

**SUBSTITUTE FOR
SENATE BILL NO. 824**

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 15, 32, 34, 36, 47, and 55 (MCL 169.215,
169.232, 169.234, 169.236, 169.247, and 169.255), sections 15 and
47 as amended by 2001 PA 250, section 32 as amended by 1999 PA
236, section 34 as amended by 1999 PA 238, section 36 as amended
by 1996 PA 590, and section 55 as amended by 1995 PA 264.

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
4 to county clerks, appropriate forms, instructions, and manuals
5 required by this act.

6 (b) Develop a filing, coding, and cross-indexing system for
7 the filing of required reports and statements consistent with the

1 purposes of this act, and supervise the implementation of the
2 filing systems by the clerks of the counties.

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

5 (d) Prepare forms, instructions, and manuals required under
6 this act.

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

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

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

20 (ii) Other unique, unintentional factors beyond the filer's
21 control not stemming from a negligent act or nonaction so that a
22 reasonably prudent person would excuse the filing on a temporary
23 basis. These factors include the loss or unavailability of
24 records due to a fire, flood, theft, or similar reason and
25 difficulties related to the transmission of the filing to the
26 filing official, such as exceptionally bad weather or strikes
27 involving transportation systems.

1 (2) A declaratory ruling shall be issued under this section
2 only if the person requesting the ruling has provided a
3 reasonably complete statement of facts necessary for the ruling
4 or if the person requesting the ruling has, with the permission
5 of the secretary of state, supplied supplemental facts necessary
6 for the ruling. A request for a declaratory ruling that is
7 submitted to the secretary of state shall be made available for
8 public inspection within 48 hours after its receipt. An
9 interested person may submit written comments regarding the
10 request to the secretary of state within 10 business days after
11 the date the request is made available to the public. Within 45
12 business days after receiving a declaratory ruling request, the
13 secretary of state shall make a proposed response available to
14 the public. An interested person may submit written comments
15 regarding the proposed response to the secretary of state within
16 5 business days after the date the proposal is made available to
17 the public. Except as otherwise provided in this section, the
18 secretary of state shall issue a declaratory ruling within 60
19 business days after a request for a declaratory ruling is
20 received. If the secretary of state refuses to issue a
21 declaratory ruling, the secretary of state shall notify the
22 person making the request of the reasons for the refusal and
23 shall issue an interpretative statement providing an
24 informational response to the question presented within the same
25 time limitation applicable to a declaratory ruling. A declaratory
26 ruling or interpretative statement issued under this section
27 shall not state a general rule of law, other than that which is

1 stated in this act, until the general rule of law is promulgated
2 by the secretary of state as a rule under the administrative
3 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or
4 under judicial order.

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

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

15 (5) A person may file with the secretary of state a
16 complaint that alleges a violation of this act. Within 5 business
17 days after a complaint that meets the requirements of subsection
18 (6) is filed, the secretary of state shall give notice to the
19 person against whom the complaint is filed. The notice shall
20 include a copy of the complaint. Within 15 business days after
21 this notice is ~~provided,~~ **MAILED**, the person against whom the
22 complaint was filed may submit to the secretary of state a
23 response. The secretary of state may extend the period for
24 submitting a response an additional 15 business days for good
25 cause. The secretary of state shall provide a copy of a response
26 received to the complainant. Within 10 business days after
27 ~~receiving a copy of the response~~ **IS MAILED**, the complainant may

1 submit to the secretary of state a rebuttal statement. The
2 secretary of state may extend the period for submitting a
3 rebuttal statement an additional 10 business days for good cause.
4 The secretary of state shall provide a copy of the rebuttal
5 statement to the person against whom the complaint was filed.

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

8 (a) Be signed by the complainant.

9 (b) State the name, address, and telephone number of the
10 complainant.

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

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

25 (8) A person who files a complaint with a false certificate
26 under subsection (6)(c) is responsible for a civil violation of
27 this act. A person may file a complaint under subsection (5)

1 alleging that another person has filed a complaint with a false
2 certificate under subsection (6)(c).

3 (9) The secretary of state shall investigate the allegations
4 under the rules promulgated under this act. ~~Every 60 days after a~~
5 ~~complaint that meets the requirements of subsection (6) is filed~~
6 ~~and until the matter is terminated, the secretary of state shall~~
7 ~~mail to the complainant and to the alleged violator notice of the~~
8 ~~action taken to date by the secretary of state, together with the~~
9 ~~reasons for the action or nonaction.~~ **IF THE VIOLATION INVOLVES**
10 **THE SECRETARY OF STATE, THE IMMEDIATE FAMILY OF THE SECRETARY OF**
11 **STATE, OR A CAMPAIGN OR COMMITTEE WITH WHICH THE SECRETARY OF**
12 **STATE IS CONNECTED, DIRECTLY OR INDIRECTLY, THE SECRETARY OF**
13 **STATE SHALL REFER THE MATTER TO THE ATTORNEY GENERAL TO DETERMINE**
14 **WHETHER A VIOLATION OF THIS ACT HAS OCCURRED.**

15 (10) ~~If~~ **NO LATER THAN 60 BUSINESS DAYS AFTER RECEIPT OF A**
16 **REBUTTAL STATEMENT SUBMITTED UNDER SUBSECTION (5), OR IF NO**
17 **RESPONSE OR REBUTTAL IS RECEIVED UNDER SUBSECTION (5), the**
18 ~~secretary of state determines that~~ **SHALL POST ON THE SECRETARY OF**
19 **STATE'S INTERNET WEBSITE WHETHER OR NOT there may be reason to**
20 **believe that a violation of this act has occurred. IF THE**
21 **SECRETARY OF STATE DETERMINES THAT THERE MAY BE REASON TO BELIEVE**
22 **THAT A VIOLATION OF THIS ACT OCCURRED, THE SECRETARY OF STATE**
23 **SHALL, WITHIN 30 DAYS OF THAT DETERMINATION, POST ON THE**
24 **SECRETARY OF STATE'S INTERNET WEBSITE ANY COMPLAINT, RESPONSE, OR**
25 **REBUTTAL STATEMENT RECEIVED UNDER SUBSECTION (5) REGARDING THAT**
26 **VIOLATION AND ANY CORRESPONDENCE REGARDING THAT VIOLATION BETWEEN**
27 **THE SECRETARY OF STATE AND THE COMPLAINANT OR THE PERSON AGAINST**

1 WHOM THE COMPLAINT WAS FILED. IF THE SECRETARY OF STATE
 2 DETERMINES THAT THERE MAY BE REASON TO BELIEVE THAT A VIOLATION
 3 OF THIS ACT OCCURRED, the secretary of state shall endeavor to
 4 correct the violation or prevent a further violation by using
 5 informal methods such as a conference, conciliation, or
 6 persuasion, and may enter into a conciliation agreement with the
 7 person involved. Unless violated, a conciliation agreement is a
 8 complete bar to any further **CIVIL OR CRIMINAL** action with respect
 9 to matters covered in the conciliation agreement. **THE SECRETARY**
 10 **OF STATE SHALL, WITHIN 30 DAYS AFTER A CONCILIATION AGREEMENT IS**
 11 **SIGNED, POST THAT AGREEMENT ON THE SECRETARY OF STATE'S INTERNET**
 12 **WEBSITE.** If, **AFTER 90 BUSINESS DAYS,** the secretary of state is
 13 unable to correct or prevent further violation by these informal
 14 methods, the secretary of state ~~may refer~~ **SHALL DO EITHER OF THE**
 15 **FOLLOWING:**

16 (A) **REFER** the matter to the attorney general for the
 17 enforcement of ~~a~~ **ANY** criminal penalty provided by this act. ~~or~~
 18 ~~commence~~

19 (B) **COMMENCE** a hearing as provided in subsection (11) **FOR**
 20 **ENFORCEMENT OF ANY CIVIL VIOLATION.**

21 (11) The secretary of state may commence a hearing to
 22 determine whether a civil violation of this act has occurred. A
 23 ~~hearing shall not be commenced during the period beginning 30~~
 24 ~~days before an election in which the committee has received or~~
 25 ~~expended money and ending the day after that election except with~~
 26 ~~the consent of the person suspected of committing a civil~~
 27 ~~violation.~~ The hearing shall be conducted in accordance with the

1 procedures set forth in chapter 4 of the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If
3 after a hearing the secretary of state determines that a
4 violation of this act has occurred, the secretary of state may
5 issue an order requiring the person to pay a civil fine equal to
6 **TRIPLE** the amount of the improper contribution or expenditure
7 plus not more than \$1,000.00 for each violation.

8 (12) A final decision and order issued by the secretary of
9 state is subject to judicial review as provided by chapter 6 of
10 the administrative procedures act of 1969, 1969 PA 306, MCL
11 24.301 to 24.306. The secretary of state shall deposit a civil
12 fine imposed under this section in the general fund. The
13 secretary of state may bring an action in circuit court to
14 recover the amount of a civil fine.

15 (13) When a report or statement is filed under this act, the
16 secretary of state shall review the report or statement and may
17 investigate an apparent violation of this act under the rules
18 promulgated under this act. If the secretary of state determines
19 that there may be reason to believe a violation of this act has
20 occurred and the procedures prescribed in subsection (10) have
21 been complied with, the secretary of state may refer the matter
22 to the attorney general for the enforcement of a criminal penalty
23 provided by this act, or commence a hearing under subsection (11)
24 to determine whether a civil violation of this act has occurred.

25 (14) **NO LATER THAN 60 BUSINESS DAYS AFTER A MATTER IS**
26 **REFERRED TO THE ATTORNEY GENERAL FOR ENFORCEMENT OF A CRIMINAL**
27 **PENALTY, THE ATTORNEY GENERAL SHALL DETERMINE WHETHER TO PROCEED**

1 **WITH ENFORCEMENT OF THAT PENALTY.**

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

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

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

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

18 (17) ~~(16)~~—There is no private right of action, either in law
19 or in equity, under this act. The remedies provided in this act
20 are the exclusive means by which this act may be enforced and by
21 which any harm resulting from a violation of this act may be
22 redressed. **THE CRIMINAL PENALTIES PROVIDED BY THIS ACT MAY ONLY**
23 **BE ENFORCED BY THE ATTORNEY GENERAL AND ONLY UPON REFERRAL BY THE**
24 **SECRETARY OF STATE AS PROVIDED UNDER SUBSECTION (10) OR (13).**

25 (18) ~~(17)~~—The secretary of state may waive the filing of a
26 campaign statement required under section 33, 34, or 35 if the
27 closing date of the particular campaign statement falls on the

1 same or a later date as the closing date of the next campaign
2 statement filed by the same person, or if the period that would
3 be otherwise covered by the next campaign statement filed by the
4 same person is 10 days or less.

5 (19) ~~(18)~~—The clerk of each county shall do all of the
6 following:

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

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

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

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

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

25 (2) Filing of a report of a late contribution ~~pursuant to~~
26 **UNDER** subsection (1) may be by any written means of communication
27 and need not contain an original signature.

1 (3) A late contribution shall be reported on subsequent
2 campaign statements without regard to reports filed ~~pursuant to~~
3 **UNDER** subsection (1). If a campaign statement has not been filed,
4 a late contribution may be reported, if practicable, in the
5 campaign statement and need not, therefore, be reported in a
6 subsequent campaign statement.

7 (4) A committee, candidate, treasurer, or other individual
8 designated as responsible for the committee's record keeping,
9 report preparation, or report filing who fails to report a late
10 contribution as required by subsection (1) shall pay a late
11 filing fee, that shall not exceed **THE LESSER OF THE FOLLOWING:**

12 **(A) THE TOTAL AMOUNT OF THE CONTRIBUTIONS OMITTED FROM THE**
13 **LATE CONTRIBUTION REPORTS.**

14 **(B) \$2,000.00** ~~—~~determined as follows:

15 **(i) ~~(a)~~**—Twenty-five dollars for each business day the report
16 remains unfiled.

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

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

21 **(5) A COMMITTEE, OTHER THAN A CANDIDATE COMMITTEE, IS ONLY**
22 **REQUIRED TO FILE A REPORT OF A LATE CONTRIBUTION FOR AN ELECTION**
23 **DURING WHICH THE COMMITTEE MADE EXPENDITURES FOR THE PURPOSE OF**
24 **INFLUENCING THE NOMINATION OR ELECTION OF A CANDIDATE OR FOR THE**
25 **QUALIFICATION, PASSAGE, OR DEFEAT OF A BALLOT QUESTION AFTER THE**
26 **CLOSING DATE OF THE LAST CAMPAIGN STATEMENT REQUIRED TO BE FILED**
27 **BEFORE AN ELECTION. THIS SUBSECTION IS RETROACTIVE AND TAKES**

1 EFFECT JANUARY 1, 2010.

2 (6) THIS STATE OR A COUNTY SHALL REIMBURSE OR WAIVE ANY LATE
3 FILING FEE PAID OR ASSESSED UNDER SUBSECTION (4) OR (5) BETWEEN
4 JANUARY 1, 2010 AND THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SUBSECTION. THIS SUBSECTION ONLY APPLIES TO COMMITTEES
6 THAT HAVE FILED ALL OTHER CAMPAIGN STATEMENTS REQUIRED UNDER THIS
7 ACT IN A TIMELY MANNER.

8 (7) ~~(5)~~—As used in this section, FOR CONTRIBUTIONS MADE
9 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
10 SUBSECTION (6), "late contribution" means a contribution of
11 \$200.00 or more received after the closing date of the last
12 campaign statement required to be filed before an election. FOR
13 CONTRIBUTIONS MADE ON OR AFTER THE EFFECTIVE DATE OF THE
14 AMENDATORY ACT THAT ADDED SUBSECTION (6), LATE CONTRIBUTION
15 MEANS, FOR A CANDIDATE COMMITTEE, CONTRIBUTIONS FROM THE SAME
16 CONTRIBUTOR WITH A CUMULATIVE TOTAL OF \$500.00 OR MORE RECEIVED
17 AFTER THE CLOSING DATE OF THE LAST CAMPAIGN STATEMENT REQUIRED TO
18 BE FILED BEFORE AN ELECTION. FOR CONTRIBUTIONS MADE ON OR AFTER
19 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION
20 (6), LATE CONTRIBUTION MEANS, FOR A COMMITTEE OTHER THAN A
21 CANDIDATE COMMITTEE, CONTRIBUTIONS FROM THE SAME CONTRIBUTOR WITH
22 A CUMULATIVE TOTAL OF \$2,500.00 OR MORE RECEIVED AFTER THE
23 CLOSING DATE OF THE LAST CAMPAIGN STATEMENT REQUIRED TO BE FILED
24 BEFORE AN ELECTION.

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

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

4 (b) A postelection campaign statement, the closing date of
5 which shall be the twentieth day following the election, shall
6 not be filed later than the thirtieth day following an election.
7 If all liabilities of the committee are paid before the closing
8 date and additional contributions are not expected, the campaign
9 statement may be filed at any time after the election, but not
10 later than the thirtieth day following the election.

11 (C) **CAMPAIGN STATEMENTS NOT LATER THAN THE FOLLOWING DATES**
12 **EVERY YEAR:**

13 (i) **FEBRUARY 15 WITH A CLOSING DATE OF FEBRUARY 10 OF THAT**
14 **YEAR.**

15 (ii) **APRIL 25 WITH A CLOSING DATE OF APRIL 20 OF THAT YEAR.**

16 (iii) **JULY 25 WITH A CLOSING DATE OF JULY 20 OF THAT YEAR.**

17 (D) **IN EVERY ODD NUMBERED YEAR, A CAMPAIGN STATEMENT NOT**
18 **LATER THAN OCTOBER 25 WITH A CLOSING DATE OF OCTOBER 20 OF THAT**
19 **YEAR.**

20 (2) A ballot question committee supporting or opposing a
21 statewide ballot question shall file a campaign statement, of
22 which the closing date shall be the twenty-eighth day after the
23 qualification of the measure, not later than 35 days after the
24 ballot question is qualified for the ballot. If the ballot
25 question fails to qualify for the ballot, the ballot question
26 committee shall file the campaign statement within 35 days after
27 the final deadline for qualifying, the closing date of which

1 shall be the twenty-eighth day after the deadline.

2 (3) If a ballot question committee supporting or opposing a
3 statewide ballot question fails to file a preelection statement
4 under this section, that committee or its treasurer shall pay a
5 late filing fee for each business day the statement remains not
6 filed in violation of this section, not to exceed \$1,000.00,
7 pursuant to the following schedule:

8 (a) First day--\$25.00.

9 (b) Second day--\$50.00.

10 (c) Third day--\$75.00.

11 (d) Fourth day and for each subsequent day that the
12 statement remains unfiled--\$100.00.

13 (4) If a treasurer or other individual designated as
14 responsible for the record keeping, report preparation, or report
15 filing of a ballot question committee supporting or opposing a
16 statewide ballot question fails to file a statement, other than a
17 preelection statement, under this section, that committee,
18 treasurer, or other designated individual shall pay a late filing
19 fee. If the committee has raised \$10,000.00 or less during the
20 previous 2 years, the late filing fee shall be \$25.00 for each
21 business day the campaign statement remains unfiled, but not to
22 exceed \$1,000.00. If the committee has raised more than
23 \$10,000.00 during the previous 2 years, the late filing fee shall
24 be \$50.00 for each business day the campaign statement remains
25 unfiled, but not to exceed \$2,000.00.

26 (5) 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 supporting or opposing
2 other than a statewide ballot question fails to file a statement
3 under this section, that committee, treasurer, or other
4 designated individual shall pay a late filing fee. If the
5 committee has raised \$10,000.00 or less during the previous 2
6 years, the late filing fee shall be \$25.00 for each business day
7 the campaign statement remains unfiled, but not to exceed
8 \$1,000.00. If the committee has raised more than \$10,000.00
9 during the previous 2 years, the late filing fee shall be \$50.00
10 for each business day the campaign statement remains unfiled, but
11 not to exceed \$2,000.00.

12 (6) If a treasurer or other individual designated as
13 responsible for the record keeping, report preparation, or report
14 filing of a ballot question committee fails to file a statement
15 as required by subsection (1) or (2) for more than 7 days, that
16 treasurer or other designated individual is guilty of a
17 misdemeanor, punishable by a fine of not more than \$1,000.00, or
18 imprisonment for not more than 90 days, or both.

19 (7) 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 knowingly files an
22 incomplete or inaccurate statement or report required by this
23 section, that treasurer or other designated individual is subject
24 to a civil fine of not more than \$1,000.00 **OR THE AMOUNT OF THE**
25 **UNDISCLOSED CONTRIBUTION.**

26 Sec. 36. (1) A candidate committee for a state elective
27 office or a judicial office shall file a copy of the campaign

1 statement required under this act with the secretary of state.
2 The secretary of state shall reproduce the copy and transmit the
3 reproduction to the clerk of the county of residence of the
4 candidate.

5 (2) A ballot question committee supporting or opposing a
6 statewide ballot question shall file a copy of the campaign
7 statement required under this act with the secretary of state and
8 with the clerk of the most populous county in the state. ~~A-EXCEPT~~
9 **AS OTHERWISE PROVIDED IN THIS SUBSECTION, A** ballot question
10 committee supporting or opposing a ballot question to be voted
11 upon in more than 1 county, but not statewide, shall file a copy
12 of the campaign statement required under this act with the clerk
13 of the county in which the greatest number of registered voters
14 eligible to vote on the ballot question reside. ~~A-EXCEPT AS~~
15 **OTHERWISE PROVIDED IN THIS SUBSECTION, A** ballot question
16 committee supporting or opposing a ballot question to be voted
17 upon within a single county shall file a copy of the campaign
18 statement required under this act only with the clerk of that
19 county. **IF A BALLOT QUESTION COMMITTEE IS REGISTERED WITH THE**
20 **SECRETARY OF STATE AND IS SUPPORTING OR OPPOSING A NONSTATEWIDE**
21 **BALLOT QUESTION, THAT BALLOT QUESTION COMMITTEE IS ONLY REQUIRED**
22 **TO FILE THE CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT WITH THE**
23 **SECRETARY OF STATE.**

24 (3) A political party committee shall file a copy of the
25 campaign statement required under this act with the secretary of
26 state. The secretary of state shall reproduce a copy of the
27 campaign statement of a political party committee that is a

1 county committee and file the copy with the clerk of the county
2 where the county committee operates.

3 (4) A committee supporting or opposing a candidate for local
4 elective office, if the office is to be voted on in more than 1
5 county but not statewide, shall file a copy of the campaign
6 statement required under this act with the clerk of the county in
7 which the greatest number of registered voters eligible to vote
8 on the office reside.

9 (5) IF A COMMITTEE IS REGISTERED WITH THE SECRETARY OF STATE
10 AND IS SUPPORTING OR OPPOSING THE RECALL OF A LOCAL ELECTIVE
11 OFFICEHOLDER, THAT COMMITTEE IS ONLY REQUIRED TO FILE THE
12 CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT WITH THE SECRETARY OF
13 STATE.

14 (6) ~~(5)~~—A committee not covered under subsection (1), (2),
15 (3), ~~or~~ (4), OR (5) shall file a copy of the campaign statement
16 required under this act with the secretary of state, except that
17 a committee reporting contributions or expenditures for a
18 candidate within only 1 county shall file a statement only with
19 the clerk of that county.

20 (7) ~~(6)~~—A local unit of government that receives copies of
21 campaign statements under this section shall make the statements
22 available for public inspection and reproduction during regular
23 business hours of the local unit of government. The local unit of
24 government shall make the statements available as soon as
25 practicable after receipt, but not later than the third business
26 day following the day on which they are received.

27 Sec. 47. (1) Except as otherwise provided in this subsection

1 and subject to subsections (3) and (4), a billboard, placard,
2 poster, pamphlet, or other printed matter having reference to an
3 election, a candidate, or a ballot question, shall bear upon it
4 the name and address of the person paying for the matter. Except
5 as otherwise provided in this subsection and subject to
6 subsections (3) and (4), if the printed matter relating to a
7 candidate is an independent expenditure that is not authorized in
8 writing by the candidate committee of that candidate, the printed
9 matter shall contain the following disclaimer: "Not authorized by
10 any candidate committee". An individual other than a candidate is
11 not subject to this subsection if the individual is acting
12 independently and not acting as an agent for a candidate or any
13 committee. **THIS SUBSECTION DOES NOT APPLY TO COMMUNICATIONS
14 BETWEEN A SEPARATE SEGREGATED FUND ESTABLISHED UNDER SECTION 55
15 AND INDIVIDUALS WHO CAN BE SOLICITED FOR CONTRIBUTIONS TO THAT
16 SEPARATE SEGREGATED FUND UNDER SECTION 55.**

17 (2) A radio or television paid advertisement having
18 reference to an election, a candidate, or a ballot question shall
19 identify the sponsoring person as required by the federal
20 communications commission, shall bear the name of the person
21 paying for the advertisement, and shall be in compliance with
22 subsection (3) and with the following:

23 (a) If the radio or television paid advertisement relates to
24 a candidate and is an independent expenditure, the advertisement
25 shall contain the following disclaimer: "Not authorized by any
26 candidate".

27 (b) If the radio or television paid advertisement relates to

1 a candidate and is not an independent expenditure but is paid for
2 by a person other than the candidate to which it is related, the
3 advertisement shall contain the following disclaimer:

4 "Authorized by".
5 (name of candidate or name of candidate committee)

6 (3) The size and placement of an identification or
7 disclaimer required by this section shall be determined by rules
8 promulgated by the secretary of state. The rules may exempt
9 printed matter and certain other items such as campaign buttons
10 or balloons, the size of which makes it unreasonable to add an
11 identification or disclaimer, from the identification or
12 disclaimer required by this section.

13 (4) Except for a candidate committee's printed matter or
14 radio or television paid advertisements, each identification or
15 disclaimer required by this section shall also indicate that the
16 printed matter or radio or television paid advertisement is paid
17 for "with regulated funds". Printed matter or a radio or
18 television paid advertisement that is not subject to this act
19 shall not bear the statement required by this subsection.

20 (5) A person who knowingly violates this section is guilty
21 of a misdemeanor punishable by a fine of not more than \$1,000.00,
22 or imprisonment for not more than 93 days, or both.

23 Sec. 55. (1) A corporation organized on a for profit or
24 nonprofit basis, a joint stock company, a domestic dependent
25 sovereign, or a labor organization formed under the laws of this
26 or another state or foreign country may make an expenditure for

1 the establishment and administration and solicitation of
2 contributions to a separate segregated fund to be used for
3 political purposes. A separate segregated fund established under
4 this section shall be limited to making contributions to, and
5 expenditures on behalf of, candidate committees, ballot question
6 committees, political party committees, political committees, and
7 independent committees, **AND OTHER SEPARATE SEGREGATED FUNDS.**

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

12 (a) Stockholders of the corporation or company.

13 (b) Officers and directors of the corporation or company.

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

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

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

22 (b) Stockholders of members of the corporation.

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

24 (d) Employees of the members of the corporation who have
25 policy making, managerial, professional, supervisory, or
26 administrative nonclerical responsibilities.

27 (e) Employees of the corporation who have policy making,

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

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

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

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

8 (c) Employees of the labor organization who have policy
9 making, managerial, professional, supervisory, or administrative
10 nonclerical responsibilities.

11 (5) Contributions for a separate segregated fund established
12 under this section by a domestic dependent sovereign may be
13 solicited from an individual who is a member of any domestic
14 dependent sovereign.

15 (6) Contributions shall not be obtained for a separate
16 segregated fund established under this section by use of coercion
17 or physical force, by making a contribution a condition of
18 employment or membership, or by using or threatening to use job
19 discrimination or financial reprisals. A corporation organized on
20 a for profit or nonprofit basis, a joint stock company, a
21 domestic dependent sovereign, or a labor organization shall not
22 solicit or obtain contributions for a separate segregated fund
23 established under this section from an individual described in
24 subsection (2), (3), (4), or (5) on an automatic or passive basis
25 including but not limited to a payroll deduction plan or reverse
26 checkoff method. A corporation organized on a for profit or
27 nonprofit basis, a joint stock company, a domestic dependent

1 sovereign, or a labor organization may solicit or obtain
2 contributions for a separate segregated fund established under
3 this section from an individual described in subsection (2), (3),
4 (4), or (5) on an automatic basis, including but not limited to a
5 payroll deduction plan, only if the individual who is
6 contributing to the fund affirmatively consents to the
7 contribution at least once in every calendar year.

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

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