

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 5057

(As passed the House, November 9, 1999)

A bill to amend 1976 PA 388, 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 certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts." by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95, and by adding section 18.

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
4 to 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

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

2

1 purposes of this act, and supervise the implementation of the
2 filing systems by the clerks of the counties.

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

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

7 (e) Promulgate rules and issue declaratory rulings to imple-
8 ment this act pursuant to the administrative procedures act of
9 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~
10 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306,
11 MCL 24.201 TO 24.328.

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

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

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

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

3

1 filing official, such as exceptionally bad weather or strikes
2 involving 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

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

4

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 1969 PA 306, MCL 24.201 TO~~
6 ~~24.328, or pursuant to judicial 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) The secretary of state shall make available to the
15 public an annual summary of the declaratory rulings and interpre-
16 tative statements issued by the secretary of state.

17 (5) A person may file a complaint with the secretary of
18 state alleging a violation of this act. ~~Upon receipt of a com-~~
19 ~~plaint, the~~ WITHIN 5 BUSINESS DAYS AFTER A COMPLAINT IS FILED,
20 THE SECRETARY OF STATE SHALL GIVE NOTICE TO THE PERSON AGAINST
21 WHOM THE COMPLAINT IS FILED. THE NOTICE SHALL INCLUDE A COPY OF
22 THE COMPLAINT. WITHIN 15 BUSINESS DAYS AFTER THIS NOTICE IS PRO-
23 VIDED, THE PERSON AGAINST WHOM THE COMPLAINT WAS FILED MAY SUBMIT
24 TO THE SECRETARY OF STATE A RESPONSE. THE SECRETARY OF STATE MAY
25 EXTEND THE PERIOD FOR SUBMITTING A RESPONSE AN ADDITIONAL 15
26 BUSINESS DAYS FOR GOOD CAUSE. THE SECRETARY OF STATE SHALL
27 PROVIDE A COPY OF A RESPONSE RECEIVED TO THE COMPLAINANT. WITHIN

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

5

1 10 BUSINESS DAYS AFTER RECEIVING A COPY OF THE RESPONSE, THE
2 COMPLAINANT MAY SUBMIT TO THE SECRETARY OF STATE A REBUTTAL
3 STATEMENT. THE SECRETARY OF STATE MAY EXTEND THE PERIOD FOR SUB-
4 MITTING A REBUTTAL STATEMENT AN ADDITIONAL 10 BUSINESS DAYS FOR
5 GOOD CAUSE. THE SECRETARY OF STATE SHALL PROVIDE A COPY OF THE
6 REBUTTAL STATEMENT TO THE PERSON AGAINST WHOM THE COMPLAINT WAS
7 FILED. THE secretary of state shall investigate the allegations
8 pursuant to the rules promulgated under this act. EVERY 60 DAYS
9 AFTER A COMPLAINT IS FILED AND UNTIL THE MATTER IS TERMINATED,
10 THE SECRETARY OF STATE SHALL MAIL TO THE COMPLAINANT AND TO THE
11 ALLEGED VIOLATOR NOTICE OF THE ACTION TAKEN TO DATE BY THE SECRE-
12 TARY OF STATE, TOGETHER WITH THE REASONS FOR THE ACTION OR
13 NONACTION. If the secretary of state determines that there may be
14 reason to believe that a violation of this act has occurred, the
15 secretary of state shall endeavor to correct the violation or
16 prevent a further violation by using informal methods such as a
17 conference, conciliation, or persuasion, and may enter into a
18 conciliation agreement with the person involved. Unless vio-
19 lated, a conciliation agreement is a complete bar to any further
20 action with respect to matters covered in the conciliation
21 agreement. If the secretary of state is unable to correct or
22 prevent further violation by these informal methods, the secre-
23 tary of state may refer the matter to the attorney general for
24 the enforcement of any criminal penalty provided by this act or
25 commence a hearing pursuant to subsection (6).

26 (6) The secretary of state may commence a hearing to
27 determine whether a civil violation of this act has occurred. A

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

6

1 hearing shall not be commenced during the period beginning 30
2 days before an election in which the committee has received or
3 expended money and ending the day after that election except with
4 the consent of the person suspected of committing a civil
5 violation. The hearing shall be conducted in accordance with the
6 procedures set forth in chapter 4 of the administrative proce-
7 dures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~
8 ~~sections 24.271 to 24.287 of the Michigan Compiled Laws~~ 1969
9 PA 306, MCL 24.271 TO 24.287. If after a hearing the secretary
10 of state determines that a violation of this act has occurred,
11 the secretary of state may issue an order requiring the person to
12 pay a civil fine equal to the amount of the improper contribution
13 or expenditure plus not more than \$1,000.00 for each violation.
14 A final decision and order issued by the secretary of state is
15 subject to judicial review as provided by chapter 6 of the admin-
16 istrative procedures act of 1969, ~~Act No. 306 of the Public Acts~~
17 ~~of 1969, being sections 24.301 to 24.306 of the Michigan Compiled~~
18 ~~Laws~~ 1969 PA 306, MCL 24.301 TO 24.306. The secretary of state
19 shall deposit a civil fine imposed under this section in the gen-
20 eral fund. The secretary of state may bring an action in circuit
21 court to recover the amount of a civil fine.

22 (7) When a report or statement is filed pursuant to this
23 act, the secretary of state shall review the report or statement
24 and may investigate an apparent violation of this act pursuant to
25 the rules promulgated ~~pursuant to~~ UNDER this act. If the sec-
26 retary of state determines that there may be reason to believe a
27 violation of this act has occurred and the procedures prescribed

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

7

1 in subsection (5) have been complied with, the secretary of state
2 may refer the matter to the attorney general for the enforcement
3 of any criminal penalty provided by this act, or commence a hear-
4 ing under subsection (6) to determine whether a civil violation
5 of this act has occurred.

6 (8) Unless otherwise specified in this act, a person who
7 violates a provision of this act is subject to a civil fine of
8 not more than \$1,000.00 for each violation. Civil fines are in
9 addition to, but not limited by, any criminal penalty prescribed
10 by this act.

11 (9) There is no private right of action, either in law or in
12 equity, pursuant to this act. The remedies provided in this act
13 are the exclusive means by which this act may be enforced and by
14 which any harm resulting from a violation of this act may be
15 redressed.

16 (10) The secretary of state may waive the filing of a cam-
17 paign statement required under section 33, 34, or 35 if the clos-
18 ing date of the particular campaign statement falls on the same
19 or a later date as the closing date of the next campaign state-
20 ment filed by the same person, or if the period that would be
21 otherwise covered by the next campaign statement filed by the
22 same person is 10 days or less.

23 (11) The clerk of each county shall do all of the
24 following:

25 (a) Make available through the county clerk's office the
26 appropriate forms, instructions, and manuals required by this
27 act.

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057 as amended December 8, 1999

8 (Page 1 of 2)

1 (b) Under the supervision of the secretary of state,
2 implement the filing, coding, and cross-indexing system pre-
3 scribed for the filing of reports and statements required to be
4 filed with the county clerk's office.

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

7 (d) Upon written request, waive the payment of a late filing
8 fee if the request for a waiver is based on good cause as pre-
9 scribed in subsection (1)(f).

SEC. 18. (1) THE SECRETARY OF STATE SHALL DEVELOP AND IMPLEMENT AN ELECTRONIC FILING AND INTERNET DISCLOSURE SYSTEM THAT PERMITS COMMITTEES THAT ARE REQUIRED TO FILE STATEMENTS OR REPORTS UNDER THIS ACT WITH THE SECRETARY OF STATE TO FILE THOSE STATEMENTS OR REPORTS ELECTRONICALLY AND THAT PROVIDES INTERNET DISCLOSURE OF ELECTRONICALLY FILED STATEMENTS OR REPORTS ON A WEBSITE.

(2) BY JULY 1, 2000, THE SECRETARY OF STATE SHALL OFFER EACH COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THE OPTION OF FILING CAMPAIGN STATEMENTS OR REPORTS ELECTRONICALLY, AS DESCRIBED IN SUBSECTION (1).

(3) THE ELECTRONIC FILING ADVISORY BOARD IS CREATED WITHIN THE DEPARTMENT OF STATE. THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) ONE MEMBER OF THE SENATE APPOINTED BY THE SENATE MAJORITY LEADER.

(B) ONE MEMBER OF THE SENATE APPOINTED BY THE SENATE MINORITY LEADER.

(C) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE.

(D) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE HOUSE MINORITY LEADER.

(E) THE SECRETARY OF STATE OR HIS OR HER DESIGNEE.

(4) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. MEMBERS OF THE BOARD SHALL SERVE FOR THE LIFE OF THE BOARD.

(5) IF A MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (3)(A), (B), (C), OR (D) VACATES HIS OR HER OFFICE AS A MEMBER OF THE BOARD, A SUCCESSOR SHALL BE APPOINTED IN THE SAME MANNER AS THE VACATING MEMBER WAS APPOINTED.

(6) A MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (3)(A), (B), (C), OR (D) MAY BE REMOVED FROM OFFICE AS A MEMBER OF THE BOARD BY THE OFFICER WHO APPOINTED HIM OR HER. FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE. OR ANY OTHER GOOD CAUSE.

(7) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE SECRETARY OF STATE. AT THE FIRST MEETING, THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE BOARD SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR MORE MEMBERS.

(8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE BOARD.

(9) THE BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(11) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

HB 5057, As Passed Senate, December 8, 1999

04806'99 (H-1)

House Bill No. 5057 as amended December 8, 1999 8 (Page 2 of 2)

(12) THE DEPARTMENT OF STATE SHALL PROVIDE STAFF FOR THE BOARD.

(13) THE BOARD SHALL DO ALL OF THE FOLLOWING:

(A) MONITOR THE VOLUNTARY ELECTRONIC FILING OF CAMPAIGN STATEMENTS UNDER SUBSECTION (2) IN THE 2000 AND 2002 ELECTION CYCLE BY CANDIDATE COMMITTEES THAT RECEIVED OR EXPENDED MORE THAN \$20,000.00 IN THE PRECEDING ELECTION CYCLE.

(B) MONITOR THE INTERNET DISCLOSURE OF ELECTRONICALLY FILED CAMPAIGN STATEMENTS DESCRIBED IN SUBDIVISION (A).

(C) BY FEBRUARY 1, 2003, PREPARE AND SUBMIT TO MEMBERS OF THE LEGISLATURE A REPORT ON THE EFFECTIVENESS AND EASE OF USE OF THE ELECTRONIC FILING AND INTERNET DISCLOSURE SYSTEM.

(14) THE BOARD IS DISSOLVED 60 DAYS AFTER ISSUING THE REPORT UNDER SUBSECTION (13).

(15) BEGINNING WITH THE ANNUAL CAMPAIGN STATEMENT DUE JANUARY 31, 2004, EACH COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THAT RECEIVED OR EXPENDED \$20,000.00 OR MORE IN THE PRECEDING CALENDAR YEAR OR EXPECTS TO RECEIVE OR EXPEND \$20,000.00 OR MORE IN THE CURRENT CALENDAR YEAR SHALL ELECTRONICALLY FILE ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT, AS DESCRIBED IN SUBSECTION (1).

(16) IF A COMMITTEE WAS NOT REQUIRED TO FILE A CAMPAIGN STATEMENT UNDER SUBSECTION (15) ONLY BECAUSE IT DID NOT MEET THE APPLICABLE THRESHOLD OF RECEIVING OR EXPENDING \$20,000.00 OR MORE, BUT THE COMMITTEE LATER REACHES THAT THRESHOLD, THE COMMITTEE SHALL NOTIFY THE SECRETARY OF STATE WITHIN 10 BUSINESS DAYS AFTER REACHING THAT THRESHOLD AND SHALL SUBSEQUENTLY FILE ELECTRONICALLY ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT.

(17) THE SECRETARY OF STATE SHALL PERMIT A COMMITTEE TO ELECTRONICALLY FILE STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT, AS DESCRIBED IN SUBSECTION (1), EXCEPT AN ORIGINAL STATEMENT OF ORGANIZATION, AFTER THE COMMITTEE TREASURER AND, FOR A CANDIDATE COMMITTEE, THE CANDIDATE HAS SIGNED AND FILED A FORM DESIGNED BY THE SECRETARY OF STATE TO SERVE AS THE SIGNATURE VERIFYING THE ACCURACY AND COMPLETENESS OF EACH STATEMENT OR REPORT FILED ELECTRONICALLY.

10 Sec. 33. (1) A committee, other than an independent commit-
11 tee or a political committee required to file with the secretary
12 of state, supporting or opposing a candidate shall file COMPLETE
13 campaign statements as required by this act AND THE RULES PROMUL-
14 GATED UNDER THIS ACT. THE CAMPAIGN STATEMENTS SHALL BE FILED
15 according to the following schedule:

16 (a) A preelection campaign statement shall be filed not
17 later than the eleventh day before an election. The closing date
18 for a campaign statement filed under this subdivision shall be
19 the sixteenth day before the election.

20 (b) A postelection campaign statement shall be filed not
21 later than the thirtieth day following the election. The closing
22 date for a campaign statement filed under this subdivision shall
23 be the twentieth day following the election. A committee sup-
24 porting a candidate who loses the primary election shall file
25 closing campaign statements in accordance with this section. If
26 all liabilities of such a candidate or committee are paid before
27 the closing date and additional contributions are not expected,

HB 5057, As Passed Senate, December 8, 1999

04806'99 (H-1)

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

9

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

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

5 (a) A candidate committee shall file a preelection campaign
6 statement and a postelection campaign statement for each election
7 in which the candidate seeks nomination or election, except if an
8 individual becomes a candidate after the closing date for the
9 preelection campaign statement only the postelection campaign
10 statement is required for that election.

11 (b) A committee other than a candidate committee shall file
12 a campaign statement for each period during which expenditures
13 are made for the purpose of influencing the nomination or elec-
14 tion of a candidate or for the qualification, passage, or defeat
15 of a ballot question.

16 (3) An independent committee or a political committee other
17 than a house political party caucus committee or senate political
18 party caucus committee required to file with the secretary of
19 state shall file campaign statements as required by this act
20 according to the following schedule:

21 (a) In an odd numbered year:

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

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

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

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

10

1 (b) In an even numbered year:

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

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

5 (iii) Not later than October 25 with a closing date of
6 October 20.

7 (4) A house political party caucus committee or a senate
8 political party caucus committee required to file with the secre-
9 tary of state shall file campaign statements as required by this
10 act according to the following schedule:

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

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

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

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

19 (e) For the period beginning on the fourteenth day immedi-
20 ately preceding a primary or special primary election and ending
21 on the day immediately following the primary or special primary
22 election, not later than 4 p.m. each business day with a closing
23 date of the immediately preceding day, only for a contribution
24 received or expenditure made that exceeds \$1,000.00 per day.

25 (f) For the period beginning on the fourteenth day immedi-
26 ately preceding a general or special election and ending on the
27 day immediately following the general or special election, not

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

11

1 later than 4 p.m. each business day with a closing date of the
2 immediately preceding day, only for a contribution received or
3 expenditure made that exceeds \$1,000.00 per day.

4 (5) Notwithstanding subsection (3) or (4) or section 51, if
5 an independent expenditure is made within 45 days before a spe-
6 cial election by an independent committee or a political commit-
7 tee required to file a campaign statement with the secretary of
8 state, a report of the expenditure shall be filed by the commit-
9 tee with the secretary of state within 48 hours after the
10 expenditure. The report shall be made on a form provided by the
11 secretary of state and shall include the date of the independent
12 expenditure, the amount of the expenditure, a brief description
13 of the nature of the expenditure, and the name and address of the
14 person to whom the expenditure was paid. The brief description
15 of the expenditure shall include either the name of the candidate
16 and the office sought by the candidate or the name of the ballot
17 question and shall state whether the expenditure supports or
18 opposes the candidate or ballot question. This subsection does
19 not apply if the committee is required to report the independent
20 expenditure in a campaign statement that is required to be filed
21 before the date of the election for which the expenditure was
22 made.

23 (6) A candidate committee or a committee other than a candi-
24 date committee that files a written statement under section 24(5)
25 or (6) need not file a campaign statement under subsection (1),
26 (3), or (4) unless it received or expended an amount in excess of
27 \$1,000.00. If the committee receives or expends an amount in

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

12

1 excess of \$1,000.00 during a period covered by a filing, the
2 committee is then subject to the campaign filing requirements
3 under this act.

4 (7) A committee, candidate, treasurer, or other individual
5 designated as responsible for the committee's record keeping,
6 report preparation, or report filing who fails to file a state-
7 ment as required by this section shall pay a late filing fee.
8 ~~of~~ IF THE COMMITTEE HAS RAISED \$10,000.00 OR LESS DURING THE
9 PREVIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$25.00 for each
10 business day the statement remains unfiled, ~~The~~ BUT NOT TO
11 EXCEED \$500.00. IF THE COMMITTEE HAS RAISED MORE THAN \$10,000.00
12 DURING THE PREVIOUS 2 YEARS, THE late filing fee, THAT shall
13 not
14 exceed ~~\$500.00~~ \$1,000.00, DETERMINED AS FOLLOWS:

(A) TWENTY-FIVE DOLLARS FOR EACH BUSINESS DAY THE REPORT
REMAINS UNFILED.

(B) AN ADDITIONAL \$25.00 FOR EACH BUSINESS DAY AFTER THE FIRST
3 BUSINESS DAYS THE REPORT REMAINS UNFILED.

(C) AN ADDITIONAL \$50.00 FOR EACH BUSINESS DAY AFTER THE FIRST
10 BUSINESS DAYS THE REPORT REMAINS UNFILED.

(8) If a candidate, treasurer, or other
15 individual designated as responsible for the committee's record
16 keeping, report preparation, or report filing fails to file 2
17 statements required by this section or section 35 and both of the
18 statements remain unfiled for more than 30 days, that candidate,
19 treasurer, or other designated individual is guilty of a misde-
20 meanor, punishable by a fine of not more than \$1,000.00, or
21 imprisonment for not more than 90 days, or both.

22 (9) ~~(8)~~ If a candidate ~~subject to this section~~ is found
guilty
23 OF A VIOLATION OF THIS SECTION, the circuit court for that
24 county, on application by the attorney general or the prosecuting
25 attorney of that county, may prohibit that candidate from assum-
26 ing the duties of a public office or from receiving compensation
27 from public funds, or both.

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

13

1 (10) ~~(9)~~ If a treasurer or other individual designated as
2 responsible for a committee's record keeping, report preparation,
3 or report filing knowingly files an incomplete or inaccurate
4 statement or report required by this section, that treasurer or
5 other designated individual is subject to a civil fine of not
6 more than \$1,000.00.

7 Sec. 34. (1) A ballot question committee shall file a cam-
8 paign statement as required by this act according to the follow-
9 ing schedule:

10 (a) A preelection campaign statement, ~~of which~~ the closing
11 date OF WHICH shall be the sixteenth day before the election,
12 shall not be filed later than the eleventh day before the
13 election.

14 (b) A postelection campaign statement, the closing date of
15 which shall be the twentieth day following the election, shall
16 not be filed later than the thirtieth day following an election.
17 If all liabilities of the committee are paid before the closing
18 date and additional contributions are not expected, the campaign
19 statement may be filed at any time after the election, but not
20 later than the thirtieth day following the election.

21 (2) A ballot question committee supporting or opposing a
22 statewide ballot question shall file a campaign statement, of
23 which the closing date shall be the twenty-eighth day after the
24 qualification of the measure, not later than 35 days after the
25 ballot question is qualified for the ballot. If the ballot ques-
26 tion fails to qualify for the ballot, the ballot question
27 committee shall file the campaign statement within 35 days after

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

14

1 the final deadline for qualifying, the closing date of which
2 shall be the twenty-eighth day after the deadline.

3 (3) If a ballot question committee supporting or opposing a
4 statewide ballot question fails to file a preelection statement
5 under this section, that committee or its treasurer shall pay a
6 late filing fee for each business day the statement remains not
7 filed in violation of this section, not to exceed \$1,000.00, pur-
8 suant to the following schedule:

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

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

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

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

14 (4) If a treasurer or other individual designated as respon-
15 sible for the record keeping, report preparation, or report
16 filing of a ballot question committee supporting or opposing a
17 statewide ballot question fails to file a statement, other than a
18 preelection statement, under this section, that committee, trea-
19 surer, or other designated individual shall pay a late filing
20 fee. ~~of~~ IF THE COMMITTEE HAS RAISED \$10,000.00 OR LESS DURING
21 THE PREVIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$25.00 for
22 each business day the campaign statement remains ~~not filed in~~
23 ~~violation of this section,~~ UNFILED, BUT NOT TO EXCEED \$1,000.00.
24 IF THE COMMITTEE HAS RAISED MORE THAN \$10,000.00 DURING THE PRE-
25 VIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$50.00 FOR EACH BUSI-
26 NESS DAY THE CAMPAIGN STATEMENT REMAINS UNFILED, BUT not to
27 exceed ~~\$1,000.00~~ \$2,000.00.

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

15

1 (5) If a treasurer or other individual designated as
2 responsible for the record keeping, report preparation, or report
3 filing of a ballot question committee supporting or opposing
4 other than a statewide ballot question fails to file a statement
5 under this section, that committee, treasurer, or other desig-
6 nated individual shall pay a late filing fee. ~~of~~ IF THE COMMIT-
7 TEE HAS RAISED \$10,000.00 OR LESS DURING THE PREVIOUS 2 YEARS,
8 THE LATE FILING FEE SHALL BE \$25.00 for each business day the
9 campaign statement remains ~~not filed in violation of this~~
10 ~~section,~~ UNFILED, BUT NOT TO EXCEED \$1,000.00. IF THE COMMITTEE
11 HAS RAISED MORE THAN \$10,000.00 DURING THE PREVIOUS 2 YEARS, THE
12 LATE FILING FEE SHALL BE \$50.00 FOR EACH BUSINESS DAY THE CAM-
13 PAIGN STATEMENT REMAINS UNFILED, BUT not to exceed ~~-\$1,000.00-~~
14 \$2,000.00.

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 fails to file a statement
18 as required by subsection (1) or (2) for more than 7 days, that
19 treasurer or other designated individual is guilty of a misde-
20 meanor, punishable by a fine of not more than \$1,000.00, or
21 imprisonment for not more than 90 days, or both.

22 (7) If a treasurer or other individual designated as respon-
23 sible for the record keeping, report preparation, or report
24 filing of a ballot question committee knowingly files an incom-
25 plete or inaccurate statement or report required by this section,
26 that treasurer or other designated individual is subject to a
27 civil fine of not more than \$1,000.00.

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

16

1 Sec. 35. (1) In addition to any other requirements of this
2 act for filing a campaign statement, a committee, other than an
3 independent committee or a political committee required to file
4 with the secretary of state, shall also file a campaign statement
5 not later than January 31 of each year. The campaign statement
6 shall have a closing date of December 31 of the previous year.
7 The period covered by the campaign statement filed pursuant to
8 this subsection shall begin the day after the closing date of the
9 previous campaign statement. A campaign statement filed pursuant
10 to this subsection shall be waived if a postelection campaign
11 statement has been filed which has a filing deadline within 30
12 days of the closing date of the campaign statement required by
13 this subsection.

14 (2) Subsection (1) does not apply to a candidate committee
15 for an officeholder who is a judge or a supreme court justice, or
16 who holds an elective office for which the salary is less than
17 \$100.00 a month and who does not receive any contribution or make
18 any expenditure during the time which would be otherwise covered
19 in the statement.

20 (3) A committee, candidate, treasurer, or other individual
21 designated as responsible for the record keeping, report prepara-
22 tion, or report filing for a candidate committee of a candidate
23 for state elective office or a judicial office who fails to file
24 a campaign statement under this section shall pay a late filing
25 fee. ~~of~~ IF THE COMMITTEE HAS RAISED \$10,000.00 OR LESS DURING
26 THE PREVIOUS 2 YEARS, THE LATE FILING FEE SHALL BE \$25.00 for
27 each business day the campaign statement remains ~~not filed in~~

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

17

1 ~~violation of this section. The~~ UNFILED, BUT NOT TO EXCEED
2 \$500.00. IF THE COMMITTEE HAS RAISED MORE THAN \$10,000.00 DURING
3 THE PREVIOUS 2 YEARS, THE late filing fee shall BE \$50.00 FOR
4 EACH BUSINESS DAY THE CAMPAIGN STATEMENT REMAINS UNFILED, BUT not
5 TO exceed ~~\$500.00~~ \$1,000.00. A committee, treasurer, or other
6 individual designated as responsible for the record keeping,
7 report preparation, or report filing for a committee other than a
8 candidate committee of a candidate for state elective office or a
9 judicial office who fails to file a campaign statement under this
10 section shall pay a late filing fee of \$25.00 for each business
11 day the committee statement remains not filed in violation of
12 this section. The late filing fee shall not exceed \$500.00.

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

23 (5) If a candidate, treasurer, or other individual desig-
24 nated as responsible for the record keeping, report preparation,
25 or report filing fails to file 2 statements required by this sec-
26 tion or section 33 and both of the statements remain unfiled for
27 more than 30 days, that candidate, treasurer, or other designated

HB 5057, As Passed Senate, December 8, 1999

House Bill No. 5057

18

1 individual is guilty of a misdemeanor, punishable by a fine of
2 not more than \$1,000.00, or imprisonment for not more than 90
3 days, or both.

4 (6) If a treasurer or other individual designated as respon-
5 sible for the record keeping, report preparation, or report
6 filing for a committee required to file a campaign statement
7 under subsection (1) knowingly files an incomplete or inaccurate
8 statement or report required by this section, that treasurer or
9 other designated individual is subject to a civil fine of not
10 more than \$1,000.00.