

HOUSE 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), section 15 as
amended by 2012 PA 31, section 32 as amended by 1999 PA 236,
section 34 as amended by 1999 PA 238, section 36 as amended by
1996 PA 590, section 47 as amended by 2001 PA 250, 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.

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

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

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

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

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

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

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

1 filing official, such as exceptionally bad weather or strikes
2 involving transportation systems.

3 (2) A declaratory ruling shall be issued under this section
4 only if the person requesting the ruling has provided a
5 reasonably complete statement of facts necessary for the ruling
6 or if the person requesting the ruling has, with the permission
7 of the secretary of state, supplied supplemental facts necessary
8 for the ruling. A request for a declaratory ruling that is
9 submitted to the secretary of state shall be made available for
10 public inspection within 48 hours after its receipt. An
11 interested person may submit written comments regarding the
12 request to the secretary of state within 10 business days after
13 the date the request is made available to the public. Within 45
14 business days after receiving a declaratory ruling request, the
15 secretary of state shall make a proposed response available to
16 the public. An interested person may submit written comments
17 regarding the proposed response to the secretary of state within
18 5 business days after the date the proposal is made available to
19 the public. Except as otherwise provided in this section, the
20 secretary of state shall issue a declaratory ruling within 60
21 business days after a request for a declaratory ruling is
22 received. If the secretary of state refuses to issue a
23 declaratory ruling, the secretary of state shall notify the
24 person making the request of the reasons for the refusal and
25 shall issue an interpretative statement providing an
26 informational response to the question presented within the same
27 time limitation applicable to a declaratory ruling. A declaratory

1 ruling or interpretative statement issued under this section
2 shall not state a general rule of law, other than that which is
3 stated in this act, until the general rule of law is promulgated
4 by the secretary of state as a rule under the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or
6 under judicial order.

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

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

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

1 received to the complainant. Within 10 business days after
2 ~~receiving a copy of the~~ response **IS MAILED**, the complainant may
3 submit to the secretary of state a rebuttal statement. The
4 secretary of state may extend the period for submitting a
5 rebuttal statement an additional 10 business days for good cause.
6 The secretary of state shall provide a copy of the rebuttal
7 statement to the person against whom the complaint was filed.

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

10 (a) Be signed by the complainant.

11 (b) State the name, address, and telephone number of the
12 complainant.

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

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

27 (8) A person who files a complaint with a false certificate

1 under subsection (6)(c) is responsible for a civil violation of
2 this act. A person may file a complaint under subsection (5)
3 alleging that another person has filed a complaint with a false
4 certificate under subsection (6)(c).

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

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

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

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

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

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

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

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

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

27 (14) **NO LATER THAN 60 BUSINESS DAYS AFTER A MATTER IS**

1 REFERRED TO THE ATTORNEY GENERAL FOR ENFORCEMENT OF A CRIMINAL
2 PENALTY, THE ATTORNEY GENERAL SHALL DETERMINE WHETHER TO PROCEED
3 WITH ENFORCEMENT OF THAT PENALTY.

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

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

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

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

20 (17) ~~(16)~~—Except as otherwise provided in section 57, there
21 is no private right of action, either in law or in equity, under
22 this act. Except as otherwise provided in section 57, the
23 remedies provided in this act are the exclusive means by which
24 this act may be enforced and by which any harm resulting from a
25 violation of this act may be redressed. **THE CRIMINAL PENALTIES**
26 **PROVIDED BY THIS ACT MAY ONLY BE ENFORCED BY THE ATTORNEY GENERAL**
27 **AND ONLY UPON REFERRAL BY THE SECRETARY OF STATE AS PROVIDED**

1 UNDER SUBSECTION (10) OR (13).

2 (18) ~~(17)~~—The secretary of state may waive the filing of a
3 campaign statement required under section 33, 34, or 35 if the
4 closing date of the particular campaign statement falls on the
5 same or a later date as the closing date of the next campaign
6 statement filed by the same person, or if the period that would
7 be otherwise covered by the next campaign statement filed by the
8 same person is 10 days or less.

9 (19) ~~(18)~~—The clerk of each county shall do all of the
10 following:

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

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

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

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

23 Sec. 32. (1) A committee, candidate, treasurer, or other
24 individual designated as responsible for the committee's record
25 keeping, record preparation, or report filing shall report a late
26 contribution by filing with the filing officer within 48 hours
27 after its receipt the full name, street address, occupation,

1 employer, and principal place of business of the contributor.

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

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

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

16 (A) **THE TOTAL AMOUNT OF THE CONTRIBUTIONS OMITTED FROM THE**
17 **LATE CONTRIBUTION REPORTS.**

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

19 (i) ~~(a)~~—Twenty-five dollars for each business day the report
20 remains unfiled.

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

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

25 (5) **A COMMITTEE, OTHER THAN A CANDIDATE COMMITTEE, IS ONLY**
26 **REQUIRED TO FILE A REPORT OF A LATE CONTRIBUTION FOR AN ELECTION**
27 **DURING WHICH THE COMMITTEE MADE EXPENDITURES FOR THE PURPOSE OF**

1 INFLUENCING THE NOMINATION OR ELECTION OF A CANDIDATE OR FOR THE
2 QUALIFICATION, PASSAGE, OR DEFEAT OF A BALLOT QUESTION AFTER THE
3 CLOSING DATE OF THE LAST CAMPAIGN STATEMENT REQUIRED TO BE FILED
4 BEFORE AN ELECTION. THIS SUBSECTION IS RETROACTIVE AND TAKES
5 EFFECT JANUARY 1, 2010.

6 (6) THIS STATE BY APPROPRIATION OR A COUNTY SHALL REIMBURSE
7 OR WAIVE ANY LATE FILING FEE PAID OR ASSESSED UNDER SUBSECTION
8 (4) OR (5) BETWEEN JANUARY 1, 2010 AND THE EFFECTIVE DATE OF THE
9 AMENDATORY ACT THAT ADDED THIS SUBSECTION. THIS SUBSECTION ONLY
10 APPLIES TO COMMITTEES THAT HAVE FILED ALL OTHER CAMPAIGN
11 STATEMENTS REQUIRED UNDER THIS ACT IN A TIMELY MANNER. THIS
12 SUBSECTION DOES NOT APPLY TO CANDIDATE COMMITTEES.

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

1 **CLOSING DATE OF THE LAST CAMPAIGN STATEMENT REQUIRED TO BE FILED**
2 **BEFORE AN ELECTION.**

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

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

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

16 **(C) CAMPAIGN STATEMENTS NOT LATER THAN THE FOLLOWING DATES**
17 **EVERY YEAR:**

18 **(i) FEBRUARY 15 WITH A CLOSING DATE OF FEBRUARY 10 OF THAT**
19 **YEAR.**

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

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

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

25 (2) A ballot question committee supporting or opposing a
26 statewide ballot question shall file a campaign statement, of
27 which the closing date shall be the twenty-eighth day after the

1 ~~qualification of the measure, FILING OF THE PETITION FORM, not~~
2 ~~later than 35 days after the ballot question is qualified for the~~
3 ~~ballot. If the ballot question fails to qualify for the ballot,~~
4 ~~the ballot question committee shall file the campaign statement~~
5 ~~within 35 days after the final deadline for qualifying, the~~
6 ~~closing date of which shall be the twenty eighth day after the~~
7 ~~deadline.~~ **PETITION FORM IS FILED UNDER SECTION 483A OF THE**
8 **MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.483A.**

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 pursuant to the following schedule:

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

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

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

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

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 for each

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

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
9 other than a statewide ballot question fails to file a statement
10 under this section, that committee, treasurer, or other
11 designated individual shall pay a late filing fee. If the
12 committee has raised \$10,000.00 or less during the previous 2
13 years, the late filing fee shall be \$25.00 for each business day
14 the campaign statement remains unfiled, but not to exceed
15 \$1,000.00. If the committee has raised more than \$10,000.00
16 during the previous 2 years, the late filing fee shall be \$50.00
17 for each business day the campaign statement remains unfiled, but
18 not to exceed \$2,000.00.

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
22 as 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
2 incomplete or inaccurate statement or report required by this
3 section, that treasurer or other designated individual is subject
4 to a civil fine of not more than \$1,000.00 **OR THE AMOUNT OF THE**
5 **UNDISCLOSED CONTRIBUTION, WHICHEVER IS GREATER.**

6 Sec. 36. (1) A candidate committee for a state elective
7 office or a judicial office shall file a copy of the campaign
8 statement required under this act with the secretary of state.
9 The secretary of state shall reproduce the copy and transmit the
10 reproduction to the clerk of the county of residence of the
11 candidate.

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

1 **BALLOT QUESTION, THAT BALLOT QUESTION COMMITTEE IS ONLY REQUIRED**
2 **TO FILE THE CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT WITH THE**
3 **SECRETARY OF STATE.**

4 (3) A political party committee shall file a copy of the
5 campaign statement required under this act with the secretary of
6 state. The secretary of state shall reproduce a copy of the
7 campaign statement of a political party committee that is a
8 county committee and file the copy with the clerk of the county
9 where the county committee operates.

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

16 **(5) IF A COMMITTEE IS REGISTERED WITH THE SECRETARY OF STATE**
17 **AND IS SUPPORTING OR OPPOSING THE RECALL OF A LOCAL ELECTIVE**
18 **OFFICEHOLDER, THAT COMMITTEE IS ONLY REQUIRED TO FILE THE**
19 **CAMPAIGN STATEMENT REQUIRED UNDER THIS ACT WITH THE SECRETARY OF**
20 **STATE.**

21 (6) ~~(5)~~—A committee not covered under subsection (1), (2),
22 (3), ~~or~~ (4), **OR (5)** shall file a copy of the campaign statement
23 required under this act with the secretary of state, except that
24 a committee reporting contributions or expenditures for a
25 candidate within only 1 county shall file a statement only with
26 the clerk of that county.

27 (7) ~~(6)~~—A local unit of government that receives copies of

1 campaign statements under this section shall make the statements
2 available for public inspection and reproduction during regular
3 business hours of the local unit of government. The local unit of
4 government shall make the statements available as soon as
5 practicable after receipt, but not later than the third business
6 day following the day on which they are received.

7 Sec. 47. (1) Except as otherwise provided in this subsection
8 and subject to subsections (3) and (4), a billboard, placard,
9 poster, pamphlet, or other printed matter having reference to an
10 election, a candidate, or a ballot question, shall bear upon it
11 the name and address of the person paying for the matter. Except
12 as otherwise provided in this subsection and subject to
13 subsections (3) and (4), if the printed matter relating to a
14 candidate is an independent expenditure that is not authorized in
15 writing by the candidate committee of that candidate, the printed
16 matter shall contain the following disclaimer: "Not authorized by
17 any candidate committee". An individual other than a candidate is
18 not subject to this subsection if the individual is acting
19 independently and not acting as an agent for a candidate or any
20 committee. **THIS SUBSECTION DOES NOT APPLY TO COMMUNICATIONS
21 BETWEEN A SEPARATE SEGREGATED FUND ESTABLISHED UNDER SECTION 55
22 AND INDIVIDUALS WHO CAN BE SOLICITED FOR CONTRIBUTIONS TO THAT
23 SEPARATE SEGREGATED FUND UNDER SECTION 55.**

24 (2) A radio or television paid advertisement having
25 reference to an election, a candidate, or a ballot question shall
26 identify the sponsoring person as required by the federal
27 communications commission, shall bear the name of the person

1 paying for the advertisement, and shall be in compliance with
2 subsection (3) and with the following:

3 (a) If the radio or television paid advertisement relates to
4 a candidate and is an independent expenditure, the advertisement
5 shall contain the following disclaimer: "Not authorized by any
6 candidate".

7 (b) If the radio or television paid advertisement relates to
8 a candidate and is not an independent expenditure but is paid for
9 by a person other than the candidate to which it is related, the
10 advertisement shall contain the following disclaimer:

11 "Authorized by".
12 (name of candidate or name of candidate committee)

13 (3) The size and placement of an identification or
14 disclaimer required by this section shall be determined by rules
15 promulgated by the secretary of state. The rules may exempt
16 printed matter and certain other items such as campaign buttons
17 or balloons, the size of which makes it unreasonable to add an
18 identification or disclaimer, from the identification or
19 disclaimer required by this section.

20 (4) Except for a candidate committee's printed matter or
21 radio or television paid advertisements, each identification or
22 disclaimer required by this section shall also indicate that the
23 printed matter or radio or television paid advertisement is paid
24 for "with regulated funds". Printed matter or a radio or
25 television paid advertisement that is not subject to this act
26 shall not bear the statement required by this subsection.

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

4 Sec. 55. (1) A corporation organized on a for profit or
5 nonprofit basis, a joint stock company, a domestic dependent
6 sovereign, or a labor organization formed under the laws of this
7 or another state or foreign country may make an expenditure for
8 the establishment and administration and solicitation of
9 contributions to a separate segregated fund to be used for
10 political purposes. A separate segregated fund established under
11 this section shall be limited to making contributions to, and
12 expenditures on behalf of, candidate committees, ballot question
13 committees, political party committees, political committees, ~~and~~
14 independent committees, **AND OTHER SEPARATE SEGREGATED FUNDS.**

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

19 (a) Stockholders of the corporation or company.

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

21 (c) Employees of the corporation or company who have policy
22 making, managerial, professional, supervisory, or administrative
23 nonclerical responsibilities.

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

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

2 (b) Stockholders of members of the corporation.

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

4 (d) Employees of the members of the corporation who have
5 policy making, managerial, professional, supervisory, or
6 administrative nonclerical responsibilities.

7 (e) Employees of the corporation who have policy making,
8 managerial, professional, supervisory, or administrative
9 nonclerical responsibilities.

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

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

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

15 (c) Employees of the labor organization who have policy
16 making, managerial, professional, supervisory, or administrative
17 nonclerical responsibilities.

18 (5) Contributions for a separate segregated fund established
19 under this section by a domestic dependent sovereign may be
20 solicited from an individual who is a member of any domestic
21 dependent sovereign.

22 (6) Contributions shall not be obtained for a separate
23 segregated fund established under this section by use of coercion
24 or physical force, by making a contribution a condition of
25 employment or membership, or by using or threatening to use job
26 discrimination or financial reprisals. A corporation organized on
27 a for profit or nonprofit basis, a joint stock company, a

1 domestic dependent sovereign, or a labor organization shall not
2 solicit or obtain contributions for a separate segregated fund
3 established under this section from an individual described in
4 subsection (2), (3), (4), or (5) on an automatic or passive basis
5 including but not limited to a payroll deduction plan or reverse
6 checkoff method. A corporation organized on a for profit or
7 nonprofit basis, a joint stock company, a domestic dependent
8 sovereign, or a labor organization may solicit or obtain
9 contributions for a separate segregated fund established under
10 this section from an individual described in subsection (2), (3),
11 (4), or (5) on an automatic basis, including but not limited to a
12 payroll deduction plan, only if the individual who is
13 contributing to the fund affirmatively consents to the
14 contribution at least once in every calendar year.

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

20 (8) If a corporation, joint stock company, domestic
21 dependent sovereign, or labor organization that obtains
22 contributions for a separate segregated fund from individuals
23 described in subsection (2), (3), (4), or (5) pays to 1 or more
24 of those individuals a bonus or other remuneration for the
25 purpose of reimbursing those contributions, then that
26 corporation, joint stock company, domestic dependent sovereign,
27 or labor organization is subject to a civil fine equal to 2 times

- 1 the total contributions obtained from all individuals for the
- 2 separate segregated fund during that calendar year.