

# HOUSE BILL No. 6129

June 1, 2006, Introduced by Reps. Kooiman, Taub, Espinoza, Sheltroun, Schuitmaker, Elsenheimer, Ward, Stahl, Proos, Mortimer, Ball and Nitz and referred to the Committee on House Oversight, Elections, and Ethics.

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

1 required by this act.

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

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

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

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

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

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

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

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

4 (G) WITHIN 30 DAYS FOLLOWING A DATE ON WHICH STATEMENTS FROM  
5 CANDIDATE COMMITTEES ARE DUE UNDER SECTIONS 33 AND 35, PREPARE AND  
6 MAKE AVAILABLE TO THE PUBLIC A REPORT OF CANDIDATES AND COMMITTEES  
7 THAT HAVE BEEN DETERMINED TO HAVE VIOLATED THIS ACT THAT CONTAINS  
8 AT LEAST ALL OF THE FOLLOWING:

9 (i) THE NAME OF EACH VIOLATOR.

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

11 (iii) WHETHER THE FINE HAS BEEN PAID.

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

14 (i) DECLARATORY RULINGS UNDER THIS ACT.

15 (ii) INTERPRETIVE STATEMENTS UNDER THIS ACT.

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

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

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

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

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

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

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

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

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

22 (a) Be signed by the complainant.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 25 (A) THREE CANDIDATE COMMITTEES.  
26 (B) THREE BALLOT QUESTION COMMITTEES.  
27 (C) THREE INDEPENDENT OR POLITICAL COMMITTEES.



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

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

10           (a) Pay to the secretary of state some or all of the expenses  
11 incurred by the secretary of state as a direct result of the filing  
12 of the complaint.

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

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

21           (18) ~~-(17)-~~ The secretary of state may waive the filing of a  
22 campaign statement required under section 33, 34, or 35 if the  
23 closing date of the particular campaign statement falls on the same  
24 or a later date as the closing date of the next campaign statement  
25 filed by the same person, or if the period that would be otherwise  
26 covered by the next campaign statement filed by the same person is  
27 10 days or less.

1           **(19)** ~~—(18)—~~ The clerk of each county shall do all of the  
2 following:

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

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

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

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

14           Sec. 17. (1) A person paying a late filing fee as a result of  
15 ~~that person's~~ **THE** failure to file a statement or report shall pay  
16 that fee to the filing official with whom the statement or report  
17 was required to be filed.

18           (2) The late filing fees collected pursuant to sections 24,  
19 33, 34, and 35, and copying charges collected pursuant to section  
20 16, shall be retained by and for the use of the filing officials  
21 collecting the fees or charges to cover their expenses in  
22 administering this act. A late filing fee assessed by a county  
23 clerk that remains unpaid for more than 60 days shall be considered  
24 a debt of the county and shall be collected by the county treasurer  
25 in the same manner as other county debts are collected. ~~—A~~

26           **(3) THE SECRETARY OF STATE MAY COMMENCE A CIVIL ACTION TO**  
27 **COLLECT A** late filing fee assessed by the secretary of state that

1 remains unpaid **FOR MORE THAN 90 DAYS. IF THE LATE FILING FEE IS**  
2 **ASSESSED AGAINST A CANDIDATE COMMITTEE, A CIVIL ACTION COMMENCED**  
3 **UNDER THIS SUBSECTION SHALL BE FILED AGAINST THE CANDIDATE NAMED IN**  
4 **THE CANDIDATE COMMITTEE'S STATEMENT OF ORGANIZATION. IF A CIVIL**  
5 **ACTION TO COLLECT THE LATE FILING FEE HAS NOT BEEN COMMENCED UNDER**  
6 **THIS SUBSECTION AND THE LATE FILING FEE REMAINS UNPAID** for more  
7 than 180 days, **THE LATE FILING FEE** shall be referred to the  
8 department of treasury for collection.

9 (4) ~~(3)~~ A committee, other than a candidate committee or a  
10 committee making expenditures in assistance of or in opposition to  
11 the qualification, passage, or defeat of a ballot question,  
12 required to file with the secretary of state is not required to pay  
13 a late filing fee pursuant to ~~sections~~ **SECTION 24, 33, 34, and**  
14 **OR 35**, if all of the following conditions are met:

15 (a) ~~A~~ **THE** committee **IS** required to register as a committee  
16 **AND** fails to file a statement of organization.

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

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

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

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

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

8 (6) ~~(5)~~ A committee other than a candidate committee that  
9 has not previously filed a statement of organization is not  
10 required to pay a late filing fee pursuant to ~~sections~~ **SECTION**  
11 24, 33, 34, ~~and~~ **OR** 35, if the committee files a statement of  
12 organization and every campaign statement that is due, before the  
13 secretary of state sends a notice to that committee pursuant to  
14 subsection ~~(3)~~ **(4)**.

15 (7) **A LATE FILING FEE ASSESSED UNDER SECTION 24, 32, 33, OR 35**  
16 **AS A RESULT OF THE FAILURE OF A PERSON TO FILE A STATEMENT OR**  
17 **REPORT A CONTRIBUTION FOR A CANDIDATE COMMITTEE SHALL BE PAID BY**  
18 **THE CANDIDATE NAMED IN THE CANDIDATE COMMITTEE'S STATEMENT OF**  
19 **ORGANIZATION FROM HIS OR HER PERSONAL FUNDS AND NOT FROM COMMITTEE**  
20 **FUNDS.**

21 (8) **A PERSON SUBJECT TO A LATE FILING FEE UNDER SECTION 24,**  
22 **32, 33, OR 35 BECAUSE OF A FAILURE TO COMPLY WITH THIS ACT THAT**  
23 **OCCURRED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**  
24 **THIS SUBSECTION IS ONLY SUBJECT TO THE AMOUNT OF THE LATE FILING**  
25 **FEE THAT THE PERSON WOULD HAVE BEEN SUBJECT TO FOR THAT FAILURE**  
26 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**  
27 **SUBSECTION. THIS SUBSECTION ONLY APPLIES TO A PERSON WHO PAYS THE**

1 **LATE FILING FEE WITHIN 3 MONTHS OF THE EFFECTIVE DATE OF THE**  
2 **AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

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

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

20       (a) The name, street address, and, if available, ~~the~~  
21 telephone number of the committee. If a committee is a candidate  
22 committee, the committee name shall include the first and last name  
23 of the candidate. A committee address may be the home address of  
24 the candidate or treasurer of the committee.

25       (b) The name, street address, and, if available, ~~the~~  
26 telephone number of the treasurer or other individual designated as  
27 responsible for the committee's record keeping, report preparation,

1 or report filing.

2 (c) The name and address of the financial institution in which  
3 the official committee depository is or is intended to be located,  
4 and the name and address of each financial institution in which a  
5 secondary depository is or is intended to be located.

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

9 (e) A brief statement identifying the substance of each ballot  
10 question supported or opposed by the committee. If the ballot  
11 question supported or opposed by the committee is not statewide,  
12 the committee shall identify the county in which the greatest  
13 number of registered voters eligible to vote on the ballot question  
14 reside.

15 (f) Identification of the committee as a candidate committee,  
16 political party committee, independent committee, political  
17 committee, or ballot question committee if it is identifiable as  
18 such a committee.

19 (3) An independent committee or political committee shall  
20 include in the name of the committee the name of the person or  
21 persons that sponsor the committee, if any, or with whom the  
22 committee is affiliated. A person, other than an individual or a  
23 committee, sponsors or is affiliated with an independent committee  
24 or political committee if that person establishes, directs,  
25 controls, or financially supports the administration of the  
26 committee. For the purposes of this subsection, a person does not  
27 financially support the administration of a committee by merely

1 making a contribution to the committee.

2 (4) If any of the information required in a statement of  
3 organization is changed, the committee shall file an amendment when  
4 the next campaign statement is required to be filed. An independent  
5 committee or political committee whose name does not include the  
6 name of the person or persons that sponsor the committee or with  
7 whom the committee is affiliated as required by subsection (3)  
8 shall file an amendment to the committee's statement of  
9 organization not later than the date the next campaign statement is  
10 required to be filed after ~~the effective date of the amendatory~~  
11 ~~act that added this sentence~~ **APRIL 1, 1995.**

12 (5) When filing a statement of organization, a committee,  
13 other than an independent committee, a political committee, or a  
14 political party committee, may indicate in a written statement  
15 signed by the treasurer of the committee that the committee does  
16 not expect for each election to receive an amount in excess of  
17 \$1,000.00 or expend an amount in excess of \$1,000.00.

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

23 (7) Upon the dissolution of a committee, the committee shall  
24 file a statement indicating dissolution with the filing officials  
25 with whom the committee's statement of organization was filed.  
26 Dissolution of a committee shall be accomplished pursuant to rules  
27 promulgated by the secretary of state under the administrative

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2 (8) A candidate committee that files a written statement  
3 pursuant to subsection (5) ~~shall~~ **IS** not ~~be~~ required to file a  
4 dissolution statement pursuant to subsection (7) if the committee  
5 ~~failed to~~ **DID NOT** receive or expend an amount in excess of  
6 \$1,000.00 and 1 of the following applies:

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

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

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

17 (2) Filing of a report of a late contribution pursuant to  
18 subsection (1) may be by any written means of communication and  
19 need not contain an original signature.

20 (3) A late contribution shall be reported on subsequent  
21 campaign statements without regard to reports filed pursuant to  
22 subsection (1). If a campaign statement has not been filed, a late  
23 contribution may be reported, if practicable, in the campaign  
24 statement and, **IF SO REPORTED**, need not ~~, therefore,~~ be reported  
25 in a subsequent campaign statement.

26 (4) ~~A~~ **SUBJECT TO SECTION 17(7)**, A committee, candidate,  
27 treasurer, or other individual designated as responsible for the



1 committee's record keeping, report preparation, or report filing  
2 who fails to report a late contribution as required by subsection  
3 (1) shall pay a late filing fee, that shall not exceed ~~-\$2,000.00~~  
4 **\$3,200.00**, determined as follows:

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

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

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

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

15 Sec. 33. (1) A committee, other than an independent committee  
16 or a political committee required to file with the secretary of  
17 state, supporting or opposing a candidate shall file complete  
18 campaign statements as required by this act and the rules  
19 promulgated under this act. The campaign statements shall be filed  
20 according to the following schedule:

21 (a) A preelection campaign statement shall be filed not later  
22 than the eleventh day before an election. The closing date for a  
23 campaign statement filed under this subdivision shall be the  
24 sixteenth day before the election.

25 (b) A postelection campaign statement shall be filed not later  
26 than the thirtieth day following the election. The closing date for  
27 a campaign statement filed under this subdivision shall be the

1 twentieth day following the election. A committee supporting a  
2 candidate who loses the primary election shall file closing  
3 campaign statements in accordance with this section. If all  
4 liabilities of such a candidate or committee are paid before the  
5 closing date and additional contributions are not expected, the  
6 campaign statement may be filed at any time after the election, but  
7 not later than the thirtieth day following the election.

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

9 (a) A candidate committee shall file a preelection campaign  
10 statement and a postelection campaign statement for each election  
11 in which the candidate seeks nomination or election, except if an  
12 individual becomes a candidate after the closing date for the  
13 preelection campaign statement only the postelection campaign  
14 statement is required for that election.

15 (b) A committee other than a candidate committee shall file a  
16 campaign statement for each period during which expenditures are  
17 made for the purpose of influencing the nomination or election of a  
18 candidate or for the qualification, passage, or defeat of a ballot  
19 question.

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

25 (a) In an odd numbered year:

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

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

2 (iii) Not later than October 25 with a closing date of October  
3 20.

4 (b) In an even numbered year:

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

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

8 (iii) Not later than October 25 with a closing date of October  
9 20.

10 (4) A house political party caucus committee or a senate  
11 political party caucus committee required to file with the  
12 secretary of state shall file campaign statements as required by  
13 this act according to the following schedule:

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

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

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

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

22 (e) For the period beginning on the fourteenth day immediately  
23 preceding a primary or special primary election and ending on the  
24 day immediately following the primary or special primary election,  
25 not later than 4 p.m. each business day with a closing date of the  
26 immediately preceding day, only for a contribution received or  
27 expenditure made that exceeds \$1,000.00 per day.

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

7 (5) Notwithstanding subsection (3) or (4), ~~or section 51,~~ if  
8 an independent expenditure is made within 45 days before a special  
9 election by an independent committee or a political committee  
10 required to file a campaign statement with the secretary of state,  
11 a report of the expenditure shall be filed by the committee with  
12 the secretary of state within 48 hours after the expenditure. The  
13 report shall be made on a form provided by the secretary of state  
14 and shall include the date of the independent expenditure, the  
15 amount of the expenditure, a brief description of the nature of the  
16 expenditure, and the name and address of the person to whom the  
17 expenditure was paid. The brief description of the expenditure  
18 shall include either the name of the candidate and the office  
19 sought by the candidate or the name of the ballot question and  
20 shall state whether the expenditure supports or opposes the  
21 candidate or ballot question. This subsection does not apply if the  
22 committee is required to report the independent expenditure in a  
23 campaign statement that is required to be filed before the date of  
24 the election for which the expenditure was made.

25 (6) A candidate committee or a committee other than a  
26 candidate committee that files a written statement under section  
27 24(5) or (6) need not file a campaign statement under subsection

1 (1), (3), or (4) unless it received or expended an amount in excess  
2 of \$1,000.00. If the committee receives or expends an amount in  
3 excess of \$1,000.00 during a period covered by a filing, the  
4 committee is then subject to the campaign filing requirements under  
5 this act.

6 (7) ~~A~~ **SUBJECT TO SECTION 17(7)**, A committee, candidate,  
7 treasurer, or other individual designated as responsible for the  
8 committee's record keeping, report preparation, or report filing  
9 who fails to file a statement as required by this section shall pay  
10 a late filing fee. If the committee has raised \$10,000.00 or less  
11 during the previous 2 years, the late filing fee shall be ~~\$25.00~~  
12 **\$40.00** for each business day the statement remains unfiled, but not  
13 to exceed ~~\$500.00~~ **\$800.00**. If the committee has raised more than  
14 \$10,000.00 during the previous 2 years, the late filing fee shall  
15 not exceed ~~\$1,000.00~~ **\$1,600.00**, determined as follows:

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

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

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

22 (8) If a candidate, treasurer, or other individual designated  
23 as responsible for the committee's record keeping, report  
24 preparation, or report filing fails to file 2 statements required  
25 by this section or section 35 and both of the statements remain  
26 unfiled for more than 30 days, that candidate, treasurer, or other  
27 designated individual is guilty of a misdemeanor, punishable by a

1 fine of not more than \$1,000.00, or imprisonment for not more than  
2 90 days, or both.

3 (9) If a candidate is found guilty of a violation of this  
4 section, the circuit court for that county, on application by the  
5 attorney general or the prosecuting attorney of that county, may  
6 prohibit that candidate from assuming the duties of a public office  
7 or from receiving compensation from public funds, or both.

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

14 Sec. 34. (1) A ballot question committee shall file a campaign  
15 statement as required by this act according to the following  
16 schedule:

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

20 (b) A postelection campaign statement, the closing date of  
21 which shall be the twentieth day following the election, shall not  
22 be filed later than the thirtieth day following an election. If all  
23 liabilities of the committee are paid before the closing date and  
24 additional contributions are not expected, the campaign statement  
25 may be filed at any time after the election, but not later than the  
26 thirtieth day following the election.

27 (2) A ballot question committee supporting or opposing a

1 statewide ballot question shall file a campaign statement, of which  
2 the closing date shall be the twenty-eighth day after the  
3 qualification of the measure, not later than 35 days after the  
4 ballot question is qualified for the ballot. If the ballot question  
5 fails to qualify for the ballot, the ballot question committee  
6 shall file the campaign statement within 35 days after the final  
7 deadline for qualifying, the closing date of which shall be the  
8 twenty-eighth day after the deadline.

9 (3) If a ballot question committee supporting or opposing a  
10 statewide ballot question fails to file a preelection statement  
11 under this section, that committee or its treasurer shall pay a  
12 late filing fee for each business day the statement remains not  
13 filed in violation of this section, not to exceed ~~-\$1,000.00~~  
14 **\$1,600.00**, pursuant to the following schedule:

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

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

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

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

20 (4) If a treasurer or other individual designated as  
21 responsible for the record keeping, report preparation, or report  
22 filing of a ballot question committee supporting or opposing a  
23 statewide ballot question fails to file a statement, other than a  
24 preelection statement, under this section, that committee,  
25 treasurer, or other designated individual shall pay a late filing  
26 fee. If the committee has raised \$10,000.00 or less during the  
27 previous 2 years, the late filing fee shall be ~~-\$25.00~~ **\$40.00** for

1 each business day the campaign statement remains unfiled, but not  
2 to exceed ~~-\$1,000.00~~ **\$1,600.00**. If the committee has raised more  
3 than \$10,000.00 during the previous 2 years, the late filing fee  
4 shall be ~~-\$50.00~~ **\$80.00** for each business day the campaign  
5 statement remains unfiled, but not to exceed ~~-\$2,000.00~~ **\$3,200.00**.

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

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

26 (7) If a treasurer or other individual designated as  
27 responsible for the record keeping, report preparation, or report



1 filing of a ballot question committee knowingly files an incomplete  
2 or inaccurate statement or report required by this section, that  
3 treasurer or other designated individual is subject to a civil fine  
4 of not more than \$1,000.00.

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

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

23       (3) ~~A~~ **SUBJECT TO SECTION 17(7),** A committee, candidate,  
24 treasurer, or other individual designated as responsible for the  
25 record keeping, report preparation, or report filing for a  
26 candidate committee of a candidate for state elective office or a  
27 judicial office who fails to file a campaign statement under this

1 section shall be assessed a late filing fee. If the committee has  
2 raised \$10,000.00 or less during the previous 2 years, the late  
3 filing fee shall be ~~-\$25.00-~~ **\$40.00** for each business day the  
4 campaign statement remains unfiled, but not to exceed ~~-\$500.00~~  
5 **\$800.00**. If the committee has raised more than \$10,000.00 during  
6 the previous 2 years, the late filing fee shall be ~~-\$50.00-~~ **\$80.00**  
7 for each business day the campaign statement remains unfiled, but  
8 not to exceed ~~-\$1,000.00-~~ **\$1,600.00**. ~~The late filing fee assessed~~  
9 ~~under this subsection shall be paid by the candidate, and the~~  
10 ~~candidate shall not use committee funds to pay that fee. A~~ **SUBJECT**  
11 **TO SECTION 17(7), A** committee, treasurer, or other individual  
12 designated as responsible for the record keeping, report  
13 preparation, or report filing for a committee other than a  
14 candidate committee of a candidate for state elective office or a  
15 judicial office who fails to file a campaign statement under this  
16 section shall pay a late filing fee of ~~-\$25.00-~~ **\$40.00** for each  
17 business day the campaign statement remains not filed in violation  
18 of this section. The late filing fee shall not exceed ~~-\$500.00~~  
19 **\$800.00**.

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

1 pursuant to subsection (1), whichever occurred earlier.

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

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

17 Enacting section 1. This amendatory act takes effect January  
18 31, 2007.