



# HOUSE BILL No. 5097

November 4, 1999, Introduced by Reps. Rivet, Cherry and Gielegem and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending sections 3, 5, and 57 (MCL 169.203, 169.205, and  
169.257), section 3 as amended by 1989 PA 95, section 5 as  
amended by 1995 PA 264, and section 57 as amended 1996 PA 590.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) "Candidate" means an individual: (a) who files  
2 a fee, affidavit of incumbency, or nominating petition for an  
3 elective office; (b) whose nomination as a candidate for elective  
4 office by a political party caucus or convention is certified to  
5 the appropriate filing official; (c) who receives a contribution,  
6 makes an expenditure, or gives consent for another person to  
7 receive a contribution or make an expenditure with a view to  
8 bringing about the individual's nomination or election to an  
9 elective office, whether or not the specific elective office for

1 which the individual will seek nomination or election is known at  
2 the time the contribution is received or the expenditure is made;  
3 or (d) who is an officeholder who is the subject of a recall  
4 vote. Unless the officeholder is constitutionally or legally  
5 barred from seeking reelection or fails to file for reelection to  
6 that office by the applicable filing deadline, an elected office-  
7 holder shall be considered to be a candidate for reelection to  
8 that same office for the purposes of this act only. EXCEPT FOR  
9 THE PURPOSES OF SECTION 57, CANDIDATE DOES NOT INCLUDE A CANDI-  
10 DATE FOR FEDERAL ELECTIVE OFFICE.

11 For purposes of sections 61 to 71, "candidate" only means,  
12 in a primary election, a candidate for the office of governor  
13 and, in a general election, a candidate for the office of gover-  
14 nor or lieutenant governor. However, the candidates for the  
15 office of governor and lieutenant governor of the same political  
16 party in a general election shall be considered as 1 candidate.

17 (2) "Candidate committee" means the committee designated in  
18 a candidate's filed statement of organization as that  
19 individual's candidate committee. A candidate committee shall be  
20 under the control and direction of the candidate named in the  
21 same statement of organization. Notwithstanding subsection (4),  
22 an individual shall form a candidate committee pursuant to sec-  
23 tion 21 when the individual becomes a candidate under subsection  
24 (1).

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

1       (4) "Committee" means a person who receives contributions or  
2 makes expenditures for the purpose of influencing or attempting  
3 to influence the action of the voters for or against the nomina-  
4 tion or election of a candidate, or the qualification, passage,  
5 or defeat of a ballot question, if contributions received total  
6 \$500.00 or more in a calendar year or expenditures made total  
7 \$500.00 or more in a calendar year. An individual, other than a  
8 candidate, does not constitute a committee. A person, other than  
9 a committee registered under this act, making an expenditure to a  
10 ballot question committee shall for that reason not be considered  
11 a committee for the purposes of this act unless the person solic-  
12 its or receives contributions for the purpose of making an expen-  
13 diture to that ballot question committee.

14       Sec. 5. (1) "Domestic dependent sovereign" means an Indian  
15 tribe that has been acknowledged, recognized, restored, or reaf-  
16 firmed as an Indian tribe by the secretary of the interior pursu-  
17 ant to chapter 576, 48 Stat. 984, 25 U.S.C. 461 to 463, 464 to  
18 465, 466 to 470, 471 to 472, 473, 474 to 475, 476 to 478, and  
19 479, commonly referred to as the Indian reorganization act, or  
20 has otherwise been acknowledged by the United States government  
21 as an Indian tribe.

22       (2) "Election" means a primary, general, special, or millage  
23 election held in this state or a convention or caucus of a polit-  
24 ical party held in this state to nominate a candidate. Election  
25 includes a recall vote.

26       (3) "Election cycle" means 1 of the following:

1 (a) For a general election, the period beginning the day  
2 following the last general election in which the office appeared  
3 on the ballot and ending on the day of the general election in  
4 which the office next appears on the ballot.

5 (b) For a special election, the period beginning the day a  
6 special general election is called or the date the office becomes  
7 vacant, whichever is earlier, and ending on the day of the spe-  
8 cial general election.

9 (4) "Elective office" means a public office filled by an  
10 election. ~~—, except for federal offices.~~ A person who is  
11 appointed to fill a vacancy in a public office that is ordinarily  
12 elective holds an elective office. Elective office does not  
13 include the office of precinct delegate. EXCEPT FOR THE PURPOSES  
14 OF SECTION 57, ELECTIVE OFFICE DOES NOT INCLUDE A FEDERAL ELEC-  
15 TIVE OFFICE. Except for the purposes of sections 47, 54, and 55,  
16 elective office does not include a school board member in a  
17 school district that has a pupil membership of 2,400 or less  
18 enrolled on the most recent pupil membership count day. However,  
19 elective office includes a school board member in a school dis-  
20 trict that has a pupil membership of 2,400 or less, if a candi-  
21 date committee of a candidate for the office of school board  
22 member in that school district receives an amount in excess of  
23 \$1,000.00 or expends an amount in excess of \$1,000.00.

24 Sec. 57. (1) A public body or an individual acting for a  
25 public body shall not use or authorize the use of funds, person-  
26 nel, office space, property, stationery, postage, vehicles,  
27 equipment, supplies, or other public resources to make a

1 contribution or expenditure, or TO provide volunteer personal  
2 services that are excluded from the definition of contribution  
3 under section 4(3)(a). THIS SUBSECTION ALSO APPLIES TO A CANDI-  
4 DATE FOR FEDERAL ELECTIVE OFFICE. This subsection does not apply  
5 to any of the following:

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

8 (b) The production or dissemination of factual information  
9 concerning issues relevant to the function of the public body.

10 (c) The production or dissemination of debates, interviews,  
11 commentary, or information by a broadcasting station, newspaper,  
12 magazine, or other periodical or publication in the regular  
13 course of broadcasting or publication.

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

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

20 (f) An elected or appointed public official or an employee  
21 of a public body who, when not acting for a public body but is on  
22 his or her own personal time, is expressing his or her own per-  
23 sonal views, is expending his or her own personal funds, or is  
24 providing his or her own personal volunteer services.

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

1 imprisonment for not more than 1 year, or both, or if the person  
2 is not an individual, by 1 of the following, whichever is  
3 greater:

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

5       (b) A fine equal to the amount of the improper contribution  
6 or expenditure.