

HOUSE BILL NO. 5255

October 25, 2023, Introduced by Reps. Martus, Hill, Miller, MacDonell, Morgan, Stone, Byrnes, Wilson, Conlin, Andrews, Coffia, McFall, Skaggs, Price, Hope, Rheingans, Brixie, Dievendorf, Brabec, McKinney and Arbit.

A bill to regulate political activity; to require candidates for the state board of education to file financial reports; to prescribe the powers and duties of certain state officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "candidate for the state
2 board of education financial disclosure act".

3 Sec. 2. As used in this act:

1 (a) "Beneficial interest" includes, but is not limited to, the
2 interest in a trust of a qualified trust beneficiary or a trust
3 beneficiary as those terms are defined in section 7103 of the
4 estates and protected individuals code, 1998 PA 386, MCL 700.7103.

5 (b) "Blind trust" means a qualified blind trust or qualified
6 diversified trust as those terms are defined in 5 CFR 2634.403.

7 (c) "Candidate" means that term as defined in section 3 of the
8 Michigan campaign finance act, 1976 PA 388, MCL 169.203.

9 (d) "Candidate for office" means a candidate for the office of
10 member of the state board of education.

11 (e) "Dependent" means an individual claimed by the candidate
12 for office or the candidate for office's spouse as a dependent for
13 federal income tax purposes.

14 (f) "Earned income" means salaries, wages, tips, bonuses,
15 commissions, or other compensation or net earnings from self-
16 employment for the taxable year.

17 (g) "Gift" means that term as defined in section 4 of 1978 PA
18 472, MCL 4.414.

19 (h) "Immediate family member" means the spouse or a dependent
20 of the candidate for office.

21 (i) "Income" means money or any thing of value received, or to
22 be received as a claim on future services, whether in the form of a
23 fee, salary, expense, allowance, forbearance, forgiveness,
24 interest, dividend, royalty, rent, capital gain, or any other form
25 of recompense that is considered income under the internal revenue
26 code of 1986, 26 USC 1 to 9834.

27 (j) "Liabilities" means what a person owes to another person,
28 including, but not limited to, mortgages or other debts. For
29 purposes of this act, a debt does not include a revolving or

1 unsecured debt that is from a financial institution or the federal
2 government.

3 (k) "Lobbyist" means that term as defined in section 5 of 1978
4 PA 472, MCL 4.415.

5 (l) "Lobbyist agent" means that term as defined in section 5 of
6 1978 PA 472, MCL 4.415.

7 (m) "Person" means an individual, partnership, corporation,
8 association, or other legal entity.

9 (n) "Reporting period" means both of the following:

10 (i) For the first report required to be filed under section 3,
11 from January 1, 2024 to April 15, 2024.

12 (ii) For subsequent reports required to be filed under section
13 3, January 1 to December 31 of the preceding calendar year in which
14 the report is filed.

15 (o) "Spouse" means an individual who is lawfully married to
16 the candidate for office as described under 26 CFR 301.7701-18.

17 (p) "Unearned income" means income that is not earned from
18 employment, including, but not limited to, inheritance money,
19 financial prize, unemployment benefits, annuities, stock dividends,
20 deferred compensation, pension, profit sharing, or retirement
21 income.

22 Sec. 3. (1) An individual who is a candidate for office at any
23 time during a calendar year shall electronically file with the
24 secretary of state a report that meets the requirements of section
25 4. The report required to be filed under this subsection must first
26 be filed by April 15, 2024 and by May 15 of each year thereafter,
27 or if the candidate for office files a statement of organization
28 for that candidate's candidate committee after May 15 in order to
29 be nominated by a political party at the political party's

1 nominating convention, the report required to be filed under this
2 subsection must be filed no later than 30 days after that candidate
3 files the statement of organization for that candidate's candidate
4 committee. This subsection does not apply to an individual who,
5 under any of the following acts, files a report in the current
6 calendar year:

- 7 (a) State board of education financial disclosure act.
8 (b) Executive office financial disclosure act.
9 (c) Candidate for executive office financial disclosure act.
10 (d) State representative financial disclosure act.
11 (e) Candidate for state representative financial disclosure
12 act.
13 (f) State senator financial disclosure act.
14 (g) Candidate for state senator financial disclosure act.
15 (h) University board member financial disclosure act.
16 (i) Candidate for university board member financial disclosure
17 act.
18 (2) If a candidate for office who is required to file a report
19 under this act receives notice from the secretary of state under
20 section 6(1)(g), the candidate for office shall, within 9 business
21 days after receiving the notice, file corrections to the errors or
22 omissions or file the report, as applicable.

23 Sec. 4. (1) Subject to subsection (4) and except as provided
24 in section 5, a report required under section 3 must include a
25 complete statement of all of the following:

26 (a) The following information regarding the candidate for
27 office during the reporting period:

28 (i) The full name, mailing address, and occupation of the
29 candidate for office.

1 (ii) The name, address, and principal activity of each employer
2 of the candidate for office.

3 (iii) The source and type of all income, including earned and
4 unearned income, received by the candidate for office. For purposes
5 of this subparagraph, the candidate for office shall report a
6 source of income only if the income received from that source is
7 \$1,000.00 or more and indicate whether the amount of income
8 received from each source of income is between \$1,000.00 and
9 \$49,999.99 or \$50,000.00 or more.

10 (iv) A description of each real property or property that the
11 candidate for office has an ownership interest in, including, but
12 not limited to, commercial, industrial, or agricultural buildings.
13 For purposes of this subparagraph, the candidate for office is
14 required to include a real property or property described under
15 this subparagraph in the report only if that real property or
16 property has a fair market value of \$1,000.00 or more during the
17 reporting period. A candidate for office may exclude the street
18 number of a parcel of real property or property listed under this
19 subparagraph.

20 (v) A description of any stocks, bonds, commodities, futures,
21 shares in mutual funds, or other forms of securities defined under
22 26 USC 1236 held by the candidate for office or held jointly with
23 the candidate for office's spouse. For purposes of this
24 subparagraph, the candidate for office is required to include a
25 security described under this subparagraph in the report only if
26 that security has a total value of \$1,000.00 or more on a specified
27 day that is within the final month of the calendar year covered in
28 the reporting period.

29 (vi) A description of all liabilities owed by the candidate for

1 office and the identity of each creditor. For purposes of this
2 subparagraph, the candidate for office is required to report a
3 liability under this subparagraph only if the liability owed to a
4 creditor is \$1,000.00 or more during that reporting period.

5 (vii) The identity of all compensated positions held by the
6 candidate for office as an officer, director, member, trustee,
7 partner, proprietor, representative, employee, or consultant of a
8 corporation, limited liability company, limited partnership,
9 partnership, or other business enterprise; of a nonprofit
10 organization; of a labor organization; or of an educational
11 institution or other institution other than this state, if the
12 total compensation received from a position equals \$1,000.00 or
13 more during the reporting period. A position reported under this
14 subparagraph must include the title of the position, the name of
15 the entity within which the position exists, and the principal
16 activity of the entity. A position held in any religious, social,
17 fraternal, or political entity, or a position that is solely of an
18 honorary nature, is excluded under this subparagraph.

19 (viii) The date, parties to, and general terms of any agreements
20 or arrangements with respect to future employment, a leave of
21 absence while serving as a candidate for office, continuation or
22 deferral of payments by a former or current employer other than
23 this state, or continuing participation in an employee welfare or
24 benefit plan maintained by a former employer.

25 (ix) A list of all gifts and expenditures for food and
26 beverages reported by a lobbyist or lobbyist agent under state law.

27 (x) A list of all travel and expenses paid for or reimbursed
28 by a lobbyist or lobbyist agent that are reported by the lobbyist
29 or lobbyist agent under state law.

1 (xi) A description of each payment made by a lobbyist or
2 lobbyist agent to a charity in lieu of honoraria.

3 (xii) If the candidate for office filing the report or an
4 immediate family member of that candidate for office was required
5 during the reporting period to register as a lobbyist or lobbyist
6 agent under section 7 of 1978 PA 472, MCL 4.417, the name, address,
7 and principal activity of all persons who gave compensation to or
8 reimbursed the candidate for office or the immediate family member
9 of the candidate for office for lobbying.

10 (xiii) A description of any interest the candidate for office
11 had during the reporting period in a legal entity that conducts
12 business in this state, if the interest has a book value of
13 \$1,000.00 or more. For purposes of this subparagraph, the candidate
14 for office shall indicate for each legal entity the candidate for
15 office has an interest in the name of the legal entity and if the
16 financial value in the legal entity is between \$1,000.00 and
17 \$49,999.99 or \$50,000.00 and more.

18 (xiv) A description of all contracts entered into, or in which
19 the candidate for office or the immediate family member of the
20 candidate for office has an interest, with this state.

21 (xv) A description of any employment that the candidate for
22 office or the immediate family member of the candidate for office
23 had with this state at any time during the reporting period. For
24 purposes of this subparagraph, if the candidate for office or the
25 immediate family member of the candidate for office was employed by
26 this state, the name of the state agency or department and a
27 description of the position with the state agency or department
28 must be included.

29 (xvi) A description of any transfers made by the candidate for

1 office of real property or securities from the candidate for
2 office's name into the name of an immediate family member of the
3 candidate for office over the previous 2 calendar years that have a
4 value of \$50,000.00 or more.

5 (b) Beginning January 1, 2028, the following information
6 regarding the spouse of the candidate for office during the
7 reporting period:

8 (i) The name of the spouse of the candidate for office.

9 (ii) The principal activity of the spouse of the candidate for
10 office, if the spouse's total earned income from the employer
11 equals \$50,000.00 or more during that reporting period.

12 (iii) The source and type of all income, including earned and
13 unearned income received by the spouse of the candidate for office.
14 For purposes of this subparagraph, the spouse of the candidate for
15 office is required to include the source of income described under
16 this subparagraph only if the total income from that source equals
17 \$50,000.00 or more during that reporting period.

18 (iv) A description of each real property or property that the
19 spouse of the candidate for office has an ownership interest in,
20 including, but not limited to, commercial, industrial, or
21 agricultural buildings. For purposes of this subparagraph, the
22 spouse of the candidate for office is required to include a real
23 property or property described under this subparagraph in the
24 report only if the real property or property had a fair market
25 value of \$50,000.00 or more at any time the real property was held
26 during that reporting period. The street number of a parcel of real
27 property listed under this subparagraph may be excluded from the
28 report.

29 (v) A description of any stocks, bonds, commodities, futures,

1 shares in mutual funds, or other forms of securities held by the
2 spouse of the candidate for office. For purposes of this
3 subparagraph, the spouse of the candidate for office is required to
4 include a security described under this subparagraph in the report
5 only if the security has a total aggregate fair market value of
6 \$50,000.00 or more on a specified day that is within the final
7 month of the calendar year covered in the reporting period.

8 (vi) A description of any interest the spouse of the candidate
9 for office had during the reporting period in a legal entity that
10 conducts business in this state, if the interest has a book value
11 of \$50,000.00 or more.

12 (c) Beginning January 1, 2028, the following information
13 regarding a dependent of the candidate for office during the
14 reporting period; for purposes of this subdivision, the candidate
15 for office may refer to each dependent using the dependent's first
16 and last initial:

17 (i) The number of dependents that the candidate for office and
18 the spouse of the candidate for office claim for federal income tax
19 purposes.

20 (ii) The principal activity of each employer of each dependent
21 of the candidate for office, if the dependent's total earned income
22 from the employer equals \$50,000.00 or more during the reporting
23 period.

24 (iii) The source and type of all income, including earned and
25 unearned income received by each dependent of the candidate for
26 office, if the source of income described under this subparagraph
27 equals \$50,000.00 or more during that reporting period.

28 (iv) A description of each real property or property that each
29 dependent of the candidate for office has an ownership interest in,

1 including, but not limited to, commercial, industrial, or
2 agricultural buildings. For purposes of this subparagraph, the
3 dependent is required to include a real property or property
4 described under this subsection only if the real property or
5 property had a fair market value of \$50,000.00 or more at any time
6 that the real property or property was held during that reporting
7 period. The street number of a parcel of real property or property
8 listed under this subparagraph may be excluded from the report.

9 (v) A description of any stocks, bonds, commodities, futures,
10 shares in mutual funds, or other forms of securities held by each
11 dependent of the candidate for office. For purposes of this
12 subparagraph, each dependent of the candidate for office is
13 required to include a security described under this subparagraph in
14 the report only if the security has a total aggregate fair market
15 value of \$50,000.00 or more on a specified day that is within the
16 final month of the calendar year covered in the reporting period.

17 (vi) A description of any interest each dependent of the
18 candidate for office had during the reporting period in a legal
19 entity that conducts business in this state, if the interest has a
20 book value of \$50,000.00 or more.

21 (2) Subject to subsection (4), information a candidate for
22 office is required to report under this section includes
23 information with respect to the income from a trust or other
24 financial arrangement from which income is received by, or with
25 respect to which a beneficial interest in principal or income is
26 held by, the candidate for office required to file a report under
27 this section or an immediate family member of the candidate for
28 office.

29 (3) A candidate for office is not required to disclose the

1 value of any item reported under subsection (1) (a) (iii), (iv) to
2 (vii), (xiii), or (xvi), (1) (b) (iii), or (iv) to (vi), or (1) (c) (iii), or (iv)
3 to (vi).

4 (4) If a candidate for office required to file a report under
5 section 3 or an immediate family member of the candidate for office
6 holds a beneficial interest in a blind trust, the candidate for
7 office is not required to include the interests or assets of the
8 blind trust in the candidate for office's statement under
9 subsection (1). However, the candidate for office must indicate in
10 the candidate for office's report that the candidate for office or
11 the immediate family member of the candidate for office holds a
12 beneficial interest in a blind trust.

13 (5) A candidate for office shall preserve the records used to
14 prepare a report under this act for 5 years and make the records
15 available for inspection, on request.

16 Sec. 5. A candidate for office filing a report under section 3
17 may omit any of the following:

18 (a) Information an individual is required to report under the
19 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

20 (b) An item otherwise required to be reported under section
21 4(1) (a) (iv) or (v), (b) (iv) or (v), or (c) (iv) or (v) if all of the
22 following apply:

23 (i) The item represents the exclusive financial interest and
24 responsibility of the spouse or dependent of the candidate for
25 office about which the candidate for office does not have actual
26 knowledge.

27 (ii) The item is not in any way, past or present, derived from
28 the income, assets, or activities of the candidate for office.

29 (iii) The candidate for office does not derive, or expect to

1 derive, financial benefit from the item.

2 (c) An item that concerns a spouse who is living separate and
3 apart from the candidate for office with the intention of
4 terminating the marriage or maintaining a legal separation.

5 (d) An item that concerns income of the candidate for office
6 or the spouse of that candidate for office arising from dissolution
7 of the candidate for office's marriage or a permanent legal
8 separation from the candidate for office's spouse.

9 (e) Benefits received under the social security act, chapter
10 531, 49 Stat 620.

11 Sec. 6. (1) The secretary of state shall do all of the
12 following:

13 (a) Make available through the secretary of state's offices
14 appropriate forms, instructions, and manuals required by this act.

15 (b) Create and operate an electronic, internet-accessible
16 system to receive all statements and reports required by this act
17 to be filed with the secretary of state.

18 (c) Create all forms, instructions, and manuals required under
19 this act.

20 (d) Promulgate rules and issue declaratory rulings to
21 implement this act under the administrative procedures act of 1969,
22 1969 PA 306, MCL 24.201 to 24.328.

23 (e) On receiving a written request and the required filing,
24 waive payment of a late filing fee if the request for the waiver is
25 based on good cause and accompanied by adequate documentation. One
26 or more of the following reasons constitute good cause for a late
27 filing fee waiver:

28 (i) The incapacitating physical illness, hospitalization,
29 accident involvement, death, or incapacitation for medical reasons

1 of a candidate for office.

2 (ii) Other unique, unintentional factors beyond the candidate
3 for office's control that are not the result of a negligent act or
4 nonaction so that a reasonably prudent person would excuse the
5 filing on a temporary basis. These factors include the loss or
6 unavailability of records because of a fire, flood, theft, or
7 similar reason and difficulties related to the transmission of the
8 filing to the secretary of state, such as exceptionally bad
9 weather.

10 (f) As soon as practicable, but not later than 5 business days
11 after a report required to be filed under this act is received,
12 make the report or all of the contents of the report available
13 without charge to the public on a separate internet webpage or its
14 website homepage.

15 (g) Within 9 business days after the deadline for filing a
16 report under this act, notify an individual of any error or
17 omission in the individual's report or that the individual failed
18 to file the required report.

19 (2) Except as otherwise provided in subsection (13), the
20 secretary of state shall issue a declaratory ruling under this
21 section only if the person requesting the ruling has provided a
22 reasonably complete statement of facts necessary for the ruling or
23 if the person requesting the ruling has, with the permission of the
24 secretary of state, supplied supplemental facts necessary for the
25 ruling. Within 2 business days after receiving a request for a
26 declaratory ruling, the secretary of state shall make the request
27 available in the manner provided for under subsection (1)(f). An
28 interested person may submit written comments regarding the request
29 to the secretary of state within 10 business days after the date

1 the request is made available to the public. Within 45 business
2 days after receiving a declaratory ruling request, the secretary of
3 state shall make a proposed response available in the manner
4 provided for under subsection (1)(f). An interested person may
5 submit written comments regarding the proposed response to the
6 secretary of state within 5 business days after the date the
7 proposal is made available to the public. Except as otherwise
8 provided in this section, the secretary of state shall issue a
9 declaratory ruling within 60 business days after receiving a
10 request for a declaratory ruling. If the secretary of state refuses
11 to issue a declaratory ruling, the secretary of state shall notify
12 the person making the request of the reasons for the refusal and
13 issue an interpretative statement providing an informational
14 response to the question presented within the 60-day period. A
15 declaratory ruling or interpretative statement issued under this
16 section must not state a general rule of law, other than that which
17 is stated in this act, until the general rule of law is promulgated
18 by the secretary of state as a rule under the administrative
19 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under
20 judicial order.

21 (3) Under extenuating circumstances, the secretary of state
22 may issue a notice extending, for not more than 30 business days,
23 the period during which the secretary of state shall respond to a
24 request for a declaratory ruling. The secretary of state shall not
25 issue more than 1 notice of extension for a particular request. A
26 person requesting a declaratory ruling may waive, in writing, the
27 time limitations provided by this section.

28 (4) A person may file with the secretary of state a complaint
29 that alleges a violation of this act. Within 5 business days after

1 a complaint that meets the requirements of subsection (5) is filed,
2 the secretary of state shall notify the person against whom the
3 complaint is filed. The notice must be in writing and include a
4 copy of the complaint. Within 15 business days after the
5 notification, the person against whom the complaint was filed may
6 submit a response to the secretary of state. The secretary of state
7 may extend the period for submitting a response an additional 15
8 business days for good cause. The secretary of state shall send a
9 copy of a response received to the complainant. Within 10 business
10 days after the response is sent, the complainant may submit a
11 rebuttal statement to the secretary of state. The secretary of
12 state may extend the period for submitting a rebuttal statement an
13 additional 10 business days for good cause. The secretary of state
14 shall provide a copy of the rebuttal statement to the person
15 against whom the complaint was filed. If, on review of the
16 complaint, the secretary of state determines that the complaint is
17 frivolous, illegible, indefinite, or unsigned, or does not identify
18 an alleged violator, allege a violation of the act or the rules
19 promulgated under this act, or contain a verification statement,
20 the secretary of state may summarily dismiss the complaint without
21 prejudice. If a complaint is summarily dismissed, the complainant
22 shall be notified in writing as to the reason the complaint was
23 dismissed.

24 (5) A complaint filed under subsection (4) must satisfy all of
25 the following requirements:

26 (a) Be signed by the complainant.

27 (b) State the name, address, and telephone number of the
28 complainant.

29 (c) Include the complainant's certification that, to the best

1 of the complainant's knowledge, information, and belief, formed
2 after a reasonable inquiry under the circumstances, each factual
3 contention of the complaint is supported by evidence. However, if,
4 after a reasonable inquiry under the circumstances, the complainant
5 is unable to certify that certain factual contentions are supported
6 by evidence, the complainant may certify that, to the best of the
7 complainant's knowledge, information, or belief, there are grounds
8 to conclude that those specifically identified factual contentions
9 are likely to be supported by evidence after a reasonable
10 opportunity for further inquiry.

11 (6) A person shall not file a complaint with a false
12 certificate under subsection (5)(c). A person may file a complaint
13 under subsection (4) alleging that another person has filed a
14 complaint with a false certificate under subsection (5)(c).

15 (7) The secretary of state shall investigate allegations
16 brought under this act under the rules promulgated under this act.
17 If an allegation involves the secretary of state, or a spouse or
18 dependent of the secretary of state, the secretary of state shall
19 refer the matter to the attorney general to determine whether a
20 violation of this act occurred.

21 (8) No later than 45 business days after receiving a rebuttal
22 statement submitted under subsection (4) or, if no response or
23 rebuttal is received under subsection (4), 45 business days after
24 receiving a complaint under subsection (4), the secretary of state
25 shall post on the secretary of state's website whether there may be
26 reason to believe that a violation of this act occurred. If the
27 secretary of state determines whether there may be reason to
28 believe that a violation of this act occurred or determines to
29 terminate its proceedings, the secretary of state shall, within 30

1 days after that determination, post on the secretary of state's
2 website any complaint, response, or rebuttal statement received
3 under subsection (4) regarding that violation or alleged violation
4 and any correspondence that is dispositive of that violation or
5 alleged violation between the secretary of state and the
6 complainant or the person against whom the complaint was filed. If
7 the secretary of state determines that there may be reason to
8 believe that a violation of this act occurred, the secretary of
9 state shall endeavor to correct the violation or prevent a further
10 violation by using informal methods such as a conference,
11 conciliation, or persuasion, and may enter into a conciliation
12 agreement with the person involved. Unless violated, a conciliation
13 agreement is a complete bar to any further civil action with
14 respect to matters covered in the conciliation agreement. The
15 secretary of state shall, within 30 days after a conciliation
16 agreement is signed, post that agreement on the secretary of
17 state's website. If, after 90 business days, the secretary of state
18 is unable to correct or prevent further violation by these informal
19 methods, the secretary of state may commence a hearing as provided
20 in subsection (9) for enforcement of this act.

21 (9) The secretary of state may commence a hearing to determine
22 whether a violation of this act occurred. The hearing must be
23 conducted under chapter 4 of the administrative procedures act of
24 1969, 1969 PA 306, MCL 24.271 to 24.288.

25 (10) A final decision or order issued by the secretary of
26 state under this act is subject to judicial review as provided by
27 chapter 6 of the administrative procedures act of 1969, 1969 PA
28 306, MCL 24.301 to 24.306. The secretary of state shall deposit a
29 civil fine imposed under this act in the general fund. The

1 secretary of state may bring an action in circuit court to recover
2 the amount of a civil fine.

3 (11) The secretary of state shall review a report or statement
4 filed under this act and may investigate an apparent violation of
5 this act under the rules promulgated under this act. If the
6 secretary of state determines that there may be reason to believe a
7 violation of this act occurred, the secretary of state may commence
8 a hearing under subsection (9) to determine whether a violation of
9 this act occurred.

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

14 (13) The secretary of state may refuse to issue a declaratory
15 ruling under subsection (2) if the request is anonymous, the
16 secretary of state determines that the subject matter of the
17 request is frivolous on its face, or the request is indefinite or
18 lacks specificity. If the secretary of state refuses to issue a
19 declaratory ruling, the person requesting the ruling, if known,
20 shall be notified of the reason for the refusal.

21 Sec. 7. (1) The secretary of state shall provide a copy of a
22 report, or part of a report, required to be filed under this act at
23 a reasonable charge.

24 (2) A report that is made available to the public under this
25 act must not be used for any commercial purpose.

26 (3) The secretary of state shall preserve a report filed under
27 this act for 15 years after the date the report is filed. If the
28 secretary of state or attorney general determines under section 6
29 that a violation of this act occurred, the secretary of state shall

1 preserve all complaints, orders, decisions, or other documents
2 related to that violation for 15 years after the date of the
3 determination or the date the violation is corrected, whichever is
4 later. Reports filed under this act may be reproduced under the
5 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After
6 the required preservation period, the reports, or the reproductions
7 of the reports, may be disposed of in the manner prescribed in the
8 management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and
9 section 11 of the Michigan history center act, 2016 PA 470, MCL
10 399.811.

11 (4) The secretary of state shall not charge a fee for the
12 filing of a report under this act, except a late filing fee
13 required by this act.

14 (5) The secretary of state shall determine whether a statement
15 or report filed under this act complies, on its face, with the
16 requirements of this act and the rules promulgated under this act.
17 The secretary of state shall determine whether a statement or
18 report that is required to be filed under this act is in fact
19 filed.

20 (6) A report required to be filed under this act must be filed
21 not later than 5 p.m. of the day it is required to be filed.

22 Sec. 8. (1) A candidate for office who fails to file a report
23 as required under this act shall pay a late filing fee determined
24 as follows:

25 (a) Twenty-five dollars for each of the first 10 business days
26 that the report remains unfiled.

27 (b) Fifty dollars for each business day after the first 10
28 business days that the report remains unfiled.

29 (c) In addition to the late filing fees imposed under

1 subdivisions (a) and (b), \$5,000.00 if the report remains unfiled
2 for more than 105 business days.

3 (2) If a candidate for office required to file a report under
4 this act knowingly files an incomplete or inaccurate report, the
5 candidate for office shall be ordered to pay a civil fine of not
6 more than \$10,000.00.

7 (3) A late filing fee collected under this act must be
8 deposited into the general fund.

9 (4) A late filing fee or civil fine assessed under this act
10 that remains unpaid for more than 180 days must be referred to the
11 department of treasury for collection.

12 Enacting section 1. This act takes effect January 1, 2024.