

HOUSE BILL NO. 4920

September 05, 2019, Introduced by Reps. Guerra, Hope, Pagan, Ellison, Brenda Carter, Sneller, Kuppa, Paquette, Manoogian, Brixie, Gay-Dagnogo, Peterson, Tyrone Carter and Stone and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 52 (MCL 169.252), as amended by 2015 PA 269,
and by adding section 52b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 52. (1) Except as provided in subsection (5) or (11) and
2 subject to section 46 and subsection (8), a person other than an
3 independent committee or a political party committee shall not make



1 contributions to a candidate committee of a candidate for elective
2 office that, with respect to an election cycle, are more than the
3 following:

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

8 (b) \$2,000.00 for a candidate for state senator, or for a
9 candidate for local elective office if the district from which he
10 or she is seeking office has a population of more than 85,000 but
11 250,000 or less.

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

15 (2) Except as otherwise provided in this subsection and
16 subsection (12), an independent committee shall not make
17 contributions to a candidate committee of a candidate for elective
18 office that, in the aggregate for that election cycle, are more
19 than 10 times the amount permitted a person other than an
20 independent committee or political party committee in subsection
21 (1). **An independent committee formed by a partnership, limited
22 liability company, or professional limited liability company shall
23 not make contributions to a candidate committee of a candidate for
24 elective office that, in the aggregate for that election cycle, are
25 more than the amounts permitted a person other than an independent
26 committee or political party committee in subsection (1).** A house
27 political party caucus committee or a senate political party caucus
28 committee is not limited under this subsection in the amount of
29 contributions made to the candidate committee of a candidate for



1 the office of state legislator, except as follows:

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

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

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

17 (4) A state central committee of a political party shall not
18 make contributions to the candidate committee of a candidate for
19 state elective office other than a candidate for the legislature
20 that are more than 20 times the amount permitted a person other
21 than an independent committee or political party committee in
22 subsection (1). A state central committee of a political party
23 shall not make contributions to the candidate committee of a
24 candidate for state senator, state representative, or local
25 elective office that are more than 10 times the amount permitted a
26 person other than an independent committee or political party
27 committee in subsection (1).

28 (5) A contribution from a member of a candidate's immediate
29 family to the candidate committee of that candidate is exempt from



1 the limitations of subsection (1).

2 (6) Consistent with the provisions of this section, a
3 contribution designated in writing for a particular election cycle
4 is considered made for that election cycle. A contribution made
5 after the close of a particular election cycle and designated in
6 writing for that election cycle shall be made only to the extent
7 that the contribution does not exceed the candidate committee's net
8 outstanding debts and obligations from the election cycle so
9 designated. If a contribution is not designated in writing for a
10 particular election cycle, all of the following apply to that
11 contribution:

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

14 (b) The contribution limits for the current election cycle
15 apply to that contribution.

16 (c) A candidate committee may use that contribution to pay
17 outstanding debts and obligations from a previous election cycle
18 regardless of whether the contribution, when aggregated with any
19 contributions made in that previous election cycle, would exceed
20 the contribution limits for that previous election cycle.

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

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



1 been reached.

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

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

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

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

29 (c) All of the political committees and independent committees



1 established by an organization of national or international unions,
2 by a state central body of that organization, by a local central
3 body of that organization, or by any combination thereof, are
4 treated as a single independent committee.

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

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

23 (12) ~~The~~ **Except as otherwise provided in this subsection, the**
24 limitation on an independent committee's contributions under
25 subsection (2) does not apply to contributions that are part of 1
26 or more bundled contributions delivered to the candidate committee
27 of a candidate for statewide elective office and that are
28 attributed to the independent committee as prescribed in section
29 31. An independent committee shall not make contributions to a



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

17 Sec. 52b. The amount of a contribution from an independent
18 committee formed by a partnership, limited liability company, or
19 professional limited liability company is attributable to each
20 member of that partnership, limited liability company, or
21 professional limited liability company and is counted toward each
22 member's individual maximum contribution limit.

