

HOUSE BILL No. 4749

May 10, 2005, Introduced by Reps. Lemmons, III and Lemmons, Jr. and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 18 (MCL 169.218), as added by 1999 PA 238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) The secretary of state shall develop and
2 implement an electronic filing and internet disclosure system that
3 permits committees that are required to file statements or reports
4 under this act with the secretary of state to file those statements
5 or reports electronically and that provides internet disclosure of
6 electronically filed statements or reports on a website.

7 (2) ~~By July 1, 2000, the~~ **THE** secretary of state shall offer
8 each committee required to file with the secretary of state the

option of filing campaign statements or reports electronically, as described in subsection (1).

~~———— (3) The electronic filing advisory board is created within the department of state. The board shall consist of the following members:~~

~~———— (a) One member of the senate appointed by the senate majority leader.~~

~~———— (b) One member of the senate appointed by the senate minority leader.~~

~~———— (c) One member of the house of representatives appointed by the speaker of the house.~~

~~———— (d) One member of the house of representatives appointed by the house minority leader.~~

~~———— (e) The secretary of state or his or her designee.~~

~~———— (4) The members first appointed to the board shall be appointed within 60 days after the effective date of this section. Members of the board shall serve for the life of the board.~~

~~———— (5) If a member of the board appointed under subsection (3)(a), (b), (c), or (d) vacates his or her office as a member of the board, a successor shall be appointed in the same manner as the vacating member was appointed.~~

~~———— (6) A member of the board appointed under subsection (3)(a), (b), (c), or (d) may be removed from office as a member of the board by the officer who appointed him or her, for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.~~

~~———— (7) The first meeting of the board shall be called by the~~

~~secretary of state. At the first meeting, the board shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the board shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.~~

~~—— (8) A majority of the members of the board constitute a quorum for the transaction of business at a meeting of the board. A majority of the members present and serving are required for official action of the board.~~

~~—— (9) The business that the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.~~

~~—— (10) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.~~

~~—— (11) Members of the board shall serve without compensation. However, members of the board may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board.~~

~~—— (12) The department of state shall provide staff for the board.~~

~~—— (13) The board shall do all of the following:~~

~~—— (a) Monitor the voluntary electronic filing of campaign statements under subsection (2) in the 2000 and 2002 election cycle by candidate committees that received or expended more than \$20,000.00 in the preceding election cycle.~~

1 ~~—— (b) Monitor the internet disclosure of electronically filed~~
2 ~~campaign statements described in subdivision (a).~~

3 ~~—— (c) By February 1, 2003, prepare and submit to members of the~~
4 ~~legislature a report on the effectiveness and ease of use of the~~
5 ~~electronic filing and internet disclosure system.~~

6 ~~—— (14) The board is dissolved 60 days after issuing the report~~
7 ~~under subsection (13).~~

8 (3) ~~—(15)—~~ Beginning with the annual campaign statement due
9 January 31, 2004, each committee required to file with the
10 secretary of state that received or expended \$20,000.00 or more in
11 the preceding calendar year or expects to receive or expend
12 \$20,000.00 or more in the current calendar year shall
13 electronically file all statements and reports required under this
14 act, as described in subsection (1).

15 (4) ~~—(16)—~~ If a committee was not required to file a campaign
16 statement under subsection ~~—(15)—~~ (3) only because it did not meet
17 the applicable threshold of receiving or expending \$20,000.00 or
18 more, but the committee later reaches that threshold, the committee
19 shall notify the secretary of state within 10 business days after
20 reaching that threshold and shall subsequently file electronically
21 all statements and reports required under this act.

22 (5) ~~—(17)—~~ The secretary of state shall permit a committee to
23 electronically file statements and reports required under this act,
24 as described in subsection (1), except an original statement of
25 organization, after the committee treasurer and, for a candidate
26 committee, the candidate has signed and filed a form designed by
27 the secretary of state to serve as the signature verifying the

1 accuracy and completeness of each statement or report filed
2 electronically.

3 (6) A LOAN FROM A CANDIDATE TO THE CANDIDATE'S COMMITTEE OR
4 THE EXPENDITURE BY THE COMMITTEE OF THE MONEY LOANED BY THE
5 CANDIDATE SHALL NOT BE INCLUDED IN DETERMINING WHETHER THE
6 COMMITTEE HAS REACHED A THRESHOLD UNDER THIS SECTION.