

HOUSE BILL No. 4523

April 20, 1999, Introduced by Reps. Richner, Pappageorge, Mortimer, DeHart, O'Neil, Bishop, Rick Johnson, Allen, Stamas, Law, Bovin, Birkholz and Cassis and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1995 PA 264 and section 35 as amended by 1989 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) A committee, other than an independent commit-
2 tee or a political committee required to file with the secretary
3 of state, supporting or opposing a candidate shall file campaign
4 statements as required by this act according to the following
5 schedule:

6 (a) A preelection campaign statement shall be filed not
7 later than the eleventh day before an election. The closing date
8 for a campaign statement filed under this subdivision ~~shall be~~
9 IS the sixteenth day before the election.

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

12 (2) For the purposes of subsection (1), THE FOLLOWING
13 APPLY:

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
21 a campaign statement for each period during which expenditures
22 are made for the purpose of influencing the nomination or elec-
23 tion of a candidate or for the qualification, passage, or defeat
24 of a 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 secre-
17 tary of state shall file campaign statements as required by this
18 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.

1 (e) For the period beginning on the fourteenth day
2 immediately preceding a primary or special primary election and
3 ending on the day immediately following the primary or special
4 primary election, not later than 4 p.m. each business day with a
5 closing date of the immediately preceding day, only for a contri-
6 bution received or expenditure made that exceeds \$1,000.00 per
7 day.

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

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

1 and shall state whether the expenditure supports or opposes the
2 candidate or ballot question. This subsection does not apply if
3 the committee is required to report the independent expenditure
4 in a campaign statement that is required to be filed before the
5 date of the election for which the expenditure was made.

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

14 (7) ~~A~~ FOR A COMMITTEE OTHER THAN A CANDIDATE COMMITTEE,
15 THE committee, ~~candidate,~~ treasurer, or other individual desig-
16 nated as responsible for the committee's record keeping, report
17 preparation, or report filing who fails to file a statement as
18 required by this section shall pay a late filing fee of ~~-\$25.00-~~
19 \$50.00 for each business day the statement remains unfiled. FOR
20 A CANDIDATE COMMITTEE, THE CANDIDATE WHO FAILS TO FILE OR HAVE
21 FILED A STATEMENT AS REQUIRED BY THIS SECTION SHALL PAY A LATE
22 FILING FEE OF \$50.00 FOR EACH BUSINESS DAY THE STATEMENT REMAINS
23 UNFILED. The late filing fee UNDER THIS SUBSECTION shall not
24 exceed ~~-\$500.00-~~ \$1,000.00. ~~If a candidate,~~ FOR A COMMITTEE
25 OTHER THAN A CANDIDATE COMMITTEE, IF THE treasurer ~~,~~ or other
26 individual designated as responsible for the committee's record
27 keeping, report preparation, or report filing fails to file 2

1 statements required by this section or section 35 and both of the
2 statements remain unfiled for more than 30 days, that
3 ~~candidate,~~ treasurer ~~,~~ or other designated individual is
4 guilty of a misdemeanor, punishable by a fine of not more than
5 \$1,000.00 ~~,~~ or imprisonment for not more than 90 days, or
6 both. FOR A CANDIDATE COMMITTEE, IF THE CANDIDATE FAILS TO FILE
7 OR HAVE FILED 2 STATEMENTS REQUIRED BY THIS SECTION OR SECTION 35
8 AND BOTH OF THE STATEMENTS REMAIN UNFILED FOR MORE THAN 30 DAYS,
9 THAT CANDIDATE IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE
10 OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 90
11 DAYS, OR BOTH. A CANDIDATE WHO IS REQUIRED TO PAY A LATE FILING
12 FEE OR WHO IS FINED UNDER THIS SUBSECTION SHALL NOT USE COMMITTEE
13 FUNDS TO PAY THAT FEE OR FINE.

14 (8) A CANDIDATE WHO HAS BEEN ELECTED TO OFFICE AND WHO HAS
15 AN UNFILED REPORT OR UNPAID FEE OR FINE STILL DUE UNDER THIS SEC-
16 TION FORFEITS HIS OR HER RIGHT TO RECEIVE COMPENSATION FROM A
17 PUBLIC BODY FOR THAT OFFICE WHILE THE REPORT REMAINS UNFILED OR
18 THE FEE OR FINE REMAINS UNPAID. A PUBLIC BODY SHALL NOT PAY COM-
19 PENSATION TO THE CANDIDATE FOR THAT OFFICE WHILE THE REPORT
20 REMAINS UNFILED OR THE FEE OR FINE REMAINS UNPAID, AS CERTIFIED
21 BY THE SECRETARY OF STATE. UPON THE REQUEST OF THE SECRETARY OF
22 STATE, THE PUBLIC BODY SHALL TRANSFER ALL OR A PORTION OF THE
23 COMPENSATION FORFEITED BY A CANDIDATE UNDER THIS SUBSECTION TO BE
24 CREDITED AGAINST THE CANDIDATE'S UNPAID FEE OR FINE UNDER THIS
25 SECTION, IF ANY.

26 (9) ~~(8)~~ If a candidate subject to this section is found
27 guilty, the circuit court for that county, on application by the

1 attorney general or the prosecuting attorney of that county, may
2 prohibit that candidate from assuming the duties of a public
3 office or from receiving compensation from public funds, or
4 both.

5 (10) ~~(9)~~ If a treasurer or other individual designated as
6 responsible for a committee's record keeping, report preparation,
7 or report filing 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.

11 Sec. 35. (1) In addition to any other requirements of this
12 act for filing a campaign statement, a committee, other than an
13 independent committee or a political committee required to file
14 with the secretary of state, shall also file a campaign statement
15 not later than January 31 of each year. The campaign statement
16 shall have a closing date of December 31 of the previous year.
17 The period covered by the campaign statement filed pursuant to
18 this subsection ~~shall begin~~ BEGINS the day after the closing
19 date of the previous campaign statement. A campaign statement
20 filed pursuant to this subsection shall be waived if a postelec-
21 tion campaign statement has been filed ~~which~~ THAT has a filing
22 deadline within 30 days of the closing date of the campaign
23 statement required by this subsection.

24 (2) Subsection (1) does not apply to a candidate committee
25 for an officeholder who is a judge or a supreme court justice, or
26 who holds an elective office for which the salary is less than
27 \$100.00 a month and who does not receive any contribution or make

1 any expenditure during the time ~~which~~ THAT would be otherwise
2 covered in the statement.

3 (3) ~~A~~ FOR A COMMITTEE OTHER THAN A CANDIDATE COMMITTEE,
4 THE committee, ~~candidate,~~ treasurer, or other individual desig-
5 nated as responsible for the record keeping, report preparation,
6 or report filing for ~~a candidate~~ THE committee ~~of a candidate~~
7 ~~for state elective office or a judicial office~~ who fails to file
8 a campaign statement under this section shall pay a late filing
9 fee of ~~-\$25.00-~~ \$50.00 for each business day the campaign state-
10 ment remains not filed in violation of this section. FOR A CAN-
11 DIDATE COMMITTEE, THE CANDIDATE WHO FAILS TO FILE OR HAVE FILED A
12 STATEMENT AS REQUIRED BY THIS SECTION SHALL PAY A LATE FILING FEE
13 OF \$50.00 FOR EACH BUSINESS DAY THE STATEMENT REMAINS UNFILED.
14 The late filing fee UNDER THIS SUBSECTION shall not exceed
15 ~~-\$500.00-~~ \$1,000.00. ~~A committee, treasurer, or other individ-~~
16 ~~ual designated as responsible for the record keeping, report~~
17 ~~preparation, or report filing for a committee other than a candi-~~
18 ~~date committee of a candidate for state elective office or a~~
19 ~~judicial office who fails to file a campaign statement under this~~
20 ~~section shall pay a late filing fee of \$25.00 for each business~~
21 ~~day the committee statement remains not filed in violation of~~
22 ~~this section. The late filing fee shall not exceed \$500.00. A~~
23 CANDIDATE WHO IS REQUIRED TO PAY A LATE FILING FEE OR WHO IS
24 FINED UNDER THIS SUBSECTION SHALL NOT USE COMMITTEE FUNDS TO PAY
25 THAT FEE OR FINE.

26 (4) A committee filing a written statement pursuant to
27 section 24(5) or (6) need not file a statement in accordance with

1 subsection (1). If a committee receives or expends more than
2 \$1,000.00 during a time period prescribed by section 24(5) or
3 (6), the committee is then subject to the campaign filing
4 requirements under this act and shall file a campaign statement
5 for the period beginning the day after the closing date of the
6 last postelection campaign statement or an annual campaign state-
7 ment ~~which~~ THAT is waived pursuant to subsection (1), whichever
8 occurred earlier.

9 (5) If a candidate, treasurer, or other individual desig-
10 nated as responsible for the record keeping, report preparation,
11 or report filing fails to file 2 statements required by this sec-
12 tion or section 33 and both of the statements remain unfiled for
13 more than 30 days, that candidate, treasurer, or other designated
14 individual is guilty of a misdemeanor, punishable by a fine of
15 not more than \$1,000.00 ~~—~~ or imprisonment for not more than 90
16 days, or both.

17 (6) If a treasurer or other individual designated as respon-
18 sible for the record keeping, report preparation, or report
19 filing for a committee required to file a campaign statement
20 under subsection (1) 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 fine of not
23 more than \$1,000.00.

24 (7) A CANDIDATE WHO HAS BEEN ELECTED TO OFFICE AND WHO HAS
25 AN UNFILED REPORT OR UNPAID FEE OR FINE STILL DUE UNDER THIS SEC-
26 TION FORFEITS HIS OR HER RIGHT TO RECEIVE COMPENSATION FROM A
27 PUBLIC BODY FOR THAT OFFICE WHILE THE REPORT REMAINS UNFILED OR

1 THE FEE OR FINE REMAINS UNPAID. A PUBLIC BODY SHALL NOT PAY
2 COMPENSATION TO THE CANDIDATE FOR THAT OFFICE WHILE THE REPORT
3 REMAINS UNFILED OR THE FEE OR FINE REMAINS UNPAID, AS CERTIFIED
4 BY THE SECRETARY OF STATE. UPON THE REQUEST OF THE SECRETARY OF
5 STATE, THE PUBLIC BODY SHALL TRANSFER ALL OR A PORTION OF THE
6 COMPENSATION FORFEITED BY A CANDIDATE UNDER THIS SUBSECTION TO BE
7 CREDITED AGAINST THE CANDIDATE'S UNPAID FEE OR FINE UNDER THIS
8 SECTION, IF ANY.