

HOUSE BILL No. 4064

January 13, 2011, Introduced by Rep. Geiss and referred to the Committee on Redistricting and Elections.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 16, 22, 26, 28, 29, 33, 35, 41, 42, 52, 55, and 57 (MCL 169.215, 169.216, 169.222, 169.226, 169.228, 169.229, 169.233, 169.235, 169.241, 169.242, 169.252, 169.255, and 169.257), sections 15, 26, 29, 42, 52, and 57 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, sections 22, 28, and 41 as amended by 1999 PA 237, section 33 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, and section 55 as amended by 1995 PA 264, and by adding sections 43a and 48.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 following:

2 (a) Make available through his or her offices, and furnish
3 to county clerks, appropriate forms, instructions, and manuals
4 required by this act.

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

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

11 (d) Prepare forms, instructions, and manuals required under
12 this act.

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

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

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

26 (ii) Other unique, unintentional factors beyond the filer's
27 control not stemming from a negligent act or nonaction so that a

1 reasonably prudent person would excuse the filing on a temporary
2 basis. These factors include the loss or unavailability of
3 records due to a fire, flood, theft, or similar reason and
4 difficulties related to the transmission of the filing to the
5 filing official, such as exceptionally bad weather or strikes
6 involving transportation systems.

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

1 person making the request of the reasons for the refusal and
2 shall issue an interpretative statement providing an
3 informational response to the question presented within the same
4 time limitation applicable to a declaratory ruling. A declaratory
5 ruling or interpretative statement issued under this section
6 shall not state a general rule of law, other than that which is
7 stated in this act, until the general rule of law is promulgated
8 by the secretary of state as a rule under the administrative
9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or
10 under judicial order.

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

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

21 (5) A person may file with the secretary of state a
22 complaint that alleges a violation of this act. Within 5 business
23 days after a complaint that meets the requirements of subsection
24 (6) is filed, the secretary of state shall give notice to the
25 person against whom the complaint is filed. The notice shall
26 include a copy of the complaint. Within 15 business days after
27 this notice is provided, the person against whom the complaint

1 was filed may submit to the secretary of state a response. The
2 secretary of state may extend the period for submitting a
3 response an additional 15 business days for good cause. The
4 secretary of state shall provide a copy of a response received to
5 the complainant. Within 10 business days after receiving a copy
6 of the response, the complainant may submit to the secretary of
7 state a rebuttal statement. The secretary of state may extend the
8 period for submitting a rebuttal statement an additional 10
9 business days for good cause. The secretary of state shall
10 provide a copy of the rebuttal statement to the person against
11 whom the complaint was filed.

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

14 (a) Be signed by the complainant.

15 (b) State the name, address, and telephone number of the
16 complainant.

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

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

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

9 (9) The secretary of state shall investigate the allegations
10 under the rules promulgated under this act. Every 60 days after a
11 complaint that meets the requirements of subsection (6) is filed
12 and until the matter is terminated, the secretary of state shall
13 mail to the complainant and to the alleged violator notice of the
14 action taken to date by the secretary of state, together with the
15 reasons for the action or nonaction.

16 (10) If the secretary of state determines that there may be
17 reason to believe that a violation of this act has occurred, the
18 secretary of state shall endeavor to correct the violation or
19 prevent a further violation by using informal methods such as a
20 conference, conciliation, or persuasion, and may enter into a
21 conciliation agreement with the person involved. Unless violated,
22 a conciliation agreement is a complete bar to any further action
23 with respect to matters covered in the conciliation agreement. If
24 the secretary of state is unable to correct or prevent further
25 violation by these informal methods, the secretary of state may
26 refer the matter to the attorney general for the enforcement of a
27 criminal penalty provided by this act or commence a hearing as

1 provided in subsection (11). IF THE VIOLATION INVOLVES THE
2 ATTORNEY GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE
3 ATTORNEY GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE
4 DIRECTOR OF ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING
5 ATTORNEY FOR THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A
6 CRIMINAL PENALTY PROVIDED BY THIS ACT.

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

21 (12) A final decision and order issued by the secretary of
22 state is subject to judicial review as provided by chapter 6 of
23 the administrative procedures act of 1969, 1969 PA 306, MCL
24 24.301 to 24.306. The secretary of state shall deposit a civil
25 fine imposed under this section in the general fund. The
26 secretary of state may bring an action in circuit court to
27 recover the amount of a civil fine.

1 (13) When a report or statement is filed under this act, the
2 secretary of state shall review the report or statement and may
3 investigate an apparent violation of this act under the rules
4 promulgated under this act. If the secretary of state determines
5 that there may be reason to believe a violation of this act has
6 occurred and the procedures prescribed in subsection (10) have
7 been complied with, the secretary of state may refer the matter
8 to the attorney general for the enforcement of a criminal penalty
9 provided by this act, or commence a hearing under subsection (11)
10 to determine whether a civil violation of this act has occurred.
11 **IF THE VIOLATION INVOLVES THE ATTORNEY GENERAL OR A CAMPAIGN OR**
12 **COMMITTEE WITH WHICH THE ATTORNEY GENERAL IS CONNECTED, DIRECTLY**
13 **OR INDIRECTLY, THE DIRECTOR OF ELECTIONS SHALL REFER THE MATTER**
14 **TO THE PROSECUTING ATTORNEY FOR THE COUNTY OF INGHAM FOR THE**
15 **ENFORCEMENT OF A CRIMINAL PENALTY PROVIDED BY THIS ACT.**

16 (14) Unless otherwise specified in this act, a person who
17 violates a provision of this act is subject to a civil fine of
18 not more than \$1,000.00 for each violation. A civil fine is in
19 addition to, but not limited by, a criminal penalty prescribed by
20 this act.

21 (15) In addition to any other sanction provided for by this
22 act, the secretary of state may require a person who files a
23 complaint with a false certificate under subsection (6)(c) to do
24 either or both of the following:

25 (a) Pay to the secretary of state some or all of the
26 expenses incurred by the secretary of state as a direct result of
27 the filing of the complaint.

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

5 (16) There is no private right of action, either in law or
6 in equity, under this act. The remedies provided in this act are
7 the exclusive means by which this act may be enforced and by
8 which any harm resulting from a violation of this act may be
9 redressed.

10 (17) The secretary of state may waive the filing of a
11 campaign statement required under section 33, 34, or 35 if the
12 closing date of the particular campaign statement falls on the
13 same or a later date as the closing date of the next campaign
14 statement filed by the same person, or if the period that would
15 be otherwise covered by the next campaign statement filed by the
16 same person is 10 days or less.

17 (18) The clerk of each county shall do all of the following:

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

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

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

27 (d) Upon written request, waive the payment of a late filing

1 fee if the request for a waiver is based on good cause as
2 prescribed in subsection (1)(f).

3 Sec. 16. (1) A filing official shall make a statement or
4 report required to be filed under this act available for public
5 inspection and reproduction, commencing as soon as practicable,
6 but not later than the third business day following the day on
7 which it is received, during regular business hours of the filing
8 official. If the report is a report of a late contribution under
9 section 32(1) made to the secretary of state, the secretary of
10 state shall also make the report or all of the contents of the
11 report available to the public on the internet, without charge,
12 as soon as practicable but not later than the end of the business
13 day on which it is received, at a single website established and
14 maintained by the secretary of state.

15 (2) A copy of a statement or part of a statement shall be
16 provided by a filing official at a reasonable charge.

17 (3) A statement open to the public under this act shall not
18 be used for any commercial purpose.

19 (4) Except as otherwise provided in this subsection, a
20 statement of organization filed under this act with a filing
21 official who is not the secretary of state shall be preserved by
22 that filing official for 5 years from the official date of the
23 committee's dissolution. A statement of organization filed under
24 this act with a filing official who is not the secretary of state
25 that is filed by a committee that received more than \$50,000.00
26 in an election cycle shall be preserved by that filing official
27 for 15 years from the official date of the committee's

1 dissolution. A statement of organization filed under this act
2 with the secretary of state shall be preserved by the secretary
3 of state for 15 years from the official date of the committee's
4 dissolution. Except as otherwise provided in this subsection, any
5 other statement or report filed under this act with a filing
6 official who is not the secretary of state shall be preserved by
7 that filing official for 5 years from the date the filing
8 occurred. Any other statement or report filed under this act with
9 a filing official who is not the secretary of state that is filed
10 by a committee that received more than \$50,000.00 in an election
11 cycle shall be preserved by that filing official for 15 years
12 from the date the filing occurred. Any other statement or report
13 filed under this act with the secretary of state shall be
14 preserved by the secretary of state for 15 years from the date
15 the filing occurred. Upon a determination under section 15 that a
16 violation of this act has occurred, all complaints, orders,
17 decisions, or other documents related to that violation shall be
18 preserved by the filing official who is not the secretary of
19 state or the secretary of state for 15 years from the date of the
20 court determination or the date the violations are corrected,
21 whichever is later. Statements and reports filed under this act
22 may be reproduced pursuant to the records ~~media~~**REPRODUCTION** act,
23 1992 PA 116, MCL 24.401 to ~~24.403~~**24.406**. After the required
24 preservation period, the statements and reports, or the
25 reproductions of the statements and reports, may be disposed of
26 in the manner prescribed in the management and budget act, 1984
27 PA 431, MCL 18.1101 to 18.1594, and 1913 PA 271, MCL 399.1 to

1 399.10.

2 (5) A charge shall not be collected by a filing official for
3 the filing of a required statement or report or for a form upon
4 which the statement or report is to be prepared, except a late
5 filing fee required by this act.

6 (6) A filing official shall determine whether a statement or
7 report filed under this act complies, on its face, with the
8 requirements of this act and the rules promulgated under this
9 act. The filing official shall determine whether a statement or
10 report that is required to be filed under this act is in fact
11 filed. Within 4 business days after the deadline for filing a
12 statement or report under this act, the filing official shall
13 give notice to the filer by registered mail of an error or
14 omission in the statement or report and give notice to a person
15 the filing official has reason to believe is a person required to
16 and who failed to file a statement or report. A failure to give
17 notice by the filing official under this subsection is not a
18 defense to a criminal action against the person required to file.

19 (7) Within 9 business days after the report or statement is
20 required to be filed, the filer shall make any corrections in the
21 statement or report filed with the appropriate filing official.
22 If the report or statement was not filed, then the report or
23 statement shall be late filed within 9 business days after the
24 time it was required to be filed and ~~shall be~~ **IS** subject to late
25 filing fees.

26 (8) After 9 business days and before 12 business days have
27 expired after the deadline for filing the statement or report,

1 the filing official shall report errors or omissions that were
2 not corrected and failures to file to the attorney general **OR, IF**
3 **THE ERRORS OR OMISSIONS OR FAILURE TO FILE INVOLVES THE ATTORNEY**
4 **GENERAL OR A CAMPAIGN OR COMMITTEE WITH WHICH THE ATTORNEY**
5 **GENERAL IS CONNECTED, DIRECTLY OR INDIRECTLY, THE DIRECTOR OF**
6 **ELECTIONS SHALL REFER THE MATTER TO THE PROSECUTING ATTORNEY FOR**
7 **THE COUNTY OF INGHAM FOR THE ENFORCEMENT OF A CRIMINAL PENALTY**
8 **PROVIDED BY THIS ACT.**

9 (9) A statement or report required to be filed under this
10 act shall be filed not later than 5 p.m. of the day in which it
11 is required to be filed. A preelection statement or report due on
12 July 25 or October 25 under section 33 that is postmarked by
13 registered or certified mail, or sent by express mail or other
14 overnight delivery service, at least 2 days before the deadline
15 for filing is filed within the prescribed time regardless of when
16 it is actually delivered. Any other statement or report required
17 to be filed under this act that is postmarked by registered or
18 certified mail or sent by express mail or other overnight
19 delivery service on or before the deadline for filing is filed
20 within the prescribed time regardless of when it is actually
21 delivered.

22 Sec. 22. A committee treasurer or other individual
23 designated on the statement of organization as responsible for
24 the committee's record keeping, report preparation, or report
25 filing shall keep detailed accounts, records, bills, and receipts
26 as required to substantiate the information contained in a
27 statement or report filed ~~pursuant to~~ **UNDER** this act or rules

1 promulgated under this act. The treasurer shall record the name
2 and address of a person from whom a contribution is received
3 **EXCEPT FOR CONTRIBUTIONS OF \$20.00 OR LESS RECEIVED PURSUANT TO**
4 **SECTION 41(3)**. The records of a committee shall be preserved for
5 5 years and shall be made available for inspection as authorized
6 by the secretary of state. A treasurer or other individual
7 designated as responsible for the committee's record keeping,
8 report preparation, or report filing who knowingly violates this
9 section is subject to a civil fine of not more than \$1,000.00.

10 Sec. 26. (1) A campaign statement of a committee, other than
11 a political party committee, required by this act shall contain
12 all of the following information:

13 (a) The filing committee's name, address, and telephone
14 number, and the full name, residential and business addresses,
15 and telephone numbers of the committee treasurer or other
16 individual designated as responsible for the committee's record
17 keeping, report preparation, or report filing.

18 (b) Under the heading "receipts", the total amount of
19 contributions received during the period covered by the campaign
20 statement; under the heading "expenditures", the total amount of
21 expenditures made during the period covered by the campaign
22 statement; and the cumulative amount of those totals. Forgiveness
23 of a loan shall not be included in the totals. Payment of a loan
24 by a third party shall be recorded and reported as an in-kind
25 contribution by the third party. In-kind contributions or
26 expenditures shall be listed at fair market value and shall be
27 reported as both contributions and expenditures. A contribution

1 or expenditure that is by other than completed and accepted
2 payment, gift, or other transfer, that is clearly not legally
3 enforceable, and that is expressly withdrawn or rejected and
4 returned before a campaign statement closing date need not be
5 included in the campaign statement and if included may, in a
6 later or amended statement, be shown as a deduction, but the
7 committee shall keep adequate records of each instance.

8 (c) The balance of cash on hand at the beginning and the end
9 of the period covered by the campaign statement.

10 (D) THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED DURING THE
11 PERIOD COVERED BY THE CAMPAIGN STATEMENT FROM PERSONS WHO
12 CONTRIBUTED MORE THAN \$20.00.

13 (E) THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED DURING THE
14 PERIOD COVERED BY THE CAMPAIGN STATEMENT FROM PERSONS WHO
15 CONTRIBUTED \$20.00 OR LESS.

16 (F) THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$20.00 OR LESS
17 RECEIVED DURING THE PERIOD COVERED BY THE CAMPAIGN STATEMENT AND
18 THE CUMULATIVE AMOUNT OF THE CONTRIBUTIONS RECEIVED BY THE FILER
19 PURSUANT TO SECTION 41(3).

20 (G) ~~(d)~~—The following information regarding each fund-
21 raising event shall be included in the report:

22 (i) The type of event, date held, address and name, if any,
23 of the place where the activity was held, and approximate number
24 of individuals participating or in attendance.

25 (ii) The total amount of all contributions OF MORE THAN
26 \$20.00.

27 (iii) THE TOTAL AMOUNT OF CONTRIBUTIONS OF \$20.00 OR LESS.

1 (iv) ~~(iii)~~—The gross receipts of the fund-raising event.
2 (v) ~~(iv)~~—The expenditures incident to the event.
3 (H) ~~(e)~~—The full name of each individual from whom
4 contributions **TOTALING MORE THAN \$20.00** are received during the
5 period covered by the campaign statement, together with the
6 individual's street address, the amount contributed, the date on
7 which each contribution was received, and the cumulative amount
8 contributed by that individual. The occupation, employer, and
9 principal place of business shall be stated if the individual's
10 cumulative contributions are more than \$100.00.

11 (I) ~~(f)~~—The cumulative amount contributed and the name and
12 address of each individual, except those individuals reported
13 under subdivision ~~(e)~~—(H), who contributed **A TOTAL OF MORE THAN**
14 **\$20.00** to the committee. The occupation, employer, and principal
15 place of business shall be stated for each individual who
16 contributed more than \$100.00.

17 (J) ~~(g)~~—The name and street address of each person, other
18 than an individual, from whom contributions are received during
19 the period covered by the campaign statement, together with an
20 itemization of the amounts contributed, the date on which each
21 contribution was received, and the cumulative amount contributed
22 by that person.

23 (K) ~~(h)~~—The name, address, and amount given by an individual
24 who contributed **MORE THAN \$20.00** to the total amount contributed
25 by a person who is other than a committee or an individual. The
26 occupation, employer, and principal place of business shall be
27 stated if the individual contributed more than \$100.00 of the

1 total amount contributed by a person who is other than a
2 committee or an individual.

3 (I) ~~(i)~~—The cumulative total of expenditures of \$50.00 or
4 less made during the period covered by the campaign statement
5 except for expenditures made to or on behalf of another
6 committee, candidate, or ballot question.

7 (M) ~~(j)~~—The full name and street address of each person to
8 whom expenditures totaling more than \$50.00 were made, together
9 with the amount of each separate expenditure to each person
10 during the period covered by the campaign statement; the purpose
11 of the expenditure; the full name and street address of the
12 person providing the consideration for which any expenditure was
13 made if different from the payee; the itemization regardless of
14 amount of each expenditure made to or on behalf of another
15 committee, candidate, or ballot question; and the cumulative
16 amount of expenditures for or against that candidate or ballot
17 question for an election cycle. An expenditure made in support of
18 more than 1 candidate or ballot question, or both, shall be
19 apportioned reasonably among the candidates or ballot questions,
20 or both.

21 (2) A candidate committee or ballot question committee shall
22 report all cumulative amounts required by this section on a per
23 election cycle basis. Except for subsection ~~(1)(j)~~ **(1)(M)**, an
24 independent committee or political committee shall report all
25 cumulative amounts required by this section on a calendar year
26 basis.

27 (3) A campaign statement of a committee, in addition to the

1 other information required by this section, shall include an
2 itemized list of all expenditures during the reporting period for
3 election day busing of electors to the polls, get-out-the-vote
4 activities, slate cards, challengers, poll watchers, and poll
5 workers.

6 (4) For a reporting period in which a contribution is
7 received that is to be part of a bundled contribution or a
8 reporting period in which a bundled contribution is delivered to
9 the candidate committee of a candidate for statewide elective
10 office, a bundling committee shall report to the secretary of
11 state, on a form provided by the secretary of state, all of the
12 following information, as applicable, about each contribution
13 received or delivered as part of a bundled contribution, and
14 about each bundled contribution delivered, in the reporting
15 period:

16 (a) The amount of each contribution **OF MORE THAN \$20.00**, the
17 date it was received by the bundling committee, and the candidate
18 for statewide elective office whom the contributor designated as
19 the intended recipient.

20 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**
21 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**
22 **THE STATEMENT** and, for each contribution exceeding \$100.00, the
23 contributor's occupation, employer, and principal place of
24 business.

25 (c) The date each contribution is delivered to the
26 candidate's statewide elective office candidate committee.

27 (d) The total amount of bundled contributions delivered to

1 that candidate committee during the reporting period and during
2 the election cycle.

3 (5) With its delivery of a bundled contribution to the
4 candidate committee of a candidate for statewide elective office,
5 a bundling committee shall deliver a report to that candidate
6 committee, on a form provided by the secretary of state, that
7 includes all of the following information, as applicable, about
8 each contribution delivered as part of the bundled contribution,
9 and about all bundled contributions delivered to that candidate
10 committee in the election cycle:

11 (a) The amount of each contribution **OF MORE THAN \$20.00**, the
12 date it was received by the bundling committee, and the statewide
13 elective office candidate the contributor designated as the
14 intended recipient.

15 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**
16 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**
17 **THE STATEMENT** and, for each contribution exceeding \$100.00, the
18 contributor's occupation, employer, and principal place of
19 business.

20 (c) The total amount of bundled contributions delivered to
21 that candidate committee during the reporting period and during
22 the election cycle.

23 (6) For a reporting period in which a bundled contribution
24 is received, a candidate committee of a candidate for statewide
25 elective office shall report to the secretary of state, on a form
26 provided by the secretary of state, all of the following
27 information, as applicable, about each contribution delivered as

1 part of a bundled contribution received in the reporting period
2 and about all bundled contributions received by that candidate
3 committee:

4 (a) The amount of each contribution **OF MORE THAN \$20.00**, the
5 date it was received by the candidate committee, and the name of
6 the bundling committee that delivered the contribution.

7 (b) ~~Each contributor's~~ **THE** name and address **OF EACH PERSON**
8 **THAT CONTRIBUTES MORE THAN \$20.00 DURING THE PERIOD COVERED BY**
9 **THE STATEMENT** and, for each contribution exceeding \$100.00, the
10 contributor's occupation, employer, and principal place of
11 business.

12 (c) The total amount of bundled contributions received by
13 that candidate committee during the reporting period and during
14 the election cycle.

15 Sec. 28. (1) Interest received by a committee on an account
16 consisting of ~~funds~~ **MONEY** belonging to the committee shall not be
17 considered a contribution to the committee but the committee
18 shall report its receipt on a campaign statement as interest. A
19 committee shall report interest paid by the committee on a
20 campaign statement as an expenditure.

21 (2) A committee shall report a loan with an outstanding
22 balance made or received in a separate schedule attached to the
23 campaign statement providing the date and amount of the loan, the
24 date and amount of each payment, the amount of cumulative
25 payments, the amount of the outstanding balance, and whether the
26 loan payments were made by money, services, property, or other
27 means. The committee shall provide the name and address of the

1 lender and each person who is liable directly, indirectly, or
2 contingently on each loan **OF MORE THAN \$20.00**. The committee
3 shall provide the occupation and employer, if any, of the lender
4 and each person if the loan is for more than \$100.00. If a loan
5 is paid off within a reporting period, this activity need not be
6 reported on a separate schedule to the campaign statement.
7 However, if a loan is forgiven, the committee shall detail that
8 fact on a separate schedule to the campaign statement.

9 (3) Accompanying a campaign statement reporting the receipt
10 of a contribution **OF MORE THAN \$20.00** from a person whose
11 treasurer does not reside in, whose principal office is not
12 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state ,
13 shall be a statement certified as true and correct by an officer
14 of the contributing person setting forth the full name, address,
15 along with the amount contributed, of each person who contributed
16 **MORE THAN \$20.00** to the total amount of the contribution. The
17 occupation, employer, and principal place of business shall be
18 stated for each person who contributed more than \$100.00. This
19 subsection does not apply if the contributing person is
20 registered as a committee under section 24.

21 Sec. 29. (1) A campaign statement filed by a political party
22 committee shall contain all of the following information:

23 (a) The full name and street address of each person from
24 whom contributions **TOTALING MORE THAN \$20.00** are received in a
25 calendar year, the amount, and the date or dates contributed;
26 and, if the person is a committee, the name and address of the
27 committee and the full name of the committee treasurer, together

1 with the amount of the contribution and the date received. The
2 occupation, employer, and principal place of business, if any,
3 shall be listed for each person from whom contributions totaling
4 more than \$100.00 are received in a calendar year.

5 (b) Accompanying a campaign statement reporting the receipt
6 of a contribution **OF MORE THAN \$20.00** from a committee or person
7 whose treasurer does not reside in, whose principal office is not
8 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state,
9 and whose committee has not filed a statement of organization as
10 required in section 24, shall be a statement setting forth the
11 full name and address of the treasurer of the committee.

12 (c) An itemized list of all expenditures, including in-kind
13 contributions and expenditures and loans, made during the period
14 covered by the campaign statement that were contributions to a
15 candidate committee of a candidate for elective office or a
16 ballot question committee; or independent expenditures in support
17 of the qualification, passage, or defeat of a ballot question or
18 in support of the nomination or election of a candidate for
19 elective office or the defeat of any of the candidate's
20 opponents.

21 (d) The total expenditure by the committee for each
22 candidate for elective office or ballot question in whose behalf
23 an independent expenditure was made or a contribution was given
24 for the election cycle.

25 (e) The filer's name, address, and telephone number, if
26 available, if any, and the full name, address, and telephone
27 number, if available, of the committee treasurer.

1 (2) The committee shall identify an expenditure listed under
2 subsection (1)(c) as an independent expenditure or as a
3 contribution to a candidate committee or a ballot question
4 committee.

5 (3) The committee shall designate for a contribution to or
6 on behalf of a candidate committee or ballot question committee
7 listed under subsection (1)(c) the name and address of the
8 committee, the name of the candidate and the office sought, if
9 any, the amount contributed, and the date of contribution.

10 (4) The committee shall designate for an independent
11 expenditure listed under subsection (1)(c) either the name of the
12 candidate for whose benefit the expenditure was made and the
13 office sought by the candidate, or a brief description of the
14 ballot question for which the expenditure was made; the amount,
15 date, and purpose of the expenditure; and the full name and
16 address of the person to whom the expenditure was made.

17 (5) The committee shall apportion an expenditure listed that
18 was made in support of more than 1 candidate or ballot question,
19 or both, reasonably among the candidates or ballot questions, or
20 both.

21 (6) A campaign statement of a committee, in addition to the
22 other information required by this section, shall include an
23 itemized list of all expenditures during the reporting period for
24 election day busing of electors to the polls, get-out-the-vote
25 activities, slate cards, challengers, poll watchers, and poll
26 workers.

27 Sec. 33. (1) A committee, other than an independent

1 committee or a political committee required to file with the
2 secretary of state, supporting or opposing a candidate shall file
3 complete campaign statements as required by this act and the
4 rules promulgated under this act. The campaign statements shall
5 be filed according to the following schedule:

6 (a) A preelection campaign statement shall be filed not
7 later than the eleventh day before an election. The closing date
8 for a campaign statement filed under this subdivision shall be
9 the sixteenth day before the election.

10 (b) A postelection campaign statement shall be filed not
11 later than the thirtieth day following the election. The closing
12 date for a campaign statement filed under this subdivision shall
13 be the twentieth day following the election. A committee
14 supporting a candidate who loses the primary election shall file
15 closing campaign statements in accordance with this section. If
16 all liabilities of such a candidate or committee are paid before
17 the closing date and additional contributions are not expected,
18 the campaign statement may be filed at any time after the
19 election, but not later than the thirtieth day following the
20 election.

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

22 (a) A candidate committee shall file a preelection campaign
23 statement and a postelection campaign statement for each election
24 in which the candidate seeks nomination or election, except if an
25 individual becomes a candidate after the closing date for the
26 preelection campaign statement only the postelection campaign
27 statement is required for that election.

1 (b) A committee ~~other than a candidate committee~~ shall file
2 a campaign statement for each period during which expenditures
3 are made for the purpose of influencing the nomination or
4 election of a candidate or for the qualification, passage, or
5 defeat of a ballot question.

6 (3) An independent committee or a political committee other
7 than a house political party caucus committee or senate political
8 party caucus committee required to file with the secretary of
9 state shall file campaign statements as required by this act
10 according to the following schedule:

11 (a) In an odd numbered year:

12 (i) Not later than January 31 of that year with a closing
13 date of December 31 of the previous year.

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

15 (iii) Not later than October 25 with a closing date of October
16 20.

17 (b) In an even numbered year:

18 (i) Not later than April 25 of that year with a closing date
19 of April 20 of that year.

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

21 (iii) Not later than October 25 with a closing date of October
22 20.

23 (4) A house political party caucus committee or a senate
24 political party caucus committee required to file with the
25 secretary of state shall file campaign statements as required by
26 this act according to the following schedule:

27 (a) Not later than January 31 of each year with a closing

1 date of December 31 of the immediately preceding year.

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

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

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

8 (e) For the period beginning on the fourteenth day
9 immediately preceding a primary or special primary election and
10 ending on the day immediately following the primary or special
11 primary election, not later than 4 p.m. each business day with a
12 closing date of the immediately preceding day, only for a
13 contribution received or expenditure made that exceeds \$1,000.00
14 per day.

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

21 (5) Notwithstanding subsection (3) or (4) or section 51, if
22 an independent expenditure is made within 45 days before a
23 special election by an independent committee or a political
24 committee required to file a campaign statement with the
25 secretary of state, a report of the expenditure shall be filed by
26 the committee with the secretary of state within 48 hours after
27 the expenditure. The report shall be made on a form provided by

1 the secretary of state and shall include the date of the
2 independent expenditure, the amount of the expenditure, a brief
3 description of the nature of the expenditure, and the name and
4 address of the person to whom the expenditure was paid. The brief
5 description of the expenditure shall include either the name of
6 the candidate and the office sought by the candidate or the name
7 of the ballot question and shall state whether the expenditure
8 supports or opposes the candidate or ballot question. This
9 subsection does not apply if the committee is required to report
10 the independent expenditure in a campaign statement that is
11 required to be filed before the date of the election for which
12 the expenditure was made.

13 (6) A candidate committee or a committee other than a
14 candidate committee that files a written statement under section
15 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign
16 statement under subsection (1), (3), or (4) unless it received or
17 expended an amount in excess of \$1,000.00. If the committee
18 receives or expends an amount in excess of \$1,000.00 during a
19 period covered by a filing, the committee is then subject to the
20 campaign filing requirements under this act.

21 (7) A committee, candidate, treasurer, or other individual
22 designated as responsible for the committee's record keeping,
23 report preparation, or report filing who fails to file a
24 statement as required by this section shall pay a late filing
25 fee. If the committee has raised \$10,000.00 or less during the
26 previous 2 years, the late filing fee shall be \$25.00 for each
27 business day the statement remains unfiled, but not to exceed

1 \$500.00. If the committee has raised more than \$10,000.00 during
2 the previous 2 years, the late filing fee shall not exceed
3 \$1,000.00, determined as follows:

4 (a) Twenty-five dollars for each business day the report
5 remains unfiled.

6 (b) An additional \$25.00 for each business day after the
7 first 3 business days the report remains unfiled.

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

10 (8) If a candidate, treasurer, or other individual
11 designated as responsible for the committee's record keeping,
12 report preparation, or report filing fails to file 2 statements
13 required by this section or section 35 and both of the statements
14 remain unfiled for more than 30 days, that candidate, treasurer,
15 or other designated individual is guilty of a misdemeanor,
16 punishable by a fine of not more than \$1,000.00, or imprisonment
17 for not more than 90 days, or both.

18 (9) If a candidate is found guilty of a violation of this
19 section, the circuit court for that county, on application by the
20 attorney general or the prosecuting attorney of that county, may
21 prohibit that candidate from assuming the duties of a public
22 office or from receiving compensation from public funds, or both.

23 (10) If a treasurer or other individual designated as
24 responsible for a committee's record keeping, report preparation,
25 or report filing knowingly files an incomplete or inaccurate
26 statement or report required by this section, that treasurer or
27 other designated individual is subject to a civil fine of not

1 more than \$1,000.00.

2 Sec. 35. (1) In addition to any other requirements of this
3 act for filing a campaign statement, a committee, other than an
4 independent committee or a political committee required to file
5 with the secretary of state, shall also file ~~a~~**EACH OF THE**
6 **FOLLOWING CAMPAIGN STATEMENTS:**

7 **(A)** A campaign statement not later than January 31 of each
8 **EVEN NUMBERED** year. The campaign statement shall have a closing
9 date of December 31 of the previous year. The period covered by
10 the campaign statement filed pursuant to this subsection begins
11 the day after the closing date of the previous campaign
12 statement. A campaign statement filed pursuant to this subsection
13 shall be waived if a postelection campaign statement has been
14 filed that has a filing deadline within 30 days of the closing
15 date of the campaign statement required by this subsection.

16 **(B) IN EACH EVEN NUMBERED YEAR, A CAMPAIGN STATEMENT NOT**
17 **LATER THAN APRIL 30 WITH A CLOSING DATE OF MARCH 31.**

18 **(2) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ACT FOR**
19 **FILING A CAMPAIGN STATEMENT, A COMMITTEE SHALL ALSO FILE CAMPAIGN**
20 **STATEMENTS NOT LATER THAN THE FOLLOWING DATES IN ODD NUMBERED**
21 **YEARS:**

22 **(A) JANUARY 31 WITH A CLOSING DATE OF DECEMBER 31 OF THE**
23 **PREVIOUS YEAR.**

24 **(B) APRIL 25 WITH A CLOSING DATE OF APRIL 20.**

25 **(C) JULY 25 WITH A CLOSING DATE OF JULY 20.**

26 **(D) OCTOBER 25 WITH A CLOSING DATE OF OCTOBER 20.**

27 **(3) ~~(2)~~—Subsection (1) OR (2) does not apply to a candidate**

1 committee for an officeholder who is a judge or a supreme court
2 justice, or who holds an elective office for which the salary is
3 less than \$100.00 a month and who does not receive ~~any~~**A**
4 contribution or make ~~any~~**AN** expenditure during the time that
5 would be otherwise covered in the statement.

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

1 (5) ~~(4)~~—A committee filing a written statement pursuant to
2 **UNDER** section 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a
3 statement ~~in accordance with~~ **UNDER** subsection (1). If a committee
4 receives or expends more than \$1,000.00 during a time period
5 prescribed by section 24(5) or (6), the committee is then subject
6 to the campaign filing requirements under this act and shall file
7 a campaign statement for the period beginning the day after the
8 closing date of the last postelection campaign statement or an
9 annual campaign statement that is waived pursuant to **UNDER**
10 subsection (1), whichever occurred earlier.

11 (6) ~~(5)~~—If a candidate, treasurer, or other individual
12 designated as responsible for the record keeping, report
13 preparation, or report filing fails to file 2 statements required
14 by this section or section 33 and both of the statements remain
15 unfiled for more than 30 days, that candidate, treasurer, or
16 other designated individual is guilty of a misdemeanor,
17 punishable by a fine of not more than \$1,000.00, or imprisonment
18 for not more than 90 days, or both.

19 (7) ~~(6)~~—If a treasurer or other individual designated as
20 responsible for the record keeping, report preparation, or report
21 filing for a committee required to file a campaign statement
22 under subsection (1) knowingly files an incomplete or inaccurate
23 statement or report required by this section, that treasurer or
24 other designated individual is subject to a civil fine of not
25 more than \$1,000.00.

26 Sec. 41. (1) A person shall not make or accept a single
27 contribution of more than \$20.00 in cash or make or accept a

1 single expenditure of more than \$50.00 in cash. Contributions of
2 more than \$20.00 and expenditures of more than \$50.00, other than
3 an in-kind contribution or expenditure, shall be made by written
4 instrument containing the names of the payor and the payee.

5 (2) A person shall not accept or expend an anonymous
6 contribution. An anonymous contribution received by a person
7 shall not be deposited but shall be given to a tax exempt
8 charitable organization. The charitable organization receiving
9 the contribution shall provide the person with a receipt. The
10 receipt shall be retained by an appropriate committee pursuant to
11 section 22.

12 (3) A CONTRIBUTION RECEIVED AS THE RESULT OF A FUND-RAISING
13 EVENT OR CASUAL SERVICES OR FROM THE SALE OF POLITICAL
14 MERCHANDISE THAT IS \$20.00 OR LESS IN THE AGGREGATE FROM A PERSON
15 IN ANY CALENDAR YEAR IS NOT CONSIDERED AN ANONYMOUS CONTRIBUTION.
16 A CONTRIBUTION RECEIVED FROM MEMBERSHIP FEES, DUES, OR
17 SUBSCRIPTIONS FOR POLITICAL PURPOSES TO AN INDEPENDENT COMMITTEE
18 OR A POLITICAL PARTY COMMITTEE THAT IS \$20.00 OR LESS IN THE
19 AGGREGATE FROM A PERSON IN ANY CALENDAR YEAR IS NOT CONSIDERED AN
20 ANONYMOUS CONTRIBUTION.

21 (4) A PERSON MAKING A CONTRIBUTION PURSUANT TO SUBSECTION
22 (3) THAT IS MORE THAN \$20.00 IN ANY CALENDAR YEAR WHEN ADDED TO
23 ALL OTHER CONTRIBUTIONS MADE TO THAT COMMITTEE BY THAT PERSON
24 SHALL FURNISH THE RECIPIENT WITH THE DONOR'S NAME, ADDRESS, AND
25 THE TOTAL AMOUNT CONTRIBUTED.

26 (5) ~~(3)~~ A contribution shall not be made, directly or
27 indirectly, by any person in a name other than the name by which

1 that person is identified for legal purposes.

2 (6) ~~(4)~~—A person who knowingly violates this section is
3 guilty of a misdemeanor punishable, if the person is an
4 individual, by a fine of not more than \$1,000.00 or imprisonment
5 for not more than 90 days, or both, or, if the person is other
6 than an individual, by a fine of not more than \$10,000.00.

7 Sec. 42. (1) A person who accepts a contribution, other than
8 by written instrument, on behalf of another and acts as the
9 intermediary or agent of the person from whom the contribution
10 was accepted shall disclose to the recipient of the contribution
11 the intermediary's own name and address and the name and address
12 of the actual source of the contribution.

13 (2) A contribution **OF MORE THAN \$20.00** from a person whose
14 treasurer does not reside in, whose principal office is not
15 located in, or whose ~~funds are~~ **MONEY IS** not kept in this state ~~7~~
16 shall not be accepted by a person for purposes of supporting or
17 opposing candidates for elective office or the qualification,
18 passage, or defeat of a ballot question unless accompanied by a
19 statement certified as true and correct by an officer of the
20 contributing person setting forth the full name and address along
21 with the amount contributed, of each person who contributed **MORE**
22 **THAN \$20.00** to the total amount of the contribution. The
23 occupation, employer, and principal place of business shall be
24 listed for each person who contributed more than \$100.00 to the
25 total amount of the contribution. The certified statement shall
26 also state that the contribution was not made from an account
27 containing ~~funds~~ **MONEY** prohibited by section 54. This subsection

1 does not apply if the contributing person is registered as a
2 committee under section 24.

3 (3) A person shall not receive a contribution from a person
4 other than a committee unless, for purposes of the recipient
5 person's record keeping and reporting requirements, the
6 contribution is accompanied by the name and address of each
7 person who contributed **MORE THAN \$20.00** to the total amount of
8 the contribution and the name, address, occupation, employer, and
9 principal place of business of each person who contributed more
10 than \$100.00 to the total amount of the contribution.

11 (4) A contribution from a person whose treasurer does not
12 reside in, whose principal office is not located in, or whose
13 money is not kept in this state shall not be accepted by a person
14 for purposes of supporting or opposing candidates for elective
15 office if the contributing person has received contributions on
16 an automatic basis, including, but not limited to, a payroll
17 deduction plan, unless the contribution is accompanied by a
18 statement, certified as true and correct by an officer of the
19 contributing person, setting forth that all contributions
20 received on an automatic basis are in full compliance with
21 section 55.

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

27 **SEC. 43A. (1) A CANDIDATE COMMITTEE SHALL NOT PAY THE**

1 CANDIDATE, AND A CANDIDATE SHALL NOT RECEIVE FROM HIS OR HER
2 CANDIDATE COMMITTEE, WAGES, A SALARY, OR OTHER EMPLOYMENT
3 COMPENSATION. THIS SECTION DOES NOT PROHIBIT REIMBURSEMENTS FROM
4 A CANDIDATE COMMITTEE TO A CANDIDATE FOR CAMPAIGN-RELATED
5 EXPENSES MADE BY THE CANDIDATE ON BEHALF OF THE CANDIDATE
6 COMMITTEE.

7 (2) AN INDIVIDUAL WHO KNOWINGLY VIOLATES THIS SECTION IS
8 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
9 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH. A
10 COMMITTEE THAT VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT
11 MORE THAN \$10,000.00.

12 SEC. 48. (1) A COMMUNICATION ADVOCATING THE ELECTION OR
13 DEFEAT OF A CANDIDATE THAT IS DESIGNED TO CONTACT ELECTORS
14 THROUGH AUTOMATED TELEPHONIC, ELECTRONIC MAIL, OR OTHER
15 ELECTRONIC MEANS AND TO WHICH SECTION 47 DOES NOT APPLY SHALL
16 CLEARLY STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE
17 PERSON PAYING FOR THE COMMUNICATION.

18 (2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1)
19 ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE AND IS AN
20 INDEPENDENT EXPENDITURE NOT AUTHORIZED IN WRITING BY THAT
21 CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION SHALL ALSO
22 CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY
23 CANDIDATE COMMITTEE.". IF THE COMMUNICATION DESCRIBED IN
24 SUBSECTION (1) ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE
25 AND IS NOT AN INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A
26 PERSON OTHER THAN THE CANDIDATE WHOM IT ADVOCATES THE ELECTION OR
27 DEFEAT OF, THE COMMUNICATION SHALL ALSO CLEARLY STATE THE

1 FOLLOWING DISCLAIMER:

2 "AUTHORIZED BY _____".
3 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

4 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)
5 SHALL STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE
6 PERSON PAYING FOR THE COMMUNICATION AND ANY DISCLAIMERS REQUIRED
7 UNDER SUBSECTION (2) AT THE BEGINNING OF THE TELEPHONIC
8 COMMUNICATION. A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION
9 (1) SHALL NOT TAKE PLACE BETWEEN THE HOURS OF 8 P.M. AND 9 A.M.
10 IN THE TIME ZONE WITHIN WHICH THE RECIPIENT OF THE TELEPHONIC
11 COMMUNICATION IS LOCATED.

12 (4) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE
13 DIRECTOR OF ELECTIONS SHALL PROMULGATE RULES REGULATING THE SIZE
14 AND PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS
15 SECTION.

16 (5) THE SECRETARY OF STATE SHALL FURNISH TO CANDIDATES AND
17 POST ON ITS INTERNET WEBSITE INFORMATION REGARDING THE
18 PROHIBITIONS IN THIS SECTION.

19 (6) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
20 OF A CRIME AS FOLLOWS:

21 (A) FOR THE FIRST VIOLATION, THE PERSON IS GUILTY OF A
22 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
23 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

24 (B) FOR THE SECOND VIOLATION, THE PERSON IS GUILTY OF A
25 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
26 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

1 (C) FOR THE THIRD OR SUBSEQUENT VIOLATION, THE PERSON IS
2 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
3 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

4 Sec. 52. (1) Except as provided in subsection (5) or (11)
5 and subject to subsection (8), a person other than an independent
6 committee or a political party committee shall not make
7 contributions to a candidate committee of a candidate for
8 elective office that, with respect to an election cycle, are more
9 than the following:

10 (a) \$3,400.00 for a candidate for state elective office
11 other than the office of state legislator, or for a candidate for
12 local elective office if the district from which he or she is
13 seeking office has a population of more than 250,000.

14 (b) \$1,000.00 for a candidate for state senator, or for a
15 candidate for local elective office if the district from which he
16 or she is seeking office has a population of more than 85,000 but
17 250,000 or less.

18 (c) \$500.00 for a candidate for state representative, or for
19 a candidate for local elective office if the district from which
20 he or she is seeking office has a population of 85,000 or less.

21 (2) Except as otherwise provided in this subsection and
22 subsection (12), an independent committee shall not make
23 contributions to a candidate committee of a candidate for
24 elective office that, in the aggregate for that election cycle,
25 are more than 10 times the amount permitted a person other than
26 an independent committee or political party committee in
27 subsection (1). A house political party caucus committee or a

1 senate political party caucus committee is not limited under this
2 subsection in the amount of contributions made to the candidate
3 committee of a candidate for the office of state legislator,
4 except as follows:

5 (a) A house political party caucus committee or a senate
6 political party caucus committee shall not pay a debt incurred by
7 a candidate if that debt was incurred while the candidate was
8 seeking nomination at a primary election and the candidate was
9 opposed at that primary.

10 (b) A house political party caucus committee or a senate
11 political party caucus committee shall not make a contribution to
12 or make an expenditure on behalf of a candidate if that candidate
13 is seeking nomination at a primary election and the candidate is
14 opposed at that primary.

15 (3) A political party committee other than a state central
16 committee shall not make contributions to the candidate committee
17 of a candidate for elective office that are more than 10 times
18 the amount permitted a person other than an independent committee
19 or political party committee in subsection (1).

20 (4) A state central committee of a political party shall not
21 make contributions to the candidate committee of a candidate for
22 state elective office other than a candidate for the legislature
23 that are more than 20 times the amount permitted a person other
24 than an independent committee or political party committee in
25 subsection (1). A state central committee of a political party
26 shall not make contributions to the candidate committee of a
27 candidate for state senator, state representative, or local

1 elective office that are more than 10 times the amount permitted
2 a person other than an independent committee or political party
3 committee in subsection (1).

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

7 (6) Consistent with the provisions of this section, a
8 contribution designated in writing for a particular election
9 cycle is considered made for that election cycle. A contribution
10 made after the close of a particular election cycle and
11 designated in writing for that election cycle shall be made only
12 to the extent that the contribution does not exceed the candidate
13 committee's net outstanding debts and obligations from the
14 election cycle so designated. If a contribution is not designated
15 in writing for a particular election cycle, the contribution is
16 considered made for the election cycle that corresponds to the
17 date of the written instrument.

18 (7) A candidate committee, a candidate, or a treasurer or
19 agent of a candidate committee shall not accept a contribution
20 with respect to an election cycle that exceeds the limitations in
21 subsection (1), (2), (3), (4), (11), or (12).

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

1 (9) A person who knowingly violates this section is guilty
2 of a misdemeanor punishable, if the person is an individual, by a
3 fine of not more than \$1,000.00 or imprisonment for not more than
4 90 days, or both, or, if the person is not an individual, by a
5 fine of not more than \$10,000.00.

6 (10) For purposes of the limitations provided in subsections
7 (1) and (2), all contributions made by political committees or
8 independent committees established by any corporation, joint
9 stock company, **OR** domestic dependent sovereign, ~~or labor~~
10 ~~organization~~, including any parent, subsidiary, branch, division,
11 department, or local unit thereof, shall be considered to have
12 been made by a single independent committee. By way of
13 illustration and not limitation, ~~all~~ **BOTH** of the following apply
14 as a result of the application of this requirement:

15 (a) All of the political committees and independent
16 committees established by a for profit corporation or joint stock
17 company, by a subsidiary of the for profit corporation or joint
18 stock company, or by any combination thereof, are treated as a
19 single independent committee.

20 ~~—— (b) All of the political committees and independent~~
21 ~~committees established by a single national or international~~
22 ~~labor organization, by a labor organization of that national or~~
23 ~~international labor organization, by a local labor organization~~
24 ~~of that national or international labor organization, or by any~~
25 ~~other subordinate organization of that national or international~~
26 ~~labor organization, or by any combination thereof, are treated as~~
27 ~~a single independent committee.~~

1 ~~—— (c) All of the political committees and independent~~
2 ~~committees established by an organization of national or~~
3 ~~international unions, by a state central body of that~~
4 ~~organization, by a local central body of that organization, or by~~
5 ~~any combination thereof, are treated as a single independent~~
6 ~~committee.~~

7 (B) ~~(d)~~ All of the political committees and independent
8 committees established by a nonprofit corporation, by a related
9 state entity of that nonprofit corporation, by a related local
10 entity of that nonprofit corporation, or by any combination
11 thereof, are treated as a single independent committee.

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

25 (12) The limitation on an independent committee's
26 contributions under subsection (2) does not apply to
27 contributions that are part of 1 or more bundled contributions

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

12 Sec. 55. (1) A corporation organized on a for profit or
13 nonprofit basis, a joint stock company, a domestic dependent
14 sovereign, or a labor organization formed under the laws of this
15 or another state or foreign country may make an expenditure for
16 the establishment and administration and solicitation of
17 contributions to a separate segregated fund to be used for
18 political purposes. A separate segregated fund established under
19 this section shall be limited to making contributions to, and
20 expenditures on behalf of, candidate committees, ballot question
21 committees, political party committees, political committees, and
22 independent committees.

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

27 (a) Stockholders of the corporation or company.

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

2 (c) Employees of the corporation or company who have policy
3 making, managerial, professional, supervisory, or administrative
4 nonclerical responsibilities.

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

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

10 (b) Stockholders of members of the corporation.

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

12 (d) Employees of the members of the corporation who have
13 policy making, managerial, professional, supervisory, or
14 administrative nonclerical responsibilities.

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

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

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

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

23 (c) Employees of the labor organization who have policy
24 making, managerial, professional, supervisory, or administrative
25 nonclerical responsibilities.

26 (5) Contributions for a separate segregated fund established
27 under this section by a domestic dependent sovereign may be

1 solicited from an individual who is a member of any domestic
2 dependent sovereign.

3 (6) Contributions shall not be obtained for a separate
4 segregated fund established under this section by use of coercion
5 or physical force, by making a contribution a condition of
6 employment or membership, or by using or threatening to use job
7 discrimination or financial reprisals. A corporation organized on
8 a for profit or nonprofit basis, a joint stock company, a
9 domestic dependent sovereign, or a labor organization shall not
10 solicit or obtain contributions for a separate segregated fund
11 established under this section from an individual described in
12 subsection (2), (3), (4), or (5) on ~~an automatic or~~ **A** passive
13 basis including but not limited to a ~~payroll deduction plan or~~
14 reverse checkoff method. A corporation organized on a for profit
15 or nonprofit basis, a joint stock company, a domestic dependent
16 sovereign, or a labor organization may solicit or obtain
17 contributions for a separate segregated fund established under
18 this section from an individual described in subsection (2), (3),
19 (4), or (5) on an automatic basis, including but not limited to a
20 payroll deduction plan, only if the individual who is
21 contributing to the fund affirmatively consents **IN WRITING** to the
22 contribution. ~~at least once in every calendar year.~~

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

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

11 Sec. 57. (1) A public body or an individual acting for a
12 public body shall not use or authorize the use of funds,
13 personnel, office space, computer hardware or software, property,
14 stationery, postage, vehicles, equipment, supplies, or other
15 public resources to make a contribution or expenditure or provide
16 volunteer personal services that are excluded from the definition
17 of contribution under section 4(3)(a). This subsection does not
18 apply to any of the following:

19 (a) The expression of views by an elected or appointed
20 public official who has policy making responsibilities.

21 (b) The production or dissemination of factual information
22 concerning issues relevant to the function of the public body.

23 (c) The production or dissemination of debates, interviews,
24 commentary, or information by a broadcasting station, newspaper,
25 magazine, or other periodical or publication in the regular
26 course of broadcasting or publication.

27 (d) The use of a public facility owned or leased by, or on

1 behalf of, a public body if any candidate or committee has an
2 equal opportunity to use the public facility.

3 (e) The use of a public facility owned or leased by, or on
4 behalf of, a public body if that facility is primarily used as a
5 family dwelling and is not used to conduct a fund-raising event.

6 (f) An elected or appointed public official or an employee
7 of a public body who, when not acting for a public body but is on
8 his or her own personal time, is expressing his or her own
9 personal views, is expending his or her own personal funds, or is
10 providing his or her own personal volunteer services.

11 **(G) THE USE OF PUBLIC RESOURCES TO PERMIT A PUBLIC EMPLOYEE,**
12 **INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF PUBLIC UNIVERSITIES,**
13 **TO CONTRIBUTE TO A SEPARATE SEGREGATED FUND OF THE EMPLOYEE'S**
14 **COLLECTIVE BARGAINING REPRESENTATIVE BY PAYROLL DEDUCTION,**
15 **PROVIDED THAT THE COLLECTIVE BARGAINING REPRESENTATIVE PROVIDES**
16 **FULL COMPENSATION FOR THE VALUE OF THE RESOURCES USED TO THE**
17 **PUBLIC BODY.**

18 (2) A person who knowingly violates this section is guilty
19 of a misdemeanor punishable, if the person is an individual, by a
20 fine of not more than \$1,000.00 or imprisonment for not more than
21 1 year, or both, or if the person is not an individual, by 1 of
22 the following, whichever is greater:

23 (a) A fine of not more than \$20,000.00.

24 (b) A fine equal to the amount of the improper contribution
25 or expenditure.