

SENATE BILL No. 84

January 26, 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 18 and 36 (MCL 169.218 and 169.236), section 18 as added by 1999 PA 238 and section 36 as amended by 1996 PA 590.

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 **AND LOCAL UNITS OF**
5 **GOVERNMENT THAT ARE REQUIRED UNDER SECTION 36 TO TRANSMIT**
6 **STATEMENTS TO THE SECRETARY OF STATE** to file those statements or

1 reports electronically and that provides internet disclosure of
2 electronically filed statements or reports on a website.

3 (2) ~~By July 1, 2000, the~~ **THE** secretary of state shall offer
4 each committee required to file with the secretary of state the
5 option of filing campaign statements or reports electronically, as
6 described in subsection (1).

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

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

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

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

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

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

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

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

26 ~~—— (6) A member of the board appointed under subsection (3) (a),~~
27 ~~(b), (c), or (d) may be removed from office as a member of the~~

1 ~~board by the officer who appointed him or her, for incompetency,~~
2 ~~dereliction of duty, malfeasance, misfeasance, or nonfeasance in~~
3 ~~office, or any other good cause.~~

4 ~~—— (7) The first meeting of the board shall be called by the~~
5 ~~secretary of state. At the first meeting, the board shall elect~~
6 ~~from among its members a chairperson and other officers as it~~
7 ~~considers necessary or appropriate. After the first meeting, the~~
8 ~~board shall meet at least quarterly, or more frequently at the call~~
9 ~~of the chairperson or if requested by 2 or more members.~~

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

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

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

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

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

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

1 ~~—— (a) Monitor the voluntary electronic filing of campaign~~
2 ~~statements under subsection (2) in the 2000 and 2002 election cycle~~
3 ~~by candidate committees that received or expended more than~~
4 ~~\$20,000.00 in the preceding election cycle.~~

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

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

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

12 (3) ~~—(15) Beginning with the annual campaign statement due~~
13 ~~January 31, 2004, each~~ **EACH** committee required to file with the
14 secretary of state that received or expended \$20,000.00 or more in
15 the preceding calendar year or expects to receive or expend
16 \$20,000.00 or more in the current calendar year shall
17 electronically file all statements and reports required under this
18 act, as described in subsection (1).

19 (4) ~~—(16) If a committee was~~ **IS** not required to file a
20 campaign statement under subsection ~~(15)~~ **(3)** only because it did
21 not meet **AND DOES NOT EXPECT TO MEET** the applicable ~~threshold~~
22 **THRESHOLDS** of receiving or expending \$20,000.00 or more, but the
23 committee ~~later~~ reaches that threshold **LATER IN THE CALENDAR YEAR,**
24 the committee shall notify the secretary of state within 10
25 business days after reaching that threshold and shall subsequently
26 file electronically all statements and reports required under this
27 act.

1 (5) ~~(17)~~ The secretary of state shall permit a committee to
2 electronically file statements and reports required under this act,
3 as described in subsection (1), except an original statement of
4 organization, after the committee treasurer and, for a candidate
5 committee, the candidate has signed and filed a form designed by
6 the secretary of state to serve as the signature verifying the
7 accuracy and completeness of each statement or report filed
8 electronically.

9 Sec. 36. (1) A candidate committee for a state elective office
10 or a judicial office shall file a copy of the campaign statement
11 required under this act with the secretary of state. The secretary
12 of state shall reproduce the copy and transmit the reproduction to
13 the clerk of the county of residence of the candidate.

14 (2) A ballot question committee supporting or opposing a
15 statewide ballot question shall file a copy of the campaign
16 statement required under this act with the secretary of state and
17 with the clerk of the most populous county in the state. A ballot
18 question committee supporting or opposing a ballot question to be
19 voted upon in more than 1 county, but not statewide, shall file a
20 copy of the campaign statement required under this act with the
21 clerk of the county in which the greatest number of registered
22 voters eligible to vote on the ballot question reside. A ballot
23 question committee supporting or opposing a ballot question to be
24 voted upon within a single county shall file a copy of the campaign
25 statement required under this act only with the clerk of that
26 county.

27 (3) A political party committee shall file a copy of the

1 campaign statement required under this act with the secretary of
2 state. The secretary of state shall reproduce a copy of the
3 campaign statement of a political party committee that is a county
4 committee and file the copy with the clerk of the county where the
5 county committee operates.

6 (4) A committee supporting or opposing a candidate for local
7 elective office, if the office is to be voted on in more than 1
8 county but not statewide, shall file a copy of the campaign
9 statement required under this act with the clerk of the county in
10 which the greatest number of registered voters eligible to vote on
11 the office reside.

12 (5) A committee not covered under subsection (1), (2), (3), or
13 (4) shall file a copy of the campaign statement required under this
14 act with the secretary of state, except that a committee reporting
15 contributions or expenditures for a candidate within only 1 county
16 shall file a statement only with the clerk of that county.

17 (6) A local unit of government that receives copies of
18 campaign statements under this section shall make the statements
19 available for public inspection and reproduction during regular
20 business hours of the local unit of government. The local unit of
21 government shall make the statements available as soon as
22 practicable after receipt, but not later than the third business
23 day following the day on which they are received.

24 **(7) A LOCAL UNIT OF GOVERNMENT THAT RECEIVES A CAMPAIGN**
25 **STATEMENT FROM A CANDIDATE FOR LOCAL ELECTIVE OFFICE UNDER THIS**
26 **SECTION SHALL TRANSMIT THE STATEMENT TO THE SECRETARY OF STATE SO**
27 **THAT THE SECRETARY OF STATE MAY DISCLOSE THE STATEMENT ON THE**

1 INTERNET UNDER SECTION 18.