

# HOUSE BILL NO. 5254

October 25, 2023, Introduced by Reps. Morgan, Hill, Miller, MacDonell, 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 members of the state board of education 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 "state board of education  
2 financial disclosure act".

3           Sec. 2. As used in this act:

1 (a) "Beneficial interest" includes, but is not limited to, the  
2 interest in a trust of a qualified trust beneficiary or a trust  
3 beneficiary as those terms are defined in section 7103 of the  
4 estates and protected individuals code, 1998 PA 386, MCL 700.7103.

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

7 (c) "Dependent" means an individual claimed by the state  
8 official or the state official's spouse as a dependent for federal  
9 income tax purposes.

10 (d) "Earned income" means salaries, wages, tips, bonuses,  
11 commissions, or other compensation or net earnings from self-  
12 employment for the taxable year.

13 (e) "Gift" means that term as defined in section 4 of 1978 PA  
14 472, MCL 4.414.

15 (f) "Immediate family member" means the spouse or a dependent  
16 of the state official.

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

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

28 (i) "Lobbyist" means that term as defined in section 5 of 1978  
29 PA 472, MCL 4.415.

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

3 (k) "Person" means an individual, partnership, corporation,  
4 association, or other legal entity.

5 (l) "Reporting period" means both of the following:

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

8 (ii) For subsequent reports required to be filed under section  
9 3, January 1 to December 31 of the preceding calendar year in which  
10 the report is filed.

11 (m) "Spouse" means an individual who is lawfully married to  
12 the state official as described under 26 CFR 301.7701-18.

13 (n) "State official" means an individual who is serving in the  
14 office of the member of the state board of education.

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

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

28 (a) Candidate for the state board of education financial  
29 disclosure act.

- 1 (b) Executive office financial disclosure act.  
2 (c) Candidate for executive office financial disclosure act.  
3 (d) State representative financial disclosure act.  
4 (e) Candidate for state representative financial disclosure  
5 act.  
6 (f) State senator financial disclosure act.  
7 (g) Candidate for 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 state official who is required to file a report under  
12 this act receives notice from the secretary of state under section  
13 6(1)(g), the state official shall, within 9 business days after  
14 receiving the notice, file corrections to the errors or omissions  
15 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 state official  
20 during the reporting period:

21 (i) The full name, mailing address, and occupation of the state  
22 official.

23 (ii) The name, address, and principal activity of each employer  
24 of the state official.

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

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

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

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

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

25 (vii) The identity of all compensated positions held by the  
26 state official as an officer, director, member, trustee, partner,  
27 proprietor, representative, employee, or consultant of a  
28 corporation, limited liability company, limited partnership,  
29 partnership, or other business enterprise; of a nonprofit

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

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

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

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

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

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

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

9           (xiv) A description of all contracts entered into, or in which  
10 the state official or the state official's immediate family member  
11 has an interest, with this state.

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

19           (xvi) A description of any transfers made by the state official  
20 of real property or securities from the state official's name into  
21 the name of an immediate family member of the state official over  
22 the previous 2 calendar years that have a value of \$50,000.00 or  
23 more.

24           (b) Beginning January 1, 2028, the following information  
25 regarding the spouse of the state official during the reporting  
26 period:

27           (i) The name of the spouse of the state official.

28           (ii) The principal activity of the spouse of the state  
29 official, if the spouse's total earned income from the employer

1 equals \$50,000.00 or more during that reporting period.

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

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

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

26 (vi) A description of any interest the spouse of the state  
27 official had during the reporting period in a legal entity that  
28 conducts business in this state, if the interest has a book value  
29 of \$50,000.00 or more.



1 (c) Beginning January 1, 2028, following information regarding  
2 a dependent of the state official during the reporting period; for  
3 purposes of this subdivision, the state official may refer to each  
4 dependent using the dependent's first and last initial:

5 (i) The number of dependents that the state official and the  
6 spouse of the state official claim for federal income tax purposes.

7 (ii) The principal activity of each employer of each dependent  
8 of the state official, if the dependent's total earned income from  
9 the employer equals \$50,000.00 or more during the reporting period.

10 (iii) The source and type of all income, including earned and  
11 unearned income received by each dependent of the state official,  
12 if the source of income described under this subparagraph equals  
13 \$50,000.00 or more during that reporting period.

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

24 (v) A description of any stocks, bonds, commodities, futures,  
25 shares in mutual funds, or other forms of securities held by each  
26 dependent of the state official. For purposes of this subparagraph,  
27 each dependent of the state official is required to include a  
28 security described under this subparagraph in the report only if  
29 the security has a total aggregate fair market value of \$50,000.00

1 or more on a specified day that is within the final month of the  
2 calendar year covered in the reporting period.

3 (vi) A description of any interest each dependent of the state  
4 official had during the reporting period in a legal entity that  
5 conducts business in this state, if the interest has a book value  
6 of \$50,000.00 or more.

7 (2) Subject to subsection (4), information a state official is  
8 required to report under this section includes information with  
9 respect to the income from a trust or other financial arrangement  
10 from which income is received by, or with respect to which a  
11 beneficial interest in principal or income is held by, the state  
12 official required to file a report under this section or that state  
13 official's immediate family member.

14 (3) A state official is not required to disclose the value of  
15 any item reported under subsection (1) (a) (iii), (iv) to (vii), (xiii), or  
16 (xvi), (1) (b) (iii), or (iv) to (vi), or (1) (c) (iii), or (iv) to (vi).

17 (4) If a state official required to file a report under  
18 section 3 or that state official's immediate family member holds a  
19 beneficial interest in a blind trust, the state official is not  
20 required to include the interests or assets of the blind trust in  
21 the state official's statement under subsection (1). However, the  
22 state official must indicate in the state official's report that  
23 the state official or the state official's immediate family member  
24 holds a beneficial interest in a blind trust.

25 (5) A state official shall preserve the records used to  
26 prepare a report under this act for 5 years and make the records  
27 available for inspection, on request.

28 Sec. 5. A state official filing a report under section 3 may  
29 omit any of the following:

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

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

6 (i) The item represents the exclusive financial interest and  
7 responsibility of the spouse or dependent of the state official  
8 about which the state official does not have actual knowledge.

9 (ii) The item is not in any way, past or present, derived from  
10 the income, assets, or activities of the state official.

11 (iii) The state official does not derive, or expect to derive,  
12 financial benefit from the item.

13 (c) An item that concerns a spouse who is living separate and  
14 apart from the state official with the intention of terminating the  
15 marriage or maintaining a legal separation.

16 (d) An item that concerns income of the state official or the  
17 spouse of that state official arising from dissolution of the state  
18 official's marriage or a permanent legal separation from the state  
19 official's spouse.

20 (e) Benefits received under the social security act, chapter  
21 531, 49 Stat 620.

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

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

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

29 (c) Create all forms, instructions, and manuals required under

1 this act.

2 (d) Promulgate rules and issue declaratory rulings to  
3 implement this act under the administrative procedures act of 1969,  
4 1969 PA 306, MCL 24.201 to 24.328.

5 (e) On receiving a written request and the required filing,  
6 waive payment of a late filing fee if the request for the waiver is  
7 based on good cause and accompanied by adequate documentation. One  
8 or more of the following reasons constitute good cause for a late  
9 filing fee waiver:

10 (i) The incapacitating physical illness, hospitalization,  
11 accident involvement, death, or incapacitation for medical reasons  
12 of a state official.

13 (ii) Other unique, unintentional factors beyond the state  
14 official's control that are not the result of a negligent act or  
15 nonaction so that a reasonably prudent person would excuse the  
16 filing on a temporary basis. These factors include the loss or  
17 unavailability of records because of a fire, flood, theft, or  
18 similar reason and difficulties related to the transmission of the  
19 filing to the secretary of state, such as exceptionally bad  
20 weather.

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

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

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

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under  
2 judicial order.

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

10 (4) A person may file with the secretary of state a complaint  
11 that alleges a violation of this act. Within 5 business days after  
12 a complaint that meets the requirements of subsection (5) is filed,  
13 the secretary of state shall notify the person against whom the  
14 complaint is filed. The notice must be in writing and include a  
15 copy of the complaint. Within 15 business days after the  
16 notification, the person against whom the complaint was filed may  
17 submit a response to the secretary of state. The secretary of state  
18 may extend the period for submitting a response an additional 15  
19 business days for good cause. The secretary of state shall send a  
20 copy of a response received to the complainant. Within 10 business  
21 days after the response is sent, the complainant may submit a  
22 rebuttal statement to the secretary of state. The secretary of  
23 state may extend the period for submitting a rebuttal statement an  
24 additional 10 business days for good cause. The secretary of state  
25 shall provide a copy of the rebuttal statement to the person  
26 against whom the complaint was filed. If, on review of the  
27 complaint, the secretary of state determines that the complaint is  
28 frivolous, illegible, indefinite, or unsigned, or does not identify  
29 an alleged violator, allege a violation of the act or the rules

1 promulgated under this act, or contain a verification statement,  
2 the secretary of state may summarily dismiss the complaint without  
3 prejudice. If a complaint is summarily dismissed, the complainant  
4 shall be notified in writing as to the reason the complaint was  
5 dismissed.

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

8 (a) Be signed by the complainant.

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

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

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

26 (7) The secretary of state shall investigate allegations  
27 brought under this act under the rules promulgated under this act.  
28 If an allegation involves the secretary of state, or a spouse or  
29 dependent of the secretary of state, the secretary of state shall

1 refer the matter to the attorney general to determine whether a  
2 violation of this act occurred.

3 (8) No later than 45 business days after receiving a rebuttal  
4 statement submitted under subsection (4) or, if no response or  
5 rebuttal is received under subsection (4), 45 business days after  
6 receiving a complaint under subsection (4), the secretary of state  
7 shall post on the secretary of state's website whether there may be  
8 reason to believe that a violation of this act occurred. If the  
9 secretary of state determines whether there may be reason to  
10 believe that a violation of this act occurred or determines to  
11 terminate its proceedings, the secretary of state shall, within 30  
12 days after that determination, post on the secretary of state's  
13 website any complaint, response, or rebuttal statement received  
14 under subsection (4) regarding that violation or alleged violation  
15 and any correspondence that is dispositive of that violation or  
16 alleged violation between the secretary of state and the  
17 complainant or the person against whom the complaint was filed. If  
18 the secretary of state determines that there may be reason to  
19 believe that a violation of this act occurred, the secretary of  
20 state shall endeavor to correct the violation or prevent a further  
21 violation by using informal methods such as a conference,  
22 conciliation, or persuasion, and may enter into a conciliation  
23 agreement with the person involved. Unless violated, a conciliation  
24 agreement is a complete bar to any further civil action with  
25 respect to matters covered in the conciliation agreement. The  
26 secretary of state shall, within 30 days after a conciliation  
27 agreement is signed, post that agreement on the secretary of  
28 state's website. If, after 90 business days, the secretary of state  
29 is unable to correct or prevent further violation by these informal



1 methods, the secretary of state may commence a hearing as provided  
2 in subsection (9) for enforcement of this act.

3 (9) The secretary of state may commence a hearing to determine  
4 whether a violation of this act occurred. The hearing must be  
5 conducted under chapter 4 of the administrative procedures act of  
6 1969, 1969 PA 306, MCL 24.271 to 24.288.

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

14 (11) The secretary of state shall review a report or statement  
15 filed under this act and may investigate an apparent violation of  
16 this act under the rules promulgated under this act. If the  
17 secretary of state determines that there may be reason to believe a  
18 violation of this act occurred, the secretary of state may commence  
19 a hearing under subsection (9) to determine whether a violation of  
20 this act occurred.

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

25 (13) The secretary of state may refuse to issue a declaratory  
26 ruling under subsection (2) if the request is anonymous, the  
27 secretary of state determines that the subject matter of the  
28 request is frivolous on its face, or the request is indefinite or  
29 lacks specificity. If the secretary of state refuses to issue a

1 declaratory ruling, the person requesting the ruling, if known,  
2 shall be notified of the reason for the refusal.

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

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

8       (3) The secretary of state shall preserve a report filed under  
9 this act for 15 years after the date the report is filed. If the  
10 secretary of state or attorney general determines under section 6  
11 that a violation of this act occurred, the secretary of state shall  
12 preserve all complaints, orders, decisions, or other documents  
13 related to that violation for 15 years after the date of the  
14 determination or the date the violation is corrected, whichever is  
15 later. Reports filed under this act may be reproduced under the  
16 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After  
17 the required preservation period, the reports, or the reproductions  
18 of the reports, may be disposed of in the manner prescribed in the  
19 management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and  
20 section 11 of the Michigan history center act, 2016 PA 470, MCL  
21 399.811.

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

25       (5) The secretary of state shall determine whether a statement  
26 or report filed under this act complies, on its face, with the  
27 requirements of this act and the rules promulgated under this act.  
28 The secretary of state shall determine whether a statement or  
29 report that is required to be filed under this act is in fact

1 filed.

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

4 Sec. 8. (1) A state official who fails to file a report as  
5 required under this act shall pay a late filing fee determined as  
6 follows:

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

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

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

14 (2) If a state official required to file a report under this  
15 act knowingly files an incomplete or inaccurate report, the state  
16 official shall be ordered to pay a civil fine of not more than  
17 \$10,000.00.

18 (3) A late filing fee collected under this act must be  
19 deposited into the general fund.

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

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