

HOUSE BILL NO. 6489

November 09, 2022, Introduced by Rep. Steven Johnson and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 3, 12, and 52 (MCL 169.203, 169.212, and
169.252), section 3 as amended by 2017 PA 119, section 12 as
amended by 2019 PA 93, and section 52 as amended by 2015 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) "Candidate" means an individual who meets 1 or
- 2 more of the following criteria:
- 3 (a) Files a fee, an affidavit of incumbency, or a nominating

1 petition for an elective office.

2 (b) Is nominated as a candidate for elective office by a
3 political party caucus or convention and whose nomination is
4 certified to the appropriate filing official.

5 (c) Receives a contribution, makes an expenditure, or gives
6 consent for another person to receive a contribution or make an
7 expenditure with a view to bringing about the individual's
8 nomination or election to an elective office, whether or not the
9 specific elective office for which the individual will seek
10 nomination or election is known at the time the contribution is
11 received or the expenditure is made.

12 (d) ~~Is an officeholder who is the subject of a recall~~
13 ~~vote.~~ **candidate.**

14 (e) Holds an elective office, unless the officeholder is
15 constitutionally or legally barred from seeking reelection or fails
16 to file for reelection to that office by the applicable filing
17 deadline. An individual described in this subdivision is considered
18 to be a candidate for reelection to that same office for the
19 purposes of this act only.

20 For purposes of sections 61 to 71, "candidate" only means, in
21 a primary election, a candidate for the office of governor and, in
22 a general election, a candidate for the office of governor or
23 lieutenant governor. However, the candidates for the office of
24 governor and lieutenant governor of the same political party in a
25 general election are considered as 1 candidate.

26 (2) "Candidate committee" means the committee designated in a
27 candidate's filed statement of organization as that individual's
28 candidate committee. A candidate committee must be under the
29 control and direction of the candidate named in the same statement

1 of organization. Notwithstanding subsection (4), an individual
2 shall form a candidate committee under section 21 if the individual
3 becomes a candidate under subsection (1).

4 (3) "Closing date" means the date through which a campaign
5 statement is required to be complete.

6 (4) "Committee" means a person that receives contributions or
7 makes expenditures for the purpose of influencing or attempting to
8 influence the action of the voters for or against the nomination or
9 election of a candidate, the qualification, passage, or defeat of a
10 ballot question, or the qualification of a new political party, if
11 contributions received total \$500.00 or more in a calendar year or
12 expenditures made total \$500.00 or more in a calendar year. Except
13 as restricted or prohibited by this act or other state or federal
14 law, a committee may also make other lawful disbursements. An
15 individual, other than a candidate, does not constitute a
16 committee. A person, other than a committee registered under this
17 act, making an expenditure to a ballot question committee or an
18 independent expenditure committee, ~~shall is~~ not, for that reason,
19 ~~be~~ considered a committee or ~~be~~ required to file a report for the
20 purposes of this act unless the person solicits or receives
21 contributions for the purpose of making an expenditure to that
22 ballot question committee or independent expenditure committee.

23 Sec. 12. (1) "Qualifying contribution" means a contribution of
24 money made by a written instrument, credit card, or debit card by
25 an individual to the candidate committee of a candidate for the
26 office of governor that is \$100.00 or less and made after April 1
27 of the year preceding a year in which a governor is to be elected.
28 Not more than \$100.00 of an individual's total aggregate
29 contribution may be used as a qualifying contribution in a calendar

1 year. Qualifying contribution does not include a subscription,
 2 loan, advance, deposit of money, in-kind contribution or
 3 expenditure, or anything else of value except as prescribed in this
 4 act. Qualifying contribution does not include a contribution by an
 5 individual who resides outside of this state. For purposes of this
 6 subsection, an individual is considered to reside in this state if
 7 ~~he or she~~ **the individual** is considered a resident of this state
 8 under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

9 **(2) "Recall candidate" means an officeholder for whom a recall**
 10 **petition has been determined to be valid for circulation under**
 11 **section 951a(8) or 952(8) of the Michigan election law, MCL**
 12 **168.951a and 168.952.**

13 **(3) ~~(2)~~** "Senate political party caucus committee" means an
 14 independent committee established by a political party caucus of
 15 the state senate under section 24a.

16 **(4) ~~(3)~~** "State elective office" means a statewide elective
 17 office or the office of state legislator.

18 **(5) ~~(4)~~** "Statewide elective office" means the office of
 19 governor, lieutenant governor, secretary of state, or attorney
 20 general, justice of the supreme court, member of the state board of
 21 education, regent of the University of Michigan, member of the
 22 board of trustees of Michigan State University, or member of the
 23 board of governors of Wayne State University.

24 Sec. 52. (1) Except as provided in subsection (5) or (11) and
 25 subject to section 46 and subsection (8), a person other than an
 26 independent committee or a political party committee shall not make
 27 contributions to a candidate committee of a candidate, ~~for elective~~
 28 ~~office~~ **except for a recall candidate**, that, with respect to an
 29 election cycle, are more than the following:

1 (a) \$6,800.00 for a candidate for state elective office other
2 than the office of state legislator, or for a candidate for local
3 elective office if the district from which ~~he or she~~ **the candidate**
4 is seeking office has a population of more than 250,000.

5 (b) \$2,000.00 for a candidate for state senator, or for a
6 candidate for local elective office if the district from which ~~he~~
7 ~~or she~~ **the candidate** is seeking office has a population of more
8 than 85,000 but 250,000 or less.

9 (c) \$1,000.00 for a candidate for state representative, or for
10 a candidate for local elective office if the district from which ~~he~~
11 ~~or she~~ **the candidate** is seeking office has a population of 85,000
12 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.

28 (b) A house political party caucus committee or a senate
29 political party caucus committee shall not make a contribution to

1 or make an expenditure on behalf of a candidate if that candidate
2 is seeking nomination at a primary election and the candidate is
3 opposed at that primary.

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

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

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

23 (6) Consistent with the provisions of this section, a
24 contribution designated in writing for a particular election cycle
25 is considered made for that election cycle. A contribution made
26 after the close of a particular election cycle and designated in
27 writing for that election cycle ~~shall~~**must** be made only to the
28 extent that the contribution does not exceed the candidate
29 committee's net outstanding debts and obligations from the election

1 cycle so designated. If a contribution is not designated in writing
2 for a particular election cycle, all of the following apply to that
3 contribution:

4 (a) The contribution is considered made for the election cycle
5 that corresponds to the date of the written instrument.

6 (b) The contribution limits for the current election cycle
7 apply to that contribution.

8 (c) A candidate committee may use that contribution to pay
9 outstanding debts and obligations from a previous election cycle
10 regardless of whether the contribution, when aggregated with any
11 contributions made in that previous election cycle, would exceed
12 the contribution limits for that previous election cycle.

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

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

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

28 (10) For purposes of the limitations provided in subsections
29 (1) and (2), all contributions made by political committees or

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

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

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

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

26 (d) All of the political committees and independent committees
27 established by a nonprofit corporation, by a related state entity
28 of that nonprofit corporation, by a related local entity of that
29 nonprofit corporation, or by any combination thereof, are treated

1 as a single independent committee.

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

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