

# HOUSE BILL No. 4997

May 26, 2009, Introduced by Reps. Geiss, Gonzales, Constan, Miller, Kandrevas, Tlaib, Kennedy, Haugh, Liss, Ebli, Valentine, Switalski, Durhal, Gregory and LeBlanc and referred to the Committee on Ethics and Elections.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 16, 22, 26, 28, 29, 33, 34, 35, 41, 42, 47, 52, 55, and 57 (MCL 169.215, 169.216, 169.222, 169.226, 169.228, 169.229, 169.233, 169.234, 169.235, 169.241, 169.242, 169.247, 169.252, 169.255, and 169.257), sections 15, 26, 29, 42, 47, 52, and 57 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, sections 22, 28, and 41 as amended by 1999 PA 237, sections 33 and 34 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, and section 55 as amended by 1995 PA 264, and by adding sections 43a and 48.

**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  
8 purposes of this act, and supervise the implementation of the  
9 filing systems by the clerks of the counties.

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

12          (d) Prepare forms, instructions, and manuals required under  
13 this act.

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

17          (f) Upon receipt of a written request and the required  
18 filing, waive payment of a late filing fee if the request for the  
19 waiver is based on good cause and accompanied by adequate  
20 documentation. One or more of the following reasons constitute  
21 good cause for a late filing fee waiver:

22           (i) The incapacitating physical illness, hospitalization,  
23 accident involvement, death, or incapacitation for medical  
24 reasons of a person required to file, a person whose  
25 participation is essential to the preparation of the statement or  
26 report, or a member of the immediate family of these persons.

27           (ii) Other unique, unintentional factors beyond the filer's

1 control not stemming from a negligent act or nonaction so that a  
2 reasonably prudent person would excuse the filing on a temporary  
3 basis. These factors include the loss or unavailability of  
4 records due to a fire, flood, theft, or similar reason and  
5 difficulties related to the transmission of the filing to the  
6 filing official, such as exceptionally bad weather or strikes  
7 involving transportation systems.

8 (2) A declaratory ruling shall be issued under this section  
9 only if the person requesting the ruling has provided a  
10 reasonably complete statement of facts necessary for the ruling  
11 or if the person requesting the ruling has, with the permission  
12 of the secretary of state, supplied supplemental facts necessary  
13 for the ruling. A request for a declaratory ruling that is  
14 submitted to the secretary of state shall be made available for  
15 public inspection within 48 hours after its receipt. An  
16 interested person may submit written comments regarding the  
17 request to the secretary of state within 10 business days after  
18 the date the request is made available to the public. Within 45  
19 business days after receiving a declaratory ruling request, the  
20 secretary of state shall make a proposed response available to  
21 the public. An interested person may submit written comments  
22 regarding the proposed response to the secretary of state within  
23 5 business days after the date the proposal is made available to  
24 the public. Except as otherwise provided in this section, the  
25 secretary of state shall issue a declaratory ruling within 60  
26 business days after a request for a declaratory ruling is  
27 received. If the secretary of state refuses to issue a

1 declaratory ruling, the secretary of state shall notify the  
2 person making the request of the reasons for the refusal and  
3 shall issue an interpretative statement providing an  
4 informational response to the question presented within the same  
5 time limitation applicable to a declaratory ruling. A declaratory  
6 ruling or interpretative statement issued under this section  
7 shall not state a general rule of law, other than that which is  
8 stated in this act, until the general rule of law is promulgated  
9 by the secretary of state as a rule under the administrative  
10 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or  
11 under judicial order.

12 (3) Under extenuating circumstances, the secretary of state  
13 may issue a notice extending for not more than 30 business days  
14 the period during which the secretary of state shall respond to a  
15 request for a declaratory ruling. The secretary of state shall  
16 not issue more than 1 notice of extension for a particular  
17 request. A person requesting a declaratory ruling may waive, in  
18 writing, the time limitations provided by this section.

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

22 (5) A person may file with the secretary of state a  
23 complaint that alleges a violation of this act. Within 5 business  
24 days after a complaint that meets the requirements of subsection  
25 (6) is filed, the secretary of state shall give notice to the  
26 person against whom the complaint is filed. The notice shall  
27 include a copy of the complaint. Within 15 business days after

1 this notice is provided, the person against whom the complaint  
2 was filed may submit to the secretary of state a response. The  
3 secretary of state may extend the period for submitting a  
4 response an additional 15 business days for good cause. The  
5 secretary of state shall provide a copy of a response received to  
6 the complainant. Within 10 business days after receiving a copy  
7 of the response, the complainant may submit to the secretary of  
8 state a rebuttal statement. The secretary of state may extend the  
9 period for submitting a rebuttal statement an additional 10  
10 business days for good cause. The secretary of state shall  
11 provide a copy of the rebuttal statement to the person against  
12 whom the complaint was filed.

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

15 (a) Be signed by the complainant.

16 (b) State the name, address, and telephone number of the  
17 complainant.

18 (c) Include the complainant's certification that, to the  
19 best of the complainant's knowledge, information, and belief,  
20 formed after a reasonable inquiry under the circumstances, each  
21 factual contention of the complaint is supported by evidence.  
22 However, if, after a reasonable inquiry under the circumstances,  
23 the complainant is unable to certify that certain factual  
24 contentions are supported by evidence, the complainant may  
25 certify that, to the best of his or her knowledge, information,  
26 or belief, there are grounds to conclude that those specifically  
27 identified factual contentions are likely to be supported by

1 evidence after a reasonable opportunity for further inquiry.

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

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

10 (9) The secretary of state shall investigate the allegations  
11 under the rules promulgated under this act. Every 60 days after a  
12 complaint that meets the requirements of subsection (6) is filed  
13 and until the matter is terminated, the secretary of state shall  
14 mail to the complainant and to the alleged violator notice of the  
15 action taken to date by the secretary of state, together with the  
16 reasons for the action or nonaction.

17 (10) If the secretary of state determines that there may be  
18 reason to believe that a violation of this act has occurred, the  
19 secretary of state shall endeavor to correct the violation or  
20 prevent a further violation by using informal methods such as a  
21 conference, conciliation, or persuasion, and may enter into a  
22 conciliation agreement with the person involved. Unless violated,  
23 a conciliation agreement is a complete bar to any further action  
24 with respect to matters covered in the conciliation agreement. If  
25 the secretary of state is unable to correct or prevent further  
26 violation by these informal methods, the secretary of state may  
27 refer the matter to the attorney general for the enforcement of a

1 criminal penalty provided by this act or commence a hearing as  
2 provided in subsection (11). **IF THE VIOLATION INVOLVES THE**  
3 **ATTORNEY GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE**  
4 **ATTORNEY GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE**  
5 **DIRECTOR OF ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING**  
6 **ATTORNEY FOR THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A**  
7 **CRIMINAL PENALTY PROVIDED BY THIS ACT.**

8 (11) The secretary of state may commence a hearing to  
9 determine whether a civil violation of this act has occurred. A  
10 hearing shall not be commenced during the period beginning 30  
11 days before an election in which the committee has received or  
12 expended money and ending the day after that election except with  
13 the consent of the person suspected of committing a civil  
14 violation. The hearing shall be conducted in accordance with the  
15 procedures set forth in chapter 4 of the administrative  
16 procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If  
17 after a hearing the secretary of state determines that a  
18 violation of this act has occurred, the secretary of state may  
19 issue an order requiring the person to pay a civil fine equal to  
20 the amount of the improper contribution or expenditure plus not  
21 more than \$1,000.00 for each violation.

22 (12) A final decision and order issued by the secretary of  
23 state is subject to judicial review as provided by chapter 6 of  
24 the administrative procedures act of 1969, 1969 PA 306, MCL  
25 24.301 to 24.306. The secretary of state shall deposit a civil  
26 fine imposed under this section in the general fund. The  
27 secretary of state may bring an action in circuit court to

1 recover the amount of a civil fine.

2 (13) When a report or statement is filed under this act, the  
3 secretary of state shall review the report or statement and may  
4 investigate an apparent violation of this act under the rules  
5 promulgated under this act. If the secretary of state determines  
6 that there may be reason to believe a violation of this act has  
7 occurred and the procedures prescribed in subsection (10) have  
8 been complied with, the secretary of state may refer the matter  
9 to the attorney general for the enforcement of a criminal penalty  
10 provided by this act, or commence a hearing under subsection (11)  
11 to determine whether a civil violation of this act has occurred.  
12 **IF THE VIOLATION INVOLVES THE ATTORNEY GENERAL OR A CAMPAIGN OR**  
13 **COMMITTEE WITH WHICH THE ATTORNEY GENERAL IS CONNECTED, DIRECTLY**  
14 **OR INDIRECTLY, THE DIRECTOR OF ELECTIONS SHALL REFER THE MATTER**  
15 **TO THE PROSECUTING ATTORNEY FOR THE COUNTY OF INGHAM FOR THE**  
16 **ENFORCEMENT OF A CRIMINAL PENALTY PROVIDED BY THIS ACT.**

17 (14) Unless otherwise specified in this act, a person who  
18 violates a provision of this act is subject to a civil fine of  
19 not more than \$1,000.00 for each violation. A civil fine is in  
20 addition to, but not limited by, a criminal penalty prescribed by  
21 this act.

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

26 (a) Pay to the secretary of state some or all of the  
27 expenses incurred by the secretary of state as a direct result of



1 the filing of the complaint.

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

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

11 (17) The secretary of state may waive the filing of a  
12 campaign statement required under section 33, 34, or 35 if the  
13 closing date of the particular campaign statement falls on the  
14 same or a later date as the closing date of the next campaign  
15 statement filed by the same person, or if the period that would  
16 be otherwise covered by the next campaign statement filed by the  
17 same person is 10 days or less.

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

19 (a) Make available through the county clerk's office the  
20 appropriate forms, instructions, and manuals required by this  
21 act.

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

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

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

4 Sec. 16. (1) A filing official shall make a statement or  
5 report required to be filed under this act available for public  
6 inspection and reproduction, commencing as soon as practicable,  
7 but not later than the third business day following the day on  
8 which it is received, during regular business hours of the filing  
9 official. If the report is a report of a late contribution under  
10 section 32(1) made to the secretary of state, the secretary of  
11 state shall also make the report or all of the contents of the  
12 report available to the public on the internet, without charge,  
13 as soon as practicable but not later than the end of the business  
14 day on which it is received, at a single website established and  
15 maintained by the secretary of state.

16 (2) A copy of a statement or part of a statement shall be  
17 provided by a filing official at a reasonable charge.

18 (3) A statement open to the public under this act shall not  
19 be used for any commercial purpose.

20 (4) Except as otherwise provided in this subsection, a  
21 statement of organization filed under this act with a filing  
22 official who is not the secretary of state shall be preserved by  
23 that filing official for 5 years from the official date of the  
24 committee's dissolution. A statement of organization filed under  
25 this act with a filing official who is not the secretary of state  
26 that is filed by a committee that received more than \$50,000.00  
27 in an election cycle shall be preserved by that filing official

1 for 15 years from the official date of the committee's  
2 dissolution. A statement of organization filed under this act  
3 with the secretary of state shall be preserved by the secretary  
4 of state for 15 years from the official date of the committee's  
5 dissolution. Except as otherwise provided in this subsection, any  
6 other statement or report filed under this act with a filing  
7 official who is not the secretary of state shall be preserved by  
8 that filing official for 5 years from the date the filing  
9 occurred. Any other statement or report filed under this act with  
10 a filing official who is not the secretary of state that is filed  
11 by a committee that received more than \$50,000.00 in an election  
12 cycle shall be preserved by that filing official for 15 years  
13 from the date the filing occurred. Any other statement or report  
14 filed under this act with the secretary of state shall be  
15 preserved by the secretary of state for 15 years from the date  
16 the filing occurred. Upon a determination under section 15 that a  
17 violation of this act has occurred, all complaints, orders,  
18 decisions, or other documents related to that violation shall be  
19 preserved by the filing official who is not the secretary of  
20 state or the secretary of state for 15 years from the date of the  
21 court determination or the date the violations are corrected,  
22 whichever is later. Statements and reports filed under this act  
23 may be reproduced pursuant to the records ~~media~~**REPRODUCTION** act,  
24 1992 PA 116, MCL 24.401 to ~~24.403~~**24.406**. After the required  
25 preservation period, the statements and reports, or the  
26 reproductions of the statements and reports, may be disposed of  
27 in the manner prescribed in the management and budget act, 1984

1 PA 431, MCL 18.1101 to 18.1594, and 1913 PA 271, MCL 399.1 to  
2 399.10.

3 (5) A charge shall not be collected by a filing official for  
4 the filing of a required statement or report or for a form upon  
5 which the statement or report is to be prepared, except a late  
6 filing fee required by this act.

7 (6) A filing official shall determine whether a statement or  
8 report filed under this act complies, on its face, with the  
9 requirements of this act and the rules promulgated under this  
10 act. The filing official shall determine whether a statement or  
11 report that is required to be filed under this act is in fact  
12 filed. Within 4 business days after the deadline for filing a  
13 statement or report under this act, the filing official shall  
14 give notice to the filer by registered mail of an error or  
15 omission in the statement or report and give notice to a person  
16 the filing official has reason to believe is a person required to  
17 and who failed to file a statement or report. A failure to give  
18 notice by the filing official under this subsection is not a  
19 defense to a criminal action against the person required to file.

20 (7) Within 9 business days after the report or statement is  
21 required to be filed, the filer shall make any corrections in the  
22 statement or report filed with the appropriate filing official.  
23 If the report or statement was not filed, then the report or  
24 statement shall be late filed within 9 business days after the  
25 time it was required to be filed and ~~shall be~~ **IS** subject to late  
26 filing fees.

27 (8) After 9 business days and before 12 business days have

1 expired after the deadline for filing the statement or report,  
2 the filing official shall report errors or omissions that were  
3 not corrected and failures to file to the attorney general **OR, IF**  
4 **THE ERRORS OR OMISSIONS OR FAILURE TO FILE INVOLVES THE ATTORNEY**  
5 **GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE ATTORNEY**  
6 **GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE DIRECTOR OF**  
7 **ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING ATTORNEY FOR**  
8 **THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A CRIMINAL PENALTY**  
9 **PROVIDED BY THIS ACT.**

10 (9) A statement or report required to be filed under this  
11 act shall be filed not later than 5 p.m. of the day in which it  
12 is required to be filed. A preelection statement or report due on  
13 July 25 or October 25 under section 33 that is postmarked by  
14 registered or certified mail, or sent by express mail or other  
15 overnight delivery service, at least 2 days before the deadline  
16 for filing is filed within the prescribed time regardless of when  
17 it is actually delivered. Any other statement or report required  
18 to be filed under this act that is postmarked by registered or  
19 certified mail or sent by express mail or other overnight  
20 delivery service on or before the deadline for filing is filed  
21 within the prescribed time regardless of when it is actually  
22 delivered.

23 Sec. 22. A committee treasurer or other individual  
24 designated on the statement of organization as responsible for  
25 the committee's record keeping, report preparation, or report  
26 filing shall keep detailed accounts, records, bills, and receipts  
27 as required to substantiate the information contained in a

1 statement or report filed ~~pursuant to~~ **UNDER** this act or rules  
2 promulgated under this act. The treasurer shall record the name  
3 and address of a person from whom a contribution is received  
4 **EXCEPT FOR CONTRIBUTIONS OF \$20.00 OR LESS RECEIVED PURSUANT TO**  
5 **SECTION 41(3)**. The records of a committee shall be preserved for  
6 5 years and shall be made available for inspection as authorized  
7 by the secretary of state. A treasurer or other individual  
8 designated as responsible for the committee's record keeping,  
9 report preparation, or report filing who knowingly violates this  
10 section is subject to a civil fine of not more than \$1,000.00.

11       Sec. 26. (1) A campaign statement of a committee, other than  
12 a political party committee, required by this act shall contain  
13 all of the following information:

14       (a) The filing committee's name, address, and telephone  
15 number, and the full name, residential and business addresses,  
16 and telephone numbers of the committee treasurer or other  
17 individual designated as responsible for the committee's record  
18 keeping, report preparation, or report filing.

19       (b) Under the heading "receipts", the total amount of  
20 contributions received during the period covered by the campaign  
21 statement; under the heading "expenditures", the total amount of  
22 expenditures made during the period covered by the campaign  
23 statement; and the cumulative amount of those totals. Forgiveness  
24 of a loan shall not be included in the totals. Payment of a loan  
25 by a third party shall be recorded and reported as an in-kind  
26 contribution by the third party. In-kind contributions or  
27 expenditures shall be listed at fair market value and shall be

1 reported as both contributions and expenditures. A contribution  
2 or expenditure that is by other than completed and accepted  
3 payment, gift, or other transfer, that is clearly not legally  
4 enforceable, and that is expressly withdrawn or rejected and  
5 returned before a campaign statement closing date need not be  
6 included in the campaign statement and if included may, in a  
7 later or amended statement, be shown as a deduction, but the  
8 committee shall keep adequate records of each instance.

9 (c) The balance of cash on hand at the beginning and the end  
10 of the period covered by the campaign statement.

11 (D) THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED DURING THE  
12 PERIOD COVERED BY THE CAMPAIGN STATEMENT FROM PERSONS WHO  
13 CONTRIBUTED MORE THAN \$20.00.

14 (E) THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED DURING THE  
15 PERIOD COVERED BY THE CAMPAIGN STATEMENT FROM PERSONS WHO  
16 CONTRIBUTED \$20.00 OR LESS.

17 (F) THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$20.00 OR LESS  
18 RECEIVED DURING THE PERIOD COVERED BY THE CAMPAIGN STATEMENT AND  
19 THE CUMULATIVE AMOUNT OF THE CONTRIBUTIONS RECEIVED BY THE FILER  
20 PURSUANT TO SECTION 41(3).

21 (G) ~~(d)~~—The following information regarding each fund-  
22 raising event shall be included in the report:

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

26 (ii) The total amount of all contributions OF MORE THAN  
27 \$20.00.

1           (iii) **THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$20.00 OR LESS.**

2           (iv) ~~(iii)~~—The gross receipts of the fund-raising event.

3           (v) ~~(iv)~~—The expenditures incident to the event.

4           (H) ~~(e)~~—The full name of each individual from whom  
5 contributions **TOTALING MORE THAN \$20.00** are received during the  
6 period covered by the campaign statement, together with the  
7 individual's street address, the amount contributed, the date on  
8 which each contribution was received, and the cumulative amount  
9 contributed by that individual. The occupation, employer, and  
10 principal place of business shall be stated if the individual's  
11 cumulative contributions are more than \$100.00.

12           (I) ~~(f)~~—The cumulative amount contributed and the name and  
13 address of each individual, except those individuals reported  
14 under subdivision ~~(e)~~—(H), who contributed **A TOTAL OF MORE THAN**  
15 **\$20.00** to the committee. The occupation, employer, and principal  
16 place of business shall be stated for each individual who  
17 contributed more than \$100.00.

18           (J) ~~(g)~~—The name and street address of each person, other  
19 than an individual, from whom contributions are received during  
20 the period covered by the campaign statement, together with an  
21 itemization of the amounts contributed, the date on which each  
22 contribution was received, and the cumulative amount contributed  
23 by that person.

24           (K) ~~(h)~~—The name, address, and amount given by an individual  
25 who contributed **MORE THAN \$20.00** to the total amount contributed  
26 by a person who is other than a committee or an individual. The  
27 occupation, employer, and principal place of business shall be



1 stated if the individual contributed more than \$100.00 of the  
2 total amount contributed by a person who is other than a  
3 committee or an individual.

4 (I) ~~(i)~~—The cumulative total of expenditures of \$50.00 or  
5 less made during the period covered by the campaign statement  
6 except for expenditures made to or on behalf of another  
7 committee, candidate, or ballot question.

8 (M) ~~(j)~~—The full name and street address of each person to  
9 whom expenditures totaling more than \$50.00 were made, together  
10 with the amount of each separate expenditure to each person  
11 during the period covered by the campaign statement; the purpose  
12 of the expenditure; the full name and street address of the  
13 person providing the consideration for which any expenditure was  
14 made if different from the payee; the itemization regardless of  
15 amount of each expenditure made to or on behalf of another  
16 committee, candidate, or ballot question; and the cumulative  
17 amount of expenditures for or against that candidate or ballot  
18 question for an election cycle. An expenditure made in support of  
19 more than 1 candidate or ballot question, or both, shall be  
20 apportioned reasonably among the candidates or ballot questions,  
21 or both.

22 (2) A candidate committee or ballot question committee shall  
23 report all cumulative amounts required by this section on a per  
24 election cycle basis. Except for subsection ~~(1)(j)~~—(1) (M), an  
25 independent committee or political committee shall report all  
26 cumulative amounts required by this section on a calendar year  
27 basis.

1 (3) A campaign statement of a committee, in addition to the  
2 other information required by this section, shall include an  
3 itemized list of all expenditures during the reporting period for  
4 election day busing of electors to the polls, get-out-the-vote  
5 activities, slate cards, challengers, poll watchers, and poll  
6 workers.

7 (4) For a reporting period in which a contribution is  
8 received that is to be part of a bundled contribution or a  
9 reporting period in which a bundled contribution is delivered to  
10 the candidate committee of a candidate for statewide elective  
11 office, a bundling committee shall report to the secretary of  
12 state, on a form provided by the secretary of state, all of the  
13 following information, as applicable, about each contribution  
14 received or delivered as part of a bundled contribution, and  
15 about each bundled contribution delivered, in the reporting  
16 period:

17 (a) The amount of each contribution **OF MORE THAN \$20.00**, the  
18 date it was received by the bundling committee, and the candidate  
19 for statewide elective office whom the contributor designated as  
20 the intended recipient.

21 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**  
22 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**  
23 **THE STATEMENT** and, for each contribution exceeding \$100.00, the  
24 contributor's occupation, employer, and principal place of  
25 business.

26 (c) The date each contribution is delivered to the  
27 candidate's statewide elective office candidate committee.

1 (d) The total amount of bundled contributions delivered to  
2 that candidate committee during the reporting period and during  
3 the election cycle.

4 (5) With its delivery of a bundled contribution to the  
5 candidate committee of a candidate for statewide elective office,  
6 a bundling committee shall deliver a report to that candidate  
7 committee, on a form provided by the secretary of state, that  
8 includes all of the following information, as applicable, about  
9 each contribution delivered as part of the bundled contribution,  
10 and about all bundled contributions delivered to that candidate  
11 committee in the election cycle:

12 (a) The amount of each contribution **OF MORE THAN \$20.00**, the  
13 date it was received by the bundling committee, and the statewide  
14 elective office candidate the contributor designated as the  
15 intended recipient.

16 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**  
17 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**  
18 **THE STATEMENT** and, for each contribution exceeding \$100.00, the  
19 contributor's occupation, employer, and principal place of  
20 business.

21 (c) The total amount of bundled contributions delivered to  
22 that candidate committee during the reporting period and during  
23 the election cycle.

24 (6) For a reporting period in which a bundled contribution  
25 is received, a candidate committee of a candidate for statewide  
26 elective office shall report to the secretary of state, on a form  
27 provided by the secretary of state, all of the following

1 information, as applicable, about each contribution delivered as  
2 part of a bundled contribution received in the reporting period  
3 and about all bundled contributions received by that candidate  
4 committee:

5 (a) The amount of each contribution **OF MORE THAN \$20.00**, the  
6 date it was received by the candidate committee, and the name of  
7 the bundling committee that delivered the contribution.

8 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**  
9 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**  
10 **THE STATEMENT** and, for each contribution exceeding \$100.00, the  
11 contributor's occupation, employer, and principal place of  
12 business.

13 (c) The total amount of bundled contributions received by  
14 that candidate committee during the reporting period and during  
15 the election cycle.

16 Sec. 28. (1) Interest received by a committee on an account  
17 consisting of ~~funds~~ **MONEY** belonging to the committee shall not be  
18 considered a contribution to the committee but the committee  
19 shall report its receipt on a campaign statement as interest. A  
20 committee shall report interest paid by the committee on a  
21 campaign statement as an expenditure.

22 (2) A committee shall report a loan with an outstanding  
23 balance made or received in a separate schedule attached to the  
24 campaign statement providing the date and amount of the loan, the  
25 date and amount of each payment, the amount of cumulative  
26 payments, the amount of the outstanding balance, and whether the  
27 loan payments were made by money, services, property, or other

1 means. The committee shall provide the name and address of the  
2 lender and each person who is liable directly, indirectly, or  
3 contingently on each loan **OF MORE THAN \$20.00**. The committee  
4 shall provide the occupation and employer, if any, of the lender  
5 and each person if the loan is for more than \$100.00. If a loan  
6 is paid off within a reporting period, this activity need not be  
7 reported on a separate schedule to the campaign statement.  
8 However, if a loan is forgiven, the committee shall detail that  
9 fact on a separate schedule to the campaign statement.

10 (3) Accompanying a campaign statement reporting the receipt  
11 of a contribution **OF MORE THAN \$20.00** from a person whose  
12 treasurer does not reside in, whose principal office is not  
13 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state ,  
14 shall be a statement certified as true and correct by an officer  
15 of the contributing person setting forth the full name, address,  
16 along with the amount contributed, of each person who contributed  
17 **MORE THAN \$20.00** to the total amount of the contribution. The  
18 occupation, employer, and principal place of business shall be  
19 stated for each person who contributed more than \$100.00. This  
20 subsection does not apply if the contributing person is  
21 registered as a committee under section 24.

22 Sec. 29. (1) A campaign statement filed by a political party  
23 committee shall contain all of the following information:

24 (a) The full name and street address of each person from  
25 whom contributions **TOTALING MORE THAN \$20.00** are received in a  
26 calendar year, the amount, and the date or dates contributed;  
27 and, if the person is a committee, the name and address of the

1 committee and the full name of the committee treasurer, together  
2 with the amount of the contribution and the date received. The  
3 occupation, employer, and principal place of business, if any,  
4 shall be listed for each person from whom contributions totaling  
5 more than \$100.00 are received in a calendar year.

6 (b) Accompanying a campaign statement reporting the receipt  
7 of a contribution **OF MORE THAN \$20.00** from a committee or person  
8 whose treasurer does not reside in, whose principal office is not  
9 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state,  
10 and whose committee has not filed a statement of organization as  
11 required in section 24, shall be a statement setting forth the  
12 full name and address of the treasurer of the committee.

13 (c) An itemized list of all expenditures, including in-kind  
14 contributions and expenditures and loans, made during the period  
15 covered by the campaign statement that were contributions to a  
16 candidate committee of a candidate for elective office or a  
17 ballot question committee; or independent expenditures in support  
18 of the qualification, passage, or defeat of a ballot question or  
19 in support of the nomination or election of a candidate for  
20 elective office or the defeat of any of the candidate's  
21 opponents.

22 (d) The total expenditure by the committee for each  
23 candidate for elective office or ballot question in whose behalf  
24 an independent expenditure was made or a contribution was given  
25 for the election cycle.

26 (e) The filer's name, address, and telephone number, if  
27 available, if any, and the full name, address, and telephone

1 number, if available, of the committee treasurer.

2 (2) The committee shall identify an expenditure listed under  
3 subsection (1)(c) as an independent expenditure or as a  
4 contribution to a candidate committee or a ballot question  
5 committee.

6 (3) The committee shall designate for a contribution to or  
7 on behalf of a candidate committee or ballot question committee  
8 listed under subsection (1)(c) the name and address of the  
9 committee, the name of the candidate and the office sought, if  
10 any, the amount contributed, and the date of contribution.

11 (4) The committee shall designate for an independent  
12 expenditure listed under subsection (1)(c) either the name of the  
13 candidate for whose benefit the expenditure was made and the  
14 office sought by the candidate, or a brief description of the  
15 ballot question for which the expenditure was made; the amount,  
16 date, and purpose of the expenditure; and the full name and  
17 address of the person to whom the expenditure was made.

18 (5) The committee shall apportion an expenditure listed that  
19 was made in support of more than 1 candidate or ballot question,  
20 or both, reasonably among the candidates or ballot questions, or  
21 both.

22 (6) A campaign statement of a committee, in addition to the  
23 other information required by this section, shall include an  
24 itemized list of all expenditures during the reporting period for  
25 election day busing of electors to the polls, get-out-the-vote  
26 activities, slate cards, challengers, poll watchers, and poll  
27 workers.

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

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

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

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

23           (a) A candidate committee shall file a preelection campaign  
24 statement and a postelection campaign statement for each election  
25 in which the candidate seeks nomination or election, except if an  
26 individual becomes a candidate after the closing date for the  
27 preelection campaign statement only the postelection campaign



1 statement is required for that election.

2 (b) A committee ~~other than a candidate committee~~ shall file  
3 a campaign statement for each period during which expenditures  
4 are made for the purpose of influencing the nomination or  
5 election of a candidate or for the qualification, passage, or  
6 defeat of a ballot question.

7 (3) An independent committee or a political committee other  
8 than a house political party caucus committee or senate political  
9 party caucus committee required to file with the secretary of  
10 state shall file campaign statements as required by this act **IN**  
11 **AN EVEN NUMBERED YEAR** according to the following schedule:

12 ~~—— (a) In an odd numbered year:~~

13 ~~—— (i) Not later than January 31 of that year with a closing~~  
14 ~~date of December 31 of the previous year.~~

15 ~~—— (ii) Not later than July 25 with a closing date of July 20.~~

16 ~~—— (iii) Not later than October 25 with a closing date of October~~  
17 ~~20.~~

18 ~~—— (b) In an even numbered year:~~

19 (A) ~~(i)~~ Not later than April 25 of that year with a closing  
20 date of April 20 of that year.

21 (B) ~~(ii)~~ Not later than July 25 with a closing date of July  
22 20.

23 (C) ~~(iii)~~ Not later than October 25 with a closing date of  
24 October 20.

25 (4) A house political party caucus committee or a senate  
26 political party caucus committee required to file with the  
27 secretary of state shall file campaign statements as required by

1 this act according to the following schedule:

2 (a) Not later than January 31 of each **EVEN NUMBERED** year  
3 with a closing date of December 31 of the immediately preceding  
4 year.

5 (b) Not later than April 25 of each **EVEN NUMBERED** year with  
6 a closing date of April 20 of that year.

7 (c) Not later than July 25 of each **EVEN NUMBERED** year with a  
8 closing date of July 20 of that year.

9 (d) Not later than October 25 of each **EVEN NUMBERED** year  
10 with a closing date of October 20 of that year.

11 (e) For the period beginning on the fourteenth day  
12 immediately preceding a primary or special primary election and  
13 ending on the day immediately following the primary or special  
14 primary election, not later than 4 p.m. each business day with a  
15 closing date of the immediately preceding day, only for a  
16 contribution received or expenditure made that exceeds \$1,000.00  
17 per day.

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

24 (5) Notwithstanding subsection (3) or (4) or section 51, if  
25 an independent expenditure is made within 45 days before a  
26 special election by an independent committee or a political  
27 committee required to file a campaign statement with the

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

16 (6) A candidate committee or a committee other than a  
17 candidate committee that files a written statement under section  
18 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign  
19 statement under subsection (1), (3), or (4) unless it received or  
20 expended an amount in excess of \$1,000.00. If the committee  
21 receives or expends an amount in excess of \$1,000.00 during a  
22 period covered by a filing, the committee is then subject to the  
23 campaign filing requirements under this act.

24 (7) A committee, candidate, treasurer, or other individual  
25 designated as responsible for the committee's record keeping,  
26 report preparation, or report filing who fails to file a  
27 statement as required by this section shall pay a late filing

1 fee. If the committee has raised \$10,000.00 or less during the  
2 previous 2 years, the late filing fee shall be \$25.00 for each  
3 business day the statement remains unfiled, but not to exceed  
4 \$500.00. If the committee has raised more than \$10,000.00 during  
5 the previous 2 years, the late filing fee shall not exceed  
6 \$1,000.00, determined as follows:

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

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

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

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

21 (9) If a candidate is found guilty of a violation of this  
22 section, the circuit court for that county, on application by the  
23 attorney general or the prosecuting attorney of that county, may  
24 prohibit that candidate from assuming the duties of a public  
25 office or from receiving compensation from public funds, or both.

26 (10) If a treasurer or other individual designated as  
27 responsible for a committee's record keeping, report preparation,

1 or report filing knowingly files an incomplete or inaccurate  
2 statement or report required by this section, that treasurer or  
3 other designated individual is subject to a civil fine of not  
4 more than \$1,000.00.

5 Sec. 35. (1) In addition to any other requirements of this  
6 act for filing a campaign statement, a committee, other than an  
7 independent committee or a political committee required to file  
8 with the secretary of state, shall also file ~~a~~**EACH OF THE**  
9 **FOLLOWING CAMPAIGN STATEMENTS:**

10 (A) A campaign statement not later than January 31 of each  
11 **EVEN NUMBERED** year. The campaign statement shall have a closing  
12 date of December 31 of the previous year. The period covered by  
13 the campaign statement filed pursuant to this subsection begins  
14 the day after the closing date of the previous campaign  
15 statement. A campaign statement filed pursuant to this subsection  
16 shall be waived if a postelection campaign statement has been  
17 filed that has a filing deadline within 30 days of the closing  
18 date of the campaign statement required by this subsection.

19 (B) **IN EACH EVEN NUMBERED YEAR, A CAMPAIGN STATEMENT NOT**  
20 **LATER THAN APRIL 30 WITH A CLOSING DATE OF MARCH 31.**

21 (2) **IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ACT FOR**  
22 **FILING A CAMPAIGN STATEMENT, A COMMITTEE SHALL ALSO FILE CAMPAIGN**  
23 **STATEMENTS NOT LATER THAN THE FOLLOWING DATES IN ODD NUMBERED**  
24 **YEARS:**

25 (A) **JANUARY 31 WITH A CLOSING DATE OF DECEMBER 31 OF THE**  
26 **PREVIOUS YEAR.**

27 (B) **APRIL 30 WITH A CLOSING DATE OF MARCH 31.**

1 (C) JULY 31 WITH A CLOSING DATE OF JUNE 30.

2 (D) OCTOBER 31 WITH A CLOSING DATE OF SEPTEMBER 30.

3 (3) ~~(2)~~—Subsection (1) OR (2) does not apply to a candidate  
4 committee for an officeholder who is a judge or a supreme court  
5 justice, or who holds an elective office for which the salary is  
6 less than \$100.00 a month and who does not receive ~~any~~**A**  
7 contribution or make ~~any~~**AN** expenditure during the time that  
8 would be otherwise covered in the statement.

9 (4) ~~(3)~~—A committee, candidate, treasurer, or other  
10 individual designated as responsible for the record keeping,  
11 report preparation, or report filing for a candidate committee of  
12 a candidate for state elective office or a judicial office who  
13 fails to file a campaign statement under this section shall be  
14 assessed a late filing fee. If the committee has raised  
15 \$10,000.00 or less during the previous 2 years, the late filing  
16 fee shall be \$25.00 for each business day the campaign statement  
17 remains unfiled, but not to exceed \$500.00. If the committee has  
18 raised more than \$10,000.00 during the previous 2 years, the late  
19 filing fee shall be \$50.00 for each business day the campaign  
20 statement remains unfiled, but not to exceed \$1,000.00. The late  
21 filing fee assessed under this subsection shall be paid by the  
22 candidate, and the candidate shall not use committee funds to pay  
23 that fee. A committee, treasurer, or other individual designated  
24 as responsible for the record keeping, report preparation, or  
25 report filing for a committee other than a candidate committee of  
26 a candidate for state elective office or a judicial office who  
27 fails to file a campaign statement under this section shall pay a

1 late filing fee of \$25.00 for each business day the campaign  
2 statement remains not filed in violation of this section. The  
3 late filing fee shall not exceed \$500.00.

4 (5) ~~(4)~~—A committee filing a written statement ~~pursuant to~~  
5 **UNDER** section 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a  
6 statement ~~in accordance with~~ **UNDER** subsection (1). If a committee  
7 receives or expends more than \$1,000.00 during a time period  
8 prescribed by section 24(5) or (6), the committee is then subject  
9 to the campaign filing requirements under this act and shall file  
10 a campaign statement for the period beginning the day after the  
11 closing date of the last postelection campaign statement or an  
12 annual campaign statement that is waived ~~pursuant to~~ **UNDER**  
13 subsection (1), whichever occurred earlier.

14 (6) ~~(5)~~—If a candidate, treasurer, or other individual  
15 designated as responsible for the record keeping, report  
16 preparation, or report filing fails to file 2 statements required  
17 by this section or section 33 and both of the statements remain  
18 unfiled for more than 30 days, that candidate, treasurer, or  
19 other designated individual is guilty of a misdemeanor,  
20 punishable by a fine of not more than \$1,000.00, or imprisonment  
21 for not more than 90 days, or both.

22 (7) ~~(6)~~—If a treasurer or other individual designated as  
23 responsible for the record keeping, report preparation, or report  
24 filing for a committee required to file a campaign statement  
25 under subsection (1) knowingly files an incomplete or inaccurate  
26 statement or report required by this section, that treasurer or  
27 other designated individual is subject to a civil fine of not

1 more than \$1,000.00.

2       Sec. 41. (1) A person shall not make or accept a single  
3 contribution of more than \$20.00 in cash or make or accept a  
4 single expenditure of more than \$50.00 in cash. Contributions of  
5 more than \$20.00 and expenditures of more than \$50.00, other than  
6 an in-kind contribution or expenditure, shall be made by written  
7 instrument containing the names of the payor and the payee.

8       (2) A person shall not accept or expend an anonymous  
9 contribution. An anonymous contribution received by a person  
10 shall not be deposited but shall be given to a tax exempt  
11 charitable organization. The charitable organization receiving  
12 the contribution shall provide the person with a receipt. The  
13 receipt shall be retained by an appropriate committee pursuant to  
14 section 22.

15       **(3) A CONTRIBUTION RECEIVED AS THE RESULT OF A FUND-RAISING**  
16 **EVENT OR CASUAL SERVICES OR FROM THE SALE OF POLITICAL**  
17 **MERCHANDISE THAT IS \$20.00 OR LESS IN THE AGGREGATE FROM A PERSON**  
18 **IN ANY CALENDAR YEAR IS NOT CONSIDERED AN ANONYMOUS CONTRIBUTION.**  
19 **A CONTRIBUTION RECEIVED FROM MEMBERSHIP FEES, DUES, OR**  
20 **SUBSCRIPTIONS FOR POLITICAL PURPOSES TO AN INDEPENDENT COMMITTEE**  
21 **OR A POLITICAL PARTY COMMITTEE THAT IS \$20.00 OR LESS IN THE**  
22 **AGGREGATE FROM A PERSON IN ANY CALENDAR YEAR IS NOT CONSIDERED AN**  
23 **ANONYMOUS CONTRIBUTION.**

24       **(4) A PERSON MAKING A CONTRIBUTION PURSUANT TO SUBSECTION**  
25 **(3) THAT IS MORE THAN \$20.00 IN ANY CALENDAR YEAR WHEN ADDED TO**  
26 **ALL OTHER CONTRIBUTIONS MADE TO THAT COMMITTEE BY THAT PERSON**  
27 **SHALL FURNISH THE RECIPIENT WITH THE DONOR'S NAME, ADDRESS, AND**



1 **THE TOTAL AMOUNT CONTRIBUTED.**

2 (5) ~~(3)~~—A contribution shall not be made, directly or  
3 indirectly, by any person in a name other than the name by which  
4 that person is identified for legal purposes.

5 (6) ~~(4)~~—A person who knowingly violates this section is  
6 guilty of a misdemeanor punishable, if the person is an  
7 individual, by a fine of not more than \$1,000.00 or imprisonment  
8 for not more than 90 days, or both, or, if the person is other  
9 than an individual, by a fine of not more than \$10,000.00.

10 Sec. 42. (1) A person who accepts a contribution, other than  
11 by written instrument, on behalf of another and acts as the  
12 intermediary or agent of the person from whom the contribution  
13 was accepted shall disclose to the recipient of the contribution  
14 the intermediary's own name and address and the name and address  
15 of the actual source of the contribution.

16 (2) A contribution **OF MORE THAN \$20.00** from a person whose  
17 treasurer does not reside in, whose principal office is not  
18 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state ~~7~~  
19 shall not be accepted by a person for purposes of supporting or  
20 opposing candidates for elective office or the qualification,  
21 passage, or defeat of a ballot question unless accompanied by a  
22 statement certified as true and correct by an officer of the  
23 contributing person setting forth the full name and address along  
24 with the amount contributed, of each person who contributed **MORE**  
25 **THAN \$20.00** to the total amount of the contribution. The  
26 occupation, employer, and principal place of business shall be  
27 listed for each person who contributed more than \$100.00 to the

1 total amount of the contribution. The certified statement shall  
2 also state that the contribution was not made from an account  
3 containing ~~funds~~**MONEY** prohibited by section 54. This subsection  
4 does not apply if the contributing person is registered as a  
5 committee under section 24.

6 (3) A person shall not receive a contribution from a person  
7 other than a committee unless, for purposes of the recipient  
8 person's record keeping and reporting requirements, the  
9 contribution is accompanied by the name and address of each  
10 person who contributed **MORE THAN \$20.00** to the total amount of  
11 the contribution and the name, address, occupation, employer, and  
12 principal place of business of each person who contributed more  
13 than \$100.00 to the total amount of the contribution.

14 (4) A contribution from a person whose treasurer does not  
15 reside in, whose principal office is not located in, or whose  
16 money is not kept in this state shall not be accepted by a person  
17 for purposes of supporting or opposing candidates for elective  
18 office if the contributing person has received contributions on  
19 an automatic basis, including, but not limited to, a payroll  
20 deduction plan, unless the contribution is accompanied by a  
21 statement, certified as true and correct by an officer of the  
22 contributing person, setting forth that all contributions  
23 received on an automatic basis are in full compliance with  
24 section 55.

25 (5) A person who knowingly violates this section is guilty  
26 of a misdemeanor punishable, if the person is an individual, by a  
27 fine of not more than \$1,000.00 or imprisonment for not more than

1 90 days, or both, or, if the person is other than an individual,  
2 by a fine of not more than \$10,000.00.

3       **SEC. 43A. (1) A CANDIDATE COMMITTEE SHALL NOT PAY THE**  
4 **CANDIDATE, AND A CANDIDATE SHALL NOT RECEIVE FROM HIS OR HER**  
5 **CANDIDATE COMMITTEE, WAGES, A SALARY, OR OTHER EMPLOYMENT**  
6 **COMPENSATION.**

7       **(2) AN INDIVIDUAL WHO KNOWINGLY VIOLATES THIS SECTION IS**  
8 **GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE**  
9 **THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. A**  
10 **COMMITTEE THAT VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT**  
11 **MORE THAN \$10,000.00.**

12       Sec. 47. (1) Except as otherwise provided in this subsection  
13 and subject to subsections (3) and (4), a billboard, placard,  
14 poster, pamphlet, or other printed matter having reference to an  
15 election, a candidate, or a ballot question, shall bear upon it  
16 the name and address of the person paying for the matter. Except  
17 as otherwise provided in this subsection and subject to  
18 subsections (3) and (4), if the printed matter relating to a  
19 candidate is an independent expenditure that is not authorized in  
20 writing by the candidate committee of that candidate, the printed  
21 matter shall contain the following disclaimer: "Not authorized by  
22 any candidate committee". An individual other than a candidate is  
23 not subject to this subsection if the individual is acting  
24 independently and not acting as an agent for a candidate or any  
25 committee.

26       (2) A radio or television paid advertisement having  
27 reference to an election, a candidate, or a ballot question shall

1 identify the sponsoring person as required by the federal  
2 communications commission, shall bear the name of the person  
3 paying for the advertisement, and shall be in compliance with  
4 subsection (3) and with the following:

5 (a) If the radio or television paid advertisement relates to  
6 a candidate and is an independent expenditure, the advertisement  
7 shall contain the following disclaimer: "Not authorized by any  
8 candidate".

9 (b) If the radio or television paid advertisement relates to  
10 a candidate and is not an independent expenditure but is paid for  
11 by a person other than the candidate to which it is related, the  
12 advertisement shall contain the following disclaimer:

13 ~~"Authorized by .....~~  
14 ~~(name of candidate or name of candidate committee)~~

15 "I AM \_\_\_\_\_ AND I APPROVE THIS MESSAGE."  
16 (NAME OF CANDIDATE)

17 (3) The size and placement of an identification or  
18 disclaimer required by this section shall be determined by rules  
19 promulgated by the secretary of state. The rules may exempt  
20 printed matter and certain other items such as campaign buttons  
21 or balloons, the size of which makes it unreasonable to add an  
22 identification or disclaimer, from the identification or  
23 disclaimer required by this section.

24 (4) Except for a candidate committee's printed matter or  
25 radio or television paid advertisements, each identification or  
26 disclaimer required by this section shall also indicate that the  
27 printed matter or radio or television paid advertisement is paid

1 for "with regulated funds". Printed matter or a radio or  
 2 television paid advertisement that is not subject to this act  
 3 shall not bear the statement required by this subsection.

4 (5) A person who knowingly violates this section is guilty  
 5 of a misdemeanor punishable by a fine of not more than \$1,000.00,  
 6 or imprisonment for not more than 93 days, or both.

7 SEC. 48. (1) A COMMUNICATION RELATING TO A CANDIDATE THAT IS  
 8 DESIGNED TO CONTACT ELECTORS THROUGH TELEPHONIC, ELECTRONIC MAIL,  
 9 OR OTHER ELECTRONIC MEANS AND TO WHICH SECTION 47 DOES NOT APPLY  
 10 SHALL CLEARLY STATE THE NAME OF THE PERSON PAYING FOR THE  
 11 COMMUNICATION.

12 (2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1) RELATES  
 13 TO A CANDIDATE AND IS AN INDEPENDENT EXPENDITURE NOT AUTHORIZED  
 14 IN WRITING BY THAT CANDIDATE'S CANDIDATE COMMITTEE, THE  
 15 COMMUNICATION SHALL ALSO CLEARLY STATE THE FOLLOWING DISCLAIMER:  
 16 "NOT AUTHORIZED BY ANY CANDIDATE COMMITTEE". IF THE COMMUNICATION  
 17 DESCRIBED IN SUBSECTION (1) RELATES TO A CANDIDATE AND IS NOT AN  
 18 INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A PERSON OTHER THAN  
 19 THE CANDIDATE TO WHOM IT IS RELATED, THE COMMUNICATION SHALL ALSO  
 20 CLEARLY STATE THE FOLLOWING DISCLAIMER:

21 "AUTHORIZED BY \_\_\_\_\_".  
 22 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

23 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)  
 24 SHALL STATE THE NAME OF THE PERSON PAYING FOR THE COMMUNICATION  
 25 AND ANY DISCLAIMERS REQUIRED UNDER SUBSECTION (2) AT THE  
 26 BEGINNING OF THE TELEPHONIC COMMUNICATION. A TELEPHONIC

1 COMMUNICATION DESCRIBED IN SUBSECTION (1) SHALL NOT TAKE PLACE  
2 BETWEEN THE HOURS OF 9 P.M. AND 9 A.M.

3 (4) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE  
4 SECRETARY OF STATE SHALL PROMULGATE RULES REGULATING THE SIZE AND  
5 PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS  
6 SECTION.

7 (5) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY  
8 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90  
9 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

10 Sec. 52. (1) Except as provided in subsection (5) or (11)  
11 and subject to subsection (8), a person other than an independent  
12 committee or a political party committee shall not make  
13 contributions to a candidate committee of a candidate for  
14 elective office that, with respect to an election cycle, are more  
15 than the following:

16 (a) \$3,400.00 for a candidate for state elective office  
17 other than the office of state legislator, or for a candidate for  
18 local elective office if the district from which he or she is  
19 seeking office has a population of more than 250,000.

20 (b) \$1,000.00 for a candidate for state senator, or for a  
21 candidate for local elective office if the district from which he  
22 or she is seeking office has a population of more than 85,000 but  
23 250,000 or less.

24 (c) \$500.00 for a candidate for state representative, or for  
25 a candidate for local elective office if the district from which  
26 he or she is seeking office has a population of 85,000 or less.

27 (2) Except as otherwise provided in this subsection and

1 subsection (12), an independent committee shall not make  
2 contributions to a candidate committee of a candidate for  
3 elective office that, in the aggregate for that election cycle,  
4 are more than 10 times the amount permitted a person other than  
5 an independent committee or political party committee in  
6 subsection (1). A house political party caucus committee or a  
7 senate political party caucus committee is not limited under this  
8 subsection in the amount of contributions made to the candidate  
9 committee of a candidate for the office of state legislator,  
10 except as follows:

11 (a) A house political party caucus committee or a senate  
12 political party caucus committee shall not pay a debt incurred by  
13 a candidate if that debt was incurred while the candidate was  
14 seeking nomination at a primary election and the candidate was  
15 opposed at that primary.

16 (b) A house political party caucus committee or a senate  
17 political party caucus committee shall not make a contribution to  
18 or make an expenditure on behalf of a candidate if that candidate  
19 is seeking nomination at a primary election and the candidate is  
20 opposed at that primary.

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

26 (4) A state central committee of a political party shall not  
27 make contributions to the candidate committee of a candidate for

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

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

13 (6) Consistent with the provisions of this section, a  
14 contribution designated in writing for a particular election  
15 cycle is considered made for that election cycle. A contribution  
16 made after the close of a particular election cycle and  
17 designated in writing for that election cycle shall be made only  
18 to the extent that the contribution does not exceed the candidate  
19 committee's net outstanding debts and obligations from the  
20 election cycle so designated. If a contribution is not designated  
21 in writing for a particular election cycle, the contribution is  
22 considered made for the election cycle that corresponds to the  
23 date of the written instrument.

24 (7) A candidate committee, a candidate, or a treasurer or  
25 agent of a candidate committee shall not accept a contribution  
26 with respect to an election cycle that exceeds the limitations in  
27 subsection (1), (2), (3), (4), (11), or (12).



1           (8) The contribution limits in subsection (1) for a  
2 candidate for local elective office are effective on the  
3 effective date of the amendatory act that provides for those  
4 contribution limits, however, only contributions received by that  
5 candidate on and after that date shall be used to determine if  
6 the contribution limit has been reached.

7           (9) A person who knowingly violates this section is guilty  
8 of a misdemeanor punishable, if the person is an individual, by a  
9 fine of not more than \$1,000.00 or imprisonment for not more than  
10 90 days, or both, or, if the person is not an individual, by a  
11 fine of not more than \$10,000.00.

12           (10) For purposes of the limitations provided in subsections  
13 (1) and (2), all contributions made by political committees or  
14 independent committees established by any corporation, joint  
15 stock company, **OR** domestic dependent sovereign, ~~or labor~~  
16 ~~organization~~, including any parent, subsidiary, branch, division,  
17 department, or local unit thereof, shall be considered to have  
18 been made by a single independent committee. By way of  
19 illustration and not limitation, ~~all~~ **BOTH** of the following apply  
20 as a result of the application of this requirement:

21           (a) All of the political committees and independent  
22 committees established by a for profit corporation or joint stock  
23 company, by a subsidiary of the for profit corporation or joint  
24 stock company, or by any combination thereof, are treated as a  
25 single independent committee.

26 ~~—— (b) All of the political committees and independent~~  
27 ~~committees established by a single national or international~~

1 ~~labor organization, by a labor organization of that national or~~  
2 ~~international labor organization, by a local labor organization~~  
3 ~~of that national or international labor organization, or by any~~  
4 ~~other subordinate organization of that national or international~~  
5 ~~labor organization, or by any combination thereof, are treated as~~  
6 ~~a single independent committee.~~

7 ~~—— (c) All of the political committees and independent~~  
8 ~~committees established by an organization of national or~~  
9 ~~international unions, by a state central body of that~~  
10 ~~organization, by a local central body of that organization, or by~~  
11 ~~any combination thereof, are treated as a single independent~~  
12 ~~committee.~~

13 ~~(B) (d)~~ All of the political committees and independent  
14 committees established by a nonprofit corporation, by a related  
15 state entity of that nonprofit corporation, by a related local  
16 entity of that nonprofit corporation, or by any combination  
17 thereof, are treated as a single independent committee.

18 (11) The limitation on a political committee's contributions  
19 under subsection (1) does not apply to contributions that are  
20 part of 1 or more bundled contributions delivered to the  
21 candidate committee of a candidate for statewide elective office  
22 and that are attributed to the political committee as prescribed  
23 in section 31. A political committee shall not make contributions  
24 to a candidate committee of a candidate for statewide elective  
25 office that are part of 1 or more bundled contributions delivered  
26 to that candidate committee, that are attributed to the political  
27 committee as prescribed in section 31, and that, in the aggregate

1 for that election cycle, are more than the amount permitted a  
2 person other than an independent committee or political party  
3 committee in subsection (1).

4 (12) The limitation on an independent committee's  
5 contributions under subsection (2) does not apply to  
6 contributions that are part of 1 or more bundled contributions  
7 delivered to the candidate committee of a candidate for statewide  
8 elective office and that are attributed to the independent  
9 committee as prescribed in section 31. An independent committee  
10 shall not make contributions to a candidate committee of a  
11 candidate for statewide elective office that are part of 1 or  
12 more bundled contributions delivered to that candidate committee,  
13 that are attributed to the independent committee as prescribed in  
14 section 31, and that, in the aggregate for that election cycle,  
15 are more than 10 times the amount permitted a person other than  
16 an independent committee or political party committee in  
17 subsection (1).

18 Sec. 55. (1) A corporation organized on a for profit or  
19 nonprofit basis, a joint stock company, a domestic dependent  
20 sovereign, or a labor organization formed under the laws of this  
21 or another state or foreign country may make an expenditure for  
22 the establishment and administration and solicitation of  
23 contributions to a separate segregated fund to be used for  
24 political purposes. A separate segregated fund established under  
25 this section shall be limited to making contributions to, and  
26 expenditures on behalf of, candidate committees, ballot question  
27 committees, political party committees, political committees, and

1 independent committees.

2 (2) Contributions for a separate segregated fund established  
3 by a corporation, organized on a for profit basis, or a joint  
4 stock company under this section may be solicited from any of the  
5 following persons or their spouses:

6 (a) Stockholders of the corporation or company.

7 (b) Officers and directors of the corporation or company.

8 (c) Employees of the corporation or company who have policy  
9 making, managerial, professional, supervisory, or administrative  
10 nonclerical responsibilities.

11 (3) Contributions for a separate segregated fund established  
12 under this section by a corporation organized on a nonprofit  
13 basis may be solicited from any of the following persons or their  
14 spouses:

15 (a) Members of the corporation who are individuals.

16 (b) Stockholders of members of the corporation.

17 (c) Officers or directors of members of the corporation.

18 (d) Employees of the members of the corporation who have  
19 policy making, managerial, professional, supervisory, or  
20 administrative nonclerical responsibilities.

21 (e) Employees of the corporation who have policy making,  
22 managerial, professional, supervisory, or administrative  
23 nonclerical responsibilities.

24 (4) Contributions for a separate segregated fund established  
25 under this section by a labor organization may be solicited from  
26 any of the following persons or their spouses:

27 (a) Members of the labor organization who are individuals.

1 (b) Officers or directors of the labor organization.

2 (c) Employees of the labor organization who have policy  
3 making, managerial, professional, supervisory, or administrative  
4 nonclerical responsibilities.

5 (5) Contributions for a separate segregated fund established  
6 under this section by a domestic dependent sovereign may be  
7 solicited from an individual who is a member of any domestic  
8 dependent sovereign.

9 (6) Contributions shall not be obtained for a separate  
10 segregated fund established under this section by use of coercion  
11 or physical force, by making a contribution a condition of  
12 employment or membership, or by using or threatening to use job  
13 discrimination or financial reprisals. A corporation organized on  
14 a for profit or nonprofit basis, a joint stock company, a  
15 domestic dependent sovereign, or a labor organization shall not  
16 solicit or obtain contributions for a separate segregated fund  
17 established under this section from an individual described in  
18 subsection (2), (3), (4), or (5) on an automatic or **A** passive  
19 basis including but not limited to a payroll deduction plan or  
20 reverse checkoff method. A corporation organized on a for profit  
21 or nonprofit basis, a joint stock company, a domestic dependent  
22 sovereign, or a labor organization may solicit or obtain  
23 contributions for a separate segregated fund established under  
24 this section from an individual described in subsection (2), (3),  
25 (4), or (5) on an automatic basis, including but not limited to a  
26 payroll deduction plan, only if the individual who is  
27 contributing to the fund affirmatively consents to the

1 contribution. ~~at least once in every calendar year.~~

2 (7) A person who knowingly violates this section is guilty  
3 of a felony punishable, if the person is an individual, by a fine  
4 of not more than \$5,000.00 or imprisonment for not more than 3  
5 years, or both, or, if the person is not an individual, by a fine  
6 of not more than \$10,000.00.

7 (8) If a corporation, joint stock company, domestic  
8 dependent sovereign, or labor organization that obtains  
9 contributions for a separate segregated fund from individuals  
10 described in subsection (2), (3), (4), or (5) pays to 1 or more  
11 of those individuals a bonus or other remuneration for the  
12 purpose of reimbursing those contributions, then that  
13 corporation, joint stock company, domestic dependent sovereign,  
14 or labor organization is subject to a civil fine equal to 2 times  
15 the total contributions obtained from all individuals for the  
16 separate segregated fund during that calendar year.

17 Sec. 57. (1) A public body or an individual acting for a  
18 public body shall not use or authorize the use of funds,  
19 personnel, office space, computer hardware or software, property,  
20 stationery, postage, vehicles, equipment, supplies, or other  
21 public resources to make a contribution or expenditure or provide  
22 volunteer personal services that are excluded from the definition  
23 of contribution under section 4(3)(a). This subsection does not  
24 apply to any of the following:

25 (a) The expression of views by an elected or appointed  
26 public official who has policy making responsibilities.

27 (b) The production or dissemination of factual information

1 concerning issues relevant to the function of the public body.

2 (c) The production or dissemination of debates, interviews,  
3 commentary, or information by a broadcasting station, newspaper,  
4 magazine, or other periodical or publication in the regular  
5 course of broadcasting or publication.

6 (d) The use of a public facility owned or leased by, or on  
7 behalf of, a public body if any candidate or committee has an  
8 equal opportunity to use the public facility.

9 (e) The use of a public facility owned or leased by, or on  
10 behalf of, a public body if that facility is primarily used as a  
11 family dwelling and is not used to conduct a fund-raising event.

12 (f) An elected or appointed public official or an employee  
13 of a public body who, when not acting for a public body but is on  
14 his or her own personal time, is expressing his or her own  
15 personal views, is expending his or her own personal funds, or is  
16 providing his or her own personal volunteer services.

17 **(G) THE USE OF PUBLIC RESOURCES TO PERMIT A PUBLIC EMPLOYEE,**  
18 **INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF PUBLIC UNIVERSITIES,**  
19 **TO CONTRIBUTE TO A POLITICAL ACTION COMMITTEE OF THE EMPLOYEE'S**  
20 **COLLECTIVE BARGAINING REPRESENTATIVE BY PAYROLL DEDUCTION.**

21 (2) A person who knowingly violates this section is guilty  
22 of a misdemeanor punishable, if the person is an individual, by a  
23 fine of not more than \$1,000.00 or imprisonment for not more than  
24 1 year, or both, or if the person is not an individual, by 1 of  
25 the following, whichever is greater:

26 (a) A fine of not more than \$20,000.00.

27 (b) A fine equal to the amount of the improper contribution

1 or expenditure.