

HOUSE BILL NO. 5253

October 25, 2023, Introduced by Reps. MacDonell, Hill, Miller, Morgan, Stone, Byrnes, Conlin, Andrews, Coffia, McFall, Skaggs, Price, Hope, Rheingans, Brixie, Wilson, Paiz, Dievendorf, Brabec, McKinney, Martus and Arbit.

A bill to regulate political activity; to require candidates for the office of state senator to file financial reports; to prescribe the powers and duties of certain state officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "candidate for state
2 senator financial disclosure act".

3 Sec. 2. As used in this act:

4 (a) "Beneficial interest" includes, but is not limited to, the

1 interest in a trust of a qualified trust beneficiary or a trust
2 beneficiary as those terms are defined in section 7103 of the
3 estates and protected individuals code, 1998 PA 386, MCL 700.7103.

4 (b) "Blind trust" means a qualified blind trust or qualified
5 diversified trust as those terms are defined in 5 CFR 2634.403.

6 (c) "Candidate" means that term as defined in section 3 of the
7 Michigan campaign finance act, 1976 PA 388, MCL 169.203.

8 (d) "Candidate for office" means a candidate for the office of
9 state senator.

10 (e) "Dependent" means an individual claimed by the candidate
11 for office or the candidate for office's spouse as a dependent for
12 federal income tax purposes.

13 (f) "Earned income" means salaries, wages, tips, bonuses,
14 commissions, or other compensation or net earnings from self-
15 employment for the taxable year.

16 (g) "Gift" means that term as defined in section 4 of 1978 PA
17 472, MCL 4.414.

18 (h) "Immediate family member" means the spouse or a dependent
19 of the candidate for office.

20 (i) "Income" means money or any thing of value received, or to
21 be received as a claim on future services, whether in the form of a
22 fee, salary, expense, allowance, forbearance, forgiveness,
23 interest, dividend, royalty, rent, capital gain, or any other form
24 of recompense that is considered income under the internal revenue
25 code of 1986, 26 USC 1 to 9834.

26 (j) "Liabilities" means what a person owes to another person,
27 including, but not limited to, mortgages or other debts. For
28 purposes of this act, a debt does not include a revolving or
29 unsecured debt that is from a financial institution or the federal

1 government.

2 (k) "Lobbyist" means that term as defined in section 5 of 1978
3 PA 472, MCL 4.415.

4 (l) "Lobbyist agent" means that term as defined in section 5 of
5 1978 PA 472, MCL 4.415.

6 (m) "Person" means an individual, partnership, corporation,
7 association, or other legal entity.

8 (n) "Reporting period" means both of the following:

9 (i) For the first report required to be filed under section 3,
10 from January 1, 2024 to April 15, 2024.

11 (ii) For subsequent reports required to be filed under section
12 3, January 1 to December 31 of the preceding calendar year in which
13 the report is filed.

14 (o) "Spouse" means an individual who is lawfully married to
15 the candidate for office as described under 26 CFR 301.7701-18.

16 (p) "Unearned income" means income that is not earned from
17 employment, including, but not limited to, inheritance money,
18 financial prize, unemployment benefits, annuities, stock dividends,
19 deferred compensation, pension, profit sharing, or retirement
20 income.

21 Sec. 3. (1) An individual who is a candidate for office at any
22 time during a calendar year shall electronically file with the
23 secretary of state a report that meets the requirements of section
24 4. The report required to be filed under this subsection must first
25 be filed by April 15, 2024 and by May 15 of each year thereafter.
26 This subsection does not apply to an individual who, under any of
27 the following acts, files a report in the current calendar year:

28 (a) State board of education financial disclosure act.

29 (b) Candidate for the state board of education financial

1 disclosure act.

2 (c) Executive office financial disclosure act.

3 (d) Candidate for executive office financial disclosure act.

4 (e) State representative financial disclosure act.

5 (f) Candidate for state representative financial disclosure
6 act.

7 (g) State senator financial disclosure act.

8 (h) University board member financial disclosure act.

9 (i) Candidate for university board member financial disclosure
10 act.

11 (2) If a candidate for office who is required to file a report
12 under this act receives notice from the secretary of state under
13 section 6(1)(g), the candidate for office shall, within 9 business
14 days after receiving the notice, file corrections to the errors or
15 omissions or file the report, as applicable.

16 Sec. 4. (1) Subject to subsection (4) and except as provided
17 in section 5, a report required under section 3 must include a
18 complete statement of all of the following:

19 (a) The following information regarding the candidate for
20 office during the reporting period:

21 (i) The full name, mailing address, and occupation of the
22 candidate for office.

23 (ii) The name, address, and principal activity of each employer
24 of the candidate for office.

25 (iii) The source and type of all income, including earned and
26 unearned income, received by the candidate for office. For purposes
27 of this subparagraph, the candidate for office shall report a
28 source of income only if the income received from that source is
29 \$1,000.00 or more and indicate whether the amount of income

1 received from each source of income is between \$1,000.00 and
2 \$49,999.99 or \$50,000.00 or more.

3 (iv) A description of each real property or property that the
4 candidate for office has an ownership interest in, including, but
5 not limited to, commercial, industrial, or agricultural buildings.
6 For purposes of this subparagraph, the candidate for office is
7 required to include a real property or property described under
8 this subparagraph in the report only if that real property or
9 property has a fair market value of \$1,000.00 or more during the
10 reporting period. A candidate for office may exclude the street
11 number of a parcel of real property or property listed under this
12 subparagraph.

13 (v) A description of any stocks, bonds, commodities, futures,
14 shares in mutual funds, or other forms of securities defined under
15 26 USC 1236 held by the candidate for office or held jointly with
16 the candidate for office's spouse. For purposes of this
17 subparagraph, the candidate for office is required to include a
18 security described under this subparagraph in the report only if
19 that security has a total value of \$1,000.00 or more on a specified
20 day that is within the final month of the calendar year covered in
21 the reporting period.

22 (vi) A description of all liabilities owed by the candidate for
23 office and the identity of each creditor. For purposes of this
24 subparagraph, the candidate for office is required to report a
25 liability under this subparagraph only if the liability owed to a
26 creditor is \$1,000.00 or more during that reporting period.

27 (vii) The identity of all compensated positions held by the
28 candidate for office as an officer, director, member, trustee,
29 partner, proprietor, representative, employee, or consultant of a

1 corporation, limited liability company, limited partnership,
2 partnership, or other business enterprise; of a nonprofit
3 organization; of a labor organization; or of an educational
4 institution or other institution other than this state, if the
5 total compensation received from a position equals \$1,000.00 or
6 more during the reporting period. A position reported under this
7 subparagraph must include the title of the position, the name of
8 the entity within which the position exists, and the principal
9 activity of the entity. A position held in any religious, social,
10 fraternal, or political entity, or a position that is solely of an
11 honorary nature, is excluded under this subparagraph.

12 (viii) The date, parties to, and general terms of any agreements
13 or arrangements with respect to future employment, a leave of
14 absence while serving as a candidate for office, continuation or
15 deferral of payments by a former or current employer other than
16 this state, or continuing participation in an employee welfare or
17 benefit plan maintained by a former employer.

18 (ix) A list of all gifts and expenditures for food and
19 beverages reported by a lobbyist or lobbyist agent under state law.

20 (x) A list of all travel and expenses paid for or reimbursed
21 by a lobbyist or lobbyist agent that are reported by the lobbyist
22 or lobbyist agent under state law.

23 (xi) A description of each payment made by a lobbyist or
24 lobbyist agent to a charity in lieu of honoraria.

25 (xii) If the candidate for office filing the report or an
26 immediate family member of that candidate for office was required
27 during the reporting period to register as a lobbyist or lobbyist
28 agent under section 7 of 1978 PA 472, MCL 4.417, the name, address,
29 and principal activity of all persons who gave compensation to or

1 reimbursed the candidate for office or the immediate family member
2 of the candidate for office for lobbying.

3 (xiii) A description of any interest the candidate for office
4 had during the reporting period in a legal entity that conducts
5 business in this state, if the interest has a book value of
6 \$1,000.00 or more. For purposes of this subparagraph, the candidate
7 for office shall indicate for each legal entity the candidate for
8 office has an interest in the name of the legal entity and if the
9 financial value in the legal entity is between \$1,000.00 and
10 \$49,999.99 or \$50,000.00 and more.

11 (xiv) A description of all contracts entered into, or in which
12 the candidate for office or the immediate family member of the
13 candidate for office has an interest, with this state.

14 (xv) A description of any employment that the candidate for
15 office or the immediate family member of the candidate for office
16 had with this state at any time during the reporting period. For
17 purposes of this subparagraph, if the candidate for office or the
18 immediate family member of the candidate for office was employed by
19 this state, the name of the state agency or department and a
20 description of the position with the state agency or department
21 must be included.

22 (xvi) A description of any transfers made by the candidate for
23 office of real property or securities from the candidate for
24 office's name into the name of an immediate family member of the
25 candidate for office over the previous 2 calendar years that have a
26 value of \$50,000.00 or more.

27 (b) Beginning January 1, 2028, the following information
28 regarding the spouse of the candidate for office during the
29 reporting period:

1 (i) The name of the spouse of the candidate for office.

2 (ii) The principal activity of the spouse of the candidate for
3 office, if the spouse's total earned income from the employer
4 equals \$50,000.00 or more during that reporting period.

5 (iii) The source and type of all income, including earned and
6 unearned income received by the spouse of the candidate for office.
7 For purposes of this subparagraph, the spouse of the candidate for
8 office is required to include the source of income described under
9 this subparagraph only if the total income from that source equals
10 \$50,000.00 or more during that reporting period.

11 (iv) A description of each real property or property that the
12 spouse of the candidate for office has an ownership interest in,
13 including, but not limited to, commercial, industrial, or
14 agricultural buildings. For purposes of this subparagraph, the
15 spouse of the candidate for office is required to include a real
16 property or property described under this subparagraph in the
17 report only if the real property or property had a fair market
18 value of \$50,000.00 or more at any time the real property was held
19 during that reporting period. The street number of a parcel of real
20 property listed under this subparagraph may be excluded from the
21 report.

22 (v) A description of any stocks, bonds, commodities, futures,
23 shares in mutual funds, or other forms of securities held by the
24 spouse of the candidate for office. For purposes of this
25 subparagraph, the spouse of the candidate for office is required to
26 include a security described under this subparagraph in the report
27 only if the security has a total aggregate fair market value of
28 \$50,000.00 or more on a specified day that is within the final
29 month of the calendar year covered in the reporting period.

1 (vi) A description of any interest the spouse of the candidate
2 for office had during the reporting period in a legal entity that
3 conducts business in this state, if the interest has a book value
4 of \$50,000.00 or more.

5 (c) Beginning January 1, 2028, the following information
6 regarding a dependent of the candidate for office during the
7 reporting period; for purposes of this subdivision, the candidate
8 for office may refer to each dependent using the dependent's first
9 and last initial:

10 (i) The number of dependents that the candidate for office and
11 the spouse of the candidate for office claim for federal income tax
12 purposes.

13 (ii) The principal activity of each employer of each dependent
14 of the candidate for office, if the dependent's total earned income
15 from the employer equals \$50,000.00 or more during the reporting
16 period.

17 (iii) The source and type of all income, including earned and
18 unearned income received by each dependent of the candidate for
19 office, if the source of income described under this subparagraph
20 equals \$50,000.00 or more during that reporting period.

21 (iv) A description of each real property or property that each
22 dependent of the candidate for office has an ownership interest in,
23 including, but not limited to, commercial, industrial, or
24 agricultural buildings. For purposes of this subparagraph, the
25 dependent is required to include a real property or property
26 described under this subsection only if the real property or
27 property had a fair market value of \$50,000.00 or more at any time
28 that the real property or property was held during that reporting
29 period. The street number of a parcel of real property or property

1 listed under this subparagraph may be excluded from the report.

2 (v) A description of any stocks, bonds, commodities, futures,
3 shares in mutual funds, or other forms of securities held by each
4 dependent of the candidate for office. For purposes of this
5 subparagraph, each dependent of the candidate for office is
6 required to include a security described under this subparagraph in
7 the report only if the security has a total aggregate fair market
8 value of \$50,000.00 or more on a specified day that is within the
9 final month of the calendar year covered in the reporting period.

10 (vi) A description of any interest each dependent of the
11 candidate for office had during the reporting period in a legal
12 entity that conducts business in this state, if the interest has a
13 book value of \$50,000.00 or more.

14 (2) Subject to subsection (4), information a candidate for
15 office is required to report under this section includes
16 information with respect to the income from a trust or other
17 financial arrangement from which income is received by, or with
18 respect to which a beneficial interest in principal or income is
19 held by, the candidate for office required to file a report under
20 this section or an immediate family member of the candidate for
21 office.

22 (3) A candidate for office is not required to disclose the
23 value of any item reported under subsection (1) (a) (iii), (iv) to
24 (vii), (xiii), or (xvi), (1) (b) (iii), or (iv) to (vi), or (1) (c) (iii), or (iv)
25 to (vi).

26 (4) If a candidate for office required to file a report under
27 section 3 or an immediate family member of the candidate for office
28 holds a beneficial interest in a blind trust, the candidate for
29 office is not required to include the interests or assets of the

1 blind trust in the candidate for office's statement under
2 subsection (1). However, the candidate for office must indicate in
3 the candidate for office's report that the candidate for office or
4 the immediate family member of the candidate for office holds a
5 beneficial interest in a blind trust.

6 (5) A candidate for office shall preserve the records used to
7 prepare a report under this act for 5 years and make the records
8 available for inspection, on request.

9 Sec. 5. A candidate for office filing a report under section 3
10 may omit any of the following:

11 (a) Information an individual is required to report under the
12 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

13 (b) An item otherwise required to be reported under section
14 4(1)(a)(iv) or (v), (b)(iv) or (v), or (c)(iv) or (v) if all of the
15 following apply:

16 (i) The item represents the exclusive financial interest and
17 responsibility of the spouse or dependent of the candidate for
18 office about which the candidate for office does not have actual
19 knowledge.

20 (ii) The item is not in any way, past or present, derived from
21 the income, assets, or activities of the candidate for office.

22 (iii) The candidate for office does not derive, or expect to
23 derive, financial benefit from the item.

24 (c) An item that concerns a spouse who is living separate and
25 apart from the candidate for office with the intention of
26 terminating the marriage or maintaining a legal separation.

27 (d) An item that concerns income of the candidate for office
28 or the spouse of that candidate for office arising from dissolution
29 of the candidate for office's marriage or a permanent legal

1 separation from the candidate for office's spouse.

2 (e) Benefits received under the social security act, chapter
3 531, 49 Stat 620.

4 Sec. 6. (1) The secretary of state shall do all of the
5 following:

6 (a) Make available through the secretary of state's offices
7 appropriate forms, instructions, and manuals required by this act.

8 (b) Create and operate an electronic, internet-accessible
9 system to receive all statements and reports required by this act
10 to be filed with the secretary of state.

11 (c) Create all forms, instructions, and manuals required under
12 this act.

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

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

21 (i) The incapacitating physical illness, hospitalization,
22 accident involvement, death, or incapacitation for medical reasons
23 of a candidate for office.

24 (ii) Other unique, unintentional factors beyond the candidate
25 for office's control that are not the result of a negligent act or
26 nonaction so that a reasonably prudent person would excuse the
27 filing on a temporary basis. These factors include the loss or
28 unavailability of records because of a fire, flood, theft, or
29 similar reason and difficulties related to the transmission of the

1 filing to the secretary of state, such as exceptionally bad
2 weather.

3 (f) As soon as practicable, but not later than 5 business days
4 after a report required to be filed under this act is received,
5 make the report or all of the contents of the report available
6 without charge to the public on a separate internet webpage or its
7 website homepage.

8 (g) Within 9 business days after the deadline for filing a
9 report under this act, notify an individual of any error or
10 omission in the individual's report or that the individual failed
11 to file the required report.

12 (2) Except as otherwise provided in subsection (13), the
13 secretary of state shall issue a declaratory ruling under this
14 section only if the person requesting the ruling has provided a
15 reasonably complete statement of facts necessary for the ruling or
16 if the person requesting the ruling has, with the permission of the
17 secretary of state, supplied supplemental facts necessary for the
18 ruling. Within 2 business days after receiving a request for a
19 declaratory ruling, the secretary of state shall make the request
20 available in the manner provided for under subsection (1)(f). An
21 interested person may submit written comments regarding the request
22 to the secretary of state within 10 business days after the date
23 the request is made available to the public. Within 45 business
24 days after receiving a declaratory ruling request, the secretary of
25 state shall make a proposed response available in the manner
26 provided for under subsection (1)(f). An interested person may
27 submit written comments regarding the proposed response to the
28 secretary of state within 5 business days after the date the
29 proposal is made available to the public. Except as otherwise

1 provided in this section, the secretary of state shall issue a
2 declaratory ruling within 60 business days after receiving a
3 request for a declaratory ruling. If the secretary of state refuses
4 to issue a declaratory ruling, the secretary of state shall notify
5 the person making the request of the reasons for the refusal and
6 issue an interpretative statement providing an informational
7 response to the question presented within the 60-day period. A
8 declaratory ruling or interpretative statement issued under this
9 section must not state a general rule of law, other than that which
10 is stated in this act, until the general rule of law is promulgated
11 by the secretary of state as a rule under the administrative
12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under
13 judicial order.

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

21 (4) A person may file with the secretary of state a complaint
22 that alleges a violation of this act. Within 5 business days after
23 a complaint that meets the requirements of subsection (5) is filed,
24 the secretary of state shall notify the person against whom the
25 complaint is filed. The notice must be in writing and include a
26 copy of the complaint. Within 15 business days after the
27 notification, the person against whom the complaint was filed may
28 submit a response to the secretary of state. The secretary of state
29 may extend the period for submitting a response an additional 15

1 business days for good cause. The secretary of state shall send a
2 copy of a response received to the complainant. Within 10 business
3 days after the response is sent, the complainant may submit a
4 rebuttal statement to the secretary of state. The secretary of
5 state may extend the period for submitting a rebuttal statement an
6 additional 10 business days for good cause. The secretary of state
7 shall provide a copy of the rebuttal statement to the person
8 against whom the complaint was filed. If, on review of the
9 complaint, the secretary of state determines that the complaint is
10 frivolous, illegible, indefinite, or unsigned, or does not identify
11 an alleged violator, allege a violation of the act or the rules
12 promulgated under this act, or contain a verification statement,
13 the secretary of state may summarily dismiss the complaint without
14 prejudice. If a complaint is summarily dismissed, the complainant
15 shall be notified in writing as to the reason the complaint was
16 dismissed.

17 (5) A complaint filed under subsection (4) must satisfy all of
18 the following requirements:

19 (a) Be signed by the complainant.

20 (b) State the name, address, and telephone number of the
21 complainant.

22 (c) Include the complainant's certification that, to the best
23 of the complainant's knowledge, information, and belief, formed
24 after a reasonable inquiry under the circumstances, each factual
25 contention of the complaint is supported by evidence. However, if,
26 after a reasonable inquiry under the circumstances, the complainant
27 is unable to certify that certain factual contentions are supported
28 by evidence, the complainant may certify that, to the best of the
29 complainant's knowledge, information, or belief, there are grounds

1 to conclude that those specifically identified factual contentions
2 are likely to be supported by evidence after a reasonable
3 opportunity for further inquiry.

4 (6) A person shall not file a complaint with a false
5 certificate under subsection (5)(c). A person may file a complaint
6 under subsection (4) alleging that another person has filed a
7 complaint with a false certificate under subsection (5)(c).

8 (7) The secretary of state shall investigate allegations
9 brought under this act under the rules promulgated under this act.
10 If an allegation involves the secretary of state, or a spouse or
11 dependent of the secretary of state, the secretary of state shall
12 refer the matter to the attorney general to determine whether a
13 violation of this act occurred.

14 (8) No later than 45 business days after receiving a rebuttal
15 statement submitted under subsection (4) or, if no response or
16 rebuttal is received under subsection (4), 45 business days after
17 receiving a complaint under subsection (4), the secretary of state
18 shall post on the secretary of state's website whether there may be
19 reason to believe that a violation of this act occurred. If the
20 secretary of state determines whether there may be reason to
21 believe that a violation of this act occurred or determines to
22 terminate its proceedings, the secretary of state shall, within 30
23 days after that determination, post on the secretary of state's
24 website any complaint, response, or rebuttal statement received
25 under subsection (4) regarding that violation or alleged violation
26 and any correspondence that is dispositive of that violation or
27 alleged violation between the secretary of state and the
28 complainant or the person against whom the complaint was filed. If
29 the secretary of state determines that there may be reason to

1 believe that a violation of this act occurred, the secretary of
2 state shall endeavor to correct the violation or prevent a further
3 violation by using informal methods such as a conference,
4 conciliation, or persuasion, and may enter into a conciliation
5 agreement with the person involved. Unless violated, a conciliation
6 agreement is a complete bar to any further civil action with
7 respect to matters covered in the conciliation agreement. The
8 secretary of state shall, within 30 days after a conciliation
9 agreement is signed, post that agreement on the secretary of
10 state's website. If, after 90 business days, the secretary of state
11 is unable to correct or prevent further violation by these informal
12 methods, the secretary of state may commence a hearing as provided
13 in subsection (9) for enforcement of this act.

14 (9) The secretary of state may commence a hearing to determine
15 whether a violation of this act occurred. The hearing must be
16 conducted under chapter 4 of the administrative procedures act of
17 1969, 1969 PA 306, MCL 24.271 to 24.288.

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

25 (11) The secretary of state shall review a report or statement
26 filed under this act and may investigate an apparent violation of
27 this act under the rules promulgated under this act. If the
28 secretary of state determines that there may be reason to believe a
29 violation of this act occurred, the secretary of state may commence

1 a hearing under subsection (9) to determine whether a violation of
2 this act occurred.

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

7 (13) The secretary of state may refuse to issue a declaratory
8 ruling under subsection (2) if the request is anonymous, the
9 secretary of state determines that the subject matter of the
10 request is frivolous on its face, or the request is indefinite or
11 lacks specificity. If the secretary of state refuses to issue a
12 declaratory ruling, the person requesting the ruling, if known,
13 shall be notified of the reason for the refusal.

14 Sec. 7. (1) The secretary of state shall provide a copy of a
15 report, or part of a report, required to be filed under this act at
16 a reasonable charge.

17 (2) A report that is made available to the public under this
18 act must not be used for any commercial purpose.

19 (3) The secretary of state shall preserve a report filed under
20 this act for 15 years after the date the report is filed. If the
21 secretary of state or attorney general determines under section 6
22 that a violation of this act occurred, the secretary of state shall
23 preserve all complaints, orders, decisions, or other documents
24 related to that violation for 15 years after the date of the
25 determination or the date the violation is corrected, whichever is
26 later. Reports filed under this act may be reproduced under the
27 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After
28 the required preservation period, the reports, or the reproductions
29 of the reports, may be disposed of in the manner prescribed in the

1 management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and
2 section 11 of the Michigan history center act, 2016 PA 470, MCL
3 399.811.

4 (4) The secretary of state shall not charge a fee for the
5 filing of a report under this act, except a late filing fee
6 required by this act.

7 (5) The secretary of state shall determine whether a statement
8 or report filed under this act complies, on its face, with the
9 requirements of this act and the rules promulgated under this act.
10 The secretary of state shall determine whether a statement or
11 report that is required to be filed under this act is in fact
12 filed.

13 (6) A report required to be filed under this act must be filed
14 not later than 5 p.m. of the day it is required to be filed.

15 Sec. 8. (1) A candidate for office who fails to file a report
16 as required under this act shall pay a late filing fee determined
17 as follows:

18 (a) Twenty-five dollars for each of the first 10 business days
19 that the report remains unfiled.

20 (b) Fifty dollars for each business day after the first 10
21 business days that the report remains unfiled.

22 (c) In addition to the late filing fees imposed under
23 subdivisions (a) and (b), \$5,000.00 if the report remains unfiled
24 for more than 105 business days.

25 (2) If a candidate for office required to file a report under
26 this act knowingly files an incomplete or inaccurate report, the
27 candidate for office shall be ordered to pay a civil fine of not
28 more than \$10,000.00.

29 (3) A late filing fee collected under this act must be

1 deposited into the general fund.

2 (4) A late filing fee or civil fine assessed under this act
3 that remains unpaid for more than 180 days must be referred to the
4 department of treasury for collection.

5 Enacting section 1. This act takes effect January 1, 2024.