

SENATE BILL No. 343

March 20, 2001, Introduced by Senators KOIVISTO, HART, DE BEAUSSAERT, BYRUM, NORTH, GOUGEON, STILLE, DINGELL, MC COTTER, MC MANUS, CHERRY, BENNETT, EMERSON and SMITH and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 33 (MCL 169.233), as amended by 1999 PA 238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) A committee, other than an independent commit-
2 tee or a political committee required to file with the secretary
3 of state, supporting or opposing a candidate shall file complete
4 campaign statements as required by this act and the rules promul-
5 gated under this act. The campaign statements shall be filed
6 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 IS the sixteenth day before the election.

1 (b) A postelection campaign statement shall be filed not
2 later than the thirtieth day following the election. The closing
3 date for a campaign statement filed under this subdivision ~~shall~~
4 ~~be~~ IS the twentieth day following the election. A committee
5 supporting a candidate who loses the primary election shall file
6 closing campaign statements in accordance with this section. If
7 all liabilities of such a candidate or committee are paid before
8 the closing date and additional contributions are not expected,
9 the campaign statement may be filed at any time after the elec-
10 tion, but not later than the thirtieth day following the
11 election.

12 (2) For the purposes of subsection (1), THE FOLLOWING
13 APPLY:

14 (a) A candidate committee shall file a preelection campaign
15 statement and a postelection campaign statement for each election
16 in which the candidate seeks nomination or election, except if an
17 individual becomes a candidate after the closing date for the
18 preelection campaign statement only the postelection campaign
19 statement is required for that election.

20 (b) A committee other than a candidate committee shall file
21 a campaign statement for each period during which expenditures
22 are made for the purpose of influencing the nomination or elec-
23 tion of a candidate or for the qualification, passage, or defeat
24 of a ballot question.

25 (3) An independent committee or a political committee other
26 than a house political party caucus committee or senate political
27 party caucus committee required to file with the secretary of

1 state shall file campaign statements as required by this act
2 according to the following schedule:

3 (a) In an odd numbered year:

4 (i) Not later than January 31 of that year with a closing
5 date of December 31 of the previous year.

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

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

9 (b) In an even numbered year:

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

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

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

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

19 (a) Not later than January 31 of each year with a closing
20 date of December 31 of the immediately preceding year.

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

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

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

1 (e) For the period beginning on the fourteenth day
2 immediately ~~preceding~~ BEFORE a primary ELECTION or special
3 primary election and ending on the day immediately ~~following~~
4 AFTER the primary ELECTION or special primary election, not later
5 than 4 p.m. each business day with a closing date of the DAY
6 immediately ~~preceding day~~ BEFORE, only for a contribution
7 received or expenditure made that exceeds \$1,000.00 per day.

8 (f) For the period beginning on the fourteenth day immedi-
9 ately ~~preceding~~ BEFORE a general or special election and ending
10 on the day immediately ~~following~~ AFTER the general or special
11 election, not later than 4 p.m. each business day with a closing
12 date of the DAY immediately ~~preceding day~~ BEFORE, only for a
13 contribution received or expenditure made that exceeds \$1,000.00
14 per day.

15 (5) Notwithstanding subsection (3) or (4) or section 51, if
16 an independent expenditure is made within 45 days before a spe-
17 cial election by an independent committee or a political commit-
18 tee required to file a campaign statement with the secretary of
19 state, THE COMMITTEE SHALL FILE a report of the INDEPENDENT
20 expenditure ~~shall be filed by the committee~~ with the secretary
21 of state within 48 hours after the expenditure. The report shall
22 be made on a form provided by the secretary of state and shall
23 include the date of the independent expenditure, the amount of
24 the expenditure, a brief description of the nature of the expen-
25 diture, and the name and address of the person to whom the expen-
26 diture was paid. The brief description of the INDEPENDENT
27 expenditure shall include either the name of the candidate and

1 the office sought by the candidate or the name of the ballot
2 question and shall state whether the expenditure supports or
3 opposes the candidate or ballot question. This subsection does
4 not apply if the committee is required to report the independent
5 expenditure in a campaign statement that is required to be filed
6 before the date of the election for which the expenditure was
7 made.

8 (6) A candidate committee or a committee other than a candi-
9 date committee that files a written statement under section 24(5)
10 or (6) need not file a campaign statement under subsection (1),
11 (3), or (4) unless it received or expended an amount in excess of
12 \$1,000.00. If the committee receives or expends an amount in
13 excess of \$1,000.00 during a period covered by a filing, the com-
14 mittee is then subject to the campaign filing requirements under
15 this act. IN ADDITION, A CANDIDATE COMMITTEE THAT RECEIVES OR
16 EXPENDS AN AMOUNT IN EXCESS OF \$1,000.00 DURING A PERIOD COVERED
17 BY A FILING SHALL FILE A COMPLETE CAMPAIGN FINANCE STATEMENT NOT
18 LATER THAN 10 DAYS AFTER EXCEEDING THE \$1,000.00 AMOUNT. IF A
19 CANDIDATE COMMITTEE IS OTHERWISE REQUIRED TO FILE A COMPLETE CAM-
20 PAIGN FINANCE STATEMENT BEFORE THE EXPIRATION OF 10 DAYS AFTER
21 THE CANDIDATE COMMITTEE RECEIVES OR EXPENDS AN AMOUNT IN EXCESS
22 OF \$1,000.00, A SEPARATE COMPLETE CAMPAIGN FINANCE STATEMENT NEED
23 NOT BE FILED.

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

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