

HOUSE BILL No. 4719

May 8, 2007, Introduced by Reps. Ward, Pastor, Rick Jones, Calley, Schuitmaker, Moss, David Law, Moolenaar, Ball, Caswell, Opsommer, Booher, Knollenberg, Stahl and Palsrok and referred to the Committee on Oversight and Investigations.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 15, 17, 24, 32, 33, 34, and 35 (MCL 169.215, 169.217, 169.224, 169.232, 169.233, 169.234, and 169.235), section 15 as amended by 2001 PA 250, section 17 as amended by 1989 PA 95, section 24 as amended by 1999 PA 237, section 32 as amended by 1999 PA 236, sections 33 and 34 as amended by 1999 PA 238, and section 35 as amended by 2000 PA 75, and by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) The secretary of state shall do all of the
2 following:

3 (a) Make available through his or her offices, and furnish to
4 county clerks, appropriate forms, instructions, and manuals

1 required by this act.

2 (b) Develop a filing, coding, and cross-indexing system for
3 the filing of required reports and statements consistent with the
4 purposes of this act, and supervise the implementation of the
5 filing systems by the clerks of the counties.

6 (c) Receive all statements and reports required by this act to
7 be filed with the secretary of state.

8 (d) Prepare forms, instructions, and manuals required under
9 this act.

10 (e) Promulgate rules and issue declaratory rulings to
11 implement this act in accordance with the administrative procedures
12 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

13 (f) Upon receipt of a written request and the required filing,
14 waive payment of a late filing fee if the request for the waiver is
15 based on good cause and accompanied by adequate documentation. One
16 or more of the following reasons constitute good cause for a late
17 filing fee waiver:

18 (i) The incapacitating physical illness, hospitalization,
19 accident involvement, death, or incapacitation for medical reasons
20 of a person required to file, a person whose participation is
21 essential to the preparation of the statement or report, or a
22 member of the immediate family of these persons.

23 (ii) Other unique, unintentional factors beyond the filer's
24 control not stemming from a negligent act or nonaction so that a
25 reasonably prudent person would excuse the filing on a temporary
26 basis. These factors include the loss or unavailability of records
27 due to a fire, flood, theft, or similar reason and difficulties

1 related to the transmission of the filing to the filing official,
2 such as exceptionally bad weather or strikes involving
3 transportation systems.

4 (G) WITHIN 60 DAYS FOLLOWING A DATE ON WHICH STATEMENTS FROM
5 CANDIDATE COMMITTEES ARE DUE UNDER SECTIONS 33 AND 35, PREPARE AND
6 MAKE AVAILABLE TO THE PUBLIC A REPORT OF CANDIDATES AND COMMITTEES
7 THAT HAVE BEEN DETERMINED TO HAVE VIOLATED THIS ACT THAT CONTAINS
8 AT LEAST ALL OF THE FOLLOWING:

9 (i) THE NAME OF EACH VIOLATOR.

10 (ii) THE AMOUNT OF FINE ASSESSED FOR THE VIOLATION.

11 (iii) WHETHER THE FINE HAS BEEN PAID.

12 (H) MAKE AVAILABLE TO THE PUBLIC ON THE INTERNET ALL OF THE
13 FOLLOWING:

14 (i) DECLARATORY RULINGS UNDER THIS ACT.

15 (ii) INTERPRETIVE STATEMENTS UNDER THIS ACT.

16 (iii) THE SUMMARY REQUIRED BY SUBSECTION (4).

17 (iv) THE REPORT OF VIOLATIONS REQUIRED BY SUBDIVISION (G).

18 (2) A declaratory ruling shall be issued under this section
19 only if the person requesting the ruling has provided a reasonably
20 complete statement of facts necessary for the ruling or if the
21 person requesting the ruling has, with the permission of the
22 secretary of state, supplied supplemental facts necessary for the
23 ruling. A request for a declaratory ruling that is submitted to the
24 secretary of state shall be made available for public inspection
25 within 48 hours after its receipt. An interested person may submit
26 written comments regarding the request to the secretary of state
27 within 10 business days after the date the request is made

1 available to the public. Within 45 business days after receiving a
2 declaratory ruling request, the secretary of state shall make a
3 proposed response available to the public. An interested person may
4 submit written comments regarding the proposed response to the
5 secretary of state within 5 business days after the date the
6 proposal is made available to the public. Except as otherwise
7 provided in this section, the secretary of state shall issue a
8 declaratory ruling within 60 business days after a request for a
9 declaratory ruling is received. If the secretary of state refuses
10 to issue a declaratory ruling, the secretary of state shall notify
11 the person making the request of the reasons for the refusal and
12 shall issue an interpretative statement providing an informational
13 response to the question presented within the same time limitation
14 applicable to a declaratory ruling. A declaratory ruling or
15 interpretative statement issued under this section shall not state
16 a general rule of law, other than that which is stated in this act,
17 until the general rule of law is promulgated by the secretary of
18 state as a rule under the administrative procedures act of 1969,
19 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

20 (3) Under extenuating circumstances, the secretary of state
21 may issue a notice extending for not more than 30 business days the
22 period during which the secretary of state shall respond to a
23 request for a declaratory ruling. The secretary of state shall not
24 issue more than 1 notice of extension for a particular request. A
25 person requesting a declaratory ruling may waive, in writing, the
26 time limitations provided by this section.

27 (4) The secretary of state shall make available to the public

1 an annual summary of the declaratory rulings and interpretative
2 statements issued by the secretary of state.

3 (5) A person may file with the secretary of state a complaint
4 that alleges a violation of this act. Within 5 business days after
5 a complaint that meets the requirements of subsection (6) is filed,
6 the secretary of state shall give notice to the person against whom
7 the complaint is filed. The notice shall include a copy of the
8 complaint. Within 15 business days after this notice is provided,
9 the person against whom the complaint was filed may submit to the
10 secretary of state a response. The secretary of state may extend
11 the period for submitting a response an additional 15 business days
12 for good cause. The secretary of state shall provide a copy of a
13 response received to the complainant. Within 10 business days after
14 receiving a copy of the response, the complainant may submit to the
15 secretary of state a rebuttal statement. The secretary of state may
16 extend the period for submitting a rebuttal statement an additional
17 10 business days for good cause. The secretary of state shall
18 provide a copy of the rebuttal statement to the person against whom
19 the complaint was filed.

20 (6) A complaint under subsection (5) shall satisfy all of the
21 following requirements:

22 (a) Be signed by the complainant.

23 (b) State the name, address, and telephone number of the
24 complainant.

25 (c) Include the complainant's certification that, to the best
26 of the complainant's knowledge, information, and belief, formed
27 after a reasonable inquiry under the circumstances, each factual

1 contention of the complaint is supported by evidence. However, if,
2 after a reasonable inquiry under the circumstances, the complainant
3 is unable to certify that certain factual contentions are supported
4 by evidence, the complainant may certify that, to the best of his
5 or her knowledge, information, or belief, there are grounds to
6 conclude that those specifically identified factual contentions are
7 likely to be supported by evidence after a reasonable opportunity
8 for further inquiry.

9 (7) The secretary of state shall develop a form that satisfies
10 the requirements of subsection (6) and may be used for the filing
11 of complaints.

12 (8) A person who files a complaint with a false certificate
13 under subsection (6)(c) is responsible for a civil violation of
14 this act. A person may file a complaint under subsection (5)
15 alleging that another person has filed a complaint with a false
16 certificate under subsection (6)(c).

17 (9) The secretary of state shall investigate the allegations
18 under the rules promulgated under this act. Every 60 days after a
19 complaint that meets the requirements of subsection (6) is filed
20 and until the matter is terminated, the secretary of state shall
21 mail to the complainant and to the alleged violator notice of the
22 action taken to date by the secretary of state, together with the
23 reasons for the action or nonaction.

24 (10) If the secretary of state determines that there may be
25 reason to believe that a violation of this act has occurred, the
26 secretary of state shall endeavor to correct the violation or
27 prevent a further violation by using informal methods such as a

1 conference, conciliation, or persuasion, and may enter into a
2 conciliation agreement with the person involved. Unless violated, a
3 conciliation agreement is a complete bar to any further action with
4 respect to matters covered in the conciliation agreement. If the
5 secretary of state is unable to correct or prevent further
6 violation by these informal methods, the secretary of state may
7 refer the matter to the attorney general for the enforcement of a
8 criminal penalty provided by this act or commence a hearing as
9 provided in subsection (11).

10 (11) The secretary of state may commence a hearing to
11 determine whether a civil violation of this act has occurred. A
12 hearing shall not be commenced during the period beginning 30 days
13 before an election in which the committee has received or expended
14 money and ending the day after that election except with the
15 consent of the person suspected of committing a civil violation.
16 The hearing shall be conducted in accordance with the procedures
17 set forth in chapter 4 of the administrative procedures act of
18 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the
19 secretary of state determines that a violation of this act has
20 occurred, the secretary of state may issue an order requiring the
21 person to pay a civil fine equal to the amount of the improper
22 contribution or expenditure plus not more than \$1,000.00 for each
23 violation.

24 (12) A final decision and order issued by the secretary of
25 state is subject to judicial review as provided by chapter 6 of the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to
27 24.306. The secretary of state shall deposit a civil fine imposed

1 under this section in the general fund. The secretary of state may
2 bring an action in circuit court to recover the amount of a civil
3 fine.

4 (13) When a report or statement is filed under this act, the
5 secretary of state shall review the report or statement and may
6 investigate an apparent violation of this act under the rules
7 promulgated under this act. If the secretary of state determines
8 that there may be reason to believe a violation of this act has
9 occurred and the procedures prescribed in subsection (10) have been
10 complied with, the secretary of state may refer the matter to the
11 attorney general for the enforcement of a criminal penalty provided
12 by this act, or commence a hearing under subsection (11) to
13 determine whether a civil violation of this act has occurred.

14 (14) THE SECRETARY OF STATE SHALL RANDOMLY AUDIT 9 COMMITTEES
15 SELECTED AS PROVIDED IN SECTION 15A FOR EACH GENERAL ELECTION
16 CYCLE. AN AUDIT UNDER THIS SUBSECTION SHALL INCLUDE, BUT NOT BE
17 LIMITED TO, A REVIEW OF ALL STATEMENTS AND REPORTS THAT THE
18 COMMITTEE IS REQUIRED BY LAW TO FILE AND THAT WERE FILED WITHIN 3
19 YEARS BEFORE THE AUDIT, AND ALL ACCOUNTS, RECORDS, BILLS, AND
20 RECEIPTS THAT THE COMMITTEE IS REQUIRED BY LAW TO KEEP. IN
21 PERFORMING AN AUDIT UNDER THIS SUBSECTION, THE SECRETARY OF STATE
22 SHALL NOT REVIEW A STATEMENT OR REPORT FILED BEFORE THE EFFECTIVE
23 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

24 (15) ~~(14)~~ Unless otherwise specified in this act, a person who
25 violates a provision of this act is subject to a civil fine of not
26 more than \$1,000.00 for each violation. A civil fine is in addition
27 to, but not limited by, a criminal penalty prescribed by this act.

1 (16) ~~(15)~~—In addition to any other sanction provided for by
2 this act, the secretary of state may require a person who files a
3 complaint with a false certificate under subsection (6)(c) to do
4 either or both of the following:

5 (a) Pay to the secretary of state some or all of the expenses
6 incurred by the secretary of state as a direct result of the filing
7 of the complaint.

8 (b) Pay to the person against whom the complaint was filed
9 some or all of the expenses, including, but not limited to,
10 reasonable attorney fees incurred by that person in proceedings
11 under this act as a direct result of the filing of the complaint.

12 (17) ~~(16)~~—There is no private right of action, either in law
13 or in equity, under this act. The remedies provided in this act are
14 the exclusive means by which this act may be enforced and by which
15 any harm resulting from a violation of this act may be redressed.

16 (18) ~~(17)~~—The secretary of state may waive the filing of a
17 campaign statement required under section 33, 34, or 35 if the
18 closing date of the particular campaign statement falls on the same
19 or a later date as the closing date of the next campaign statement
20 filed by the same person, or if the period that would be otherwise
21 covered by the next campaign statement filed by the same person is
22 10 days or less.

23 (19) ~~(18)~~—The clerk of each county shall do all of the
24 following:

25 (a) Make available through the county clerk's office the
26 appropriate forms, instructions, and manuals required by this act.

27 (b) Under the supervision of the secretary of state, implement

1 the filing, coding, and cross-indexing system prescribed for the
2 filing of reports and statements required to be filed with the
3 county clerk's office.

4 (c) Receive all statements and reports required by this act to
5 be filed with the county clerk's office.

6 (d) Upon written request, waive the payment of a late filing
7 fee if the request for a waiver is based on good cause as
8 prescribed in subsection (1)(f).

9 SEC. 15A. (1) FOR EACH GENERAL ELECTION CYCLE, THE BUREAU OF
10 ELECTIONS SHALL RANDOMLY SELECT 9 COMMITTEES TO BE AUDITED BY THE
11 SECRETARY OF STATE UNDER SECTION 15(14). THE COMMITTEES SELECTED
12 SHALL BE COMPOSED OF ALL OF THE FOLLOWING:

13 (A) THREE CANDIDATE COMMITTEES.

14 (B) THREE BALLOT QUESTION COMMITTEES.

15 (C) THREE INDEPENDENT OR POLITICAL COMMITTEES.

16 (2) THE BUREAU OF ELECTIONS SHALL SUBMIT THE NAMES OF THE
17 COMMITTEES SELECTED UNDER SUBSECTION (1) TO THE BOARD OF STATE
18 CANVASSERS. THE BOARD OF STATE CANVASSERS SHALL REVIEW THE NAMES
19 SUBMITTED AND, BY MAJORITY VOTE OF THE MEMBERS APPOINTED AND
20 SERVING, APPROVE OR DENY EACH COMMITTEE.

21 (3) THE BUREAU OF ELECTIONS SHALL RANDOMLY SELECT A COMMITTEE
22 TO REPLACE EACH COMMITTEE REJECTED BY THE BOARD OF STATE CANVASSERS
23 UNDER SUBSECTION (2) AND SUBMIT THE NAME OF THE NEW COMMITTEE TO
24 THE BOARD OF STATE CANVASSERS FOR APPROVAL OR DENIAL AS PROVIDED IN
25 SUBSECTION (2).

26 Sec. 17. (1) A person paying a late filing fee as a result of
27 ~~that person's~~ **THE** failure to file a statement or report shall pay

1 that fee to the filing official with whom the statement or report
2 was required to be filed.

3 (2) The late filing fees collected pursuant to sections 24,
4 33, 34, and 35, and copying charges collected pursuant to section
5 16, shall be retained by and for the use of the filing officials
6 collecting the fees or charges to cover their expenses in
7 administering this act. A late filing fee assessed by a county
8 clerk that remains unpaid for more than 60 days shall be considered
9 a debt of the county and shall be collected by the county treasurer
10 in the same manner as other county debts are collected. A

11 (3) **THE SECRETARY OF STATE MAY COMMENCE A CIVIL ACTION TO**
12 **COLLECT A** late filing fee assessed by the secretary of state that
13 remains unpaid **FOR MORE THAN 90 DAYS. IF THE LATE FILING FEE IS**
14 **ASSESSED AGAINST A CANDIDATE COMMITTEE, A CIVIL ACTION COMMENCED**
15 **UNDER THIS SUBSECTION SHALL BE FILED AGAINST THE CANDIDATE NAMED IN**
16 **THE CANDIDATE COMMITTEE'S STATEMENT OF ORGANIZATION. IF A CIVIL**
17 **ACTION TO COLLECT THE LATE FILING FEE HAS NOT BEEN COMMENCED UNDER**
18 **THIS SUBSECTION AND THE LATE FILING FEE REMAINS UNPAID** for more
19 than 180 days, **THE LATE FILING FEE** shall be referred to the
20 department of treasury for collection.

21 (4) ~~(3)~~—A committee, other than a candidate committee or a
22 committee making expenditures in assistance of or in opposition to
23 the qualification, passage, or defeat of a ballot question,
24 required to file with the secretary of state is not required to pay
25 a late filing fee pursuant to ~~sections~~ **SECTION 24, 33, 34, and OR**
26 **35,** if all of the following conditions are met:

27 (a) ~~A~~ **THE** committee **IS** required to register as a committee **AND**

1 fails to file a statement of organization.

2 (b) The secretary of state sends to ~~that~~**THE** committee notice
3 of the committee's failure to file a statement of organization.

4 (c) At the same time or after the notice described in
5 subdivision (b) is sent, the secretary of state sends to ~~that~~**THE**
6 committee notice of the committee's failure to file a campaign
7 statement that was due for a period that occurred before the notice
8 of failure to file a statement of organization was sent.

9 (d) Within 10 business days after the notice of failure to
10 file a statement of organization is sent, the committee files a
11 statement of organization.

12 (e) Within 10 business days after the notice of failure to
13 file a campaign statement is sent, the committee files every
14 campaign statement that is due **FROM THE COMMITTEE**.

15 (5) ~~(4)~~Late filing fees that would have ~~occurred~~**BEEN**
16 **ASSESSED** except for subsection ~~(3)~~**(4)** shall be assessed for each
17 statement not filed before the eleventh business day after a notice
18 of failure to file is sent pursuant to subsection ~~(3)~~**(4)**.

19 (6) ~~(5)~~A committee other than a candidate committee that has
20 not previously filed a statement of organization is not required to
21 pay a late filing fee pursuant to ~~sections~~**SECTION** 24, 33, 34, and
22 **OR** 35, if the committee files a statement of organization and every
23 campaign statement that is due, before the secretary of state sends
24 a notice to that committee pursuant to subsection ~~(3)~~**(4)**.

25 (7) **A LATE FILING FEE ASSESSED UNDER SECTION 24, 32, 33, OR 35**
26 **AS A RESULT OF THE FAILURE OF A PERSON TO FILE A STATEMENT OR**
27 **REPORT A CONTRIBUTION FOR A CANDIDATE COMMITTEE SHALL BE PAID BY**

1 THE CANDIDATE NAMED IN THE CANDIDATE COMMITTEE'S STATEMENT OF
2 ORGANIZATION FROM HIS OR HER PERSONAL FUNDS AND NOT FROM COMMITTEE
3 FUNDS.

4 (8) A PERSON SUBJECT TO A LATE FILING FEE UNDER SECTION 24,
5 32, 33, OR 35 BECAUSE OF A FAILURE TO COMPLY WITH THIS ACT THAT
6 OCCURRED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
7 THIS SUBSECTION IS ONLY SUBJECT TO THE AMOUNT OF THE LATE FILING
8 FEE THAT THE PERSON WOULD HAVE BEEN SUBJECT TO FOR THAT FAILURE
9 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
10 SUBSECTION. THIS SUBSECTION ONLY APPLIES TO A PERSON WHO PAYS THE
11 LATE FILING FEE WITHIN 3 MONTHS OF THE EFFECTIVE DATE OF THE
12 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

13 Sec. 24. (1) A committee shall file a statement of
14 organization with the filing officials designated in section 36 to
15 receive the committee's campaign statements. A statement of
16 organization shall be filed within 10 days after a committee is
17 formed. A filing official shall maintain a statement of
18 organization filed by a committee until 5 years after the official
19 date of the committee's dissolution. ~~A-SUBJECT TO SECTION 17(7), A~~
20 person who fails to file a statement of organization required by
21 this subsection shall pay a late filing fee of ~~\$10.00-\$16.00~~ for
22 each business day the statement remains not filed in violation of
23 this subsection. The late filing fee shall not exceed ~~\$300.00~~
24 **\$480.00**. A person who violates this subsection by failing to file
25 for more than 30 days after a statement of organization is required
26 to be filed is guilty of a misdemeanor punishable by a fine of not
27 more than \$1,000.00.

1 (2) The statement of organization required by subsection (1)
2 shall include the following information:

3 (a) The name, street address, and, if available, ~~the~~ telephone
4 number of the committee. If a committee is a candidate committee,
5 the committee name shall include the first and last name of the
6 candidate. A committee address may be the home address of the
7 candidate or treasurer of the committee.

8 (b) The name, street address, and, if available, ~~the~~ telephone
9 number of the treasurer or other individual designated as
10 responsible for the committee's record keeping, report preparation,
11 or report filing.

12 (c) The name and address of the financial institution in which
13 the official committee depository is or is intended to be located,
14 and the name and address of each financial institution in which a
15 secondary depository is or is intended to be located.

16 (d) The full name of the office being sought by, including
17 district number or jurisdiction, and the county residence of each
18 candidate supported or opposed by the committee.

19 (e) A brief statement identifying the substance of each ballot
20 question supported or opposed by the committee. If the ballot
21 question supported or opposed by the committee is not statewide,
22 the committee shall identify the county in which the greatest
23 number of registered voters eligible to vote on the ballot question
24 reside.

25 (f) Identification of the committee as a candidate committee,
26 political party committee, independent committee, political
27 committee, or ballot question committee if it is identifiable as

1 such a committee.

2 (3) An independent committee or political committee shall
3 include in the name of the committee the name of the person or
4 persons that sponsor the committee, if any, or with whom the
5 committee is affiliated. A person, other than an individual or a
6 committee, sponsors or is affiliated with an independent committee
7 or political committee if that person establishes, directs,
8 controls, or financially supports the administration of the
9 committee. For the purposes of this subsection, a person does not
10 financially support the administration of a committee by merely
11 making a contribution to the committee.

12 (4) If any of the information required in a statement of
13 organization is changed, the committee shall file an amendment when
14 the next campaign statement is required to be filed. An independent
15 committee or political committee whose name does not include the
16 name of the person or persons that sponsor the committee or with
17 whom the committee is affiliated as required by subsection (3)
18 shall file an amendment to the committee's statement of
19 organization not later than the date the next campaign statement is
20 required to be filed after ~~the effective date of the amendatory act~~
21 ~~that added this sentence~~ **APRIL 1, 1995.**

22 (5) When filing a statement of organization, a committee,
23 other than an independent committee, a political committee, or a
24 political party committee, may indicate in a written statement
25 signed by the treasurer of the committee that the committee does
26 not expect for each election to receive an amount in excess of
27 \$1,000.00 or expend an amount in excess of \$1,000.00.

1 (6) When filing a statement of organization, an independent
2 committee, a political committee, or a political party committee
3 may indicate in a written statement signed by the treasurer of the
4 committee that the committee does not expect in a calendar year to
5 receive or expend an amount in excess of \$1,000.00.

6 (7) Upon the dissolution of a committee, the committee shall
7 file a statement indicating dissolution with the filing officials
8 with whom the committee's statement of organization was filed.
9 Dissolution of a committee shall be accomplished pursuant to rules
10 promulgated by the secretary of state under the administrative
11 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

12 (8) A candidate committee that files a written statement
13 pursuant to subsection (5) ~~shall~~ **IS** not ~~be~~ required to file a
14 dissolution statement pursuant to subsection (7) if the committee
15 ~~failed to~~ **DID NOT** receive or expend an amount in excess of
16 \$1,000.00 and 1 of the following applies:

17 (a) The candidate was defeated in an election and has no
18 outstanding campaign debts or assets.

19 (b) The candidate vacates an elective office and has no
20 outstanding campaign debts or assets.

21 Sec. 32. (1) A committee, candidate, treasurer, or other
22 individual designated as responsible for the committee's record
23 keeping, record preparation, or report filing shall report a late
24 contribution by filing with the filing officer within 48 hours
25 after its receipt the full name, street address, occupation,
26 employer, and principal place of business of the contributor.

27 (2) Filing of a report of a late contribution pursuant to

1 subsection (1) may be by any written means of communication and
2 need not contain an original signature.

3 (3) A late contribution shall be reported on subsequent
4 campaign statements without regard to reports filed pursuant to
5 subsection (1). If a campaign statement has not been filed, a late
6 contribution may be reported, if practicable, in the campaign
7 statement and, **IF SO REPORTED**, need not ~~, therefore,~~ be reported in
8 a subsequent campaign statement.

9 (4) ~~A~~**SUBJECT TO SECTION 17(7)**, A committee, candidate,
10 treasurer, or other individual designated as responsible for the
11 committee's record keeping, report preparation, or report filing
12 who fails to report a late contribution as required by subsection
13 (1) shall pay a late filing fee, that shall not exceed ~~\$2,000.00~~
14 **\$3,200.00**, determined as follows:

15 (a) ~~Twenty-five~~**FORTY** dollars for each business day the
16 report remains unfiled.

17 (b) An additional ~~\$25.00~~**\$40.00** for each business day after
18 the first 3 business days the report remains unfiled.

19 (c) An additional ~~\$50.00~~**\$80.00** for each business day after
20 the first 10 business days the report remains unfiled.

21 (5) As used in this section, "late contribution" means a
22 contribution of \$200.00 or more received after the closing date of
23 the last campaign statement required to be filed before an
24 election.

25 Sec. 33. (1) A committee, other than an independent committee
26 or a political committee required to file with the secretary of
27 state, supporting or opposing a candidate shall file complete

1 campaign statements as required by this act and the rules
2 promulgated under this act. The campaign statements shall be filed
3 according to the following schedule:

4 (a) A preelection campaign statement shall be filed not later
5 than the eleventh day before an election. The closing date for a
6 campaign statement filed under this subdivision shall be the
7 sixteenth day before the election.

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

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

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

25 (b) A committee other than a candidate committee shall file a
26 campaign statement for each period during which expenditures are
27 made for the purpose of influencing the nomination or election of a

1 candidate or for the qualification, passage, or defeat of a ballot
2 question.

3 (3) An independent committee or a political committee other
4 than a house political party caucus committee or senate political
5 party caucus committee required to file with the secretary of state
6 shall file campaign statements as required by this act according to
7 the following schedule:

8 (a) In an odd numbered year:

9 (i) Not later than January 31 ~~of that year~~ with a closing date
10 of December 31 of the previous year.

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

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

14 (b) In an even numbered year:

15 (i) Not later than April 25 ~~of that year~~ with a closing date of
16 April 20. ~~of that year.~~

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

18 (iii) Not later than October 25 with a closing date of October
19 20.

20 (4) A house political party caucus committee or a senate
21 political party caucus committee required to file with the
22 secretary of state shall file campaign statements as required by
23 this act according to the following schedule:

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

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

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

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

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

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

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

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

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

16 (7) ~~A-SUBJECT TO SECTION 17(7),~~ A committee, candidate,
17 treasurer, or other individual designated as responsible for the
18 committee's record keeping, report preparation, or report filing
19 who fails to file a statement as required by this section shall pay
20 a late filing fee. If the committee has raised \$10,000.00 or less
21 during the previous 2 years, the late filing fee shall be ~~\$25.00~~
22 **\$40.00** for each business day the statement remains unfiled, but not
23 to exceed ~~\$500.00~~ **\$800.00**. If the committee has raised more than
24 \$10,000.00 during the previous 2 years, the late filing fee shall
25 not exceed ~~\$1,000.00~~ **\$1,600.00**, determined as follows:

26 (a) ~~Twenty-five~~ **FORTY** dollars for each business day the report
27 remains unfiled.

1 (b) An additional ~~\$25.00~~**\$40.00** for each business day after
2 the first 3 business days the report remains unfiled.

3 (c) An additional ~~\$50.00~~**\$80.00** for each business day after
4 the first 10 business days the report remains unfiled.

5 (8) If a candidate, treasurer, or other individual designated
6 as responsible for the committee's record keeping, report
7 preparation, or report filing fails to file 2 statements required
8 by this section or section 35 and both of the statements remain
9 unfiled for more than 30 days, that candidate, treasurer, or other
10 designated individual is guilty of a misdemeanor, punishable by a
11 fine of not more than \$1,000.00, or imprisonment for not more than
12 90 days, or both.

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

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

24 Sec. 34. (1) ~~A~~**IN THE YEAR THAT A BALLOT QUESTION SUPPORTED OR**
25 **OPPOSED BY A BALLOT QUESTION COMMITTEE APPEARS ON THE BALLOT, THE**
26 ballot question committee shall file a campaign statement as
27 required by this act according to the following schedule:

1 (a) A preelection campaign statement, the closing date of
2 which shall be the sixteenth day before the election, shall not be
3 filed later than the eleventh day before the election.

4 (b) A postelection campaign statement, the closing date of
5 which shall be the twentieth day following the election, shall not
6 be filed later than the thirtieth day following an election. If all
7 liabilities of the committee are paid before the closing date and
8 additional contributions are not expected, the campaign statement
9 may be filed at any time after the election, but not later than the
10 thirtieth day following the election.

11 (C) A CAMPAIGN STATEMENT, NOT LATER THAN APRIL 15 WITH A
12 CLOSING DATE OF MARCH 31.

13 (D) A CAMPAIGN STATEMENT, NOT LATER THAN JULY 15 WITH A
14 CLOSING DATE OF JUNE 30.

15 ~~(2) A ballot question committee supporting or opposing a~~
16 ~~statewide ballot question shall file a campaign statement, of which~~
17 ~~the closing date shall be the twenty eighth day after the~~
18 ~~qualification of the measure, not later than 35 days after the~~
19 ~~ballot question is qualified for the ballot. If the ballot question~~
20 ~~fails to qualify for the ballot, the ballot question committee~~
21 ~~shall file the campaign statement within 35 days after the final~~
22 ~~deadline for qualifying, the closing date of which shall be the~~
23 ~~twenty eighth day after the deadline. IN EACH YEAR OTHER THAN THE~~
24 ~~YEAR THAT A BALLOT QUESTION SUPPORTED OR OPPOSED BY A BALLOT~~
25 ~~QUESTION COMMITTEE APPEARS ON THE BALLOT, THE BALLOT QUESTION~~
26 ~~COMMITTEE SHALL FILE A CAMPAIGN FINANCE STATEMENT AS REQUIRED BY~~
27 ~~THIS ACT ACCORDING TO THE FOLLOWING SCHEDULE:~~

1 (A) NOT LATER THAN APRIL 15 WITH A CLOSING DATE OF MARCH 31.

2 (B) NOT LATER THAN JULY 15 WITH A CLOSING DATE OF JUNE 30.

3 (C) NOT LATER THAN OCTOBER 15 WITH A CLOSING DATE OF SEPTEMBER
4 30.

5 (3) If a ballot question committee supporting or opposing a
6 statewide ballot question fails to file a preelection statement
7 under this section, that committee or its treasurer shall pay a
8 late filing fee for each business day the statement remains not
9 filed in violation of this section, not to exceed ~~\$1,000.00~~

10 \$1,600.00, pursuant to the following schedule:

11 (a) First day-- ~~\$25.00~~ \$40.00.

12 (b) Second day-- ~~\$50.00~~ \$80.00.

13 (c) Third day-- ~~\$75.00~~ \$120.00.

14 (d) Fourth day and for each subsequent day that the statement
15 remains unfiled-- ~~\$100.00~~ \$160.00.

16 (4) If a treasurer or other individual designated as
17 responsible for the record keeping, report preparation, or report
18 filing of a ballot question committee supporting or opposing a
19 statewide ballot question fails to file a statement, other than a
20 preelection statement, under this section, that committee,
21 treasurer, or other designated individual shall pay a late filing
22 fee. If the committee has raised \$10,000.00 or less during the
23 previous 2 years, the late filing fee shall be ~~\$25.00~~ \$40.00 for
24 each business day the campaign statement remains unfiled, but not
25 to exceed ~~\$1,000.00~~ \$1,600.00. If the committee has raised more
26 than \$10,000.00 during the previous 2 years, the late filing fee
27 shall be ~~\$50.00~~ \$80.00 for each business day the campaign statement

1 remains unfiled, but not to exceed ~~\$2,000.00~~ **\$3,200.00**.

2 (5) If a treasurer or other individual designated as
3 responsible for the record keeping, report preparation, or report
4 filing of a ballot question committee supporting or opposing other
5 than a statewide ballot question fails to file a statement under
6 this section, that committee, treasurer, or other designated
7 individual shall pay a late filing fee. If the committee has raised
8 \$10,000.00 or less during the previous 2 years, the late filing fee
9 shall be ~~\$25.00~~ **\$40.00** for each business day the campaign statement
10 remains unfiled, but not to exceed ~~\$1,000.00~~ **\$1,600.00**. If the
11 committee has raised more than \$10,000.00 during the previous 2
12 years, the late filing fee shall be ~~\$50.00~~ **\$80.00** for each business
13 day the campaign statement remains unfiled, but not to exceed
14 ~~\$2,000.00~~ **\$3,200.00**.

15 (6) If a treasurer or other individual designated as
16 responsible for the record keeping, report preparation, or report
17 filing of a ballot question committee fails to file a statement as
18 required by subsection (1) or (2) for more than 7 days, that
19 treasurer or other designated individual is guilty of a
20 misdemeanor, punishable by a fine of not more than \$1,000.00, or
21 imprisonment for not more than 90 days, or both.

22 (7) If a treasurer or other individual designated as
23 responsible for the record keeping, report preparation, or report
24 filing of a ballot question committee knowingly files an incomplete
25 or inaccurate statement or report required by this section, that
26 treasurer or other designated individual is subject to a civil fine
27 of not more than \$1,000.00.

1 Sec. 35. (1) In addition to any other requirements of this act
2 for filing a campaign statement, a committee, other than an
3 independent committee or a political committee required to file
4 with the secretary of state, shall also file a campaign statement
5 not later than January 31 of each year. The campaign statement
6 shall have a closing date of December 31 of the previous year. The
7 period covered by the campaign statement filed pursuant to this
8 subsection begins the day after the closing date of the previous
9 campaign statement. A campaign statement filed pursuant to this
10 subsection shall be waived if a postelection campaign statement has
11 been filed that has a filing deadline within 30 days of the closing
12 date of the campaign statement required by this subsection.

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

19 (3) ~~A-SUBJECT TO SECTION 17(7),~~ A committee, candidate,
20 treasurer, or other individual designated as responsible for the
21 record keeping, report preparation, or report filing for a
22 candidate committee of a candidate for state elective office or a
23 judicial office who fails to file a campaign statement under this
24 section shall be assessed a late filing fee. If the committee has
25 raised \$10,000.00 or less during the previous 2 years, the late
26 filing fee shall be ~~\$25.00~~ **\$40.00** for each business day the
27 campaign statement remains unfiled, but not to exceed ~~\$500.00~~

1 **\$800.00.** If the committee has raised more than \$10,000.00 during
2 the previous 2 years, the late filing fee shall be ~~\$50.00~~ **\$80.00**
3 for each business day the campaign statement remains unfiled, but
4 not to exceed ~~\$1,000.00~~ **\$1,600.00.** ~~The late filing fee assessed~~
5 ~~under this subsection shall be paid by the candidate, and the~~
6 ~~candidate shall not use committee funds to pay that fee.~~ A **SUBJECT**
7 **TO SECTION 17(7),** A committee, treasurer, or other individual
8 designated as responsible for the record keeping, report
9 preparation, or report filing for a committee other than a
10 candidate committee of a candidate for state elective office or a
11 judicial office who fails to file a campaign statement under this
12 section shall pay a late filing fee of ~~\$25.00~~ **\$40.00** for each
13 business day the campaign statement remains not filed in violation
14 of this section. The late filing fee shall not exceed ~~\$500.00~~
15 **\$800.00.**

16 (4) A committee filing a written statement pursuant to section
17 24(5) or (6) need not file a statement in accordance with
18 subsection (1). If a committee receives or expends more than
19 \$1,000.00 during a time period prescribed by section 24(5) or (6),
20 the committee is then subject to the campaign filing requirements
21 under this act and shall file a campaign statement for the period
22 beginning the day after the closing date of the last postelection
23 campaign statement or an annual campaign statement that is waived
24 pursuant to subsection (1), whichever occurred earlier.

25 (5) If a candidate, treasurer, or other individual designated
26 as responsible for the record keeping, report preparation, or
27 report filing fails to file 2 statements required by this section

1 or section 33 and both of the statements remain unfiled for more
2 than 30 days, that candidate, treasurer, or other designated
3 individual is guilty of a misdemeanor, punishable by a fine of not
4 more than \$1,000.00, or imprisonment for not more than 90 days, or
5 both.

6 (6) If a treasurer or other individual designated as
7 responsible for the record keeping, report preparation, or report
8 filing for a committee required to file a campaign statement under
9 subsection (1) knowingly files an incomplete or inaccurate
10 statement or report required by this section, that treasurer or
11 other designated individual is subject to a civil fine of not more
12 than \$1,000.00.

13 Enacting section 1. This amendatory act takes effect January
14 31, 2009.