

HOUSE BILL No. 4822

April 22, 2009, Introduced by Reps. Knollenberg, Meadows, Leland and Hildenbrand and referred to the Committee on Ethics and Elections.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 12 and 52 (MCL 169.212 and 169.252), as
amended by 2001 PA 250.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12. (1) "Qualifying contribution" means a contribution of
2 money made by a written instrument by an individual to the
3 candidate committee of a candidate for the office of governor that
4 is \$100.00 or less and made after April 1 of the year preceding a
5 year in which a governor is to be elected. Not more than \$100.00 of
6 an individual's total aggregate contribution may be used as a
7 qualifying contribution in a calendar year. Qualifying contribution
8 does not include a subscription, loan, advance, deposit of money,
9 in-kind contribution or expenditure, or anything else of value

1 except as prescribed in this act. Qualifying contribution does not
2 include a contribution by an individual who resides outside of this
3 state. For purposes of this subsection, an individual is considered
4 to reside in this state if he or she is considered a resident of
5 this state under the Michigan election law, 1954 PA 116, MCL 168.1
6 to 168.992.

7 (2) "Senate political party caucus committee" means an
8 independent committee established by a political party caucus of
9 the state senate under section 24a.

10 (3) "State elective office" means a statewide elective office,
11 **A CONSTITUTIONAL CONVENTION DELEGATE**, or the office of state
12 legislator.

13 (4) "Statewide elective office" means the office of governor,
14 lieutenant governor, secretary of state, or attorney general,
15 justice of the supreme court, member of the state board of
16 education, regent of the university of Michigan, member of the
17 board of trustees of Michigan state university, or member of the
18 board of governors of Wayne state university.

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

25 (a) \$3,400.00 for a candidate for state elective office other
26 than the office of state legislator **OR CONSTITUTIONAL CONVENTION**
27 **DELEGATE**, or for a candidate for local elective office if the

1 district from which he or she is seeking office has a population of
2 more than 250,000.

3 (b) \$1,000.00 for a candidate for state senator, **FOR A**
4 **CANDIDATE FOR CONSTITUTIONAL CONVENTION DELEGATE ELECTED FROM A**
5 **SENATORIAL DISTRICT**, or for a candidate for local elective office
6 if the district from which he or she is seeking office has a
7 population of more than 85,000 but 250,000 or less.

8 (c) \$500.00 for a candidate for state representative, **FOR A**
9 **CANDIDATE FOR CONSTITUTIONAL CONVENTION DELEGATE ELECTED FROM A**
10 **REPRESENTATIVE DISTRICT**, or for a candidate for local elective
11 office if the district from which he or she is seeking office has a
12 population of 85,000 or less.

13 (2) Except as otherwise provided in this subsection and
14 subsection (12), an independent committee shall not make
15 contributions to a candidate committee of a candidate for elective
16 office that, in the aggregate for that election cycle, are more
17 than 10 times the amount permitted a person other than an
18 independent committee or political party committee in subsection
19 (1). A house political party caucus committee or a senate political
20 party caucus committee is not limited under this subsection in the
21 amount of contributions made to the candidate committee of a
22 candidate for the office of state legislator, except as follows:

23 (a) A house political party caucus committee or a senate
24 political party caucus committee shall not pay a debt incurred by a
25 candidate if that debt was incurred while the candidate was seeking
26 nomination at a primary election and the candidate was opposed at
27 that primary.

1 (b) A house political party caucus committee or a senate
2 political party caucus committee shall not make a contribution to
3 or make an expenditure on behalf of a candidate if that candidate
4 is seeking nomination at a primary election and the candidate is
5 opposed at that primary.

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

11 (4) A state central committee of a political party shall not
12 make contributions to the candidate committee of a candidate for
13 state elective office other than a candidate for the legislature **OR**
14 **CONSTITUTIONAL CONVENTION DELEGATE** that are more than 20 times the
15 amount permitted a person other than an independent committee or
16 political party committee in subsection (1). A state central
17 committee of a political party shall not make contributions to the
18 candidate committee of a candidate for state senator, state
19 representative, **CONSTITUTIONAL CONVENTION DELEGATE**, or local
20 elective office that are more than 10 times the amount permitted a
21 person other than an independent committee or political party
22 committee in subsection (1).

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

26 (6) Consistent with the provisions of this section, a
27 contribution designated in writing for a particular election cycle

1 is considered made for that election cycle. A contribution made
2 after the close of a particular election cycle and designated in
3 writing for that election cycle shall be made only to the extent
4 that the contribution does not exceed the candidate committee's net
5 outstanding debts and obligations from the election cycle so
6 designated. If a contribution is not designated in writing for a
7 particular election cycle, the contribution is considered made for
8 the election cycle that corresponds to the date of the written
9 instrument.

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

14 (8) The contribution limits in subsection (1) for a candidate
15 for local elective office are effective on the effective date of
16 the amendatory act that provides for those contribution limits,
17 however, only contributions received by that candidate on and after
18 that date shall be used to determine if the contribution limit has
19 been reached.

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

25 (10) For purposes of the limitations provided in subsections
26 (1) and (2), all contributions made by political committees or
27 independent committees established by any corporation, joint stock

1 company, domestic dependent sovereign, or labor organization,
2 including any parent, subsidiary, branch, division, department, or
3 local unit thereof, shall be considered to have been made by a
4 single independent committee. By way of illustration and not
5 limitation, all of the following apply as a result of the
6 application of this requirement:

7 (a) All of the political committees and independent committees
8 established by a for profit corporation or joint stock company, by
9 a subsidiary of the for profit corporation or joint stock company,
10 or by any combination thereof, are treated as a single independent
11 committee.

12 (b) All of the political committees and independent committees
13 established by a single national or international labor
14 organization, by a labor organization of that national or
15 international labor organization, by a local labor organization of
16 that national or international labor organization, or by any other
17 subordinate organization of that national or international labor
18 organization, or by any combination thereof, are treated as a
19 single independent committee.

20 (c) All of the political committees and independent committees
21 established by an organization of national or international unions,
22 by a state central body of that organization, by a local central
23 body of that organization, or by any combination thereof, are
24 treated as a single independent committee.

25 (d) All of the political committees and independent committees
26 established by a nonprofit corporation, by a related state entity
27 of that nonprofit corporation, by a related local entity of that

1 nonprofit corporation, or by any combination thereof, are treated
2 as a single independent committee.

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

16 (12) The limitation on an independent committee's
17 contributions under subsection (2) does not apply to contributions
18 that are part of 1 or more bundled contributions delivered to the
19 candidate committee of a candidate for statewide elective office
20 and that are attributed to the independent committee as prescribed
21 in section 31. An independent committee shall not make
22 contributions to a candidate committee of a candidate for statewide
23 elective office that are part of 1 or more bundled contributions
24 delivered to that candidate committee, that are attributed to the
25 independent committee as prescribed in section 31, and that, in the
26 aggregate for that election cycle, are more than 10 times the
27 amount permitted a person other than an independent committee or

1 political party committee in subsection (1).