

**SUBSTITUTE FOR
HOUSE BILL NO. 4997**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 16, 22, 26, 28, 29, 33, 35, 41, 42, 52, 55, and 57 (MCL 169.215, 169.216, 169.222, 169.226, 169.228, 169.229, 169.233, 169.235, 169.241, 169.242, 169.252, 169.255, and 169.257), sections 15, 26, 29, 42, 52, and 57 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, sections 22, 28, and 41 as amended by 1999 PA 237, section 33 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, and section 55 as amended by 1995 PA 264, and by adding sections 43a and 48.

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

1 to county clerks, appropriate forms, instructions, and manuals
2 required by this act.

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

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

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

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

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

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

24 (ii) Other unique, unintentional factors beyond the filer's
25 control not stemming from a negligent act or nonaction so that a
26 reasonably prudent person would excuse the filing on a temporary
27 basis. These factors include the loss or unavailability of

1 records due to a fire, flood, theft, or similar reason and
2 difficulties related to the transmission of the filing to the
3 filing official, such as exceptionally bad weather or strikes
4 involving transportation systems.

5 (2) A declaratory ruling shall be issued under this section
6 only if the person requesting the ruling has provided a
7 reasonably complete statement of facts necessary for the ruling
8 or if the person requesting the ruling has, with the permission
9 of the secretary of state, supplied supplemental facts necessary
10 for the ruling. A request for a declaratory ruling that is
11 submitted to the secretary of state shall be made available for
12 public inspection within 48 hours after its receipt. An
13 interested person may submit written comments regarding the
14 request to the secretary of state within 10 business days after
15 the date the request is made available to the public. Within 45
16 business days after receiving a declaratory ruling request, the
17 secretary of state shall make a proposed response available to
18 the public. An interested person may submit written comments
19 regarding the proposed response to the secretary of state within
20 5 business days after the date the proposal is made available to
21 the public. Except as otherwise provided in this section, the
22 secretary of state shall issue a declaratory ruling within 60
23 business days after a request for a declaratory ruling is
24 received. If the secretary of state refuses to issue a
25 declaratory ruling, the secretary of state shall notify the
26 person making the request of the reasons for the refusal and
27 shall issue an interpretative statement providing an

1 informational response to the question presented within the same
2 time limitation applicable to a declaratory ruling. A declaratory
3 ruling or interpretative statement issued under this section
4 shall not state a general rule of law, other than that which is
5 stated in this act, until the general rule of law is promulgated
6 by the secretary of state as a rule under the administrative
7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or
8 under judicial order.

9 (3) Under extenuating circumstances, the secretary of state
10 may issue a notice extending for not more than 30 business days
11 the period during which the secretary of state shall respond to a
12 request for a declaratory ruling. The secretary of state shall
13 not issue more than 1 notice of extension for a particular
14 request. A person requesting a declaratory ruling may waive, in
15 writing, the time limitations provided by this section.

16 (4) The secretary of state shall make available to the
17 public an annual summary of the declaratory rulings and
18 interpretative statements issued by the secretary of state.

19 (5) A person may file with the secretary of state a
20 complaint that alleges a violation of this act. Within 5 business
21 days after a complaint that meets the requirements of subsection
22 (6) is filed, the secretary of state shall give notice to the
23 person against whom the complaint is filed. The notice shall
24 include a copy of the complaint. Within 15 business days after
25 this notice is provided, the person against whom the complaint
26 was filed may submit to the secretary of state a response. The
27 secretary of state may extend the period for submitting a

1 response an additional 15 business days for good cause. The
2 secretary of state shall provide a copy of a response received to
3 the complainant. Within 10 business days after receiving a copy
4 of the response, the complainant may submit to the secretary of
5 state a rebuttal statement. The secretary of state may extend the
6 period for submitting a rebuttal statement an additional 10
7 business days for good cause. The secretary of state shall
8 provide a copy of the rebuttal statement to the person against
9 whom the complaint was filed.

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

12 (a) Be signed by the complainant.

13 (b) State the name, address, and telephone number of the
14 complainant.

15 (c) Include the complainant's certification that, to the
16 best of the complainant's knowledge, information, and belief,
17 formed after a reasonable inquiry under the circumstances, each
18 factual contention of the complaint is supported by evidence.
19 However, if, after a reasonable inquiry under the circumstances,
20 the complainant is unable to certify that certain factual
21 contentions are supported by evidence, the complainant may
22 certify that, to the best of his or her knowledge, information,
23 or belief, there are grounds to conclude that those specifically
24 identified factual contentions are likely to be supported by
25 evidence after a reasonable opportunity for further inquiry.

26 (7) The secretary of state shall develop a form that
27 satisfies the requirements of subsection (6) and may be used for

1 the filing of complaints.

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

7 (9) The secretary of state shall investigate the allegations
8 under the rules promulgated under this act. Every 60 days after a
9 complaint that meets the requirements of subsection (6) is filed
10 and until the matter is terminated, the secretary of state shall
11 mail to the complainant and to the alleged violator notice of the
12 action taken to date by the secretary of state, together with the
13 reasons for the action or nonaction.

14 (10) If the secretary of state determines that there may be
15 reason to believe that a violation of this act has occurred, the
16 secretary of state shall endeavor to correct the violation or
17 prevent a further violation by using informal methods such as a
18 conference, conciliation, or persuasion, and may enter into a
19 conciliation agreement with the person involved. Unless violated,
20 a conciliation agreement is a complete bar to any further action
21 with respect to matters covered in the conciliation agreement. If
22 the secretary of state is unable to correct or prevent further
23 violation by these informal methods, the secretary of state may
24 refer the matter to the attorney general for the enforcement of a
25 criminal penalty provided by this act or commence a hearing as
26 provided in subsection (11). **IF THE VIOLATION INVOLVES THE**
27 **ATTORNEY GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE**

1 ATTORNEY GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE
2 DIRECTOR OF ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING
3 ATTORNEY FOR THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A
4 CRIMINAL PENALTY PROVIDED BY THIS ACT.

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

19 (12) A final decision and order issued by the secretary of
20 state is subject to judicial review as provided by chapter 6 of
21 the administrative procedures act of 1969, 1969 PA 306, MCL
22 24.301 to 24.306. The secretary of state shall deposit a civil
23 fine imposed under this section in the general fund. The
24 secretary of state may bring an action in circuit court to
25 recover the amount of a civil fine.

26 (13) When a report or statement is filed under this act, the
27 secretary of state shall review the report or statement and may

1 investigate an apparent violation of this act under the rules
2 promulgated under this act. If the secretary of state determines
3 that there may be reason to believe a violation of this act has
4 occurred and the procedures prescribed in subsection (10) have
5 been complied with, the secretary of state may refer the matter
6 to the attorney general for the enforcement of a criminal penalty
7 provided by this act, or commence a hearing under subsection (11)
8 to determine whether a civil violation of this act has occurred.
9 **IF THE VIOLATION INVOLVES THE ATTORNEY GENERAL OR A CAMPAIGN OR**
10 **COMMITTEE WITH WHICH THE ATTORNEY GENERAL IS CONNECTED, DIRECTLY**
11 **OR INDIRECTLY, THE DIRECTOR OF ELECTIONS SHALL REFER THE MATTER**
12 **TO THE PROSECUTING ATTORNEY FOR THE COUNTY OF INGHAM FOR THE**
13 **ENFORCEMENT OF A CRIMINAL PENALTY PROVIDED BY THIS ACT.**

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

19 (15) In addition to any other sanction provided for by this
20 act, the secretary of state may require a person who files a
21 complaint with a false certificate under subsection (6)(c) to do
22 either or both of the following:

23 (a) Pay to the secretary of state some or all of the
24 expenses incurred by the secretary of state as a direct result of
25 the filing of the complaint.

26 (b) Pay to the person against whom the complaint was filed
27 some or all of the expenses, including, but not limited to,

1 reasonable attorney fees incurred by that person in proceedings
2 under this act as a direct result of the filing of the complaint.

3 (16) There is no private right of action, either in law or
4 in equity, under this act. The remedies provided in this act are
5 the exclusive means by which this act may be enforced and by
6 which any harm resulting from a violation of this act may be
7 redressed.

8 (17) The secretary of state may waive the filing of a
9 campaign statement required under section 33, 34, or 35 if the
10 closing date of the particular campaign statement falls on the
11 same or a later date as the closing date of the next campaign
12 statement filed by the same person, or if the period that would
13 be otherwise covered by the next campaign statement filed by the
14 same person is 10 days or less.

15 (18) The clerk of each county shall do all of the following:

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

19 (b) Under the supervision of the secretary of state,
20 implement the filing, coding, and cross-indexing system
21 prescribed for the filing of reports and statements required to
22 be filed with the county clerk's office.

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

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

1 Sec. 16. (1) A filing official shall make a statement or
2 report required to be filed under this act available for public
3 inspection and reproduction, commencing as soon as practicable,
4 but not later than the third business day following the day on
5 which it is received, during regular business hours of the filing
6 official. If the report is a report of a late contribution under
7 section 32(1) made to the secretary of state, the secretary of
8 state shall also make the report or all of the contents of the
9 report available to the public on the internet, without charge,
10 as soon as practicable but not later than the end of the business
11 day on which it is received, at a single website established and
12 maintained by the secretary of state.

13 (2) A copy of a statement or part of a statement shall be
14 provided by a filing official at a reasonable charge.

15 (3) A statement open to the public under this act shall not
16 be used for any commercial purpose.

17 (4) Except as otherwise provided in this subsection, a
18 statement of organization filed under this act with a filing
19 official who is not the secretary of state shall be preserved by
20 that filing official for 5 years from the official date of the
21 committee's dissolution. A statement of organization filed under
22 this act with a filing official who is not the secretary of state
23 that is filed by a committee that received more than \$50,000.00
24 in an election cycle shall be preserved by that filing official
25 for 15 years from the official date of the committee's
26 dissolution. A statement of organization filed under this act
27 with the secretary of state shall be preserved by the secretary

1 of state for 15 years from the official date of the committee's
2 dissolution. Except as otherwise provided in this subsection, any
3 other statement or report filed under this act with a filing
4 official who is not the secretary of state shall be preserved by
5 that filing official for 5 years from the date the filing
6 occurred. Any other statement or report filed under this act with
7 a filing official who is not the secretary of state that is filed
8 by a committee that received more than \$50,000.00 in an election
9 cycle shall be preserved by that filing official for 15 years
10 from the date the filing occurred. Any other statement or report
11 filed under this act with the secretary of state shall be
12 preserved by the secretary of state for 15 years from the date
13 the filing occurred. Upon a determination under section 15 that a
14 violation of this act has occurred, all complaints, orders,
15 decisions, or other documents related to that violation shall be
16 preserved by the filing official who is not the secretary of
17 state or the secretary of state for 15 years from the date of the
18 court determination or the date the violations are corrected,
19 whichever is later. Statements and reports filed under this act
20 may be reproduced pursuant to the records ~~media~~**REPRODUCTION** act,
21 1992 PA 116, MCL 24.401 to ~~24.403~~**24.406**. After the required
22 preservation period, the statements and reports, or the
23 reproductions of the statements and reports, may be disposed of
24 in the manner prescribed in the management and budget act, 1984
25 PA 431, MCL 18.1101 to 18.1594, and 1913 PA 271, MCL 399.1 to
26 399.10.

27 (5) A charge shall not be collected by a filing official for

1 the filing of a required statement or report or for a form upon
2 which the statement or report is to be prepared, except a late
3 filing fee required by this act.

4 (6) A filing official shall determine whether a statement or
5 report filed under this act complies, on its face, with the
6 requirements of this act and the rules promulgated under this
7 act. The filing official shall determine whether a statement or
8 report that is required to be filed under this act is in fact
9 filed. Within 4 business days after the deadline for filing a
10 statement or report under this act, the filing official shall
11 give notice to the filer by registered mail of an error or
12 omission in the statement or report and give notice to a person
13 the filing official has reason to believe is a person required to
14 and who failed to file a statement or report. A failure to give
15 notice by the filing official under this subsection is not a
16 defense to a criminal action against the person required to file.

17 (7) Within 9 business days after the report or statement is
18 required to be filed, the filer shall make any corrections in the
19 statement or report filed with the appropriate filing official.
20 If the report or statement was not filed, then the report or
21 statement shall be late filed within 9 business days after the
22 time it was required to be filed and ~~shall be~~ **IS** subject to late
23 filing fees.

24 (8) After 9 business days and before 12 business days have
25 expired after the deadline for filing the statement or report,
26 the filing official shall report errors or omissions that were
27 not corrected and failures to file to the attorney general **OR, IF**

1 THE ERRORS OR OMISSIONS OR FAILURE TO FILE INVOLVES THE ATTORNEY
2 GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE ATTORNEY
3 GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE DIRECTOR OF
4 ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING ATTORNEY FOR
5 THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A CRIMINAL PENALTY
6 PROVIDED BY THIS ACT.

7 (9) A statement or report required to be filed under this
8 act shall be filed not later than 5 p.m. of the day in which it
9 is required to be filed. A preelection statement or report due on
10 July 25 or October 25 under section 33 that is postmarked by
11 registered or certified mail, or sent by express mail or other
12 overnight delivery service, at least 2 days before the deadline
13 for filing is filed within the prescribed time regardless of when
14 it is actually delivered. Any other statement or report required
15 to be filed under this act that is postmarked by registered or
16 certified mail or sent by express mail or other overnight
17 delivery service on or before the deadline for filing is filed
18 within the prescribed time regardless of when it is actually
19 delivered.

20 Sec. 22. A committee treasurer or other individual
21 designated on the statement of organization as responsible for
22 the committee's record keeping, report preparation, or report
23 filing shall keep detailed accounts, records, bills, and receipts
24 as required to substantiate the information contained in a
25 statement or report filed ~~pursuant to~~ **UNDER** this act or rules
26 promulgated under this act. The treasurer shall record the name
27 and address of a person from whom a contribution is received

1 **EXCEPT FOR CONTRIBUTIONS OF \$20.00 OR LESS RECEIVED PURSUANT TO**
2 **SECTION 41(3)**. The records of a committee shall be preserved for
3 5 years and shall be made available for inspection as authorized
4 by the secretary of state. A treasurer or other individual
5 designated as responsible for the committee's record keeping,
6 report preparation, or report filing who knowingly violates this
7 section is subject to a civil fine of not more than \$1,000.00.

8 Sec. 26. (1) A campaign statement of a committee, other than
9 a political party committee, required by this act shall contain
10 all of the following information:

11 (a) The filing committee's name, address, and telephone
12 number, and the full name, residential and business addresses,
13 and telephone numbers of the committee treasurer or other
14 individual designated as responsible for the committee's record
15 keeping, report preparation, or report filing.

16 (b) Under the heading "receipts", the total amount of
17 contributions received during the period covered by the campaign
18 statement; under the heading "expenditures", the total amount of
19 expenditures made during the period covered by the campaign
20 statement; and the cumulative amount of those totals. Forgiveness
21 of a loan shall not be included in the totals. Payment of a loan
22 by a third party shall be recorded and reported as an in-kind
23 contribution by the third party. In-kind contributions or
24 expenditures shall be listed at fair market value and shall be
25 reported as both contributions and expenditures. A contribution
26 or expenditure that is by other than completed and accepted
27 payment, gift, or other transfer, that is clearly not legally

1 enforceable, and that is expressly withdrawn or rejected and
2 returned before a campaign statement closing date need not be
3 included in the campaign statement and if included may, in a
4 later or amended statement, be shown as a deduction, but the
5 committee shall keep adequate records of each instance.

6 (c) The balance of cash on hand at the beginning and the end
7 of the period covered by the campaign statement.

8 (D) THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED DURING THE
9 PERIOD COVERED BY THE CAMPAIGN STATEMENT FROM PERSONS WHO
10 CONTRIBUTED MORE THAN \$20.00.

11 (E) THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED DURING THE
12 PERIOD COVERED BY THE CAMPAIGN STATEMENT FROM PERSONS WHO
13 CONTRIBUTED \$20.00 OR LESS.

14 (F) THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$20.00 OR LESS
15 RECEIVED DURING THE PERIOD COVERED BY THE CAMPAIGN STATEMENT AND
16 THE CUMULATIVE AMOUNT OF THE CONTRIBUTIONS RECEIVED BY THE FILER
17 PURSUANT TO SECTION 41(3).

18 (G) ~~(d)~~—The following information regarding each fund-
19 raising event shall be included in the report:

20 (i) The type of event, date held, address and name, if any,
21 of the place where the activity was held, and approximate number
22 of individuals participating or in attendance.

23 (ii) The total amount of all contributions OF MORE THAN
24 \$20.00.

25 (iii) THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$20.00 OR LESS.

26 (iv) ~~(iii)~~—The gross receipts of the fund-raising event.

27 (v) ~~(iv)~~—The expenditures incident to the event.

1 (H) ~~(e)~~—The full name of each individual from whom
2 contributions **TOTALING MORE THAN \$20.00** are received during the
3 period covered by the campaign statement, together with the
4 individual's street address, the amount contributed, the date on
5 which each contribution was received, and the cumulative amount
6 contributed by that individual. The occupation, employer, and
7 principal place of business shall be stated if the individual's
8 cumulative contributions are more than \$100.00.

9 (I) ~~(f)~~—The cumulative amount contributed and the name and
10 address of each individual, except those individuals reported
11 under subdivision ~~(e)~~—(H), who contributed **A TOTAL OF MORE THAN**
12 **\$20.00** to the committee. The occupation, employer, and principal
13 place of business shall be stated for each individual who
14 contributed more than \$100.00.

15 (J) ~~(g)~~—The name and street address of each person, other
16 than an individual, from whom contributions are received during
17 the period covered by the campaign statement, together with an
18 itemization of the amounts contributed, the date on which each
19 contribution was received, and the cumulative amount contributed
20 by that person.

21 (K) ~~(h)~~—The name, address, and amount given by an individual
22 who contributed **MORE THAN \$20.00** to the total amount contributed
23 by a person who is other than a committee or an individual. The
24 occupation, employer, and principal place of business shall be
25 stated if the individual contributed more than \$100.00 of the
26 total amount contributed by a person who is other than a
27 committee or an individual.

1 (l) ~~(i)~~—The cumulative total of expenditures of \$50.00 or
2 less made during the period covered by the campaign statement
3 except for expenditures made to or on behalf of another
4 committee, candidate, or ballot question.

5 (M) ~~(j)~~—The full name and street address of each person to
6 whom expenditures totaling more than \$50.00 were made, together
7 with the amount of each separate expenditure to each person
8 during the period covered by the campaign statement; the purpose
9 of the expenditure; the full name and street address of the
10 person providing the consideration for which any expenditure was
11 made if different from the payee; the itemization regardless of
12 amount of each expenditure made to or on behalf of another
13 committee, candidate, or ballot question; and the cumulative
14 amount of expenditures for or against that candidate or ballot
15 question for an election cycle. An expenditure made in support of
16 more than 1 candidate or ballot question, or both, shall be
17 apportioned reasonably among the candidates or ballot questions,
18 or both.

19 (2) A candidate committee or ballot question committee shall
20 report all cumulative amounts required by this section on a per
21 election cycle basis. Except for subsection ~~(1)(j)~~—(1) (M), an
22 independent committee or political committee shall report all
23 cumulative amounts required by this section on a calendar year
24 basis.

25 (3) A campaign statement of a committee, in addition to the
26 other information required by this section, shall include an
27 itemized list of all expenditures during the reporting period for

1 election day busing of electors to the polls, get-out-the-vote
2 activities, slate cards, challengers, poll watchers, and poll
3 workers.

4 (4) For a reporting period in which a contribution is
5 received that is to be part of a bundled contribution or a
6 reporting period in which a bundled contribution is delivered to
7 the candidate committee of a candidate for statewide elective
8 office, a bundling committee shall report to the secretary of
9 state, on a form provided by the secretary of state, all of the
10 following information, as applicable, about each contribution
11 received or delivered as part of a bundled contribution, and
12 about each bundled contribution delivered, in the reporting
13 period:

14 (a) The amount of each contribution **OF MORE THAN \$20.00**, the
15 date it was received by the bundling committee, and the candidate
16 for statewide elective office whom the contributor designated as
17 the intended recipient.

18 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**
19 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**
20 **THE STATEMENT** and, for each contribution exceeding \$100.00, the
21 contributor's occupation, employer, and principal place of
22 business.

23 (c) The date each contribution is delivered to the
24 candidate's statewide elective office candidate committee.

25 (d) The total amount of bundled contributions delivered to
26 that candidate committee during the reporting period and during
27 the election cycle.

1 (5) With its delivery of a bundled contribution to the
2 candidate committee of a candidate for statewide elective office,
3 a bundling committee shall deliver a report to that candidate
4 committee, on a form provided by the secretary of state, that
5 includes all of the following information, as applicable, about
6 each contribution delivered as part of the bundled contribution,
7 and about all bundled contributions delivered to that candidate
8 committee in the election cycle:

9 (a) The amount of each contribution **OF MORE THAN \$20.00**, the
10 date it was received by the bundling committee, and the statewide
11 elective office candidate the contributor designated as the
12 intended recipient.

13 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**
14 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**
15 **THE STATEMENT** and, for each contribution exceeding \$100.00, the
16 contributor's occupation, employer, and principal place of
17 business.

18 (c) The total amount of bundled contributions delivered to
19 that candidate committee during the reporting period and during
20 the election cycle.

21 (6) For a reporting period in which a bundled contribution
22 is received, a candidate committee of a candidate for statewide
23 elective office shall report to the secretary of state, on a form
24 provided by the secretary of state, all of the following
25 information, as applicable, about each contribution delivered as
26 part of a bundled contribution received in the reporting period
27 and about all bundled contributions received by that candidate

1 committee:

2 (a) The amount of each contribution **OF MORE THAN \$20.00**, the
3 date it was received by the candidate committee, and the name of
4 the bundling committee that delivered the contribution.

5 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**
6 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**
7 **THE STATEMENT** and, for each contribution exceeding \$100.00, the
8 contributor's occupation, employer, and principal place of
9 business.

10 (c) The total amount of bundled contributions received by
11 that candidate committee during the reporting period and during
12 the election cycle.

13 Sec. 28. (1) Interest received by a committee on an account
14 consisting of ~~funds~~ **MONEY** belonging to the committee shall not be
15 considered a contribution to the committee but the committee
16 shall report its receipt on a campaign statement as interest. A
17 committee shall report interest paid by the committee on a
18 campaign statement as an expenditure.

19 (2) A committee shall report a loan with an outstanding
20 balance made or received in a separate schedule attached to the
21 campaign statement providing the date and amount of the loan, the
22 date and amount of each payment, the amount of cumulative
23 payments, the amount of the outstanding balance, and whether the
24 loan payments were made by money, services, property, or other
25 means. The committee shall provide the name and address of the
26 lender and each person who is liable directly, indirectly, or
27 contingently on each loan **OF MORE THAN \$20.00**. The committee

1 shall provide the occupation and employer, if any, of the lender
2 and each person if the loan is for more than \$100.00. If a loan
3 is paid off within a reporting period, this activity need not be
4 reported on a separate schedule to the campaign statement.
5 However, if a loan is forgiven, the committee shall detail that
6 fact on a separate schedule to the campaign statement.

7 (3) Accompanying a campaign statement reporting the receipt
8 of a contribution **OF MORE THAN \$20.00** from a person whose
9 treasurer does not reside in, whose principal office is not
10 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state ,
11 shall be a statement certified as true and correct by an officer
12 of the contributing person setting forth the full name, address,
13 along with the amount contributed, of each person who contributed
14 **MORE THAN \$20.00** to the total amount of the contribution. The
15 occupation, employer, and principal place of business shall be
16 stated for each person who contributed more than \$100.00. This
17 subsection does not apply if the contributing person is
18 registered as a committee under section 24.

19 Sec. 29. (1) A campaign statement filed by a political party
20 committee shall contain all of the following information:

21 (a) The full name and street address of each person from
22 whom contributions **TOTALING MORE THAN \$20.00** are received in a
23 calendar year, the amount, and the date or dates contributed;
24 and, if the person is a committee, the name and address of the
25 committee and the full name of the committee treasurer, together
26 with the amount of the contribution and the date received. The
27 occupation, employer, and principal place of business, if any,

1 shall be listed for each person from whom contributions totaling
2 more than \$100.00 are received in a calendar year.

3 (b) Accompanying a campaign statement reporting the receipt
4 of a contribution **OF MORE THAN \$20.00** from a committee or person
5 whose treasurer does not reside in, whose principal office is not
6 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state,
7 and whose committee has not filed a statement of organization as
8 required in section 24, shall be a statement setting forth the
9 full name and address of the treasurer of the committee.

10 (c) An itemized list of all expenditures, including in-kind
11 contributions and expenditures and loans, made during the period
12 covered by the campaign statement that were contributions to a
13 candidate committee of a candidate for elective office or a
14 ballot question committee; or independent expenditures in support
15 of the qualification, passage, or defeat of a ballot question or
16 in support of the nomination or election of a candidate for
17 elective office or the defeat of any of the candidate's
18 opponents.

19 (d) The total expenditure by the committee for each
20 candidate for elective office or ballot question in whose behalf
21 an independent expenditure was made or a contribution was given
22 for the election cycle.

23 (e) The filer's name, address, and telephone number, if
24 available, if any, and the full name, address, and telephone
25 number, if available, of the committee treasurer.

26 (2) The committee shall identify an expenditure listed under
27 subsection (1)(c) as an independent expenditure or as a

1 contribution to a candidate committee or a ballot question
2 committee.

3 (3) The committee shall designate for a contribution to or
4 on behalf of a candidate committee or ballot question committee
5 listed under subsection (1)(c) the name and address of the
6 committee, the name of the candidate and the office sought, if
7 any, the amount contributed, and the date of contribution.

8 (4) The committee shall designate for an independent
9 expenditure listed under subsection (1)(c) either the name of the
10 candidate for whose benefit the expenditure was made and the
11 office sought by the candidate, or a brief description of the
12 ballot question for which the expenditure was made; the amount,
13 date, and purpose of the expenditure; and the full name and
14 address of the person to whom the expenditure was made.

15 (5) The committee shall apportion an expenditure listed that
16 was made in support of more than 1 candidate or ballot question,
17 or both, reasonably among the candidates or ballot questions, or
18 both.

19 (6) A campaign statement of a committee, in addition to the
20 other information required by this section, shall include an
21 itemized list of all expenditures during the reporting period for
22 election day busing of electors to the polls, get-out-the-vote
23 activities, slate cards, challengers, poll watchers, and poll
24 workers.

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

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

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

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

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

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

26 (b) A committee ~~other than a candidate committee~~ shall file
27 a campaign statement for each period during which expenditures

1 are made for the purpose of influencing the nomination or
2 election of a candidate or for the qualification, passage, or
3 defeat of a ballot question.

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

9 (a) In an odd numbered year:

10 (i) Not later than January 31 of that year with a closing
11 date of December 31 of the previous 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 October
14 20.

15 (b) In an even numbered year:

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

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

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

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

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

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

1 of April 20 of that year.

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

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

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

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

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

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

11 (6) A candidate committee or a committee other than a
12 candidate committee that files a written statement under section
13 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign
14 statement under subsection (1), (3), or (4) unless it received or
15 expended an amount in excess of \$1,000.00. If the committee
16 receives or expends an amount in excess of \$1,000.00 during a
17 period covered by a filing, the committee is then subject to the
18 campaign filing requirements under this act.

19 (7) A committee, candidate, treasurer, or other individual
20 designated as responsible for the committee's record keeping,
21 report preparation, or report filing who fails to file a
22 statement as required by this section shall pay a late filing
23 fee. If the committee has raised \$10,000.00 or less during the
24 previous 2 years, the late filing fee shall be \$25.00 for each
25 business day the statement remains unfiled, but not to exceed
26 \$500.00. If the committee has raised more than \$10,000.00 during
27 the previous 2 years, the late filing fee shall not exceed

1 \$1,000.00, determined as follows:

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

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

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

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

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

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

27 Sec. 35. (1) In addition to any other requirements of this

1 act for filing a campaign statement, a committee, other than an
2 independent committee or a political committee required to file
3 with the secretary of state, shall also file ~~a~~**EACH OF THE**

4 **FOLLOWING CAMPAIGN STATEMENTS:**

5 (A) A campaign statement not later than January 31 of each
6 **EVEN NUMBERED** year. The campaign statement shall have a closing
7 date of December 31 of the previous year. The period covered by
8 the campaign statement filed pursuant to this subsection begins
9 the day after the closing date of the previous campaign
10 statement. A campaign statement filed pursuant to this subsection
11 shall be waived if a postelection campaign statement has been
12 filed that has a filing deadline within 30 days of the closing
13 date of the campaign statement required by this subsection.

14 (B) **IN EACH EVEN NUMBERED YEAR, A CAMPAIGN STATEMENT NOT**
15 **LATER THAN APRIL 30 WITH A CLOSING DATE OF MARCH 31.**

16 (2) **IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ACT FOR**
17 **FILING A CAMPAIGN STATEMENT, A COMMITTEE SHALL ALSO FILE CAMPAIGN**
18 **STATEMENTS NOT LATER THAN THE FOLLOWING DATES IN ODD NUMBERED**
19 **YEARS:**

20 (A) **JANUARY 31 WITH A CLOSING DATE OF DECEMBER 31 OF THE**
21 **PREVIOUS YEAR.**

22 (B) **APRIL 25 WITH A CLOSING DATE OF APRIL 20.**

23 (C) **JULY 25 WITH A CLOSING DATE OF JULY 20.**

24 (D) **OCTOBER 25 WITH A CLOSING DATE OF OCTOBER 20.**

25 (3) ~~(2)~~ Subsection (1) OR (2) does not apply to a candidate
26 committee for an officeholder who is a judge or a supreme court
27 justice, or who holds an elective office for which the salary is

1 less than \$100.00 a month and who does not receive ~~any~~^A
2 contribution or make ~~any~~^{AN} expenditure during the time that
3 would be otherwise covered in the statement.

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

26 (5) ~~(4)~~—A committee filing a written statement ~~pursuant to~~
27 **UNDER** section 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a

1 statement ~~in accordance with~~ **UNDER** subsection (1). If a committee
2 receives or expends more than \$1,000.00 during a time period
3 prescribed by section 24(5) or (6), the committee is then subject
4 to the campaign filing requirements under this act and shall file
5 a campaign statement for the period beginning the day after the
6 closing date of the last postelection campaign statement or an
7 annual campaign statement that is waived ~~pursuant to~~ **UNDER**
8 subsection (1), whichever occurred earlier.

9 (6) ~~(5)~~—If a candidate, treasurer, or other individual
10 designated as responsible for the record keeping, report
11 preparation, or report filing fails to file 2 statements required
12 by this section or section 33 and both of the statements remain
13 unfiled for more than 30 days, that candidate, treasurer, or
14 other designated individual is guilty of a misdemeanor,
15 punishable by a fine of not more than \$1,000.00, or imprisonment
16 for not more than 90 days, or both.

17 (7) ~~(6)~~—If a treasurer or other individual designated as
18 responsible for the record keeping, report preparation, or report
19 filing for a committee required to file a campaign statement
20 under subsection (1) 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
23 more than \$1,000.00.

24 Sec. 41. (1) A person shall not make or accept a single
25 contribution of more than \$20.00 in cash or make or accept a
26 single expenditure of more than \$50.00 in cash. Contributions of
27 more than \$20.00 and expenditures of more than \$50.00, other than

1 an in-kind contribution or expenditure, shall be made by written
2 instrument containing the names of the payor and the payee.

3 (2) A person shall not accept or expend an anonymous
4 contribution. An anonymous contribution received by a person
5 shall not be deposited but shall be given to a tax exempt
6 charitable organization. The charitable organization receiving
7 the contribution shall provide the person with a receipt. The
8 receipt shall be retained by an appropriate committee pursuant to
9 section 22.

10 (3) A CONTRIBUTION RECEIVED AS THE RESULT OF A FUND-RAISING
11 EVENT OR CASUAL SERVICES OR FROM THE SALE OF POLITICAL
12 MERCHANDISE THAT IS \$20.00 OR LESS IN THE AGGREGATE FROM A PERSON
13 IN ANY CALENDAR YEAR IS NOT CONSIDERED AN ANONYMOUS CONTRIBUTION.
14 A CONTRIBUTION RECEIVED FROM MEMBERSHIP FEES, DUES, OR
15 SUBSCRIPTIONS FOR POLITICAL PURPOSES TO AN INDEPENDENT COMMITTEE
16 OR A POLITICAL PARTY COMMITTEE THAT IS \$20.00 OR LESS IN THE
17 AGGREGATE FROM A PERSON IN ANY CALENDAR YEAR IS NOT CONSIDERED AN
18 ANONYMOUS CONTRIBUTION.

19 (4) A PERSON MAKING A CONTRIBUTION PURSUANT TO SUBSECTION
20 (3) THAT IS MORE THAN \$20.00 IN ANY CALENDAR YEAR WHEN ADDED TO
21 ALL OTHER CONTRIBUTIONS MADE TO THAT COMMITTEE BY THAT PERSON
22 SHALL FURNISH THE RECIPIENT WITH THE DONOR'S NAME, ADDRESS, AND
23 THE TOTAL AMOUNT CONTRIBUTED.

24 (5) ~~(3)~~—A contribution shall not be made, directly or
25 indirectly, by any person in a name other than the name by which
26 that person is identified for legal purposes.

27 (6) ~~(4)~~—A person who knowingly violates this section is

1 guilty of a misdemeanor punishable, if the person is an
2 individual, by a fine of not more than \$1,000.00 or imprisonment
3 for not more than 90 days, or both, or, if the person is other
4 than an individual, by a fine of not more than \$10,000.00.

5 Sec. 42. (1) A person who accepts a contribution, other than
6 by written instrument, on behalf of another and acts as the
7 intermediary or agent of the person from whom the contribution
8 was accepted shall disclose to the recipient of the contribution
9 the intermediary's own name and address and the name and address
10 of the actual source of the contribution.

11 (2) A contribution **OF MORE THAN \$20.00** from a person whose
12 treasurer does not reside in, whose principal office is not
13 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state ~~,~~
14 shall not be accepted by a person for purposes of supporting or
15 opposing candidates for elective office or the qualification,
16 passage, or defeat of a ballot question unless accompanied by a
17 statement certified as true and correct by an officer of the
18 contributing person setting forth the full name and address along
19 with the amount contributed, of each person who contributed **MORE**
20 **THAN \$20.00** to the total amount of the contribution. The
21 occupation, employer, and principal place of business shall be
22 listed for each person who contributed more than \$100.00 to the
23 total amount of the contribution. The certified statement shall
24 also state that the contribution was not made from an account
25 containing ~~funds~~ **MONEY** prohibited by section 54. This subsection
26 does not apply if the contributing person is registered as a
27 committee under section 24.

1 (3) A person shall not receive a contribution from a person
2 other than a committee unless, for purposes of the recipient
3 person's record keeping and reporting requirements, the
4 contribution is accompanied by the name and address of each
5 person who contributed **MORE THAN \$20.00** to the total amount of
6 the contribution and the name, address, occupation, employer, and
7 principal place of business of each person who contributed more
8 than \$100.00 to the total amount of the contribution.

9 (4) A contribution from a person whose treasurer does not
10 reside in, whose principal office is not located in, or whose
11 money is not kept in this state shall not be accepted by a person
12 for purposes of supporting or opposing candidates for elective
13 office if the contributing person has received contributions on
14 an automatic basis, including, but not limited to, a payroll
15 deduction plan, unless the contribution is accompanied by a
16 statement, certified as true and correct by an officer of the
17 contributing person, setting forth that all contributions
18 received on an automatic basis are in full compliance with
19 section 55.

20 (5) A person who knowingly violates this section is guilty
21 of a misdemeanor punishable, if the person is an individual, by a
22 fine of not more than \$1,000.00 or imprisonment for not more than
23 90 days, or both, or, if the person is other than an individual,
24 by a fine of not more than \$10,000.00.

25 **SEC. 43A. (1) A CANDIDATE COMMITTEE SHALL NOT PAY THE**
26 **CANDIDATE, AND A CANDIDATE SHALL NOT RECEIVE FROM HIS OR HER**
27 **CANDIDATE COMMITTEE, WAGES, A SALARY, OR OTHER EMPLOYMENT**

1 COMPENSATION. THIS SECTION DOES NOT PROHIBIT REIMBURSEMENTS FROM
2 A CANDIDATE COMMITTEE TO A CANDIDATE FOR CAMPAIGN-RELATED
3 EXPENSES MADE BY THE CANDIDATE ON BEHALF OF THE CANDIDATE
4 COMMITTEE.

5 (2) AN INDIVIDUAL WHO KNOWINGLY VIOLATES THIS SECTION IS
6 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
7 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. A
8 COMMITTEE THAT VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT
9 MORE THAN \$10,000.00.

10 SEC. 48. (1) A COMMUNICATION ADVOCATING THE ELECTION OR
11 DEFEAT OF A CANDIDATE THAT IS DESIGNED TO CONTACT ELECTORS
12 THROUGH AUTOMATED TELEPHONIC, ELECTRONIC MAIL, OR OTHER
13 ELECTRONIC MEANS AND TO WHICH SECTION 47 DOES NOT APPLY SHALL
14 CLEARLY STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE
15 PERSON PAYING FOR THE COMMUNICATION.

16 (2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1)
17 ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE AND IS AN
18 INDEPENDENT EXPENDITURE NOT AUTHORIZED IN WRITING BY THAT
19 CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION SHALL ALSO
20 CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY
21 CANDIDATE COMMITTEE.". IF THE COMMUNICATION DESCRIBED IN
22 SUBSECTION (1) ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE
23 AND IS NOT AN INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A
24 PERSON OTHER THAN THE CANDIDATE WHOM IT ADVOCATES THE ELECTION OR
25 DEFEAT OF, THE COMMUNICATION SHALL ALSO CLEARLY STATE THE
26 FOLLOWING DISCLAIMER:

1 "AUTHORIZED BY _____".
2 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

3 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)
4 SHALL STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE
5 PERSON PAYING FOR THE COMMUNICATION AND ANY DISCLAIMERS REQUIRED
6 UNDER SUBSECTION (2) AT THE BEGINNING OF THE TELEPHONIC
7 COMMUNICATION. A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION
8 (1) SHALL NOT TAKE PLACE BETWEEN THE HOURS OF 8 P.M. AND 9 A.M.
9 IN THE TIME ZONE WITHIN WHICH THE RECIPIENT OF THE TELEPHONIC
10 COMMUNICATION IS LOCATED.

11 (4) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE
12 DIRECTOR OF ELECTIONS SHALL PROMULGATE RULES REGULATING THE SIZE
13 AND PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS
14 SECTION.

15 (5) THE SECRETARY OF STATE SHALL FURNISH TO CANDIDATES AND
16 POST ON ITS INTERNET WEBSITE INFORMATION REGARDING THE
17 PROHIBITIONS IN THIS SECTION.

18 (6) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
19 OF A CRIME AS FOLLOWS:

20 (A) FOR THE FIRST VIOLATION, THE PERSON IS GUILTY OF A
21 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
22 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

23 (B) FOR THE SECOND VIOLATION, THE PERSON IS GUILTY OF A
24 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
25 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

26 (C) FOR THE THIRD OR SUBSEQUENT VIOLATION, THE PERSON IS
27 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE

1 **THAN 93 DAYS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.**

2 Sec. 52. (1) Except as provided in subsection (5) or (11)
3 and subject to subsection (8), a person other than an independent
4 committee or a political party committee shall not make
5 contributions to a candidate committee of a candidate for
6 elective office that, with respect to an election cycle, are more
7 than the following:

8 (a) \$3,400.00 for a candidate for state elective office
9 other than the office of state legislator, or for a candidate for
10 local elective office if the district from which he or she is
11 seeking office has a population of more than 250,000.

12 (b) \$1,000.00 for a candidate for state senator, or for a
13 candidate for local elective office if the district from which he
14 or she is seeking office has a population of more than 85,000 but
15 250,000 or less.

16 (c) \$500.00 for a candidate for state representative, or for
17 a candidate for local elective office if the district from which
18 he or she is seeking office has a population of 85,000 or less.

19 (2) Except as otherwise provided in this subsection and
20 subsection (12), an independent committee shall not make
21 contributions to a candidate committee of a candidate for
22 elective office that, in the aggregate for that election cycle,
23 are more than 10 times the amount permitted a person other than
24 an independent committee or political party committee in
25 subsection (1). A house political party caucus committee or a
26 senate political party caucus committee is not limited under this
27 subsection in the amount of contributions made to the candidate

1 committee of a candidate for the office of state legislator,
2 except as follows:

3 (a) A house political party caucus committee or a senate
4 political party caucus committee shall not pay a debt incurred by
5 a candidate if that debt was incurred while the candidate was
6 seeking nomination at a primary election and the candidate was
7 opposed at that primary.

8 (b) A house political party caucus committee or a senate
9 political party caucus committee shall not make a contribution to
10 or make an expenditure on behalf of a candidate if that candidate
11 is seeking nomination at a primary election and the candidate is
12 opposed at that primary.

13 (3) A political party committee other than a state central
14 committee shall not make contributions to the candidate committee
15 of a candidate for elective office that are more than 10 times
16 the amount permitted a person other than an independent committee
17 or political party committee in subsection (1).

18 (4) A state central committee of a political party shall not
19 make contributions to the candidate committee of a candidate for
20 state elective office other than a candidate for the legislature
21 that are more than 20 times the amount permitted a person other
22 than an independent committee or political party committee in
23 subsection (1). A state central committee of a political party
24 shall not make contributions to the candidate committee of a
25 candidate for state senator, state representative, or local
26 elective office that are more than 10 times the amount permitted
27 a person other than an independent committee or political party

1 committee in subsection (1).

2 (5) A contribution from a member of a candidate's immediate
3 family to the candidate committee of that candidate is exempt
4 from the limitations of subsection (1).

5 (6) Consistent with the provisions of this section, a
6 contribution designated in writing for a particular election
7 cycle is considered made for that election cycle. A contribution
8 made after the close of a particular election cycle and
9 designated in writing for that election cycle shall be made only
10 to the extent that the contribution does not exceed the candidate
11 committee's net outstanding debts and obligations from the
12 election cycle so designated. If a contribution is not designated
13 in writing for a particular election cycle, the contribution is
14 considered made for the election cycle that corresponds to the
15 date of the written instrument.

16 (7) A candidate committee, a candidate, or a treasurer or
17 agent of a candidate committee shall not accept a contribution
18 with respect to an election cycle that exceeds the limitations in
19 subsection (1), (2), (3), (4), (11), or (12).

20 (8) The contribution limits in subsection (1) for a
21 candidate for local elective office are effective on the
22 effective date of the amendatory act that provides for those
23 contribution limits, however, only contributions received by that
24 candidate on and after that date shall be used to determine if
25 the contribution limit has been reached.

26 (9) A person who knowingly violates this section is guilty
27 of a misdemeanor punishable, if the person is an individual, by a

1 fine of not more than \$1,000.00 or imprisonment for not more than
2 90 days, or both, or, if the person is not an individual, by a
3 fine of not more than \$10,000.00.

4 (10) For purposes of the limitations provided in subsections
5 (1) and (2), all contributions made by political committees or
6 independent committees established by any corporation, joint
7 stock company, **OR** domestic dependent sovereign, ~~or labor~~
8 ~~organization~~, including any parent, subsidiary, branch, division,
9 department, or local unit thereof, shall be considered to have
10 been made by a single independent committee. By way of
11 illustration and not limitation, ~~all~~-**BOTH** of the following apply
12 as a result of the application of this requirement:

13 (a) All of the political committees and independent
14 committees established by a for profit corporation or joint stock
15 company, by a subsidiary of the for profit corporation or joint
16 stock company, or by any combination thereof, are treated as a
17 single independent committee.

18 ~~—— (b) All of the political committees and independent~~
19 ~~committees established by a single national or international~~
20 ~~labor organization, by a labor organization of that national or~~
21 ~~international labor organization, by a local labor organization~~
22 ~~of that national or international labor organization, or by any~~
23 ~~other subordinate organization of that national or international~~
24 ~~labor organization, or by any combination thereof, are treated as~~
25 ~~a single independent committee.~~

26 ~~—— (c) All of the political committees and independent~~
27 ~~committees established by an organization of national or~~

1 ~~international unions, by a state central body of that~~
2 ~~organization, by a local central body of that organization, or by~~
3 ~~any combination thereof, are treated as a single independent~~
4 ~~committee.~~

5 (B) ~~(d)~~ All of the political committees and independent
6 committees established by a nonprofit corporation, by a related
7 state entity of that nonprofit corporation, by a related local
8 entity of that nonprofit corporation, or by any combination
9 thereof, are treated as a single independent committee.

10 (11) The limitation on a political committee's contributions
11 under subsection (1) does not apply to contributions that are
12 part of 1 or more bundled contributions delivered to the
13 candidate committee of a candidate for statewide elective office
14 and that are attributed to the political committee as prescribed
15 in section 31. A political committee shall not make contributions
16 to a candidate committee of a candidate for statewide elective
17 office that are part of 1 or more bundled contributions delivered
18 to that candidate committee, that are attributed to the political
19 committee as prescribed in section 31, and that, in the aggregate
20 for that election cycle, are more than the amount permitted a
21 person other than an independent committee or political party
22 committee in subsection (1).

23 (12) The limitation on an independent committee's
24 contributions under subsection (2) does not apply to
25 contributions that are part of 1 or more bundled contributions
26 delivered to the candidate committee of a candidate for statewide
27 elective office and that are attributed to the independent

1 committee as prescribed in section 31. An independent committee
2 shall not make contributions to a candidate committee of a
3 candidate for statewide elective office that are part of 1 or
4 more bundled contributions delivered to that candidate committee,
5 that are attributed to the independent committee as prescribed in
6 section 31, and that, in the aggregate for that election cycle,
7 are more than 10 times the amount permitted a person other than
8 an independent committee or political party committee in
9 subsection (1).

10 Sec. 55. (1) A corporation organized on a for profit or
11 nonprofit basis, a joint stock company, a domestic dependent
12 sovereign, or a labor organization formed under the laws of this
13 or another state or foreign country may make an expenditure for
14 the establishment and administration and solicitation of
15 contributions to a separate segregated fund to be used for
16 political purposes. A separate segregated fund established under
17 this section shall be limited to making contributions to, and
18 expenditures on behalf of, candidate committees, ballot question
19 committees, political party committees, political committees, and
20 independent committees.

21 (2) Contributions for a separate segregated fund established
22 by a corporation, organized on a for profit basis, or a joint
23 stock company under this section may be solicited from any of the
24 following persons or their spouses:

- 25 (a) Stockholders of the corporation or company.
26 (b) Officers and directors of the corporation or company.
27 (c) Employees of the corporation or company who have policy

1 making, managerial, professional, supervisory, or administrative
2 nonclerical responsibilities.

3 (3) Contributions for a separate segregated fund established
4 under this section by a corporation organized on a nonprofit
5 basis may be solicited from any of the following persons or their
6 spouses:

7 (a) Members of the corporation who are individuals.

8 (b) Stockholders of members of the corporation.

9 (c) Officers or directors of members of the corporation.

10 (d) Employees of the members of the corporation who have
11 policy making, managerial, professional, supervisory, or
12 administrative nonclerical responsibilities.

13 (e) Employees of the corporation who have policy making,
14 managerial, professional, supervisory, or administrative
15 nonclerical responsibilities.

16 (4) Contributions for a separate segregated fund established
17 under this section by a labor organization may be solicited from
18 any of the following persons or their spouses:

19 (a) Members of the labor organization who are individuals.

20 (b) Officers or directors of the labor organization.

21 (c) Employees of the labor organization who have policy
22 making, managerial, professional, supervisory, or administrative
23 nonclerical responsibilities.

24 (5) Contributions for a separate segregated fund established
25 under this section by a domestic dependent sovereign may be
26 solicited from an individual who is a member of any domestic
27 dependent sovereign.

1 (6) Contributions shall not be obtained for a separate
2 segregated fund established under this section by use of coercion
3 or physical force, by making a contribution a condition of
4 employment or membership, or by using or threatening to use job
5 discrimination or financial reprisals. A corporation organized on
6 a for profit or nonprofit basis, a joint stock company, a
7 domestic dependent sovereign, or a labor organization shall not
8 solicit or obtain contributions for a separate segregated fund
9 established under this section from an individual described in
10 subsection (2), (3), (4), or (5) on ~~an automatic or~~ **A** passive
11 basis including but not limited to a ~~payroll deduction plan or~~
12 reverse checkoff method. A corporation organized on a for profit
13 or nonprofit basis, a joint stock company, a domestic dependent
14 sovereign, or a labor organization may solicit or obtain
15 contributions for a separate segregated fund established under
16 this section from an individual described in subsection (2), (3),
17 (4), or (5) on an automatic basis, including but not limited to a
18 payroll deduction plan, only if the individual who is
19 contributing to the fund affirmatively consents **IN WRITING** to the
20 contribution. ~~at least once in every calendar year.~~

21 (7) A person who knowingly violates this section is guilty
22 of a felony punishable, if the person is an individual, by a fine
23 of not more than \$5,000.00 or imprisonment for not more than 3
24 years, or both, or, if the person is not an individual, by a fine
25 of not more than \$10,000.00.

26 (8) If a corporation, joint stock company, domestic
27 dependent sovereign, or labor organization that obtains

1 contributions for a separate segregated fund from individuals
2 described in subsection (2), (3), (4), or (5) pays to 1 or more
3 of those individuals a bonus or other remuneration for the
4 purpose of reimbursing those contributions, then that
5 corporation, joint stock company, domestic dependent sovereign,
6 or labor organization is subject to a civil fine equal to 2 times
7 the total contributions obtained from all individuals for the
8 separate segregated fund during that calendar year.

9 Sec. 57. (1) A public body or an individual acting for a
10 public body shall not use or authorize the use of funds,
11 personnel, office space, computer hardware or software, property,
12 stationery, postage, vehicles, equipment, supplies, or other
13 public resources to make a contribution or expenditure or provide
14 volunteer personal services that are excluded from the definition
15 of contribution under section 4(3)(a). This subsection does not
16 apply to any of the following:

17 (a) The expression of views by an elected or appointed
18 public official who has policy making responsibilities.

19 (b) The production or dissemination of factual information
20 concerning issues relevant to the function of the public body.

21 (c) The production or dissemination of debates, interviews,
22 commentary, or information by a broadcasting station, newspaper,
23 magazine, or other periodical or publication in the regular
24 course of broadcasting or publication.

25 (d) The use of a public facility owned or leased by, or on
26 behalf of, a public body if any candidate or committee has an
27 equal opportunity to use the public facility.

1 (e) The use of a public facility owned or leased by, or on
2 behalf of, a public body if that facility is primarily used as a
3 family dwelling and is not used to conduct a fund-raising event.

4 (f) An elected or appointed public official or an employee
5 of a public body who, when not acting for a public body but is on
6 his or her own personal time, is expressing his or her own
7 personal views, is expending his or her own personal funds, or is
8 providing his or her own personal volunteer services.

9 (G) THE USE OF PUBLIC RESOURCES TO PERMIT A PUBLIC EMPLOYEE,
10 INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF PUBLIC UNIVERSITIES,
11 TO CONTRIBUTE TO A SEPARATE SEGREGATED FUND OF THE EMPLOYEE'S
12 COLLECTIVE BARGAINING REPRESENTATIVE BY PAYROLL DEDUCTION,
13 PROVIDED THAT THE COLLECTIVE BARGAINING REPRESENTATIVE PROVIDES
14 FULL COMPENSATION FOR THE VALUE OF THE RESOURCES USED TO THE
15 PUBLIC BODY.

16 (2) A person who knowingly violates this section is guilty
17 of a misdemeanor punishable, if the person is an individual, by a
18 fine of not more than \$1,000.00 or imprisonment for not more than
19 1 year, or both, or if the person is not an individual, by 1 of
20 the following, whichever is greater:

21 (a) A fine of not more than \$20,000.00.

22 (b) A fine equal to the amount of the improper contribution
23 or expenditure.