretary of
27 state a rebuttal statement. The secretary of state may extend

1 the period for submitting a rebuttal statement an additional 10
2 business days for good cause. The secretary of state shall
3 provide a copy of the rebuttal statement to the person against
4 whom the complaint was filed.

5 (6) A complaint under subsection (5) shall satisfy all of the
6 following requirements:

7 (a) Be signed by the complainant.

8 (b) State the name, address, and telephone number of the
9 complainant.

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

21 (7) The secretary of state shall develop a form that
22 satisfies the requirements of subsection (6) and may be used for
23 the filing of complaints.

24 (8) A person who files a complaint with a false certificate
25 under subsection (6)(c) is responsible for a civil violation of
26 this act. A person may file a complaint under subsection (5)
27 alleging that another person has filed a complaint with a false

1 certificate under subsection (6)(c).

2 (9) The secretary of state shall investigate the allegations
3 under the rules promulgated under this act. Every 60 days after
4 a complaint that meets the requirements of subsection (6) is
5 filed and until the matter is terminated, the secretary of state
6 shall mail to the complainant and to the alleged violator notice
7 of the action taken to date by the secretary of state, together
8 with the reasons for the action or nonaction.

9 (10) If the secretary of state determines that there may be
10 reason to believe that a violation of this act has occurred, the
11 secretary of state shall endeavor to correct the violation or
12 prevent a further violation by using informal methods such as a
13 conference, conciliation, or persuasion, and may enter into a
14 conciliation agreement with the person involved. Unless
15 violated, a conciliation agreement is a complete bar to any
16 further action with respect to matters covered in the
17 conciliation agreement. If the secretary of state is unable to
18 correct or prevent further violation by these informal methods,
19 the secretary of state may refer the matter to the attorney
20 general for the enforcement of a criminal penalty provided by
21 this act or commence a hearing as provided in subsection (11).

22 (11) The secretary of state may commence a hearing to
23 determine whether a civil violation of this act has occurred. A
24 hearing shall not be commenced during the period beginning 30
25 days before an election in which the committee has received or
26 expended money and ending the day after that election except with
27 the consent of the person suspected of committing a civil

1 violation. The hearing shall be conducted in accordance with the
2 procedures set forth in chapter 4 of the administrative
3 procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If
4 after a hearing the secretary of state determines that a
5 violation of this act has occurred, the secretary of state may
6 issue an order requiring the person to pay a civil fine equal to
7 the amount of the improper contribution or expenditure plus not
8 more than \$1,000.00 for each violation.

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

16 (13) When a report or statement is filed under this act, the
17 secretary of state shall review the report or statement and may
18 investigate an apparent violation of this act under the rules
19 promulgated under this act. If the secretary of state determines
20 that there may be reason to believe a violation of this act has
21 occurred and the procedures prescribed in subsection (10) have
22 been complied with, the secretary of state may refer the matter
23 to the attorney general for the enforcement of a criminal penalty
24 provided by this act, or commence a hearing under subsection (11)
25 to determine whether a civil violation of this act has occurred.

26 (14) Unless otherwise specified in this act, a person who
27 violates a provision of this act is subject to a civil fine of

1 not more than \$1,000.00 for each violation. A civil fine is in
2 addition to, but not limited by, a criminal penalty prescribed by
3 this act.

4 (15) In addition to any other sanction provided for by this
5 act, the secretary of state may require a person who files a
6 complaint with a false certificate under subsection (6)(c) to do
7 either or both of the following:

8 (a) Pay to the secretary of state some or all of the expenses
9 incurred by the secretary of state as a direct result of the
10 filing of the complaint.

11 (b) Pay to the person against whom the complaint was filed
12 some or all of the expenses, including, but not limited to,
13 reasonable attorney fees incurred by that person in proceedings
14 under this act as a direct result of the filing of the
15 complaint.

16 (16) There is no private right of action, either in law or in
17 equity, under this act. The remedies provided in this act are
18 the exclusive means by which this act may be enforced and by
19 which any harm resulting from a violation of this act may be
20 redressed.

21 (17) The secretary of state may waive the filing of a
22 campaign statement required under section 33, 34, or 35 if the
23 closing date of the particular campaign statement falls on the
24 same or a later date as the closing date of the next campaign
25 statement filed by the same person, or if the period that would
26 be otherwise covered by the next campaign statement filed by the
27 same person is 10 days or less.

1 (18) The clerk of each county shall do all of the following:

2 (a) Make available through the county clerk's office the
3 appropriate forms, instructions, and manuals required by this
4 act.

5 (b) Under the supervision of the secretary of state,
6 implement the filing, coding, and cross-indexing system
7 prescribed for the filing of reports and statements required to
8 be filed with the county clerk's office.

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

11 (d) Upon written request, waive the payment of a late filing
12 fee if the request for a waiver is based on good cause as
13 prescribed in subsection (1)(f).

14 **(19) An individual who waives or reduces a late filing fee**
15 **other than for reasons allowed by this section or who does not**
16 **make a good faith attempt to collect a late filing fee is guilty**
17 **of a misdemeanor punishable by imprisonment for not more than 90**
18 **days or a fine of not more than \$2,500.00, or both.**

19 Sec. 33. (1) A committee, other than an independent
20 committee or a political committee required to file with the
21 secretary of state, supporting or opposing a candidate shall file
22 complete campaign statements as required by this act and the
23 rules promulgated under this act. The campaign statements shall
24 be filed according to the following schedule:

25 (a) A preelection campaign statement shall be filed not later
26 than the eleventh day before an election. The closing date for a
27 campaign statement filed under this subdivision shall be the

1 sixteenth day before the election.

2 (b) A postelection campaign statement shall be filed not
3 later than the thirtieth day following the election. The closing
4 date for a campaign statement filed under this subdivision shall
5 be the twentieth day following the election. A committee
6 supporting a candidate who loses the primary election shall file
7 closing campaign statements in accordance with this section. If
8 all liabilities of such a candidate or committee are paid before
9 the closing date and additional contributions are not expected,
10 the campaign statement may be filed at any time after the
11 election, but not later than the thirtieth day following the
12 election.

13 (2) For the purposes of subsection (1):

14 (a) A candidate committee shall file a preelection campaign
15 statement and a postelection campaign statement for each election
16 in which the candidate seeks nomination or election, except if an
17 individual becomes a candidate after the closing date for the
18 preelection campaign statement only the postelection campaign
19 statement is required for that election.

20 (b) A committee other than a candidate committee shall file a
21 campaign statement for each period during which expenditures are
22 made for the purpose of influencing the nomination or election of
23 a candidate or for the qualification, passage, or defeat of a
24 ballot question.

25 (3) An independent committee or a political committee other
26 than a house political party caucus committee or senate political
27 party caucus committee required to file with the secretary of

1 state shall file campaign statements as required by this act
2 according to the following schedule:

3 (a) In an odd numbered year:

4 (i) Not later than January 31 of that year with a closing
5 date of December 31 of the previous year.

6 (ii) Not later than July 25 with a closing date of July 20.

7 (iii) Not later than October 25 with a closing date of
8 October 20.

9 (b) In an even numbered year:

10 (i) Not later than April 25 of that year with a closing date
11 of April 20 of that year.

12 (ii) Not later than July 25 with a closing date of July 20.

13 (iii) Not later than October 25 with a closing date of
14 October 20.

15 (4) A house political party caucus committee or a senate
16 political party caucus committee required to file with the
17 secretary of state shall file campaign statements as required by
18 this act according to the following schedule:

19 (a) Not later than January 31 of each year with a closing
20 date of December 31 of the immediately preceding year.

21 (b) Not later than April 25 of each year with a closing date
22 of April 20 of that year.

23 (c) Not later than July 25 of each year with a closing date
24 of July 20 of that year.

25 (d) Not later than October 25 of each year with a closing
26 date of October 20 of that year.

27 (e) For the period beginning on the fourteenth day

1 immediately preceding a primary or special primary election and
2 ending on the day immediately following the primary or special
3 primary election, not later than 4 p.m. each business day with a
4 closing date of the immediately preceding day, only for a
5 contribution received or expenditure made that exceeds \$1,000.00
6 per day.

7 (f) For the period beginning on the fourteenth day
8 immediately preceding a general or special election and ending on
9 the day immediately following the general or special election,
10 not later than 4 p.m. each business day with a closing date of
11 the immediately preceding day, only for a contribution received
12 or expenditure made that exceeds \$1,000.00 per day.

13 (5) Notwithstanding subsection (3) or (4) or section 51, if
14 an independent expenditure is made within 45 days before a
15 special election by an independent committee or a political
16 committee required to file a campaign statement with the
17 secretary of state, a report of the expenditure shall be filed by
18 the committee with the secretary of state within 48 hours after
19 the expenditure. The report shall be made on a form provided by
20 the secretary of state and shall include the date of the
21 independent expenditure, the amount of the expenditure, a brief
22 description of the nature of the expenditure, and the name and
23 address of the person to whom the expenditure was paid. The
24 brief description of the expenditure shall include either the
25 name of the candidate and the office sought by the candidate or
26 the name of the ballot question and shall state whether the
27 expenditure supports or opposes the candidate or ballot

1 question. This subsection does not apply if the committee is
2 required to report the independent expenditure in a campaign
3 statement that is required to be filed before the date of the
4 election for which the expenditure was made.

5 (6) A candidate committee or a committee other than a
6 candidate committee that files a written statement under section
7 24(5) or (6) need not file a campaign statement under subsection
8 (1), (3), or (4) unless it received or expended an amount in
9 excess of \$1,000.00. If the committee receives or expends an
10 amount in excess of \$1,000.00 during a period covered by a
11 filing, the committee is then subject to the campaign filing
12 requirements under this act.

13 (7) A committee, candidate, treasurer, or other individual
14 designated as responsible for the committee's record keeping,
15 report preparation, or report filing who fails to file a
16 statement as required by this section shall pay a late filing
17 fee. If the committee has raised \$10,000.00 or less during the
18 previous 2 years, the late filing fee shall be ~~-\$25.00-~~ **\$500.00**
19 for each business day the statement remains unfiled, but not to
20 exceed ~~-\$500.00-~~ **\$15,000.00**. If the committee has raised more
21 than \$10,000.00 during the previous 2 years, the late filing fee
22 shall be **\$1,000.00 for each business day the statement remains**
23 **unfiled, but** not to exceed ~~-\$1,000.00, determined as follows:-~~
24 **\$30,000.00**.

25 (a) Twenty-five dollars for each business day the report
26 remains unfiled.

27 (b) An additional \$25.00 for each business day after the

1 first 3 business days the report remains unfiled.

2 (c) An additional \$50.00 for each business day after the
3 first 10 business days the report remains unfiled.

4 (8) If a candidate, treasurer, or other individual designated
5 as responsible for the committee's record keeping, report
6 preparation, or report filing fails to file 2 statements required
7 by this section or section 35 and both of the statements remain
8 unfiled for more than 30 days, that candidate, treasurer, or
9 other designated individual is guilty of a ~~misdemeanor,~~ **felony**
10 punishable by a fine of not more than ~~-\$1,000.00~~ **\$10,000.00**, or
11 imprisonment for not more than ~~90 days~~ **3 years**, or both.

12 (9) If a candidate is found guilty of a violation of this
13 section, the circuit court for that county, on application by the
14 attorney general or the prosecuting attorney of that county, may
15 prohibit that candidate from assuming the duties of a public
16 office or from receiving compensation from public funds, or
17 both.

18 (10) If a treasurer or other individual designated as
19 responsible for a committee's record keeping, report preparation,
20 or report filing knowingly files an incomplete or inaccurate
21 statement or report required by this section, that treasurer or
22 other designated individual is ~~subject to a civil~~ **guilty of a**
23 **misdemeanor punishable by a** fine of not more than ~~-\$1,000.00~~
24 **\$10,000.00, or imprisonment for not more than 90 days, or both.**

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

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

4 (b) A postelection campaign statement, the closing date of
5 which shall be the twentieth day following the election, shall
6 not be filed later than the thirtieth day following an election.
7 If all liabilities of the committee are paid before the closing
8 date and additional contributions are not expected, the campaign
9 statement may be filed at any time after the election, but not
10 later than the thirtieth day following the election.

11 (2) A ballot question committee supporting or opposing a
12 statewide ballot question shall file a campaign statement, ~~of~~
13 ~~which~~ the closing date **of which** shall be the twenty-eighth day
14 after the qualification of the measure, not later than 35 days
15 after the ballot question is qualified for the ballot. If the
16 ballot question fails to qualify for the ballot, the ballot
17 question committee shall file the campaign statement within 35
18 days after the final deadline for qualifying, the closing date of
19 which shall be the twenty-eighth day after the deadline.

20 (3) If a ballot question committee supporting or opposing a
21 statewide ballot question fails to file a preelection statement
22 under this section, that committee or its treasurer shall pay a
23 late filing fee **of \$1,000.00** for each business day the statement
24 remains ~~not filed in violation of this section~~ **unfiled**, not to
25 exceed ~~-\$1,000.00, pursuant to the following schedule:~~
26 **\$30,000.00.**

27 ~~(a) First day--\$25.00.~~

1 ~~—— (b) Second day — \$50.00.~~

2 ~~—— (c) Third day — \$75.00.~~

3 ~~—— (d) Fourth day and for each subsequent day that the statement~~
4 ~~remains unfiled — \$100.00.~~

5 (4) If a treasurer or other individual designated as
6 responsible for the record keeping, report preparation, or report
7 filing of a ballot question committee supporting or opposing a
8 statewide ballot question fails to file a statement, other than a
9 preelection statement, under this section, that committee,
10 treasurer, or other designated individual shall pay a late filing
11 fee **of \$500.00 for each business day the statement remains**
12 **unfiled, not to exceed \$15,000.00.** ~~If the committee has raised~~
13 ~~\$10,000.00 or less during the previous 2 years, the late filing~~
14 ~~fee shall be \$25.00 for each business day the campaign statement~~
15 ~~remains unfiled, but not to exceed \$1,000.00. If the committee~~
16 ~~has raised more than \$10,000.00 during the previous 2 years, the~~
17 ~~late filing fee shall be \$50.00 for each business day the~~
18 ~~campaign statement remains unfiled, but not to exceed \$2,000.00.~~

19 (5) If a treasurer or other individual designated as
20 responsible for the record keeping, report preparation, or report
21 filing of a ballot question committee supporting or opposing
22 other than a statewide ballot question fails to file a statement
23 under this section, that committee, treasurer, or other
24 designated individual shall pay a late filing fee **of \$1,000.00**
25 **for each business day the report remains unfiled, not to exceed**
26 **\$30,000.00.** ~~If the committee has raised \$10,000.00 or less~~
27 ~~during the previous 2 years, the late filing fee shall be \$25.00~~

1 ~~for each business day the campaign statement remains unfiled, but~~
2 ~~not to exceed \$1,000.00. If the committee has raised more than~~
3 ~~\$10,000.00 during the previous 2 years, the late filing fee shall~~
4 ~~be \$50.00 for each business day the campaign statement remains~~
5 ~~unfiled, but not to exceed \$2,000.00.~~

6 (6) If a treasurer or other individual designated as
7 responsible for the record keeping, report preparation, or report
8 filing of a ballot question committee fails to file a statement
9 as required by subsection (1) or (2) for more than 7 days, that
10 treasurer or other designated individual is guilty of a
11 ~~misdemeanor,~~ **felony** punishable by a fine of not more than
12 ~~-\$1,000.00-~~ **\$10,000.00**, or imprisonment for not more than ~~-90~~
13 ~~days-~~ **3 years**, or both.

14 (7) If a treasurer or other individual designated as
15 responsible for the record keeping, report preparation, or report
16 filing of a ballot question committee knowingly files an
17 incomplete or inaccurate statement or report required by this
18 section, that treasurer or other designated individual is
19 ~~subject to a civil~~ **guilty of a misdemeanor punishable by a fine**
20 of not more than ~~-\$1,000.00-~~ **\$10,000.00, or imprisonment for not**
21 **more than 90 days, or both.**

22 Sec. 35. (1) In addition to any other requirements of this
23 act for filing a campaign statement, a committee, other than an
24 independent committee or a political committee required to file
25 with the secretary of state, shall also file a campaign statement
26 not later than January 31 of each year. The campaign statement
27 shall have a closing date of December 31 of the previous year.

1 The period covered by the campaign statement filed pursuant to
2 this subsection begins the day after the closing date of the
3 previous campaign statement. A campaign statement filed pursuant
4 to this subsection shall be waived if a postelection campaign
5 statement has been filed that has a filing deadline within 30
6 days of the closing date of the campaign statement required by
7 this subsection.

8 (2) Subsection (1) does not apply to a candidate committee
9 for an officeholder who is a judge or a supreme court justice, or
10 who holds an elective office for which the salary is less than
11 \$100.00 a month and who does not receive any contribution or make
12 any expenditure during the time that would be otherwise covered
13 in the statement.

14 (3) A committee, candidate, treasurer, or other individual
15 designated as responsible for the record keeping, report
16 preparation, or report filing for a candidate committee of a
17 candidate for state elective office or a judicial office who
18 fails to file a campaign statement under this section shall be
19 assessed a late filing fee. If the committee has raised
20 \$10,000.00 or less during the previous 2 years, the late filing
21 fee shall be ~~-\$25.00-~~ **\$500.00** for each business day the campaign
22 statement remains unfiled, but not to exceed ~~-\$500.00~~
23 **\$15,000.00**. If the committee has raised more than \$10,000.00
24 during the previous 2 years, the late filing fee shall be
25 ~~-\$50.00-~~ **\$1,000.00** for each business day the campaign statement
26 remains unfiled, but not to exceed ~~-\$1,000.00-~~ **\$30,000.00**. The
27 late filing fee assessed under this subsection shall be paid by

1 the candidate, and the candidate shall not use committee funds to
2 pay that fee. A committee, treasurer, or other individual
3 designated as responsible for the record keeping, report
4 preparation, or report filing for a committee other than a
5 candidate committee of a candidate for state elective office or a
6 judicial office who fails to file a campaign statement under this
7 section shall pay a late filing fee of ~~-\$25.00-~~ **\$250.00** for each
8 business day the campaign statement remains ~~not filed in~~
9 ~~violation of this section~~ **unfiled**. The late filing fee shall
10 not exceed ~~-\$500.00-~~ **\$7,500.00**.

11 (4) A committee filing a written statement pursuant to
12 section 24(5) or (6) need not file a statement in accordance with
13 subsection (1). If a committee receives or expends more than
14 \$1,000.00 during a time period prescribed by section 24(5) or
15 (6), the committee is then subject to the campaign filing
16 requirements under this act and shall file a campaign statement
17 for the period beginning the day after the closing date of the
18 last postelection campaign statement or an annual campaign
19 statement that is waived pursuant to subsection (1), whichever
20 occurred earlier.

21 (5) If a candidate, treasurer, or other individual designated
22 as responsible for the record keeping, report preparation, or
23 report filing fails to file 2 statements required by this section
24 or section 33 and both of the statements remain unfiled for more
25 than 30 days, that candidate, treasurer, or other designated
26 individual is guilty of a ~~misdemeanor,~~ **felony** punishable by a
27 fine of not more than ~~-\$1,000.00-~~ **\$10,000.00**, or imprisonment for

1 not more than ~~90 days~~ **3 years**, or both.

2 (6) If a treasurer or other individual designated as
 3 responsible for the record keeping, report preparation, or report
 4 filing for a committee required to file a campaign statement
 5 under subsection (1) knowingly files an incomplete or inaccurate
 6 statement or report required by this section, that treasurer or
 7 other designated individual is ~~subject to a civil~~ **guilty of a**
 8 **misdemeanor punishable by a** fine of not more than ~~\$1,000.00~~
 9 **\$10,000.00, or imprisonment for not more than 90 days, or both.**

10 Enacting section 1. This amendatory act does not take
 11 effect unless Senate Bill No. 630

12 of the 92nd Legislature is enacted into
 13 law.