

# SENATE BILL No. 31

January 25, 2005, Introduced by Senator SWITALSKI and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1999 PA 238 and section 35 as amended by 2000 PA 75.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 33. (1) A committee, other than an independent committee  
2 or a political committee required to file with the secretary of  
3 state, supporting or opposing a candidate shall file complete  
4 campaign statements as required by this act and the rules  
5 promulgated 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 later

1 than the eleventh day before an election. The closing date for a  
2 campaign statement filed under this subdivision shall be the  
3 sixteenth day before the election.

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

14 (2) For the purposes of subsection (1):

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

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

26 (3) An independent committee or a political committee other  
27 than a house political party caucus committee or senate political

1 party caucus committee required to file with the secretary of state  
2 shall file campaign statements as required by this act according to  
3 the following schedule:

4 (a) In an odd numbered year:

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

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

8 (iii) Not later than October 25 with a closing date of October  
9 20.

10 (b) In an even numbered year:

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

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

14 (iii) Not later than October 25 with a closing date of October  
15 20.

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

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

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

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

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

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

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

13 (5) Notwithstanding subsection (3) or (4) or section 51, if an  
14 independent expenditure is made within 45 days before a special  
15 election by an independent committee or a political committee  
16 required to file a campaign statement with the secretary of state,  
17 a report of the expenditure shall be filed by the committee with  
18 the secretary of state within 48 hours after the expenditure. The  
19 report shall be made on a form provided by the secretary of state  
20 and shall include the date of the independent expenditure, the  
21 amount of the expenditure, a brief description of the nature of the  
22 expenditure, and the name and address of the person to whom the  
23 expenditure was paid. The brief description of the expenditure  
24 shall include either the name of the candidate and the office  
25 sought by the candidate or the name of the ballot question and  
26 shall state whether the expenditure supports or opposes the  
27 candidate or ballot question. This subsection does not apply if the

1 committee is required to report the independent expenditure in a  
2 campaign statement that is required to be filed before the date of  
3 the election for which the expenditure was made.

4 (6) A candidate committee or a committee other than a  
5 candidate committee that files a written statement under section  
6 24(5) or (6) need not file a campaign statement under subsection  
7 (1), (3), or (4) unless it received or expended an amount in excess  
8 of \$1,000.00. If the committee receives or expends an amount in  
9 excess of \$1,000.00 during a period covered by a filing, the  
10 committee is then subject to the campaign filing requirements under  
11 this act.

12 (7) A committee, candidate, treasurer, or other individual  
13 designated as responsible for the committee's record keeping,  
14 report preparation, or report filing who fails to file a statement  
15 as required by this section shall pay a late filing fee. If the  
16 committee has raised \$10,000.00 or less during the previous 2  
17 years, the late filing fee shall be \$25.00 for each business day  
18 the statement remains unfiled, but not to exceed \$500.00. If the  
19 committee has raised more than \$10,000.00 during the previous 2  
20 years, the late filing fee shall not exceed \$1,000.00, determined  
21 as follows:

22 (a) Twenty-five dollars for each business day the report  
23 remains unfiled.

24 (b) An additional \$25.00 for each business day after the first  
25 3 business days the report remains unfiled.

26 (c) An additional \$50.00 for each business day after the first  
27 10 business days the report remains unfiled.

1           (8) If a candidate, treasurer, or other individual designated  
2 as responsible for the committee's record keeping, report  
3 preparation, or report filing fails to file 2 statements required  
4 by this section or section 35 and both of the statements remain  
5 unfiled for more than 30 days, that candidate, treasurer, or other  
6 designated individual is guilty of a misdemeanor, punishable by a  
7 fine of not more than ~~-\$1,000.00~~ **\$5,000.00**, or imprisonment for not  
8 more than 90 days, or both.

9           (9) If a candidate is found guilty of a violation of this  
10 section, the circuit court for that county, on application by the  
11 attorney general or the prosecuting attorney of that county, may  
12 prohibit that candidate from assuming the duties of a public office  
13 or from receiving compensation from public funds, or both.

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

20           Sec. 35. (1) In addition to any other requirements of this act  
21 for filing a campaign statement, a committee, other than an  
22 independent committee or a political committee required to file  
23 with the secretary of state, shall also file a campaign statement  
24 not later than January 31 of each year. The campaign statement  
25 shall have a closing date of December 31 of the previous year. The  
26 period covered by the campaign statement filed pursuant to this  
27 subsection begins the day after the closing date of the previous

1 campaign statement. A campaign statement ~~filed pursuant to~~ **IS NOT**  
2 **REQUIRED TO BE FILED UNDER** this subsection ~~shall be waived~~ if a  
3 postelection campaign statement has been filed that has a filing  
4 deadline within 30 days of the closing date of the campaign  
5 statement required by this subsection.

6 (2) Subsection (1) does not apply to a candidate committee for  
7 an officeholder who is a judge or a supreme court justice, or who  
8 holds an elective office for which the salary is less than \$100.00  
9 a month and who does not receive any contribution or make any  
10 expenditure during the time that would be otherwise covered in the  
11 statement.

12 (3) A committee, candidate, treasurer, or other individual  
13 designated as responsible for the record keeping, report  
14 preparation, or report filing for a candidate committee of a  
15 candidate for state elective office or a judicial office who fails  
16 to file a campaign statement under this section shall be assessed a  
17 late filing fee. If the committee has raised \$10,000.00 or less  
18 during the previous 2 years, the late filing fee shall be \$25.00  
19 for each business day the campaign statement remains unfiled, but  
20 not to exceed \$500.00. If the committee has raised more than  
21 \$10,000.00 during the previous 2 years, the late filing fee shall  
22 be \$50.00 for each business day the campaign statement remains  
23 unfiled, but not to exceed \$1,000.00. The late filing fee assessed  
24 under this subsection shall be paid by the candidate, and the  
25 candidate shall not use committee funds to pay that fee. A  
26 committee, treasurer, or other individual designated as responsible  
27 for the record keeping, report preparation, or report filing for a

1 committee other than a candidate committee of a candidate for state  
2 elective office or a judicial office who fails to file a campaign  
3 statement under this section shall pay a late filing fee of \$25.00  
4 for each business day the campaign statement remains not filed in  
5 violation of this section. The late filing fee shall not exceed  
6 \$500.00.

7 (4) A committee filing a written statement pursuant to section  
8 24(5) or (6) need not file a statement ~~in accordance with~~ **UNDER**  
9 subsection (1). If a committee receives or expends more than  
10 \$1,000.00 during a time period prescribed by section 24(5) or (6),  
11 the committee is then subject to the campaign filing requirements  
12 under this act and shall file a campaign statement for the period  
13 beginning the day after the closing date of the last postelection  
14 campaign statement or an annual campaign statement that is waived  
15 pursuant to subsection (1), whichever occurred earlier.

16 (5) If a candidate, treasurer, or other individual designated  
17 as responsible for the record keeping, report preparation, or  
18 report filing fails to file 2 statements required by this section  
19 or section 33 and both of the statements remain unfiled for more  
20 than 30 days, that candidate, treasurer, or other designated  
21 individual is guilty of a misdemeanor, punishable by a fine of not  
22 more than ~~\$1,000.00~~ **\$5,000.00**, or imprisonment for not more than  
23 90 days, or both.

24 (6) If a treasurer or other individual designated as  
25 responsible for the record keeping, report preparation, or report  
26 filing for a committee required to file a campaign statement under  
27 subsection (1) knowingly files an incomplete or inaccurate

1 statement or report required by this section, that treasurer or  
2 other designated individual is subject to a civil fine of not more  
3 than \$1,000.00.