HOUSE BILL No. 4605

May 11, 2017, Introduced by Rep. Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled

"Michigan campaign finance act,"

by amending section 66 (MCL 169.266), as amended by 1994 PA 411.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 66. (1) A candidate may only apply the funds received

2 under this act from the state campaign fund against qualified

3 campaign expenditures.

4 ~~(2) As used in this section, "qualified campaign expenditure"~~

5 ~~means an expenditure for services, materials, facilities, or other~~

6 ~~things of value by the candidate committee to further the~~

7 ~~candidate's nomination or election to office during the year in~~

8 ~~which the primary or general election in which the candidate seeks~~

9 ~~nomination or election is held. Qualified campaign expenditure does~~

10 ~~not include any of the following:~~

1 ~~(a) An expenditure in violation of any law of the United~~

2 ~~States or of this state.~~

3 ~~(b) A payment made to the candidate or a relative within the~~

4 ~~third degree of consanguinity of the candidate, or to a business~~

5 ~~with which the candidate or the relative is associated.~~

6 ~~(c) A payment to the extent clearly in excess of the fair~~

7 ~~market value of services, materials, facilities, or other things of~~

8 ~~value received in exchange.~~

9 ~~(d) That portion of any salary or wage to an individual in~~

10 ~~excess of $5,000.00 per month.~~

11 ~~(e) Payment from petty cash.~~

12 ~~(f) Gifts, except brochures, buttons, signs, and other printed~~

13 ~~campaign material.~~

14 ~~(g) Payment to a defense fund.~~

15 ~~(h) An expenditure by a candidate committee for an incidental~~

16 ~~expense under section 21a.~~

17 **(2)** ~~(3)~~ A candidate shall keep the funds received under this

18 act from the state campaign fund in a separate account. The

19 candidate's qualified expenditures may be paid from the separate

20 account unless the account does not have a balance. An unexpended

21 balance in the separate account ~~shall~~ **MUST** be refunded and credited

22 to the general fund within 60 days after the election for which the

23 funds were received. Payment received from the state campaign fund

24 for expenditures in 1 election ~~shall~~ **MUST** not be used for

25 expenditures in a subsequent election.

26 **(3)** ~~(4)~~ A person who knowingly violates this section is guilty

27 of a felony punishable, if the person is an individual, by a fine

1 of not more than $2,000.00 ,-or imprisonment for not more than 3

2 years, or both, or, if the person not an individual, by a fine of

3 not more than $10,000.00.

4 **(4) AS USED IN THIS SECTION, "QUALIFIED CAMPAIGN EXPENDITURE"**

5 **MEANS AN EXPENDITURE FOR SERVICES, MATERIALS, FACILITIES, OR OTHER**

6 **THINGS OF VALUE BY THE CANDIDATE COMMITTEE TO FURTHER THE**

7 **CANDIDATE'S NOMINATION OR ELECTION TO OFFICE DURING THE YEAR IN**

8 **WHICH THE PRIMARY OR GENERAL ELECTION IN WHICH THE CANDIDATE SEEKS**

9 **NOMINATION OR ELECTION IS HELD. QUALIFIED CAMPAIGN EXPENDITURE DOES**

10 **NOT INCLUDE ANY OF THE FOLLOWING:**

11 **(A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED**

12 **STATES OR OF THIS STATE.**

13 **(B) A PAYMENT MADE TO THE CANDIDATE OR A RELATIVE WITHIN THE**

14 **THIRD DEGREE OF CONSANGUINITY OF THE CANDIDATE, OR TO A BUSINESS**

15 **WITH WHICH THE CANDIDATE OR THE RELATIVE IS ASSOCIATED.**

16 **(C) A PAYMENT TO THE EXTENT CLEARLY IN EXCESS OF THE FAIR**

17 **MARKET VALUE OF SERVICES, MATERIALS, FACILITIES, OR OTHER THINGS OF**

18 **VALUE RECEIVED IN EXCHANGE.**

19 **(D) THAT PORTION OF ANY SALARY OR WAGE TO AN INDIVIDUAL IN**

20 **EXCESS OF $5,000.00 PER MONTH.**

21 **(E) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, AND OTHER PRINTED**

22 **CAMPAIGN MATERIAL.**

23 **(F) PAYMENT TO A DEFENSE FUND.**

24 **(G) AN EXPENDITURE BY A CANDIDATE COMMITTEE FOR AN INCIDENTAL**

25 **EXPENSE UNDER SECTION 21A.**

26 Enacting section 1. This amendatory act does not take effect

27 unless Senate Bill No.____ or House Bill No. 4604 (request no.

1 01075'17 *) of the 99th Legislature is enacted into law.