



HOUSE BILL No. 5578

April 12, 2000, Introduced by Rep. Switalski 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 3 and 33 (MCL 169.203 and 169.233), section 3 as amended by 1989 PA 95 and section 33 as amended by 1999 PA 238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Candidate" means ~~an~~ 1 OF THE FOLLOWING:

2 (A) AN individual WHO MEETS 1 OF THE FOLLOWING CRITERIA:

3 ~~(a) who~~

4 (i) HE OR SHE files a fee, affidavit of incumbency, or nomi-
5 nating petition for an elective office. ~~;~~ ~~(b) whose nomination~~

6 (ii) HE OR SHE IS NOMINATED as a candidate for elective
7 office by a political party caucus or convention AND THE

8 NOMINATION is certified to the appropriate filing official. ~~;~~

9 ~~(c) who~~

1 (iii) HE OR SHE receives a contribution, makes an
2 expenditure, or gives consent for another person to receive a
3 contribution or make an expenditure with a view to bringing about
4 the individual's nomination or election to an elective office,
5 whether or not the specific elective office for which the indi-
6 vidual will seek nomination or election is known at the time the
7 contribution is received or the expenditure is made. ~~or (d)~~
8 ~~who~~

9 (iv) HE OR SHE is an officeholder who is the subject of a
10 recall vote. ~~Unless~~

11 (v) HE OR SHE HOLDS AN ELECTIVE OFFICE, UNLESS the office-
12 holder is constitutionally or legally barred from seeking reelec-
13 tion or fails to file for reelection to that office by the appli-
14 cable filing deadline. ~~, an elected officeholder shall be~~ AN
15 INDIVIDUAL DESCRIBED IN THIS SUBSECTION IS considered to be a
16 candidate for reelection to that same office for the purposes of
17 this act only.

18 (B) For purposes of sections 61 to 71 ONLY, "candidate"
19 ~~only~~ means, in a primary election, a candidate for the office
20 of governor and, in a general election, a candidate for the
21 office of governor or lieutenant governor. However, the candi-
22 dates for the office of governor and lieutenant governor of the
23 same political party in a general election shall be considered as
24 1 candidate.

25 (2) "Candidate committee" means the committee designated in
26 a candidate's filed statement of organization as that
27 individual's candidate committee. A candidate committee shall be

1 under the control and direction of the candidate named in the
2 ~~same~~ CANDIDATE'S statement of organization. Notwithstanding
3 subsection (4), an individual shall form a candidate committee
4 pursuant to section 21 when the individual becomes a candidate
5 under subsection (1).

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

8 (4) "Committee" means a person who receives contributions or
9 makes expenditures for the purpose of influencing or attempting
10 to influence the action of the voters for or against the nomina-
11 tion or election of a candidate, or the qualification, passage,
12 or defeat of a ballot question, if contributions received total
13 \$500.00 or more in a calendar year or expenditures made total
14 \$500.00 or more in a calendar year. An individual, other than a
15 candidate, does not constitute a committee. A person, other than
16 a committee registered under this act, ~~making~~ WHO MAKES an
17 expenditure to a ballot question committee ~~shall~~ IS NOT for
18 that reason ~~not be~~ considered TO BE a committee for the pur-
19 poses of this act unless the person solicits or receives contri-
20 butions for the purpose of making an expenditure to that ballot
21 question committee. A COMMITTEE ALSO INCLUDES A NONPROFIT CORPO-
22 RATION OR CHARITABLE FOUNDATION ESTABLISHED BY OR NAMED AFTER A
23 CANDIDATE OR AN ELECTED OFFICIAL.

24 Sec. 33. (1) A committee, other than an independent commit-
25 tee or a political committee required to file with the secretary
26 of state, supporting or opposing a candidate shall file complete
27 campaign statements as required by this act and the rules

1 promulgated under this act. The campaign statements shall be
2 filed according to the following schedule:

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

7 (b) A postelection campaign statement shall be filed not
8 later than the thirtieth day ~~following~~ AFTER the election. The
9 closing date for a campaign statement filed under this subdivi-
10 sion ~~shall be~~ IS the twentieth day ~~following~~ AFTER the
11 election. A committee supporting a candidate who loses the pri-
12 mary election shall file closing campaign statements in accord-
13 ance with this section. If all liabilities of ~~such a~~ THE can-
14 didate or committee are paid before the closing date and addi-
15 tional contributions are not expected, the campaign statement may
16 be filed at any time after the election, but not later than the
17 thirtieth day ~~following~~ AFTER the election.

18 (2) For the purposes of subsection (1), ALL OF THE FOLLOWING
19 APPLY:

20 (a) A candidate committee shall file a preelection campaign
21 statement and a postelection campaign statement for each election
22 in which the candidate seeks nomination or election, except if an
23 individual becomes a candidate after the closing date for the
24 preelection campaign statement only the postelection campaign
25 statement is required for that election.

26 (b) A committee other than a candidate committee shall file
27 a campaign statement for each period during which expenditures

1 are made for the purpose of influencing the nomination or
2 election of a candidate or for the qualification, passage, or
3 defeat of a ballot question.

4 (3) An independent committee or a political committee other
5 than a house political party caucus committee or senate political
6 party caucus committee required to file with the secretary of
7 state shall file campaign statements as required by this act
8 according to the following schedule:

9 (a) In an odd numbered year:

10 (i) Not later than January 31 of that year with a closing
11 date of December 31 of the previous 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 (b) In an even numbered year:

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

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

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

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

25 (a) Not later than January 31 of each year with a closing
26 date of December 31 of the ~~immediately preceding~~ PREVIOUS
27 year.

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

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

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

7 (e) ~~For~~ NOT LATER THAN 4 P.M. ON THE BUSINESS DAY IMMEDI-
8 ATELY AFTER EACH DAY THAT A CONTRIBUTION WAS RECEIVED OR AN
9 EXPENDITURE WAS MADE THAT EXCEEDED \$1,000.00 PER DAY, FOR the
10 period beginning on the fourteenth day immediately ~~preceding~~
11 BEFORE a primary or special primary election and ending on the
12 day immediately ~~following~~ AFTER the primary or special primary
13 election. ~~, not later than 4 p.m. each business day with a~~
14 ~~closing date of the immediately preceding day, only for a contri-~~
15 ~~bution received or expenditure made that exceeds \$1,000.00 per~~
16 ~~day.~~

17 (f) ~~For~~ NOT LATER THAN 4 P.M. ON THE BUSINESS DAY IMMEDI-
18 ATELY AFTER EACH DAY THAT A CONTRIBUTION WAS RECEIVED OR AN
19 EXPENDITURE WAS MADE THAT EXCEEDED \$1,000.00 PER DAY, FOR the
20 period beginning on the fourteenth day immediately ~~preceding~~
21 BEFORE a general or special election and ending on the day imme-
22 diately ~~following~~ AFTER the general or special election. ~~, not~~
23 ~~later than 4 p.m. each business day with a closing date of the~~
24 ~~immediately preceding day, only for a contribution received or~~
25 ~~expenditure made that exceeds \$1,000.00 per day.~~

26 (5) Notwithstanding subsection (3) or (4) or section 51, if
27 an independent expenditure is made within 45 days before a

1 special election by an independent committee or a political
2 committee required to file a campaign statement with the secre-
3 tary of state, THE COMMITTEE SHALL FILE a report of the
4 INDEPENDENT expenditure ~~shall be filed by the committee~~ with
5 the secretary of state within 48 hours after the expenditure.
6 The report shall be made on a form provided by the secretary of
7 state and shall include the date of the independent expenditure,
8 the amount of the expenditure, a brief description of the nature
9 of the expenditure, and the name and address of the person to
10 whom the expenditure was paid. The brief description of the
11 INDEPENDENT expenditure shall include either the name of the can-
12 didate and the office sought by the candidate or the name of the
13 ballot question and shall state whether the INDEPENDENT expendi-
14 ture supports or opposes the candidate or ballot question. This
15 subsection does not apply if the committee is required to report
16 the independent expenditure in a campaign statement that is
17 required to be filed before the date of the election for which
18 the INDEPENDENT expenditure was made.

19 (6) A candidate committee or a committee other than a candi-
20 date committee that files a written statement under section 24(5)
21 or (6) need not file a campaign statement under subsection (1),
22 (3), or (4) unless it received or expended an amount in excess of
23 \$1,000.00. If the committee receives or expends an amount in
24 excess of \$1,000.00 during a period covered by a filing, the com-
25 mittee is then subject to the campaign filing requirements under
26 this act.

1 (7) A committee, candidate, treasurer, or other individual
2 designated as responsible for the committee's record keeping,
3 report preparation, or report filing who fails to file a state-
4 ment as required by this section shall pay a late filing fee. If
5 the committee has raised \$10,000.00 or less during the previous 2
6 years, the late filing fee shall be \$25.00 for each business day
7 the statement remains unfiled, but not to exceed \$500.00. If the
8 committee has raised more than \$10,000.00 during the previous 2
9 years, the late filing fee shall not exceed \$1,000.00, determined
10 as follows:

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

13 (b) An additional \$25.00 for each business day after the
14 first 3 business days the report remains unfiled.

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

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

25 (9) If a candidate is found guilty of a violation of this
26 section, the circuit court for that county, on application by the
27 attorney general or the prosecuting attorney of that county, may

1 prohibit that candidate from assuming the duties of a public
2 office or from receiving compensation from public funds, or
3 both.

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

10 (11) A NONPROFIT CORPORATION OR CHARITABLE FOUNDATION ESTAB-
11 LISHED BY OR NAMED AFTER A CANDIDATE OR AN ELECTED OFFICIAL SHALL
12 FILE A CAMPAIGN STATEMENT IN THE SAME MANNER AS A CANDIDATE COM-
13 MITTEE UNDER THIS ACT.