

**SUBSTITUTE FOR
SENATE BILL NO. 788**

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 3, 11, 12, 21, 24, 45, and 52 (MCL 169.203,
169.211, 169.212, 169.221, 169.224, 169.245, and 169.252), sections
3 and 11 as amended by 2017 PA 119, sections 12, 21, and 24 as
amended by 2019 PA 93, section 45 as amended by 1996 PA 590, and
section 52 as amended by 2015 PA 269, and by adding section 21b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) "Candidate" means an individual who meets 1 or
2 more of the following criteria:
3 (a) Files a fee, an affidavit of incumbency, or a nominating
4 petition for an elective office.
5 (b) Is nominated as a candidate for elective office by a



1 political party caucus or convention and whose nomination is
2 certified to the appropriate filing official.

3 (c) Receives a contribution, makes an expenditure, or gives
4 consent for another person to receive a contribution or make an
5 expenditure with a view to bringing about the individual's
6 nomination or election to an elective office, whether or not the
7 specific elective office for which the individual will seek
8 nomination or election is known at the time the contribution is
9 received or the expenditure is made.

10 (d) Is ~~an officeholder who is the subject of a recall~~
11 ~~vote.~~ **candidate.**

12 (e) Holds an elective office, unless the officeholder is
13 constitutionally or legally barred from seeking reelection or fails
14 to file for reelection to that office by the applicable filing
15 deadline. An individual described in this subdivision is considered
16 to be a candidate for reelection to that same office for the
17 purposes of this act only.

18 For purposes of sections 61 to 71, "candidate" only means, in
19 a primary election, a candidate for the office of governor and, in
20 a general election, a candidate for the office of governor or
21 lieutenant governor. However, the candidates for the office of
22 governor and lieutenant governor of the same political party in a
23 general election are considered as 1 candidate.

24 (2) "Candidate committee" means the committee designated in a
25 candidate's filed statement of organization as that individual's
26 candidate committee. A candidate committee must be under the
27 control and direction of the candidate named in the same statement
28 of organization. Notwithstanding subsection (4), an individual,
29 **except for a recall candidate**, shall form a candidate committee



1 under section 21 if the individual becomes a candidate under
2 subsection (1).

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

5 (4) "Committee" means a person that receives contributions or
6 makes expenditures for the purpose of influencing or attempting to
7 influence the action of the voters for or against the nomination or
8 election of a candidate, the qualification, passage, or defeat of a
9 ballot question, or the qualification of a new political party, if
10 contributions received total \$500.00 or more in a calendar year or
11 expenditures made total \$500.00 or more in a calendar year. Except
12 as restricted or prohibited by this act or other state or federal
13 law, a committee may also make other lawful disbursements. An
14 individual, other than a candidate, does not constitute a
15 committee. A person, other than a committee registered under this
16 act, making an expenditure to a ballot question committee or an
17 independent expenditure committee, ~~shall~~**is** not, for that reason,
18 ~~be~~ considered a committee or ~~be~~ required to file a report for the
19 purposes of this act unless the person solicits or receives
20 contributions for the purpose of making an expenditure to that
21 ballot question committee or independent expenditure committee.

22 Sec. 11. (1) "Payroll deduction plan" means any system in
23 which an employer deducts any amount of money from the wages,
24 earnings, or compensation of an employee.

25 (2) "Person" means a business, individual, proprietorship,
26 limited liability company, firm, partnership, joint venture,
27 syndicate, business trust, labor organization, company,
28 corporation, association, committee, or any other organization or
29 group of persons acting jointly.



1 (3) "Political committee" means a committee that is not a
2 candidate committee, **recall committee**, political party committee,
3 house or senate political party caucus committee, independent
4 committee, independent expenditure committee, or ballot question
5 committee.

6 (4) "Political merchandise" means goods such as bumper
7 stickers, pins, hats, beverages, literature, or other items sold by
8 a person at a fund raiser or to the general public for publicity or
9 for the purpose of raising funds to be used in supporting or
10 opposing a candidate for nomination for or election to an elective
11 office, in supporting or opposing the qualification, passage, or
12 defeat of a ballot question, or in supporting or opposing the
13 qualification of a new political party.

14 (5) "Political party" means a political party that has a right
15 under law to have the names of its candidates listed on the ballot
16 in a general election.

17 (6) "Political party committee" means a state central,
18 district, or county committee of a political party or a party
19 attempting to qualify as a new political party under section 685 of
20 the Michigan election law, 1954 PA 116, MCL 168.685, that is a
21 committee. Each state central committee shall designate the
22 official party county and district committees. There must not be
23 more than 1 officially designated political party committee per
24 county and per congressional district.

25 (7) "Public body" means 1 or more of the following:

26 (a) A state agency, department, division, bureau, board,
27 commission, council, authority, or other body in the executive
28 branch of state government.

29 (b) The legislature or an agency, board, commission, or



1 council in the legislative branch of state government.

2 (c) A county, city, township, village, intercounty, intercity,
3 or regional governing body; a council, school district, special
4 district, or municipal corporation; or a board, department,
5 commission, or council or an agency of a board, department,
6 commission, or council.

7 (d) Any other body that is created by state or local authority
8 or is primarily funded by or through state or local authority, if
9 the body exercises governmental or proprietary authority or
10 performs a governmental or proprietary function.

11 Sec. 12. (1) "Qualifying contribution" means a contribution of
12 money made by a written instrument, credit card, or debit card by
13 an individual to the candidate committee of a candidate for the
14 office of governor that is \$100.00 or less and made after April 1
15 of the year preceding a year in which a governor is to be elected.
16 Not more than \$100.00 of an individual's total aggregate
17 contribution may be used as a qualifying contribution in a calendar
18 year. Qualifying contribution does not include a subscription,
19 loan, advance, deposit of money, in-kind contribution or
20 expenditure, or anything else of value except as prescribed in this
21 act. Qualifying contribution does not include a contribution by an
22 individual who resides outside of this state. For purposes of this
23 subsection, an individual is considered to reside in this state if
24 he or she is considered a resident of this state under the Michigan
25 election law, 1954 PA 116, MCL 168.1 to 168.992.

26 (2) "Recall candidate" means an officeholder for whom a recall
27 petition has been submitted to the board of state canvassers or the
28 board of county election commissioners under section 951a or 952 of
29 the Michigan election law, 1954 PA 116, MCL 168.951a and 168.952.



1 (3) "Recall committee" means the committee designated in a
2 recall candidate's filed statement of organization as that
3 individual's recall committee.

4 (4) ~~(2)~~—"Senate political party caucus committee" means an
5 independent committee established by a political party caucus of
6 the state senate under section 24a.

7 (5) ~~(3)~~—"State elective office" means a statewide elective
8 office or the office of state legislator.

9 (6) ~~(4)~~—"Statewide elective office" means the office of
10 governor, lieutenant governor, secretary of state, or attorney
11 general, justice of the supreme court, member of the state board of
12 education, regent of the University of Michigan, member of the
13 board of trustees of Michigan State University, or member of the
14 board of governors of Wayne State University.

15 Sec. 21. (1) A candidate, **except for a recall candidate**,
16 within 10 days after becoming a candidate, shall form a candidate
17 committee. An individual who is a candidate for more than 1 office
18 shall form a candidate committee for each office for which the
19 individual is a candidate, if at least 1 of the offices is a state
20 elective office. A candidate shall not form more than 1 candidate
21 committee for each office for which the individual is a candidate.

22 (2) A candidate committee must have a treasurer who is a
23 qualified elector of this state. A candidate may appoint himself or
24 herself as the candidate committee treasurer.

25 (3) A committee other than a candidate committee **or a recall**
26 **committee** must have a treasurer who is a qualified elector of this
27 state if the committee conducts business through an office or other
28 facility located in this state.

29 (4) If a committee is not required to have as its treasurer an



1 individual who is a qualified elector of this state, the committee
2 may have as its treasurer an individual who is a resident of
3 another state. A committee with a nonresident treasurer shall file,
4 with its statement of organization, an irrevocable written
5 stipulation, signed by the treasurer, agreeing that legal process
6 affecting the committee, served on the secretary of state or an
7 agent designated by the secretary of state, has the same effect as
8 if personally served on the committee. This appointment remains in
9 force as long as any liability of the committee remains outstanding
10 within this state.

11 (5) If the secretary of state or designated agent of the
12 secretary of state is served with legal process under subsection
13 (4), the secretary of state shall promptly notify the committee's
14 treasurer by certified mail at the last known address of the
15 committee shown on the committee's statement of organization.

16 (6) Except as provided by law, a candidate committee or a
17 committee described in subsection (3) shall have 1 account in a
18 financial institution in this state as an official depository to
19 deposit all contributions received by the committee in the form of
20 or which are converted to money, checks, or other negotiable
21 instruments and to make all expenditures. The committee shall
22 designate that financial institution as its official depository.
23 The establishment of an account in a financial institution is not
24 required until the committee receives a contribution or makes an
25 expenditure. Candidate committees shall only use secondary
26 depositories to deposit contributions and promptly transfer the
27 deposits to the committee's official depository, or to deposit the
28 proceeds of a joint fund-raiser under section 44(4) and transfer
29 each committee's share of any receipts from the joint fund-raiser.



1 A committee described in subsection (3) shall only use secondary
2 depositories for any of the following:

3 (a) To deposit contributions and promptly transfer the
4 deposits to the committee's official depository.

5 (b) To deposit the proceeds of a joint fund-raiser under
6 section 44(4) and transfer each committee's share of any receipts
7 from the joint fund-raiser.

8 (c) To deposit, divide, and transfer contributions that are
9 aggregated with dues or other payments.

10 (7) Except as provided by law, a committee described in
11 subsection (4) shall have 1 account in a financial institution as
12 its official depository to deposit all contributions received by
13 the committee in the form of or which are converted to money,
14 checks, or other negotiable instruments and to make all
15 expenditures. The committee shall designate that financial
16 institution as its official depository. The establishment of an
17 account in a financial institution is not required until the
18 committee receives a contribution or makes an expenditure. A
19 committee described in subsection (4) shall only use secondary
20 depositories for any of the following:

21 (a) To deposit contributions and promptly transfer the
22 deposits to the committee's official depository.

23 (b) To deposit the proceeds of a joint fund-raiser under
24 section 44(4) and transfer each committee's share of any receipts
25 from the joint fund-raiser.

26 (c) To deposit, divide, and transfer contributions that are
27 aggregated with dues or other payments.

28 (8) A committee shall not accept a contribution or make an
29 expenditure if that committee does not have a treasurer. When the



1 office of treasurer in a candidate committee is vacant, the
2 candidate is the treasurer until the candidate appoints a new
3 treasurer.

4 (9) A committee shall not make an expenditure without the
5 authorization of the treasurer or the treasurer's designee. The
6 contributions received or expenditures made by a candidate or an
7 agent of a candidate are considered received or made by the
8 candidate committee.

9 (10) Contributions received by an individual acting in behalf
10 of a committee must be reported promptly to the committee's
11 treasurer not later than 5 days before the closing date of any
12 campaign statement required to be filed by the committee, and must
13 be reported to the committee treasurer immediately if the
14 contribution is received less than 5 days before the closing date.

15 (11) A contribution is considered received by a committee when
16 it is received by the committee treasurer or a designated agent of
17 the committee treasurer although the contribution may not be
18 deposited in the official depository by the reporting deadline.

19 (12) Contributions received by a committee must not be
20 commingled with other funds of an agent of the committee or of any
21 other person. Contributions are not considered to be commingled if
22 that contribution is either of the following:

23 (a) A contribution received by a person for transmission to a
24 separate segregated fund as described in section 55(7).

25 (b) A contribution made by 1 or more persons through a person
26 if all of the following are met:

27 (i) The individual contribution or aggregated contribution is
28 accompanied by or logically associated with all information
29 required under section 26 for each individual contributor.



1 (ii) The person making the contribution is the original source
2 of the contribution.

3 (iii) The contribution is not obtained through use of coercion
4 or physical force, as a condition of employment or membership, or
5 by using or threatening to use job discrimination or financial
6 reprisals.

7 (iv) Only the person making the contribution exercises any
8 control over the making of, or the amount or recipient of, the
9 contribution.

10 (v) The contribution is not otherwise prohibited by this act.

11 (13) A person that violates this section is subject to a civil
12 fine of not more than \$1,000.00.

13 **Sec. 21b. (1) A recall candidate, within 10 days after**
14 **becoming a recall candidate, shall form a recall committee. A**
15 **recall candidate shall not form more than 1 recall committee, even**
16 **if more than 1 recall petition is submitted to the board of state**
17 **canvassers or the board of county election commissioners under**
18 **section 951a or 952 of the Michigan election law, 1954 PA 116, MCL**
19 **168.951a and 168.952.**

20 (2) A recall committee must have a treasurer who is a
21 qualified elector of this state. A recall candidate may appoint
22 himself or herself as the recall committee treasurer.

23 (3) Except as provided by law, a recall committee shall have 1
24 account in a financial institution in this state as an official
25 depository to deposit all contributions received by the recall
26 committee in the form of or that are converted to money, checks, or
27 other negotiable instruments and to make all expenditures. The
28 recall committee shall designate that financial institution as its
29 official depository. The establishment of an account in a financial



1 institution is not required until the recall committee receives a
2 contribution or makes an expenditure.

3 (4) A recall committee shall not accept a contribution or make
4 an expenditure if that recall committee does not have a treasurer.
5 When the office of treasurer in a recall committee is vacant, the
6 recall candidate is the treasurer until the recall candidate
7 appoints a new treasurer.

8 (5) Subject to subsections (6) and (7), a recall committee
9 shall not make an expenditure or any disbursement or donation to a
10 person, except for an expenditure for administrative services for
11 the recall committee or to challenge a recall petition under
12 sections 951 to 961a of the Michigan election law, 1954 PA 116, MCL
13 168.951 to 168.961a, until the filing official with whom the recall
14 petition is filed makes an official declaration of the sufficiency
15 or insufficiency of the recall petition under section 963 of the
16 Michigan election law, 1954 PA 116, MCL 168.963.

17 (6) If a recall petition is determined to not be valid for
18 circulation under section 951a or 952 of the Michigan election law,
19 1954 PA 116, MCL 168.951a and 168.952, the recall committee shall
20 not, except as otherwise provided in this subsection, accept a
21 contribution or make an expenditure after that date of
22 determination. If another recall petition is not filed, or an
23 existing recall petition is not resubmitted, against the recall
24 candidate before the last day that a recall petition can be filed
25 against that recall candidate as provided under section 951 of the
26 Michigan election law, 1954 PA 116, MCL 168.951, the recall
27 committee shall terminate within 30 days after the last day that a
28 recall petition can be filed against that recall candidate. If
29 another recall petition is filed, or an existing recall petition is



1 resubmitted, against the recall candidate before the last day that
2 a recall petition can be filed against that recall candidate as
3 provided under section 951 of the Michigan election law, 1954 PA
4 116, MCL 168.951, the recall committee may accept contributions and
5 make expenditures as provided in this section.

6 (7) If the filing official with whom a recall petition is
7 filed makes an official declaration of the insufficiency of the
8 recall petition under section 963 of the Michigan election law,
9 1954 PA 116, MCL 168.963, the recall committee shall not, except as
10 otherwise provided in this subsection, accept a contribution or
11 make an expenditure after the date of that official declaration. If
12 another recall petition is not filed, or an existing recall
13 petition is not resubmitted, against the recall candidate before
14 the last day that a recall petition can be filed against that
15 recall candidate as provided under section 951 of the Michigan
16 election law, 1954 PA 116, MCL 168.951, the recall committee shall
17 terminate within 30 days after the last day that a recall petition
18 can be filed against that recall candidate. If another recall
19 petition is filed, or an existing recall petition is resubmitted,
20 against the recall candidate before the last day that a recall
21 petition can be filed against that recall candidate as provided
22 under section 951 of the Michigan election law, 1954 PA 116, MCL
23 168.951, the recall committee may accept contributions and make
24 expenditures as provided in this section.

25 (8) A recall committee shall not make an expenditure without
26 the authorization of the treasurer or the treasurer's designee. The
27 contributions received or expenditures made by a recall candidate
28 or an agent of a recall candidate are considered received or made
29 by the recall committee.



1 (9) Contributions received by an individual acting in behalf
2 of a recall committee must be reported promptly to the recall
3 committee's treasurer not later than 5 days before the closing date
4 of any campaign statement required to be filed by the recall
5 committee, and must be reported to the recall committee treasurer
6 immediately if the contribution is received less than 5 days before
7 the closing date.

8 (10) A contribution is considered received by a recall
9 committee when it is received by the recall committee treasurer or
10 a designated agent of the recall committee treasurer although the
11 contribution may not be deposited in the official depository by the
12 reporting deadline.

13 (11) Contributions received by a recall committee must not be
14 commingled with other funds of an agent of the recall committee or
15 of any other person.

16 (12) If a recall election is held, the recall committee must
17 be terminated within 30 days after the later of the following:

18 (a) The results of the recall election have been certified.

19 (b) Any recount regarding the recall election has been
20 completed or any appeals regarding the recall election have been
21 exhausted.

22 (13) Notwithstanding section 45, before termination of the
23 recall committee, all unexpended funds in the recall committee must
24 be returned in the order the contributions were received to donors
25 or, if an individual donor is deceased, the donor's next of kin.

26 (14) A person that violates this section is subject to a civil
27 fine of not more than \$1,000.00.

28 Sec. 24. (1) A committee shall file a statement of
29 organization with the filing officials designated in section 36 to



1 receive the committee's campaign statements. A committee shall file
2 a statement of organization within 10 days after the committee is
3 formed. A filing official shall maintain a statement of
4 organization filed by a committee until 5 years after the official
5 date of the committee's dissolution. A person who fails to file a
6 statement of organization required by this subsection shall pay a
7 late filing fee of \$10.00 for each business day the statement
8 remains not filed in violation of this subsection. The late filing
9 fee must not exceed \$300.00. A person who violates this subsection
10 by failing to file for more than 30 days after a statement of
11 organization is required to be filed is guilty of a misdemeanor
12 punishable by a fine of not more than \$1,000.00.

13 (2) The statement of organization required to be filed under
14 subsection (1) must include the following information:

15 (a) The name, street address, and if available, the ~~electronic~~
16 ~~mail-email~~ address and telephone number of the committee, and the
17 ~~electronic mail-email~~ address of the candidate. If a committee is a
18 candidate committee **or recall committee**, the committee name must
19 include the first and last name of the candidate. A committee
20 address may be the home address of the candidate or treasurer of
21 the committee.

22 (b) The name, street address, and if available, the ~~electronic~~
23 ~~mail-email~~ address and telephone number of the treasurer or other
24 individual designated as responsible for the committee's record
25 keeping, report preparation, or report filing.

26 (c) The name and address of the financial institution in which
27 the official committee depository is or is intended to be located,
28 and the name and address of each financial institution in which a
29 secondary depository is or is intended to be located.



1 (d) The full name of the office being sought by, including
2 district number or jurisdiction, and the county residence of each
3 candidate supported or opposed by the committee.

4 (e) A brief statement identifying the substance of each ballot
5 question supported or opposed by the committee. If the ballot
6 question supported or opposed by the committee is a local ballot
7 question, the committee shall identify the county in which the
8 greatest number of registered voters eligible to vote on the ballot
9 question reside.

10 (f) Identification of the committee as a candidate committee,
11 **recall committee**, political party committee, independent committee,
12 independent expenditure committee, political committee, or ballot
13 question committee if it is identifiable as such a committee.

14 (3) An independent committee or political committee shall
15 include in the name of the committee the name of the person or
16 persons that sponsor the committee, if any, or with whom the
17 committee is affiliated. A person, other than an individual or a
18 committee, sponsors or is affiliated with an independent committee
19 or political committee if that person establishes, directs,
20 controls, or financially supports the administration of the
21 committee. For the purposes of this subsection, a person does not
22 financially support the administration of a committee by merely
23 making a contribution to the committee.

24 (4) If any of the information required in a statement of
25 organization is changed, the committee shall file an amendment when
26 the next campaign statement is required to be filed.

27 (5) When filing a statement of organization, a committee,
28 other than an independent committee, a political committee, or a
29 political party committee, may indicate in a written statement



1 signed by the treasurer of the committee that the committee does
2 not expect for each election to receive an amount in excess of
3 \$1,000.00 or expend an amount in excess of \$1,000.00. The treasurer
4 of a committee of an incumbent judge or supreme court justice is
5 considered to have made the statement required under this
6 subsection following appointment or election of that judge or
7 justice and is not required to file a written statement under this
8 subsection indicating that the committee does not expect for each
9 election to receive or expend an amount in excess of \$1,000.00.

10 (6) When filing a statement of organization, an independent
11 committee, an independent expenditure committee, a political
12 committee, or a political party committee may indicate in a written
13 statement signed by the treasurer of the committee that the
14 committee does not expect in a calendar year to receive or expend
15 an amount in excess of \$1,000.00.

16 (7) Upon the dissolution of a committee, the committee shall
17 file a statement indicating dissolution with the filing officials
18 with whom the committee's statement of organization was filed.
19 Dissolution of a committee must be accomplished pursuant to rules
20 promulgated by the secretary of state under the administrative
21 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

22 (8) A candidate committee that files a written statement under
23 subsection (5) or that is considered to have made a statement under
24 subsection (5) is not required to file a dissolution statement
25 under subsection (7) if the committee failed to receive or expend
26 an amount in excess of \$1,000.00 and 1 of the following applies:

27 (a) The candidate was defeated in an election and has no
28 outstanding campaign debts or assets.

29 (b) The candidate vacates an elective office and has no



1 outstanding campaign debts or assets.

2 (9) A political committee organized for the purpose of making
3 independent expenditures formed before December 31, 2019 is
4 considered an independent expenditure committee. The secretary of
5 state may amend the statement of organization for any committee
6 affected by this subsection.

7 Sec. 45. (1) A person may transfer any unexpended funds from 1
8 candidate committee to another candidate committee **or recall**
9 **committee** of that person if the contribution limits prescribed in
10 section 52 or 69 for the candidate committee **or recall committee**
11 receiving the funds are equal to or greater than the contribution
12 limits for the candidate committee transferring the funds and if
13 the ~~candidate~~ committees are simultaneously held by the same
14 person. The funds being transferred ~~shall~~**are** not be considered a
15 qualifying contribution regardless of the amount of the individual
16 contribution being transferred.

17 (2) Upon termination of a candidate committee, unexpended
18 funds in the candidate committee that are not eligible for transfer
19 to another candidate committee of the person under subsection (1)
20 ~~shall~~**must** be disbursed as follows:

21 (a) Given to a political party committee.

22 (b) Given to a tax exempt charitable organization, as long as
23 the candidate does not become an officer or director of or receive
24 compensation, either directly or indirectly, from that
25 organization.

26 (c) Returned to the contributors of the funds upon termination
27 of the campaign committee.

28 (d) If the person was a candidate for the office of state
29 representative, given to a house political party caucus committee.



1 (e) If the person was a candidate for the office of state
2 senator, given to a senate political party caucus committee.

3 (f) Given to an independent committee.

4 (g) Given to a ballot question committee.

5 Sec. 52. (1) Except as provided in subsection (5) or (11) and
6 subject to section 46 and subsection (8), a person other than an
7 independent committee or a political party committee shall not make
8 contributions to a candidate committee **or recall committee** of a
9 candidate for elective office that, with respect to an election
10 cycle, are more than the following:

11 (a) ~~\$6,800.00~~ **\$7,150.00** for a candidate for state elective
12 office other than the office of state legislator, or for a
13 candidate for local elective office if the district from which he
14 or she is seeking office has a population of more than 250,000.

15 (b) ~~\$2,000.00~~ **\$2,100.00** for a candidate for state senator, or
16 for a candidate for local elective office if the district from
17 which he or she is seeking office has a population of more than
18 85,000 but 250,000 or less.

19 (c) ~~\$1,000.00~~ **\$1,050.00** for a candidate for state
20 representative, or for a candidate for local elective office if the
21 district from which he or she is seeking office has a population of
22 85,000 or less.

23 (2) Except as otherwise provided in this subsection and
24 subsection (12), an independent committee shall not make
25 contributions to a candidate committee **or a recall committee** of a
26 candidate for elective office that, in the aggregate for that
27 election cycle, are more than 10 times the amount permitted a
28 person other than an independent committee or political party
29 committee in subsection (1). A house political party caucus



1 committee or a senate political party caucus committee is not
2 limited under this subsection in the amount of contributions made
3 to the candidate committee **or recall committee** of a candidate for
4 the office of state legislator, except as follows:

5 (a) A house political party caucus committee or a senate
6 political party caucus committee shall not pay a debt incurred by a
7 candidate if that debt was incurred while the candidate was seeking
8 nomination at a primary election and the candidate was opposed at
9 that primary.

10 (b) A house political party caucus committee or a senate
11 political party caucus committee shall not make a contribution to
12 or make an expenditure on behalf of a candidate if that candidate
13 is seeking nomination at a primary election and the candidate is
14 opposed at that primary.

15 (3) A political party committee other than a state central
16 committee shall not make contributions to the candidate committee
17 **or recall committee** of a candidate for elective office that are
18 more than 10 times the amount permitted a person other than an
19 independent committee or political party committee in subsection
20 (1).

21 (4) A state central committee of a political party shall not
22 make contributions to the candidate committee **or recall committee**
23 of a candidate for state elective office other than a candidate for
24 the legislature that are more than 20 times the amount permitted a
25 person other than an independent committee or political party
26 committee in subsection (1). A state central committee of a
27 political party shall not make contributions to the candidate
28 committee **or recall committee** of a candidate for state senator,
29 state representative, or local elective office that are more than



1 10 times the amount permitted a person other than an independent
2 committee or political party committee in subsection (1).

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

6 (6) Consistent with the provisions of this section, a
7 contribution designated in writing for a particular election cycle
8 is considered made for that election cycle. A contribution made
9 after the close of a particular election cycle and designated in
10 writing for that election cycle shall be made only to the extent
11 that the contribution does not exceed the candidate committee's net
12 outstanding debts and obligations from the election cycle so
13 designated. If a contribution is not designated in writing for a
14 particular election cycle, all of the following apply to that
15 contribution:

16 (a) The contribution is considered made for the election cycle
17 that corresponds to the date of the written instrument.

18 (b) The contribution limits for the current election cycle
19 apply to that contribution.

20 (c) A candidate committee may use that contribution to pay
21 outstanding debts and obligations from a previous election cycle
22 regardless of whether the contribution, when aggregated with any
23 contributions made in that previous election cycle, would exceed
24 the contribution limits for that previous election cycle.

25 (7) A candidate committee, **a recall committee**, a candidate, or
26 a treasurer or agent of a candidate committee **or a recall committee**
27 shall not accept a contribution with respect to an election cycle
28 that exceeds the limitations in subsection (1), (2), (3), (4),
29 (11), or (12). **Any excess contribution must be remedied by refund**



1 **to the contributor of the excess contribution.**

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

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

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

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

27 (b) All of the political committees and independent committees
28 established by a single national or international labor
29 organization, by a labor organization of that national or



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

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

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

16 (11) The limitation on a political committee's contributions
 17 under subsection (1) does not apply to contributions that are part
 18 of 1 or more bundled contributions delivered to the candidate
 19 committee **or recall committee** of a candidate for statewide elective
 20 office and that are attributed to the political committee as
 21 prescribed in section 31. A political committee shall not make
 22 contributions to a candidate committee **or recall committee** of a
 23 candidate for statewide elective office that are part of 1 or more
 24 bundled contributions delivered to that candidate committee, that
 25 are attributed to the political committee as prescribed in section
 26 31, and that, in the aggregate for that election cycle, are more
 27 than the amount permitted a person other than an independent
 28 committee or political party committee in subsection (1).

29 (12) The limitation on an independent committee's



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

